


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 #23-0434 / PLANNED UNIT DEVELOPMENT - REPEAL AND REPLACE - NORTH CHARLES VILLAGE		

DATE:

December 26, 2023

TO

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

At its regular meeting of December 21, 2023, the Planning Commission considered City Council Bill #23-0434, for the purpose of approving certain amendments to the Development Plan of the North Charles Planned Unit Development; approving a new Development Plan for the North Charles Village Planned Unit Development; establishing prohibited uses within the Planned Unit Development; providing for the creation of the North Charles Village Planned Unit Development Design Review Committee; establishing the membership of the Committee; establishing applicable design guidelines for the Planned Unit Development; requiring the Committee to review proposed developments and amendments to the development plan; providing for a special effective date; and generally relating to the North Charles Village Planned Unit Development.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #23-0434 and adopted the following resolution, with eight members being present (four in favor, three opposed, and one abstaining):

RESOLVED, That the Planning Commission recommends that City Council Bill #23-0434 be **approved as introduced** 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: Ms. Nina Themelis, Mayor's Office
 The Honorable Eric Costello, Council Rep. to Planning Commission
 Mr. Colin Tarbert, BDC
 Ms. Rebecca Witt, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Stephanie Murdock, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Mr. Liam Davis, DOT

Ms. Natawna Austin, Council Services
Ms. Sandy Sparks, Charles Village Civic Association,



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman, Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

December 21, 2023

REQUEST: City Council Bill #23-0434/Planned Unit Development – Repeal and Replace– North Charles Village:

For the purpose of approving certain amendments to the Development Plan of the North Charles Planned Unit Development; approving a new Development Plan for the North Charles Village Planned Unit Development; establishing prohibited uses within the Planned Unit Development; providing for the creation of the North Charles Village Planned Unit Development Design Review Committee; establishing the membership of the Committee; establishing applicable design guidelines for the Planned Unit Development; requiring the Committee to review proposed developments and amendments to the development plan; providing for a special effective date; and generally relating to the North Charles Village Planned Unit Development.

RECOMMENDATION: Disapproval.

STAFF: Renata Southard

PETITIONER: Charles Village Civic Association, Inc. c/o Sandy Sparks.

OWNERS: None

SITE/GENERAL AREA

Site Conditions: The North Charles Village Planned Unit Development (PUD) #91 is located generally within the area bounded by 33rd Street on the north, Hargrove Alley on the east, 30th Street on the south, and Charles Street on the west, consisting of 12 acres, more or less, designated as a Residential Planned Unit Development. Properties located within the boundaries of the PUD are zoned R-10 and C-1. Many structures within the PUD are multi-family buildings. On Saint Paul Street, recently constructed buildings typically include ground floor commercial / retail uses with housing above, and older historic buildings are typically purely residential multi-family use. The southeastern half of the 3100 block of Saint Paul Street is improved with a stick of rowhouse-type buildings on six individual parcels. These rowhouse-type buildings are three-stories and have ground floor commercial / retail uses and residential housing above. The parcel known as 3121 is improved with a two-story structure designed for commercial / retail use. The parcel known as 3115-3119 Saint Paul Street is improved with a one-story structure, formerly the Eddie's Grocery, and currently occupied by Streets Market. Buildings along North Charles Street are historic, some with ground floor commercial / retail and multi-family housing above and others with post-secondary uses (currently programmed by Johns Hopkins University).

General Area: Properties within this PUD are located in the Charles Village Neighborhood. Union Memorial Hospital is to the north and east of the PUD boundary, and the Johns Hopkins University Homewood Campus is to the west of the PUD boundary. West 29th and 28th Streets to the south of the PUD boundary are a pair of one-way Principal Arterials connecting to I-83, which is several blocks west of the PUD boundary. Roughly one block north of the PUD boundary, University Parkway divides the Charles Village Neighborhood from the Oakenshawe Neighborhood on a northwest – southeast angle, resulting in a triangularly-shaped wedge condition at the east edge of the neighborhood.

HISTORY

- The North Charles Village Planned Unit Development was originally established on June 14, 1996, by Ordinance 96-35, affecting 30+ properties within the Charles Village Neighborhood.
- A major amendment was approved by Ordinance 03-639 on December 22, 2003. This amendment expanded the original PUD boundaries to include properties known as 3001, 3103, 3105, 3211, 3213, 3301, 3339, and 3401 North Charles Street, 10 East 33rd Street, and 3301 and 3330 Saint Paul Street, owned by Johns Hopkins University. This amendment also included an updated build-out plan for the properties at 3301 North Charles Street, 10 East 33rd Street, and 3330 Saint Paul Street.
- Major amendment 2 was approved by Ordinance 07-629 on December 3, 2007. This amendment was requested to revise the development plan and “modify the allowable height of a certain structure within the Planned Unit Development area, to make technical corrections to the Illustrative Preliminary Build-Out Plan, and to make any other amendments and modifications as necessary to accommodate the proposed conditions of the property.”
- A minor amendment was approved by the Planning Commission on October 18, 2012, to allow a temporary parking lot at 3200 Saint Paul Street.
- A minor amendment and final design approval was granted on December 19, 2014, for the building at 3200 Saint Paul Street (known as 9 East 33rd Street).
- Additional minor amendments and final design approvals were also granted for very minor changes to an existing building and to approve the design of a courtyard.
- The project team contacted Planning in December 2021 to request a meeting for the proposed change to the PUD and Development Plan. Staff met with the development team on December 21, 2021, and outlined a process for development reviews, beginning with Design Review.
- Master Plan review at the Urban Design and Architecture Advisory Panel occurred on February 24, 2022, for revisions to the North Charles Village PUD Master Plan that included an extended PUD boundary.
- On March 23, 2022, representatives of the Applicant met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed amendments to the Planned Unit Development.

ZONING REQUIREMENTS

Below are the approval standards under §5-201(a), and §5-601(a) and (b) of Article 32 – *Zoning for Planned Unit Developments*:

§ 5-201. Introduction of proposed authorization.

(a) Introduction by ordinance.

A member of the City Council may introduce a proposed ordinance to expressly approve, authorize, or amend:

- 1) a major variance;
- 2) a conditional use;
- 3) a text amendment;
- 4) a map amendment;
- 5) an educational campus master plan;
- 6) a hospital general development plan;
- 7) an area of special sign control; or
- 8) a planned unit development

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§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation, modification, or repeal of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- 1) The parties in interest and the general public will have an opportunity to be heard; and
- 2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- 1) by publication in a newspaper of general circulation in the City;
- 2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - i. by posting in a conspicuous place on the subject property; and
 - ii. by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and

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Below are the standards for Planned Unit Developments under Title 13, §§ 13-101, 13-201, 13-202(a) and 13-205 of Article 32 – *Zoning*:

§ 13-101. Purpose.

The purpose of a planned unit development is to:

- 1) encourage flexibility in the development of land and in the design of structures;
- 2) encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of this Code on a lot-by-lot basis;
- 3) provide for the efficient use of land to facilitate a more effective arrangement of land uses, buildings, circulation systems, and utilities;
- 4) encourage the construction of appropriate aesthetic amenities that will enhance the character of the site;
- 5) promote quality development that is commensurate with other development within the community and compatible with the character of the surrounding area and adjacent properties; and
- 6) facilitate the implementation of the Comprehensive Master Plan.

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§ 13-201. Authorization.

(a) In general.

Planned unit developments may only be established by ordinance of the Mayor and City Council enacted in accordance with the provisions of this title.

(b) Requirements of underlying district.

Unless otherwise specifically provided by the ordinance establishing or amending the planned unit development, all requirements of the underlying zoning district apply.

(c) *PUDs precluded from certain districts.*

Planned unit developments are prohibited in the I-1, I-2, and MI Districts.

(d) *Repeal of PUDs.*

Planned unit developments may only be repealed by ordinance of the Mayor and City Council enacted in accordance with the provisions of this title.

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§ 13-202. General requirements.

(a) *Common ownership or unified control.*

- 1) The site of the planned unit development must be under common ownership or unified control.
- 2) If there are 2 or more owners, the application for approval of a new planned unit development must be jointly filed by all owners, or their respective contract purchaser or authorized agents.
- 3) When applying for a major change or repeal of an existing planned unit development, one owner or contract purchaser, or the authorized agent of either, may make the application for approval, as long as all other property owners, or their authorized agents, are notified in accordance with Title 5, Subtitle 6.

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§ 13-205. Repeal of PUDs.

In determining whether to approve the repeal of a planned unit development, the Planning Commission and the City Council must find that:

- 1) the repeal of the planned unit development is in the public interest; and
- 2) the approved final development plan of the planned unit development:
 - i. has been substantially completed;
 - ii. is no longer necessary in light of the properties underlying zoning;
 - iii. is no longer consistent with the City's Master Plan; or
 - iv. has been abandoned by the property owner.

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Below are the standards under Subtitle 4, Modifications to Approved Final Development Plans, §13-403(a) of Article 32 – *Zoning* for Concept plan:

§ 13-403. Major changes.

(a) Scope of section. This section applies to the following major changes:

- 1) a 10% increase or 25% decrease in the approved number of dwelling units;
- 2) a 10% increase or a 25% decrease in the maximum building heights in the approved planned unit development;
- 3) a change in the type, location, or arrangement of land use within the development, as shown on the previously approved final development plan;
- 4) a change in the boundaries of the planned unit development;
- 5) a decrease in open space that had been included as a public benefit or amenity under § 13-204 {"Exceptions from district regulations"} of this title; and
- 6) any change:
 - i. that fails to substantially comply with the PUD master plan or City regulations; or
 - ii. that violates:
 - A. the underlying zoning;
 - B. an approved exception;
 - C. a condition of approval attached to the planned unit development, with the exception of modifications to the planned unit development's phasing schedule; or

- D. a provision of the ordinance that approved or amended the planned unit development.
- (b) Major change requires ordinance. A major change requires introduction and enactment of an ordinance to approve an amendment to the planned unit development and PUD master plan.

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ANALYSIS

City Council Bill #23-0434/Planned Unit Development – Repeal and Replace – North Charles Village has been introduced to functionally repeal and replace an existing Planned Unit Development. On Page 1, Line 2 the title reads “Planned Unit Development – Repeal and Replace – North Charles Village”. On Page 1, Line 3, the text reads, “For purpose of repealing and replacing the Development Plan...” A development plan may be replaced or a property may be removed from a PUD boundary as a Major Change by way of an amending ordinance per § 13-403. In this case, all of the PUD text is being changed, the entirety of the Development Plan is being replaced, and changes to the boundary of the plan area are being made simultaneously. In the staff’s opinion, changes of that scale amount to a de facto repeal and replacement by establishing a completely new PUD that merely shares a name in common with the previous PUD.

Per Article 32 – Zoning, § 13-202, “The site of the planned unit development must be under common ownership or unified control. If there are 2 or more owners, the application for approval of a new planned unit development must be jointly filed by all owners, or their respective contract purchaser or authorized agents.” In this case, CCB # 23-0434 has been introduced at the request of Charles Village Civic Association, Inc. (CVCA) c/o Sandy Sparks. There are currently more than two owners within the boundary of the North Charles Village Planned Unit Development, and the Applicant, CVCA, is not an owner, nor has CVCA or Sandy Sparks been designated as the respective contract purchaser or authorized agent for any or all owners to the best of staff’s knowledge. As written, CCB # 23-0434 functionally repeals the existing North Charles Village PUD and proposes a replacement PUD, therefore the bill must meet the minimum standards of the General requirements listed in § 13-202, which requires all property owners to be co-applicants. The code requires positive consent of all property owners for the creation of a new PUD to ensure that property rights are not changed unbeknownst to owners.

Beginning on page 2, in line 16 of CCB # 23-0434, the text states: “On October 26, 2022, representatives of the Charles Village Civic Association, Inc. met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed amendments to the Development Plan.” At that meeting, and in previous meetings, Planning staff advised the Applicant that introduction of a repeal and replacement of the North Charles Village PUD must be jointly filed by all owners, or their respective contract purchaser or authorized agents. The Applicant has stated letters notifying property owners were sent on May 25, 2023, and provided Planning with a copy of the letter and a list of the recipients of that letter; however, notification of a replacement PUD is not sufficient for satisfying the General requirements listed in § 13-202. The notification letter would be sufficient for a Major Change, but not the introduction of a new Planned Unit Development.

Additional standards are outlined in § 13-101. Purpose: The purpose of a planned unit development is to encourage flexibility in the development of land and in the design of structures... creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of the code on a lot-by-lot basis...encourage the construction of appropriate aesthetic amenities that will enhance the character of the site promote quality development that is commensurate with other development within the community and compatible with the character of the surrounding area and adjacent properties...etc.

The text of this PUD is primarily restrictive in nature, limiting certain uses allowed by the underlying zoning, and introducing design review requirements above what is mandated by Article 32 – *Zoning*, Title 4, Development Reviews. The new PUD does not appear to provide any additional flexibility for property owners, except for the two parcels known as 3115-3119 and 3121 Saint Paul Street. These parcels were included in a replacement Development Plan in CCB # 23-0433, which allows additional height above what is permitted by the underlying zoning, per Article 32 – *Zoning*, Table 10-401, Commercial Districts (C-1 to C-4) Bulk and Yard. All parcels other than the two parcels known as 3115-3119 and 3121 Saint Paul Street within the existing PUD have been built out to the extents of the Development Plan. While the updated Development Plan shows an extended boundary, no additional development is proposed for buildings in the expanded PUD boundary. Therefore, the Development Plan shows no new development beyond what is currently proposed by the existing Planned Unit Development.

Background: Staff understands that CVCA is strongly in support of the PUD and the intent of the bill is to update the language of the existing ordinance to align with the current zoning. The North Charles Village PUD, originally introduced by a partnership of Greater Homewood Community Corporation and Johns Hopkins University, was intended to encourage a vibrant commercial corridor on Saint Paul Street with select commercial uses and density of housing to serve the needs of the growing neighborhood. The existing North Charles Village PUD includes a community-based design review process.

Beginning on page 2, in line 10 of CCB # 23-0434, the text states: “The Charles Village Civic Association, Inc. wishes to rescind Ordinance 96-35, as amended by Ordinances 03-639 and 07-629, and replace the existing Development Plan, with a new one. It is the intent of the Charles Village Civic Association, Inc. to recognize the major development within the boundaries of the Planned Unit Development since 1996 and to update the permitted uses, the design guidelines, and, in addition, generally conform the Plan to the 2017 revision of the Zoning Code of Baltimore City, known as ‘Transform Baltimore’.”

Staff also understands that CVCA takes pride in the fact that this PUD remains the sole example in Baltimore City of a PUD requiring a community-based design review process. Planning staff advised that Sections 8, 9, and 13 be removed for operational purposes. Staff also advised that the list of requirements for the Design Review Committee outlined in Section 9 specifically requiring the formation of the panel is shortsighted, as these types of committees do not often exist in perpetuity.

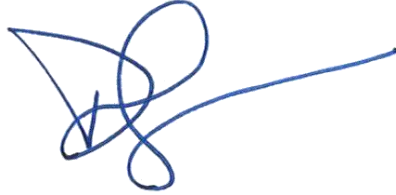
Recommendation:

Due to procedural flaws in property owner participation and co-application, potential notice problems, flaws in the operation of the proposed text, and lack of benefit to property owners in the majority of the PUD area, staff must recommend disapproval of this bill.

Equity:

- Impact:
 - *How might the proposal impact the surrounding community in the short or long term?* In the short term, the repeal and replacement of this PUD has no additional impact to the community beyond the existing PUD. The existing build-out plan has largely been completed and no new construction has been proposed for the buildings within the proposed updated boundary.
 - *How would this proposal impact existing patterns of inequity that persist in Baltimore?* The repeal and replacement PUD would have similar impacts as the existing PUD. The PUD makes provisions for cleanliness and lighting, which promote health and safety for residents.
- Engagement:
 - *Has the community been meaningfully engaged in discussing this proposal?* The Applicant and Councilperson began meeting with community members in spring of 2022. Meetings were conducted as in person and as virtual / online meetings, giving community members ample opportunity to be involved. Planning staff has attended many of the meetings. In addition to meetings, the CVCA has posted online about the PUD, and has included articles in its local newsletter, The Charles Villager about the pending action.
 - *How are residents who have been historically excluded from planning processes being authentically included in the planning of the proposed policy or project?* The number of meetings and variety of how these meetings were conducted, either in person or online, gave ample opportunity for the community to be involved. Additionally, there were printed publications available for residents to learn about the intended PUD update.
- Internal Operations:
 - *This may include staff commentary regarding impact on staff time or resources devoted to a project.* This project and report have had a disproportionately large demand on Planning staff, compared to other Planned Unit Development projects. Changes to the PUD were first requested in December 2021; staff has met with the project team, councilperson, and residents on a regular basis over the past two years to resolve questions and concerns. Planning staff has also met internally for coordination purposes.

Notification: The Charles Village Civic Association has been notified of this action. Additionally, on December 12, 2023, Planning staff sent notification to 675 individuals in the Northern Planning District, 233 of which are residents and elected or generally interested parties.

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Chris Ryer
Director