

TJS

FROM

NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 <sup>th</sup> FLOOR
SUBJECT	CITY COUNCIL BILL #10-0628/REZONING - 511 SOUTH CLINTON STREET

CITY of  
BALTIMORE  
**MEMO**



TO

DATE:

January 13, 2011

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

At its regular meeting of January 13, 2011 the Planning Commission considered City Council Bill #10-0628, for the purpose of changing the zoning for the property known as 511 South Clinton Street, from the R-8 Zoning District to the O-R-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #10-0628 and adopted the following resolution, nine members being present (nine in favor).

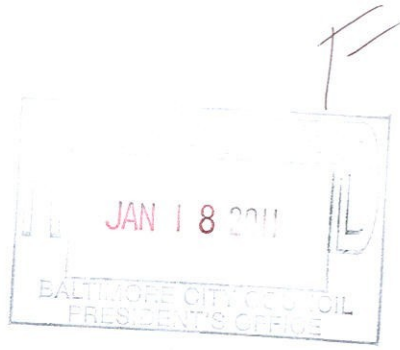
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #10-0628 be passed by the City Council.

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

TJS/WYA/ewt

Attachment

- cc: Ms. Kaliope Parthemos, Deputy Mayor
- Ms. Sophie Dagenais, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Bill Henry, City Council Planning Commission Representative
- Mr. Geoffrey Veale, Zoning Administrator
- Mr. David Tanner, BMZA
- Ms. Nikol Nabors-Jackson, DHCD
- Ms. Barbara Zecktick, BDOT
- Ms. Karen Randle, Council Services
- Mr. Al Barry, III, Agent for applicant





Stephanie Rawlings-Blake  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

January 13, 2011

**REQUEST:** City Council Bill #10-628/Rezoning – 511 South Clinton Street:

For the purpose of changing the zoning for the property known as 511 South Clinton Street, as outlined in red on the accompanying plat, from the R-8 Zoning District to the O-R-2 Zoning District.

**RECOMMENDATION:** Approval

**STAFF:** Eric Tiso

**PETITIONER(S):** Schultz Development, LLC, c/o Alfred W. Barry, III

**OWNER:** Schultz Development, LLC

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

Site Conditions: This property is located on the east side of the street, approximately 82' north of the intersection with Fleet Street. The property is improved with a three-story building that covers the entire parcel. The building was most recently used as a Boys and Girls Club, operated by the Salvation Army.

General Area: This property is located in the Canton neighborhood, two blocks east of the southeastern corner of Patterson Park. It is located a half-block south of the Eastern Avenue commercial corridor. The immediately surrounding properties are zoned R-8 residential, with the exception of the corner properties at the intersection of South Clinton and Fleet Streets, which are zoned B-2-2 commercial.

#### **HISTORY**

There are no previous Planning Commission actions concerning this property.

#### **CONFORMITY TO PLANS**

This action supports the goals of the adjacent Highlandtown Business Urban Renewal Plan area.

## **ANALYSIS**

### Request for Rezoning:

The developer, Schultz Development, LLC would like to use this building as an incubator for emerging technology start-ups, and is intended to build momentum towards making Highlandtown a leading arts and technology center. The tenant, Innovate Baltimore, is an organization with over 1,000 members that assisted the City in its Google Fiber application last year. The developers propose to create a Center for Creative Technology as a networking center and opportunity for start up companies to rent office space.

History: The building was built in 1930, and was initially used by the Y.W.C.A.. At the time of its construction, the rules governing development in Baltimore were somewhat different than today. Following the first attempts at zoning the City in 1928, the first comprehensive Zoning Code that withstood challenge was established in 1931, after the development of this site. At that time, the City was divided into use and height districts. The building was located in a residential use area, in a height district allowing for a 40' building. At that time, the use districts were written such that if a use was not prohibited in a given district, then it was allowed. The Police Survey of 1931 indicated that the building was listed as a "vacant Y.W.C.A. home." However, it is unclear whether the Y.W.C.A. use did not last for very long, or if the building had not yet been occupied.

In any case, in 1934 the building was brought to the Board of Municipal and Zoning Appeals (BMZA) to authorize the use of the building by Baltimore Relief Services, and in the BMZA's minutes the building was listed as vacant. The BMZA at that time felt that this change would be desirable, as the noise from the bowling alley in the building at that time would create more noise than the proposed use. In 1955, the building again returned to the BMZA for a lot coverage variance to allow an addition along the rear and side, in order to accommodate the Salvation Army's Boys Club.

In 1971, with the enactment of the modern Zoning Code, the building was designated R-8 residential. At that point, it would have been considered a noncomplying building as the existing height and bulk of the building exceeded that permitted in the R-8 District. Unless a property had a change, there was no attempt in 1971 to make determinations of uses of every property in the City. Such use determinations would be made upon application as they were made. In June of 1999, a new use and occupancy permit was issued for the building to "continue to use the premises k/a 511 South Clinton Street as a Boys' and Girls' Club (Multipurpose Center)." That use was deemed by Zoning Enforcement at that time to be a Multi-Purpose Neighborhood Center use, which is a conditional use allowed in the R-8 District with BMZA approval.

### Rationale:

This building was initially constructed as a non-residential building, and has been in continuous use as such. With the last authorized use of the building a Multi-Purpose Neighborhood Center, the only options for the building would be conversion into a multifamily building, with up to twelve dwelling units. At the maximum allowable residential density, the average unit size within the building would be in excess of 2,300 square feet each. That unit size is perhaps unreasonable in its context, especially so given current market conditions. The proposed rezoning would provide this building with a reasonable alternative use that will ensure its

continued use and maintenance; which are desirable for both the immediate residential area, as well as supportive of the adjacent commercial district along Eastern Avenue. Should there be a future desire to use this building for an all-residential use, the density permitted under O-R-2 would allow up to 17 dwelling units. That density would reduce the average unit size to a potentially more manageable and marketable scale. With this proposed rezoning, and the option for office uses, a noncomplying building will most likely be spared from vacancy, which is in the public interest.

There has also been a fairly recent change in the surrounding area, where the Highlandtown portion of Eastern Avenue has developed into an Arts and Entertainment District. This rezoning will support that evolution, in that it will allow for a blending of Arts and Entertainment with the development of related Information Technology businesses. Considering its proximity to the Eastern Avenue corridor, the proposed uses of the building are both compatible with the nearby commercial district and at the same time should not negatively impact the immediately surrounding residential properties.

Conclusion:

This property will also be examined as a part of the TransForm Baltimore rezoning process. It could also be an ideal candidate for a Neighborhood Commercial Establishment use within a residential district. The Neighborhood Commercial Establishment use would allow for the flexible re-use of the existing building, and would discourage additions or the demolition and reconstruction of a larger building. That option would also provide a reasonable option that would serve the owner's needs, as balanced with the need to preserve an existing building that is a candidate for landmarking. Regardless, staff encourages the owners to speak with our Historic and Architectural Preservation Division to inquire about designation and the potential for tax credits for renovations. Staff would also note that any uses established in the building following rezoning will need to comply with any parking requirements of the Zoning Code, as appropriate, for each use.

Community Input: The following community organizations have been notified of this action: Banner Neighborhoods Community Corporation, Canton Community Association, Canton Maritime Association, Canton-Highlandtown Community Association (CHICA), Friends of Patterson Park, Highlandtown Arts & Entertainment District, Highlandtown Community Association (HIGH-C), Highlandtown Merchants Association, and the Southeast Community Development Corporation (SCDC).



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