



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

February 11, 2016

REQUESTS: City Council Bill #15-0601/Rezoning- 609-611 South Caroline Street

FOR the purpose of changing the zoning for the property known as 609-611 South Caroline Street, as outlined in red on the accompanying plat, from the B-1-2 Zoning District to the M-3 Zoning District.

RECOMMENDATIONS: Amendment and Approval Amendments are as follows:

- Amendment No. 1 - On page 1, in line 2, strike "**Rezoning**" and substitute "**Zoning**"; and, in the same line, after "Street", insert "**-- Correcting Erroneous Zoning Classification**".
- Amendment No. 2 - On page 1, in line 3, strike "changing the zoning for" and substitute "correcting an error on Sheet 57 of the Zoning District Maps by changing that Sheet's erroneous zoning classification for".
- Amendment No. 3- On page 1, in line 6, before "amending", insert "correcting and".
- Amendment No. 4 - On page 1, after line 11, insert:
Recitals

By Ordinance 07-429 (Bill 06-0464), the Mayor and City Council rezoned certain properties in Historic Southeast Baltimore. As introduced, Bill 06-0464 proposed to rezone the property known as 609 S. Caroline Street (a/k/a 609-611 S. Caroline Street), among other properties, "from the M-3 Zoning District to the B-1-2 Zoning District, as outlined in purple on the accompanying plat". During the legislative process, however, the bill was amended to strike 609 S. Caroline Street from the list of properties to be rezoned. Still, the revised plat that later accompanied the amended 3rd Reader of the bill failed to remove the "outlin[e] in purple" for 609 S. Caroline Street and, thus, failed to reflect the fact that 609 S. Caroline Street was not to be rezoned. As a result, Sheet 57 of the City's Zoning District Maps now reflects that 609 S. Caroline Street was rezoned to the B-1-2 Zoning District.

The purpose of this legislation, therefore, is to formally correct the resultant error reflected on Sheet 57 of the Zoning District Maps and confirming the property's continued M-3 Zoning District."

- Amendment No. 5- On page 1, in line 13, before “amended”, insert “corrected and”; and, on the same page, strike beginning “from” in line 13 through “District” in line 14, and substituting “that Sheet’s zoning classification for”; and, on the same page, in line 15, after “Ordinance”, insert “, from the B-1-2 Zoning District to the M-3 Zoning District”.

STAFF: Tamara Woods

PETITIONER: Caroline Hecker, Rosenberg Martin Greenberg, LLP on behalf of H&S Properties, Inc.

OWNER: H&S Properties, Inc.

SITE/GENERAL AREA

Site Conditions: The subject parcel is located on the east side of the 600 block of South Caroline Street. The parcel being rezoned, 609-611 South Caroline Street, is approximately 5400 square feet and is currently incorporated into an existing parking lot that serves the H&S Packaging and Distribution Center. This parcel is surrounded by uses for the H&S Bakery.

General Area: The general project area lies within the Fells Point neighborhood, which is a waterfront neighborhood situated between Canton and Harbor East, a vibrant mixed use area on the edge of downtown Baltimore. Fells Point is a mixed use neighborhood that has one of the city’s most successful commercial areas, as well as, single-family and multi-family residential units.

CONFORMITY TO PLANS

The proposed development plan is consistent with the goals and objectives of the Baltimore City Comprehensive Master Plan, specifically: EARN Goal 1: Strengthen Identified Growth Sectors; Objective 1: Retain and Attract Businesses in all Growth Sectors.

HISTORY

The subject parcel, 609-611 South Caroline Street, was included in Ordinance 07-429, Southeast Comprehensive Rezoning.

ANALYSIS

City Council Bill 15-0601 was introduced for the rezoning of 609-611 South Caroline Street in order to help facilitate the expansion of the H&S Packaging and Distribution Center. The current operations occur east of Dallas Street with employee parking located west of Dallas Street. In order to expand the business functions, the current employee parking lot must be utilized. While the majority of the parking lot is zoned M-3, 609-611 South Caroline, the portion used for ingress/egress is noted on the official zoning map as B-1-2. City Council Bill #15-0601 would facilitate the expansion of the existing industrial use. The employee parking would be relocated to the 500 block of South Caroline Street.

The current zoning of B-1-2, as shown on the zoning map, is primarily a neighborhood business district designation. The permitted use list provides for a variety of residential, office and

commercial uses that are suitable for smaller scale locations and streets, but does not allow industrial uses. The subject parcel is included in a small section of B-1-2 at the southeast intersection of Fleet Street and Caroline Street. Parcels to the south are zoned M-3 and those to the east are zoned M-2-2.

In addition, the subject parcel is located within the Fells Point Historic District and any changes are subject to review by the Commission for Historical and Architectural and Preservation (CHAP. This project has Site Plan Review Committee approval.

In completing its analysis, the Department of Planning Staff noted that while the zoning map shows 609-611 South Caroline Street as being zoned B-1-2, there was a previous multi-property rezoning in southeast Baltimore in 2007 that clearly showed this parcel to be stricken from the bill and remain M-3. The City Council may grant the amendment to change the zoning classification based on a finding that there was either a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the existing zoning classification. In this case, Planning Staff believes the B-1-2 zoning designation as shown on the zoning map is a technical error and that the property was never rezoned in 2007 to B-1-2. In fact, absent the mapping error, the parcel, per the 2007 ordinance is still zoned M-3. For this reason, Planning Staff did not review this bill based on rezoning standards.

Corrective Bill to the 2007 Multi-property Rezoning

The subject parcel, 609-611 South Caroline Street, was included in Ordinance # 07-429 for the comprehensive rezoning of multiple properties in Southeast Baltimore. The comprehensive rezoning was based on the Southeast Zoning Study that was completed in 2005 and in conjunction with the approval and amendment of several other pieces of legislation that included the designation of the Fells Point Local Historic District, and repealing the Fells Point and Washington Hill Urban Renewal Plans and adoption of the Fells Point Waterfront Urban Renewal Plan. In 2006, City Council Bill 06-0464 was introduced.

Though City Council Bill 06-0464, as introduced, included that 609 South Caroline Street be rezoned from M-3 to B-1-2, the third reader version of the bill and the signed ordinance shows that 609 South Caroline Street was stricken from the bill. That being said, the signed map was not updated correctly and indicates that the property is to be rezoned from M-3 to B-1-2. The bill was signed into law on May 9, 2007 with the error in place.

The rationale that this lot would be slated to remain industrial is consistent with the lot improvement. As stated earlier, the lot is part of the existing parking lot on the H&S property. While the exact date of the construction of the parking lot is not known, it was prior to 2007 and would have clearly been a shared use with the remainder of the parking lot which was zoned and is currently zoned M-3. Given these circumstances, the clear intent was to keep the M-3 zoning designation that is consistent with the remaining portions of the parking lot.

As the text clearly shows the parcel to be stricken, it supersedes the map designation that shows that property being rezoned to B-1-2. For this reason, technically, the lot was never rezoned to B-1-2 and retains its M-3 zoning. Therefore, the map that was signed into law via Ordinance #07-

429 is in error and City Council Bill #15-0601 should no longer serve as a rezoning bill, but a zoning bill to correct an erroneous zoning classification.

Amendments

Planning staff proposes several amendments to reflect the corrections that need to be made in order to facilitate the map correction. These amendments would modify City Council Bill #15-0601 from a rezoning bill to a zoning bill. The major amendments to this bill include changes to the following:

- The bill title;
- Language that alludes to changing the zoning to correct an error;
- Language that notes the error was contained in both City Council Bill #06-064 and Ordinance #07-429; and
- Ordinance 07-0429 shows that the address 609 South Caroline Street is also known as 609-611 South Caroline Street.

Notifications:

In advance of a hearing on this matter, staff notified the following organizations: Fells Point Community Organization, Fells Point Residents Association, Douglass Place Community Association and City Councilman James Kraft.



Thomas J. Stosur
Director