Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT

Thomas J. Stosur
Director

June 6, 2013

REQUEST: City Council Bill #13-0230/Rezoning – 901 South Caton Avenue

RECOMMENDATION: Amendment and approval. No portion of the property should be rezoned to B-2-2. The entire property should be rezoned to O-R-2.

STAFF: Natasha Becker

PETITIONER(S): Saint Agnes Hospital

OWNER: Same

SITE/GENERAL AREA

Site Conditions: 901 South Caton Avenue is an approximately 32-acre site at the southeast corner of Wilkens and Caton Avenue and is zoned M-1-1 (Industrial). It is improved with a number of former school buildings (now vacant), a baseball diamond, running track, and surface parking, which until 2010 comprised the campus of Cardinal Gibbons High School. Though none of the property is officially designated, there are elements with historical significance.

General Area: The property is located at the intersection of Wilkens and Caton Avenues within the Wilhelm Park community of Southwest Baltimore. The site enjoys close proximity to both I-95 and 695. Its immediate neighbors include PS 226, Jenkins Memorial, Cardinal Gibbons High School, and Archbishop Keough Seton High School. The Amtrak-MARC rail line crosses paths with Wilkens Avenue, and Loudon Park Cemetery lies just beyond.

HISTORY

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

CONFORMITY TO PLANS

The rezoning request for this site generally supports the following goals and objectives of the Comprehensive Plan: LIVE Goal 1, Objective 1 (Expand housing choice for all residents); LIVE Goal 1, Objective 4 (Protect and enhance the preservation of Baltimore's historic buildings and neighborhoods); and EARN Goal 1, Objective 6 (Retain and attract business in healthcare and social assistance); and PLAY Goal 1, Objective 2 (Increase everyday historical and cultural encounters for Baltimore City residents).

BACKGROUND

The request is to rezone the subject property from its current M-1-1 zoning designation to a "split" zoning designation of O-R-2 (Office-Residential) for the majority of the site and B-2-2 (Commercial) for the remainder. The portion requested for B-2-2 lies at the southwest corner of Wilkens Avenue and Desoto Road.

The request is made by Saint Agnes hospital, which recently acquired the property from the Archdiocese of Baltimore and would like to develop the site with a mix of office, residential, community recreational, and retail uses. The office uses are envisioned as medical office buildings which would complement the adjacent St. Agnes Hospital campus. Adaptive reuse of the main school building is likely and is being pursued in partnership with Catholic Charities, who wishes to use that building for "Grand Housing" (grandparents raising grandchildren). The owner is looking at potential partnerships with the Cal Ripken Foundation and YMCA of Central Maryland to provide community recreational facilities, most notably the restoration of a baseball diamond on which Babe Ruth once played. Lastly, they have indicated a desire to develop a retail component on the site, though the specific use is unknown at this time.

The site's current M-1-1 zoning designation precludes all of these uses, and as such, there have been no formal plans presented for approval by the City.

ANALYSIS

The request is to "split-zone" the property to two different zoning categories: O-R-2 and B-2-2. Staff finds the O-R-2 portion of the request to be a permissible rezoning but does not concur that the B-2-2 portion of the request is permissible. This is based on the following analysis, as required by relevant 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, staff finds that:

1. **The Plan**
   There is nothing in the Baltimore City Comprehensive Plan that expressly calls for rezoning of the subject parcel, nor is the site included in any legally adopted plans governing land use. But the requested O-R-2 zoning category for this site generally supports the following goals and objectives of the Comprehensive Plan: LIVE Goal 1, Objective 1 (Expand housing choice for all residents); LIVE Goal 1, Objective 4 (Protect and enhance the preservation of Baltimore's historic buildings and neighborhoods); EARN Goal 1, Objective 6 (Retain and attract business in healthcare and social assistance); and PLAY Goal 1, Objective 2 (Increase everyday historical and cultural encounters for Baltimore City residents).
2. **The needs of Baltimore City**
   The City needs large, contiguous industrial parcels in order to be competitive for industrial development. This site meets that requirement and also enjoys easy highway access. However, it is improved with non-industrial buildings of a historic character

which are not suited for industrial use but which should be preserved. Additionally, there are environmentally sensitive areas on site which should be protected from industrial development. As such, the City would be better served if redevelopment of the site were done in a manner that respected its historic past and environmental conditions.

3. **The needs of the particular neighborhood**
   There is a single-family residential community just east of the site which is surrounded almost wholly by industrial land and which would benefit from alternate adjacent land uses that would better promote residential stability. Such land uses could create a better transition between the Wilhelm Park neighborhood and nearby industrial and institutional uses.

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**
   Population changes have been nominal over the last decennial census reporting period, showing only a 6% increase in the Wilhelm Park area. There are no major housing projects planned in this area.
2. **The availability of public facilities**
   There are adequate public facilities to serve a variety of uses.
3. **Present and future transportation patterns**
   The site enjoys quick highway access and is well served by public bus lines. A CSX intermodal rail and trucking facility is planned on a nearby 70-acre site and is being designed to handle increased cargo from the Port of Baltimore. This facility is expected to open in 2015.
4. **Compatibility with existing and proposed development for the area**
   There is a broad mix of land uses in the surrounding area. There is a significant amount of land being utilized for industrial purposes (mini storage, independent contractors, and larger trucking/warehouse-type facilities), as well as for institutional purposes. These include Saint Agnes hospital, two nearby schools (Violetville Elementary and Seton Keough High School), as well as a senior living facility known as Jenkins Memorial. There is also a prevalence of single-family residential just east of the site along Wilkens Avenue and in the vicinity of Desoto Road. Commercial uses are more limited in number and are concentrated on Wilkens Avenue. Such uses include office and some scattered carry-out food establishments. There are a significant number of properties that, while zoned for commercial use, continue to be used for residential (row homes). The nearest commercial corridor/shopping district is found on Washington Boulevard. Although Wilkens and Caton Avenues function as main streets in the transportation sense due to the higher volume of traffic they carry, there are no continuous commercial nodes on either in the immediate area. It is unclear whether the surrounding community could support demand for additional commercial uses.

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 amendment and 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**
   There is nothing in the Baltimore City Comprehensive Plan that expressly calls for rezoning of the subject parcel, nor is the site included in any legally adopted plans governing land use. But the requested O-R-2 zoning category for this site generally supports the following goals and objectives of the Comprehensive Plan: LIVE Goal 1, Objective 1 (Expand housing choice for all residents); LIVE Goal 1, Objective 4 (Protect and enhance the preservation of Baltimore's historic buildings and neighborhoods); and EARN Goal 1, Objective 6 (Retain and attract business in healthcare and social assistance); and PLAY Goal 1, Objective 2 (Increase everyday historical and cultural encounters for Baltimore City residents).

The City Council may grant the amendment to change the zoning classification based on a finding that there was a substantial change in the character of the neighborhood where the property is located or a mistake in the existing zoning classification. A mistake in zoning is difficult to prove and should not be used as the justification for the current rezoning request. In this case, industrial zoning appears to be a holdover from the site's previous use as the St. Mary's Industrial School. However, the growth St. Agnes hospital campus has spurred ancillary office development, serving as evidence of change brought on by a major institutional anchor in the community. Pairing residential and office uses would provide a natural transition to the adjacent neighborhood.

Community Input: The following community organizations have been notified of this action: Violetville Community Association, Morrell Park Community Association, Irvington Community Association, and Wilhelm Park Neighborhood Association.

Thomas J. Stosur
Director