

*TJS*

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #15-0477 / REZONING 4526, 4600, 4618, 4620, 4622, and 4624 O'DONNELL STREET

CITY of  
BALTIMORE  
**MEMO**



**TO**

DATE:

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

February 27, 2015

At its regular meeting of February 26, 2015, the Planning Commission considered City Council Bill #15-0477, for the purpose of changing the zoning for the properties known as 4526, 4600, 4618, 4620, 4622, and 4624 O'Donnell Street from the M-3 Zoning District to the B-3-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #15-0477 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, and recommends that City Council Bill #15-0477 be 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/cg

Attachment

- cc: Ms. Kaliop Parthemous, Chief of Staff
- Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
- Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development
- Ms. Angela Gibson, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Ms. Elena DiPietro, Law Dept.
- Ms. Natawna Austin, Council Services
- Ms. Caroline Hecker, Esq., Rosenberg Martin Greenberg
- Mr. Michael Fithian, Petitioner



Stephanie Rawlings-Blake  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

February 26, 2015

**REQUESTS:** CCB #15-0477/Rezoning – 4526, 4600, 4618, 4620, 4622, and 4624 O'Donnell Street

For the purpose of changing the zoning for the properties known as 4526, 4600, 4618, 4620, 4622, and 4624 O'Donnell Street, as outlined in red on the accompanying plat, from the M-3 Zoning District to the B-3-1 Zoning District.

**RECOMMENDATIONS:** Approval

**STAFF:** Christina Gaymon

**PETITIONER:** Binnacle Corporation

**OWNER:** Binnacle Corporation

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

General Area: The subject properties lie within the Greektown PUD, which is located in the Greektown neighborhood and is bounded by Foster Avenue, Oldham Street, O'Donnell Street, and the CSX right-of-way. The PUD is divided into Sections A and B. Section A is the development area north of Dillon Street that, once complete, will be improved with 298 fee-simple townhouses. Section B comprises the subject properties, which lie south of Dillon Street, along Macon Street to O'Donnell Street. The property known as 4526 O'Donnell Street is to the west of Macon Street and properties 4600 – 4624 O'Donnell Street are to the east.

The areas surrounding the subject properties have a mix of zoning and land uses. The property immediately west of the CSX railway is zoned M-3 and is the site of Cambridge Iron and Metal Company, which use is still very industrial in nature. The property across O'Donnell Street is also M-3 zoned, however is the site of a new wholesale retail store. East of the site, at the corner of O'Donnell Street and Oldham Street is a gas station/convenience store with B-3-1 zoning. Immediately north of the site, is the Athena Square residential neighborhood and Section A of the Greektown Redevelopment PUD, which are both zoned R-8.

Site Conditions: The properties known as 4526 O'Donnell Street and 4600 – 4624 O'Donnell Street are currently unimproved and vacant. Combined, the six parcels total .7 acres in size. All properties are currently zoned M-3.

## HISTORY

- Ordinance #06-192, approved March 6, 2006, established the Greektown Redevelopment Residential Planned Unit Development (PUD).
- On October 4, 2007, the Planning Commission approved a Minor Amendment to the Greektown PUD, Final Subdivision and Development Plans for the Phase I residential area, and associated street closings. The subdivision was never recorded, and the street closings never proceeded through the necessary legislative process. As such, those past actions are no longer valid.
- On July 8, 2010, the Planning Commission approved a Minor Amendment to the Greektown PUD and new Final Subdivision and Development Plans for the Phase I residential area.
- On April 7, 2011 the Planning Commission approved the Final Design Approval of the Greektown Redevelopment Planned Unit Development, Phase I.
- On July 11, 2013, the Planning Commission approved a Minor Amendment to the Greektown PUD, Phase II, which authorized 20' wide townhome units.
- On April 3, 2014, the Planning Commission approved the Final Design of Phase II and Major Subdivision Final Plan.
- On October 16, 2014, the Planning Commission recommended approval of CCB #14-0439 for Amendment 1 to the Greektown Redevelopment PUD.

## CONFORMITY TO PLANS

This project is consistent with the Baltimore City Comprehensive Master Plan, specifically EARN Goal 1, Objective 1: Retain and Attract Businesses in all Growth Sectors and LIVE Goal 1, Objective 2: Strategically Redevelop Vacant Properties Throughout the City.

## ANALYSIS

In creation of the Greektown Redevelopment PUD, all of the properties within Section A were rezoned from M-1-2 to R-8 through Ordinance 06-189. The original bill also included 4526 and 4600 O'Donnell Street to be rezoned; however, those properties were struck during the legislative process, and as a result, retained their M-3 zoning. With the limited size of those properties and area of Section B overall, retaining M-3 zoning made the site functionally obsolete and led to its continued vacancy. While R-8 may not have been the appropriate zoning category for those properties, they should have been rezoned to a commercial district to maintain viability and development potential.

### **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 Baltimore City Comprehensive Plan identifies “retaining and attracting businesses” and “redeveloping vacant properties” as objectives for the overall health of the City. The proposed action is to facilitate the redevelopment of a functionally and economically obsolete site into a viable asset to the neighborhood and the City.

2. *The needs of Baltimore City:* Other industrially-zoned areas within the City provide opportunities for economically viable heavy manufacturing. The size and configuration of the properties are more optimal for neighborhood-serving commercial uses.
3. *The needs of the particular neighborhood:* Rezoning these parcels for commercial development would create a buffer between the industrial activity along O'Donnell Street and the surrounding residential neighborhoods. The B-3-1 district is also consistent with the zoning of nearby properties on O'Donnell Street.

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:* The Greektown Redevelopment PUD is increasing the population in the immediate area by more than 250 households, which increases demand for more neighborhood commercial development.
2. *The availability of public facilities:* Adequate public facilities exist in this area for a wide range of uses.
3. *Present and future transportation patterns:* O'Donnell Street is a major transit corridor with direct access to I-895 and I-95 within a half-mile radius. Current transportation patterns are expected to remain generally the same within this area.
4. *Compatibility with existing and proposed development for the area:* The proposed rezoning to B-3-1 is compatible with the zoning and land uses within the immediate Greektown area and the residential uses established in the PUD.
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.* Rezoning would be consistent with the Comprehensive Master Plan and supportive of the goal to retain and attract businesses in all growth sectors and strategically redevelop vacant properties throughout the city.

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.*

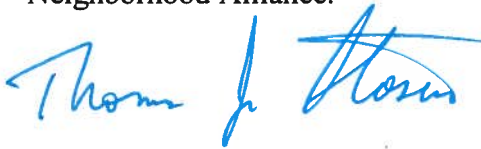
In this case, a rezoning would be justified on the basis of substantial change in the character of the neighborhood, resulting from the development of the Greektown Redevelopment PUD. The zoning change would assist meeting numerous Comprehensive Master Plan goals, would convert a site no longer viable for industrial use to other uses for which there is demand, and allow the site to be converted to an asset serving adjacent neighborhoods and commuters.

**Background:**

The petitioner proposes to redevelop the subject properties into a drive-thru café. The site's close proximity to multiple residential neighborhoods and major transit corridors makes this location prime for this type of business that can serve both local residents and commuters. Both local and national café retailers have expressed interest in this location; however all require drive-in window service, which is not permitted under current zoning. Rezoning the site to B-3-1, a mixed-use development district, will facilitate the redevelopment of the vacant properties complementary to proposed development and respond to the market demand of the blooming residential neighborhood.

The petitioner is also proposing an amendment to City Council Bill 14-0439, which would amend the Greektown Development PUD to include drive-in restaurants with window service as a permitted use. The Planning Department has no objection to this amendment.

Community Notification: The following community organizations have been notified of these actions: the Greektown Community Development Corporation and the Greater Greektown Neighborhood Alliance.



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