


<b>FROM</b>	<b>NAME &amp; TITLE</b>	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	<b>AGENCY NAME &amp; ADDRESS</b>	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	<b>SUBJECT</b>	CITY COUNCIL BILL #16-0757 / PLANNED UNIT DEVELOPMENT – DESIGNATION – NORTHWOOD COMMONS		

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

**DATE:** October 7, 2016

At its regular meeting of October 6, 2016, the Planning Commission considered City Council Bill #16-0757, for the purpose of repealing the existing Development Plan for the Loch Raven Boulevard and Argonne Drive Planned Unit Development, and approving a new Development Plan for the property, to be known as Northwood Commons Planned Unit Development.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #16-0757 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 #16-0757 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. Kaliop 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  
 Mr. Patrick Fleming, DOT  
 Ms. Elena DiPietro, Law Dept.  
 Ms. Natawna Austin, Council Services  
 Ms. Melissa Krafchik, PABC  
 Ms. Caroline Hecker, Esq.



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**October 6, 2016**

**REQUEST:** City Council Bill #16-0757/ Planned Unit Development – Designation – Northwood Commons:

For the purpose of repealing the existing Development Plan for the Loch Raven Boulevard and Argonne Drive Planned Unit Development, and approving a new Development Plan for the property, to be known as Northwood Commons Planned Unit Development.

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

- That the bill be amended as shown in the attached interlineated bill draft; and
- That the plans attached to the bill be replaced with the set dated October 6, 2016, as presented to the Planning Commission.

**STAFF:** Eric Tiso

**PETITIONER:** Northwood SC, LLC, c/o Caroline L. Hecker, Esq.

**OWNER:** Northwood SC, LLC

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

**Site Conditions:** The Northwood Shopping Center, Planned Unit Development (PUD) #18 is located on the northeastern corner of the intersection of Loch Raven Boulevard and Argonne Drive. The 6.979± acres site is currently zoned B-2-1 and improved by a one-story inline retail center, and a freestanding McDonald's drive-through restaurant. The existing gas station is not part of this PUD.

**General Area:** This PUD is located in the Hillen Neighborhood, and borders on the New Northwood neighborhood to the west. The surrounding areas to the north, west, and south are primarily residential in nature. The east side of this site borders on the campus of Morgan State University.

## HISTORY

- Ordinance #77-501, dated September 1, 1977, established the Northwood Shopping Center PUD #18.
- Ordinance #91-676, dated April 12, 1998, amended PUD #18 to allow a drive-in restaurant with drive-through pick-up window service.
- Ordinance #96-1, dated March 21, 1996, amended the Zoning Code to add pharmacies with drive-through pick-up windows to the list of conditional uses requiring an Ordinance from Mayor and City Council in the B-2 and B-3 districts.
- Ordinance 99-383, dated January 29, 1999, approved the establishment of a pharmacy with a drive-through pick-up window (Rite-Aid).

## ANALYSIS

**Project:** This bill is introduced for the purpose of repealing and replacing the existing Planned Unit Development (PUD), to enable the site to be improved with a new mixed-use project that includes new retail and commercial spaces with residential units above the commercial uses on the eastern end of the site. This approval is for the development plan generally. Each building will need to return to the Planning Commission for Final Design Approvals when they are ready. The new PUD will be known as Northwood Commons. In the replacement plan set, which better details the proposed development plan, the PUD is divided into four development areas:

- **Area A:** Located on the north side of Havenwood Road, on the eastern side of the site, two buildings are proposed - labeled A1 and A2. Building A1 will have approximately 10,000 sqft of retail uses, and a 20,150 sqft unit that may developed for a grocery store. Building A2 will have a 14,500 sqft pharmacy approximately 14,000 sqft of retail uses, and a 8,500 sqft campus bookstore. Three levels of apartments will be built above the eastern end of the building above the ground level retail.
- **Area B:** Located on the south side of Havenwood Road, on the eastern side of the site, Building B is proposed on the western side of this development area. There will be approximately 24,900 sqft of retail and commercial space at ground level, with two levels of apartments above. This building will also have a management and security office for the shopping center, as well as a proposed Public Safety Office for Morgan State University Campus Police.
- **Area C:** Located on the northeastern corner of Loch Raven Boulevard and Argonne Drive, Building C is proposed to be a free-standing commercial use of approximately 2,800 sqft, and is expected to be developed as a bank with drive-through service.
- **Area D:** Located on the northeastern corner of Loch Raven Boulevard and Havenwood Road, Building D is proposed to have a commercial building of approximately 6,200 sqft with two tenant spaces – one will be a McDonald’s restaurant with drive-through window service (relocated from its existing location), and another inline retail or commercial use.
- **Outdoor seating and table service:** Sheet #3 in the replacement plan set indicates locations in areas A, B, and D that may be used for outdoor seating and table service, for a maximum total among all of these areas of 150 tables and 300 chairs. This seating plan will ensure that sufficient space is kept open for use by pedestrians. The total numbers are established so that seating can be moved from place to place over time, as needed by tenants, without requiring separate approvals for each change.

Memorandum of Understanding: The applicants have been in negotiation with four surrounding community organizations, which include the Hillen Road Improvement Association, the New Northwood Community Association, the Original Northwood Association, and the Stonewood-Pentwood-Winston Neighborhood Association. This Memorandum of Understanding (MOU) outlines the responsibilities of the property owner, including limits on heights of buildings, the priority order for tenants for the residential component of this redevelopment, desired hiring preferences, as well as retail preferences and operational requirements. In return, the community organizations will offer their support for this project, to include the repeal and replacement of the PUD as well as for the rezoning of the western edge of this site from the existing R-1 and R-4 residential districts to the proposed C-3 commercial district under TransForm Baltimore. The draft amendments to the bill propose to incorporate the MOU into the PUD documents. Staff does not object to that inclusion, but wishes to clarify that only the land-use related items within the PUD are eligible for enforcement by the City. Other provisions of the MOU will need to be enforced through a civil action by the private parties involved.

Zoning: A significant portion of the PUD's northern area is zoned B-2-1, however, the western edge of the site (now green space) is zoned R-1 south of Havenwood Road, and R-4 north of Havenwood Road. These residentially-zoned portions of the site were to be zoned R-4 residential as part of the Planning Commission's recommendations for TransForm Baltimore, the comprehensive rezoning plan for the City. We understand that these lots have been requested to be zoned C-3 commercial as a City Council amendment to TransForm Baltimore. The existing R-5 portion of the site was proposed by the Planning Commission to be zoned C-3 under TransForm Baltimore, and it is our understanding that this remains in the most current zoning proposal.

Governing Standards Under Zoning §9-112: When reviewing a proposed PUD, the Planning Commission and other reviewing agencies have several factors to consider:

- (2) in addition, whether:
  - (i) the plans for the Planned Unit Development are in general conformance with:
    - (A) all elements of the Master Plan; and
    - (B) the character and nature of existing and contemplated development in the vicinity of the proposed Planned Unit Development;
  - (ii) the Planned Unit Development will preserve unusual topographic or natural features of the land;
  - (iii) the design of the Planned Unit Development will best utilize and be compatible with the topography of the land;
  - (iv) the physical characteristics of the Planned Unit Development will adversely affect:
    - (A) future development or the value of undeveloped neighboring areas; or
    - (B) the use, maintenance, or value of neighboring areas already developed;
  - (v) with respect to availability of light, air, open space, and street access, the Planned Unit Development will secure for its residents and neighboring residents substantially the same benefits as would be provided by application of the basic district regulations;
  - (vi) with respect to fire, health hazards, and other dangers, the Planned Unit Development will secure for its residents and neighboring residents substantially the same protection as would be provided by application of the basic district regulations; and
  - (vii) the Planned Unit Development will permit design features that would not be possible by application of the basic district regulations.

Staff finds that the proposed PUD is compatible with the Comprehensive Plan, the proposed comprehensive rezoning of the City, and the surrounding neighborhoods. The PUD respects the topography, and buildings are limited in height in comparison to the absolute heights of surrounding structures. The development plan will not adversely impact future development or property values in the area or the use of those properties. The development plan as proposed will dramatically improve the existing shopping center, and those benefits would not be realized without the application of the proposed PUD. The development will not create undue risk to the community from fire, health hazards or other dangers.

Conditional Use Required Findings and Considerations: Among the requirements under *Zoning* §9-112, are also the standards under Title 14 of the Zoning Code governing conditional uses.

**§ 14-204. Required findings.**

...

- (1) the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
- (2) the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization is not otherwise in any way contrary to the public interest; and
- (4) the authorization is in harmony with the purpose and intent of this article.

**§ 14-205. Required considerations.**

(a) In general.

...

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair
- (4) its present and future development;
- (5) the proximity of dwellings, churches, schools, public structures, and other places of
- (6) public gathering;
- (7) accessibility of the premises for fire and police protection;
- (8) accessibility of light and air to the premises and to the property in the vicinity;
- (9) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (10) the preservation of cultural and historic landmarks;
- (11) the provisions of the City Master Plan;
- (12) the provisions of any applicable Urban Renewal Plan;
- (13) all applicable standards and requirements of this article;
- (14) the intent and purpose stated in § 1-401 {"Purposes of article"} of this article; and
- (15) any other matters considered to be in the interest of the general welfare.

Staff finds that the replacement PUD will meet these requirements, in that it will not cause any harm to the surrounding property owners, or members of the public, that there are no other restrictions in law on this proposal, that the indication of public support and the MOU indicate that this project is in the public's best interest, and that the proposed development is in harmony with the purposes under the Zoning Code. Further, the site is appropriate for the proposed scale of development, traffic in the area will not be unduly burdened and that the road network is sufficient for this proposal, this PUD will not impair future development in the area, there are no sensitive or protected land uses in the vicinity that will be negatively impacted, that there is

adequate police and fire protection, that the proposal will not overcrowd the land or impair access to light and air, and that this site is not further controlled by a historic district or an Urban Renewal Plan (URP).

**Amendments:** Staff recommends two amendments for the Planning Commission's consideration:

- That the bill be amended as shown in the attached interlineated bill draft; and
- That the plans attached to the bill be replaced with the set dated October 6, 2016, as presented to the Planning Commission.

The purpose of these amendments are to refine the bill to incorporate the MOU with the community, to correct plan sheet references, to outline specifically allowed and specifically prohibited uses within the PUD, to renumber paragraphs as needed, and to attach the referenced development plans.

**Community Notification:** The following community organizations have been notified of this action: The Hillen Road Improvement Association, the New Northwood Community Association, the Original Northwood Association, and the Stonewood-Pentwood-Winston Neighborhood Association. Staff has received letters of support from The Hillen Road Improvement Association, and the Stonewood-Pentwood-Winston Neighborhood Association.

A handwritten signature in blue ink, appearing to read "Thomas J. Stosur". The signature is fluid and cursive, with a large initial "T" and "S".

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