

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0269 / REZONING 5601 EASTERN AVENUE		

TO

DATE: July 12, 2018

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

At its regular meeting of July 12, 2018, the Planning Commission considered City Council Bill #18-0269, for the purpose of changing the zoning for the property known as 5601 Eastern Avenue, from the I-2 Zoning District to the C-3 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #18-0269 and adopted the following resolution nine members being present (seven in favor and two recusals):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #18-0269 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.

TJS/ewt

attachment

- cc: Mr. Pete Hammen, Chief Operating Officer
 Mr. Jim Smith, Chief of Strategic Alliances
 Ms. Karen Stokes, Mayor's Office
 Mr. Colin Tarbert, Mayor's Office
 Mr. Kyron Banks, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. William H. Cole IV, BDC
 Mr. Derek Baumgardner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Ms. Elena DiPietro, Law Dept.
 Mr. Francis Burnszynski, PABC
 Ms. Katelyn McCauley, DOT
 Ms. Natawna Austin, Council Services
 Mr. Ervin Bishop, Council Services
 Mr. Alfred Barry, AB Associates



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

July 12, 2018

REQUEST: City Council Bill #18-0269/Rezoning - 5601 Eastern Avenue

For the purpose of changing the zoning for the property known as 5601 Eastern Avenue (Block 6694, Lot 028), as outlined in red on the accompanying plat, from the I-2 Zoning District to the C-3 Zoning District.

RECOMMENDATION: Approval

STAFF: Tamara Woods

OWNER/PETITIONER: TRP-MCB 5601 Eastern LLC

SITE/GENERAL AREA

General Area:

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

Site Conditions:

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

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

HISTORY

- Ordinance 15-379 was signed by the Mayor on June 24, 2015 to rezone 5601 Eastern Avenue from the M-3 zoning district to the B-2-3 zoning district.
- Ordinance 15-380 was signed by the Mayor on June 24, 2015 to establish the 5601 Eastern Avenue Planned Unit Development.
- On May 4, 2017, the Planning Commission approved the Final Design for the LA Fitness.
- On December 21, 2017, the Planning Commission approved the Final Design proposed retail and site for the Eastern side of the site, as well as a Phase I Signage Package.
- On May 31, 2018, the Planning Commission approved a major subdivision for 5601 Eastern Avenue.

ANALYSIS

Project Overview and Background: The 5601 Eastern Avenue Planned Unit Development (PUD) is a mixed-use commercial and residential development. The development plan proposes the creation of a new mixed use development that includes both a low density and high density option that would be built in phases. As stated before, this site is a former industrial site. The proposed land uses and density in the PUD are based on a 2015 rezoning which rezoned the site from M-3 to B-2-3.

In 2016, the City Council of Baltimore approved a new zoning code which went into effect on June 5, 2017. The subject parcel was rezoned back to an industrial zoning category, I-2. The underlying zoning is being requested to be rezoned back to a commercial category to support the existing PUD and to support a request to repeal and replace the PUD under City Council Bill #18-0270. A PUD cannot be established in the I-2 zoning category.

City Council Bill #18-0269/Rezoning -5601 Eastern Avenue

The requested C-3 zoning district is a neighborhood business district designation that allows for high density residential and commercial development that is in keeping with the previous 2015 rezoning and the current PUD.

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

Rezoning Standards for Review

According to Maryland Land Use Article, Division I, Title 10 (Baltimore City Zoning), any proposed zoning changes must be referred to the Baltimore City Planning Commission and to the Board of Municipal and Zoning Appeals (BMZA), which must study the proposed changes in relation to:

1. **The plan** – The Baltimore City Comprehensive Master Plan is not so specific as to recommend land use and/or zoning changes for the properties in question. But as stated previously, this request is in-line with the goals and objectives of LIVE EARN PLAY LEARN to redevelop vacant properties. In addition, the rezoning is in line with the current redevelopment plan in place for the approved PUD.

2. *The needs of Baltimore City* - The proposed C-3 zoning district supports the City's master plan goal to strengthen neighborhoods and strategically redevelop vacant properties throughout the City.
3. *The needs of the particular neighborhood in the vicinity of the proposed changes* - The proposed C-3 zoning district also supports the specific neighborhood needs to provide additional housing choice for existing residents as well as potential new residents by implementing a long-term vision of creating a mixed-use neighborhood that allows people to live, work and play in the same neighborhood.

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

1. *Population change* - Per our Neighborhood Statistical Area Map (neighborhood map), this parcel lies within the Pulaski Industrial Area, but is adjacent to the Greektown and Bayview neighborhoods. The majority of the statistical area lies well to the north of the site and does not impact this site. There are not many residents due to the nature of the land use. That being said, there were 82 people living in the area in 2000 and 153 persons by the 2010 Census representing a 50% increase. As for the immediately impacted neighborhoods, the Greektown neighborhood experienced an 11.7% population increase between the 2000 and 2010 Census. The Bayview neighborhood experienced a 4% population increase between the 2000 and 2010 Census.
2. *Availability of public facilities* - The properties are well served by City services, with no expected impacts as a result of rezoning.
3. *Present and future transportation problems* - This site is located on a major street that is closely monitored by the Department of Transportation. There should not be a negative transportation impact expected as a result of this development.
4. *Compatibility with existing and proposed development for the area* - The rezoning proposal is consistent with the existing zoning in the area. The subject parcel is adjacent to a large C-4 zoning district which exists along the south side of Eastern Avenue and the west side of Dundalk Avenue. The resulting massing is compatible with the existing development. The proposed residential component will be taller than what currently exists in the adjacent residential areas, but the proposed massing is both consistent and compatible with the institutional buildings on the north side of Eastern Avenue. The proposed uses and density are consistent with the area.
5. *Recommendations of the Baltimore City Planning Commission and the BMZA* - For the above reasons, the Planning Department will recommend approval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.
6. *Relationship of the proposed amendment to Baltimore City's plan* - As mentioned above, the proposed zoning changes are compatible with LIVE EARN PLAY LEARN, the City's Master Plan and existing PUD.


The City Council may grant the change to the zoning classification based on a finding that there was either a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the existing zoning classification. In this case, the Planning Department Staff believes the reversion of 5601 Eastern Avenue back to industrial was a mistake.

In 2012, the administration introduced a bill for a new zoning code, including both maps and text. In addition, in 2013, the Planning Commission made its recommendation on text and map changes to this bill. The subject property was zoned industrial and introduced to retain its industrial zoning. The current redevelopment proposal was not in place at that time. As previously noted, in 2015 this property was rezoned from M-3 to B-2-3 at the same time that the existing PUD was established to make way for a mixed-use redevelopment of the site.

In 2016, the Planning Department sent a list of properties that had been rezoned since the zoning code introduction and Planning Commission recommendation to Legislative Reference and City Council to be reflected in the final maps of the new zoning code. This property, was included on that list as having been rezoned from M-3 to B-2-3. Somehow, this change was not reflected in the new zoning maps with a comparable commercial zoning, but I-2 an, industrial category. The parcel should be rezoned to C-3 to reflect the clear legislative intent of the 2015 rezoning and establishment of the PUD, which was passed by the same City Council that approved the new zoning code in 2016.

Notifications:

In advance of a hearing on this matter, staff notified the Community Leaders of Bayview, representatives from the following associations: the Bayview Community Association, Southeast Neighborhoods Development (SEND) Southeast CDC, the Greater Greentown Neighborhood Alliance and City Councilman Zeke Cohen.



Thomas J. Stosur
Director