

TJS

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 #16-0662 / REZONING 1215 EAST FORT AVENUE		

DATE:

TO

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

June 2, 2016

At its regular meeting of June 2, 2016, the Planning Commission considered City Council Bill #16-0662, for the purpose of changing the zoning for the property known as 1215 East Fort Avenue, from the M-3 Zoning District to the B-2-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #16-0662 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 #16-0662 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
 Mr. Patrick Fleming, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Melissa Krafchik, PABC
 Ms. Natawna Austin, Council Services
 Ms. Caroline Hecker, Rosenberg Martin Greenberg, LLP



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

June 2, 2016

REQUEST: City Council Bill #16-0662/ Rezoning – 1215 East Fort Avenue:

For the purpose of changing the zoning for the property known as 1215 East Fort Avenue, as outlined in red on the accompanying plat, from the M-3 Zoning District to the B-2-2 Zoning District.

RECOMMENDATION: Approval

STAFF: Matthew DeSantis, AICP

PETITIONER(S): MCS Fort Avenue, LLC c/o Caroline L. Hecker, Rosenberg Martin Greenberg, LLP

OWNER: MCS Fort Avenue, LLC

SITE/GENERAL AREA

Site Conditions: The site is located between Fort Avenue to the north, CSX railroad tracks to the east and south, and McHenry Row Phase I mixed-use development to the west. The subject property is currently improved with a parking garage, two multistory buildings which house office use and a daycare, and accessory surface parking. This property comprises Phase II of the McHenry Row development.

General Area: The subject property is located within the Locust Point neighborhood on the South Baltimore Peninsula. Locust Point is a waterfront community bounded by Lawrence Street on the west to Fort McHenry on the east, and the harbor bordering the entire peninsula. The property is contiguous to the McHenry Row Phase I development, which has an underlying zoning designation of B-2-2 as well as a PUD designation. The TransForm Baltimore proposed rezoning of surrounding properties generally calls for a de-intensification of currently permitted heavy industrial uses. This is a reflection of the recent redevelopment trend that has taken place in the Locus Point community.

HISTORY

- On June 10th, 2004 the Planning Commission approved the Locust Point Master Plan
- On May 4th, 2006 the Planning Commission approved an amendment to the Locust Point Master Plan

CONFORMITY TO PLANS

This action conforms to the Locust Point Master Plan by supporting the existing mixed-use development. Additionally, this action conforms to the following aspects of the Comprehensive Plan – Live Section: Goal #2 – Elevate the Design and Quality of the City’s Built Environment.

ANALYSIS

Below is the staff’s review 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 will conform to the existing B-2-2 zoning of the adjacent property to the west, support the existing mixed-use development of McHenry Row, and assist in the general trend of development taking place in the Locust Point community.

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:** The subject property is currently proposed to be rezoned to the OIC (Office-Industrial Campus) district under TransForm Baltimore, the comprehensive rezoning project that is now under review by the City Council. While this rezoning bill at hand does not exactly correspond to the proposed TransForm rezoning, the B-2-2 zoning district would follow the same general de-intensification of permitted uses that TransForm proposes for this particular property.
- 2. The needs of Baltimore City:** The need for small-lot industrial uses has been reduced in recent decades, especially when located in areas of the city that have experienced extensive residential and mixed-use redevelopment. For that reason, the potential reuse of these lots with the current industrial zoning is not likely. The proposed commercial zoning district would support the existing McHenry Row mixed-use development, and will in fact allow for the expansion of said development.
- 3. The needs of the particular neighborhood:** Rezoning this property to a commercial district will support the neighborhood’s stability, and will improve the livability of the immediate neighborhood. Conversely, the existing industrial zoning in such close proximity to a residential mixed-use area is not necessarily strategic for the City or desirable for this neighborhood.

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;** Between the 2000 and 2010 decennial Censuses, the Locust Point neighborhood increased by a little more than 200 households, indicating a trend towards an increasing residential population, which this proposed zoning district would support.
2. **The availability of public facilities;** This area is well served by public utilities and services, and will remain so for the foreseeable future.
3. **Present and future transportation patterns;** This property is served by the existing City street grid, and will remain in that configuration.
4. **Compatibility with existing and proposed development for the area;** The proposed commercial zoning for this property will complement the surrounding residential mixed-use development and residential neighborhood, and will not have a negative impact on the 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, but will do so separately.
6. **The relation of the proposed amendment to the City's plan.** The proposed rezoning to B-2-2 does not exactly match the TransForm proposed rezoning to OIC. However, the proposed rezoning does follow the same general intent of de-intensifying the permitted industrial uses for this particular property.

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. In recent years, the Locust Point community has seen a substantial change in character through extensive residential and mixed-use redevelopment. For that reason, approval of a B-2-2 district in this area will better serve the change in character for this neighborhood.

Background: Following approval of a rezoning for this property, the applicant proposes the expansion of the McHenry Row mixed-use project to include additional residential development.

Notification: The Locust Point Civic Association community organization has been notified of this action.



Thomas J. Stosur
Director