


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #15-0559 / REZONING – 139 WEST OSTEND STREET		

TO

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

DATE: August 28, 2015

At its regular meeting of August 27, 2015, the Planning Commission considered City Council Bill #15-0559, for the purpose of changing the zoning for the property known as 139 West Ostend Street, and as outlined in red on the accompanying plat, from the M-3 Zoning District to the B-2-4 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #15-0559 and adopted the following resolution, eight members being present (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #15-0559 be passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

- cc: Ms. Kaliopé Parthemos, Chief of Staff
 Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
 Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development
 Ms. Angela Gibson, Mayor's Office
 The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Ms. Barbara Zektick, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Natawna Austin, Council Services
 Ms. Melissa Krafchik, PABC
 Mr. Joseph Woolman, Attorney for Applicant



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

August 27, 2015

REQUEST: City Council Bill #15-0559/ Rezoning – 139 West Ostend Street

For the purpose of changing the zoning for the property known as 139 West Ostend Street, as outlined in red on the accompanying plat, from the M-3 Zoning District to the B-2-4 Zoning District.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONER: Stadium Square III, LLC

OWNER: the Petitioner

SITE/ GENERAL AREA

Site Conditions: This property is currently unimproved except for an existing billboard (outdoor advertising sign) structure nearest Ostend Street, the northern boundary of the property. The southern boundary of the property is a railroad right-of-way in active use for freight movement.

General Area: This property is on the southern edge of the Sharp Leadenhall community, and the northern edge of the Spring Garden Industrial Area. There are newly constructed townhomes on the west side of Race Street, to the east of this property. There is a vacant commercial or industrial structure adjoining this property on its east boundary. Other commercial properties are opposite this property on Ostend Street, and to its west across Leadenhall Street. These properties are subject to rezoning also (see note below).

HISTORY

There is no recent history of official action concerning this property.

- The Planning Commission recommended approval of CCB 15-0530, which proposed rezoning properties in the Sharp-Leadenhall community to the immediate north and east of this property to B-2-4 also, at its recent meeting on June 11, 2015. This bill is currently in review by the City Council Land Use and Transportation Committee.

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, LIVE Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 2: Strategically Redevelop Vacant Properties Throughout the City.

ANALYSIS

The proposed rezoning was reviewed in the context of the required considerations of §16-305 of the Zoning Code. Staff finds that this change is in the public's interest, in that it is a continuation of the Stadium Square redevelopment project that will provide a mixed-use development with office, residential, and retail uses. This property is part of two blocks in the middle and southern blocks of the Stadium Square project, now comprised of existing warehouse, commercial and low-intensity industrial buildings that are not well used and are in low demand. Rezoning of this property from the M-3 to the B-2-4 district will enable productive reuse of the land, and allow more compatible uses adjacent to the R-8 properties to the east, and the O-R-3 properties to the north. This overall redevelopment project would connect and create a new commercial corridor from the Cross Street Market, west to Leadenhall Street, south along the three blocks of the proposed Stadium Square redevelopment project, and westward towards the stadium on Ostend Street.

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission 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. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** This rezoning will implement a primary objective of the Comprehensive Master Plan. This bill is also consistent with the mapping recommendations under TransForm Baltimore, the draft new Zoning Code, which would allow additional flexibility in industrial areas designated as part of the Industrial Mixed Use district.
2. **The needs of Baltimore City:** The existing M-3 industrial-zoned property is no longer in demand for industrial use, as evidenced by its extended vacancy, and can be used more productively with the potential for mixed-use redevelopment enabled by designating it as B-2-4 commercial.
3. **The needs of the particular neighborhood:** The proposed rezoning will allow for mixed-use opportunities that are more compatible with the adjacent residential areas, and will help to eliminate vacant and under-utilized properties.

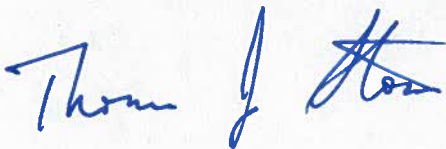
Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** The population increased 14.9% between 2000 and 2010. The proposed rezoning will allow for additional housing options for residents as the population in the area continues to grow.

2. **The availability of public facilities;** The property is well-served by streets, utilities, police, fire and schools.
3. **Present and future transportation patterns;** The proposed zoning change is not anticipated to change existing transportation patterns.
4. **Compatibility with existing and proposed development for the area;** The proposed zoning change is consistent with the proposed conversion of industrial properties to mixed-use development and better responds to the adjacency with the existing residential community.
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.** This rezoning will support the goals of the Comprehensive Master Plan, and the proposed zoning patterns under TransForm Baltimore.

The City Council may grant the amendment to change the zoning classification based on a finding that there was: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. The proposed rezoning responds to a substantial change in the neighborhood, and the new trends in land use patterns called for by Comprehensive Master Plan and the proposed zoning patterns under TransForm Baltimore.

Notification: Staff notified the South Baltimore Partnership, Sharp-Leadenhall Planning Committee, Sharp Leadenhall Improvement Association, Riverside Neighborhood Association, West Federal Hill Residents and Homeowners Association, Federal Hill Main Street, and Councilman Costello of this matter.



Thomas J. Stosur
Director