

TJA

FROM

NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
SUBJECT	CITY COUNCIL BILL #15-0554/PLANNED UNIT DEVELOPMENT – BREWERS HILL #104

CITY of
BALTIMORE
MEMO



TO

DATE:

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

October 13, 2015

At its regular meeting of October 08, 2015, the Planning Commission considered City Council Bill #15-0554, for the purpose of repealing the existing Development Plan for the Brewers Hill Planned Unit Development and approving a new Development Plan for the Brewers Hill Planned Unit Development.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #15-0554 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 #15-0554 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/CH

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, Esq., Applicant's Attorney
- Mr. Wells Obretch, Applicant



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

October 8, 2015

REQUEST: City Council Bill #15-0554/Planned Unit Development – Repeal and Replace – Brewers Hill

For the purpose of repealing the existing Development Plan for the Brewers Hill Planned Unit Development and approving a new Development Plan for the Brewers Hill Planned Unit Development.

RECOMMENDATION: Approval, with the following amendments:

1) **Amendment No. 1 – Update drawings.**

On page 2, in lines 25 and 26, **strike** the words, "Existing Conditions," dated July 10, 2015 and "Development Plan/Master Plan," dated July 10, 2015 and **insert** "Existing Conditions." dated September 14, 2015 and "Development Plan/Master Plan." dated October 8, 2015;"

2) **Amendment No. 2 – Include density limits for office and retail uses.**

On page 2, line 31 after "feet," insert "that the maximum square footage for all office and retail uses in the Planned Unit Development is 841,816 square feet,"

STAFF: Christina Hartsfield

PETITIONER: Natty Boh, LLC

SITE/ GENERAL AREA

Site Conditions: The site is approximately 34.91 acres in size and roughly bounded by Dillon Street to the north, Haven Street to the east, Boston Street to the south, and Conkling Street to the west. The Planned Unit Development (PUD) area contains numerous former industrial buildings, including the former Gunther and National Bohemian Breweries. These and most of the older industrial brick buildings have since been adaptively reused for retail, office and residential use. The majority of the PUD area is zoned B-2-2, and also includes parcels zoned R-8 and M-3.

General Area: The Brewer's Hill PUD is located in southeast Baltimore, in the northeast corner of the Canton Industrial Area. To the west of the site are the Brewer's Hill and Canton

neighborhoods. The area consists primarily of two-story row homes, zoned R-8. Approximately five blocks to the north is the Highlandtown commercial area. Directly south is the Canton Crossing PUD, which has been most recently improved with the Shops at Canton Crossing. Directly to the east and south are parcels zoned M-3, for heavy industrial uses. Further to the east are the O'Donnell Street Bridge, other industrial uses and I-95.

HISTORY

- Ordinance # 90-0637, approved June 20, 1990, established the Canton Industrial Urban Renewal Plan.
- Ordinance #00-0129, approved December 4, 2000, amended the Canton Industrial Urban Renewal Plan.
- Ordinance #00-0128, approved December 4, 2000, established the Brewer's Hill Planned Unit Development.
- July 17, 2003 Planning Commission Final Design Approval/ Brewer's Hill Planned Unit Development – The Natty Boh-Grain Building, Malt Mill & Barrel-Lager Building and Signage.
- March 24, 2005 Planning Commission Final Design Approval/ Brewer's Hill Planned Unit Development – Gunther Bottle Building.
- March 9, 2006 Planning Commission Revised Final Design Approval/ Brewer's Hill Planned Unit Development – Gunther Bottle Building - Bank Drive Through.
- May 4, 2006 the Planning Commission approved City Council Bill # 06-0371: Urban Renewal- Amendment to the Canton Industrial Area Renewal Plan.
- May 4, 2006 the Planning Commission approved City Council Bill #06-0372: Rezoning – Certain Properties in the Brewers Hill Area.
- Ordinance #06-0250, approved June 14, 2006, repealed and replaced the Brewer's Hill Planned Unit Development.
- Ordinance # 06-371, approved December 8, 2006, amended the allowable density for Area 6 of the Brewer's Hill Planned Unit Development.
- May 17, 2007 Planning Commission Final Design Approval/ Brewer's Hill Planned Unit Development – 1200 Conkling Street
- April 17, 2008 Planning Commission Minor Amendment/ Brewer's Hill Planned Unit Development – Revised Development Plan and Final Subdivision Plan/Former Norfolk Southern Railroad R-O-W Property- Within Brewer's Hill Planned Unit Development
- May 15, 2008 Planning Commission Final Subdivision and Development Plan/Brewers Hill PUD-3601 and 3710 O'Donnell Street and 1211 South Conkling Street
- October 23, 2008 Planning Commission Final Subdivision Plan/Brewers Hill PUD – Toone Street and Eaton Street Right of Way
- November 18, 2010 Planning Commission approved Final Design Approval/Brewers Hill PUD – The Apartments at Brewers Hill II
- November 15, 2012 the Planning Commission approved Revised Final Design Approval for the Master Sign Package

CONFORMITY TO PLAN

This proposed legislation is consistent with the Baltimore City Comprehensive Master Plan: LIVE Section, Goal 1, Objective 1: Expand Housing Choice for all Residents and Goal 1, Objective 5: Increase the City's Population by 10,000 Households in 6years.

ANALYSIS

City Council Bill #15-0554 proposes the repeal and replacement of the existing Brewers Hill PUD, which was established by Ordinance 06-250 and amended by Ordinance 06-371, for the purpose of converting the existing Industrial PUD to a Business PUD, amending the permitted uses, extending the PUD boundary, establishing higher densities, and facilitating ongoing development of the mixed-use, live/work/play neighborhood. An increase in the number of dwelling units is also proposed, which requires a 25% variance of minimum lot area requirement. The Planning Department is generally supportive of this variance with additional restrictions imposed on other land uses. Height restrictions are also imposed in certain areas to ensure that future development complements the scale of adjacent neighborhoods.

Development Plan

The proposed development plan for the PUD comprises 19 lots totaling 29.14 acres in size. All but one of the original lots, 3701 O'Donnell Street, are developed. For this reason, the proposed development plan no longer prescribes specific development areas as did the existing development plan. The PUD boundary is expanded to include 3900 Dillon Street (Future C), which is currently a vacant lot operating as a surface parking lot. The short-term plan for this parcel is to continue to use it for parking, with the anticipation of redeveloping with residential use in the future. The surface lot will provide parking for Phase I of the development, 3701 O'Donnell Street (Future A), which is planned to be a mixed-use development with garage parking. Plans for Future B, 3901 O'Donnell Street, are not yet developed but its uses will likely be accessory to the Future A site. Future D, 4001 Hudson Street, is currently improved with a one-story office/industrial building but may have a commercial or industrial uses in the future. Residential use is restricted on a portion of Future D since Haven Street is a truck route.

The proposed PUD proposes a total of 2,650,000 square feet (SF) of development for all uses and 1,515 dwelling units, an increase from 1,982,250 SF and 1,126 units. Approximately 1,457,161 SF is already built and 774 units constructed. The remaining 1,192,839 SF is planned primarily for additional residential use. Specific attention was paid to discourage an over-abundance of office and retail use to prevent adverse traffic and congestion conditions. Planning staff recommended that office and retail uses be limited to total of 841,816 SF. This limit encourages a neighborhood-commercial and residential mix consistent with the urban character of the project, while preserving flexibility for future changes in the local and regional market.

Height limits are imposed on Future A and Future B at a maximum of 200', as well as Future C at 45' and Future D at 60'. The height limits for Future C and D lots are to maintain a complementary scale to the adjacent two-story rowhouse neighborhood.

Required Findings of Zoning Variance

CCB # 15-0554 includes a 25% variance of the minimum lot area requirement per dwelling unit to achieve the desired 1,515 units. Without the variance, the underlying zoning for the area within the PUD would permit a total of 1,136 units. Planning reviewed the request against the required findings in §15-218 and §15-219 of the Zoning Code and determined that the request does meet the criteria for a variance.

1) §15-218 – Finding of unnecessary hardship or practical difficulty.

In order to grant a variance, the City Council must find that, because of the particular physical surroundings, shape, or topographic conditions of the specific structure or land, an unnecessary hardship or practical difficulty would result, as distinguished from a mere inconvenience, if the strict letter of the applicable requirement were carried out.

The request for the additional units reflects the market demand for more multifamily development in Southeast Baltimore and practical difficulty of developing office use on a site that requires substantial investment for environmental remediation. Planning is supportive of this variance for residential use to discourage a significant increase in office and retail uses that more adversely impact the broader neighborhood.

2) §15-219 – Finding of unnecessary hardship or practical difficulty.

1) the conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification;

- Planning determined that the environmental conditions are unique to this property and are an added hardship in the development of this site.

2) the unnecessary hardship or practical difficulty is caused by this article and has not been created by the intentional action or inaction of any person who has a present interest in the property;

- The hardship and practical difficulty preceded the development of the site.

3) the purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property;

- The variance will permit the land use that is most feasible at this site and more complementary to the neighborhood overall.

- 4) *the variance will not:*
 - a. *be injurious to the use and enjoyment of other property in the immediate vicinity; or*
 - b. *substantially diminish and impair property values in the neighborhood;*
 - Further development of the site will likely increase property values in the surrounding area and should not diminish the enjoyment of other properties.

- 5) *the variance will not:*
 - a. *impair an adequate supply of light and air to adjacent property;*
 - b. *overcrowd the land;*
 - c. *create an undue concentration of population;*
 - d. *substantially increase the congestion of the streets;*
 - e. *create hazardous traffic conditions;*
 - f. *adversely affect transportation;*
 - g. *unduly burden water, sewer, school, park, or other public facilities;*
 - h. *increase the danger of fire; or*
 - i. *otherwise endanger the public safety;*
 - The variance should not cause any of these adverse conditions.

- 6) *the variance is not precluded by and will not adversely affect:*
 - a. *any Urban Renewal Plan; or*
 - b. *the City's Master Plan;*
 - This property is not within an Urban Renewal or Master Plan area

- 7) *the variance will not otherwise:*
 - a. *be detrimental to or endanger the public health, security, general welfare, or morals; or*
 - b. *in any way be contrary to the public interest;*
 - The variance should not be detrimental to the public's health, security, welfare, morals or interests.

- 8) *the variance is in harmony with the purpose and intent of this article; and*
 - The variance is in harmony with the intent of the article.

- 9) *within the purpose and intent of this article, the variance granted is the minimum necessary to afford relief, to which end a lesser variance than that applied for may be permitted.*
 - The variance requested is the minimum to permit the amount of density feasible for the development of the PUD

Amendments

The proposed amendments generally reflect the Planning Department's request to add density limits to office and retail uses in the PUD. The updated sheets also include the height limits for future development parcels A, B, C, and D.

Design Guidelines

Design guidelines were instituted as a part of the existing PUD to provide a framework for the future development of the site and its architecture. These guidelines are incorporated into the proposed PUD and provide general governance over the streetscape and open space design, massing, tower placement and form, building design, signage, and building materials. All new development and substantial renovations will be subject to the appropriate design review determined by the Planning Director.

Site Plan Review

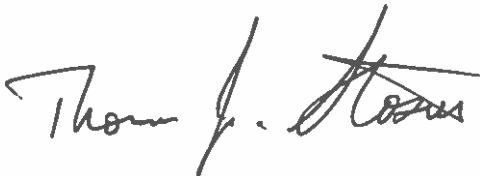
Members of the SPRC reviewed and approved the existing master plan. No new structures or major site changes are proposed at this time. New development or site alterations will trigger site plan review as determined by the Chair of the committee.

Community Review

The Planning Department received correspondence from the President of Canton Community Association regarding the subject bill. The memorandum expressed his general support for the project as proposed, but also his concern about the adequacy of transportation infrastructure to support the planned development. Numerous transportation inadequacies were highlighted with the expectation that the City will develop a comprehensive plan and commit to addressing those issues. While the City has not committed to resolving all of the issues outlined in the memo, the Eaton Street connection to Boston Street is a priority and the City is committed to implementing this roadway improvement. Furthermore, the Baltimore City Department of Transportation is in the process of completing the Southeast Transportation Plan, which will propose a series of improvements to reduce congestion in this highly-trafficked growth corridor.

Notifications

The following community groups and individuals were notified of this action: Brewer's Hill Community Association, Canton Community Association, Canton-Highlandtown Community Association, Maryland Business Council, Southeast Community Development Corporation, and the Southeastern District Police Community Relations Council



Thomas J. Stosur
Director