

TJS

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #15-0570 / AMENDING HIGHLANDTOWN BUSINESS AREA URBAN RENEWAL PLAN

CITY of  
BALTIMORE  
**MEMO**



**TO**

DATE:

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

November 2, 2015

At its regular meeting of October 29, 2015, the Planning Commission considered City Council Bill #15-0570, for the purpose of amending the Urban Renewal Plan for Highlandtown Business Area to remove a certain land use category from the Plan, to repeal and replace Exhibit 1, "Land Use and Zoning Map", with new exhibits to reflect the change in land use with the removal of a certain land use category and to reflect the change in land use and the change in zoning, upon approval by separate ordinance, for the properties known as 3232, 3234, and 3236-3244 Eastern Avenue, and to add a new height limitation provision for new construction in the community business land use area of the Plan; 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.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval with amendments of City Council Bill #15-0570 and adopted the following resolution; 8 members being present (8 in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #15-0570 be passed with amendments 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  
Ms. Caroline Hecker, Rosenberg Martin Greenberg, LLP



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**October 29, 2015**

#### **REQUESTS:**

**City Council Bill#15-0570/ Urban Renewal – Highlandtown Business Area – Amendment**

For the purpose of amending the Urban Renewal Plan for Highlandtown Business Area to remove a certain land use category from the Plan, to repeal and replace Exhibit 1, "Land Use and Zoning Map", with new exhibits to reflect the change in land use with the removal of a certain land use category and to reflect the change in land use and the change in zoning, upon approval by separate ordinance, for the properties known as 3232, 3234, and 3236-3244 Eastern Avenue, and to add a new height limitation provision for new construction in the community business land use area of the Plan; 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#15-0571/ Rezoning – 3232, 3234, And 3236-3244 Eastern Avenue**

For the purpose of changing the zoning for the properties known as 3232, 3234, and 3236-3244 Eastern Avenue, as outlined in red on the accompanying plat, from the B-2-2 Zoning District to the B-2-4 Zoning District.

#### **RECOMMENDATIONS:**

**City Council Bill#15-0570/ Urban Renewal – Highlandtown Business Area – Amendment**

Approval with the following amendment:

Update Exhibit 2: Zoning map and see attached revised urban renewal plan for numerous text amendments.

**City Council Bill#15-0571/ Rezoning – 3232, 3234, And 3236-3244 Eastern Avenue**

Approval.

**STAFF:** Kate Edwards

**COMPREHENSIVE PLANNER:** Kate Edwards (Eastern District)

**PETITIONER:** 3244 Eastern Avenue, LLC

**OWNER(S):** Multiple

## **SITE AREA**

Highlandtown Business Area Urban Renewal Plan: The Highlandtown Business Area Urban Renewal Plan generally encompasses the Highlandtown Main Street area running along Eastern Avenue from Robinson Street to Haven Street, the plan also includes portions of Bank Street and Fleet Street along this stretch.

3232, 3234, And 3236-3244 Eastern Avenue: These are Eastern Avenue properties located on the western portion of the Highlandtown Main Street area on and adjacent to the former Haussner's Restaurant at the northwest corner of Eastern Avenue and Clinton Street (see Figure 1: Rezoning Plat, attached). The structures on the site are currently vacant.

## **HISTORY**

Highlandtown Business Area Urban Renewal Plan: The Highlandtown Business Area Urban Renewal Plan was approved by the Mayor and City Council of Baltimore via Ordinance No. 511 on October 25, 1977. It was amended via Ordinance No. 209, dated November 11, 1997 (Amendment #1).

3232, 3234, And 3236-3244 Eastern Avenue: These properties have not been the subject of any previous Planning Commission action.

## **CONFORMITY TO PLANS**

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

Goal 2: Elevate the Design and Quality of the City's Built Environment

*Objective 1*: Improve Design Quality of Baltimore's Built Environment

*Objective 3*: Promote Transit Oriented Development (TOD) and Mixed-use Development to Reinforce Neighborhood Centers and Main Streets

## **ANALYSIS**

The purpose of City Council Bill#15-0570/ Urban Renewal – Highlandtown Business Area – Amendment is to amend the Highlandtown Business Area Urban Renewal Plan to remove the Neighborhood Business land use category and recommend that all properties within the Neighborhood Business land use category be changed to the Community Business land use category. Additionally the bill inserts a building height limit of 75 feet for any building within the Community Business land use area. The bill would also update the Plan Objectives of the Urban Renewal Plan to be consistent with the removal of the Neighborhood Business land use category. Additionally, the bill would repeal and replace the existing combined Land Use and Zoning Map with two maps; a Land Use Map indicating the proposed change in land use categories, and a Zoning Map recommending a change in zoning for the properties 3232, 3234, and 3236-3244 Eastern Avenue from B-2-2 to B-2-4.

City Council Bill#15-0571/ Rezoning – 3232, 3234, and 3236-3244 Eastern Avenue would implement the proposed zoning for the former Haussner’s site and adjacent properties recommended in City Council Bill#15-0570/ Urban Renewal – Highlandtown Business Area – Amendment.

These bills are both consistent with the Planning Department’s recommendation for C-1, pedestrian-oriented commercial zoning for the Highlandtown Main Street area under TransForm Baltimore, the draft new Zoning Code (amended and approved by the Planning Commission on September 21, 2013).

Proposed Amendment: The Planning Department recommends that City Council Bill #15-0570 be amended to update Exhibit 2: Zoning map to reflect several additional recommended zoning changes which the community has requested to be more compatible with the changes along the main street and their vision for the area. The community would like to see higher density mixed use development along Eastern Ave between Highland Avenue and Dean Street. The Planning Department also recommends that the bill be amended to reflect the text changes included in the attached revised Highlandtown Business Area urban renewal plan. These changes were suggested by the community to modernize their urban renewal plan and help guide the increasing development in the main street area. The changes simplify and update the design guidelines and community review process. The community would like to encourage creative and innovative designs and suggested the proposed changes to allow for this type of development in the area while retaining some of the design regulations which were consistent with this vision.

Maryland Land Use Code – Requirements for Rezoning:

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 Highlandtown Business Area Urban Renewal Plan under CCB #15-0570.
2. **The needs of Baltimore City:** Allows for expanded mixed-use and residential development opportunities.
3. **The needs of the particular neighborhood:** The proposed B-2-4 zoning district also supports the specific neighborhood needs to provide additional housing choice for existing residents as well as potential new residents by implementing a long-term vision of creating a mixed-use neighborhood that allows people to live, work and play in the same neighborhood.

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:** Between the 2000 census and the 2010 census, the three neighborhoods that touch the Highlandtown Business Area Urban Renewal Plan, Highlandtown, Canton, and Brewers Hill, have experienced an overall growth of 7.6%.

2. **The availability of public facilities:** The property is well-served by streets, utilities, police, fire and schools.
3. **Present and future transportation patterns:** Eastern Avenue does experience periods of congestion, however the changes proposed by these bills are not expected to greatly impact the existing transportation network. That being said, any specific impacts related to a higher density use and resulting mitigation measures for this site will be discussed with the Department of Transportation.
4. **Compatibility with existing and proposed development for the area:** The proposed zoning change is compatible with the existing and proposed development along Eastern Avenue. It allows for a higher density development which will assist in making development of some of the larger parcels more feasible to be redeveloped for market rate housing. This is consistent with the community's vision for development in this area as expressed in their proposed amendments to the urban renewal plan.
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 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 Highlandtown Business Area Urban Renewal Plan under CCB #15-0570.

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 zoning change would qualify under (i) a substantial change in the character of the neighborhood. Southeast Baltimore has experienced a large influx in population over the past decade. Much of this growth has taken place to the south of Highlandtown in the neighborhoods of Canton and Brewers Hill. The Highlandtown neighborhood is also changing in response to this growth and well positioned to capture some of this increased market demand. The reopening of The Patterson theater as a multi-purpose art space by The Creative Alliance in 2003 and the efforts of the Highlandtown Main Street are revitalizing the commercial corridor with a focus on thriving commercial, residential, and arts spaces. This zoning change supports these positive changes in the area. Additionally, this zoning change will fulfill the proposed recommended zoning within the Highlandtown Business Area Urban Renewal Plan under CCB #15-0570.

**TransForm Baltimore:** The TransForm zoning recommendation for these particular properties is that they be rezoned to C-1. This recommendation is consistent with the mixed-use character of development which would be allowed by the proposed zoning change. As part of the review of this request, the rezoning standards and TransForm Baltimore recommendations were considered.

**NOTIFICATION**

Staff has notified the following groups of the requested action: Highlandtown Community Association, Brewer's Hill Community Association, Canton Community Association, Highlandtown Main Street, and Southeast Community Development Corporation.



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

Figure 1: Rezoning Plat

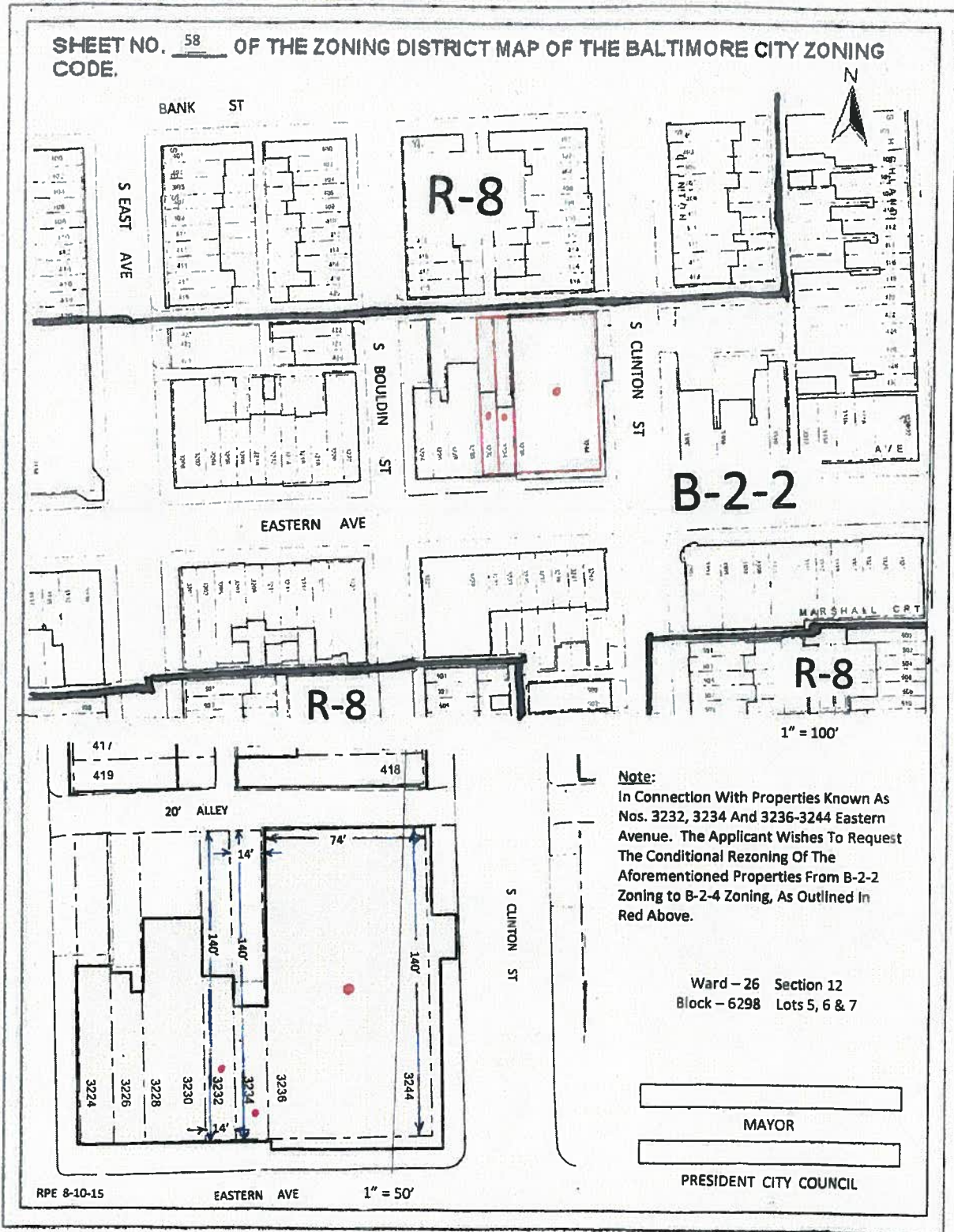




Figure 2: Proposed "Exhibit 1"

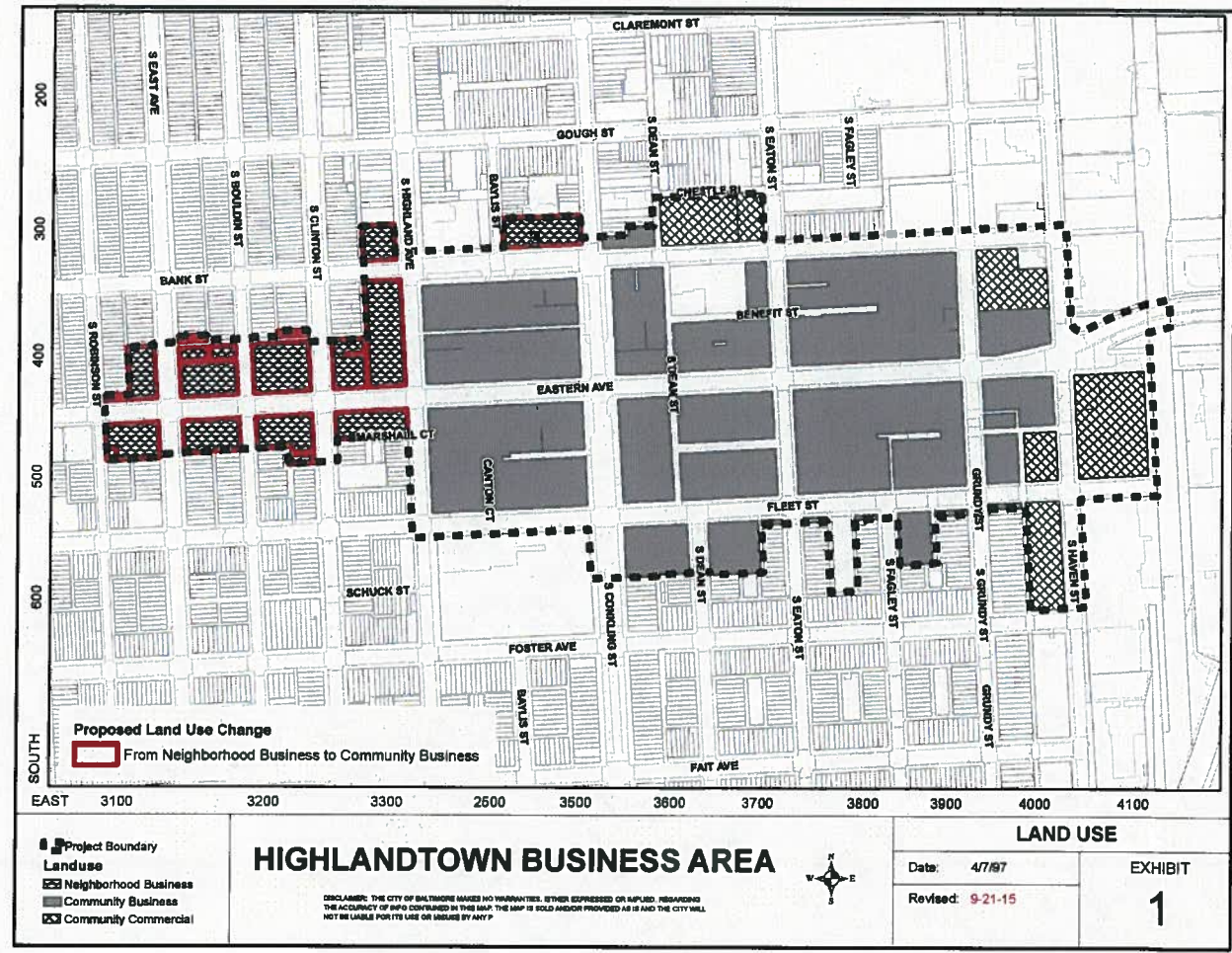


Figure 3: Proposed "Exhibit 2"

