

<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 #17-0080 / REZONING – 127, 129, 133, AND 135 W. WEST STREET AND 1220 RACE STREET

CITY of  
BALTIMORE  
**MEMO**



**TO**

DATE:

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

June 16, 2017

At its regular meeting of June 15, 2017, the Planning Commission considered City Council Bill #17-0080, for the purpose of changing the zoning for the properties known as 127, 129, 133, and 135 W. West Street (Block 0962, Lots 14, 15, 17, and 18), as outlined in blue on the accompanying plat, from the OR-1 Zoning District to the TOD-4 Zoning District, and changing the zoning for the property known as 1220 Race Street (Block 0962, Lot 31A), as outlined in red on the accompanying plat, from the TOD-1 Zoning District to the TOD-4 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #17-0080 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 #17-0080 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

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer  
Mr. Jim Smith, Chief of Strategic Alliances  
Ms. Karen Stokes, Mayor's Office  
Mr. Colin Tarbert, Mayor's Office  
Mr. Kyron Banks, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. David Tanner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Sharon Daboin, DHCD  
Mr. Patrick Fleming, DOT  
Ms. Elena DiPietro, Law Dept.  
Ms. Natawna Austin, Council Services  
Mr. Francis Burnszynski, PABC  
Mr. Joseph R. Woolman, III



Catherine E. Pugh  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

June 15, 2017

**REQUEST:** City Council Bill #17-0080/ Rezoning – 127, 129, 133, and 135 W. West Street and 1220 Race Street:

For the purpose of changing the zoning for the properties known as 127, 129, 133, and 135 W. West Street (Block 0962, Lots 14, 15, 17, and 18), as outlined in blue on the accompanying plat, from the OR-1 Zoning District to the TOD-4 Zoning District, and changing the zoning for the property known as 1220 Race Street (Block 0962, Lot 31A), as outlined in red on the accompanying plat, from the TOD-1 Zoning District to the TOD-4 Zoning District.

**RECOMMENDATION:** Approval

**STAFF:** Eric Tiso

**PETITIONER:** Stadium Square II, LLC, c/o Joseph R. Woolman, III

**OWNER:** Stadium Square II, LLC

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

**Site Conditions:** 127, 129, 133, and 135 W. West Street are located on the south side of the street, between the intersections with Leadenhall and Race Streets. 1220 Race Street is located on the northwestern corner of the intersection with West Ostend Street.

**General Area:** These properties are on the southern edge of the Sharp Leadenhall community, and the northern edge of the Spring Garden Industrial Area. There are a few remaining rowhomes on the south side of W. West Street. The rest of the buildings are commercial or industrial in nature, and are principally low single-story buildings, with the exception of 150 West Ostend Street (four stories).

#### **HISTORY**

- The Sharp Leadenhall Urban Renewal Plan (URP) was approved by the Mayor and City Council of Baltimore via Ordinance #581 on April 19, 1974.
- Ordinance #15-357 (CCB #15-0485), dated May 14, 2015, amended the Sharp Leadenhall Urban Renewal Plan by expanding the Community Business land use in areas that were previously industrial or office-residential and recommends corresponding zoning changes. This URP has since expired, and is no longer in effect.
- Ordinances #15-332 (CCB #14-0450) and Ordinance #15-333 (CCB #14-0451) pertaining to the closing of the portion of Creek Alley, dated March 16, 2015.
- Ordinance #15-414 (CCB #15-0530), dated October 26, 2015, rezoned the lots within Block 0962 from the M-2-2 Zoning District to the B-2-4 Zoning District.

**ANALYSIS**

This bill proposes to rezone the captioned addresses within the block bounded by West Ostend Street, Race Street, W. West Street, and Leadenhall Street (Stadium Square II), as indicated on the plat accompanying the bill, from the O-R-1 and the TOD-1 Zoning District to the TOD-4 Zoning District. The 2012 Transform Baltimore Comprehensive Rezoning study called for Industrial Mixed-Use (I-MU) for a majority of this block, except for the remaining townhome lots along W. West Street, which were proposed to be O-R-1. While in the five-year long legislative process, the properties captioned in this bill were rezoned in 2015, with the rest of the block, to the B-2-4 zoning district under the old zoning code. Through the TransForm Baltimore legislative process, the majority of the block was proposed to be rezoned to TOD-4 (instead of I-MU), with the exception of 1220 Race Street which was proposed to be zoned as TOD-1. The properties 127, 129, 133, and 135 W. West Street were inadvertently left off the list that amended the zoning of those townhome lots from the O-R-1 to TOD-4 district, and so they inadvertently remained O-R-1, as was originally previously proposed. For those townhome lots, it was clearly a mistake to not include them in the change of zoning from O-R-1 to TOD-4, with the rest of the properties on that side of the street.

For 1220 Race Street, comparing the bulk and height requirements under the B-2-4 district of the old zoning code, against the TOD-1 and TOD-4 districts yields the chart below. It indicates that the total yield in number of dwelling units first reduced, and now has no limitation, other than what can fit in the building. Heights compared to FAR are only approximate, but have gone from a seven story building to a 60' (or five story) building, to a 100' building that could be taller through a conditional use approval.

	<b>Former Zoning B-2-4</b>	<b>Current Zoning TOD-1</b>	<b>Proposed Zoning TOD-4</b>
<b>Lot Area Req.</b>	200 sqft/DU	300 sqft/DU	None
<b>Height Limits</b>	N/A	60' or 5 stories	100', or higher by Conditional Use
<b>FAR</b>	7.0	N/A	N/A

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

- (i) a substantial change in the character of the neighborhood where the property is located; or
- (ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

- (i) population changes;
- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendations of the City agencies and officials; and
- (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

- (i) existing uses of property within the general area of the property in question;
- (ii) the zoning classification of other property within the general area of the property in question;
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) 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.

**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:** This rezoning will be compatible with the 2015 rezoning for this block.
2. **The needs of Baltimore City:** The previous industrial uses of this block were found to no longer be in demand, and that they could be more productively used as a mixed-use redevelopment site.
3. **The needs of the particular neighborhood:** The proposed rezoning will allow for mixed-use opportunities that are more compatible with the adjacent residential areas, and will help to eliminate vacant and under-utilized properties.

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 population increased 14.9% between 2000 and 2010. The proposed rezoning will allow for additional housing options for residents as the population in the area continues to grow.
2. **The availability of public facilities;** The property is well-served by streets, utilities, police, fire and schools.
3. **Present and future transportation patterns;** The proposed zoning change is not anticipated to change existing transportation patterns.
4. **Compatibility with existing and proposed development for the area;** The proposed zoning change is consistent with the prior conversion of industrial properties to commercial zoning that permits mixed-use developments, and better responds to the adjacency with the existing residential community.
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.** This rezoning will support the goals of the Sharp Leadenhall URP.

Per §5-508(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. The proposed rezoning reflects a substantial change in the neighborhood, and the new trends in land use patterns that were identified in the former Sharp Leadenhall URP, and the 2015 rezoning.

Notification: The Sharp-Leadenhall Improvement Association, the South Baltimore Partnership, and the West Federal Hill Residents & Homeowners Association, Inc., and the Federal Hill Main Street, Inc. have been notified of this action.



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