


TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #15-0473 / REZONING - 31-35 NORTH FULTON AVENUE		

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

DATE: February 27, 2015

At its regular meeting of February 26, 2015, the Planning Commission considered City Council Bill #15-0473, for the purpose of changing the zoning for the property known as 31-35 North Fulton Avenue, from the R-9 Zoning District to the B-2-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment and approval of City Council Bill #15-0473 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 #15-0473 be amended and 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, Chief of Staff
 Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
 Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development
 Ms. Angela Gibson, Mayor's Office
 The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Ms. Barbara Zektick, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Melissa Krafchik, PABC
 Ms. Natawna Austin, Council Services
 Mr. Ryan Potter, Applicant



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

February 26, 2015

REQUESTS:

City Council Bill #15-0472/ Urban Renewal – Franklin Square – Amendment

For the purpose of amending the Urban Renewal Plan for Franklin Square to amend certain Exhibits to reflect the change in the land use plan and the change in zoning, on approval by separate ordinance, for the property known as 31-35 North Fulton Avenue; 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.

City Council Bill #15-0473/ Rezoning – 31-35 North Fulton Avenue

For the purpose of changing the zoning for the property known as 31-35 North Fulton Avenue, as outlined in black on the accompanying plat, from the R-9 Zoning District to the B-2-2 Zoning District.

RECOMMENDATIONS:

City Council Bill #15-0472/ Urban Renewal – Franklin Square – Amendment

Amend the proposed land use to Office-Residential and the proposed zoning to O-R-2 for 31-35 North Fulton Avenue and approve.

City Council Bill #15-0473/ Rezoning – 31-35 North Fulton Avenue

Amend the proposed zoning to O-R-2 and approve.

STAFF: Alexandra Hoffman

COMPREHENSIVE PLANNER: Brent Flickinger (Southern District)

PETITIONER: Councilman William "Pete" Welch (Ninth District) on behalf of Bon Secours Baltimore Health Corporation

OWNER(S): Roman Catholic Archbishop of Baltimore

SITE AREA

Franklin Square Urban Renewal Plan: The Franklin Square Urban Renewal Plan is consistent with the boundaries of the Franklin Square neighborhood with West Mulberry Street to the north, North Carey Street to the east, North Monroe Street to the west and all properties that front on West Baltimore Street to the south (including the properties on the north side of Frederick Avenue west of North Gilmor Street). Franklin Square is generally residential in character with a mix of rowhouse and apartment housing types, with institutional uses scattered throughout the neighborhood and commercial uses concentrated on the West Baltimore Street and Frederick Avenue corridors to the south.

31-35 North Fulton Avenue: The subject property of the Urban Renewal Plan amendment and the companion rezoning bill, 31-35 North Fulton Avenue, is the former Saint Martin's church campus on the east side of North Fulton Avenue south of West Fayette Street . Due to depopulation in the area, among other factors, the Saint Martin's congregation has merged with two other congregations in the area and the church facility is currently vacant. The rest of the east side of the unit block of North Fulton Avenue is developed as rowhouses and Bon Scours currently operates a Community Support Center across the street at 26 North Fulton Avenue.

HISTORY

Franklin Square Urban Renewal Plan: The Franklin Square Urban Renewal Plan was approved by the Mayor and City Council of Baltimore via Ordinance No. 831 on July 19, 1978. It was last amended via Ordinance No. 919, approved April 24, 1987 (Amendment #2).

31-35 North Fulton Avenue: The Board of Municipal and Zoning Appeals granted approval in 2007 to use 31-35 North Fulton Avenue as a Multi-Purpose Neighborhood Center, a conditional use under the property's existing R-9 zoning.

ANALYSIS

As introduced, City Council Bill #15-0472/Urban Renewal – Franklin Square – Amendment amends the Franklin Square Urban Renewal Plan to change the land use from Residential to Community Business and the recommended zoning from R-9 to B-2-2 for the property known as 31-35 North Fulton Avenue (see Figures 1 and 2, attached). The implementation of this recommended zoning for 31-35 North Fulton Avenue is proposed under a companion piece of legislation, City Council Bill #15-0473/ Rezoning – 31-35 North Fulton Avenue (see Figure 3, attached).

Proposed Amendment: The Planning Department recommends that City Council Bill #15-0472/Urban Renewal – Franklin Square – Amendment be amended to change the land use to Office-Residential and the proposed zoning to O-R-2 for 31-35 North Fulton Avenue and that City Council Bill #15-0473/ Rezoning – 31-35 North Fulton Avenue also be amended to change the zoning to O-R-2. This recommendation allows for office and institutional land uses to support the reuse of the former church complex while acknowledging the residential character of the surrounding area. The applicant has submitted a memorandum (Memorandum RE: 31 North Fulton Avenue, dated February 9, 2015) in support of staff's proposed amendments.

Petitioner Request: These City Council Bills were introduced at the request of Bon Secours Baltimore Health Corporation to facilitate the adaptive reuse of the church campus for an ambulatory care center that would provide out-patient health care and dentistry services. If City Council Bill #15-0472 and #15-0473 are approved with staff's amendments, Bon Secours Baltimore Health Corporation will require the Board of Municipal and Zoning Appeals' approval to establish the proposed ambulatory use, a conditional use under the proposed O-R-2 zoning classification.

CONFORMITY TO PLANS

Comprehensive Master Plan: These City Council Bills are both compatible with the Comprehensive Master Plan for Baltimore City, specifically:

LIVE

Goal 1: Build Human and Social Capital by Strengthening Neighborhoods

Objective 2: Strategically Redevelop Vacant Properties throughout the City

EARN

Goal 1: Strengthen Identified Growth Sectors

Objective 6: Retain and Attract Business in Healthcare and Social Assistance

TransForm Baltimore: Although 31-35 North Fulton Avenue was recommended for residential zoning under TransForm Baltimore, the draft new Zoning Code (amended and approved by the Planning Commission on September 21, 2013), these bills are consistent with the Planning Department's recommendation to add the Neighborhood Commercial Establishment Use to the subject property's proposed R-8 zoning classification. The Neighborhood Commercial Establishment Use would permit limited commercial uses in otherwise residentially-zoned neighborhoods where the existing structure is non-residential in its construction and original use. Consistent with the intent of these bills, the Neighborhood Commercial Establishment Use would provide additional flexibility in land use for these non-residential structures to encourage their adaptive reuse.

Operation ReachOut SouthWest Neighborhood Action Plan: The Operation ReachOut SouthWest (OROSW) Neighborhood Action Plan, which included Franklin Square and the adjacent neighborhoods of Boyd Booth, Shipley Hill and Penrose/Fayette Street Outreach, was adopted by the Planning Commission in 2002 and does not make specific recommendations regarding the proposed actions although it did support the development of the Bon Scours Community Support Center across the street at 26 North Fulton Avenue.

MARYLAND LAND USE CODE REQUIRED FINDINGS

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: see the “Conformity to Comprehensive Master Plan” section, above, and fulfilling the proposed recommended zoning within the Franklin Square Urban Renewal Plan under CCB #15-0473.
2. The needs of Baltimore City: Allows for expanded office and institutional opportunities.
3. The needs of the particular neighborhood: Allows for additional office and institutional land uses and supports the adaptive reuse of an existing, non-residential structure.

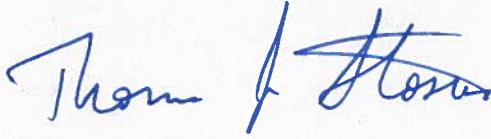
Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. Population changes: While the property is currently zoned for residential use, the property was built for a non-residential use (church) and was last used as a Multi-Purpose Neighborhood Center so the proposed change will not alter the amount of non-residential uses in the area. The nature of the existing building (church) and the general depopulation experienced in the area (-16.9% between 2000 and 2010) make reuse of this structure for a residential use challenging.
2. The availability of public facilities: The property is well-served by streets, utilities, police, fire and schools.
3. Present and future transportation patterns: The proposed zoning change acknowledges the level of traffic on North Fulton Avenue (Route 1), which is also well-served by the Maryland Transit Administration Bus Lines 20 and 30 one block south on West Baltimore Street.
4. Compatibility with existing and proposed development for the area: The proposed zoning change is consistent with the existing non-residential structure and use at 31-35 North Fulton Avenue and the non-residential use across the street.
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 amendment and 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: See “Conformity to Comprehensive Master Plan” section, above, and fulfilling the proposed recommended zoning within the Franklin Square Urban Renewal Plan under CCB #15-0473.

The City Council may grant the amendment to change the zoning classification based on a finding that there was: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. This bill would qualify as a substantial change, as cited in the “Conformity to Comprehensive Master Plan” section, above, and fulfilling the proposed recommended zoning within the Franklin Square Urban Renewal Plan under CCB #15-0473.

COMMUNITY NOTIFICATION

The Franklin Square Community Association has been notified of the requested action.



Thomas J. Stosur
Director

Figure 1: Urban Renewal Plan Land Use Exhibit

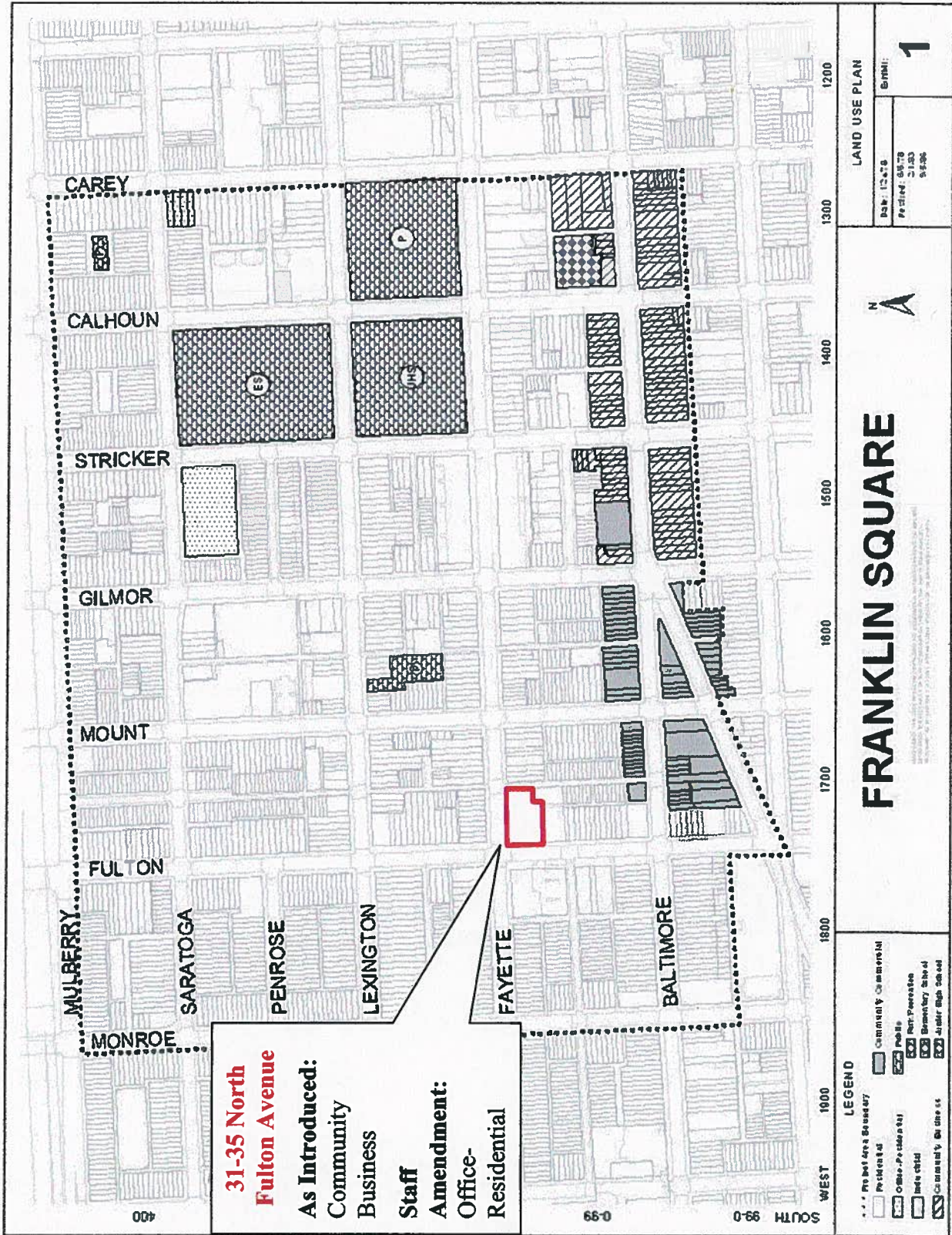


Figure 2: Urban Renewal Plan Zoning Exhibit

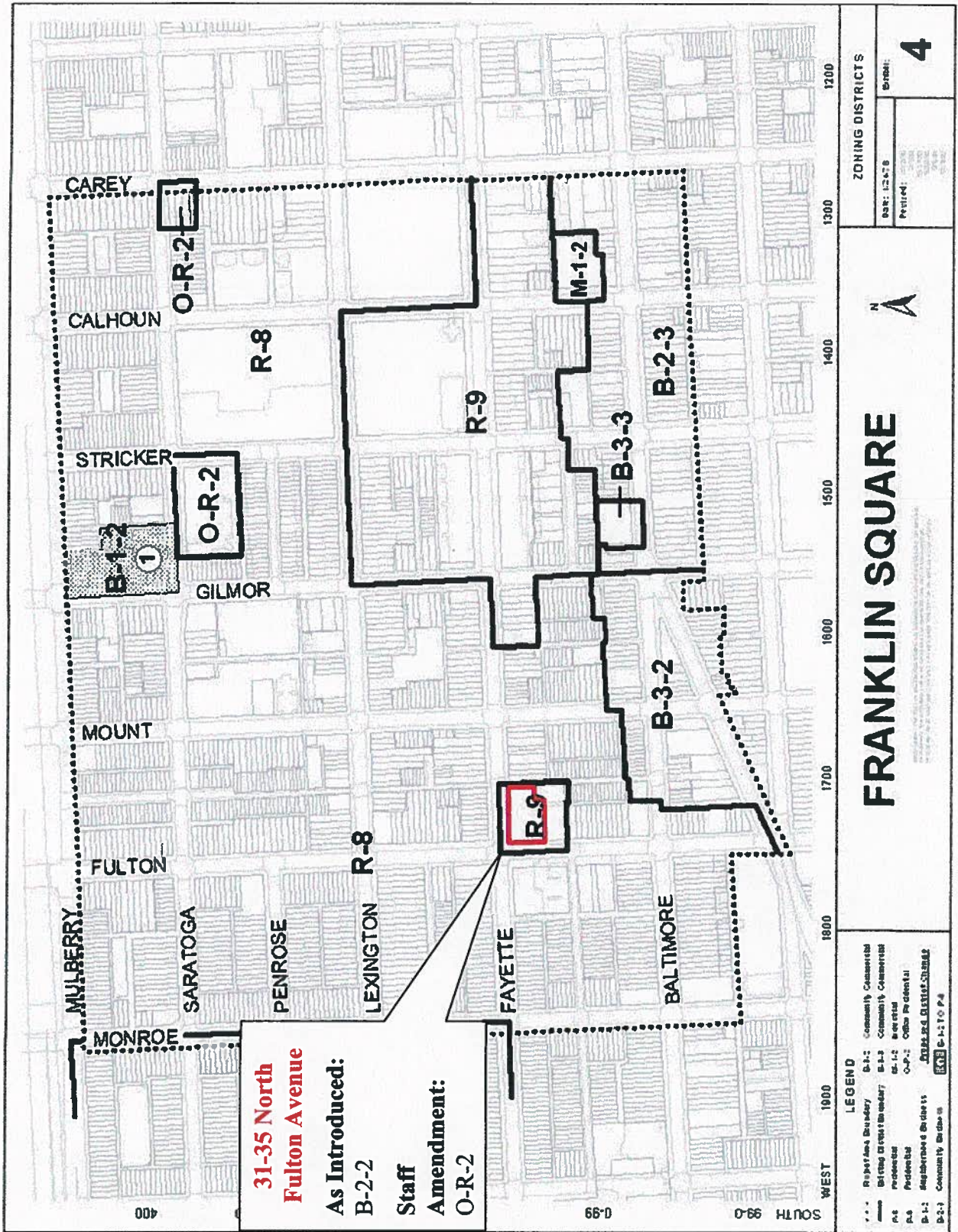


Figure 3: Rezoning Plat



SHEET NO. 54 OF THE ZONING DISTRICT
MAPS OF THE ZONING ORDINANCE OF
BALTIMORE CITY AS ADOPTED ON JANUARY
3, 2012.

NOTE: APPLICANT WISHES TO REZONE
PROPERTY KNOWN AS: 31.35 N. FULTON
AVENUE, BALTIMORE, MD, 21223 (OUT-
LINED IN BLACK) TO BE REZONED FROM
R-9 TO B-2-2.

ADDRESS INVOLVED:
31.35 N. FULTON AVENUE
BALTIMORE, MD 21223

WARD 19 SECTION 05 BLOCK 0194
LOT 011

APPLICANTS:
BON SECOURS HEALTH CORPORATION
2000 WEST BALTIMORE STREET
BALTIMORE, MD 21223

PLAT PREPARED BY:
PENZA BAILEY ARCHITECTS
401 WOODBOURNE AVENUE
BALTIMORE, MD 21212

PREPARED ON: NOVEMBER 3, 2014

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