

LAND USE COMMITTEE

FINDINGS OF FACT

City Council Bill No: 20-0512

MOTION OF THE CHAIR OF THE LAND USE COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO SECTIONS 10-304 AND 10-305 OF THE MARYLAND LAND USE ARTICLE AND SECTION 5-508 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF:

Rezoning - 1301 East Fort Avenue

Upon finding as follows with regard to:

(1) Population changes;

There has not been a significant change in population in this area since June 5, 2017, when the current Zoning Code and map became effective.

(2) The availability of public facilities;

The area is well-served by public utilities & services and will remain so for the foreseeable future.

(3) Present and future transportation patterns;

The rezoning of the Property should not be anticipated to adversely impact present or future transportation patterns. A rezoning of the Property may reduce potential for transportation conflicts with the Francis Scott Key Elementary/Middle School located directly across the street. Its current industrial zoning has the potential to be operated by uses that create heavy truck traffic.

(4) Compatibility with existing and proposed development for the area;

The proposed action would allow a use that is compatible with permitted existing or other proposed uses or development in the neighborhood. Directly adjacent to the site is the Francis Scott Key Elementary/Middle School and Latrobe Park. In addition, R-8 zoning exists directly to the east and to the north.

- (5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Favorable
Department of Transportation	No Objection
City Solicitor	Favorable with Comments
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	Favorable

- (6) The proposed amendment’s relationship to and consistency with the City’s Comprehensive Master Plan.

Replacement of the Property’s existing I-1 zoning district with the R-8 zoning district is consistent with the City’s Master Plan goal of providing increasing housing opportunities.

- (7) Existing uses of property within the general area of the property in question;

There is no predominant use throughout this section of Fort Avenue in Locust Point. The general neighborhood trends of conversions of industrial property that started at the turn of the millennium with the conversion of the former Procter & Gamble manufacturing facility to the Tide Point office complex and the conversion of the B&O Locust Point Grain Terminal Elevator to the Silo Point condominium building in 2009, have accelerated recently so that generally residential and commercial uses are the primary uses in the Neighborhood.

The proposed rezoning from industrial zoning is more compatible with the elementary/middle school and public park that are adjacent to the Property.

- (8) The zoning classification of other property within the general area of the property in question;

There is a mix of zoning classifications in close proximity. The bed of the CSX railroad abuts the Property’s western border and is zoned I-2 while land associated within the port industry located to the Property’s north and south are zoned MI. The McHenry Row development is located on the west side of the CSX railroad bed and is zoned C-2. A mix of open-space (OS), residential (R-8) and rowhouse mixed-use overlay (R-MU) are located to the east of the Property.

- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;

The conversion of nearby industrial sites over the last couple of decades have reduced the suitability of the Property for industrial use. In 2014, a \$2 million renovation was completed at the Francis Scott Key Elementary and Middle School and that same year Under Armour funded \$1.5 million of improvements to Latrobe Park. These investments are incompatible with long-term use of the Property for industrial use.

- (10) 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 classification;

As indicated in the below listing of projects that represent a substantial change in the neighborhood, the trend has been for non-maritime industrial property to be redeveloped for residential and commercial mixed-use uses. The Locust Point Civic Association has provided a preliminary letter of support for the rezoning in recognition that there was no opposition to the rezoning to R-8 as it is compatible with the trend of development in the community.

- (11) For a rezoning based on a SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD, the following facts establish the substantial change since the time of the last comprehensive rezoning:

As set forth below, there has been a substantial change in the character of the neighborhood as a number of industrial properties have been redeveloped for residential and commercial-mixed uses. While Locust Point's proximity to the waterfront has long lent itself to maritime-related industrial and commercial uses and appears poised to continue to do so, the non-maritime industrial uses in the neighborhood have steadily been converted to residential and commercial mixed-uses over the past decade and since the time of the City Council's passage of TransForm Baltimore in December 2016. The following changes occurring within a ½-mile vicinity of the Property (the "Neighborhood") within the Locust Point peninsula have represented a change in character from industrial to residential and commercial.

- The most immediate change in the character of the neighborhood is that occurring at the Property itself, with the closure of the PQ Corporation plant in January 2020. Built in 1929 and used to manufacture glass and liquor sodium silicate, the plant's closure represents the end of the last remaining large manufacturing facilities in the Locust Point neighborhood.

- Building on prior work to demolish the former Coca-Cola and Phillips Seafood facilities at 1215 E. Fort Avenue, the second and third phases of the McHenry Development have been constructed and opened, which include a 223-unit apartment building, 85,000-SF office building, and a 126-room Courtyard by Marriott hotel.
 - Pursuant to the BMZA's approval in Appeal No. 2018-72, a former warehouse building in the Neighborhood was razed at 1401 Woodall Street and construction on a proposed 60,000-SF office building is currently underway.
 - In June 2017, the Anthem House I project started leasing units to the public. A 292-unit apartment building with 20,000-SF of retail/dining space, Anthem House I was constructed on what was formerly an abandoned industrial area.
 - In 2019, the Anthem House II project, a 52-unit apartment building at 1430 Lawrence Avenue, opened across the street from Anthem House I on a former principal use parking lot.
 - The \$23 million ALTA 47 townhome development, which was constructed at the former Perishable Deliveries, Inc. facility, started delivering residential units for sale in late 2017.
 - To demonstrate change in the character of the Neighborhood, the Land Use Committee is entitled to consider projects that are "reasonably probable of fruition in the foreseeable future." *Jobar Corp. v. Rodgers Forge Community Ass'n*, 236 Md. 106 (1964) (citations and quotations omitted). Port Covington is within a ½ mile of the Property and the 235-acre \$5.5 billion Port Covington project to be constructed over the next few decades represent a change in the development patterns of the Neighborhood from industrial to commercial/mixed-use.
- (12) For a rezoning based on a MISTAKE in the existing zoning classification, the following facts establish that at the time of the last comprehensive zoning the Council failed to consider then existing facts, or projects or trends which were reasonably foreseeable and/or that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect:

Intentionally left blank.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Report – Planning Commission’s report, dated May 7, 2020, which included the Department of Planning Staff Report, dated May 7, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Eric Tiso, Planning Department
- Victor Tervalo, Law Department
- Representatives of other reporting agencies
- Caroline Hecker, Esquire, Rosenberg, Martin, Greenberg, LLP

Written:

- Department of Transportation, Agency Report – Dated July 6, 2020
- Board of Municipal and Zoning Appeals, Agency Report – Dated June 29, 2020
- Law Department, Agency Report – Dated June 26, 2020
- Department of Housing and Community Development, Agency Report – Dated June 26, 2020
- Baltimore Development Corporation, Agency Report – Dated July 2, 2020
- Caroline Hecker, Esquire, Rosenberg, Martin, Greenberg, LLP, Memorandum Re: CCB # 20-512 – Rezoning – 1301 East Fort Avenue Proposed Findings of Fact – Dated July 8, 2020

COMMITTEE MEMBERS VOTING IN FAVOR

Edward Reisinger, Chair
Shannon Sneed, Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Sharon Green Middleton
Leon Pinkett