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|-------------|-----------------------|--|-------------------------------------|---|
| <b>FROM</b> | NAME & TITLE          | THOMAS J. STOSUR, DIRECTOR   | CITY of<br>BALTIMORE<br><b>MEMO</b> |  |
|             | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING<br>8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET |                                     |   |
|             | SUBJECT               | CCB #14-0393/ Rezoning – 2700 Rayner Avenue                              |                                     |   |

**TO**

DATE:

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

June 20, 2014

At its regular meeting of June 19, 2014, the Planning Commission considered City Council Bill #14-0393, for the purpose of changing the zoning for the property known as 2700 Rayner Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the O-R-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #14-0393, and adopted the following resolution, eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #14-0393 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/WYA/mf

Attachment

- Cc: Ms. Kaliope Parthemos, Chief of Staff  
 Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development  
 Mr. Leon Pinkett, Assistant Deputy Mayor  
 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. Karen Randle, Council Services  
 Ms. Natawna Austin, Council Services  
 Mr. Errol George, Coppin Heights Community Development Corporation



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**June 19, 2014**

**REQUEST:** City Council Bill 14-0393/ Rezoning – 2700 Rayner Avenue

For the purpose of changing the zoning for the property known as 2700 Rayner Avenue from the R-6 Zoning District to the O-R-2 Zoning District.

**RECOMMENDATION:** Approval

**STAFF:** Martin French

**PETITIONER:** Coppin Heights Community Development Corporation

**OWNER:** State of Maryland, Coppin State College

#### **SITE/GENERAL AREA**

**Site Conditions:** The site of the proposed rezoning is located in the Mosher neighborhood, and is bounded on its south by Rayner Avenue, on its west by Dukeland Street, on its north by Lanvale Street, and on its east by Ashburton Street and an adjoining property used as a residential substance abuse treatment facility known as Tuerk House. This site contains approximately 1.144 acre, and is improved with a three-story semi-detached institutional structure known primarily by its original name, the Hebrew Orphan Asylum, constructed in 1883. This structure is listed on the National Register of Historic Places. This property was acquired by the State of Maryland, Coppin State College, in 2003 as part of the dissolution of the Lutheran Home and Hospital complex.

**General Area:** This site is located in West Baltimore, in an area that is predominantly residential, with scattered related uses such as religious institutions and schools included. Most of the residential blocks are composed of row-houses constructed in the early decades of the 20<sup>th</sup> Century. Across Ashburton Street, to the east of this site, is a large vacant lot that formerly was the site of the Lutheran Hospital.

#### **HISTORY**

There are no previous legislative or Planning Commission actions regarding this site alone. This site is within the Greater Rosemont And Mondawmin Area Master Plan area (see below).

## **CONFORMITY TO PLANS**

The proposed rezoning, and redevelopment plan, are consistent with LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore, LIVE Goal 1, Objective 2: Strategically Redevelop Vacant Properties Throughout the City; Objective 3: Maintain and Create Safe, Clean, and Attractive Neighborhoods; and Objective 4: Protect and Enhance the Preservation of Baltimore's Historic Buildings and Neighborhoods.

The proposed redevelopment is consistent with the Greater Rosemont And Mondawmin Area (GRAMA) Master Plan adopted by the Planning Commission on November 15, 2012. The GRAMA Plan identified the area including and immediately surrounding this site as "weak" in terms of stability patterns but identified most of the area outside the "weak" area as "stable", indicating that redevelopment of this site and the former Lutheran Hospital lot to the east of this site would help lift this "weak" area closer to "stable" status. The proposed rezoning is a means of facilitating this component of the Plan.

Additionally, this site is located in a Maryland Health Enterprise Zone, which offers financial incentives to community-based non-profit organizations to reduce health disparities, improve health outcomes, and reduce costs related to health care and hospital re-admissions. In that connection, a Sustainable Communities Tax Credit has been awarded to this site, contingent upon use of the property as a health care clinic beginning in late 2015.

## **ANALYSIS**

The applicant has presented a plan for using this site for a Center for Health Care and Healthy Living ("the Center"). The Center would function in the manner of a health care clinic, serving individuals on an ambulatory out-patient basis during normal business hours, Mondays through Fridays (holidays excepted). The Zoning Code, §1-126, defines "Clinic: health care" as "a building the principal use of which is for offices for the examination and treatment of people on an out-patient basis by health care professionals or programs that are certified by the State." This is a type of use not permitted in a R-6 or similar Residential Zoning District (for example, §4-901 - §4-904 of the Zoning Code, in R-6). This is a type of use permitted as a conditional use requiring approval by the Board of Municipal and Zoning Appeals in an Office-Residence (O-R) District (§5-203), for which reason the applicant is requesting the rezoning that would be authorized by City Council Bill 14-0393. The Center would not be operated by the applicant, which would lease the site for use as a health care clinic. This re-use of the site was foreshadowed in the GRAMA Plan cited above (see p. 29 of that Plan).

The structure on this site is an historic institutional building over 125 years old that has remained vacant for over three decades. As an adaptive re-use of an historic structure, the Center would require minimal alteration of the façades of the structure, and would contribute to the neighborhood both as a resource and by re-occupying and beautifying a vacant site.

The site plan for this property was reviewed by Planning staff, who noted that a variance of off-street parking requirements would be influenced by the outcome of the site engineering process for storm-water management. (This is because the existing structure has a footprint of approximately 7,000 square feet, and health care clinics require one parking space per 200

square feet of floor area in O-R Districts; specific programming of the upper floors of the structure will determine the exact number of spaces.)

**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:** The proposed action would be consistent with provisions of the Baltimore City Master Plan and its subsidiary Greater Rosemont And Mondawmin Area (GRAMA) Master Plan, as previously mentioned under “Conformity to Plans” above.
2. **The needs of Baltimore City:** Rezoning this site would make it available for re-use as a health care resource benefitting the immediate area and the City of Baltimore at large. The proposed rezoning to O-R-2 is the minimum needed to accomplish this purpose.
3. **The needs of the particular neighborhood:** Enabling constructive re-use of this site by enacting the proposed rezoning would allow the applicant to return the historic property, whose appearance has been a blighting influence on its immediate area for decades, as recognized in the GRAMA Plan, to active use.

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;** The Mosher neighborhood experienced a relatively small loss (less than 500 persons) from the 2000 Census to the 2010 Census. This is the same level of population change experienced in most other neighborhoods in the GRAMA Plan area.
2. **The availability of public facilities;** This site is well-served by public facilities and City services, and no changes are expected in connection with the proposed rezoning.
3. **Present and future transportation patterns;** There are no changes expected to transportation patterns in the area, which are considered better than the City-wide average according to the GRAMA Plan.
4. **Compatibility with existing and proposed development for the area;** The proposed development that would be enabled by the proposed rezoning is specifically called for in the GRAMA 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.
6. **The relation of the proposed amendment to the City's plan.** As described above, the proposed zoning change is compatible with the City's Master Plan and the GRAMA Master Plan for the area surrounding the site.

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. In this case, the proposed rezoning would serve as a catalyst for productive re-use of an historic property that is part of the center of a residential area in need of health services, such as those to be provided by the proposed health care clinic, and employment opportunities that may be available at the clinic.

**TransForm Baltimore:** This site is recommended for reclassification to a C-1 Neighborhood Business District on Proposed Zoning Map Area 6-C. C-1 is a commercial zoning district in which Health Care Facilities (Medical/ Dental Clinics) would be a permitted use if less than 2,000 square feet in floor area and a conditional use if over 2,000 square feet in floor area (Table 10-301, as amended by the Planning Commission). Based upon its footprint, the Hebrew Orphan Asylum building's re-use as a health care clinic would be a conditional use.

Notification: The Alliance of Rosemont Community Associations (ARCO), Edmondson Community Organizations Inc., Mosher Street Improvement Association, and Evergreen Protective Association, Inc., have been notified of this action.



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