

<b>FROM</b>	NAME & TITLE	GARY W. COLE, ACTING DIRECTOR <i>G Cole</i>	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 <sup>th</sup> FLOOR		
	SUBJECT	CITY COUNCIL BILL #08-0165/ PLANNED UNIT DEVELOPMENT-AMENDMENT-1950 /EAST FAYETTE STREET, 1951 EAST FAYETTE STREET, AND 1921-39 ORLEANS STREET		

DATE:

**TO**

November 26, 2008

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

At its regular meeting of November 20, 2008 the Planning Commission considered City Council Bill #08-0165, for the purpose of approving Amendment #1 to this PUD proposes to add "hotels" as an allowed use on all floors of all buildings within Area C of the PUD, increase the allowable project retail square footage from 60,000 to 120,000 and increase the maximum allowable retail square footage per retail establishment from 12,000 to 30,000-excepting food or grocery store which shall not exceed 20,000.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendments to and approval of City Council Bill #08-0165 and adopted the following resolution, nine members being present (nine in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #08-0165 be amended and passed by the City Council.

If you have questions, please contact Mr. Wolde Ararsa, Acting Division Chief of Land Use and Urban Design at 410-396-4488.

GWC/ttl

Attachments

cc:

- Mr. Andy Frank, Deputy Mayor
- Mr. Demuane Millard, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable "Rikki" Spector, City Council Commission Representative
- Mr. Geoffrey Veale, Zoning Enforcement
- Mr. David Tanner, BMZA
- Ms. Nikol Nabors-Jackson, DHCD
- Mr. Larry Greene, Council Services
- Ms. Deepa Bhattacharyya, Law Department
- Mr. Stanley Fine, Attorney for the applicant

*F/A*



**PLANNING COMMISSION**

**STAFF REPORT**

**November 20, 2008**

**REQUEST: City Council Bill #08-0165/Planned Unit Development – Amendment – 1950 East Fayette Street, 1951 East Fayette Street and 1921-1939 Orleans Street**

For the purpose of approving certain amendments to the Planned Unit Development for 1950 East Fayette Street, 1951 East Fayette Street, and 1921-1939 Orleans Street.

**RECOMMENDATION:** Approval, with the following amendments:

**Amendment No. 1:**

On page 2, above line 5, insert the following:

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Section 1 of Ordinance 04-859 is amended to read as follows:

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Mayor and City Council approves the application of Capital Development, LLC, and Dell House, LLC to designate the properties known as 1950 East Fayette Street, 1951 East Fayette Street, and 1921-1939 Orleans Street, consisting of 11.14 acres, more or less, as outlined on the accompanying Development Plan entitled “Orleans, Wolfe, Baltimore & Washington Streets PUD”, consisting of Sheet 1, “Existing Conditions Plan”, dated May 24, 2004, Sheet 2, “Proposed Conditions Plan”, dated May 24, 2004, as revised ~~September 17, 2004~~ October 17, 2008, Sheet 3, “Illustrative Site Plan”, dated September 17, 2004, Sheet 4 “Illustrative Development Plan & Urban Design Guidelines”, dated September 17, 2004, and Sheet 5, “Streetscapes & Design Goals”, dated September 17, 2004, to designate the Property a Residential Planned Unit Development Under Title 9, Subtitles 1 and 2 of the Baltimore City Zoning Code.

**Amendment No. 2:**

On page 2, strike section numbers “1” and “2”, and replace with section numbers “2” and “3”, respectively.

**Amendment No. 3:**

On page 2, delete lines 11 through 22.

**Amendment No. 4:**

On page 2, delete lines 24 through 29. Replace with the following:

- (e) Overall retail square footage in the Planned Unit Development area is limited to 60,000 square feet, with a limit of 12,000 square feet per retail establishment EXCEPT FOR ONE FOOD STORE OR GROCERY STORE WITHIN THE PLANNED UNIT DEVELOPMENT WHICH SHALL NOT EXCEED 20,000 SQUARE FEET.

**Amendment No. 5:**

On page 2, delete lines 31 through 33. Replace with the following:

- (I) Change the name of the designated PUD from “1950 East Fayette Street, 1951 East Fayette Street, and 1921-1939 Orleans Street” to “Gateway at Washington Hill”.

**STAFF:** Robert Quilter

**PETITIONER(S):** Capital Development, LLC

**OWNER:** Capital Development, LLC and Dell House, LLC

**SITE/ GENERAL AREA**

Site Conditions: The site of the proposed Planned Unit Development is three city blocks covering a combined 11.14 acres. With the exception of a small portion of 1950 East Fayette Street along Orleans Street that is zoned B-3-2, the site is zoned R-8. The three blocks are the former site of the Chapel NDP low-income housing development and now constitute a cleared site.

General Area: The site lies immediately southeast of the Johns Hopkins Medical campus in an area that has recently seen a strong increase in development activity. Immediately west of the 1950 East Fayette Street parcel is a large parking garage that is to be eventually completed with medical offices, including a pediatric care building. Immediately to the northwest of the PUD area is the current construction site of the new main hospital of the Johns Hopkins Medical campus. To the south and east of the PUD area is residential, with rowhouses predominating on adjacent blocks.

**HISTORY**

- Ordinance Number 40, approved April 26, 1972, established the Washington Hill Chapel Urban Renewal Plan

- Ordinance Number 701, approved June 23, 2004, amended the Washington Hill-Chapel Urban Renewal Plan for the eleventh time
- Ordinance #04-859, approved December 2, 2004, established the 1950 East Fayette Street, 1951 East Fayette Street and 1921-1939 Orleans Street Planned Unit Development

### **CONFORMITY TO PLANS**

The PUD is in the Washington Hill-Chapel Urban Renewal Plan Area and this amendment is not in conflict with that area's plan.

This proposed amendment conforms to the Comprehensive Master Plan's Live Section, Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 2: Strategically Redevelop Vacant Properties Throughout the City.

### **ANALYSIS**

The proposed amendment to this existing PUD will establish a revised "Proposed Conditions Plan", modify the overall retail square footage limitations permitted and add "hotels" as a permitted use on all floors of all buildings within Area C.

The boundaries for the PUD are Orleans Street to the North, North Wolfe Street to the West, East Baltimore Street to the South and North Washington Street to the East. The site is currently cleared and awaiting development. Each block of this three block PUD is labeled as individual development areas, with "A" between Baltimore and Fairmount, "B" between Fairmount and Fayette and "C" between Fayette and Orleans.

The original design for the PUD called for a combination of townhouse and multifamily residential, office and retail. Building heights are set to be the tallest along Orleans Street in Area "C", with a proposed maximum height of 170 feet. Heading southward from Orleans Street, building heights are reduced to a 45-120 foot height limit for area "B" between East Fayette Street and Fairmount Avenue and a 45 foot limit for all of Area "A" between East Baltimore Street and Fairmount Avenue. The proposed uses for the PUD site by area are office, retail and multifamily residential for Area "C", retail and a combination of multifamily and townhouse residential for Area "B" and townhouse residential only for area "A".

Finalizing the process to establish the original PUD, Planning's Staff Report to the Planning Commission included the following in its analysis "Staff recommends the overall limitations on retail space and square footage per retail establishment in order to limit the PUD to neighborhood-serving retail. The aim of this limitation is to focus the PUD's retail component on serving the residents and workers located within walking distance of the PUD area as well as avoiding the presence of stores that would create excessive trips to the very dense PUD area or detract from nearby established retail areas." That same logic continues today. Staff and other City agencies continue to believe that the amount and type of retail allowed at this location should be limited to

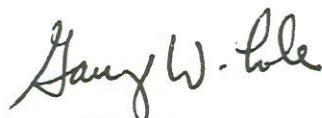
neighborhood-serving retail. Other significant planned projects in East Baltimore that promise to serve larger populations are expected to add to the retail market in the near future.

It must be noted, however, that recent reports and professional views contend that East Baltimore is underserved relative to grocery retail needs of the population. This view is supported by the recently released September 2008 "*Baltimore Neighborhood Market DrillDown*", by *Social Compact Inc.*

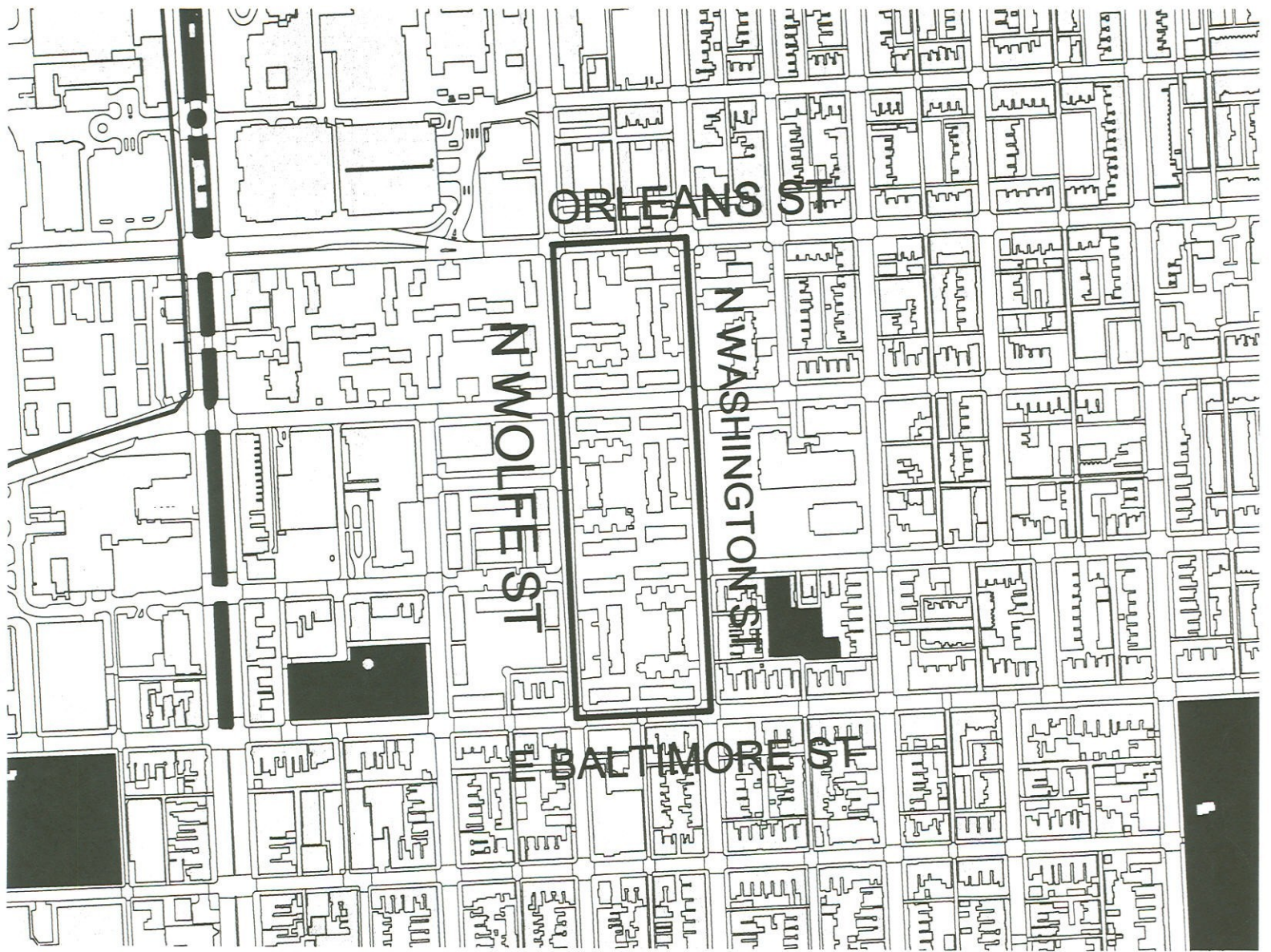
Therefore, to continue the thoughtful course of planned economic redevelopment in East Baltimore, Planning has asked the development team to withdraw its request at this time for 1) the hotel use for Area "C", and 2) the doubling of allowable retail from 60,000 to 120,000 square feet and 3) allowing the maximum size of any retail establishment to increase from 12,000 sf. to 30,000 sf. The development team has agreed to removing these items from the Bill and perhaps reconsider them when a more complete assessment of the retail potential for East Baltimore emerges. However, the development team would like to proceed with their request for a 20,000 square foot grocery/food store. This request is acceptable to the Department of Planning.

Also included in City Council Bill 08-0165 is the provision to supplement a revised Proposed Conditions Plan for the PUD. Since the original plan was devised and approved in 2004, the development team has reassessed the market and now intends to build, as Phase I, a 443 unit residential development on Areas A and B and include a 20,000 square foot grocery store and an additional 10,000 square feet of retail at the southeast corner of Fayette and Wolfe Streets. In general the project will rise four stories in Area A and five stories in Area B. There will be a modest height increase (two - three feet approximately) to accommodate this revised project. Internal parking garages will provide 760 spaces and are located in the core of these two blocks, with residential and retail street frontages. Fairmount Avenue, running east-west between these two blocks, will remain open as a public pedestrian way. The review process for Phase I is nearing completion and will be presented for Final Design Approval to the Planning Commission at a later date.

Banner Neighborhoods Community Corporation, East Baltimore Community Corporation, Inc., Citizens for Washington Hill, Inc., Butchers Hill Association, Inc., Upper Fells Point Improvement Association, Fells Prospect, Inc., Monument Street Merchants Association, Historic East Baltimore Community Action Committee, Inc. and Johns Hopkins Hospital have been notified of this action.



**Gary W. Cole**  
**Acting Director**



CITY COUNCIL BILL #08-0165  
PLANNED UNIT DEVELOPMENT -  
AMENDMENT - 1950 EAST FAYETTE STREET,  
1951 EAST FAYETTE STREET, AND  
1921-39 ORLEANS STREET