

LAND USE COMMITTEE

FINDINGS OF FACT

City Council Bill No. 20-0571

MOTION OF THE CHAIR OF THE LAND USE COMMITTEE AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO THE APPLICABLE SECTIONS OF ARTICLE 32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING:

Planned Unit Development - Village of Cross Keys

IN GENERAL:

To approve this PUD, the City Council has considered:
(check to evidence consideration)

- whether the planned unit development is in general conformance with all elements of the Comprehensive Master Plan, and the character and nature of existing and contemplated development in the vicinity of the proposed planned unit development;
- whether the planned unit development will preserve unusual topographic or natural features of the land, and the design of the planned unit development will best utilize and be compatible with the topography of the land;
- whether the physical characteristics of the planned unit development will not adversely affect future development or the value of undeveloped neighboring areas, or the use, maintenance, or value of neighboring areas already developed;
- whether the planned unit development will provide the same protection as the basic district regulations in regard to fire, health hazards, and other dangers;
- whether the planned unit development will encourage innovative design features or adaptive reuse of structures that would not be possible by application of the basic district regulations; and
- whether the planned unit development is compatible with any nearby industrial district.

and finds that:

- (1) the use **IS/ IS NOT** compatible with surrounding neighborhood for the following reasons:

The subject property was developed by the Rouse Company as a mixed-use property in the early 1970's and remains an active mixed-use community today, with residences,

professional offices, a hotel and substantial retail operations on the site. The proposed PUD development plan contemplates a continuation of these uses, while enhancing and modernizing the property. The new development will add approximately 35,000 square feet of commercial/grocery space to the existing village center and will add future mixed-use development around the tennis club area (up to 350 dwelling units, 150,000 square feet of commercial space, and 15,000 square feet of retail space). New entrance improvements are also proposed for the main entry from Falls Road. Notably, current residents of Cross Keys and neighbors in nearby communities have participated in numerous discussions regarding the development plan, and it enjoys support because of its compatibility with surrounding neighborhoods.

The proposed enhancements to the existing mixed-use development are in general conformance with all elements of the Comprehensive Master Plan and meet several of the Comprehensive Master Plan's goals, including strengthening City neighborhoods; elevating the design and quality of the City's built environment; and increasing housing choice.

The PUD is compatible with the natural features of the property. Existing open space areas will be maintained and enhanced. Moreover, the geographic proximity to the Jones Falls Expressway affords unique access to a major north-south arterial route, rendering it a highly desirable location for a mixed-use community, consistent with the Rouse Company's original vision.

The physical characteristics of the PUD plan will not adversely affect future development. On the contrary, it will enhance property values and bring substantial re-investment to the area. The plan maintains all existing zoning/bulk regulation controls, along with appropriate community approval processes, negotiated extensively with nearby property owners.

The PUD will provide the same protection as the basic underlying district regulations with respect to fire and health hazards. The PUD legislation has been reviewed and approved by both the Fire Department and the Department of Transportation.

The PUD will feature innovative design features, including orderly and efficient allotment of shared parking and transportation within the overall PUD boundary, as opposed to allotment on a parcel-by-parcel basis as would be required in the absence of a PUD. In addition, an innovative approach to the retail infrastructure is contemplated in the development plan, with a focus on recruitment of local small businesses.

The PUD will have no impact on any industrial uses or districts. The mixed-use project has been in active use for decades without adverse effect on industry, and the proposed enhancements to Cross Keys will not serve to change that dynamic.

- (2) the use **FURTHERS** / **DOES NOT FURTHER** the proposed classification for the following reasons:

The property includes multiple zoning districts, and the Village of Cross Keys (both as it exists today and as modified pursuant to the replacement PUD) complies with the requirements of underlying zoning standards.

- (3) the PUD master plan developed under Section 13-304 of the Zoning Code **ENSURES** / **DOES NOT ENSURE** that there will be no discordance with existing uses by:

The Master Plan and other exhibits included in the PUD preserve the general mix of uses in the Cross Keys community and merely serve to enhance and improve upon them through new capital investments and a re-imagining of underutilized portions of the site. Additionally, as specific projects under the Plan are proposed, the applicant will need to return to the Planning Commission for Final Design Approval.

- (4) the establishment, location, construction, maintenance, or operation of the PUD **WOULD/ WOULD NOT** be detrimental to or endanger the public health, safety, or welfare because:

The proposed replacement for the existing PUD will not be detrimental to the public health and welfare. On the contrary, the reinvestment in this aging mixed-use community will preserve for the future its historic place as a destination for people to live, work, shop and dine in North Baltimore, and it is a welcome development in the eyes of local residents and merchants.

- (5) the use **WOULD/WOULD NOT** be precluded by any other law, including an Urban Renewal Plan

The use is not precluded by any other law, including an Urban Renewal Plan. The property is not in any Urban Renewal Area or other City-designated overlay district, and there is no legal prohibition on the program contemplated by the replacement PUD.

- (6) the authorization **WOULD/WOULD NOT** be contrary to the public interest because:

The PUD authorization allows for a substantial re-investment in this aging mixed-use community, which will improve it both aesthetically and from a functional perspective. This is clearly in the public interest, as it will benefit exiting residents/users, nearby communities, and the City at large, as evidenced by the substantial community support that the project enjoys.

- (7) the authorization WOULD/ **WOULD NOT** be in harmony with the purpose and intent of the Zoning Code because:

The concept of a Planned Unit Development was an innovative feature of the 1971 Zoning Code, intended to foster unique planning and design treatments of large sites like the one at issue. In fact, the Village of Cross Keys was one of the first Planned Unit Developments in Baltimore history (circa 1972). This replacement PUD is consistent with the intent underlying both its original approval in 1972 and the modernized PUD standards embodied in the Transform Baltimore version of the Code.

SOURCE OF FINDINGS:

[X] Planning Commission's report, dated August 21, 2020, which included the Department of Planning Staff Report, dated August 20, 2020.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Eric Tiso, Planning Department
- Elena DiPietro, Law Department
- Ryan Potter, Esquire, Representative for the Applicant
- Arsh Mirmiran, Representative for the Applicant

Written:

- Board of Municipal and Zoning Appeals, Agency Report – Dated August 24, 2020
- Law Department, Agency Report – Dated September 21, 2020
- Department of Transportation, Agency Report – Dated September 29, 2020
- Department of Housing and Community Development, Agency Report – Dated September 23, 2020
- Baltimore Development Corporation, Agency Report – Dated September 28, 2020
- Department of Public Works, Agency Report – Dated September 23, 2020
- Fire Department, Agency Report – Dated August 6, 2020
- Parking Authority, Agency Report – Dated September 1, 2020

COMMITTEE MEMBERS VOTING IN FAVOR

Edward Reisinger, Chair
Shannon Sneed, Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Sharon Green Middleton
Leon Pinkett
Robert Stokes