


TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #08-0157/REZONING-PROPERTIES IN CANTON		

DATE: May 5, 2009

TO

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

At its regular meeting of April 30, 2009 the Planning Commission considered City Council Bill #08-0157, for the purpose of changing the zoning for certain properties in the Canton area: as outlined in blue on the accompanying plats, from the B-1-2 Zoning District to the R-8 Zoning District; as outlined in yellow on the accompanying plats from the B-1-3 Zoning District to the R-8 Zoning District; as outlined in red on the accompanying plats, from the B-2-2 Zoning District to the R-8 Zoning District; as outlined in purple on the accompanying plats, from the B-2-3 Zoning District to the R-8 Zoning District; as outlined in turquoise on the accompanying plats, from the B-2-3/B-1-3 Zoning Districts to the R-8 Zoning District; as outlined in green on the accompanying plats, from the B-3-2 Zoning District to the R-8 Zoning District; as outlined in brown on the accompanying plats, from the M-2-2 Zoning District to the B-2-2 Zoning District; as outlined in orange on the accompanying plats, from the M-3 Zoning District to the B-2-2 Zoning District; and as outlined in pink on the accompanying plats, from the R-8 Zoning District to the B-1-2 Zoning District

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendments to and approval of City Council Bill #08-0157 and adopted the following resolution, nine members being present (four in favor, three abstained, and two opposed).

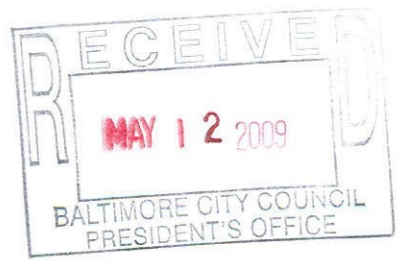
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #08-0157 be amended and passed by the City Council.

If you have questions, please contact Mr. Wolde, Division Chief of Land Use and Urban Design at 410-396-4488.

GWC/ttl

Attachments

cc:
 Mr. Andrew Frank, Deputy Mayor
 Mr. Demuane Milliard, Chief of Staff
 Ms. Angela Gibson, Mayor's Office
 The Honorable Rochelle "Rikki" Spector, Council Rep. for Planning Commission



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RE: CITY COUNCIL BILL #08-0157/REZONING-
PROPERTIES IN CANTON

Mr. David Tanner, BMZA

Mr. Geoffrey Veale, Zoning Administration

Ms. Nikol Nabors-Jackson, DHCD

Mr. Larry Greene, Councilmanic Services

Ms. Kim Clark, BDC



*Sheila Dixon
Mayor*

PLANNING COMMISSION

Wilbur "Bill" E. Cunningham, Chairman

STAFF REPORT



*Thomas J. Stosur
Director*

April 30, 2009

REQUEST: City Council Bill #08-0157/Rezoning Properties in Canton

For the purpose of changing the zoning for certain properties in the Canton area: as outlined in blue on the accompanying plats, from the B-1-2 Zoning District to the R-8 Zoning District; as outlined in yellow on the accompanying plats from the B-1-3 Zoning District to the R-8 Zoning District; as outlined in red on the accompanying plats, from the B-2-2 Zoning District to the R-8 Zoning District; as outlined in purple on the accompanying plats, from the B-2-3 Zoning District to the R-8 Zoning District; as outlined in turquoise on the accompanying plats, from the B-2-3/B-1-3 Zoning Districts to the R-8 Zoning District; as outlined in green on the accompanying plats, from the B-3-2 Zoning District to the R-8 Zoning District; as outlined in brown on the accompanying plats, from the M-2-2 Zoning District to the B-2-2 Zoning District; as outlined in orange on the accompanying plats, from the M-3 Zoning District to the B-2-2 Zoning District; and as outlined in pink on the accompanying plats, from the R-8 Zoning District to the B-1-2 Zoning District.

RECOMMENDATION: Approval with Amendments. The amendments are listed below under "Proposed Amendments".

STAFF: Jill Lemke

PETITIONER: Administration – Department of Planning

OWNERS: Various

SITE/ GENERAL AREA

Southeast District; Properties within the 21224 Zip Code

HISTORY

The zoning recommendations contained in City Council Bill 08-0157 are the result of an 18-month process organized by Councilman Kraft and staffed by the Planning Department. The process began in late 2005 with the formation of the 21224 Zoning Task Force, which included representation from each of the community organizations representing the residents and businesses of the area.

The 21224 Task Force met seven (7) times between September 2005 and July 2007 when the final recommendations were approved. Throughout the process the Task Force adhered to an agreement that no recommendations would be included unless they received the approval of the representatives from each impacted organization. In keeping with that commitment, Councilman Kraft made an ongoing commitment that no additional changes will be made without the consent

of the impacted community association.

Overall Goals

- To formalize the zoning recommendations of the Canton Waterfront Urban Renewal Plan (Area 1), and
- To match zoning with the existing character of the community, particularly within residential areas.

21224 Task Force And Rezoning Timeline:

September 13, 2005	Initial public input meeting
September 18, 2005	Initial public input meeting
April 18, 2006	First Task Force meeting
May 16, 2006	Second Task Force meeting
June 20, 2006	Third Task Force meeting
January 25, 2007	Gathering of member association comments
April 16 2007	Vote on final set of recommendations
July 21, 2008	Legislation introduced to Council
January 15, 2009	Task Force Meeting/Community Update
February 17, 2009	21224 Rezoning Open House

The following Groups were represented on the 21224 Rezoning Task Force:

Patterson Park Neighborhood Association	Brewers Hill Community Association
Neighbors of Brewers Hill	Canton Community Association
Canton-Highlandtown Community Assoc.	Highlandtown Community Association
Highlandtown Merchants Association	Hampstead Hill Association
Baltimore-Highland Community Assoc.	North Shore Homeowners Association
Canton Cove Homeowners Association	Anchorage Towers Condo Association
Anchorage Homeowners Association	Canton Gables Homeowners Assoc.
Canton Square Homeowners Association	Waterfront Coalition
Southeast CDC	Hispanic Business Alliance
Patterson Park CDC	McElderry Park
Friends of Library Square	Banner Neighborhoods
O'Donnell Square Merchants Association	Patterson Place
Can Co./Streuver Bros.	Natty Boh/Obrecht
Canton Industrial Group	Canton Crossing
Lighthouse Point	

CONFORMITY TO PLANS

This proposed rezoning is in conformance with the Baltimore City Comprehensive Master Plan with respect to LIVE Goal #2: Elevate the design quality of Baltimore's built environment; and particularly, Objective #3: Promote transit oriented and mixed-use development to reinforce neighborhood centers and Main Streets. The Boston Street corridor, O'Donnell Square, Brewers Hill and the Eastern Avenue corridor which includes the Highlandtown Main Street are the primary commercial centers for the surrounding neighborhoods. This bill clarifies the desired location of such centers while seeking to retain the residential character of those neighborhoods that surround them.

ANALYSIS

This matter was first considered at the Planning Commission hearing held on March 5, 2009. As a result of testimony from business and property owners in the areas north of O'Donnell Square and west of Brewers Hill, the matter was postponed for further discussion and analysis.

AREA 1: Aliceanna and Boston Streets (166 Properties)

This area is being rezoned to comply with the recommendations of the Canton Waterfront Urban Renewal Plan and to match recent changes and developments in the area. Although the existing use of the new townhouses would match the new zoning, under R-8 they will all be considered non-complying structures because they are over 35 feet in height. Staff therefore recommends, with the agreement of the community, to delete them from the proposal and retain their current zoning. Approximately four non-conforming uses will be created in the areas being rezoned from M-2 to B-2. The Rowhomes facing Cambridge were included in error, and are being removed from the proposed legislation because they were already rezoned by CCB #05-0067. The zoning map was just recently updated to reflect the change that took effect in 2006.

AREA 2: North of Canton Square (306 Properties)

This area is being rezoned to match and preserve the area's residential character. A number of non-conforming uses will be created, particularly corner stores and pubs.

AREA 3: West of Brewers Hill (120 properties)

This area is being rezoned to match and preserve the area's primarily residential character. A number of non-conforming uses will be created, including corner stores, pubs and a couple of industrial properties.

AREA 4: North of Highlandtown Commercial District (608 Properties)

This area is being rezoned to encourage businesses to locate within, and therefore strengthen the traditional business districts and to prevent the further spread of businesses into primarily residential blocks. A number of non-conforming uses will be created. The Southeast CDC and the Highlandtown Main Street organization have requested an amendment to the proposal, particularly in those instances where the Main Street boundary conflicts with the recommendations of the rezoning. These issues were researched from a land use perspective and staff recommends removing 2 blocks of Conkling and one block of Highland from the proposal so that they remain B-2-2.

AREA 5: North Baltimore Street west of Patterson Park (186 Properties)

This area is being rezoned to protect the residential character of the area and limit the further conversion of residential, mid-block rowhomes for commercial uses. Several non-conforming uses will be created, particularly corner stores and a few existing mid-block businesses. The area immediately adjacent to Patterson Park that was proposed for rezoning from R-8 to B-1-2 will be removed from the legislation at the request of the 21224 Task Force because consensus was never reached on the proposed change.

Other Amendments as Requested by Property Owners:

Staff has received two requests to add properties to the rezoning as described below:

- 1001 S. Potomac St.: Owner/Developer requests to change from R-8 to O-R-2 Zoning.
- 3500 Boston St.: Owner/Developer requests to change from B-2-2 to B-2-3 Zoning.

Staff has determined these requests to be impermissible spot rezoning, given that the requests for zoning changes do not meet the standards of Article 66B of the Maryland Annotated Code, are not compatible with the zoning of adjacent properties or the surrounding community, and are for the benefit of an individual property owners, rather than in the public interest. In addition, they were not a part of the comprehensive analysis done by the Department of Planning during the 21224 Task Force process.

PROPOSED AMENDMENTS

Amendments to correct errors:

- Page 9 Lines 32 to 42 Change Street Name to South Eaton Street
- Page 15 Line 11 Add “(Block 6437 Lot 012)” to the address 1016 South Conkling; This Property is in the process of being subdivided. The new properties will eventually have Gunther Way Addresses.
- Page 26 Line 22 Delete (This property is not within the zoning polygons indicated on the map.)
- Page 27 Lines 14-22 Delete (These Residential properties were already rezoned to R-8 by CCB # 05-0067 to comply with Canton Waterfront URP.)
- Page 27 Lines 30-31 Delete (These Residential properties were already rezoned to R-8 by CCB # 05-0067 to comply with Canton Waterfront URP.)
- Page 27 Lines 40-43 Change Street Name to “Boston Street” to match real property address.

The following were within the polygons to be rezoned, but were not included in the list of addresses. Therefore, the following properties should be added:

- 2100 Aliceanna Street to the list of properties being rezoned from M-3 to B-22
- 3713 Gough Street to change from Split Zoning B-1-2/B-3-2 to R-8
- 3715 Gough Street to change from Split Zoning B-1-2/B-3-2 to R-8
- 3717 Gough Street to change from Split Zoning B-1-2/B-3-2 to R-8
- 3719 Gough Street to change from Split Zoning B-1-2/B-3-2 to R-8
- 3721 Gough Street to change from Split Zoning B-1-2/B-3-2 to R-8
- 3723 Gough Street to change from Split Zoning B-1-2/B-3-2 to R-8
- 3725 Gough Street to change from Split Zoning B-1-2/B-3-2 to R-8
- 3729 Gough Street to change from Split Zoning B-1-2/B-3-2 to R-8
- 3739 Lombard Street to change from split zoning B-1-2/R-8 to R-8
- 3903 Lombard Street to change from split zoning B-1-2/R-8 to R-8
- 3406 ½ O'Donnell Street to change from B-2-2 to R-8
- 3408 O'Donnell Street to change from B-2-2 to R-8
- 3412 ½ O'Donnell Street to change from B-2-2 to R-8
- (NOTE: 3406 ½, 3408 and 3412 ½ O'Donnell St. are part of a recent residential subdivision soon to have Gunther Way addresses)
- 904 Linwood Avenue to change from B-2-2 to R-8
- 906 Linwood Avenue to change from B-2-2 to R-8
- 2716 Fait Avenue to change from B-2-2 to R-8
- 1018 Streeper Street to change from B-3-2 to R-8
- 1024 Streeper Street to change from B-3-2 to R-8

Other Substantive Amendments:

- Page 28 Lines 1-41 Delete (Consensus was never reached on this proposal and it doesn't match what exists on that block of Baltimore Street.)
- Page 26 Lines 24-33 Delete (These Residential properties are over 35 feet and rezoning to R-8 would create 100% Non-compliance. This area will be addressed by TransForm Baltimore)
- Pages 13 Lines 47-49 Delete (These Residential properties are over 35 feet and rezoning to R-8 would create 100% Non-compliance. This area will be addressed by TransForm Baltimore)

- Page 14 Lines 1-35 Delete (These Residential properties are over 35 feet and rezoning to R-8 would create 100% Non-compliance. This area will be addressed by TransForm Baltimore)
- Page 15 Lines 25-47 Delete (These Properties are within the proposed expansion of the Highlandtown Main Street District and staff recommends they remain B-2-2.)
- Page 16 Lines 5 & 17 Delete (These Properties are within the proposed expansion of the Highlandtown Main Street District and staff recommends they remain B-2-2.)
- Page 16 Lines 33-51 Delete (These Properties are within the proposed expansion of the Highlandtown Main Street District and staff recommends they remain B-2-2.)
- Page 17 Lines 1-17 Delete (These Properties are within the proposed expansion of the Highlandtown Main Street District and staff recommends they remain B-2-2.)
- Page 17 Lines 18-51 Delete (These Properties are a proposed amendment to the legislation and are recommended to go from B-2-2 to B-1-2)
- Page 18 Lines 1-4 Delete (These Properties are a proposed amendment to the legislation and are recommended to go from B-2-2 to B-1-2)
- Page 18 Lines 15-20 Delete (These Properties are a proposed amendment to the legislation and are recommended to go from B-2-2 to B-1-2)
- Page 24 Lines 1-17 Delete (These Residential properties are over 35 feet and rezoning to R-8 would create 100% Non-compliance. This area will be addressed by TransForm Baltimore)
- Page 23 Lines 6-49 Delete (These Residential properties are over 35 feet and rezoning to R-8 would create 100% Non-compliance. This area will be addressed by TransForm Baltimore)
- Page 26 Lines 34-38 Delete (These Properties are a proposed amendment to the legislation and are recommended to go from B-3-2 to B-2-2)

Recommended Additions to the Legislation:

Properties to be rezoned from the B-2-2 Zoning District to a B-1-2 Zoning District, as outlined below:

1882 030	1006 S Kenwood Ave
1882 031	1004 S Kenwood Ave
1882 032	1002 S Kenwood Ave
1882 033	1000 S Kenwood Ave
1882 034	2737 Dillon St

1882 035	2735 Dillon St
1882 036	2733 Dillon St
1882 037	2731 Dillon St
1882 038	2729 Dillon St
1882 039	2727 Dillon St
1882 040	2725 Dillon St
1882 041	1007 Binney St
1882 042	1009 Binney St
1882 043	1011 Binney St
1882 044	1013 Binney St
1882 045	1015 Binney St
1882 046	1017 Binney St
1882 047	1019 Binney St
1882 048	1021 Binney St
1882 049	1001 S Belnord Ave
1882 050	1001 1/2 S Belnord Ave
1882 051	1003 S Belnord Ave
1882 052	1005 S Belnord Ave
1882 053	1007 S Belnord Ave
1882 054	1002 S Belnord Ave
1882 055	1004 S Belnord Ave
1882 056	1006 S Belnord Ave
1883 001	1001 S Kenwood Ave
1883 003	1005 S Kenwood Ave
1883 004	1007 S Kenwood Ave
1883 005	1009 S Kenwood Ave
1883 006	1011 S Kenwood Ave
1883 007	1013 S Kenwood Ave
1883 008	1015 S Kenwood Ave
1883 009	1017 S Kenwood Ave
1883 010	1019 S Kenwood Ave
1883 011	1021 S Kenwood Ave

Properties to be rezoned from the B-3-2 Zoning District to the B-2-2 Zoning District as follows:

1883 034	1024 S Linwood Ave
1883 035	1022 S Linwood Ave
1883 036	1020 S Linwood Ave
1883 037	1000 S Linwood Ave
1883 039	2811 Dillon St

NOTIFICATION

Staff notified all 1386 affected property owners and the following community organizations:

Anchorage Homeowners Association, Inc.
Anchorage Towers Condominium Association
Baltimore-Highland Community Association, Inc.
Brewer's Hill Community Association
Butchers Hill Association, Inc.
Cambridge Walk Homeowners' Association
Canton Cove Condominium Association
Canton Gables Community Association
Canton Maritime Association
Canton Square Homeowners' Association
Canton-Highlandtown Community Association.-(CHICA)
Hampstead Hill Improvement Association
Highlandtown Arts & Entertainment District
Highlandtown Community Association-(HIGH-C)
Highlandtown Merchants Association
Neighbors of Brewer's Hill
Patterson Park Neighborhood Association
Patterson Place, Inc.-A Community Taking Action
Preservation Society, The
Waterfront Coalition
Southeast Community Development Corporation-(SCDC)



Thomas J. Stosur
Director

Attachment: Corresponding Map as referenced in Bill description.