


<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, 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 #15-0505/ REZONING 5601 EASTERN AVENUE		

**TO**

DATE:

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

April 10, 2015

At its regular meeting of April 9, 2015, the Planning Commission considered City Council Bill #15-0505, for the purpose of changing the zoning for the property known as 5601 Eastern Avenue, from the M-3 Zoning District to the B-2-3 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #15-0505 and adopted the following resolution nine members being present (eight in favor and one recusal).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #15-0505 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/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. Alfred W. Barry, AB Associates  
 Mr. Jon Laria, Ballard Spahr LLP



*Stephanie Rawlings-  
Blake  
Mayor*

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur  
Director*

**April 9, 2015**

#### **REQUEST:**

- City Council Bill #15-0506/ Planned Unit Development – Designation– 5601 Eastern Avenue
- City Council Bill #15-0505/Rezoning -5601 Eastern Avenue

#### **RECOMMENDATION:** Approval with the following amendment:

- Amend page 2, Section 3: In lines 21 through 32, **strike** the word "net" wherever it appears and **replace** with the word "gross".

**STAFF:** Tamara Woods

**OWNER/PETITIONER:** TRP-MCB 5601 Eastern LLC

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

##### General Area:

The proposed 5601 Eastern Avenue Planned Unit Development (PUD) is located in the Pulaski Industrial Area, which is adjacent to the Greektown and Bayview neighborhoods of southeast Baltimore. The site is situated on the south side of Eastern Avenue, across from the Johns Hopkins Bayview Hospital and is bounded by Bonsal Street to the east, Umbra Street to the west and I-95 bounds the site to the south.

##### Site Conditions:

The subject parcel, 5601 Eastern Avenue, 1 is approximately 20 acres (871,751 square feet) and improved with several warehouse buildings that are currently unoccupied. Within the 20 acres there are significant grade changes, most notably from an upper section fronting Bonsal Street that is roughly 19 feet higher in elevation than that fronting Eastern Avenue. There is also a significant slope from Eastern Avenue to the rear of the site. In addition to the physical characteristics of the site, there are also environmental challenges.

For many years, the Pemco Corporation, as well as other corporations, held this site to manufacture glass and porcelain. Throughout the time it was used for heavy manufacturing waste porcelain and glass, known as "frit," was disposed of in the western portion of the site. The owner is currently working with the Maryland Department of the Environment to do proper mitigation.

## HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

## CONFORMITY TO PLANS

This project is consistent with the Baltimore City Comprehensive Master Plan: LIVE Section, Goal 1, Objective 1: Expand Housing Choice for all Residents; Objective 2: Strategically Redevelop Vacant Properties Throughout the City; Objective 5: Increase the City's Population by 10,000 Households in 6 years; and Goal 2, Objective 3: Promote TOD and Mixed-Use Development to Reinforce Neighborhood Centers and Main Streets.

## ANALYSIS

**Project Overview:** The proposed 5601 Eastern Avenue Planned Unit Development (PUD) is a mixed-use commercial and residential development. The development plan proposes the creation of a new mixed use development that includes both a low density and high density option that would be built in phases. As stated before, this site is a former industrial site. The proposed land uses and density in the PUD are based on rezoning the site from M-3 to B-2-3. Though the site is currently one parcel, the site may be subdivided in the future and this PUD allows for a comprehensive development approach that takes into account the overall design and placement of multiple buildings, new streets and pedestrian ways. In addition to design and use controls, master planning the site through a PUD also allows for future density shifts throughout the PUD once the 20 acre site is subdivided.

### **City Council Bill #15-0506 / Planned Unit Development – Designation – 5601 Eastern Avenue**

**Development Plan:** This proposed PUD is designed for flexibility in development. There is both a low-density and high-density development plan included. But above that there are also square foot (SF) limits in the entire PUD. Though the allowable Floor Area Ratio (FAR) would allow for an approximate density of 4.3 million SF, the PUD will limit the development to 2 million SF, which is further capped within four development areas. In addition to these limits, there is a square footage cap by the type of land uses provided within the PUD. The PUD anticipates a mix of retail, office, residential and hotel. The table below shows both the development area and land use cap.

<b>Development Area Limits</b>
Area A- 520,000 SF
Area B - 995,000 SF
Area C- 455,000 SF
Area D- 30,000 SF

<b>Land Use Limits</b>
Retail- 184,000 SF
Office – 376,000 SF
Residential- 1350 units
Hotel- 350,000 SF

While these limits cap the amount of density allowed within the PUD, the building envelope for any future building is also capped by height limits that appear on Sheet 9 of the Development Plan. Though there are four height zones established, they are different than the development areas which cap the allowable square footage. The height zones help to define the street wall and align to the topography of the site which slopes downward toward the rear of the site.

<b>Zone</b>	<b>Height Limit</b>	<b>Location</b>
No Build Zone	65 foot buffer	Western most edge of site near Greektown
Height Zone 1	45 feet	Low height adjacent to no build zone
Height Zone 2	88.6 feet	Northern band along Eastern Avenue
Height Zone 3	100 feet	Center band of the site
Height Zone 4	140 feet	Southern most section of the site

As previously stated, this PUD allows for both a low-density and high-density option. This is to provide for maximum flexibility as development moves forward. Currently, the PUD consists of one parcel. It is expected that there will be future subdivisions as development proceeds that would correspond with either of the two development plan options. Both options are designed around a common vehicular and pedestrian circulation system. This circulation system sets in place a north-south spine road, a common access points and service drive that connect to the spine road. Both options also have a common development plan to the west of the spine road, which has a large mixed use building that has 372, 900 SF, 333, 600 SF of residential and 610 parking spaces. In the rear of the site, there is a 150,000 SF hotel/residential building. The difference in the low-density and high-density options is east of the spine road.

The low-density option anticipates approximately 285 units, 139,300 SF of retail, a 150 key hotel and 1,137 parking spaces. This scenario would include a large retail pad site of approximately 85,000 SF and a smaller bar of retail that fronts the spine road. The high density option anticipates approximately 935 units, 256,500 SF of retail, a 150 key hotel and 1754 parking spaces. There are two additional multi-story mixed use building proposed in this option instead of the smaller retail bar and pad site; one that is 296,800 SF with commercial that wraps the building along both Eastern Avenue and the north-south spine road and a second building that 368,400 SF with commercial along the north-south spine road. For both scenarios the proposed size and density are only approximate as no buildings have been designed. As stated above, all buildings must conform with the size limits outlined in the text of the PUD.

**Design Guidelines:**

The design guidelines are included as Exhibit 10. They include language on parking, building form and placement and general planting. They also include streetscape design guidance for various zones: Frontage Zone, Pedestrian Zone, Public Amenity Zone and Roadway Edge Zone. The guidelines speak to screening, street furniture and other items within the public spaces. For example, there is a required 42' setback from travel lanes along Eastern Avenue and a required buffer between the redevelopment and the Greektown neighborhood. Permitted signage amount and types and are addressed in the text of the bill, and will be allowed per Zoning, with a few conditions. All signage is subject to Final Design Approval by the Planning Commission.

The design guidelines are meant to be used in conjunction with the PUD text and development plan. Together they illustrate the design and character of any future structures within the PUD.

**Land Use:** The proposed uses for this PUD in Section 5 of the legislation are contingent upon rezoning the site from the M-3 Zoning District to the B-2-3 zoning district (refer to companion legislation City Council Bill #15-0505). The proposed PUD lists permitted uses and prohibited uses individually. As the bill is written, all other uses in the R zoning districts or B-1 and B-2 zoning districts that are permitted or conditional and are not expressly permitted or prohibited within the PUD text are considered to be Conditional Uses to the Board of Municipal and Zoning Appeals.

In reviewing the land use provisions outlined in the bill text, staff noticed a few points of concern: Urgent Care medical treatment facilities are a permitted use, while Clinics: health care are a prohibited use, but both are medical clinics. Residential substance abuse treatment facilities are also prohibited. This may be and Americans for Disabilities Act. In addition Section 6 speaks to the number and type of liquor licenses that would be permitted within the PUD. This function is usually held by the Board of Liquor License Commissioners, which is an agency of the State, even though they are responsible for regulating the sale, storage, and distribution of retail alcoholic beverages in Baltimore City. A PUD typically just speaks to the land use.

Overall, the land use provisions within the bill are in keeping with the character of the surrounding neighborhoods and promote a healthy mix of commercial and residential uses.

**Development Plan Reviews:**

The PUD master plan was approved by the Urban Design and Architectural Review Panel (UDARP) on October 9, 2014. All phases and building design will be subject to UDARP and Planning Commission Final Design Approval. This project received Site Plan Review Committee (SPRC) approval on December 19, 2014.

**PUD Standards:** This proposal must satisfy the requirements of the governing standards for PUDs per §9-112 of the Zoning Code. Staff offers the following considerations:

- The proposed mixed-use development meets several of the city's Comprehensive Master Plan goals, including returning vacant properties to productive use; creating/strengthening main streets; and increasing housing choice.
- The proposed development reflects the mixed-use character of the surrounding neighborhood and incorporates design guidelines that respect and compliment the surrounding neighborhood. Therefore, this proposed PUD should not be detrimental to the character and nature of existing and contemplated development in the immediate area.
- The location of the PUD has been thoughtfully considered to accommodate the existing topography of the land. There are tremendous slopes across the entirety of the PUD. The established heights take the topography into consideration.

- The proposal will not create any situation that should negatively impact future development potential or the use, maintenance or value of neighboring areas already developed.
- The new construction will not impact the availability of light, air, open space, and street access.
- The proposed development will not reduce the protection of residents, visitors, or neighboring residents from fire, health hazards, or other dangers.

**Legislative Text Amendment:**

On page 2, Section 3 in lines 21 through 32, **strike** the word “net” where ever it appears and **replace** with the word “gross”. The new Section 3 shall read,

**SECTION 3. AND BE IT FURTHER ORDAINED,** That the maximum gross square footage for all buildings and uses, excluding parking and circulation, in the Planned Unit Development is 2,000,000 square feet, that the maximum gross square footage for retail uses in the Planned Unit Development is 184,000 square feet, that the maximum gross square footage for office uses in the Planned Unit Development is 376,000 square feet, that the maximum gross square footage for hotel uses is 350,000 square feet, and that the maximum number of residential units in the Planned Unit Development is 1,350, with further sub-limits and requirements as follows (all references to Areas are as labeled on the Development Plan):

- (a) In Area A, a maximum of 520,000 gross square feet;
- (b) In Area B, a maximum of 995,000 gross square feet;
- (c) In Area C, a maximum of 455,000 gross square feet;
- (d) In Area D, a maximum of 30,000 gross square feet.

**City Council Bill #15-0505/Rezoning -5601 Eastern Avenue**

The proposed land uses and density proposed in the Planned Unit Development are based on rezoning the site from M-3 to B-2-3. The requested B-2-3 zoning district is a neighborhood business district designation that allows for high density residential with a minimum of 550 square feet of lot area per dwelling unit and a Floor Area Ratio (FAR) of 5.0. The permitted use list provides for a variety of residential, office and commercial uses that are suitable for the area. Currently, the M-3 zoning district does not allow for commercial or residential development. No front, rear or street corner setbacks are required. No interior side yard setbacks are required, but if one is provided, it must be at least 10 feet. The current request is consistent with the B-2-3 zoning which exists to the south.

In completing its analysis, the Department of Planning Staff not only studied the request based on the Maryland Land Use Article, but also the character of the site.

**Rezoning Standards for Review**

According to Maryland Land Use Article, Division I, Title 10 (Baltimore City Zoning), any proposed zoning changes must be referred to the Baltimore City Planning Commission and to

the Board of Municipal and Zoning Appeals (BMZA), which must study the proposed changes in relation to:

1. The plan – The Baltimore City Comprehensive Master Plan is not so specific as to recommend land use and/or zoning changes for the properties in question. But as stated previously, this request is in-line with the goals and objectives of LIVE EARN PLAY LEARN to redevelop vacant properties and Promote Transit Oriented Development (TOD) and Mixed-use Development to Reinforce Neighborhood Centers and Main Streets and provide additional housing choices.
2. The needs of Baltimore City- The proposed B-2-3 zoning district supports the City's master plan goal to strengthen neighborhoods and strategically redevelop vacant properties throughout the City.
3. The needs of the particular neighborhood in the vicinity of the proposed changes- The proposed B-2-3 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.

Once the Planning Commission and BMZA report their findings and recommendations to the Mayor and City Council, the City Council shall make the following findings of fact:

1. Population change- Per our Neighborhood Statistical Area Map (neighborhood map), this parcel lies within the Pulaski Industrial Area, but is adjacent to the Greektown and Bayview neighborhoods. The majority of the statistical area lies well to the north of the site and does not impact this site. There are not many residents due to the nature of the land use. That being said, there were 82 people living in the area in 2000 and 153 persons by the 2010 Census representing a 50% increase. As for the immediately impacted neighborhoods, the Greektown neighborhood experienced an 11.7% population increase between the 2000 and 2010 Census. *And the Bayview* neighborhood experienced a 4% population increase between the 2000 and 2010 Census.
2. Availability of public facilities- The properties are well served by City services, with no expected impacts as a result of rezoning.
3. Present and future transportation problems- This site is located on a major street that is closely monitored by the Department of Transportation. There is not a negative transportation impact expected as a result of this development. Though the exact future impact is not known at this time, as a matter of course, commercial and mixed use developments often share parking, thereby reducing the total impact on the area. 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 rezoning proposal is consistent with the existing zoning in the area. The subject parcel is adjacent to a large B-2-3 zoning district which exists along the south side of Eastern Avenue and the west side of Dundalk Avenue. The resulting massing is compatible with the existing development. The proposed residential component will be taller than what currently exists in the adjacent residential areas, but the proposed massing is both

consistent and compatible with the institutional buildings on the north side of Eastern Avenue. The proposed uses and density are consistent with the area.

5. Recommendations of the Baltimore City Planning Commission and the 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. Relationship of the proposed amendment to Baltimore City's plan- As mentioned above, the proposed zoning changes are compatible with LIVE EARN PLAY LEARN, the City's Master Plan.

The City Council may grant the change to the zoning classification based on a finding that there was either a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the existing zoning classification. In this case, the neighborhood is undergoing substantial change in character that is reflected in the Planning Department analysis below.

### **Supporting Rezoning Based on Substantial Change**

Though there are still several parcels in the area that are zoned for heavy industrial, some of the area has been rezoned to a commercial zoning category. Eastern Avenue is one of the City's commercial corridors which extends from Downtown Baltimore to the City line. Historically, this section of Eastern Avenue has had heavy industrial that backs the commercial corridor adjacent to residential. While this mix remains in the area, some of the larger industrial properties that were no longer seen as viable for heavy industrial have been converted to either commercial or mixed use. For example, the Anchor Square shopping center PUD at the corner of Eastern Avenue and Kane Street, a formerly occupied by Anchor Fence, was established in 2001 and built out in 2004. Because of this market shift the long-term land use vision for this section of the City has changed from primarily industrial to increasingly mixed use.

This proposed rezoning would constitute an expansion of the B-2-3 zoning district that currently exists directly to the east. It is the underlying zoning for many of the businesses along Eastern Avenue and Dundalk Avenue.

In addition to the changing nature of industrial sites and increasing demand for mixed use development, the Johns Hopkins Bayview Medical Campus, one of the City's major employers, is directly across the street from the proposed redevelopment along Eastern Avenue. Though this hospital began in the late 1700s, Johns Hopkins purchased the City Hospital in 1984 and officially became a part of the Johns Hopkins Health System. Since this acquisition in 1984, there has been over \$600 million in investment on the 130 acre campus. This investment includes a National Institute of Health (NIH) building, expansions to the Cancer treatment facility, a new addition for National Institute on Drug Abuse (NIDA) building and a variety of other facility expansions and improvements.

In addition to the large institutional and commercial presence along Eastern Avenue, there is a long term plan for a MARC Station as part of the Red Line expansion. If realized, the area would have passenger rail access to other parts of the region.

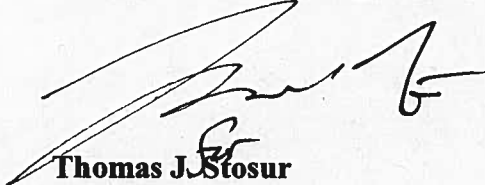


**TransForm Baltimore**

The TransForm Baltimore zoning recommendation for this site is I-2, which is an industrial category. Though the proposed zoning category is inconsistent with TransForm Baltimore, the proposed redevelopment is consistent with the change that is occurring in the area.

**Notifications:**

In advance of a hearing on this matter, staff notified the stakeholder group which consists of representatives from the following associations: the Bayview Community Association, Southeast Neighborhoods Development (SEND), Greektown CDC, Southeast CDC, and the Greater Greektown Neighborhood Alliance.



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