



*Stephanie Rawlings-Blake  
Mayor*

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur  
Director*

February 26, 2105

**REQUEST:** City Council Bill 14-0426/ Rezoning – 1713 East Pratt Street

For the purpose of changing the zoning for the property known as 1713 East Pratt Street, as outlined in red on the accompanying plat, from the R-8 Zoning District to the B-2-2 Zoning District.

**RECOMMENDATION:** Approval

**STAFF:** Martin French

**PETITIONER:** Grand Development LLC

**OWNER:** The petitioner

#### **SITE/GENERAL AREA**

**Site Conditions:** This property is located at the southwest corner of the intersection of Pratt and Regester Streets, and is approximately 105' east of the intersection of Pratt Street and Broadway. This is a consolidated property, the part at the intersection of Pratt and Regester Streets being improved with a one- and two-story semi-detached commercial building measuring approximately 60' along Pratt Street by 80' along Regester Street; and to its west, nearer Broadway, being improved with a five-story semi-detached commercial building measuring approximately 40' along Pratt Street by 115' deep. The former building was built in the early 1980s as a restaurant, and continues in that use with a different occupant than the original. The latter building was built in 1925 as the Baltimore Goodwill Industries Workshops, and is a factory building made of poured reinforced concrete, and currently vacant. The remainder of the property, along the west side of the five-story factory building, is paved and used as off-street parking.

**General Area:** This site is at the northern edge of the Fells Point Historic District, of which it is not a part but which it adjoins. The predominant land use along Broadway, to the west of this property, is mixed commercial and residential, with residential being on upper floors of some structures, with a few religious institutional uses included. The predominant land use to the north and east is residential, with scattered nonconforming commercial land uses included, and some schools and religious institutions mixed in. This site is included in the Upper Fells Point National Register Historic District, to which the restaurant is not a contributing structure.

## **HISTORY**

- This site was included in the Fells Point Urban Renewal Plan area established by Ordinance 75-999; this ordinance and Plan were repealed in 2007 when Ordinance 07-569, which established the Fells Point Waterfront Urban Renewal Plan, was adopted. The property is no longer in an Urban Renewal Plan area, as the northern boundary of the Fells Point Waterfront Urban Renewal Plan area is five blocks south of this site.
- This property was included in the area of the Historic Southeast Rezoning adopted in Ordinance 07-429 dated May 17, 2007.

## **CONFORMITY TO PLANS**

The proposed action is consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 2: Strategically Redevelop Vacant Properties throughout the City. While the portion of the property at the corner of Pratt and Regester Streets remains in use, it is physically overshadowed by, and separated from the active Broadway mixed-use corridor by, the vacant 1925 industrial-commercial building adjoining it. Rezoning this property would offer opportunities for commercial redevelopment of its major part.

## **ANALYSIS**

This property was originally (prior to 2007) zoned B-3-3. At that time the B-3-3 zoning was an “island” because B-2-3 zoning covered both sides of Broadway in this area and R-8 zoning covered all of the residential area east of Regester Street. The present site was created by consolidation of three formerly separate lots in 1980, following which a former textiles and flooring store was replaced with the current restaurant building in 1985, while the former factory building remained undisturbed. On May 17, 2007, Ordinance 07-429, titled “Rezoning – Properties in Historic Southeast Baltimore”, was adopted. This ordinance (among many other things) narrowed the Broadway commercial corridor zoning by removing the west side of Regester Street from Business zoning and placing it in the R-8 Zoning District. Row-houses opposite this site, on the north side of Pratt Street, were also rezoned to R-8, along with this site. The newly narrowed Broadway commercial corridor was also rezoned from B-2-3 to B-2-2 as far south as Aliceanna Street, but this site was omitted from that outcome of the comprehensive sector rezoning action.

While the former Fells Point Urban Renewal Plan was in effect, this site was designated by that Plan as part of a “Residential/ Neighborhood Commercial” land use area on its Land Use Plan map. This designation explicitly called for residential and specified commercial uses, including offices – business, governmental, and professional (Plan, Land Use Plan, Permitted Land Uses (B.1.a.(2))). The petitioner intends to convert the factory building to office uses, which is not possible as long as the R-8 zoning remains in place on this site.

The practical effect of the 2007 rezoning action was to make the restaurant and the vacant former factory building both a nonconforming use and a noncomplying structure. The present owner (since 2012) of the site was not a party to that action, and thus did not ask for it. The former owner of the site may have acquiesced to rezoning the property Residential since in

2006-2007 the residential real estate market in Baltimore and the nation was booming, and many former commercial and industrial buildings were converted to residential use in the first half of that first decade of the 21<sup>st</sup> Century. Subsequent to that rezoning, however, the national and local economic decline in real estate development and redevelopment brought much of such property conversion activity to a halt. As a result of the error in rezoning this site in 2007, and the subsequent economic downturn, the factory building has remained unused.

From the viewpoint of continuing commercial use of this site, the long-term result of the past rezoning and the proposed rezoning would be to reduce the intensity of commercial use allowed from the B-3-3 category to the B-2-2 category, a level more appropriate for a property adjacent to or across the street from R-8 zoned properties, as well as more appropriate for a site in an historic district.

**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 action is consistent with and would further the Comprehensive Master Plan objective of strategically redeveloping vacant properties.
2. **The needs of Baltimore City:** Re-use of this property as commercial space, including offices, in an historic district that is both highly walkable and continually revitalizing itself, would help to anchor and diversify the economic life of the community.
3. **The needs of the particular neighborhood:** To the extent that large unoccupied structures can become blighting influences on an area, rezoning the site in a manner reflective of both its current and most recent uses and the nature of those structures would encourage completion of other redevelopment in Upper Fells Point.

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;** While the site is currently zoned Residential, its last known and current uses are non-residential, so the proposed rezoning would not alter the amount of residential or non-residential use, and thus population, of the area.
2. **The availability of public facilities;** The property is well-served by major streets, utilities, police and fire protection, and schools (although this last would not directly influence commercial use of the site).
3. **Present and future transportation patterns;** The proposed rezoning would acknowledge the status quo of both the site itself and its surrounding historic properties. There would be no alterations to traffic patterns resulting from a change of zoning.
4. **Compatibility with existing and proposed development for the area;** As this site is at the junction of a locally designated historic district, in which exterior change to

structures is restricted, and a nationally designated historic district that is undergoing reinvestment, the proposed rezoning would encourage productive re-use of the site.

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 will comment separately on this bill.)
6. **The relation of the proposed amendment to the City's plan.** *Please refer to "Conformity to Plans" above.*

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. This bill would correct a mistake in the existing zoning classification, by removing a zoning designation that has had the practical effect of making both the structures on the site and their current, past or future commercial uses nonconforming under the Zoning Code. Given the more appropriate already existing zoning classification of properties to the north, east, south, and west of this site, the proposed action would align this property with the commercial use categories allowed along the Broadway commercial corridor to which it would be more appropriately attached.

**Background:** The petitioner intends to retain the restaurant as a street-level commercial use at the corner of Pratt and Register Streets, while renovating the vacant 90-year old former factory building as flexible office space.

**Notification:** The following community organizations have been notified of this action: Brewers Hill Community Association, Broadway Area Business Association, Citizens for Washington Hill, Fells Point Main Street, Fells Point Task Force, Fells Prospect Inc., The Preservation Society, Southeast Community Development Corporation, Southeast Presidents' Council, and Upper Fells Point Improvement Association.



**Thomas J. Stosur**  
**Director**