


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL#16-0622/ REPEAL OF ORDINANCE 02-299 – FLAG HOUSE COURT HOPE VI PLANNED UNIT DEVELOPMENT		

DATE:

TO

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

April 1, 2016

At its regular meeting of March 31, 2016, the Planning Commission considered City Council Bill #16-0622, for the purpose of repealing Ordinance 02-299-Flag House Court Hope VI Planned Unit Development.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #16-0622 and adopted the following resolution; seven members being present (six in favor and one recusal).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #16-0622 be amended and passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

- cc: Ms. Kaliopé Parthemos, Chief of Staff
 Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
 Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development
 Ms. Angela Gibson, Mayor's Office
 The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Mr. Patrick Fleming, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Melissa Krafchik, PABC
 Ms. Natawna Austin, Council Services
 Mr. Lembit Jogi, Baltimore Housing



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

March 31, 2016

REQUESTS:

- City Council Bill #16-0622/ Repeal of Ordinance 02-299 – Flag House Court Hope VI Planned Unit Development

RECOMMENDATIONS: Amendment and Approval

- In line 12 following the word “rescinded.” add, “In addition, any structures or uses that were lawfully existing and properly permitted under the provisions of the Planned Unit Development are allowed to lawfully exist under the provisions of the zoning code upon the repeal of the Planned Unit Development.”

STAFF: Tamara Woods

PETITIONER: The Administration (Department of Housing and Community Development)

OWNERS: Multiple

SITE/GENERAL AREA

Site Conditions: The general boundaries of the Flag House PUD area are Watson Street and Baltimore Street to the north, South Central Avenue to the east, East Pratt Street to the south, and Albemarle Street to the west. This area comprises approximately 22.3 acres. The development site is comprised of private properties, the former Flag Public Housing site, and other City-owned properties. The majority of the PUD site is zoned residential (R-8) and commercial (B-2-3 and B-3-3). Additionally, there are pockets of industrially zoned properties (M-1-2 and M-1-3). A number of industrial and commercial buildings remain in the PUD area.

General Area: The general project area lies within the Jonestown neighborhood, situated between Pleasant View Gardens and Little Italy and is within walking distance from Downtown. The neighborhood is a mixed use neighborhood that has both commercial uses, single-family and multi-family residential units. The neighborhood has seen a lot of redevelopment through the years with the redevelopment of Flag House Courts into Albemarle Square as well as a new hotel along President Street. In addition, Jonestown is also a historic neighborhood featuring the Old Baltimore Shot Tower, which is a National Historic Landmark. The Shot Tower metro stop is adjacent to this land mark and serves the neighborhood on the east side of President Street.

HISTORY

- Ordinance #02-298, approved March 6, 2002, rezoned certain properties within the Jonestown Urban Renewal Plan needed for the Flag House Hope VI project.
- Ordinance #02-299, approved March 6, 2002, established the Planned Unit Development for the Flag House Hope VI Project.
- On February 21, 2002, the Planning Commission approved the subdivision plan for most of the first part of Phase I of the Flag House Hope VI Redevelopment project.
- On May 2, 2002, the Planning Commission approved the subdivision for the second part of Phase I of the Flag House Hope VI Redevelopment project.
- On March 27, 2003, the Planning Commission approved the subdivision plan for the last remaining block in the first part Phase I of the Flag House Hope VI Redevelopment project. It also approved the Final Design for six townhouse units with front-loading garages on Watson Street.
- On April 10, 2003, the Planning Commission approved the Final Subdivision and Development Plan for Phase II of the Flag House Hope IV Redevelopment Project.
- On July 8, 2004, the Planning Commission approved the amended Final Subdivision and Development Plans for Phases 1A, B, and C of the Flag House Hope VI redevelopment project.

ANALYSIS

Background

Over the past several years, Baltimore Housing, the Baltimore Development Corporation and the Planning Department have worked with the Jonestown Planning Council to discuss the future of the continued redevelopment of the neighborhood. This discussion included all of the various existing layers of regulations in the neighborhood and TransForm Baltimore, the zoning code rewrite that is currently underway. In addition to the existing zoning, the neighborhood has the Jonestown Urban Renewal Plan, Local Historic District and the PUD. Part of this discussion included the removal of the existing Planned Unit Development (PUD) that was established for the creation of Albermarle Square.

Albermarle Square was created as a HOPE VI redevelopment of the Flag House Court Public Housing. Flag House Courts was comprised of 3 high-rise structures and 14 garden apartments. On February 10, 2001, Flag House Courts was imploded to make way for the \$21.5 million redevelopment known as Albermarle Square. The new redevelopment, Albermarle Square, was created to provide mixed-tenure housing replacement that includes public housing rental, tax credit rentals, Section 8 homeownership units, affordable homeownership units, condominium units and market rate homeownership units.

In order to facilitate the redevelopment several pieces of legislation were required to move forward, including an Urban Renewal Plan (URP) Amendment to the Jonestown URP, a rezoning bill and the creation of a PUD. On March 6, 2002, Ordinance 02-299 was signed into law creating the Flag House Court Hope VI Planned Unit Development.

Planned Unit Development

The purpose for the establishment of the PUD has largely been achieved with the completion of the Albemarle Square mixed income residential development. While Albemarle Square represents the better part of the PUD area, there are a small number of sites that remain undeveloped. The PUD is very specific in some areas and the repeal would remove the land use requirements outlined in the PUD that may no longer help support the remaining undeveloped parcels for the highest and best use. The existing zoning within the PUD is R-8, B-2-3, B-3-3 and M-2, but the PUD has designated areas as follows:

- Area A- Residential
- Area B- B-2 uses with some prohibitions
- Area C- Area B with more use prohibitions and density restrictions
- Area D- (M-2 portion) R-8 uses plus limited commercial.
- Area E- (M-2 portion) Area B plus additional commercial
- Area F- Residential plus open off street parking

As previously mentioned the neighborhood has several regulatory layers. The repeal of the PUD would also remove one layer of regulation from the Jonestown neighborhood, remove restrictive density requirements and remove one extra step of permit approval. In addition, the Urban Renewal Plan covers the entire area. Because both ordinances are in place the stricter regulation governs if the two do not coincide. The URP will still govern the area after the PUD repeal. All use prohibitions and any other regulations will be enforced until which time the URP is amended or removed.

In summary, the PUD has been substantially complete for many years and only has a few remaining lots that need to be redeveloped. Baltimore Housing is currently working to ensure that these lots can be redeveloped. If redeveloped today, any developer would have to comply with the PUD provisions or URP provisions (whichever is stricter), zoning code and eventually the new zoning code, TransForm Baltimore, which proposes a mixture of R-8, C-1 and C-2 within the current PUD boundaries. The goal is to streamline regulations for Jonestown and allow for the redevelopment of the remaining undeveloped parcels in the best manner possible.

Amendment


The Department of Planning Staff is recommending that City Council Bill #16-0622 be amended to add language regarding any possible non-conforming uses or non-complying structures that may result from the removal of the PUD. As a matter of course, anything properly permitted under the PUD would become legally non-conforming once the PUD is removed. Staff, in its review of the PUD does not believe there are many, if any, non-conforming uses or non-complying structures. Also, Title 13 of the Zoning Code of Baltimore City addresses non-conformance, but to be clear, the following amendment to the bill is recommended:

- In line 12 following the word “rescinded.” add, “In addition, any structures or uses that were lawfully existing and properly permitted under the provisions of the Planned Unit

Development are allowed to lawfully exist under the provisions of the zoning code upon the repeal of the Planned Unit Development.”

Notifications:

In advance of a hearing on this matter, staff notified Baltimore Housing, the Honorable Carl Stokes and the following community organizations: Jonestown Planning Council, Historic Jonestown, Inc. and approximately 150 notifications to the individual property owners. In addition Baltimore Housing and the Planning Department hosted a public meeting in Albermarle Square on March 9, 2016. In advance of the meeting over 300 flyers were distributed.



Thomas J. Stosur
Director