



FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #21-0026 / REZONING – 1201 SOUTH CATON AVENUE		

TO

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

DATE: February 26, 2021

At its regular meeting of February 25, 2021, the Planning Commission considered City Council Bill #21-0026, for the purpose of changing the zoning for the property known as 1201 South Caton Avenue (Block 2108C, Lot 002), as outlined in red on the accompanying plat, from the EC-1 Zoning District to the I-1 Zoning District; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #21-0026 and adopted the following resolution nine members being present (nine in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #21-0026 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.

CR/ewt

attachment

cc: Ms. Natasha Mehu, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Matthew Stegman, City Council President's Office
Ms. Nikki Thompson, City Council President's Office
Mr. Colin Tarbert, BDC
Ms. Kathleen Byrne, 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
Mr. Dominic McAlily, Council Services
Ms. Caroline Hecker, Esq.



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

February 25, 2021

REQUEST: City Council Bill #21-0026/ Rezoning – 1201 South Caton Avenue:

For the purpose of changing the zoning for the property known as 1201 South Caton Avenue (Block 2108C, Lot 002), as outlined in red on the accompanying plat, from the EC-1 Zoning District to the I-1 Zoning District; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Eric Tiso

PETITIONER: MRP Industrial, c/o Caroline L. Hecker, Esq.

OWNER: Roman Catholic Archbishop of Baltimore

SITE/GENERAL AREA

Site Conditions: 1201 South Caton Avenue contains 32.264± acres of land, and is located on the northeastern corner of the intersection with the I-95 corridor. This property is zoned EC-1, and is improved with the former Seton Keough High School campus, though the school is now closed.

General Area: This property is located in the Wilhelm Park neighborhood, which is bounded by South Caton Avenue on the west, I-95 on the south, the Gwynns Falls Stream on the east, and Wilkens Avenue on the north. This small neighborhood ranges from the former High School campuses on the west, to a residential community off of Wilkens Avenue in the north-central part of the neighborhood, to an industrial area in the south and east portions. The northern portion of which was the former Cardinal Gibbons High School campus. Cardinal Gibbons closed in 2010, is now owned by St. Agnes Hospital, and is being redeveloped. The southern portion is the subject parcel, and is the former Seton Keough campus. The residential area is composed of attached and semi-detached homes. The industrial area is composed of mostly of distribution facilities and light industrial businesses.

HISTORY

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

ANALYSIS

Background: The property proposed for rezoning is the former campus of the Seton Keough High School, a Roman Catholic high school, until its closure in June 2017. The site will be redeveloped for a warehouse/distribution facility.

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 allow the property to be redeveloped for a productive use now that its use as a school campus is no longer viable. In addition to the staff analysis below, the applicant has also submitted a brief outlining the rationale for the proposed rezoning based on a significant change to the area which is compatible with our analysis.

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 support the Comprehensive Master Plan's EARN Goal 1, Objective 1: Retain and Attract Businesses in all Growth Sectors.
- 2. The needs of Baltimore City:** This rezoning will provide an opportunity for the development of new light industrial uses that will replace inventory lost elsewhere in the City in places where residential development has displaced older industrially-zoned land

that has outmoded buildings, or properties that are either too small or that have an unusual shape.

3. **The needs of the particular neighborhood:** There is no current demand for schools or additional educational programs in this area. The applicants have met with the Violetville Community Association, and are keeping them informed of progress.

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 has not been a significant change in population in the immediate area that would affect this proposal in any material way. Overall, the City has been losing industrially zoned land in recent years, and this would provide for an additional property that is appropriately sized and shaped, and that is desirable for light industrial uses.
2. **The availability of public facilities;** This area is served by City utilities that are adequate for a wide range of uses and intensity of redevelopment.
3. **Present and future transportation patterns;** This area is a part of the City's street grid, and will not negatively impact transportation or traffic patterns. South Caton Avenue is listed as a Through Truck Route by the Department of Transportation.
4. **Compatibility with existing and proposed development for the area;** As this property is located at the intersection of South Caton Avenue and I-95, this site is well suited to warehouse and distribution center use, as trucks will have immediate highway access, and will not need to cross through residential areas to do so. It is also contiguous to additional I-1 zoned land to the east and west, bordering the I-95 corridor.
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.** Comprehensive Master Plan's EARN Goal 1, Objective 1: Retain and Attract Businesses in all Growth Sectors. Following rezoning, the Property would be eligible for redevelopment, which has the potential to create a significant number of new jobs in this community.

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;** This property is adjacent to the former Cardinal Gibbons campus that is being redeveloped for mixed commercial and potentially residential use. The proposed I-1 zone will be compatible with the existing and future development for this area, and is positioned to take advantage of its placement at an interstate highway intersection.

- (ii) the zoning classification of other property within the general area of the property in question;** This property would join two I-1 zones along the I-95 corridor to the east and west. The adjacent C-2 and OR-2 will not be negatively impacted by the proposed rezoning. The only adjacent residentially-zoned land is an R-6 to the west across South Caton Avenue, which is a large multi-family senior-housing complex and the related services (Jenkins Senior Living, The Neighborhoods at St. Elizabeth, Caritas House, St. Ann Day Services, and DePaul House). The R-3 zone on the south side of I-95 is separated from the proposed rezoning by the highway's cloverleafs (some 750' across), and it will not be directly affected by 1201 South Caton Avenue.
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and** This property is perfectly suited for light industrial use, as it will connect existing I-1 land, and is placed right at the interstate highway intersection, which is advantageous for the proposed warehouse/distribution 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 most recent developments in the area are on the campus of St. Agnes Hospital, and the mixed-use development around the Babe Ruth Field at Cardinal Gibbons. The surrounding neighborhood has been stable, with little other development in recent years.

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. Staff recommends that the Planning Commission find that there has been a significant change in the character that would support the requested rezoning. The closure of the Seton Keough High School occurred just at the end of the Comprehensive Rezoning process of the City, which was voted through Council in December of 2016, later to take effect in June of 2017. In the several years since, there has been no interest for any educational institution to use this property. If the property is not viable for educational use, then the EC-1 Educational Campus zoning is no longer appropriate. For this reason, staff recommends approval of this bill.

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



Chris Ryer
Director