


FROM	NAME & TITLE	CHRIS RYER, 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 #23-0399 / PLANNED UNIT DEVELOPMENT - AMENDMENT - BENHURST PARK		

TO

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

DATE: June 30, 2023

At its regular meeting of June 29, 2023, the Planning Commission considered City Council Bill #23-0399, for the purpose of repealing Ordinance 09-161; approving certain amendments to the Development Plan of the Benhurst Park Planned Unit Development; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #23-0399 and adopted the following resolutions, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #23-0399 be **approved** 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  
 Mr. Ethan Cohen, 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  
 Mr. Al Barry, AB Associates



Brandon M. Scott  
Mayor

## PLANNING COMMISSION

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

### STAFF REPORT



Chris Ryer  
Director

**June 29, 2023**

**REQUEST:** City Council Bill #23-0399/ Planned Unit Development – Amendment – Benhurst Park:

For the purpose of repealing Ordinance 09-161; approving certain amendments to the Development Plan of the Benhurst Park Planned Unit Development; and providing for a special effective date.

**RECOMMENDATION:** Approval

**STAFF:** Eric Tiso

**PETITIONER:** Kol Torah of Baltimore, Inc. c/o Chase Hoffberger, Al Barry, AB Associates

**OWNER:** Kol Torah of Baltimore, Inc.

### **SITE/GENERAL AREA**

Site Conditions: 2929 Fallstaff Road is located on the south side of the street, between the intersections with Drayden Drive and Doral Drive. The R-5 zoned property contains approximately 2.214 acres and is improved with a synagogue.

General Area: This property is in the Cheswolde neighborhood, which is predominantly residential in character, with a variety of housing types throughout the area. This site is also within the Benhurst Park Planned Unit Development (PUD) #6.

### **HISTORY**

- Ordinance #73-0417, approved July 11, 1973, established the Planned Unit Development for Benhurst Road and Clarks Lane.
- Ordinance #78-0690, approved April 17, 1978, was the first amendment to the Benhurst Park Planned Unit Development.
- Ordinance #83-1127, approved December 5, 1983, amended the Benhurst Park Planned Unit Development
- On April 6, 1989, the Planning Commission approved the Final Design for 6301 Benhurst Road and 3023 Temple Gate.
- On February 2, 1995, the Planning Commission approved the Final Design for an addition to the house at 6228 Benhurst Road.
- On May 28, 2002, the Planning Commission approved the Final Design for an addition to 6300 Benhurst Road.

- On October 5, 2005, the Planning Commission approved the Final Design for the 6200 Block of Benhurst Avenue and the Final Subdivision and Development Plan for the same property.
- Ordinance #07-0384, approved February 6, 2007, amended the Benhurst Park Planned Unit Development to permit the development of five single-family detached dwellings and a reconfiguration of the storm water management pond.
- Ordinance #09-161, approved April 7, 2009, amended the Benhurst Park Planning Unit Development to permit the development of a Synagogue on the Fallstaff Road property.
- On January 22, 2009 the Planning Commission approved the Final Subdivision and Development Plan that created the 2929 Fallstaff Road property.
- On May 19, 2009 the Planning Commission approved the Final Design for the Kol Torah Synagogue at 2929 Fallstaff Road.
- On June 11, 2009, the Planning Commission approved a Minor Amendment and Revised Final Design Approval / Benhurst Overlook Housing in the Benhurst Park PUD.
- On January 12, 2023, the Planning Commission approved a Minor Amendment and Revised Final Design Approval for an addition to 3000 Temple Gate Road.

## **ANALYSIS**

2929 Fallstaff Road was created through a subdivision into two parcels created from lands owned by the Heather Ridge Condominiums. The other parcel was dedicated for Forest Conservation, and remains undeveloped. An accompanying action for a Major Amendment to the PUD was also approved by the Planning Commission, as construction of a synagogue was not initially contemplated as part of the residential PUD when it was created. Arguably, it may've been simpler to remove this parcel from the PUD at that time (being a legislative action either way), but retaining the property at that time served to allow for a public design review process that incorporated public input. At this point in time, there's no further purposed for this parcel remaining in this residential PUD, and so it can be amended out of the PUD area. As this PUD has also been predominantly built-out, there may be few reasons to retain the PUD at all, and staff would recommend consideration of repealing the PUD in its entirety as a future action.

### Equity:

As this synagogue is now an existing building, there will be no impact to the surrounding community. There will be no impact to internal operations of this agency, as no new development plans require review, since this is an existing condition.

Notification: The Cheswolde Neighborhood Association has been notified of this action.



**Chris Ryer**  
**Director**