


TJA

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #11-0696 / REZONING- 811, 821, 825, 831, AND 833, WEST FAYETTE STREET		

TO

DATE: June 3, 2011

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

At its regular meeting of June 2, 2011 the Planning Commission considered City Council Bill #11-0696, for the purpose of changing the zoning for the property known as 811, 821, 825, 831, and 833 West Fayette Street, from the R-9 Zoning District to the B-2-3 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #11-0696 and adopted the following resolution, seven members being present, six in favor and one recused.

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #11-0696 be 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, Deputy Mayor  
 Mr. Peter O'Malley, Chief of Staff  
 Ms. Angela Gibson, Mayor's Office  
 The Honorable Bill Henry, Council Rep. to Planning Commission  
 Mr. David Tanner, BMZA  
 Mr. Geoffrey Veale, Zoning Administration  
 Ms. Nikol Nabors-Jackson, DHCD  
 Ms. Barbara Zektick, DOT  
 Ms. Elena DiPietro, Law Dept.  
 Ms. Karen Randle, Council Services  
 Ms. Jane Shaab, UM BioPark



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*



*Thomas J. Stosur*  
Director

### STAFF REPORT

**June 2, 2011**

#### **REQUESTS:**

- City Council Bill #11-0697/Planned Unit Development – Designation – University Of Maryland BioPark
- City Council Bill #11-0696/Rezoning - 811, 821, 825, 831, and 833 West Fayette Street
- Street Closing/A Portion Of The 800 Block West Fairmount Avenue, A Ten Foot Alley Between West Fairmount Avenue And West Fayette Street And Two Three Foot Alleys Abutting 802 West Fairmount Avenue – All In The Vicinity Of The University Of Maryland BioPark

#### **RECOMMENDATIONS:**

- City Council Bill #11-0697/Planned Unit Development – Designation – University Of Maryland BioPark: Approval, with the following amendments:
  1. On page 2, in line 18, strike "April 29, 2011" and replace with "June 2, 2011"
  2. On page 2, in line 19, strike "April 29, 2011" and replace with "June 2, 2011; Sheet 3, "Proposed Building Heights Plan", dated June 2, 2011 and Sheet 4, "Preliminary Landscape/Forest Conservation Plan", dated June 2, 2011"
  3. On page 3, after line 17, insert "restaurants: drive-in;"
  4. On page 3, after line 29, add the following language at the end of the existing text: ", and no single retail establishment within the Planned Unit Development shall occupy a space greater than twenty thousand (20,000) square feet."
- City Council Bill #11-0696/Rezoning - 811, 821, 825, 831, and 833 West Fayette Street: Approval
- Street Closing/A Portion Of The 800 Block West Fairmount Avenue, A Ten Foot Alley Between West Fairmount Avenue And West Fayette Street And Two Three Foot Alleys Abutting 802 West Fairmount Avenue – All In The Vicinity Of The University Of Maryland BioPark: Approval, subject to Department of General Services comments

**STAFF:** Robert Quilter

**PETITIONER:** University of Maryland Baltimore and UMB Health Sciences Research Park Corporation

**OWNERS:** Various

**SITE/ GENERAL AREA**

Site Conditions: The proposed expanded PUD site is just to the west of Downtown and generally located between Fairmount Avenue and Fayette Street on the north, Martin Luther King, Jr. Boulevard (MLK) on the east, Booth and Hollins Streets on the south and Schroeder Street on the west. It is a collection of lots that currently include development of two midrise BioPark Office Buildings, an eight level garage structure, a recently-constructed State Forensics Building, an existing Dialysis Center at 859 West Baltimore Street and vacant land some of which has been enhanced as temporary park space. Also included are two City-owned parcels of land along the west side of Martin Luther King, Jr. Boulevard, flanking West Baltimore Street. These parcels are currently landscaped as quasi-passive open space. All of the lots are zoned B-2-3, with the exception of the five parcels located on the south side of West Fayette Street and included in the referenced rezoning bill.

General Area: The site is located in West Baltimore, just to the west of Downtown and the University of Maryland Baltimore Campus. West Baltimore Street, a historic retail street originating from the center of the city, bisects the site and continues to the west. Immediately to the south is the Hollins Roundhouse community – a 19<sup>th</sup> century mainly residential area. To the southwest is the Hollins Market commercial area and to the west the West Baltimore Street retail corridor and Hollins House Senior Apartments, located at the northwest corner of Baltimore and Schroeder Streets. Immediately to the north, between Fairmount Avenue and Lexington Street is the Poppleton Co-op community, a development of two and three story units that is currently in the process of renovating and redeveloping its structures and site. To the further northwest are the blocks of properties that are included in the Poppleton PUD.

**HISTORY:**

- Ordinance #75-837, approved on March 31, 1975, established the Poppleton Urban Renewal Plan.
- In 1995 the City of Baltimore was awarded a Federal Empowerment Zone designation, which included the Poppleton Urban Renewal Area.
- Ordinance #03-605, approved October 6, 2003 amended the Poppleton Urban Renewal Plan.
- Ordinance #03-163, approved October 28, 2003 established the University of Maryland at Baltimore Biomedical Research Park-PUD.
- On October 9, 2003, the Planning Commission gave Final Design Approval for Phase I, the first building in the PUD
- On September 30, 2004, the Planning Commission gave Final Subdivision and Development Plan approval and Final Design Approval for the University of Maryland Garage
- Ordinance #07-416, approved on April 19, 2007, was Amendment 11 to the Poppleton Urban Renewal Plan

## CONFORMITY TO PLANS

These three combined actions are to support the expansion of the University of Maryland Baltimore BioPark initiative. Such expansion complies with the goals and objectives of the Poppleton Urban Renewal Plan, specifically *Goal D - To provide for the targeted development of high-tech, medical and science research-related land uses*. Relative to the City of Baltimore Comprehensive Master Plan, these actions support EARN Goal 1 Strengthen Identified Growth Sectors, Objective 2 Retain and Attract Business in Bioscience.

## ANALYSIS

As stated, these three combined actions – Planned Unit Development (PUD) designation, rezoning of 811, 821, 825, 831 and 833 West Fayette Street and the closing of a portion of the 800 block West Fairmount Avenue along with nearby alley and footways are intended to support the expansion of the University of Maryland Baltimore BioPark through the creation of a new PUD and its associated Master Plan.

The original PUD had been established in late 2003 and consisted of  $\pm 4.7$  acres of vacant land along the north side of the 800 block West Baltimore Street with an additional development site located to the northeast at the corner of Fremont and West Fayette Street. The entire PUD site was zoned B-2-3. In total it contained five building parcels capped at a 95' height, one parcel capped at 60' and an eight level 640 space garage parcel. The gross square footage was 640,000.

As the BioPark had proven to be very successful, sites outside the original PUD were identified by the development team. Building #2 of the BioPark, located outside the limits of the PUD at the southwest corner of Baltimore and Fremont, was built in 2008. Additionally, Building #3, set for construction soon is also located outside the limits, at the southeast corner of Baltimore and Poppleton Streets. Recently, a Proton Therapy Center has been proposed for a parcel within the existing PUD that requires a major change to the master plan, the closing of a portion of Fairmount Avenue and the rezoning of five properties on Fayette Street that are now included within the parcel's footprint.

### City Council Bill #11-0697:

This is the legislation for the repeal of the existing University of Maryland Baltimore BioPark PUD and designating its replacement PUD. The new PUD is proposed to contain in the range of 1,656,000 - 1,944,000 square feet of development space on twelve building sites. The total lot area of the PUD is  $\pm 10.36$  acres and the total area of the PUD including rights-of-ways is  $\pm 16.39$  acres. Three buildings currently exist, Building I (800 West Baltimore Street), Building II (801 West Baltimore Street) and the Forensics Building (900 West Baltimore Street). Additionally, Garage 1 with 638 parking spaces also exists at 1 North Poppleton Street. The Independent Dialysis Foundation operates out of a structure located at 859 West Baltimore Street. It is proposed that this site will not be regulated by the proposed PUD until UMB, RPC, their affiliates, or their respective successors or assigns have acquired title to that property. A small Open Space park exists immediately west of the Building II parcel. Other than the two City-owned parcels along MLK, the rest of the proposed PUD area is vacant land or temporary green space.

### Master Plan:

The Department of Planning has worked with the development team to come up with a comprehensive master plan for this PUD. Various components of the Plan include:

- A massing diagram that steps heights to the center of the BioPark and includes building setbacks adjacent to the Union Square Local Historic District;
- A signature site at the northwest corner of Baltimore and MLK (Area G) that would allow up to 180,000 square feet in up to ten levels of a lab/office;
- Garage expansion site (Area C) adjacent to the existing garage at 1 North Poppleton Street that would provide 10,000 square feet retail and 480 additional spaces and include a possible residential tower above for up to 200 units in 14 levels;
- A future large floor plate development site (Area D) that would allow up to 440,000 square feet of research and lab related development;
- A new Maryland Proton Treatment Center site (Area E) to the west of Building 1 and Area F that would include 210,000 square feet of facility development and a 125 room hotel above;
- A 110,00 square foot development potential (Area F) at the southwest corner of Fremont and Fayette;
- Two development parcels (Areas A and B) flanking West Baltimore Street at the western end of the BioPark that will provide a combined development potential up to 332,000 square feet;
- A 53,000 square foot ( $\pm 1.2$  acres) open space network that retains the landscaped island parcel at MLK, Baltimore and Fremont, two connecting open spaces along Baltimore Street in the center of the area and two "gateway spaces" that flank Baltimore Street at the western end of the PUD at Schroeder Street;
- Streetscape plans along Baltimore and adjoining streets that create a consistent streetscape and tree canopy standard for the BioPark;
- Clustering service areas for adjoining buildings in an effort to minimize curb cuts on major streets and to screen such areas from adjacent properties;
- Incorporating retail and/or active uses along ground floor frontages of Baltimore, MLK, Fremont, Schroeder and Open Spaces to the best extent possible.

### Design Review:

The Master Plan was presented several times to the Urban Design and Architecture Review Panel and approved on May 12, 2011. Guiding that process was a series of master plan goals that the Department established. They are as follows:

- *Develop a campus identity and atmosphere for the BioPark;*
- *Establish a useable open space network that re-enforces the concept of campus and features indigenous landscape plantings appropriate for an urban environment;*
- *Vary building height and mass, stepping down to meet the adjacent neighborhood scale;*
- *Create active street frontages on W. Baltimore St. and MLK Jr. Blvd.;*
- *Establish parking in secondary locations and minimize curb cuts on West Baltimore Street;*
- *Re-enforce MLK Blvd as the front face and gateway to the campus and the West Baltimore community;*

- *Continue the existing streetscape guidelines to ensure a generous pedestrian domain of quality paving, maximum tree canopy, appropriate landscaping and public amenities that visually connect with the main UMB campus;*
- *Consider the impact of future Red Line and TOD locations.*

Staff believes that the master plan has achieved to the best extent possible these goals through the design review process.

*Site Plan Review:*

The Master Plan for the PUD was reviewed by the Site Plan Review Committee on May 11, 2011.

*Parking Requirements:*

The BioPark entity has closely monitored and evaluated its current parking needs with Buildings I and II under operation. Utilizing the existing garage at 1 North Poppleton Street, it finds that a general parking ratio of 1 space per 1250 sq. feet of general lab/support office space is sufficient. Planned retail is minimal throughout the BioPark and not expected to be destination shopping. Residential development, proposed for Area "C" is required to be parked according to zoning requirements for B-2-3 (one space for every two dwelling units). Additionally, the PUD has a notation that if any building is built with office as a principal use, parking shall be provided at a ratio of 1 space per 1000 sq. feet.

*Forest Conservation Requirements:*

This project has been reviewed and the accepted Forest Conservation Plan has been included with the PUD submission.

*Stormwater Requirements:*

The approach for this expanded PUD is that development areas within the current PUD will be requested for a waiver from the current requirements. New development areas that are part of this proposed PUD will be required to conform to current regulations.

*Traffic Impact:*

With the current Traffic Mitigation legislation expected to become law, development within the PUD will be required to comply.

*Sustainability:*

The University of Maryland BioPark has indicated that they are firmly committed to developing a sustainable research park since its inception. Building I, for example, has a green roof and that project was developed before the standards were adopted and required by the City. Additionally, streetscape standards for the development use larger tree pits and/ or continuous green areas to reduce stormwater sheet flow, heat island effect and to contribute to Tree Baltimore. Lastly, the pedestrian lighting standard chosen for the BioPark meets LEED design standards, and were selected prior to the City's green build legislation.

Community Process:

The project was most recently presented to an open community meeting and presentation of the project on May 24, 2011. About 25 interested individuals attended representing adjacent property owners as well as representatives from Hollins Round House and the Poppleton Co-op.

City Council Bill #11-0696/Rezoning - 811, 821, 825, 831, and 833 West Fayette Street:

These five parcels of vacant land are located on the south side of Fayette Street immediately to the west of the current PUD. They have been recently purchased by the BioPark entity. However, as they are currently zoned R-9, they are to be rezoned to B-2-3 for additional site area needed for the Maryland Proton Treatment Center proposed in this new Master Plan for Area "E." Together they comprise a combined area of 180' x 160' or about ±0.65 acres. Through the master planning process for this BioPark PUD, Planning staff has evaluated the expansion of the PUD to include these properties and accepted the proposed development for Area "E."

For rezoning of land, Article 66B of the Maryland Annotated Code outlines a number of requirements and findings in §2.05. "If the purpose and effect of a proposed amendment is to change the zoning classification of particular property, the City Council shall make findings of fact. ... The findings of fact shall include:"

1. **Population change;** The areas currently zoned residential are not needed for residential use, and adequate residentially zoned land is available for that purpose.
2. **The availability of public facilities;** This area is adequately served by public services, police and fire protection.
3. **Present and future transportation patterns;** This area is adjacent to the proposed Red Line. As a commercially zoned area, it would be eligible as a transit-oriented development (TOD) site. The area is adequately served by public roads, and traffic impacts can be mitigated through the proposed replacement PUD.
4. **Compatibility with existing and proposed development for the area;** The proposed rezoning is compatible with the BioPark.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals;** Staff recommends approval of this rezoning request. The specific findings of the Planning Commission are outlined below.
6. **The relation of the proposed amendment to the City's plan.** This rezoning and the proposed PUD is compatible with the City's Comprehensive Master Plan, as outlined above.

There are other specific findings where "The Planning Commission and the Board of Municipal and Zoning Appeals shall:"

Study the proposed changes in relation to:

1. **The plan;** This rezoning and the proposed PUD is compatible with the City's Comprehensive Master Plan as it supports the EARN Goal 1, Objective 2, Retain and Attract Business in Bioscience.
2. **The needs of Baltimore City;** The City will benefit from the development of this BioPark, and the related advances in Bioscience.

3. **The needs of the particular neighborhood in the vicinity of the proposed changes.** Approval of the rezoning will support the proposed BioPark, allow for compatible development with the new PUD, and provide for simpler management and oversight of the area.

Following these findings of fact, and with the recommendation of the Planning Commission, the Mayor and City Council may then grant the amendment to change the zoning classification based on a finding that there was a substantial change in the character of the neighborhood where the property is located. Staff recognizes that the BioPark was not anticipated at the time of the last comprehensive rezoning, and so this change was not foreseen at that time. The development of the BioPark is a significant change for the immediate area, and is supported by both the City's Comprehensive Master Plan, and the existing and proposed PUD development plan.

**Street Closing/A Portion Of The 800 Block West Fairmount Avenue, A Ten Foot Alley Between West Fairmount Avenue And West Fayette Street And Two Three Foot Alleys Abutting 802 West Fairmount Avenue – All In The Vicinity Of The University Of Maryland BioPark:**

The University of Maryland Baltimore and UMB Health Sciences Research Park Corporation is also requesting the closing of a portion of the 800 Block of West Fairmount Avenue, an adjacent north-south ten foot alley that connects Fairmount to West Fayette Street and two three-foot alleys nearby. These closures will assist in the establishment of development areas "E" and "G."

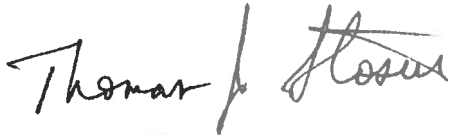
Specifically, closing the identified eastern portion of the 800 Block West Fairmount Avenue will allow development Area "E" to provide the necessary floor plate for the proposed Maryland Proton Treatment Center. The development team studied numerous site options for this project and this specific location proved to be optimum. The Center, the eleventh one in this country, will provide a new type of cancer-fighting strategy to this region. In addition, there is proposed to be a 120 room hotel directly above the Center that will mainly support its patients during their treatment periods. Coupled with this closure is a proposed new connection drive off West Baltimore Street at the western edge of the Proton Center that will provide drop-off to its users as well as a connection to West Fairmount Avenue and Poppleton Street beyond. As with all components of this PUD, the final design plans for the Center will require Planning Commission Final Design Approval in the near future. Planning Staff and SPRC have reviewed this street closure and made changes to the site plan that will ensure that access to the remainder of Fairmount Avenue to the west is acceptable to not only the users of the BioPark but also the adjoining Poppleton Co-op residents and other community users.

Relative to the ten foot alley and pair of three-foot alleys, these will be incorporated into private access to the service side of the Proton Center and the bounds of development area "G" respectively.



It is staff's finding that given the BioPark's new Master Plan, this portion of West Fairmount Avenue and the three nearby alleys are not needed to provide access to adjacent properties. Thus, the subject street portion and alleys are no longer needed for public purposes and can be closed; the right-of-ways declared surplus property and sold.

The following community organizations were notified of this meeting: Hollins Round House, Inc. and Poppleton Co-op.

A handwritten signature in black ink that reads "Thomas J. Stosur". The signature is written in a cursive style with a large, sweeping initial 'T'.

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