


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #24-0499 / REZONING – 2101 GOULD STREET		

TO

The Honorable President and  
Members of the City Council  
City Hall, Room 400  
100 North Holliday Street

DATE: May 10, 2024

At its regular meeting of May 9, 2024, the Planning Commission considered City Council Bill #24-0499, for the purpose of changing the zoning for the property known as 2101 Gould Street (Block 1053, Lot 005A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the PC-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #24-0499 and adopted the following resolution, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #24-0499 be **approved** by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Ms. Nina Themelis, Mayor's Office  
The Honorable Eric Costello, Council Rep. to Planning Commission  
Mr. Colin Tarbert, BDC  
Ms. Rebecca Witt, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Stephanie Murdock, DHCD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Liam Davis, DOT  
Ms. Natawna Austin, Council Services



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

### STAFF REPORT



Chris Ryer  
Director

May 9, 2024

**REQUEST:** City Council Bill #24-0499/ Rezoning – 2101 Gould Street (Eleventh District): For the purpose of changing the zoning for the property known as 2101 Gould Street (Block 1053, Lot 005A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the PC-2 Zoning District.

**RECOMMENDATION:** Adopt findings and Approve

**STAFF:** Caitlin Audette

**PETITIONER:** Baltimore Urban Revitalization LLC, c/o Alyssa Domzal

**OWNER:** Baltimore Urban Revitalization LLC

#### **SITE/GENERAL AREA**

Site Conditions: The subject property is located in South Baltimore adjacent to the Baltimore Peninsula (Port Covington) development to the west, and to the Locust Point Industrial Area to the east. The property has been vacant for roughly five years, following the end of operation of the Gould Street Generating Station by Exelon, which ended in June of 2019.

General Area: The property is adjacent to Interstate 95 which continues along the north of the site as an elevated highway. The property is not within the Port Covington Master Plan area, though it is directly adjacent to it.

#### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site.

#### **CONFORMITY TO PLANS**

The property is within the South Baltimore Gateway Master Plan which dates to 2015. In this plan the site is identified as Maritime Industrial, though recommendations include it with the rest of Port Covington as potential site for mixed-use development. The rezoning of the site from I-2 to PC-2, is in line with this recommendation.

#### **ZONING CODE REQUIREMENTS**

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

- (i) a substantial change in the character of the neighborhood where the property is located; or
- (ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

- (i) population changes;
- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendations of the City agencies and officials; and
- (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

- (i) existing uses of property within the general area of the property in question;
- (ii) the zoning classification of other property within the general area of the property in question;
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

## **ANALYSIS**

The purpose of the proposed rezoning is to allow the building to be adaptively reused following its vacancy in 2019. The property is currently and has historically been industrial, reflecting its use as a power plant. Baltimore Gas and Electric has recently built a new facility on adjacent land, and no longer, resulting in the vacancy of the historic building following the comprehensive rezoning process which was finalized in 2017. Further despite its deepwater frontage, the site is at a pinch point between the Marina piers and cruise terminal piers, meaning it could not support a new pier. This greatly reduces the establishment of new industrial uses at the site. The site is adjacent to PC-2 zoning, where the Baltimore Peninsula development has already materialized and will continue to grow.

### **Required Findings:**

Per §5-508(b)(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. In this instance the relocation of the electric facility, vacancy of the building, and ongoing development at Baltimore Peninsula demonstrates a substantial change in the character of the neighborhood.

### **Maryland Land Use Code – Requirements for Rezoning:**

The Land Use Article of the Maryland Code requires the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA) to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the

vicinity of the proposed changes (*cf.* MD Code, Land Use § 10-305 (2023)). In reviewing this request, the staff finds that:

- 1. The Plan:** The PC-2 zoning district is intended for a large variety of uses, including residential, commercial, office, open-space, recreation, and entertainment amenities, waterfront, and light industrial. This zoning would continue the existing PC-2 designation on sites to the west.
- 2. The needs of Baltimore City:** While Baltimore City needs to maintain industrially zoned land to maintain and attract industrial uses and jobs, this site is not ideal for industrial uses and its reuse as demonstrated by its vacancy over the past five years. Additionally, PC-2 Zoning will allow for a mixed use development that can allow light industrial.
- 3. The needs of the particular neighborhood:** The immediate community largely consists of developers to the west and industry to the east. This site acts as the border between the two. With its inability to house a pier, the large historic building on site, and its proximity to the new development the rezoning will allow it to meet the needs of the community.

Similarly, the Land Use article, also adopted by Article 32 – *Zoning* §5-508(b)(2), requires the City Council to make findings of fact (MD Code, Land Use § 10-304 (2023)). The findings of fact include:

- 1. Population changes;** As the development at Baltimore Peninsula and the former Locke Insulator site continues and is occupied there will be continued changes to the population which are not yet captured in survey data.
- 2. The availability of public facilities;** The area is well served by public facilities and this is not anticipated to change, except that as Baltimore Peninsula continues to develop infrastructure will continue to be built and refined.
- 3. Present and future transportation patterns;** This rezoning could increase density and therefore transportation needs in the future, however, that is already anticipated with the ongoing development of Baltimore Peninsula.
- 4. Compatibility with existing and proposed development for the area;** The rezoning and potential redevelopment of the site is consistent with the ongoing development at Baltimore Peninsula.
- 5. The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend approval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
- 6. The relation of the proposed amendment to the City's plan.** The 2015 South Baltimore Gateway Master Plan is the only plan for this site, it includes the site in its recommendation to seek mixed-use development at Port Covington.

There are additional standards under Article 32 – *Zoning* §5-508(b)(3) that must be considered for map amendments. These include:

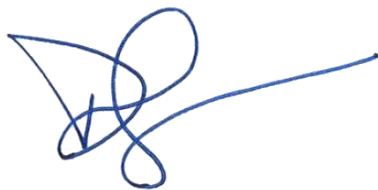
- (i) **existing uses of property within the general area of the property in question;** The general area includes a wide variety of uses including a marina, restaurant, office, cruise terminal and industrial uses.
- (ii) **the zoning classification of other property within the general area of the property in question;** The site is adjacent to PC-2, MI, and I-2 uses. The I-2 uses are the recently completed BGE replacement facility.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The property is suitable for industrial uses as well as a variety of other mixed uses.
- (iv) **the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.** The area to the west has undergone a substantial change due to the development of Baltimore Peninsula. This trend is anticipated to continue.

Above is the staff’s review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public’s interest, in that it will allow for the redevelopment of the site.

Equity:

- **Impact:** As the property is vacant the proposed rezoning will have limited impact in the short term. However, in the long term it will allow for an adaptive reuse of the existing building which is no longer suitable for industrial use.
- **Engagement:** The industrial community was consulted regarding this change and had no opposition, as the site is not suitable to maritime industry.
- **Internal Operations:** Staff does not anticipate any change in internal operations stemming from this alteration.

Notification: A variety of stakeholders were notified of the request.



**Chris Ryer**  
**Director**