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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 #11-0678 / ZONING – CONDITIONAL USE HOUSING FOR THE ELDERLY – 4309-4311 PIMLICO ROAD		

DATE: April 25, 2011

TO

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

At its regular meeting of April 21, 2011 the Planning Commission considered City Council Bill #11-0678, which is for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of housing for the elderly on the property known as 4903-4911 Pimlico Road, as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendments to and approval of City Council Bill #11-0678 and adopted the following resolution, seven 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 #11-0678 be amended and passed by the City Council.

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

TJS/

Attachments

cc:

- Ms. Kaliopé Parthemos, Deputy Mayor
- Thomasina Hiers, Deputy Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Bill Henry, Council Rep. to Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veal, Zoning Administration
- Ms. Nikol Nabors-Jackson, DHCD
- Ms. Karen Randle, Council Services
- Mr. Larry Greene, Council Services



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

April 21, 2011

REQUESTS:

- City Council Bill #11-0677/Zoning – Conditional Use Parking, Open Off-street Area – 4410 Pall Mall Road
- City Council Bill #11-0678/Zoning – Conditional Use Housing for the Elderly – 4309-4311 Pimlico Road

RECOMMENDATION:

- City Council Bill #11-0677: Approve
- City Council Bill #10-0678: Amend and approve:
 1. Amend the preamble to reflect the correct property addresses and;
 2. Amend to include a variance from the required rear and side yard.

STAFF: Kenneth Hranicky

PETITIONER(S): Park Heights Renaissance, Inc., and Comprehensive Housing Assistance, Inc.

OWNERS: Mayor and City Council

GENERAL/SITE AREA

General Area: The area is located in the Greenspring neighborhood. It is predominantly residential with a mix of row houses, detached homes and multifamily structures with community buildings (e.g. community centers, churches). There are bus stops two blocks away on Cold Spring Lane and Park Heights Avenue.

Site Conditions: There are two properties that abut each other separated by a 15-foot alley. The property known as 4410 Pall Mall Road (Block 3349 Lot 35/36 is approximately 16,133 square feet measuring ± 110 feet along Pall Mall Road with side yard ± 147 feet long. This site has no structures but a parking pad remains from a previous development. The property known as 4309-4311 Pimlico Road (Block 3349 Lot 18/19) is $\pm 33,648$ square feet measuring ± 160 feet along Pimlico Road with side yard ± 209 feet in length. It also has no structures but a parking pad remains from a previous development. An existing garage located on Lot 38 of Block 3349 encroaches upon the northern portion of the 4309-4311 Pimlico Road property. The owners of this garage will be given an easement for that structure to remain in place.

CONFORMITY TO PLANS

This project is compatible with the Comprehensive Plan's LIVE section, Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 1: Expand Housing Choices for all Residents. These properties are also located in the Park Height Urban Renewal Plan area. The conditional use ordinances are consistent with the Objectives and Reason found in the Plan specifically: b. To eliminate blight and deterioration through clearance and redevelopment and d. To provide a variety of modern, urban housing products for diverse economic groups. This area also lies within the Park Heights Master Plan and is consistent with the Plan's vision for Safe and Affordable Housing.

HISTORY

- Ordinance 08-0158, approved December 11, 2008, established the Park Heights Urban Renewal Plan.
- Park Heights Master Plan adopted by the Planning Commission February 2006 and amended September 2008.

BACKGROUND

The site was home to the Pall Mall Apartments, a failed FHA property that HCD acquired through a foreclosure utilizing monies from the City's affordable housing program. Park Heights Renaissance, Inc. and Comprehensive Housing Assistance, Inc. partnered to seek a HUD 202 grant for low income elderly residents. Not only is the conditional use ordinance needed to establish the proposed elderly housing project, but it also helps the development team to score points for this competitive grant program that is awarding 'shovel-ready' projects.

ANALYSIS

The properties are south of West Cold Spring Land and east of Park Heights Avenue in northwest Baltimore. The proposal is to construct 60 units of housing for the elderly on Lot 18/19 with an off-street parking lot on Lot 35/36. There will be 8 ADA accessible units along with a community activity area. There will be 30 parking spaces provided with 26 on Lot 35/36 and four spaces (2 handicapped) at the main entrance. The required parking is 15 spaces.

The proposed building is located on Block 3349 Lot 18/19 a parcel which is not square but a parallelogram that is bent slightly on the angle. The east corner of the building does encroach into the rear and side yard setbacks and a variance is required for the building to remain as reviewed by this Department. The required setbacks are 15 feet for the interior side yard and 25 feet for the rear yard. The eastern corner of the building is located approximately 11 feet from the side yard and 17 feet from the rear property line. Due to the irregular shape of the parcel, from that eastern point of the building the building moves further away from the property lines until it meets the requirements. Staff is asking that the CCB #11-0678 be amended to include a variance for the side yard setback to be 11 feet and the rear yard setback to be 17 feet. Zoning Code §15-218 and §15-219 lists the required findings for variances. Staff finds that because of the particular shape of the lot and the dimensional requirements of the site to include drive aisles would result in practical difficulty if strict letter of the setback requirement were enforced (§15-218). Staff, in accordance with §15-219, also finds that:

1. The conditions on which the application is based are unique to the property (irregular shape) for which the variance is sought and are not generally applicable to other property within the same zoning classification;
2. The practical difficulty is not caused by this article and has not been created by the intentional action or inaction of any person who has a present interest in the property;
3. The purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property as it is an affordable housing project;
4. The variance will not be injurious to the use and enjoyment of other property in the immediate vicinity as the applicant will be providing adequate screening along the side yard and the rear of the property is buffered by a 15-foot alleyway and the neighboring property to the rear is a detached single family home that has a backyard over 50 feet in depth. This variance will not substantially diminish and impair the property values in the neighborhood as it is new construction that the site design and aesthetics have been properly vetted by the Site Plan Review Committee and the Urban Design and Architectural Review Panel;
5. The variance will not impair an adequate supply of light and air to adjacent property as the setback faces towards the south. It does not overcrowd the land as the setback requirement is only for a portion of the building (southeast portion). It will not create an undue concentration of population as it is replacing a prior multifamily complex and it will not substantially increase the congestion of the streets as the project is to serve housing for the elderly that has low traffic requirements. Review of SPRC has shown that it will not create hazardous traffic conditions. It will not adversely affect transportation since it has not altered the nature of prior use (i.e. multifamily housing). The proposal will not unduly burden water, sewer, school, park, or other public facilities. The nature of the proposal (elderly housing) has very limited demands on these facilities. The proposal will not increase the danger of fire or otherwise endanger the public safety.
6. The variance is not precluded by and will not adversely affect the Park Heights Urban Renewal Plan or the Park Heights Master Plan.
7. The variance will not otherwise be detrimental to or endanger the public health, security, general welfare, or morals; or in any way be contrary to the public interest;
8. The variance is in harmony with the purpose and intent of this article; and
9. Within the purpose and intent of this article, the variance granted is the minimum necessary to afford relief, to which end a lesser variance than that applied for may be permit.

The building's main entrance is off of Pimlico Road, a one-way street. From Pimlico Road there will be a two-way drive aisle to access the internal vehicle drop off as well as the parking lot across the alley. The portion of the building that fronts Pimlico Road will have a fenced grass buffer and a porch. A masonry wall and landscaping will screen the parking spaces from Pimlico Road. This Pimlico Road side of the building will have a sidewalk that will lead to a porch and an electronically controlled entrance for residents with a key-bob.

Site Plan Review: Applicant went through SPRC on April 13, and received preliminary approval subject to satisfying committee comments and stormwater management concept plan approval.

UDARP: Applicant presented to UDARP, for discussion, on April 14th.

Sustainability/ Forest Conservation: Development is subject to Forest Conservation Requirements and is working with Staff on an approved plan. The development also triggers the Baltimore Green Building Standards as a multi-family building larger than 3 stories, 10,000 GSF and containing more than 5 units and will be working towards a LEED Silver design. There will be 51 trees planted on site complimented by additional shrubs and plantings to replace the 3 trees to be removed.

Traffic Impact Study: A traffic impact study may be required. A letter has been sent to the Department of Transportation to make this determination.

Housing for the Elderly and Off-street Parking requires a conditional use ordinance (Zoning Code §4-904).

Findings: As per §14-204, conditional use requires findings on considerations of standards prescribed by §14-205. Staff finds that:

1. The establishment of this elderly housing facility at 4309-4311 Pimlico Road and the off-street parking at 4410 Pall Mall Road, in terms of location, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare or morals. The operation of an elderly housing facility will not create undue stress on community resources and is consistent with the City Master Plan, Park Heights Urban Renewal Plan, and the Park Heights Master Plan in providing housing choices for all people.
2. That the proposed use is not in any way precluded by any other law.
3. The authorization of this conditional use is not contrary to the public interest.
4. The authorization is in harmony with the purpose and intent of the conditional use article.

In advance of a hearing on this matter, staff notified the following community groups: Northwestern District Police-Community Relations Council, Development Corporation of Northwest Baltimore-(TDC), The Pimlico Terrace Community Association, Northwest Zoning Committee, Garrison Restorative Action and Community Empowerment, Southwest Community Action Center, Fellowship Outreach Corporation, Inc., and Park Heights Renaissance, Inc.



Thomas J. Stosur
Director