

Introduced by: President Scott

At the request of: University of Maryland Baltimore, UMB Health Sciences Research Park Corporation, and BioPark Fremont LLC
Address: c/o Alyssa Domzal, Esquire, Ballard Spahr LLP, 300 East Lombard Street, 18th Floor, Baltimore, Maryland 21202
Telephone: 410-528-5510

Prepared by: Department of Legislative Reference

Date: June 11, 2019

Referred to: LAND USE AND TRANSPORTATION Committee

Also referred for recommendation and report to municipal agencies listed on reverse

CITY COUNCIL 19-0399

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue

FOR the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District.

BY amending

Article 32 – Zoning
Zoning District Map
Sheet _____
Baltimore City Revised Code
(Edition 2000)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

<input checked="" type="checkbox"/> Baltimore City Public School System	<input type="checkbox"/> Department of Public Works
<input checked="" type="checkbox"/> Baltimore Development Corporation	<input type="checkbox"/> Department of Real Estate
<input checked="" type="checkbox"/> City Solicitor	<input type="checkbox"/> Department of Recreation and Parks
<input type="checkbox"/> Comptroller's Office	<input checked="" type="checkbox"/> Department of Transportation
<input type="checkbox"/> Department of Audits	<input type="checkbox"/> Fire Department
<input type="checkbox"/> Department of Finance	<input type="checkbox"/> Health Department
<input type="checkbox"/> Department of General Services	<input type="checkbox"/> Mayor's Office of Employment Development
<input checked="" type="checkbox"/> Department of Housing and Community Development	<input type="checkbox"/> Mayor's Office of Human Services
<input type="checkbox"/> Department of Human Resources	<input type="checkbox"/> Mayor's Office of Information Technology
<input type="checkbox"/> Department of Planning	<input type="checkbox"/> Office of the Mayor
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Police Department
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Board of Estimates	<input type="checkbox"/> Environmental Control Board
<input type="checkbox"/> Board of Ethics	<input type="checkbox"/> Fire & Police Employees' Retirement System
<input checked="" type="checkbox"/> Board of Municipal and Zoning Appeals	<input type="checkbox"/> Labor Commissioner
<input type="checkbox"/> Comm. for Historical and Architectural Preservation	<input type="checkbox"/> Parking Authority Board
<input type="checkbox"/> Commission on Sustainability	<input checked="" type="checkbox"/> Planning Commission
<input type="checkbox"/> Employees' Retirement System	<input type="checkbox"/> Wage Commission
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

Boards and Commissions

<input type="checkbox"/> Board of Estimates	<input type="checkbox"/> Environmental Control Board
<input type="checkbox"/> Board of Ethics	<input type="checkbox"/> Fire & Police Employees' Retirement System
<input checked="" type="checkbox"/> Board of Municipal and Zoning Appeals	<input type="checkbox"/> Labor Commissioner
<input type="checkbox"/> Comm. for Historical and Architectural Preservation	<input type="checkbox"/> Parking Authority Board
<input type="checkbox"/> Commission on Sustainability	<input checked="" type="checkbox"/> Planning Commission
<input type="checkbox"/> Employees' Retirement System	<input type="checkbox"/> Wage Commission
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

CITY OF BALTIMORE
ORDINANCE 19 · 295
Council Bill 19-0399

Introduced by: President Scott

At the request of: University of Maryland Baltimore, UMB Health Sciences Research Park Corporation, and BioPark Fremont LLC

Address: c/o Alyssa Domzal, Esquire, Ballard Spahr LLP, 300 East Lombard Street, 18th Floor, Baltimore, Maryland 21202

Telephone: 410-528-5510

Introduced and read first time: June 17, 2019

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable and amended from the Floor

Council action: Adopted

Read second time: August 19, 2019

AN ORDINANCE CONCERNING

1 **Rezoning – 755, 757, 759, 761, and 763 West Fayette Street, 760 West**
2 **Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard**
3 **and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue**

4 FOR the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763
5 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West
6 Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther
7 King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West
8 Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District
9 to the BSC Zoning District.

10 BY amending

11 Article 32 – Zoning

12 Zoning District Map

13 Sheet 55

14 Baltimore City Revised Code

15 (Edition 2000)

16 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That**
17 **Sheet 55 of the Zoning District Map is amended by changing from the R-8 Zoning District to the**
18 **BSC Zoning District the properties known as 755, 757, 759, 761, and 763 West Fayette Street**
19 **(Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block**
20 **0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West**
21 **Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red**
22 **on the plat accompanying this Ordinance.**

23 **SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the**
24 **accompanying plat and in order to give notice to the agencies that administer the City Zoning**

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

Council Bill 19-0399

1 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
2 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
3 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
4 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
5 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
6 the Zoning Administrator.

7 SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day
8 after the date it is enacted.

Certified as duly passed this _____ day of SEP 09 2019, 2019



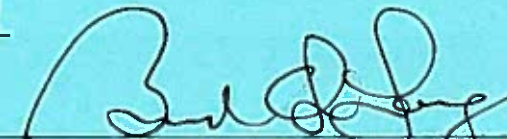
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of SEP 09 2019



Chief Clerk

Approved this 25 day of Sept., 2019

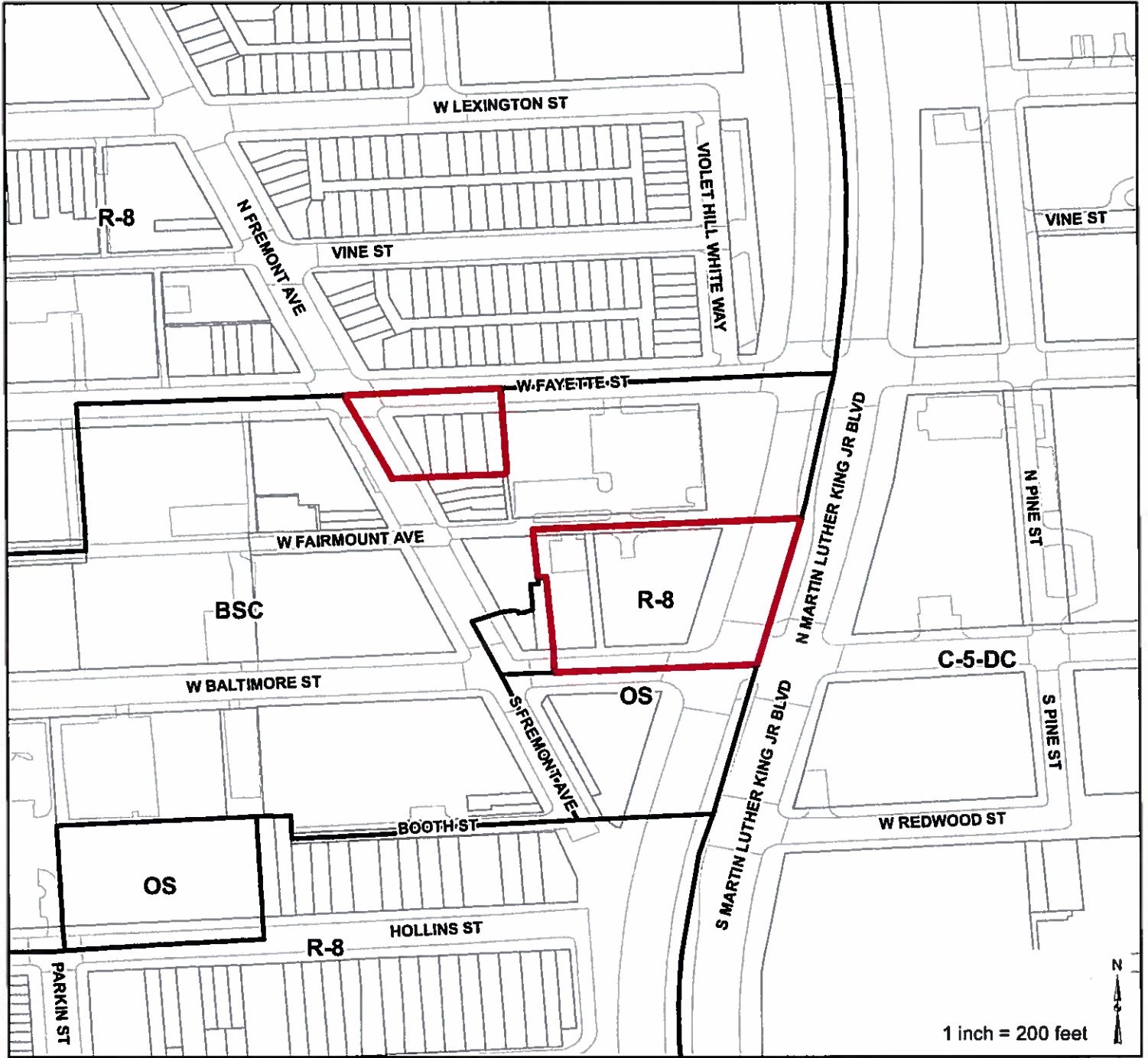


Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 19th Day of September 2019
Elena DiPietro

Chief Solicitor

**SHEET NO. _____ OF THE ZONING DISTRICT MAP
OF THE BALTIMORE CITY ZONING CODE**



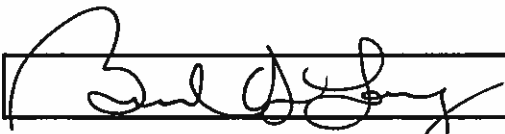
In connection with the properties known as 755 West Fayette Street, 757 West Fayette Street, 759 West Fayette Street, 761 West Fayette Street, 763 West Fayette Street, 760 West Baltimore Street, and Block 0626 Lot 053. The applicant wishes to request the rezoning of the aforementioned properties from R-8 zoning to BSC zoning, as outlines in red above.

Ward 4

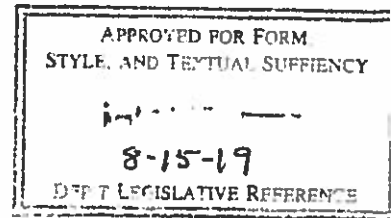
Section 6

Block 0626

Lots 026, 039, 040, 041, 042, 043, 053


Mayor


President, City Council



AMENDMENTS TO COUNCIL BILL 19-0399
(1st Reader Copy)

By: Councilmember Reisinger
{To be offered on the Council Floor}

Amendment No. 1

On page 1, in lines 14 and 18, in each instance, in the blank, insert "55".

ADOPTED



LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO SECTIONS 10-304 AND 10-305 of the MARYLAND LAND USE ARTICLE AND SECTION 5-508 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF:

CITY COUNCIL BILL NO: 19-0399

REZONING - 755, 757, 759, 761, AND 763 WEST FAYETTE STREET, 760 WEST BALTIMORE STREET, BLOCK 0626, LOT 053 (K/A NWC MARTIN LUTHER KING JR. BOULEVARD AND WEST BALTIMORE STREET), AND A PORTION OF THE FORMER BED OF WEST FAIRMOUNT AVENUE

Upon finding as follows with regard to:

(1) Population changes;

The boundaries of the BioPark do not contain any residential units. The specific properties to be rezoned will allow the planned development of bioscience facilities.

(2) The availability of public facilities;

The BioPark is well situated on two bus lines and is easily accessible from downtown by automobile and the Circulator as well as Interstate 395, and the major roadways of MLK Boulevard and Russell Street.

(3) Present and future transportation patterns;

No major changes are planned at this time.

(4) Compatibility with existing and proposed development for the area;

Under the provisions of the Planned Unit Development, the specifics of design and uses of each parcel in the Bio-Science Campus Zone (BSC) will continue to evolve over time. The rezoning will allow the next phase of the previously approved development to proceed.

- (5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

For the above reasons, the Planning Department recommended approval of the rezoning request to the Planning Commission. The Planning Commission reviewed the staff report, which recommended approval of Bill 19-0399, and adopted the following resolution eight members being present (seven in favor):

“RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill 19-0399 be passed by the City Council.”

The Board of Municipal Zoning Appeals has reviewed the legislation and recommends approval of City Council Bill No. 19-0399.

According to the Law Department, “the bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

According to Baltimore Development Corporation, the rezoning of these properties to the Bio-Science Campus Zoning District designation are consistent with the goals and strategies contained in the Comprehensive Master Plan, which calls for the attraction and retention of business in bioscience as a way to promote economic growth for Baltimore City and its residents. The BSC Zoning is compatible with the continued, development of the BioPark. Furthermore, there are adequate residentially zoned properties available in the area that could accommodate future residential development needs.

According to the Baltimore City Department of Housing and Community Development, the 2017 Zoning Code created the Bio-Science Campus Zoning District to reflect the use of these properties as BioPark buildings. These changes are necessary to allow the BioPark to redevelop these properties.

The Department of Transportation has no objection to passage of the bill.

- (6) The proposed amendment's relationship to and consistency with the City's Comprehensive Master Plan.

The proposed rezoning requested is in line with LEARN and EARN provisions of the City's Comprehensive Master Plan and is also compatible with the BSC zone as well as the Southwest Partnership Vision Plan, the objective of the Poppleton urban renewal plan, most specifically Objective d. “To provide for the targeted development of high-tech medical science search-related land uses.”

- (7) Existing uses of property within the general area of the property in question;

All of the adjacent properties that have been developed have uses that are in keeping with a bioscience campus.

- (8) The zoning classification of other property within the general area of the property in question;

All of the adjacent properties are zoned BSC and the change from R-8 to BSC for the properties listed in this legislation is needed in order for the planned bioscience development to move forward.

- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;

R-8 zoning is generally applied to rowhouse buildings. The R-8 use is incompatible with a bioscience campus.

- (10) The trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present classification;

The mix of uses and proposed sites for some uses within the BioPark have changed since the new zoning code was adopted. Plans for new buildings and uses have been put in place that require the BSC zoning classification in order to develop the properties in accordance with the master plan and Planned Unit Development.

- (11) For a rezoning based on a SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD, the following facts establish the substantial change since the time of the last comprehensive rezoning:

- (12) For a rezoning based on a MISTAKE in the existing zoning classification, the following facts establish that at the time of the last comprehensive zoning the Council failed to consider then existing facts, or projects or trends which were reasonably foreseeable and/or that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect:

The BSC zone is new and its ramifications for creating a comprehensive and unified bioscience campus are just being discovered as the plans for specific bioscience building in the BioPark are unfolding. R-8 is not appropriate for such a campus. During the Transform Baltimore rezoning process which mapped

BSC on the BioPark as a whole, these properties were inadvertently omitted. Bill 19-0399 will correct the oversight.

SOURCE OF FINDINGS (Check all that apply):

Planning Report

The findings listed above have been transferred from the Planning Commission's report dated July 22, 2019 and the Department of Planning's report dated July 11, 2019.

Testimony presented at the Committee hearing

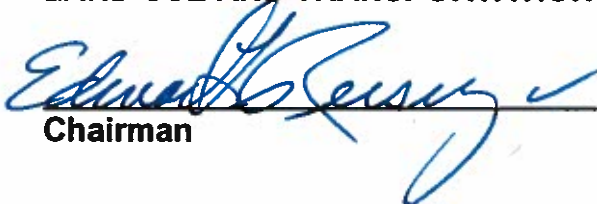
Oral – Witness Name:

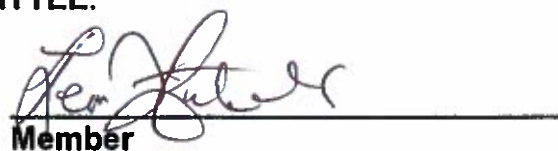
- President Brandon Scott, sponsor of the bill
- Mr. Eric Tiso, Department of Planning
- Mr. Bob Pipik, Department of Housing and Community Development
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Mr. Liam Davis, Department of Transportation
- Ms. Elena DiPietro, Department of Law
- Ms. Nikky Davis, Baltimore Development Corporation

Written:

- Planning Commission, Agency Report – Dated July 22, 2019
- Department of Planning Staff Report – Dated July 11, 2019
- Department of Transportation, Agency Report – Dated July 22, 2019
- Board of Municipal Zoning Appeals, Agency Report – Dated July 30, 2019
- Law Department, Agency Report – Dated July 30, 2019
- Department of Housing and Community Development, Agency Report – Dated July 19, 2019
- Baltimore Development Corporation, Agency Report – Dated July 18, 2019

LAND USE AND TRANSPORTATION COMMITTEE:


Chairman


Member

Member

Robert Stokes

Member

Matthew Clarke

Member

Member

Member

Member



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BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION VOTING RECORD

DATE: July 31, 2019

BILL#: 19-0399

BILL TITLE: Rezoning - 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue

MOTION BY: Clarke SECONDED BY: _____

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dorsey, Ryan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	4		2	1

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC



300 E. Cromwell Street
Baltimore, Maryland 21230
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 6355310

Sold To:

BALLARD SPAHR LLP - CU00171758
300 E Lombard St 18th Flr
Baltimore,MD 21202-6739

Bill To:

BALLARD SPAHR LLP - CU00171758
300 E Lombard St 18th Flr
Baltimore,MD 21202-6739

Was published in "The Baltimore Sun", "Daily", a newspaper printed and published in Baltimore City on the following dates:

Jul 16, 2019

The Baltimore Sun Media Group

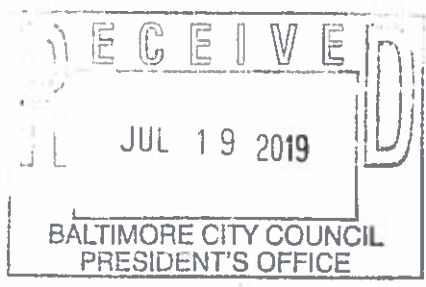
By S. Wilkinson

Subscribed and sworn to before me this 16 day of July, 2019

By Michele Elaine

Notary Public

My commission expires 10/5/19

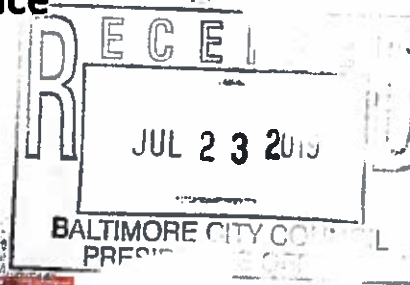


**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO.
19-0399**
The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, July 31, 2019 at 1:05 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0399.

CC 19-0399 ORDINANCE - Re-zoning - 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue
FOR the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District.
BY amending
Article 32 - Zoning
Zoning District Map
Sheet
Baltimore City Revised Code
(Edition 2000)
NOTE: This bill is subject to amendment by the Baltimore City Council.
Applicant: University of Maryland Baltimore, UMB Health Sciences Research Park Corporation, and BioPark Fremont LLC
For more information, contact:
Jennifer Coates, Committee Staff at (410) 396-1260.
EDWARD RESINGER
Chair
6355310 07/16/2019

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 19-0399

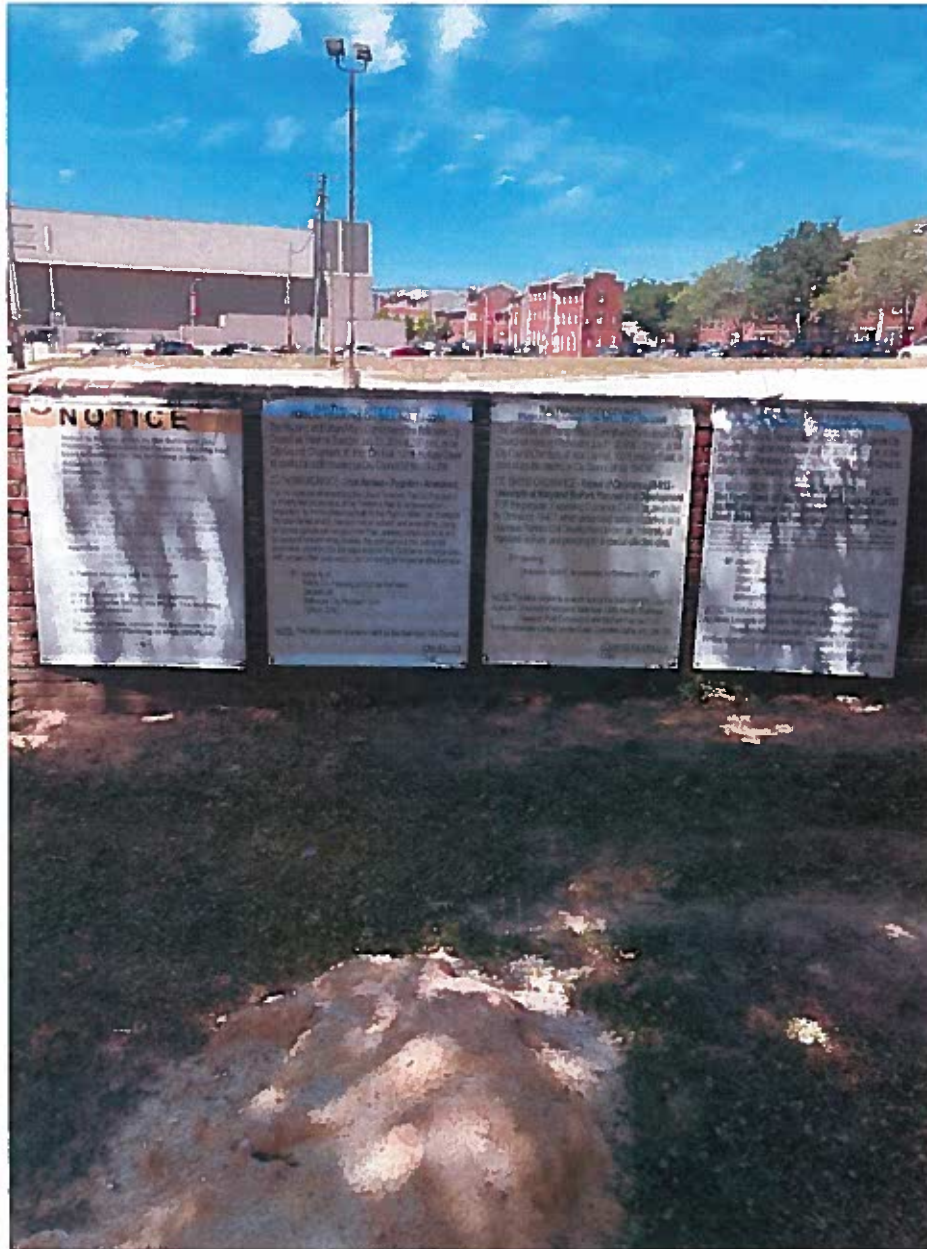
Today's Date: 7/02/2019



- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202



- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202



Address:

Date Posted: 7/01/2019

Name: Alyssa Domzal

Address: 300 East Lombard Street, 18th Floor, Baltimore, MD 21202

Telephone: 410-528-5510

- *Email to: Natawnab.Austin@baltimorecity.gov*
- *Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202*

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #19-0399 / REZONING		

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

DATE: July 22, 2019

At its regular meeting of July 11, 2019, the Planning Commission considered City Council Bill #19-0399, for the purpose of changing the zoning for the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #19-0399 and adopted the following resolution eight members being present (seven in favor):

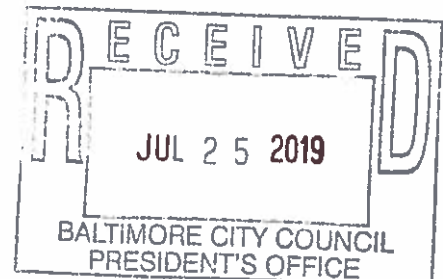
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0399 be passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Mr. Jeff Amoros, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Mr. Bob Pipik, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Frank Murphy, DOT
Ms. Natawna Austin, Council Services
Ms. Alyssa Domzal, Esq.



A



*Bernard C. "Jack" Young
Mayor*

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



*Chris Ryer
Director*

July 11, 2019

REQUESTS:

- **CITY COUNCIL BILL #19-0399/ REZONING – 755, 757, 759, 761, AND 763 WEST FAYETTE STREET, 760 WEST BALTIMORE STREET, BLOCK 0626, LOT 053 (K/A NWC MARTIN LUTHER KING JR. BOULEVARD AND WEST BALTIMORE STREET), AND A PORTION OF THE FORMER BED OF WEST FAIRMOUNT AVENUE** (President Scott)
For the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District. (Eleventh District)
- **CITY COUNCIL BILL #19-0398/ URBAN RENEWAL – POPPLETON – AMENDMENT** (President Scott, Councilmember Bullock)
For the purpose of amending the Urban Renewal Plan for Poppleton to modify the boundaries of the Renewal Plan to remove certain properties, to revise certain exhibits to the Plan to reflect the change in the boundaries and to delete a certain exhibit, and to conform, clarify, or correct certain references in 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. (Ninth District)
- **CITY COUNCIL BILL #19-0397/ REPEAL OF ORDINANCE 03-613 – UNIVERSITY OF MARYLAND BIOPARK PLANNED UNIT DEVELOPMENT** (President Scott, Councilmember Bullock)
For the purpose of repealing Ordinance 03-613, as amended by Ordinance 11-477, which designated certain properties as a Business Planned Unit Development known as University of Maryland BioPark; and providing for a special effective date. (Ninth District)

RECOMMENDATIONS:

- **CITY COUNCIL BILL #19-0399:** Approval
- **CITY COUNCIL BILL #19-0398:** Approval with Amendments
- **CITY COUNCIL BILL #19-0397:** Approval

STAFF: Brent Flickinger

PETITIONER: University of Maryland BioPark/Wexford Development

OWNERS: Various

SITE/GENERAL AREA

Site Conditions:

The Poppleton URP area is bounded by Route 40 to the north, MLK Boulevard to the east, W. Pratt Street to the south, and Carey Street to the west. The University of Maryland BioPark, which is currently governed by a PUD, sits roughly between MKL, Jr. Boulevard to the east and Schroeder Street to the west; Hollins Street to the south and W. Fayette Street to the north.

General Area:

The URP area includes the neighborhoods of Poppleton, above W. Baltimore Street, and Hollins Roundhouse, between Baltimore and Pratt Streets. Just west of Carey Street above Baltimore is Franklin Square, and just west of Carey below Baltimore Street is the Union Square neighborhood. All of these neighborhoods, plus Pigtown, Barre Circle, and Mt. Clare, are members of the Southwest Partnership, along with several anchor institutions.

HISTORY

In 1975, the Poppleton Urban Renewal Ordinance was adopted. The ordinance has been amended over a dozen times since then to reflect the changing dynamics of and visions for neighborhood revitalization. The latest amendment, Ordinance No. 18-184, was adopted on November 9, 2018.

CONFORMITY TO PLANS

The PUD, URP, and proposed rezoning are consistent with the BioPark master plan and the Southwest Partnership Vision Plan.

ANALYSIS

City Council Bill #19-0399: (Rezoning)

This bill will provide the appropriate zoning that is consistent with the 2017 zoning code. Changing the zoning on some of the properties within the BioPark footprint from R-8 to BSC is appropriate. It will allow for dissolution of the PUD and allow the BioPark to proceed with its planned completion. Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

- (i) a substantial change in the character of the neighborhood where the property is located; or
- (ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

- (i) population changes;
- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;

- (iv) compatibility with existing and proposed development for the area;
 - (v) the recommendations of the City agencies and officials; and
 - (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.
- (3) *Additional standards – General*
 Additional standards that must be considered for map amendments are:
- (i) existing uses of property within the general area of the property in question;
 - (ii) the zoning classification of other property within the general area of the property in question;
 - (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
 - (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public's interest, in that it will fulfill the original development intent of the Planned Unit Development, which was needed since a specific zoning category for a BioScience Campus did not exist under the previous zoning code.

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:** This rezoning will be compatible with the concept established under the existing PUD which was needed to accomplish the BioPark development under the prior zoning code. That PUD will then no longer be needed once the rezoning to BSC has been completed.
2. **The needs of Baltimore City:** As a major employer in the region, the University of Baltimore's growth and expansion is critical to the city's economic development. The medical and health fields are growth industries both nationally and locally, and the jobs that are created require a range of skills and educational levels.
3. **The needs of the particular neighborhood:** The properties that are now part of the growing BioPark were vacant for many years. The BioPark campus now serves a sboth a link to the main UMB campus and downtown, but also a catalyst for the redevelopment of Poppleton and other neighborhood that are part of the Southwest Partnership area.

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 boundaries of the BioPark do not contain any residential units. The specific properties to be rezoned will allow the planned development of bioscience facilities.

2. **The availability of public facilities;** The BioPark is well situation on two bus lines and is easily accessible from downtown by automobile and the Circulator as well as Interstate 395, and the major roadways of MLK Boulevard and Russell Street.
3. **Present and future transportation patterns;** No major changes are planned at this time.
4. **Compatibility with existing and proposed development for the area;** Under the provisions of the PUD, the specifics of design and uses of each parcel in the Bio science Campus zone (BSC) will continue to evolve over time. The rezoning will allow the next phase of the previously approved development to proceed.
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.** The proposed rezoning requested is in line with LEARN and EARN provisions of the City's Comprehensive Master Plan and is also compatible with the BSC zone as well as the Sotuhwest Partnership Vison Plan the objective of the Poppleton urban renewal plan, most specifically Objective d. "To provide for the targeted development of high-tech medical science search-related land uses."

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;** All of the adjacent properties that have been developed have uses that are in keeping with a bioscience campus.
- (ii) **the zoning classification of other property within the general area of the property in question;** All of the adjacent properties are zoned BSC and the change from R-8 to BSC for the properties listed in this legislation is needed in order for the planned bioscience builfinhd to move forward.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification;** R-8 zoning is generally applied to rowhouse buildings. This use is incompatible with a bioscience campus.
- (iv) **the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.** The mix of uses and proposed sites for some uses within the BioPark have changed since the new zoning code was adopted. Plans for new buildings and uses have been put in place that require the BSC zoning classification in order to develop the properties in accordance with the master plan and PUD.

Per §5-508(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. The BSC zone is new and its ramifications for

creating a comprehensive and unified bioscience campus are just being discovered as the plans for specific bioscience building in the BioPark are unfolding. R-8 is not appropriate for such a campus. During the Transform Baltimore rezoning process which mapped BSC on the BioPark as a whole, these properties were inadvertently omitted, and this bill will correct this oversight.

City Council Bill #19-0398: (URP Amendment)

Because new zoning categories and a new map were adopted as part of the 2017 Zoning Code, the previous zoning categories in the URP are no longer appropriate for much of the area. Therefore, an amendment to the URP is important to revise the land use and zoning maps to comport with the new zoning. The rezoning, could be considered a comprehensive rezoning under the provisions of the URP.

Because the new BSC zoning classification appropriately regulates the development of the BioPark the BioPark does not need to be included in the urban renewal area. This bill would change the boundaries of the Poppleton URP to remove the BioPark. New maps are included in the proposed legislation. Since the bill was introduced, some minor changes to the land use and zoning maps are recommended to conform to existing conditions. The attached maps should replace those introducing with the original legislation. In addition, one zoning change for the property at 1020

W. Pratt Street from R-8 to IMU-1 reflects the nature of this former industrial building.

City Council Bill #19-0397: (PUD Repeal)

The Zoning Code adopted in 2017 for the first time included a Bio Science campus category, BSC. With the new provisions for uses and design, there is no longer a need for the development of the BioPark to be regulated by a Planned Unit Development. Therefore, the PUD no longer serves its original purpose and can be repealed.



**Chris Ryer
Director**

CITY OF BALTIMORE



BOARD OF MUNICIPAL AND
ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director
417 E. Fayette Street, Suite 922
Baltimore, Maryland 21202

July 22, 2019
30

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: **CC Bill #19-0399 Rezoning – 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue**

Ladies and Gentlemen:

City Council Bill No. 19-0399 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 19-0399 is to change the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District.

The BMZA has reviewed the legislation and recommends approval of City Council Bill No. 19-0399.


Sincerely,

Derek J. Baumgardner
Executive Director

CC: Mayor's Office of Council Relations
City Council President
Legislative Reference

A



FROM	NAME & TITLE	Steve Sharkey, Acting Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 19-0399		

TO: Mayor Bernard C. "Jack" Young
TO: Land Use & Transportation Committee
FROM: Department of Transportation
POSITION: No Objection
RE: Council Bill – 19-0399

DATE: 7/22/19

INTRODUCTION – Rezoning - 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue

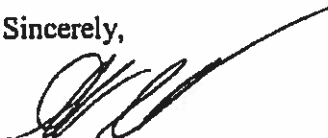
PURPOSE/PLANS – For the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District.

COMMENTS – This bill serves as a companion bill to City Council Bill 19-0397 as well as City Council Bill 19-0398. Together, the three bills allow for the area known as the University of Maryland BioPark to be zoned under the new BSC zone designation, established under the Transform Baltimore comprehensive rezoning plan as Bio-Science Campus Zones. BSC zones allow for a broad use of development, including: manufacturing, office, research & development.

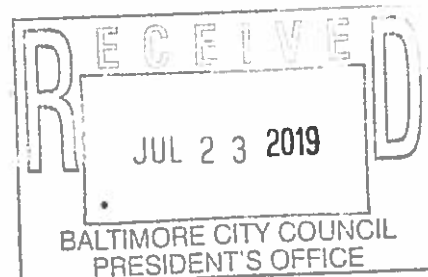
AGENCY/DEPARTMENT POSITION – The Department of Transportation has **no objection** to City Council Bill 19-0399.

If you have any questions, please do not hesitate to contact Liam Davis via email at Liam.Davis@baltimorecity.gov or by phone (410) 545-3207.

Sincerely,



Steve Sharkey
Acting Director



No obj



CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG,
Mayor



DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

July 30, 2019

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 19-0399 – Rezoning – Rezoning - 755, 757, 759, 761,
and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot
053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore
Street), and a Portion of the Former Bed of West Fairmount Avenue

Dear President and City Council Members:

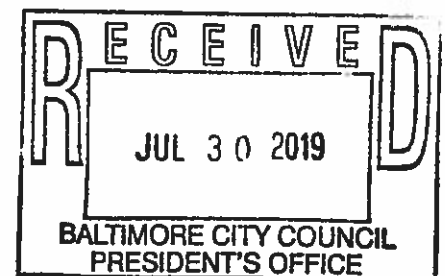
The Law Department has reviewed City Council Bill 19-0399 for form and legal sufficiency. The bill would change the zoning for the property known as Rezoning - 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue as outlined in red on the accompanying plat, from the I-2 Zoning District to the I-MU Zoning District, and for the property known as Block 3575C, Lot 374, as outlined in blue on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District. .

The City Council may permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, §10-304(b)(2); Baltimore City Code, Art. 32, §§5-508(a) and (b)(1). The Planning Commission report states that there was a mistake in the last rezoning and these properties were not rezoned at that time. Therefore, to legally rezone the property the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as R-8.

In determining whether to rezone on the basis of mistake, the City Council is required to make findings of fact, for each property, on the following matters:

- (1) population change;
- (2) the availability of public facilities;
- (3) the present and future transportation patterns;
- (4) compatibility with existing and proposed development;

Fav w/ Comments



- (5) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and
- (6) the relationship of the proposed amendment to the City's plan.

Md. Land Use Code Ann., §10-304(b)(1); *see also*, Baltimore City Code, Art. 32, §5-508(b)(2) (citing same factors with (v) being “the recommendations of the City agencies and officials,” and (vi) being “the proposed amendment’s consistency with the City’s Comprehensive Master Plan.”).

Article 32 of the City Code also requires Council to consider:

- (i) existing uses of property within the general area of the property in question;
- (ii) the zoning classification of other property within the general area of the property in question;
- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

Baltimore City Code, Art. 32, §5-508(b)(3).

The Mayor and City Council’s decision regarding a piecemeal rezoning is reviewed under the substantial evidence test, and should be upheld “if reasoning minds could reasonably reach the conclusion from facts in the record.” *Cty. Council of Prince George’s Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015) (*quoting*, *Cremins v. Cnty. Comm’rs of Washington Cnty.*, 164 Md.App. 426, 438 (2005)); *see also* *White v. Spring*, 109 Md. App. 692, 699, *cert. denied*, 343 Md. 680 (1996) (“the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable”); *accord* *Floyd v. County Council of Prince George’s County*, 55 Md.App. 246, 258 (1983) (“substantial evidence’ means a little more than a ‘scintilla of evidence.’”).

With regard to rezoning on the basis of mistake, it is “firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning.” *People’s Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995) (*quoting* *Wells v. Pierpont*, 253 Md. 554, 557 (1969)). To sustain a piecemeal change, there must be substantial evidence that “the Council failed to take into account then existing facts . . . so that the Council’s action was premised . . . on a misapprehension.” *White*, 109 Md. App. at 698 (citation omitted). In other words, “[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing.” *Id.* “Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts,

or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension[,] [and] "by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect." *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). "Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'" *Id.* at 52.

A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry "regarding whether, and if so, how, the property is reclassified," is required. *Id.* at 709. This second conclusion is due great deference. *Id.* (after a prior mistake has been established and accepted as fact by a legislative zoning entity, that entity's decision as to whether to rezone, and if so, how to reclassify, is due the same deference the prior comprehensive rezoning was due).

In sum, the Land Use and Transportation Committee (the "Committee") is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact for each property with regard to the factors in §§10-304 and 10-305 of the Land Use Article and § 5-508 of Article 32 of the Baltimore City Code. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met.

Here, the Planning Department Report suggests that the facts support a finding of mistake in the property's current zoning, because at the time of the rezoning for the BioPark, the BSC zoning classification was new and the its ramifications for creating a comprehensive and unified bioscience campus were just being discovered. In addition, the specifics of the bioscience building in the BioPark were just unfolding. As a result, these properties were inadvertently omitted. This bill will correct that mistake. Planning Report, p. 4-5. Companion bills to comport with the BioPark master plan and the Southwest Partnership Vision Plan are also moving forward that will repeal the PUD and amend the Poppleton URP to remove the BioPark from the area covered by the URP.

Finally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a "legislative authorization." Baltimore City Code, Art. 32, §5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City,

by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Baltimore City Code, Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Baltimore City Code, Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location, and at least one sign must be visible from each of the property's street frontages. City Code, Art., §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, §5-601(e), (f).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,



Elena R. DiPietro
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Jeff Amoros, Mayor's Legislative Liaison
Ashlea Brown, Assistant Solicitor
Victor Tervalá, Chief Solicitor
Hilary Ruley, Chief Solicitor
Avery Aisenstark





BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner *MB*

Date: July 19, 2019

Re: **City Council Bill 19-0399: Rezoning — 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue**

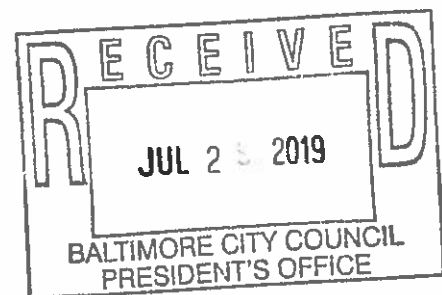
The Department of Housing and Community Development has reviewed City Council Bill 19-0399, for the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue from the R-8 Zoning District to the BSC Zoning District.

If enacted, this bill would change the zoning of properties located at the southeast corner of N. Fremont St. and W. Fayette St. and at the northwest corner of N. Martin Luther King Jr. Blvd. and W. Baltimore St. from R-8 to BSC. The 2017 Zoning Code created the Bio Science Campus district specifically for the University of Maryland BioPark, and this update will change the Zoning Code to reflect the use of these properties as BioPark buildings. These changes are necessary to allow the BioPark to redevelop these properties.

DHCD supports the passage of City Council Bill 19-0399.

MB:td

Cc: Mr. Jeffrey Amoros, *Mayor's Office of Government Relations*
Mr. Eric Tiso, *Department of Planning*



A





MEMORANDUM

DATE: July 18, 2019
 TO: Land Use and Transportation Committee
 FROM: Colin Tarbert, President and CEO *C. Tarbert*
 POSITION: Support
 SUBJECT: City Council Bill 19-0399 - Rezoning - 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 19-0399 introduced by President Scott at the request of University of Maryland Baltimore, UMB Health Sciences Research Park Corporation, and BioPark Fremont LLC.

PURPOSE

For the rezoning of 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District.

BRIEF HISTORY

The properties are located in the Poppleton neighborhood; the zoning around the subject properties are primarily R-8 and BSC Zoning Districts.

FISCAL IMPACT

None

AGENCY POSITION

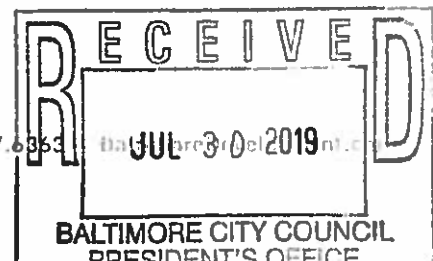
The Baltimore Development Corporation **Supports** City Council Bill 19-0399. The rezoning of these properties to the Bio-Science Campus Zoning District designation are consistent with the goals and strategies contained in the Comprehensive Master Plan, which calls for the attraction and retention of business in bioscience as a way to promote economic growth for Baltimore City and its residents. The BSC Zoning is compatible with the continued, development of the BioPark. Furthermore, there are adequate residentially zoned properties available in the area that could accommodate future residential development needs.

If you have any questions, please do not hesitate to contact Kim Clark at 410-837-9305.

cc: Jeffrey Amoros

[NAD]

F





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City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, July 31, 2019

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

19-0399

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 5 - Member Edward Reisinger, Member Mary Pat Clarke, Member Eric T. Costello, Member Leon F. Pinkett III, and Member Robert Stokes Sr.

Absent 2 - Member Sharon Green Middleton, and Member Ryan Dorsey

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0399

Rezoning - 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue

For the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District.

Sponsors: President Brandon M. Scott

A motion was made by Member Clarke that the bill be recommended favorably. The motion carried by the following vote:

Yes: 4 - Member Reisinger, Member Clarke, Member Pinkett III, and Member Stokes Sr.

Abstain, COI: 1 - Member Costello

Absent: 2 - Member Middleton, and Member Dorsey

ADJOURNMENT



HEARING NOTES

Bill: 19-0399

Rezoning - 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: July 31, 2019
Time (Beginning): 1:15 PM
Time (Ending): 1:20 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~25
Committee Members in Attendance:
Reisinger, Edward - Chairman
Clarke, Mary Pat
Costello, Eric
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert

Bill Synopsis in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or audio-digitally recorded?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Evidence of notification to property owners?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Final vote taken at this hearing?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:	Councilmember		
Seconded by:	Councilmember		
Final Vote:	Favorable		

Major Speakers
(This is not an attendance record.)

- Mr. Eric Tiso, Department of Planning
- Mr. Liam Davis, Department of Transportation
- Ms. Derek Baumgardner Board of Municipal Zoning Appeals
- Ms. Nikky Davis, Baltimore Development Corporation
- Ms. Elena DiPietro, Department of Law
- Ms. Bob Pipik, Department of Housing and Community Development

Major Issues Discussed

1. Councilmember Reisinger read the bill's title, purpose and public notice certification report.
2. Mr. Eric Tiso presented the Planning Commission's favorable report for the bill. He provided a brief summary about the University of Maryland BioPark project and development plan for its campus. The Planning Department's staff report recommended approval of the project.
3. Mr. Liam Davis testified that the Department of Transportation has no objection to the bill.
4. Ms. Derek Baumgardner testified that the Board of Municipal Zoning Appeals is recommending a favorable report.
5. Ms. Elena DiPietro testified that the Law Department finds the bill legally sufficient.
6. Ms. Nikky Davis testified that the Baltimore Development Corporation recommends a favorable report for passage of the bill.
7. Mr. Bob Pipik testified that the Department of Housing and Community Development recommends a favorable report for the bill.
8. The committee approved findings of fact and voted to recommend the bill favorable.
11. The hearing was adjourned.

Further Study

Was further study requested?
If yes, describe.

Yes No

Committee Vote:

Reisinger, Edward, Chairman.....	Yea
Middleton, Sharon, Vice Chair.....	Absent
Clarke, Mary Pat.....	Yea
Costello, Eric.....	Abstain
Dorsey, Ryan.....	Absent
Pinkett, Leon.....	Yea
Stokes, Robert:	Yea

Jennifer L. Coates, Committee Staff



Date: July 31, 2019

cc: Bill File
OCS Chrono File

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, July 31, 2019

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

19-0399

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0399

Rezoning - 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue

For the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District.

Sponsors:

President Brandon M. Scott

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



BALTIMORE CITY COUNCIL LAND USE COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

**The Honorable Edward Reisinger
Chairperson**

PUBLIC HEARING

Wednesday, July 31, 2018

1:05 PM

Clarence "Du" Burns Council Chambers

City Council Bill # 19-0399

Rezoning - 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Danielle McCray
Sharon Green Middleton
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Currin

CYBERSECURITY AND EMERGENCY PREPAREDNESS

Eric Costello – Co-chair
Isaac "Yitzy" Schleifer – Co-
chair
Sharon Green Middleton
Staff: Samuel Johnson

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristofer Burnett
Leon Pinkett
Staff: Matthew Peters

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristofer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HEALTH

Kristofer Burnett – Chair
Bill Henry, Vice Chair
Mary Pat Clarke
Edward Reisinger
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice
Chair
Kristofer Burnett
Zeke Cohen
Ryan Dorsey
Bill Henry
Shannon Sneed
Staff: Richard Krummerich

JUDICIARY

Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Shannon Sneed
Robert Stokes
Staff: Matthew Peters

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Mary Pat Clarke
Bill Henry
Danielle McCray
Staff: Samuel Johnson

LEGISLATIVE INVESTIGATIONS

Kristofer Burnett – Chair
Danielle McCray – Vice Chair
Ryan Dorsey
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Matthew Peters

LAND USE

Edward Reisinger - Chair
Shannon Sneed – Vice Chair
Mary Pat Clarke
Ryan Dorsey
Sharon Green Middleton
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY

Isaac "Yitzy" Schleifer – Chair
Kristofer Burnett – Vice Chair
Zeke Cohen
Danielle McCray
Leon Pinkett
Shannon Sneed
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Danielle McCray – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- Larry Greene (*pension
only*)

TRANSPORTATION

Ryan Dorsey – Chair
Leon Pinkett – Vice Chair
John Bullock
Staff: Jennifer Coates



BILL SYNOPSIS

Committee: Land Use

Bill 19-0399

Rezoning - 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue

Sponsor: President Scott
Introduced: June 17, 2019

Purpose:

For the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District.

Effective: 30th day after the date of enactment

Hearing Date/Time/Location: July 31, 2019 / 1:05 p.m./Clarence "Du" Burns Chambers

Agency Reports

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	
Department of Transportation	No Objection
Department of Law	
Department of Housing and Community Development	
Baltimore Development Corporation	

Analysis

Current Law

Article 32 – Zoning; Zoning District Map; Sheet ___; Baltimore City Revised Code; (Edition 2000)

Background

If approved, Bill 19-0399 would rezone certain properties from the residential R-8 Zoning District to the Bio-science Campus (BSC) Zoning District. According to the State Land Use Article, a rezoning may be approved based on a finding that there was:

- (1) either a substantial change in the character of the neighborhood where the property is located; or
- (2) a mistake in the existing zoning classification.

The applicant and owner of the properties is BioPark Fremont, LLC. Prior to Transform Baltimore the properties were zoned Business B-2-3. The properties are currently zoned Residential R-8. The properties are situated in west Baltimore in the Poppleton neighborhood and within the Poppleton Urban Renewal Plan. The properties are part of the University of Maryland BioPark. Plans for new buildings and uses require the BSC zoning classification.

If approved, Bill 19-0399 proposes to rezone the properties as follows:

Properties	Zoning		
	Prior to Transform	Current	Proposed
755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street)	B-2-3	R-8	BSC

The intended purposes for the current and proposed zoning districts, as described in Article 32, are below:

Current Zoning District – R-8

§ 9-204. R-8 Rowhouse Residential District.

- (a) Neighborhoods.

The R-8 Rowhouse Residential Zoning District is intended to accommodate and maintain the traditional form of urban rowhouse development typical of many of the City's inner neighborhoods, which contain continuous, block-long rowhouse development built to or only modestly set back from the street.

Proposed Zoning District – BSC

§ 11-202. BSC Bio-Science Campus District.

(a) In general.

(1) Intent.

The BSC Bio-Science Campus Zoning District is intended to accommodate bio-science campuses, including supportive uses, and some residential uses.

(2) Minimum size of district.

A BSC District must encompass at least 1 acre of land.

(b) Uses.

The BSC District allows:

- (1) a broad mix of uses, integrating manufacturing, office, and research and development; and
- (2) additional supportive uses, like limited retail, educational facilities, and some higher density residential uses.

(Ord. 16-581; Ord. 17-015.)

Companion Bills

- **Bill 19-0397** - Repeal of Ordinance 03-613 - University of Maryland BioPark Planned Unit Development
- **Bill 19-0398** - Urban Renewal - Poppleton - Amendment __

Amendments

To date, amendments have not been proposed for the bill.

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency Reports

Analysis by: Jennifer L. Coates
Analysis Date: July 25, 2019

Direct Inquiries to: (410) 396-1260

**CITY OF BALTIMORE
COUNCIL BILL 19-0399
(First Reader)**

Introduced by: President Scott

At the request of: University of Maryland Baltimore, UMB Health Sciences Research Park Corporation, and BioPark Fremont LLC

Address: c/o Alyssa Domzal, Esquire, Ballard Spahr LLP, 300 East Lombard Street, 18th Floor, Baltimore, Maryland 21202

Telephone: 410-528-5510

Introduced and read first time: June 17, 2019

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 755, 757, 759, 761, and 763 West Fayette Street, 760 West**
3 **Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard**
4 **and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue**

5 FOR the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763
6 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West
7 Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther
8 King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West
9 Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District
10 to the BSC Zoning District.

11 BY amending

12 Article 32 – Zoning
13 Zoning District Map
14 Sheet __
15 Baltimore City Revised Code
16 (Edition 2000)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That**
18 **Sheet __ of the Zoning District Map is amended by changing from the R-8 Zoning District to the**
19 **BSC Zoning District the properties known as 755, 757, 759, 761, and 763 West Fayette Street**
20 **(Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block**

<p style="text-align:center">Explanation: CAPITALS indicate matter added to existing law. [Brackets] indicate matter deleted from existing law.</p>

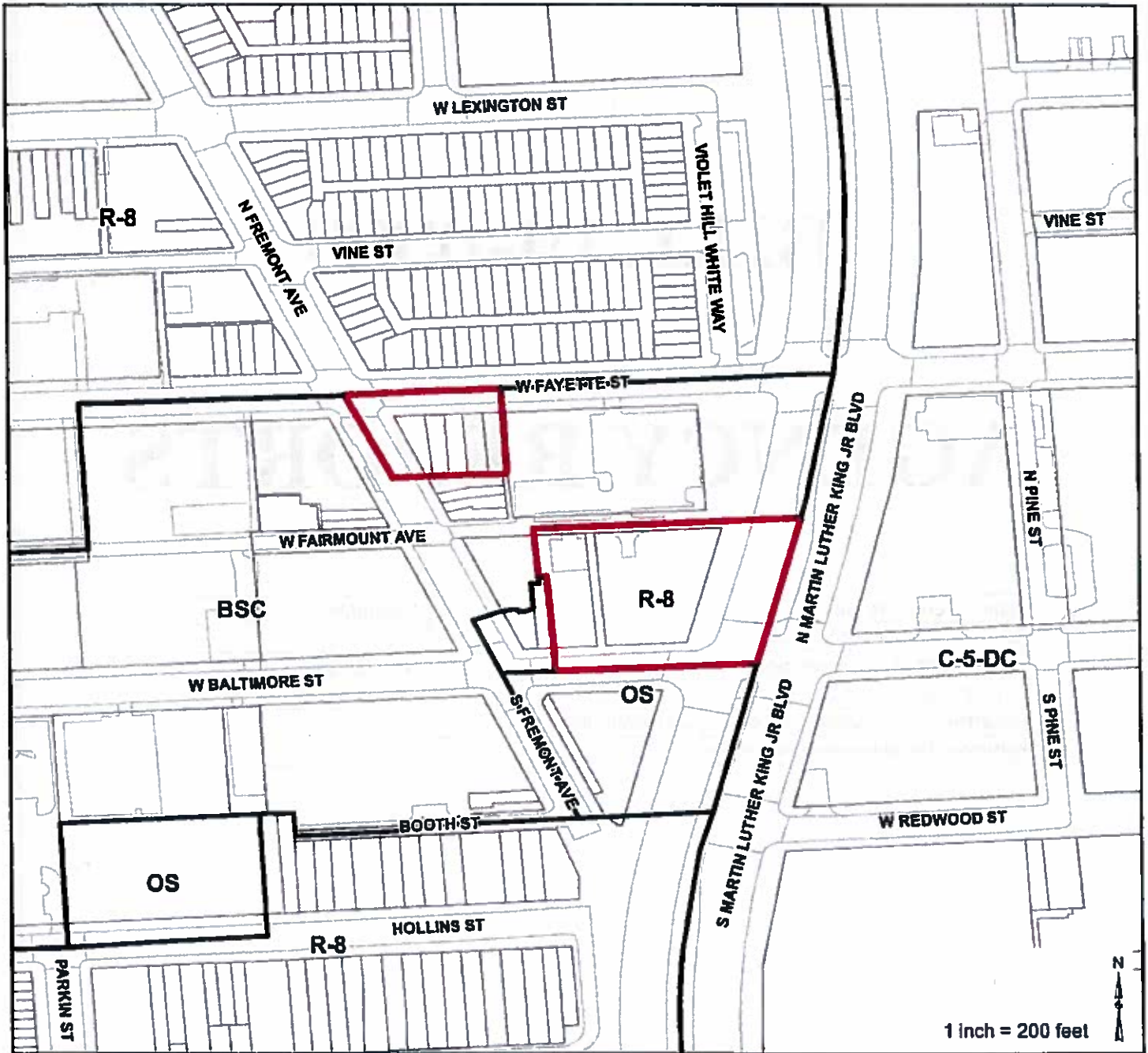
Council Bill 19-0399

1 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West
2 Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red
3 on the plat accompanying this Ordinance.

4 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
5 accompanying plat and in order to give notice to the agencies that administer the City Zoning
6 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
7 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
8 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
9 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
10 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
11 the Zoning Administrator.

12 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
13 after the date it is enacted.

**SHEET NO. _____ OF THE ZONING DISTRICT MAP
OF THE BALTIMORE CITY ZONING CODE**



In connection with the properties known as 755 West Fayette Street, 757 West Fayette Street, 759 West Fayette Street, 761 West Fayette Street, 763 West Fayette Street, 760 West Baltimore Street, and Block 0626 Lot 053. The applicant wishes to request the rezoning of the aforementioned properties from R-8 zoning to BSC zoning, as outlines in red above.

Ward 4 Section 6 Block 0626 Lots 026, 039, 040, 041, 042, 043, 053

Mayor

President, City Council

LAND USE COMMITTEE

BILL 19-0399

AGENCY REPORTS

Planning Commission	Favorable
Board of Municipal Zoning Appeals	
Department of Transportation	No Objection
City Solicitor	
Department of Housing and Community Development	
Baltimore Development Corporation	

Coates, Jennifer

From: Coates, Jennifer
Sent: Tuesday, June 25, 2019 2:04 PM
To: 'domzala@ballardspahr.com'
Cc: 'Huber, Michael'; 'Austin, Natawna B.'
Subject: Public Notification Instructions for Hearing for Bill 19-0399
Attachments: PNI - Letter -19-0399 RZ.docx; Sample - Certificate of Posting - Attachment C.docx; Afro American; Darlene Miller; Michele Griesbauer - Sunpaper - Advertising; LU Form - Contacts for Sign Posting RZ COMPRZ PUD - Art 32.docx

Ms. Domzal,

Attached is the information you will need to post, publish and mail public hearing notice(s) for the subject bill to be heard by the Land Use and Transportation Committee on **July 31, 2019 at 1:05 p.m.** at City Hall in the City Council Chamber.

I have also attached a contact list for sign makers, business cards for newspaper contacts and a sample certification template.

Feel free to contact me if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL



Jennifer L. Coates

*Senior Legislative Policy Analyst
Office of Council Services*

100 N. Holliday Street, Room 415
Baltimore, MD 21202

jennifer.coates@baltimorecity.gov

OFFICE OF COUNCIL SERVICES

Office: (410) 396-1260

Fax: (410) 545-7596

CITY OF BALTIMORE

HERNARD C. "JACK" YOUNG, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: University of Maryland Baltimore, UMB Health Sciences Research Park Corporation, and BioPark Fremont LLC c/o Alyssa Domzal, Esquire, Ballard Spahr LLP

FROM: Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee, Baltimore City Council

Date: June 25, 2019

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS (REZONINGS); PLANNED UNIT DEVELOPMENTS

The Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

Bill: City Council Bill No. 19-0399

Date: Wednesday, July 31, 2019

Time: 1:05 p.m.

Place: City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers

Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (*See Attachment A*); the deadline date is indicated in BOLD letters at the top of Attachment A.

Certification of Postings

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant. The deadline dates are as follows:

Sign Posting Deadline:	July 1, 2019
Newspaper Ad Deadline:	July 16, 2019
Written Notice Deadline:	July 16, 2019

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use and Transportation Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE
POSTED BY JULY 1, 2019 AND PUBLISHED BY JULY 16, 2019, AS DISCUSSED
ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 19-0399

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, July 31, 2019 at 1:05 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0399.

CC 19-0399 ORDINANCE - Rezoning - 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue

FOR the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet _____
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: University of Maryland Baltimore, UMB Health Sciences Research Park Corporation, and BioPark Fremont LLC

For more information, contact: Jennifer Coates, Committee Staff at (410) 396-1260.

EDWARD REISINGER

Chair

SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS ADVERTISEMENT TO:

Ms. Alyssa Domzal, Esquire
Ballard Spahr LLP
300 East Lombard Street
Baltimore, MD 21202
(410) 528-5510

**ZONING
SUBTITLE 6 – NOTICES**

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - (i) by posting in a conspicuous place on the subject property; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and
- (3) for a comprehensive rezoning:
 - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;

The Baltimore City Council Online: www.baltimorecitycouncil.com

(2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and

(3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

(i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;

(ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;

(iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;

(iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and

(v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

(1) at least 15 days before the public hearing; or

(2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

(1) posted at least 30 days before the public hearing; and

(2) removed within 48 hours after conclusion of the public hearing.

THE NOTICE OF HEARING SIGN(S) MUST BE POSTED IN ACCORDANCE WITH ARTICLE 32; SECTION 5-601 (See Attachment B), WHICH CAN ALSO BE OBTAINED FROM THE FOLLOWING WEBSITE:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

SIGNS MAY BE OBTAINED FROM A VENDOR OF YOUR CHOICE OR ANY OF THOSE LISTED BELOW:

RICHARD HOFFMAN
904 DELLWOOD DRIVE
BALTIMORE, MARYLAND 21047
PHONE: (443) 243-7360
E-MAIL: DICK_E@COMCAST.NET

JAMES EARL REID
LA GRANDE VISION
5517 HADDON AVENUE
BALTIMORE, MARYLAND 21207
PHONE: (443) 722-2552
E-MAIL: JamesEarlReid@aol.com or JamesEarlReid@aim.com

SIGNS BY ANTHONY
ANTHONY L. GREENE
2815 TODKILL TRACE
EDGEWOOD, MD 21040
PHONE: 443-866-8717
FAX: 410-676-5446
E-MAIL: bones_malone@comcast.net

LINDA O'KEEFE
523 PENNY LANE
HUNT VALLEY, MD 21030
PHONE: 410-666-5366
CELL: 443-604-6431
E-MAIL: LUCKYLINDA1954@YAHOO.COM

This office is not associated with any of the above drafting companies, nor do we recommend any specific one.

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers

Baltimore City Council
Certificate of Posting - Public Hearing Notice

City Council Bill No.:

Today's Date: [Insert Here]

(Place a picture of the posted sign in the space below.)

Address:

Date Posted:

Name:

Address:

Telephone:

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council, c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

Coates, Jennifer

Full Name: Michele Griesbauer
Last Name: Griesbauer
First Name: Michele
Company: Sunpaper - Advertising

Business Address: <http://ts.merlinone.com/scripts/foxisapi.dll/sur.x.go?WHkI8OI--1>

Business: (410) 332-6381
Business Fax: (410) 783-2507

E-mail: mgriesbauer@baltsun.com
E-mail Display As: Sunpaper - Advertising (mgriesbauer@baltsun.com)

MICHAEL WHARTON 410-332-6522
Michele Wharton 410-332-6522

Coates, Jennifer

Full Name: Afro American
Last Name: American
First Name: Afro
Business: (410) 554-8251
E-mail: TRobinson@afro.com
E-mail Display As: TRobinson@afro.com

Coates, Jennifer

Full Name: Darlene Miller
Last Name: Miller
First Name: Darlene
Company: Daily Record

Business Address: 443-524-8188 Direct, Line
United States of America

Business Fax: (410) 752-5469

E-mail: legalad@thedailyrecord.com

E-mail Display As: Darlene Miller - Daily Record (legalads@thedailyrecord.com)



**CITY OF BALTIMORE
COUNCIL BILL 19-0399
(First Reader)**

Introduced by: President Scott

At the request of: University of Maryland Baltimore, UMB Health Sciences Research Park Corporation, and BioPark Fremont LLC

Address: c/o Alyssa Domzal, Esquire, Ballard Spahr LLP, 300 East Lombard Street, 18th Floor, Baltimore, Maryland 21202

Telephone: 410-528-5510

Introduced and read first time: June 17, 2019

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 755, 757, 759, 761, and 763 West Fayette Street, 760 West**
3 **Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard**
4 **and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue**

5 FOR the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763
6 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West
7 Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther
8 King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West
9 Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District
10 to the BSC Zoning District.

11 BY amending
12 Article 32 – Zoning
13 Zoning District Map
14 Sheet __
15 Baltimore City Revised Code
16 (Edition 2000)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That**
18 **Sheet __ of the Zoning District Map is amended by changing from the R-8 Zoning District to the**
19 **BSC Zoning District the properties known as 755, 757, 759, 761, and 763 West Fayette Street**
20 **(Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block**

<p>Explanation: CAPITALS indicate matter added to existing law. [Brackets] indicate matter deleted from existing law.</p>

Council Bill 19-0399

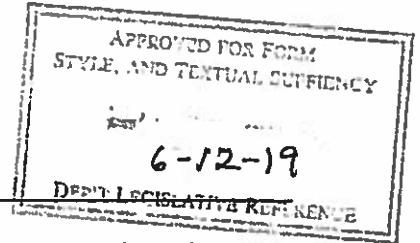
1 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West
2 Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red
3 on the plat accompanying this Ordinance.

4 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
5 accompanying plat and in order to give notice to the agencies that administer the City Zoning
6 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
7 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
8 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
9 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
10 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
11 the Zoning Administrator.

12 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
13 after the date it is enacted.

INTRODUCTORY*

**CITY OF BALTIMORE
COUNCIL BILL ___**



Introduced by: President Scott

At the request of: University of Maryland Baltimore, UMB Health Sciences Research Park Corporation, and BioPark Fremont LLC

Address: c/o Alyssa Domzal, Esquire, Ballard Spahr LLP, 300 East Lombard Street, 18th Floor, Baltimore, Maryland 21202

Telephone: 410-528-5510

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 755, 757, 759, 761, and 763 West Fayette Street, 760 West Baltimore Street, Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a Portion of the Former Bed of West Fairmount Avenue

FOR the purpose of changing the zoning for the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red on the accompanying plat, from the R-8 Zoning District to the BSC Zoning District.

BY amending

Article 32 – Zoning

Zoning District Map

Sheet ___

Baltimore City Revised Code

(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet ___ of the Zoning District Map is amended by changing from the R-8 Zoning District to the BSC Zoning District the properties known as 755, 757, 759, 761, and 763 West Fayette Street (Block 0626, Lots 043, 042, 041, 040, and 039, respectively), 760 West Baltimore Street (Block 0626, Lot 026A), Block 0626, Lot 053 (k/a NWC Martin Luther King Jr. Boulevard and West Baltimore Street), and a portion of the former bed of West Fairmount Avenue, as outlined in red on the plat accompanying this Ordinance.

Explanation: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THIS BILL. THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the accompanying plat and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

**STATEMENT OF INTENT
FOR**

755 West Fayette Street, 757 West Fayette Street, 759 West Fayette Street, 761 West Fayette Street, 763 West Fayette Street, 760 West Baltimore Street, Block 0626 Lot 053, and a portion of former bed of Martin Luther King, Jr. Blvd.

1. Applicant's name, address, and telephone number: BioPark Fremont, LLC, c/o Alyssa Domzal, Esq., Ballard Spahr LLP, 300 East Lombard Street, 18th Floor, Baltimore, Maryland 21202, Telephone: (410) 528-5510
2. All proposed zoning changes for the property: R-8 to BSC.
3. All intended uses of the property: Laboratory, office space, restaurant, garage parking, multifamily residential.
4. Current owner's name, address, and telephone number:

As to 755-763 West Fayette Street, and Block 0626 Lot 053: BioPark Fremont, LLC, c/o Wexford Science & Technology, 801 West Baltimore Street, Suite 505, Baltimore, Maryland 21201, Telephone: (410) 649-5629

As to 760 West Baltimore Street: Firehouse West, LLC, 8919 Reisterstown Road, Baltimore, Maryland 21209, Telephone: (410) 484-0044

As to portion of former bed of Martin Luther King, Jr. Blvd.: Mayor and City Council of Baltimore. Property to be acquired following the passage of Council Bills 19-318 and 19-319 (closing and sales ordinances).
5. The property was acquired by the current owner by a deed recorded in the Land Records of Baltimore City at:

755, 757, 759, and 761 West Fayette Street: Liber MB 19623, Page 132

763 West Fayette Street: Liber MB 20438, Page 166

760 West Baltimore Street: Liber FMC 16860, Page 118

Block 0626, Lot 053: Liber MB 20486, Page 1
6. (a) There are not contracts contingent on the requested legislative authorization.

(b) If there are contracts contingent on the requested legislative authorization: N/A.
 - (i) The names and addresses of all parties to the contracts are: N/A
 - (ii) The purpose, nature, and effect of the contract are: N/A

7. (a) The applicant is not acting as an agent for another.
- (b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are *{use additional sheet if necessary}*: N/A

AFFIDAVIT

I, Alyssa Domzal, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

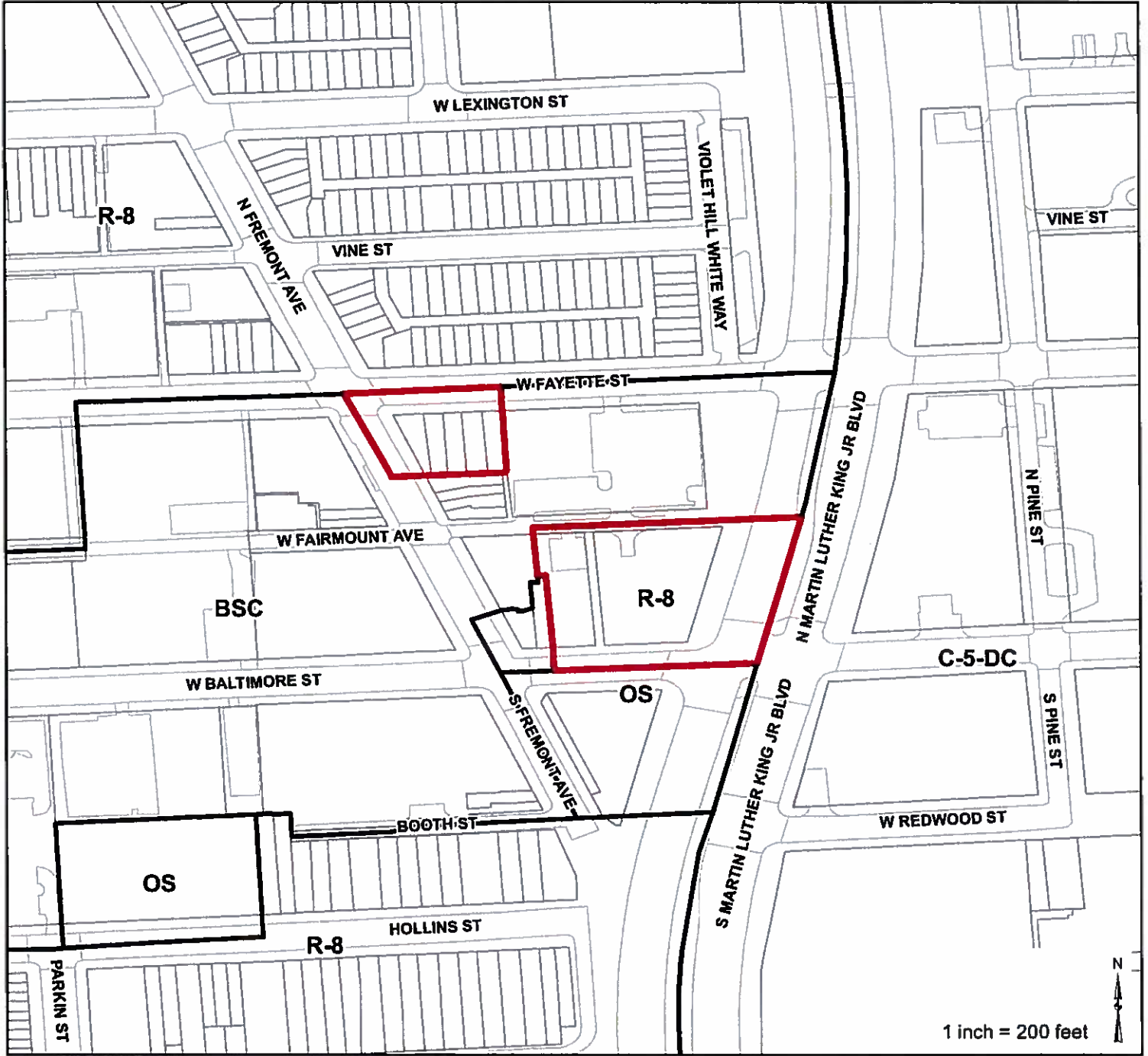


Alyssa Domzal, attorney for applicant

6/10/19

Date

**SHEET NO. _____ OF THE ZONING DISTRICT MAP
OF THE BALTIMORE CITY ZONING CODE**

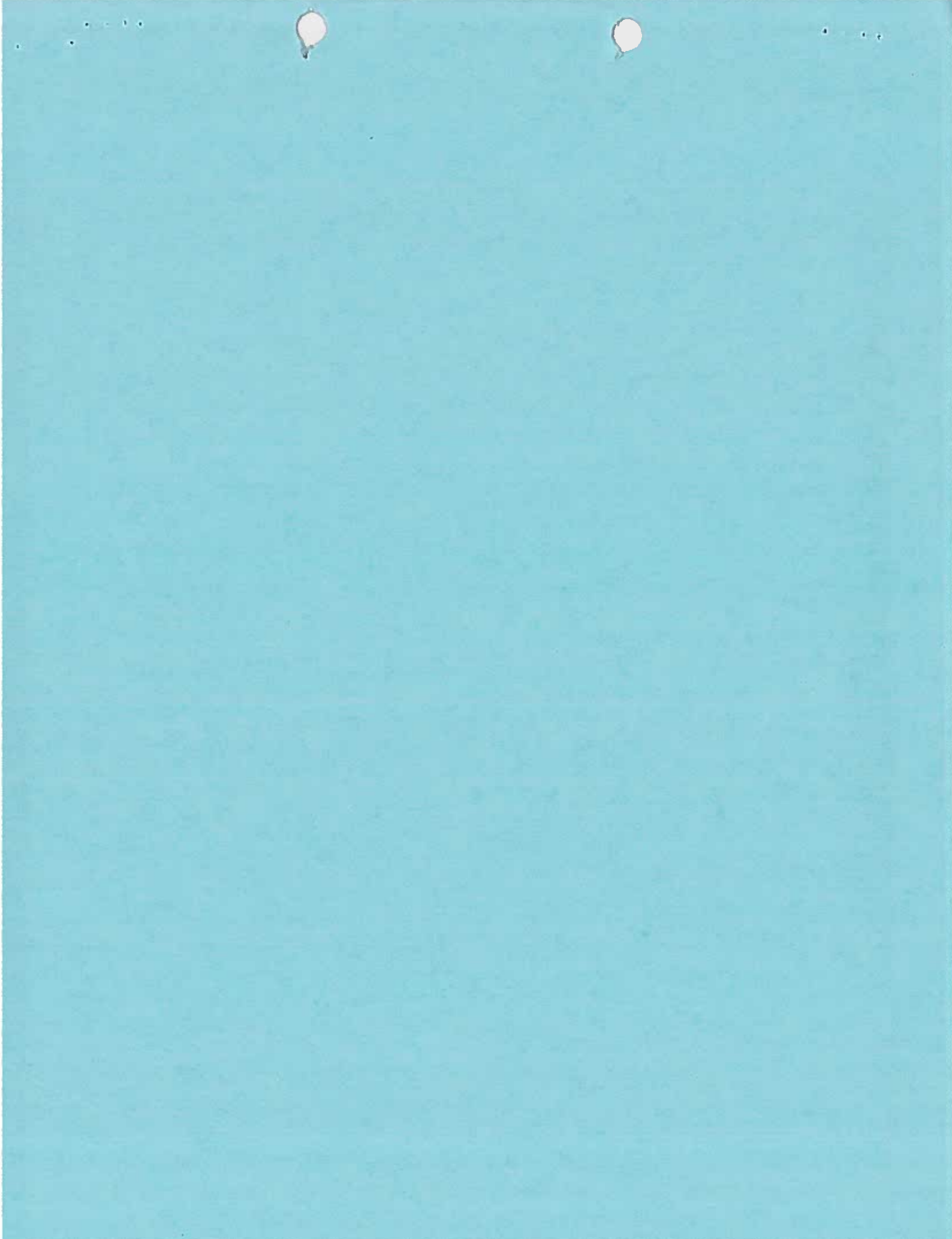


In connection with the properties known as 755 West Fayette Street, 757 West Fayette Street, 759 West Fayette Street, 761 West Fayette Street, 763 West Fayette Street, 760 West Baltimore Street, and Block 0626 Lot 053. The applicant wishes to request the rezoning of the aforementioned properties from R-8 zoning to BSC zoning, as outlines in red above.

Ward 4 Section 6 Block 0626 Lots 026, 039, 040, 041, 042, 043, 053

Mayor

President, City Council



ACTION BY THE CITY COUNCIL

JUN 17 2019

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON _____ *July 31,* _____ 20 *19*

COMMITTEE REPORT AS OF _____ *August 19,* _____ 20 *19*

FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Edward R. Resny
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

AUG 19 2019

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

SEP 09 2019

THIRD READING _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk