


FROM	NAME & TITLE	Laurie R. Feinberg, Acting Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0300 / REZONING 1600 W. 41 ST STREET & BLOCK 3575C, LOT 374		

DATE: November 30, 2018

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

At its regular meeting of November 29, 2018, the Planning Commission considered City Council Bill #18-0300, for the purpose of changing the zoning for the property known as 1600 West 41st Street (Block 37575C, Lot 198A) from the I-2 Zoning District to the I-MU Zoning District; and for the property known as Block 3575C, Lot 374 from the R-6 Zoning District to the I-MU Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #18-0300 and adopted the following resolution, seven members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #18-0300 be passed 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.

LRF/ewt

attachment

- cc: Mr. Pete Hammen, Chief Operating Officer
 Mr. Jim Smith, Chief of Strategic Alliances
 Ms. Karen Stokes, Mayor's Office
 Mr. Colin Tarbert, Mayor's Office
 Mr. Kyron Banks, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. William H. Cole IV, BDC
 Mr. Derek Baumgardner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Josh Taylor, DOT
 Ms. Natawna Austin, Council Services
 Mr. Ervin Bishop, Council Services
 Ms. Caroline Hecker, esq.



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, *Chairman*

STAFF REPORT



Laurie Feinberg
Acting Director

November 29, 2018

REQUEST: City Council Bill #18-0300/ Rezoning – 1600 West 41st Street and Block 3575C, Lot 374:

For the purpose of changing the zoning for the property known as 1600 West 41st Street (Block 3575C, Lot 198A), as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District; and for the property known as Block 3575C, Lot 374, as outlined in blue on the accompanying plat, from the R-6 Zoning District to the I-MU Zoning District.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilmember Pinkett, at the request of 1600 W 41st Street LLC

OWNER: 1600 W 41st Street LLC (both lots)

SITE/GENERAL AREA

Site Conditions: The property known as 1600 West 41st Street, despite its having no frontage on 41st Street, is more properly described as Block 3575C, Lot 198A. This property is north of 41st Street and has access to it by way of a use-in-common driveway that slopes downward from the bed of 41st Street, passing another property known as 1700 West 41st Street on its west. Block 3575C, Lot 198A contains approximately 1.630 acres within a 175' deep lot with a length of approximately 502' on its south side but only 308' on its north side. The property is improved with a one-story detached commercial building measuring approximately 332' by 75' in its principal or original structure that was built in 1936, which lies entirely within the bounds of Lot 198A. One later addition to this structure measuring approximately 85' by 58' was constructed largely on Lot 198A, but with its eastern corner extending over the lot line onto adjoining Lot 368, from which, in 2018, Lot 374 was created before being conveyed to the present owner. Block 3575C, Lot 374 was originally part of the much larger Lot 76 of Block 3575C, known locally as the "Hedwin Site", which the Planning Commission approved for residential redevelopment in 2017 after its previous abandonment as an industrial site.

General Area: This site is part of the Jones Falls valley, location of a significant portion of Baltimore's industry in the 19th and early 20th Centuries. This is a valley with steep slopes, atop which to the east of this property is a predominantly residential area known as Medfield that was largely developed immediately after World War I. West of the site, across the interstate highway known as the JFX, is the predominantly 19th Century mill village known as Woodberry which lies in part in the valley and also climbs the slope on the western side of the valley. Further down the valley on its east side, and south of Medfield, is the predominantly residential

community of Hampden, also a 19th Century mill town before its annexation to Baltimore City in 1888. As a result of a combination of de-industrialization in the mid-to-late 20th Century and repeated flooding of the Jones Falls valley (from Storm Agnes in 1972 to more recent events) there has been much closure of original industrial structures and resulting adaptive 21st Century re-use of commercial and industrial properties left vacant after earlier businesses departed the Jones Falls valley.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site, other than its rezoning from M-2-1 to I-2 (for Block 3575C, Lot 198A) and from M-2-1 to R-6 (for Block 3575C, Lot 374) effective June 5, 2017 as part of the City-wide comprehensive rezoning that accompanied adoption of the new Zoning Code (Article 32 of the Baltimore City Code).

CONFORMITY TO PLANS

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan, Earn Goal 1, Objective 1: Retain and Attract Businesses in all Growth Sectors, including strategies of: Creating an industrial mixed-use zoning district, and Creating a light industrial mixed-use zoning district.

ANALYSIS

The industrial mixed-use (I-MU) zoning district having been created by the Mayor and City Council upon the recommendation of the Planning Commission, I-MU designation was applied to many places throughout Baltimore, including to properties on the south or opposite side of 41st Street on both sides of the Jones Falls south of the property that is the subject of this bill. Functionally, the proposed action would enlarge an existing Industrial Mixed-Use zoning district created at the Jones Falls/ 41st Street node, by adding a large single-story light manufacturing property and structure ideal for flexible business-industrial re-use and geographically separated from nearby residential communities by the combination of topography and an interstate highway. One previous action, rezoning adjoining property known as 1700 West 41st Street from the I-2 Zoning District to the I-MU Zoning District, was approved by the Planning Commission on August 17, 2017 and adopted by the Mayor and City Council through enactment of Ordinance 17-088 which became effective on January 18, 2018. The proposed action would extend the I-MU Zoning District further to the north and east of that property while removing I-2 zoning from direct contact with the R-6 Zoning District covering the Medfield community to the north and east of these two properties.

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.

Below 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 provide expanded options for re-use of a property formerly used for light industrial purposes.

The proposed zoning map amendment is needed to correct a mistake in the new (17-month old) existing zoning classifications of the subject property. The property currently includes a 29,830 square foot light industrial building on approximately 1.630 acre, all of which lies below the grade of 41st Street and at the bottom of the hillside leading up to the residential community of Medfield, from which it is isolated by the steep slope. The rectangular shape and open span of the interior of the light industrial structure make it particularly adaptable to a combination of office-flex-commercial-industrial space uses, while its location distant from an actual interchange with the interstate highway on its west side makes its continued use solely as industrial, and particularly the heavier industrial uses covered by the I-2 zoning classification, difficult to foresee given numerous other locations in Baltimore where heavier industrial uses are both permitted and accessible via either interstate highway or railroad freight carriers. This is a key point, because while the I-2 zoning district allows many industrial uses, it does not allow most commercial uses provided in the I-MU (Industrial Mixed-Use) district, and for a property at this location, the I-2 zoning becomes a disincentive to adaptive re-use of the existing structure built in 1936.

Given that only 17 months have elapsed since the current I-2 zoning became effective, there have been no significant population changes that would affect the subject property (or nearby, already-zoned I-MU properties on the other side of 41st Street or its neighbor known as 1700 West 41st Street). Adequate public facilities already serve, and will continue to serve, the property. Where adaptive re-use for purposes allowed by I-MU zoning would need augmented public facilities such as utilities, the developer would be obligated to install additional facilities as required by the City. Present and future transportation patterns relating to this property will remain unchanged for the foreseeable future, as neither the JFX nor 41st Street is proposed for any changes.

As already noted, the proposed rezoning is compatible with existing zoning in the area and with existing and proposed development in the Jones Falls valley. The proposed rezoning furthers the City's Comprehensive Master Plan goal of retaining and attracting business in all growth sectors, by adding a large reusable structure with ample service parking and loading facilities (that are also well-removed from residential areas) to the Industrial Mixed-Use zoning district in which small and medium-sized commercial and light industrial enterprises can readily locate. Inclusion of Block 3575C, Lot 374 in the area to be rezoned merely recognizes the fact that a small part of the existing structure encroaches on that lot.

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 proposed rezoning would support the Plan's goal of retaining and attracting businesses in growth sectors by expanding the Industrial Mixed-Use zoning district created expressly for that purpose.
2. **The needs of Baltimore City:** Addition of these two properties and its existing readily adaptable commercial-industrial building to a zoning district which allows a wider variety of commercial and industrial uses in turn encourages a wider variety of employers to locate there, resulting in job retention and creation that can directly benefit Baltimore residents.
3. **The needs of the particular neighborhood:** This site is not in a residential neighborhood, but rather is part of a large but narrow stream valley commercial-industrial area reaching from the northern City limit southward to North Avenue. Treating the Jones Falls valley floor as a neighborhood, this rezoning would strengthen it by expanding opportunities for new and adaptive reuse of older commercial and industrial structures in it.

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;** There are no significant changes which have occurred since adoption of the current zoning map or Zoning Code.
2. **The availability of public facilities;** Public facilities are and are expected to remain adequate for current and future uses of the subject property.
3. **Present and future transportation patterns;** No changes are expected in transportation patterns in the immediate vicinity of the subject property.
4. **Compatibility with existing and proposed development for the area;** The rezoning would reinforce redevelopment trends in the Jones Falls Valley that have continued for several decades.

5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department is recommending approval of the rezoning request to the Planning Commission. The BMZA will comment separately on this bill.
6. **The relation of the proposed amendment to the City's plan.** The proposed amendment will support the Plan goal of retaining and attracting businesses in all growth sectors by expanding the industrial mixed-use district in which a wider variety of businesses than allowed under the current I-2 zoning can locate.

There are additional standards under §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;** Industrial mixed use (combinations of light industrial and commercial use) predominate in the Jones Falls valley floor area nearest this site.
- (ii) **the zoning classification of other property within the general area of the property in question;** To the south of this site lies 1700 West 41st Street, recently rezoned I-MU. To the west of this site is a medium-size industrial property zoned I-1. To the north and east of this site and overlooking it is the Medfield community, zoned R-6.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification;** The site is functionally obsolete in relation to many modern heavy industrial uses; access to it for purposes of delivery of raw materials or export of products requires passage of heavy motor vehicles through residential areas; and it is not served by rail or high-speed interstate roads needed for transportation of finished products.
- (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.** While there has not yet been a change in use of this site in the past 17 months, successful re-use of an adjoining property that was rezoned to I-MU has demonstrated viability of the proposed action in relation to this site.

Per §5-508(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. It is the determination of Planning staff that a mistake was made in classifying this site I-2 and R-6, and that rezoning it to I-MU would be appropriate as a way to encourage and facilitate productive reuse and employment potential.

Notification: The Medfield Community Association has been notified of this action.



Laurie Feinberg
Acting Director