

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>Stosur/for T.J.S.</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #11-0761/PLANNED UNIT DEVELOPMENT – DESIGNATION – BCP PUD		

TO

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

DATE: October 21, 2011

At its regular meeting of October 20, 2011, the Planning Commission considered City Council Bill #11-0761, for the purpose of approving the application of BCP Investors, LLC, and Exxon Mobil Corporation, which are the owner and ground lessee of Block 6505, Lots 1/9, 9A, and 10 (collectively, the “Property”), to have the Property designated a Business Planned Unit Development; and approving the Development Plan submitted by the applicant.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #11-0761, and adopted the following resolution (eight members being present, eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #11-0761 be amended and passed by the City Council.

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

TJS/WA

Attachment

- cc: Ms. Kaliopé Parthemos, Deputy Mayor
 Mr. Peter O’Malley, Chief of Staff
 Ms. Angela Gibson, Mayor’s Office
 The Honorable Bill Henry, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Nikol Nabors-Jackson, DHCD
 Ms. Barbara Zektick, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Karen Randle, Council Services
 Mr. Stanley Fine



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

October 20, 2011

REQUESTS:

- City Council Bill #11-0758/Urban Renewal – Canton Industrial Area – Amendment
For the purpose of amending the Urban Renewal Plan for the Canton Industrial Area to add a new land use category to the permitted land uses in the Plan and to revise Exhibits 1 and 4 to reflect the change in zoning, upon approval by separate ordinance, for Block 6505, Lots 1/9, 9A, and 10.
- City Council Bill #11-0759/Rezoning – Block 6505, Lots 1/9, 9A and 10
For the purpose of changing the zoning for the properties known as Block 6505, Lots 1/9, 9A, and 10 from the M-3 Zoning District to the B-2-2 Zoning District.
- City Council Bill #11-0760/Planned Unit Development – Amendment 5 – Canton Crossing
For the purpose of approving certain amendments to the Development Plan of the Canton Crossing Planned Unit Development.
- City Council Bill #11-0761/Planned Unit Development – Designation – BCP PUD
For the purpose of approving the application of BCP Investors, LLC, and Exxon Mobil Corporation, which are the owner and ground lessee of Block 6505, Lots 1/9, 9A, and 10 (collectively, the "Property"), to have the Property designated a Business Planned Unit Development; and approving the Development Plan submitted by the applicant.

RECOMMENDATIONS:

- CCB #11-0758 (Urban Renewal): Amendment and Approval. One technical amendment is as follows:
 - On p. 2, line 25, revise "Community Business" to read "Commercial".
- CCB #11-0759/(Rezoning): Approval
- CCB #11-0760/(Canton Crossing Amendment #5): Amendment and approval. Technical amendments are as follows:
 - On line 16 of the recitals Section, revise the acreage cited from 67.52 acres to 67.19 acres.
 - On p. 1, line 20, strike "Lot A" and replace with "Lot 9A".
- CCB #11-0761/(New PUD Designation): Approval with amendments. Amendments are as follows:
 - On p. 1, line 2, revise the name of the new PUD from "BCP PUD" to "The District at Canton Crossing PUD".
 - Revise Section 1 (p.2, lines 3-8) to read as follows: "That the Mayor and City Council approves the application of BCP Investors, LLC, to designate the property known as Block 6505, Lots 1/9, 9A, and 10, consisting of 32.39 acres, more or less, as outlined on the accompanying Development Plan entitled "The

District at Canton Crossing PUD”, dated October 19, 2011, to designate the property a Business Planned Unit Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

- In Section 2 (p. 2, lines 9-11), revise the sheets of the Development Plan to include: Sheet 1, “Existing Conditions Plan”, Sheet 2, “Development Plan – Phase I”, Sheet 3, “Development Plan – Phase II”, Sheet 4, “Preliminary Landscape Plan”, Sheet 5, “Site Massing Views”, and Sheet 6, “Conceptual Perspective”, all plans dated August 2011 and revised October 19, 2011.
- Beginning on p.2, line 21, add a new Section 5 that reads: “There shall be no pedestrian or vehicular access between the southern boundary of the PUD between Baylis Street and Haven Street, and the property known as the Canton Branch. Any modification to this provision shall be considered a major amendment to the PUD, which requires approval by City Council ordinance.” Renumber subsequent sections accordingly.

STAFF: Natasha Becker

PETITIONER: BCP Investors, LLC

OWNER: Same

SITE/GENERAL AREA

Site Conditions: The subject site is bounded by Boston Street to the north, Danville Avenue (aka the “Canton Branch”) to the south, Haven Street to the east, and Baylis Street to the west. This area corresponds to Block 6505, Lots 1/9, 9A and 10 and comprises 32.39 acres under the M-3 Industrial zoning classification. This is a brownfield site, a large portion of which has completed environmental remediation and is being used for surface parking. The remainder of the site is unimproved and is still undergoing clean-up.

General Area: The subject site is in the Southeast portion of the City, and specifically the Canton neighborhood. The Canton neighborhood is largely residential in nature with a predominance of R-8 zoned row homes and key commercial corridors centered on Boston, O’Donnell and Fleet Streets. The subject site also lies within the Canton Industrial Urban Renewal Plan Area. As its name implies, the Canton Industrial Area is comprised of a broad mix of heavy industrial users, many of which support Baltimore’s port activity. The Maritime Industrial Zoning Overlay District (MIZOD) begins just south of the subject site.

HISTORY

- The Urban Renewal Plan for the Canton Industrial Area was originally approved by the Mayor and City Council of Baltimore by Ordinance #90-528 and last amended by Ordinance #07-390.
- Ordinance #07-633, approved December 3, 2007 is the fourth and most recent amendment to the Canton Crossing PUD.

CONFORMITY TO PLANS

The requested rezoning meets the required standards for a rezoning found in the Annotated Code of Maryland and the Baltimore City Zoning Code. It will conform to the relevant land use and zoning controls contained in the amended Canton Industrial Area Urban Renewal Plan.

Furthermore, the new PUD conforms to the Baltimore City Comprehensive Master Plan, most notably LIVE Goal 2, Objective 3: Promote Transit-Oriented Development (TOD) and Mixed-Use Development to Reinforce Neighborhood Centers and Main Streets.

ANALYSIS

City Council Bills #11-0758, 0759, 0760 and 0761 are the required legislation that work in concert to implement the development plan of BCP Investors, LLC for the property bounded by Boston Street to the north, Danville Avenue (aka the "Canton Branch") to the south, Haven Street to the east and Baylis Street to the west. Specifically, the site is being developed with a new shopping center to be known as "The District at Canton Crossing" and which will include a grocery store, large discount department store, several "junior-box" type retailers, and a number of smaller retail and restaurant uses.

City Council Bill #11-0758 amends the Urban Renewal plan for the Canton Industrial Area to permit commercial land use on the subject property. City Council Bill #11-0759 rezones the subject property from M-3 (heavy industrial) to B-2-2 (commercial). City Council Bill #11-0759 amends the Canton Crossing Planned Unit Development by removing the subject property from its boundaries. City Council Bill #11-0760 establishes a new Business Planned Unit Development for the subject property.

Detailed analysis is as follows:

Urban Renewal Plan Amendment

City Council Bill #11-0758 makes three key changes to the Canton Industrial Area Urban Renewal Plan:

1. It adds a "Commercial" category to the land use plan and specifies that, in those areas designated as "Commercial", uses shall include those permitted under the B-2 Zoning District Classification of the City's Zoning Code, as well as any use permitted by a separate Planned Unit Development (PUD).
2. It revises map Exhibit 1, "Land Use Plan" to reflect the change in land use categories on the subject property from Heavy Industrial to Commercial.
3. It revises map Exhibit 4, "Zoning Districts" to reflect the change in zoning for the subject property from M-3 to B-2-2.

Rezoning

Staff has determined this request to be a permissible rezoning, given that the request for a zoning change meets the standards of Article 66B of the Maryland Annotated Code, and those of the Baltimore City Zoning Code.

Article 66B

The Mayor and City Council may periodically amend or reclassify the zoning of a particular property after making specific findings of fact; determining that there has either been a

change in the character of the neighborhood where the property is located or a mistake in the existing zoning classification; and studying the proposed changes in relation to the plan, the needs of Baltimore City, and the needs of the particular neighborhood in the vicinity of the proposed changes.

Detailed **Findings of Fact** are as follows:

1. Population changes

During the last two decades, Canton's population has increased by 19%, owing in large part to spillover effects from gentrifying neighborhoods that border Baltimore's Inner Harbor, and an infusion of private development. Population growth creates additional demand for retail.

2. The availability of public facilities

Adequate public facilities are available for a variety of uses.

3. Present and future transportation patterns

The most significant change for this area will be the construction of the proposed Red Line along Boston Street.

4. Compatibility with existing and proposed development for the area

Just west of the subject property, the Canton Crossing project area is zoned Industrial (M-3) but has a Planned Unit Development overlay and is approved for high density mixed-use development, including office, retail, and residential uses. To the north of the subject property and across Boston Street is the Brewer's Hill project, which has a mix of Commercial (B-2-2) and Residential (R-8) zoning and a Planned Unit Development overlay which permits high density mixed-use development, including office, retail, and residential uses. The area just south of the subject site is zoned Industrial (M-3) and is within the Maritime Industrial Zoning Overlay District. The subject property is directly adjacent to a proposed new light rail stop – the Red Line's Canton Crossing Station, which will bring a high volume of foot traffic to the area and is more compatible with commercial-type development than industrial. Redevelopment of the subject site with a shopping center has the potential to create a useful transition zone between the Red Line and existing heavy industry.

5. The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals

To be determined, though Department of Planning staff recommends approval of the rezoning request.

6. The relation of the proposed amendment to the City's plan

There are no elements of Baltimore City's Comprehensive Master Plan that speak to the specific question of a rezoning of the subject property. However, companion City Council Bill #11-0758 provides the required authority for a rezoning.

Change/Mistake

Informed by the findings of fact, the City Council may grant a rezoning based on the finding that there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the original classification. Staff finds that there has been a significant change in the area due most notably to the strength of the residential market in this area (thereby creating greater demand for additional retail destinations) and due to proposed mass transit initiatives. Specifically, the development of

the Red Line along Boston Street is more compatible with commercial uses than with industrial.

Other Considerations

1. The Plan

As stated previously, City Council Bill #11-0758 amends the Canton Industrial Area Urban Renewal Plan to call for rezoning of the subject property.

2. The needs of Baltimore City

The Baltimore City Comprehensive Master Plan recognizes the need to pursue policies that allow for and encourage increased development near existing and proposed transit stations in the City. As stated previously, the subject site is adjacent to the proposed Canton Crossing Station of the Red Line. As such, a change from Industrial to Commercial zoning will enhance the City's Transit-Oriented Development (TOD) objectives.

3. The needs of the particular neighborhood

Redevelopment of the subject site with a shopping center has the potential to create a useful transition zone between the Red Line and existing heavy industry, and additional retail development at the scale proposed will fulfill unmet demand that exists in the surrounding community.

Section 16-305 of the Baltimore City Zoning Code

The Planning Commission must first find the change to be in the public interest and not solely for the interest of the applicant. In this case, the request will benefit the property owner, but not to the detriment of the surrounding community.

Additionally, the Commission must consider:

1. Existing uses of property within the general area of the property in question

The subject site has three relevant neighbors: the Canton Crossing project area to the west, the Brewer's Hill project area to the north, and the MIZOD area to the south. Canton Crossing is a Planned Unit Development that is approved for high density mixed-use development, including office, retail, and residential uses. Brewer's Hill is also a Planned Unit Development that is approved for high density mixed-use development, including office, retail, and residential uses. The MIZOD area just south of the subject site is comprised of multiple properties and owners, all of which maintain heavy industrial operations, many of which are related to Baltimore's port.

2. The zoning classification of other property within the general area of the property in question

As already stated, there is a mix of zoning on surrounding properties. The Canton Crossing project area is zoned Industrial (M-3) but has a Planned Unit Development overlay and is approved for high density mixed-use development, including office, retail, and residential uses. The Brewer's Hill project has a mix of Commercial (B-2-2) and Residential (R-8) zoning and a Planned Unit Development overlay which permits high density mixed-use development, including office, retail, and residential uses. The area just south of the subject site is zoned Industrial (M-3) and is within the Maritime Industrial Zoning Overlay District.

3. The suitability of the property in question for the uses permitted under its existing zoning classification

While the subject site is very large and has good highway and rail access (the typical indications of a site's viability for industrial use), the ultimate determination of highest and best use for the subject site has to be proposed transit improvements. Construction of the Red Line represents a significant Federal, State and City investment in transit ridership, and developing an adjacent site with industrial uses would be incompatible with the broader transit and land use goals.

4. 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

Since enactment of the 1971 zoning code, the adaptive reuse of formerly industrial sites has become common. Moreover, the Canton neighborhood has seen intense pressure for residential development, which serves to create demand for additional retail destinations.

Canton Crossing PUD – Amendment #5

City Council Bill #11-0760 amends the Canton Crossing PUD by removing the subject site from its boundaries. There are no text changes to the PUD ordinance. The changes occur only on the various Development Plan sheets. The new easternmost boundary line for the PUD will be Baylis Street, and the area once known as "Parcel G" will no longer be shown.

New PUD Designation

The new PUD proposes a single-story multi-tenant retail shopping center. In its review of the PUD, staff considered the following:

- **Site Limitations:** While a site adjacent to a proposed new light rail stop would be ideal for high density mixed-use development, there are key constraints which have limited development options. The site was at one time fully owned by the Exxon Corporation and was used for oil processing. The eastern portion of the site, comprising 11+ acres, is still owned by Exxon and has yet to complete environmental remediation. Nothing can be developed in that area at this time, though it can be used for surface parking. The remaining 19+ acres has already completed environmental remediation and has been subdivided and sold to BCP Investors. Though as part of the sale, Exxon required a deed restriction preventing the site from ever being used for residential and/or medical uses (such as a doctor's office). Additionally, due to sub-surface environmental conditions, the developers are unable to construct foundations/footings more than 20 feet below grade. This has limited the owner's ability to pursue multi-story development.
- **Master Plan:** The shopping center will feature two key anchors: a grocery store located at the southwest corner of Boston and Conkling Streets (anywhere from 55,000 to 65,000 square feet in size) and a "big box" discount department store located at the back of the site at the terminus of an extended Conkling Street (approximately 135,000 square feet in size). There will be additional "junior box" retailers (ranging from approximately 15,000 to 35,000 square feet in size) and numerous smaller retail and restaurant uses. Several of

these will be oriented around a newly extended Eaton Street, which will serve as another vehicular access point to the site.

A small public park/plaza will mark the entrance way at the southeast corner of Boston and Conkling Streets. Additional plaza and lawn spaces will be located at both ends of Cardiff Avenue. The westernmost portion of Cardiff Avenue will be pedestrian only and is intended to create a connection between the adjacent Canton Crossing development. The full build-out proposes approximately 433,000 square feet of retail space (326,000 square feet in Phase I and 107,000 square feet in Phase II), with approximately 1,790 parking spaces (1,442 surface spaces and 348 garage). The area owned by BCP Investors comprises Phase I, while Phase II is still owned by Exxon. Development of Phase II cannot proceed until environmental remediation has been completed and the site sold. Clean-up is expected to take a minimum of five years.

Members of the Urban Design and Architectural Review Panel (UDARP) gave Master Plan approval to the project on October 13, 2011. Additional reviews by UDARP, Site Plan Review Committee, and ultimately the Planning Commission will be necessary as the project moves into the Final Design phase.

- **Industrial Adjacencies:** Much discussion has centered around the appropriateness of the development program, given the presence of an active rail line and heavy industrial uses on directly adjacent properties to the south. However, the site is also directly adjacent to a proposed light rail stop on Boston Street. The Department of Planning's TransForm proposed zoning map recommends TOD-4 zoning for this site. Such a zone does not currently exist, but would after adoption of a new zoning code. TOD-4 is the highest intensity Transit-Oriented Development zone, intended for the development of buildings up to 100 feet in height and with the greatest mix of uses, including residential. However, due to the already mentioned environmental restrictions, the site is being developed with single-story retail only. This has the effect of creating a transitional zone which buffers high volume mass transit from heavy industry and vice versa.

Additionally, the back side of "big-box" retail buildings will buffer the industrial area from the increased pedestrian foot traffic that will be generated from a new shopping center (in the near term) and the proposed future Red Line. These buildings will present a wall to the industry by nature of their design. There is no public ingress/egress at the rear of the buildings, save for that which may be used by employees and truck operators. Lastly, the southern boundary of the site will be buffered with landscaping and a minimum 8-ft. tall fence to prevent anyone from accessing the industrial area and to add aesthetic value.

- **Environmental:** The project triggers an afforestation requirement of 450+ trees, and a preliminary landscape plan has been developed for inclusion in the PUD that reflects the developer's open space and buffer intentions. Some of the innovative design features proposed at this time include green roofs and bioswales in Cardiff Avenue. Refinement of the landscape plan will take place as the project moves forward with Final Design

drawings. The project will also trigger Green Building requirements, but the team has not determined whether they will be following the LEED or Baltimore City compliance path.

- **Traffic Impact:** The Department of Transportation has reviewed trip generation data for this project and has already negotiated a mitigation agreement with the developer.

The following parties have been notified of the requested actions: Canton Community Association, Brewer's Hill Community Association, Canton-Highlandtown Community Association, The Waterfront Coalition, individual property owners within the Canton Crossing PUD, individual adjacent industrial owners, Baltimore Development Corporation, and members of the Baltimore Industrial Group.



Thomas J. Stosur
Director