


*TJS*

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #15-0553/ PLANNED UNIT DEVELOPMENT – DESIGNATION – 4701 O'DONNELL STREET		

**TO**

DATE:

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

August 27, 2015

At its regular meeting of August 27, 2015, the Planning Commission considered City Council Bill #15-0553, for the purpose of approving the application of 4701 O'Donnell Street, LLC, owner of certain property located at 4701 O'Donnell Street, to have that property designated an Industrial 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 #15-0553 and adopted the following resolution; seven members being present (seven in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #15-0553 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. Kaliope Parthemos, 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. Barbara Zektick, DOT  
 Ms. Elena DiPietro, Law Dept.  
 Ms. Natawna Austin, Council Services  
 Ms. Melissa Krafchik, PABC  
 Mr. Doug Schmidt, Workshop Development, Inc.



Stephanie Rawlings-Blake  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

August 27, 2015

**REQUEST:** City Council Bill #15-0553/ Planned Unit Development – Designation – 4701 O'Donnell Street:

For the purpose of approving the application of 4701 O'Donnell Street, LLC, owner of certain property located at 4701 O'Donnell Street, to have that property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

**RECOMMENDATION:** Amendment and approval, with the following amendments:

- On page 2, in line 17, that M-2 is corrected to M-3; and
- On page 2, delete lines 20 and 22.

**STAFF:** Eric Tiso

**PETITIONER(S):** 4701 O'Donnell Street, LLC, c/o Caroline Hecker, Esq.

**OWNER:** 4701 O'Donnell Street, LLC

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

**Site Conditions:** 4701 O'Donnell Street is an M-3 industrially zoned piece of land. It comprises the western half of the block bounded by O'Donnell Street on the north, Ponca Street on the east, Boston Street on the south, and South Newkirk Street on the west. The block is split roughly in half by a set of railroad tracks running north-south through it, with the tracks defining the eastern boundary of this parcel. The site is currently improved with a building that is being renovated for use as a BJ's Wholesale Club.

**General Area:** This property is located along the northern edge of the Canton Industrial Area, adjacent to the Greentown neighborhood across O'Donnell Street to the north.

#### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site.

#### **ANALYSIS**

**Project:** At the time the BJ's Wholesale Club was proposed, there was uncertainty about the proper classification of the proposed use. It was determined that the store would be classified as a Wholesale Establishment (a permitted use in the M-3 District) and that the gasoline service station would require a conditional use approval from the Board of Municipal and Zoning Appeals (BMZA). That conditional use approval was approved via case BMZ2014-00245 in their hearing on July 15, 2014.

As a part of the development plan for this site, an outparcel was envisioned for the southern part of the property, in the parking field of the BJ's store. It is expected that this outparcel will apply for subdivision in the near future. When the owners were approached by a Taco Bell restaurant with a drive-through, the underlying zoning classification did not permit drive-through uses. As a result, the owners applied for a Planned Unit Development (PUD), which would provide the mix of uses desired by the applicant. This proposed PUD would add the uses in the list below to those allowed by the underlying zoning:

- a) all permitted, accessory, and conditional uses as allowed in the M-2 Zoning District
- b) gasoline service station
- c) offices: business and professional, other than accessory
- d) personal services establishment
- e) restaurant: drive-in - including pick-up drives with window service
- f) retail goods establishment

**Amendments:** The underlying zoning classification for this property is M-3, not M-2. For that reason, Planning recommends that on page 2, in line 17, that M-2 is replaced with M-3. Items d) and f) listed above are use categories that are proposed under Transform Baltimore, the proposed comprehensive rewrite of the Zoning Code. As these use categories don't exist in today's Zoning Code, they should not be referenced in this PUD. For that reason, Lines 20 and 22 should be deleted from page two of the bill.

**Site Design:** This outparcel was reviewed by the Site Plan Review Committee (SPRC) on June 24, 2015, and comments were given to the applicants. The SPRC recommended that the proposed dumpster location, in the vicinity of the intersection of South Newkirk and Boston Streets, be relocated further towards the interior of the parking lot, to pull it away from the prominent intersection. Due to corporate requirements by Taco Bell, a more suitable location has not yet been identified. For that reason, the dumpster location should be reconsidered at the time that elevations are brought to the Planning Commission for consideration for Final Design Approval. Staff recommends that the proposed restaurant be sited with the dining room facing Boston Street, and preferably South Newkirk Street, with the dumpster located further towards the interior of the site.

**Community Notification:** The following community organizations have been notified of this action: the Greater Greektown Neighborhood Alliance, the Graceland Park Improvement Association, the Baltimore Industrial Group (BIG), the Brewer's Hill Community Association, and the Canton Community Association.



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