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<b>FROM</b>	<b>NAME &amp; TITLE</b>	THOMAS J. STOSUR, DIRECTOR	CITY of <b>BALTIMORE</b> <b>MEMO</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 <sup>th</sup> FLOOR		
	<b>SUBJECT</b>	CITY COUNCIL BILL #09-0314/REZONING- CERTAIN PROPERTIES THE UPLANDS RENEWAL AREA		

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 #09-0314, for the purpose of changing the zoning for certain properties in the Uplands Renewal Area, as outlined in red on the accompanying plat, from the R-6 Zoning District to the R-5 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #09-0314 and adopted the following resolution, nine members being present (eight in favor and one abstention).

**RESOLVED**, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #09-0314 be passed by the City Council.

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

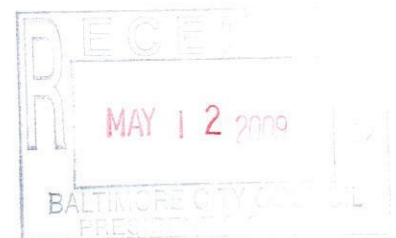
TJS/WYA/ttl

Attachments

cc:

- Mr. Andy Frank, Deputy Mayor
- Mr. Demuane Millard, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable "Rikki" Spector, City Council Commission Representative
- Mr. Geoffrey Veale, Zoning Administrator
- Mr. David Tanner, BMZA
- Ms. Nikol Nabors-Jackson, DHCD
- Mr. Larry Greene, Council Services
- Ms Stacey Freed, DHCD
- Mr. Jon Laria, Attorney for the applicant

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Sheila Dixon  
Mayor

## PLANNING COMMISSION

Wilbur "Bill" E. Cunningham, Chairman



Thomas J. Stosur  
Director

### STAFF REPORT

April 30, 2009

#### REQUESTS:

- Street Closings – Existing Uplands Streets
- Final Subdivision and Preliminary Development Plan/Uplands – New Rights-of-Way
- City Council Bill #09-0313/Urban Renewal – Uplands – Amendment
- City Council Bill #09-0314/Rezoning – Certain Properties in the Uplands Renewal Area
- City Council Bill # 09-0315/Planned Unit Development – Designation – Uplands

#### RECOMMENDATIONS:

- Street Closings: Approval, subject to compliance with Department of Public Works requirements
- Final Subdivision and Preliminary Development Plan: Approval, subject to comments from DPW
- City Council Bill #09-0313/Urban Renewal – Uplands – Amendment: Approval
- City Council Bill #09-0314/Rezoning – Certain Properties in the Uplands Renewal Area: Approval
- City Council Bill #09-0315/Planned Unit Development – Designation - Uplands: Approval with the following amendment:  
Delete Section 2 and add:  
"AND BE IT FURTHER ORDAINED, That the Development Plan submitted by the applicant Uplands Visionaries, LLC, consisting of Sheet 1, "Existing Conditions", dated February 20, 2009; Sheet 2, "Proposed Development Master Plan", dated April 23, 2009; and Sheet 3, "Preliminary Forest Conservation/Landscape Plan", dated April 23, 2009, is approved."

**STAFF:** Anthony Cataldo

**OWNER:** Mayor and City Council of Baltimore

**PETITIONER:** Uplands Visionaries, LLC.

#### SITE/ GENERAL AREA

General Area: Uplands, the former Uplands Apartment complex is located in Southwest Baltimore. The former apartment complex is approximately 61.3 acres in size and is zoned R-6. The development falls within the Uplands Urban Renewal Plan. The boundaries of the Renewal Area include Edmondson Avenue to the north, Athol Avenue

to the east, Uplands Parkway to the west, Uplands Park to the south, and Old Frederick Road to the southeast. The former Uplands Apartments contained 979 units just south of Edmondson Avenue. Also include in the site area is a triangular plot bounded by Edmondson Avenue, Swann Avenue, and Old Frederick Road and a portion of the parking lot for the Westside Skills Center, zoned B-3-1 and B-2-1 respectively.

**Site Conditions:** The site is a series of parcels in the Uplands Community bounded by Edmondson Avenue, Old Frederick, Swann Avenue, Athol Street, Uplands Parkway, Uplands forested area, and New Psalmist Church. Majority of them fall within the site known as the former Uplands Apartments, which is currently demolished. The triangle of retail properties bounded by Old Frederick Road, Swann Avenue and Edmondson Avenue are acquisition parcels in the Uplands Urban Renewal Plan. The final property is the western parking lot (along Swann Avenue) of the West Side Skill Center. The City is working with Department of Education to have the property declared surplus and transferred to Baltimore Housing. The existing housing complex has been completely razed and environmental remediation is near completion.

## **HISTORY**

- The Uplands Apartments were build in the 1940's as market rate rental units and become low income rental units in the 1970's. Disinvestment began in the Uplands Apartments in the late 1990's with an increasing about of units becoming empty and boarded up.
- In late 2001, after HUD foreclosed on the property, the City's Department of Housing and Community Development began the acquisition process of the Uplands Apartment complex under The Multifamily Property Disposition Reform Act of 1994 or "Right of First Refusal." Soon thereafter, in early 2002, the City became actively involved in the redevelopment of the site.
- In May of 2003, the City and Community residents collaborated to select Goody, Clancy & Associates as the architectural planning firm.
- In January of 2004, the City acquired the 52 acre Uplands Apartment site.
- The Uplands Master Plan was approved by the Baltimore City Planning Commission on September 9, 2004.
- The Uplands Renewal Plan was approved by the Baltimore City Planning Commission on September 30, 2004.
- Ordinance #04-0887, approved December 6, 2004, Uplands Renewal Plan.
- Ordinance #08-0207, approved October 23, 2008, Uplands Renewal Plan (Corrective).

## **CONFORMITY TO PLANS**

This project is consistent with the Baltimore City Comprehensive Master Plan: LIVE Section, Goal 1, Objective 1: Expand Housing Choice for all Residents and Goal 1, Objective 5: Increase the City's Population by 10,000 Households in 6 years. The Uplands Renewal Plan calls for a mixed income community in Southwest Baltimore with approximately 1,000 new dwelling units of various types. The PUD is proposing 761 dwelling units with a variety of both styles of units and affordability.

## ANALYSIS

The current Uplands Master Plan is to be developed by Uplands Visionaries, LLC. The Uplands Visionaries, LLC was selected to develop this site after an RFP process by the Department of Housing and Community Development (DHCD). This is a residential redevelopment project with a variety of unit types that will be built out in several phases, each of which will come back to the Planning Commission for final subdivision and development plan approval, as well as final design approval.

There are multiple actions needed in order for the Uplands redevelopment project to be built. The applicant is proposing five items in order to begin the main infrastructure work as well the next phase of community planning and the design process. These include street closings, final subdivision and preliminary development plan, Urban Renewal Plan amendments, rezoning, and designation of the PUD.

The street closing item will close the majority of the streets and right-of-ways within the development area, therefore making way for all the new streets and alignments. The subdivision and preliminary development plan are specifically for the infrastructure right-of-ways and do not subdivide for individual building lots. Individual lots will be subdivided at a future date with the final subdivision and development plan. CCB #09-0313 amends the existing Urban Renewal Plan to include recommendations for rezoning from R-6 to R-5, to provide language that states that in case of conflict the URP governs the PUD, updates the design guidelines and removes a majority of the retail component to the original URP. CCB #09-0314 is the rezoning legislation to change the properties within the Uplands development area from their current R-6 zoning to R-5. CCB #09-0315 designates Uplands as a Planned Unit Development with its corresponding plans. This development sets the maximum floor area at 1,501,308 square feet and a full build out not to exceed 761 dwelling units. There is a new system of streets and building types that create a neighborhood development that has been approved by UDARP and incorporates a variety of sustainable initiatives within the site plan.

### Street Closings – Existing Uplands Streets

The requested streets closing are for the majority of existing streets within the Uplands PUD area bounded by N. Athol Avenue on the east, Edmondson Avenue on the north, Uplands Parkway on the west, and forest area leading to the southern portion of Old Frederick Road on the south. The following street rights-of-way are being considered for closure:

- Glen Allen Drive; 60' ROW extending from Edmondson Avenue to Uplands Parkway
- Manordene Road; 60' ROW extending from Glen Allen Drive to Swann Avenue
- Lawnpark Road; 45' ROW extending from Glen Allen Drive to Swann Avenue
- Swann Avenue; 60' ROW to 100' ROW extending from Manordene Road to Old Frederick Road

- Old Frederick Road; 60' ROW extending from Edmondson Avenue to Swann Avenue
- Manordene Road; 60' ROW extending from Old Frederick Road to Edsdale Road
- Edsdale Road; 60' ROW extending from Manordene Road to Old Frederick Road
- Dunland Road; 60' ROW extending from Old Frederick Road to N. Athol Avenue

The new street pattern varies in its location and ROW widths compared to the existing street layouts and, therefore, it is staff's opinion that these streets may be closed and incorporated into the project development site. A new street layout will be developed and the resultant circulation will increase connectivity both through the site as well as the neighboring communities. As part of the development team's commitment to sustainable practices, the existing streets concrete will be recycled and reused for road and sidewalk aggregate sub-base in throughout the new development.

**Final Subdivision and Preliminary Development Plan/Uplands New Rights-of-Way**

The applicant is proposing to consolidate and re-subdivide the property known as Uplands – Lots 1B, 1C, 2, 4, 5, 6, & 7 of Block 8030F; Lots 1-15 of Block 8030G; and Lots 1, 2, 3, 4, & 5 of Block 2550A. This subdivide will establish a new street pattern in order to plan and construct the infrastructure and the major development blocks for the project. The following is staff review of this project:

- **Subdivision Plan Requirements:** This project complies with the City's rules and regulations relative to land subdivision within Baltimore City. The lots have frontage on a public street and will have separate utilities. The subdivision plan shows the street and alley layout of the site. The subdivision plan also shows the future building blocks for the development. The applicant will have to return to the Planning Commission for the Final Subdivision and Development Plan for the individual blocks.
- **Development Plan Requirements:** The applicant does not have a detailed development plan at this time. The applicant will have to return to the Planning Commission for the Final Subdivision and Development Plan for the individual blocks. The preliminary development plan submitted shows the street layout and the major development blocks, proposed housing types, and open space.
- **Architectural Elevations:** Elevations are not being submitted at this time. The applicant will have to come back at a later date to secure Final Design Approval from the Planning Commission for the various building elevations.

**City Council Bill #09-0313/Urban Renewal – Uplands – Amendment**

For the purpose of amending the Urban Renewal Plan for Uplands to revise the Land Use Plan for residential uses permitted under a certain zoning district; clarifying certain references and language; amending Appendix B to provide that where there may be a conflict between the provisions of the Renewal Plan and the provisions of any Planned

Unit Development in the Renewal Area, the provisions of the Renewal Plan control; modifying certain design guidelines of Appendix B; and replacing certain Exhibits; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.

The Uplands Renewal Plan is a well thought out plan that resulted from many hours and much hard work, including community involvement. The result of that effort was the Uplands Master Plan in 2004. As design and development have progressed, there is the need to update the original Uplands URP to reflect the current thinking for the development.

- Land Use – Open Space: Open space on the Land Use plan within the URP was based on the 2004 Goody Clancy Master Plan. As the plan has evolved through the years, the design of integrated open space and public benefit has shifted the location of the major open spaces as well as increased the overall amount. The change to the Land Use plan reflects the changes to the open space as per the approved 2008 Uplands Master Plan.
- Land Use – Mixed-Use: Retail was to play an important part in creating a mixed use community at Uplands. The original URP allowed mixed use with retail along a portion of Edmondson Avenue in order to allow for the creation on higher density mixed-use development along Edmondson Avenue which is a major connector from Baltimore County to the Downtown and has existing commercial uses on the north side (outside the boundaries of the URP). However, through the Community process, however, it was decided to remove the majority of the retail use along Edmondson Avenue. The only remaining portion is located on the parking lot of the west side Skills Center which allows for the future possibility of retail use should the PUD be changed.
- Zoning: The majority of the URP area is zoned R-6 with the exception of the Triangle Businesses being B-3-1 and Edmondson High School and the West Side Skills Center being B-2-1. The proposed amendment would replace the Existing Zones map (Exhibit 4) with the 'Proposed Zones' map. This map proposes the existing R-6 and B-3-1 to be rezoned to R-5. There is no proposed change to the area that is B-2-1. Staff has determined that the R-5 zoning with bonuses for placement and particular design features will allow the PUD plan to come to fruition while also limiting the development to the appropriate scale relative to the existing communities. Zoning below the R-5 category would not support the proposed PUD and approved Master Plan project scale. This map change is required for the proposed rezoning legislation.
- Design Guidelines: The design guidelines are being amended to incorporate an additional building type (triplex) to be built as well as changes that reflect current building practices for rental and homeowner units. Additional changes

are proposed to decrease the minimum setback and private sidewalk widths within residential areas. The reduction in setback dimensions was to pull development closer to the streets thereby creating a more urban edge and community feel. The reduction in sidewalk widths sets a minimum width to an unobstructed 4 feet to connect dwelling entrances to public sidewalks. This helps decrease overall impervious surfaces as development within the URP strives for more sustainable practices.

- **Document Governance:** The existing URP does not have language written within it to deal with multiple controlling documents. In order to clarify, language is proposed which clearly states that the Uplands Renewal Plan controls over any PUDs within the Uplands Renewal Area.

**City Council Bill #09-0314/Rezoning – Certain Properties in the Uplands Renewal Area**

For the purpose of changing the zoning for certain properties in the Uplands Renewal Area, as outlined in red on the accompanying plat, from the R-6 Zoning District to the R-5 Zoning District.

The zoning recommendations contained in City Council Bill #09-0314 are consistent with an almost 2 year process beginning in 2007 which included quarterly meetings and continuous consultation with community representatives. The community working group included representation from each of the community organizations representing the residents and businesses of the area.

As proposed in CCB #09-0313 containing the amendment to the Uplands Renewal Plan, this Bill is the legislative action in order to rezone the current residential properties to a less dense residential zone in order to create the proper amount of development control on the site. The following is a list of the properties proposed for rezoning from R-6 to R-5:

4400-4412 Old Frederick Road  
4414-4420 Old Frederick Road  
4550-4506 Old Frederick Road  
4508 Old Frederick Road  
4631 Edmondson Avenue  
4625 Edmondson Avenue  
4627-4629 Edmondson Avenue  
4503-4507 Old Frederick Road  
4509-4513 Old Frederick Road  
4601-4627 Old Frederick Road  
4601-4613 Lawnpark Road

**City Council Bill #09-0315/Planned Unit Development – Designation – Uplands**

For the purpose of approving the application of the Mayor and City Council of Baltimore and Uplands Visionaries, LLC, which are either the owner, contract purchaser, developer

and/or awardee of development rights for the properties listed on Exhibit 1, attached to and made part of this Ordinance, together with certain adjoining roads, highways, alleys, and rights-of-way (collectively, the "Property"), to have the Property designated a Residential Planned Unit Development; and approving the Development Plan submitted by the applicant.

- **Project:** The purpose of this bill is to designate this area as a Residential Planned Unit Development (PUD). The goal of this project is to create a unitary plan for a mixed-income community in Southwest Baltimore. The integral initiative of the development is to develop a pedestrian and transit-oriented development that provides people the ability to connect through the neighborhood to surrounding communities and tie into existing and future transit options. The proposed PUD development plan successfully addresses the goals identified in the 2004 Master Planning process:

- Transform Old Frederick Road into a neighborhood street
- Shift thru-traffic to N Athol Avenue
- Frame the park edges with single family homes and house-like condominiums
- Create internal parks
- Locate larger buildings along more traffic-heavy streets
- Provide areas of predominantly SF homes & freestanding duplexes
- Locate new housing that reflects the character of nearby homes
- Create a neighborhood gateway at Edmondson Avenue

In addition to the goals listed, the PUD incorporates many environmental features within the site design.

- **Proposed Uses:** The proposed uses for this PUD are those uses that are permitted within the R-5 zoning district, with the addition and exception of specific uses that are listed as prohibited in the proposed PUD area. The PUD proposes a mix of residential unit types ranging from condos and apartments to rowhomes to single family detached homes. The current development proposal sites 761 dwelling units at completion. Any additional dwelling units beyond 761 would require a major amendment to the PUD including a City Council Ordinance. The proposed mix of residential units is listed as:

Single Family Detached	75
Duplex	52
Triplex	39
Mansionette (8 Units/Bld)	48
Stacked Townhouse	48
Standard Townhouse	232
<u>Multi-Family</u>	<u>267</u>
<b>Total</b>	<b>761</b>
Leasing Office	4,000 SF
Clubhouse – Swim club	6,000 SF



Because the development plan may evolve over time with community input, participation, and market conditions, any change to the mix of unit types, not exceeding 761, will be a minor amendment to the PUD requiring only Planning Commission action which would follow the standard public process for approval.

- **Maximum Allowable Density:** The underlying R-5 zoning and the PUD will allow up to 1,501,037.5 square feet of total development, with a maximum allowable density of 902 units. This total allowable unit count was determined by calculating the total area by zoning district on the property and multiplying that by the allowed units by acre. The total of all districts of the site was added and then multiplied by the density bonus of 15% to get the maximum allowable unit count by zoning. The Uplands PUD meets the Title 9 Section 9-210 (b) and 9-210 (e) density bonus requirements for being located near a park land (10% bonus) and having a unique design features (5% bonus). The applicant must provide documentation for density bonus eligibility. The proposed Development Plan provides for 761 dwelling units. Any increase beyond 761 units constitutes a major amendment and will require a City Ordinance with Planning Commission Approval. However, even with the required ordinance, the number of housing units cannot exceed the maximum allowable density of 902 units based on the underlying proposed zoning.
- **Development Plan:** The development proposal is to remove all the existing structures, which is currently complete, and environmentally remediate the land, which is nearly complete, to prepare for the new mixed-income development. The Development Plan is organized around a central boulevard street, Old Frederick Road. Old Frederick Road keep the same general alignment as it had, but the northern section is re-aligned with what used to be Swann Avenue. The terminal points of the boulevard street mark the major entrances to the development. One is at the intersection of N. Athol Avenue and the other is at the intersection of Edmondson Avenue. Extending off of Old Frederick Road, there is a series of meandering and interlocking secondary streets that set up a variety of smaller blocks and parks. There are three additional points of connection along N. Athol Avenue, one along Edmondson Avenue, and one connecting to Uplands Parkway.

The residential components are arranged with the higher density multifamily along the perimeter at N. Athol Avenue and Edmondson Avenue and the lower density single-family homes transitioning towards the forest and Uplands Parkway, as per the design goals established in 2004. This also helps create more of an urban edge along Edmondson Avenue, a wide connector street containing retail uses, and traditional neighborhood feel within the site similar to the surrounding communities. The development Plan also adheres to site requirements for visibility (City Law), HUD accessibility, and ADA compliance.

Staff is recommending an amendment to the “Proposed Development Master Plan” and the “Preliminary Forest Conservation/Landscape Plan” in Section 2 of CCB #09-0315 which replaces the original drawings dated March 23, 2009 and February 20, 2009, respectively, with updated drawings revised April 23, 2009. This adjustment reflects slight changes to some of the street ROW and as such, shifted some of the unit types within blocks, based on engineering work that has been done since the Bill’s inception. The change does not affect the integrity of the proposed master plan; in fact, it creates a more comprehensive development plan that can be implemented.

- **Landscape Plan:** The proposed landscape plan shows tree-lined streets, large open park spaces, and small pocket parks throughout the plan. The applicant worked diligently with staff in evaluating and saving as many existing trees as possible and incorporating them into the plan. Unfortunately, through the years, disease and infestation severely limited the number of quality trees on site so many could not be saved. Grading on site proved to be a challenge as the existing site has many hills and introducing a new street layout modified many of the current soil elevations. As such, staff also noted certain trees that could become public safety hazards as they deteriorate and approved their removal as well. The new configuration of open space increases the net open space from 55,985 square feet (in the 2004 master plan) to 84,836 square feet in the current development plan. As per forest conservation requirements, the landscape plan shows the addition of 680 trees throughout the site. The plan also provides a forest conservation buffer to protect the adjacent forest along the southwestern portion of the site.
- **Design Review & Approvals:** The PUD Development Plan received approval of the Urban Design and Architectural Review Panel (UDARP) with comments on December 11, 2008 and was approved on December 17, 2008 by Site Plan Review Committee. The UDARP helped improve the projects connectivity to the surrounding communities as well as the street organization and connection to parking within the site. The public park spaces and pedestrian flow to and through them were also a consideration of the panel that resulted is an improved plan. The development is not located within the critical area or the flood plain and, therefore, does not contain specific design features for their requirement.

Each phase of development will be required to come back through the UDARP and SPRC process for approvals as well as subdivision and final development plan and final design approval by the Planning Commission. The subdivision plan was submitted by the applicant with a preliminary development plan because this subdivision was to establish the limits of public street rights-of-ways only, in order to begin the major utility infrastructure improvements. The plan sets up general blocks and open spaces, it does not divide into individual building lots at this time. The applicant will be working with the community through each phase of the development where elevation designs and ideas will be shared for input.

- Traffic Impact Mitigation: The surrounding communities may be impacted by the proposed development even with the net decrease in dwelling units. As such, a Traffic Impact Study was conducted for the area and is currently being finalized. Issues raised within the study have been addressed and incorporated into the proposed development plan. The desired improvements resulting from the study have been integrated into the infrastructure plans, working with the Department of Transportation and the community.
- Sustainability: The Leadership in Energy and Environmental Design – Neighborhood Development (LEED ND) Rating System is a template to analyze a neighborhood’s development with respect to smart growth, urbanism and green building techniques. The applicant has made the goal to obtain a Silver LEED ND certification for this PUD. To meet this LEED goal for an environmentally responsible project, the development team is pursuing the following strategies:
  - Promoting compact development by clustering development to promote walkability and protect environmentally sensitive areas of the site.
  - Reducing street cartway widths and incorporating vegetated bump-outs to reduce impervious areas and provide traffic calming.
  - Providing tree lined and pedestrian friendly streets with bike paths and convenient connections to mass transit to encourage alternative modes of transportation.
  - Proposing native and water efficient landscaping.
  - Utilizing recycled materials in infrastructure such as recycled concrete for road and sidewalk aggregate sub-base and incorporating recycled mineral admixtures in concrete storm drain piping.
  - Incorporating porous paving in public alleys to reduce stormwater runoff and increase time of concentration for storm water flows.
  - Incorporating Environmental Site Design elements to replicate natural hydrology such as disconnection of impervious runoff and micro-scale bio-retention facilities.

Signs were posted at 3 public locations throughout the site area advertising a public hearing on the requested actions: along N. Athol near Old Frederick Rd., on Old Frederick Rd. near New Psalmist, and along Edmondson Avenue. In addition, the following groups were notified by mail: Uplands Community Association, Southwest Development Committee, Rognel Heights Community Association, Edmondson Village Community Association, Lower Edmondson Village Community Association, Hunting Ridge Community Association, Ten Hills Community Association, Irvington Community Association, West Hills Community Association, Westgate Community Association, Saint Josephs Community Association, the Edgewood Community Association, Edmondson High School, relevant property owners, business owners and city agencies.



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