

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0399 / REZONING		

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

DATE: July 22, 2019

At its regular meeting of July 11, 2019, the Planning Commission considered City Council Bill #19-0399, for the purpose of changing the zoning for the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #19-0399 and adopted the following resolution eight members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0399 be passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

- cc: Mr. Jeff Amoros, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. Colin Tarbert, BDC
 Mr. Derek Baumgardner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Mr. Bob Pipik, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Frank Murphy, DOT
 Ms. Natawna Austin, Council Services
 Ms. Alyssa Domzal, Esq.



Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

July 11, 2019

REQUESTS:

- **CITY COUNCIL BILL #19-0399/ REZONING – 755, 757, 759, 761, AND 763 WEST FAYETTE STREET, 760 WEST BALTIMORE STREET, BLOCK 0626, LOT 053 (K/A NWC MARTIN LUTHER KING JR. BOULEVARD AND WEST BALTIMORE STREET), AND A PORTION OF THE FORMER BED OF WEST FAIRMOUNT AVENUE** (President Scott)
For the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District. (Eleventh District)
- **CITY COUNCIL BILL #19-0398/ URBAN RENEWAL – POPPLETON – AMENDMENT** (President Scott, Councilmember Bullock)
For the purpose of amending the Urban Renewal Plan for Poppleton to modify the boundaries of the Renewal Plan to remove certain properties, to revise certain exhibits to the Plan to reflect the change in the boundaries and to delete a certain exhibit, and to conform, clarify, or correct certain references in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date. (Ninth District)
- **CITY COUNCIL BILL #19-0397/ REPEAL OF ORDINANCE 03-613 – UNIVERSITY OF MARYLAND BIOPARK PLANNED UNIT DEVELOPMENT** (President Scott, Councilmember Bullock)
For the purpose of repealing Ordinance 03-613, as amended by Ordinance 11-477, which designated certain properties as a Business Planned Unit Development known as University of Maryland BioPark; and providing for a special effective date. (Ninth District)

RECOMMENDATIONS:

- **CITY COUNCIL BILL #19-0399:** Approval
- **CITY COUNCIL BILL #19-0398:** Approval with Amendments
- **CITY COUNCIL BILL #19-0397:** Approval

STAFF: Brent Flickinger

PETITIONER: University of Maryland BioPark/Wexford Development

OWNERS: Various

SITE/GENERAL AREA

Site Conditions:

The Poppleton URP area is bounded by Route 40 to the north, MLK Boulevard to the east, W. Pratt Street to the south, and Carey Street to the west. The University of Maryland BioPark, which is currently governed by a PUD, sits roughly between MKL, Jr. Boulevard to the east and Schroeder Street to the west; Hollins Street to the south and W. Fayette Street to the north.

General Area:

The URP area includes the neighborhoods of Poppleton, above W. Baltimore Street, and Hollins Roundhouse, between Baltimore and Pratt Streets. Just west of Carey Street above Baltimore is Franklin Square, and just west of Carey below Baltimore Street is the Union Square neighborhood. All of these neighborhoods, plus Pigtown, Barre Circle, and Mt. Clare, are members of the Southwest Partnership, along with several anchor institutions.

HISTORY

In 1975, the Poppleton Urban Renewal Ordinance was adopted. The ordinance has been amended over a dozen times since then to reflect the changing dynamics of and visions for neighborhood revitalization. The latest amendment, Ordinance No. 18-184, was adopted on November 9, 2018.

CONFORMITY TO PLANS

The PUD, URP, and proposed rezoning are consistent with the BioPark master plan and the Southwest Partnership Vision Plan.

ANALYSIS

City Council Bill #19-0399: (Rezoning)

This bill will provide the appropriate zoning that is consistent with the 2017 zoning code. Changing the zoning on some of the properties within the BioPark footprint from R-8 to BSC is appropriate. It will allow for dissolution of the PUD and allow the BioPark to proceed with its planned completion. Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

- (i) a substantial change in the character of the neighborhood where the property is located; or
- (ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

- (i) population changes;
- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;

- (iv) compatibility with existing and proposed development for the area;
 - (v) the recommendations of the City agencies and officials; and
 - (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.
- (3) *Additional standards – General*
 Additional standards that must be considered for map amendments are:
- (i) existing uses of property within the general area of the property in question;
 - (ii) the zoning classification of other property within the general area of the property in question;
 - (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
 - (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public's interest, in that it will fulfill the original development intent of the Planned Unit Development, which was needed since a specific zoning category for a BioScience Campus did not exist under the previous zoning code.

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the vicinity of the proposed changes (*cf.* Md. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** This rezoning will be compatible with the concept established under the existing PUD which was needed to accomplish the BioPark development under the prior zoning code. That PUD will then no longer be needed once the rezoning to BSC has been completed.
2. **The needs of Baltimore City:** As a major employer in the region, the University of Baltimore's growth and expansion is critical to the city's economic development. The medical and health fields are growth industries both nationally and locally, and the jobs that are created require a range of skills and educational levels.
3. **The needs of the particular neighborhood:** The properties that are now part of the growing BioPark were vacant for many years. The BioPark campus now serves as both a link to the main UMB campus and downtown, but also a catalyst for the redevelopment of Poppleton and other neighborhood that are part of the Southwest Partnership area.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** The boundaries of the BioPark do not contain any residential units. The specific properties to be rezoned will allow the planned development of bioscience facilities.

2. **The availability of public facilities;** The BioPark is well situation on two bus lines and is easily accessible from downtown by automobile and the Circulator as well as Interstate 395, and the major roadways of MLK Boulevard and Russell Street.
3. **Present and future transportation patterns;** No major changes are planned at this time.
4. **Compatibility with existing and proposed development for the area;** Under the provisions of the PUD, the specifics of design and uses of each parcel in the Bio science Campus zone (BSC) will continue to evolve over time. The rezoning will allow the next phase of the previously approved development to proceed.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend APPROVAL of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** The proposed rezoning requested is in line with LEARN and EARN provisions of the City's Comprehensive Master Plan and is also compatible with the BSC zone as well as the Sotuhwest Partnership Vison Plan the objective of the Poppleton urban renewal plan, most specifically Objective d. "To provide for the targeted development of high-tech medical science search-related land uses."

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;** All of the adjacent properties that have been developed have uses that are in keeping with a bioscience campus.
- (ii) **the zoning classification of other property within the general area of the property in question;** All of the adjacent properties are zoned BSC and the change from R-8 to BSC for the properties listed in this legislation is needed in order for the planned bioscience builfinhd to move forward.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification;** R-8 zoning is generally applied to rowhouse buildings. This use is incompatible with a bioscience campus.
- (iv) **the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.** The mix of uses and proposed sites for some uses within the BioPark have changed since the new zoning code was adopted. Plans for new buildings and uses have been put in place that require the BSC zoning classification in order to develop the properties in accordance with the master plan and PUD.

Per §5-508(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. The BSC zone is new and its ramifications for

creating a comprehensive and unified bioscience campus are just being discovered as the plans for specific bioscience building in the BioPark are unfolding. R-8 is not appropriate for such a campus. During the Transform Baltimore rezoning process which mapped BSC on the BioPark as a whole, these properties were inadvertently omitted, and this bill will correct this oversight.

City Council Bill #19-0398: (URP Amendment)

Because new zoning categories and a new map were adopted as part of the 2017 Zoning Code, the previous zoning categories in the URP are no longer appropriate for much of the area. Therefore, an amendment to the URP is important to revise the land use and zoning maps to comport with the new zoning. The rezoning, could be considered a comprehensive rezoning under the provisions of the URP.

Because the new BSC zoning classification appropriately regulates the development of the BioPark the BioPark does not need to be included in the urban renewal area. This bill would change the boundaries of the Poppleton URP to remove the BioPark. New maps are included in the proposed legislation. Since the bill was introduced, some minor changes to the land use and zoning maps are recommended to conform to existing conditions. The attached maps should replace those introducing with the original legislation. In addition, one zoning change for the property at 1020

W. Pratt Street from R-8 to IMU-1 reflects the nature of this former industrial building.

City Council Bill #19-0397: (PUD Repeal)

The Zoning Code adopted in 2017 for the first time included a Bio Science campus category, BSC. With the new provisions for uses and design, there is no longer a need for the development of the BioPark to be regulated by a Planned Unit Development. Therefore, the PUD no longer serves its original purpose and can be repealed.



Chris Ryer
Director