

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #14-0363 / Rezoning - 1100 East Baltimore Street, 1110- 1112 East Baltimore Street, 1101-1105 East Fayette Street, 1107-1133 East Fayette Street, and a Portion of East Fairmount Avenue

CITY of
BALTIMORE
MEMO



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

DATE: May 2, 2014

At its regular meeting of May 1, 2014, the Planning Commission considered City Council Bill #14-0363 for the purpose of changing the zoning for the properties known as 1100 East Baltimore Street, 1110-1112 East Baltimore Street, 1101-1105 East Fayette Street, 1107-1133 East Fayette Street, and a portion of East Fairmount Avenue, as outlined in red on the accompanying plat, from the B-3-3 Zoning District to the B-2-4 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval to City Council Bill #14-0363 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 #14-0363 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: Ms. Kaliopé Parthemos, Deputy Chief for Economic and Neighborhood Development
Mr. Alex Sanchez, Chief of Staff
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. Karen Randle, Council Services
Mr. Brian McLaughlin, Hendler Creamery Development, LLC



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

May 1, 2014

REQUESTS:

- City Council Bill #14-0362/ Urban Renewal –Jonestown- Amendment
- City Council Bill #14-0363/ Rezoning- 1100 East Baltimore Street, 1110- 1112 East Baltimore Street, 1101-1105 East Fayette Street, 1107 – 1133 East Fayette Street, and a Portion of East Fairmount Avenue

RECOMMENDATIONS:

- City Council Bill #14-0362 (Urban Renewal Plan)- Amend and Approve
 - On page 2, in line 20 delete “the FAR for disposition lot 36 shall be 5.0.” And replace with “building height for disposition lots 16, 36 and 59 shall not exceed 95 feet including mechanical equipment and all permitted appurtenances.”
 - On page 2, in line 28, insert a new subsection (3) as follows:
 - (3) In the Plan, amend B.2.b(2) to insert a new subsection (c) as follows:
 - (c) The building height of the properties known as 1100 E. Baltimore Street, 1110-1112 E. Baltimore St., 1101-1105 E. Fayette Street, 1107-1133 E. Fayette Street (Disposition Lot 36), the bed of Fairmount Avenue (Disposition Lot 16), the bed of Aisquith Street (Disposition Lot 59) shall not exceed 95 feet, including mechanical equipment and all permitted appurtenances.
 - On page 2, in lines 28, 33, 38 and 40, delete subparagraph numbers (3), (4), (5), and (6), and renumber as subparagraph numbers (4), (5), (6), and (7), respectively.
 - Amend Exhibit 3: Land Disposition to add disposition lot number 59 for Commercial land use with a square footage of +/- 2200 square feet for a partial ROW of Aisquith.
 - Amend Exhibit 4: Zoning to update all current zoning categories and remove any proposed zoning changes that have been enacted.
- City Council Bill #14-0363 (Rezoning): Approval

STAFF: Tamara Woods

PETITIONER: Hendler Creamery Development, LLC

OWNERS: Mayor and City Council and Hendler Creamery Development, LLC

SITE/GENERAL AREA

Site Conditions: The subject site is within the Jonestown neighborhood. It is bounded by Fayette Street the north, Baltimore Street to the south, Aisquith Street to the east, and East Street to the west.

General Area: The general project area lies within the Jonestown neighborhood, situated between Pleasant View Gardens and Little Italy and is within walking distance from Downtown. The neighborhood is a mixed use neighborhood that has both commercial uses, single-family and multi-family residential units. The neighborhood has seen a lot of redevelopment through the years with the redevelopment of Flag House Courts into Albemarle Square as well as a new hotel along President Street. In addition, Jonestown is also a historic neighborhood featuring the Old Baltimore Shot Tower, which is a National Historic Landmark. The Shot Tower metro stop is adjacent to this land mark and serves the neighborhood on the east side of President Street.

CONFORMITY TO PLANS

The proposed development plan is consistent with the goals and objectives of the Baltimore City Comprehensive Master Plan, specifically: LIVE Goal 1: Build Human and Social Capital by Strengthening Neighborhoods; Objective 1: Expand Housing Choices for all Residents; Objective 2: Strategically Redevelop Vacant Properties Throughout the City; and Goal 2: Elevate the Design and Quality of the City's Built Environment. Objective 4: Protect and Enhance the Preservation of Baltimore's Historic Buildings and Neighborhoods

HISTORY

Urban Renewal Plan

- Ordinance #78-939, approved December 14, 1978, established the Jonestown Urban Renewal Plan.
- Amendment No. 6, approved by Mayor and City Council of Baltimore by Ordinance No. 01-275 on December 19, 2001 for the provision of Planned Unit Development standards and controls; authorizing the acquisition and disposition of certain lots.
- Amendment No. 7, approved by Mayor and City Council of Baltimore by Ordinance No. 02-363 on June 17, 2002 for adding and revising the land use categories.
- Amendment No. 8, approved by Mayor and City Council of Baltimore by Ordinance No. 04-797 on July 23, 2004 in order to authorize the acquisition of certain properties.

Historic District

- Ordinance # 03-489, approved by the Mayor and City Council on February 6, 2003, for the establishment of the Jonestown Historic District.

Public Property and Incentives

- Ordinance # 04-867, approved by the Mayor and City Council December 2, 2004, authorized the Mayor and City Council of Baltimore to sell, at either public or private sale 1110 East Baltimore Street, also known as the Hendler Creamery Building.
- Planning Commission approval of partial street closing of Fairmount Avenue between East Street and Aisquith Street, approval August 29, 2013.
- Ordinance # 13-112, approved by the Mayor and City Council April 11, 2013, High-Performance Market-Rate Rental Housing for the purpose of providing a property tax credit for certain newly constructed or converted high-performance market-rate rental housing projects; including certain Census blocks and tracts within the Jonestown area.

Rezoning

- Ordinance # 06-0219, approved by the Mayor and City Council on January 20, 2006, rezoned 1107 East Fayette Street from the M-1-3 Zoning District to the B-3-3 Zoning District.

ANALYSIS

The proposed Hendler Redevelopment project is a mixed-used adaptive re-use/ new construction project within the Jonestown neighborhood. The redevelopment of this site has been planned for and prepared by the Baltimore Development Corporation for several years. It includes both privately owned and Mayor and City Council properties. The development site consists of 1100 East Baltimore Street and 1110-1112 East Baltimore Street, which includes the historic Hendler Creamery building that was disposed of by the City in 2004. It also includes 1101-1105 East Fayette Street (the vacant Volunteers of America building) and two current Mayor and City Council lots, which include 1107-1133 East Fayette Street and a portion of East Fairmount Avenue.

The current proposal contemplated the rehabilitation of the Hendler Creamery building and new construction on the remainder of the block for 276 dwelling units, including 105 efficiency units and 171 other dwelling units. It also anticipates approximately 11,000 square feet of retail. The properties are located within the Jonestown Historic District, which is a designated local historic district.

This project requires several approvals before it can move forward: acquisition of City owned parcels, partial street closings, CHAP approval, rezoning and an Urban Renewal Plan amendment. The Baltimore Development Corporation is currently working with the developer to dispose of 1107-1133 East Fayette Street. In August 2013 the Planning Commission declared that a portion of Fairmount Avenue was no longer needed for public purpose. In addition there is also an anticipated partial street closing for Aisquith Street. Because both partial street closings will be identified as disposition lots in the Jonestown Urban Renewal Plan, separate sales ordinances will not be required. The CHAP Commission gave the developers limited demolition in November 2013 and design concept approval in December 2013. The project will have to return to CHAP for concept approval again if there are any substantial changes to the approved concept. CHAP will also have to grant final design approval.

Currently, the existing underlying zoning of B-3-3 does allow for mixed- use redevelopment, but Urban Renewal Plan allows for only industrial land use on the site. Also, though the underlying zoning provides adequate FAR, the minimum lot area requirement does not allow for the proposed density. City Council Bills #14-0362 and #14-0363 are required legislation to allow for the land use within the Urban Renewal Plan and the proposed density.

The following are more specific bill provisions:

City Council Bill #14-0362 (Urban Renewal Plan)

The bill provisions of the Jonestown Urban Renewal Plan amendment are to:

1. Remove City disposition lots 36 and 37 from provisions of acquired property that only allow for them to be redeveloped under the zoning categories of B-3-3 or M-1-3.

2. Remove City disposition lot 36 from the current FAR restriction of 3.5 and proposes FAR cap of 5.0.
3. Remove City disposition lots 36 and 37 from design restrictions. Redevelopment of the parcels will require CHAP approval.
4. Delete section that requires City disposition lot 16 to be limited to industrial use. This is street ROW that will be used as part of the site assembly.
5. Amend Exhibits 1 through 4 in the Jonestown Urban Renewal Plan.
 - a. Amend Exhibit 1: Land Use to change the land use category of 1100 East Baltimore Street, 1110-1112 East Baltimore Street and 1107-1133 East Fayette Street from Industrial to Commercial.
 - b. Amend Exhibit 2: Property Acquisition to remove 1100 East Baltimore Street, 1110-1112 East Baltimore Street and 1107-1133 East Fayette Street from the acquisition list.
 - c. Amend Exhibit 3: Disposition to change the land use of Lots 16 and 36 to Commercial and remove Lot 37, the Hendler Creamery building from the disposition list, as it was previously disposed of by the City.
 - d. Amend Exhibit 4: Zoning to reflect the change in current zoning from M-1-3 to B-3-3 and request change in zoning from B-3-3 to B-2-4.

City Council Bill #14-0363 (Rezoning)

This City Council Bill is the companion to CCB #14-0362. The proposed rezoning is of the block bounded by East Fayette Street to the north, Baltimore Street to the south, Aisquith Street to the east, and East Street to the west from the B-3-3 zoning district to the B-2-4 zoning district. This includes properties Rezoning – 1100 East Baltimore Street, 1110-1112 East Baltimore Street, 1101-1105 East Fayette Street, 1107-1133 East Fayette Street, and a portion of East Fairmount Avenue.

The site is currently zoned B-3-3. While the current FAR of 5.0 is adequate for the redevelopment, the proposal is for 276 dwelling units, including efficiencies. The required lot area per dwelling unit in B-3-3 is 375 square feet per efficiency and 550 square feet for other dwelling units. The total site area will not allow for the desired project density. However, rezoning to B-2-4 lowers the minimum lot area requirements for efficiencies to 135 square feet per efficiency unit and 200 square feet per other dwelling unit, thus allowing for the desired density for the project. This zoning category also raises the FAR to 7.0, but the companion Urban Renewal Plan bill CCB #14-0362 includes a FAR cap of 5.0.

Rezoning Standards for Review

According to Maryland Land Use Article, Division I, Title 10 (Baltimore City Zoning), any proposed zoning changes must be referred to the Baltimore City Planning Commission and to the Board of Municipal and Zoning Appeals (BMZA), which must study the proposed changes in relation to:

1. ***The plan*** – The Baltimore City Comprehensive Master Plan is not so specific as to recommend land use and/or zoning changes for the properties in question. The Jonestown Urban Renewal Plan is the comprehensive master plan that fulfills those requirements. The Jonestown Urban Renewal plan outlines clear redevelopment objectives and land use

provisions for the neighborhood. The Jonestown Urban Renewal Plan is proposed to be amended under a separate companion bill.

2. *The needs of Baltimore City*- The proposed B-2-4 zoning district support the City's master plan to strengthen neighborhoods, expand housing choices for all residents and to redevelop vacant properties.
3. *The needs of the particular neighborhood in the vicinity of the proposed changes*- The proposed B-2-4 zoning district also supports the specific neighborhood needs to provide for a variety of housing options in the area by implementing a long-term vision of the City to redevelop these parcels. The proposed project will allow for both the redevelopment of a long- vacant historic property in the neighborhood, as well as allow for new construction that would help activate both Baltimore Street and Fayette Street in the Jonestown neighborhood.

Once the Planning Commission and BMZA report their findings and recommendations to the Mayor and City Council, the City Council shall make the following findings of fact:

1. *Population change*- The Jonestown neighborhood has experienced at 47.2% population gain between the 2000 and 2010 Census. This is in part due to redevelopment of the Housing Authority of Baltimore City development Flag House Courts into the mixed income community of Albermarle Square. The proposed redevelopment will continue to help bring new residents to the Jonestown neighborhood.
2. *Availability of public facilities*- The property is well served by City services, with no expected impacts as a result of rezoning.
3. *Present and future transportation problems*- There are currently no transportation problems in the area. The exact future impact is not known at this time, but the developer is currently working with the City of Baltimore Department of Transportation to ascertain any impact from the development and proper mitigation.
4. *Compatibility with existing and proposed development for the area*- The rezoning proposal is consistent with the objectives of the Jonestown Urban Renewal Plan.
5. *Recommendations of the Baltimore City Planning Commission and the BMZA*- For the above reasons, the Planning Department will recommend amendment of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. *Relationship of the proposed amendment to Baltimore City's plan*- As mentioned above, the proposed zoning changes are compatible with the existing zoning plan of the City and the Jonestown Urban Renewal Plan.

The City Council may grant the amendment to change the zoning classification based on a finding that there was either a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the existing zoning classification. In this case, the neighborhood is undergoing substantial change in character that is a reflection of the revised master plan.

TransForm Baltimore

TransForm Baltimore recommends that these properties be re-zoned to Industrial Mixed Use (I-MU). The proposed category was created in order to reuse historic industrial properties as mixed use buildings. The proposed zoning change and development program are consistent with the type of development project that was envisioned under the I-MU zoning category.

As part of its review of the request, the objectives outlined in the Jonestown Urban Renewal Plan, re-zoning standards and TransForm Baltimore recommendations were considered.

Amendments Needed

Since City Council Bill #14-0362 (Urban Renewal Plan) was introduced, staff has met with the developer and expressed concern that the proposed B-2-4 zoning district would increase the allowable Floor Area Ratio (FAR) of 5.0 in B-3-3 to 7.0 in B-2-4. Though the final design must be approved by the CHAP Commission, both City staff and the developer agreed to cap the allowable height of the development parcel to 95 feet. Below is a summary of the recommended staff amendments:

- A text amendment to the bill is needed to remove the FAR cap of 5.0 for the City disposition lots and cap the allowable height limit for the City disposition lots 16 and 36 to a height of 95 feet.
- A text amendment to the bill is needed to cap the allowable height limit for the new construction of the entire assembled parcel, including private lots and disposition lots to be capped at 95 feet.
- Amend Exhibit 3: Land Disposition to add disposition lot number 59 for Commercial land use with a square footage of +/- 2200 square feet for a partial ROW of Aisquith Street.
- Amend Exhibit 4: Zoning to update all current zoning categories and remove any proposed zoning changes that have been enacted.

Notifications:

In advance of a hearing on this matter, staff notified the Jonestown Planning Council, Inc. item.



Thomas J. Stosur
Director