

TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #14-0412 / REZONING 511 SOUTH CAROLINE STREET

CITY of
BALTIMORE
MEMO



TO

DATE:

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

August 8, 2014

At its regular meeting of August 7, 2014, the Planning Commission considered City Council Bill #14-0412 for the purpose of changing the zoning for the property known as 511 South Caroline Street, from the R-8 Zoning District to the B-1-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval and amendment to City Council Bill #14-0412 and adopted the following resolution, eight members being present (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation and amendment of its Departmental staff, and recommends that City Council Bill #14-0412 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. Kaliopé 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
 Ms. Barbara Zektick, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Melissa Krafchik, PABC
 Ms. Natawna Austin, Council Services
 Mr. Joseph R. Woolman, III, Petitioner



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

August 7, 2014

REQUESTS: City Council Bill #14-0412/Rezoning – 511 South Caroline Street Community

RECOMMENDATIONS: Amendment and Approval

- o Amend the bill to include the rezoning of 503-507 South Caroline and 515-531 South Caroline from R-8 to B-1-2.

STAFF: Tamara Woods

PETITIONER: Joseph R. Woolman, III on behalf of Mark Fitzgerald (contract purchaser/developer)

OWNER: Joan M. Semenuk

SITE/GENERAL AREA

Site Conditions: The subject parcel, 511 South Caroline Street, is located on eastside of the 500 block of Caroline Street between Eastern Avenue and Fleet Street. According to our real property records, parcel is approximately 3,650 square feet and improved with a warehouse building that is currently unoccupied. It is the only structure on that blockface. The remaining lots on that blockface are unimproved.

General Area: The general project area lies within the Fells Point neighborhood, which is a waterfront neighborhood situated between Canton and Harbor East, which is a vibrant mixed use area on the edge of downtown Baltimore. Fells Point is a mixed use neighborhood that has one of the city's most successful commercial areas, as well as, single-family and multi-family residential units. In addition, Fells Point is also a designated local historic neighborhood featuring many contributing historic properties, including the historic Douglass Place, which is located on the 500 block of South Dallas Street, just west of Caroline 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 2: Strategically Redevelop Vacant Properties Throughout the City; Goal 2: Elevate the Design and Quality of the City's Built Environment; Objective 2: Promote Unique Retail Venues as Shopping Destinations.

HISTORY

- Ordinance # 07-429, approved by Mayor and City Council in May 2007, for the purpose of comprehensive rezoning in Southeast Baltimore
- Ordinance # 07-555, approved by the Mayor and City Council in December 2007, for the establishment of the Fells Point Historic District.
- Ordinance # 07-569, established the Fells Point Waterfront Urban Renewal Plan, also repealed Ordinance # 75-999, which established the Fells Point Urban Renewal Area.

ANALYSIS

Records show that 511 South Caroline Street is currently owned by Joan M. Semenuk. The potential developer and contract purchaser of the property, Mr. Mark Fitzgerald, has a proposal to create a bicycle café at 511 South Caroline Street. In order to move forward with this proposed use the developer is requesting a zoning change that allows for a commercial use. The applicant worked with City Councilman James Kraft to introduce rezoning legislation that proposes rezoning of 511 South Caroline from R-8 to B-1-2.

In May 2007, the Mayor and City Council approved Ordinance # 07-429 for the comprehensive rezoning of multiple properties in Southeast Baltimore. The comprehensive rezoning was based on the Southeast Zoning Study that was completed in 2005 and in conjunction with the approval and amendment of several other pieces of legislation that included the designation of the Fells Point Local Historic District, and repealing the Fells Point and Washington Hill Urban Renewal Plans and adoption of the Fells Point Waterfront Urban Renewal Plan. The purpose at that time was to provide a comprehensive review of zoning, urban renewal, and historic designation for the communities of Southeast Baltimore between President Street, Fayette Street, Patterson Park Avenue, and the water. This area was one of the fastest growing parts of the City, yet had an outdated and multi-tiered set of land use regulations governing it. At that time, 511 South Caroline Street and the remainder of the block was rezoned from B-3-3 to R-8.

Currently, this portion of Fells Point is primarily zoned either commercial or industrial. The current R-8 zoning exists primarily between the eastside of Caroline Street and the west side of Bethel Street and Eastern Avenue and Fleet Street, but not including the properties that front Eastern Avenue and Fleet Street. The surrounding properties on the west side of the 500 block of Caroline Street and the 1500 blocks of Eastern Avenue and Fleet Street are zoned B-2-2, with a portion of the 1500 block of Fleet Street zoned B-1-2. In addition, this property is located within the Fells Point Historic District and any changes to the building are subject to CHAP review.

Current Request

The B-1 zoning district is a neighborhood business district designation. The permitted use list provides for a variety of residential, office and commercial uses that are suitable for smaller scale locations and streets. This category does not include uses allowed in higher-density commercial categories such as liquor stores and taverns. The allowable massing is governed by a Floor Area Ratio (FAR) of 2.5. No front, rear or street corner setbacks are required. No interior side yard setbacks are required, but if one is provided, it must be at least 10 feet.

In completing its analysis, the Department of Planning Staff not only studied the request based on the Maryland Land Use Article, but also the character of the site. The current zoning of R-8 is

primarily found in dense rowhouse communities. This parcel is the only improved parcel on that block, with a warehouse building. It does not have rear alley access. The remainder of the block is unimproved and also does not have rear alley access. In terms of recent development trends, much of the new construction and adaptive reuse projects in the area have been commercial or mixed-use, not solely residential, though a component may be residential.

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. But as stated previously, this request is in-line with the goals and objectives of LIVE EARN PLAY LEARN to redevelop vacant properties and promote unique retail venues.
2. **The needs of Baltimore City**- The proposed B-1-2 zoning district supports the City's master plan to strengthen neighborhoods, strategically redevelop vacant properties throughout the City and to promote unique retail venues.
3. **The needs of the particular neighborhood in the vicinity of the proposed changes**- The proposed B-1-2 zoning district also supports the specific neighborhood needs to provide for additional commercial uses in the area by implementing a long-term vision of creating a mixed-use neighborhood that allows people to live, work and play in the same neighborhood while expanding the small business opportunities.

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 Fells Point neighborhood has experienced at 30.3% population increase between the 2000 and 2010 Census.
2. **Availability of public facilities**- The properties are 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 anticipated as a result of rezoning 511 South Caroline Street and adjacent parcels. Though the exact future impact is not known at this time, as a matter of course, commercial and mixed use developments often share parking thereby reducing the impact on the area.
4. **Compatibility with existing and proposed development for the area**- The re-zoning proposal is consistent with the existing small scale commercial establishments which exist along Eastern Avenue and Fleet Street. It is also consistent with proposed development in the area which typically consists of mixed-use, commercial, office uses.
5. **Recommendations of the Baltimore City Planning Commission and the BMZA**- For the above reasons, the Planning Department will recommend amendment and approval 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 LIVE EARN PLAY LEARN, the City's Master 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 reflected in the Planning Department analysis below.

Supporting Rezoning Based on Substantial Change

According to the Planning Commission staff report dated February 8, 2007, "the areas zoned B-3 between Eastern Avenue and Fleet Street, west of Ann Street...are in fact mostly residential, with almost no business that would require a B-3 designation.", which shows that the rezoning intent for some of this area was based on preserving existing land uses. For the east side of the 500 block of Caroline Street, most of the properties were already demolished with the exception of 511 South Caroline Street, which is a warehouse structure, not residential. It is unclear as to why in 2007 this particular block was rezoned from a commercial zoning, (thought arguably B-3-3, was too intensive a category) to residential, given that it is surrounded by either industrial or commercial land uses, with the exception of the rear of the 500 block of South Dallas Street.

As clearly stated as part of the rationale for the 2007 comprehensive rezoning, Southeast Baltimore was undergoing substantial change with the redevelopment of Harbor East from an old industrial site to mixed use. Also the Baltimore Parking Authority had just completed the construction of the Fleet and Eden Streets Parking garage. This substantial change of the area has continued over the past seven years and thereby justified the proposed rezoning of 511 South Caroline Street from R-8 to B-1-2. Much of the change has come through further conversion of old industrial building to a mix of uses. Also there has been significant new development either built or planned for within three to four blocks of 511 South Caroline Street, that show the area is continuing significant change since the rezoning of May 2007:

Adaptive Reuse/Conversion of Existing Industrial Buildings

- **1434 Fleet Street**- This warehouse building was formerly occupied by Fells Point Futon, but in July 2012, Restorative Therapies, a physical therapy and medical appliance company reoccupied the space.
- **510 South Eden Street**- Cross Fit Harbor East is currently located at the corner of Caroline and Thames Streets, but is relocating to this location to occupy a formerly vacant warehouse building.
- **415 South Central**- This is a formal industrial building that was rehabilitated in 2013 and now houses office space and a restaurant, By Degrees Café.
- **1429 Aliceanna**- Zipcar opened a new office in June 2014 on the corner of Caroline and Aliceanna. This location is also next to a new on-street city bike corral, only the second in Baltimore.

Significant New Construction (Completed and planned):

- **Harbor Point Redevelopment PUD**- This development is a ±27.6 acre PUD located south of Lancaster Street between Central Avenue and Caroline Street, approximately 3 blocks south of 511 South Caroline. In June 2013, the Mayor and City Council approved the Harbor Point Planned Unit Development (PUD) with a new PUD that allows for a

maximum of 3.02 million gross square feet (gsf) of development and 3,300 parking spaces. This increase from the original 1.8M gsf is to add more residential/hotel uses. The main points of ingress/egress of the site will be Central Avenue and Caroline Street.

- **Fleet and Eden Streets Parking Garage:** The Baltimore City Parking Authority owns and operates this parking garage that backs to City owned parcels on the 500 block of Caroline Street. The Parking Authority is currently completing a feasibility study for the possible expansion of the garage by 200 parking spaces.
- **Hyatt Place Baltimore Inner Harbor East-** This hotel is currently under construction at 511 South Central Avenue on the northeast corner of Central Avenue and Fleet Street. It features 208 guest rooms and +/- 15,000 square feet of commercial space. It is scheduled to open in November 2014.

In addition to these development projects there are current plans to build a new bridge connection from Fleet Street to Harbor Point. Also, the MTA is currently planning the expansion of the rail system to include a future Red Line that would have a station at Fleet Street and Eden Street. This system is planned to open in 2021.

TransForm Baltimore

The TransForm Baltimore zoning recommendation for this site is R-8. While the proposed rezoning request is not in keeping with the TransForm Baltimore recommendation, the adjacent properties 515-531 South Caroline Street are recommended to be rezoned to Industrial- Mixed Use (I-MU). The current request is in keeping with the change of the area as well as the intent for a mixture of uses on the adjacent parcels.

Amendment

As part of the review for City Council Bill #14-0412, the Planning Department staff recommends that this bill be amended to include the rezoning of the following properties from R-8 to B-1-2.

Property Address	Approximate Lot Size (sqft)
503 South Caroline Street	465
505 South Caroline Street	403
507 South Caroline Street	800
515 South Caroline Street	1031
517 South Caroline Street	935
519 South Caroline Street	918
521 South Caroline Street	1584
523 South Caroline Street	1584
525 South Caroline Street	1408
527 South Caroline Street	1144
529 South Caroline Street	1144
531 South Caroline Street	416

The continued substantial change in the area over the past 7 years, since the 2007 rezoning, that justifies the rezoning of 511 South Caroline Street, is also applicable for the remainder of the

eastside of the 500 block of South Caroline Street. Just as 511 South Caroline has remained vacant; the other parcels on this block have not been redeveloped. For this reason Department of Planning staff, through its analysis, not only recommends approval of the proposed rezoning of 511 South Caroline Street, but also that the remainder of that blockface should be rezoned from R-8 to B-1-2 as well.

Notifications:

In advance of a hearing on this matter, staff notified the following property owners and organizations: 515 South Caroline, LLC, Olympic Services Inc, Joan M. Semenuk, Fells Point Community Organization, Fells Point Residents Association, Douglass Place Community Association, Fells Point Task Force, Fells Point Main Street and the Fells Point Homeowners' Association.



Thomas J. Stosur
Director