

TJA

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #16-0629 / Conditional Use Convalescent/Rest Home 300-306 West Fayette Street

CITY of
BALTIMORE
MEMO



TO

DATE:

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

April 22, 2016

At its regular meeting of April 21, 2016, the Planning Commission considered City Council Bill #16-0629, for the purpose of permitting, Conditional Use Convalescent/Rest Home 300-306 West Fayette Street.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #16-0629 and adopted the following resolution; eight members being present (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #16-0629 be 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. Natawna Austin, Council Services
 Ms. Melissa Krafchik, PABC
 Ms. Leana S. Wen, Health Dept.
 Mr. Paul D. Trinkoff, Applicant



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman



Thomas J. Stosur
Director

STAFF REPORT

April 21, 2016

REQUEST: City Council Bill #16-0629 / Zoning – Conditional Use Convalescent, Nursing, and Rest Home - 300-306 West Fayette Street

RECOMMENDATION: Approval

STAFF: Ivor Quashie

PETITIONER(S): Baltimore Nursing and Rehabilitation Realty, LLC c/o Paul D. Trinkoff, Esquire

OWNER: Blue Ocean 300, LLC

SITE/ GENERAL AREA

Site Conditions: 300-306 West Fayette Street is located on the north side of the street, approximately 75' west of the intersection with North Howard Street, and encloses 0.38± acres of land. It is currently improved with a seven story commercial building that covers nearly the entire site. The property is currently zoned B-4-2.

General Area: This project is located in the Downtown area. This property is on the west side of downtown in the Market Center Urban Renewal Plan (URP) area, and is within the Market Center National Register Historic District. There are public parking garages and a large residential tower to the south.

HISTORY

- The Market Center URP was established by Ordinance #579 on November 16, 1977, with the latest amendment #17 approved by Ordinance #14-312 on November 17, 2014.

CONFORMITY TO PLANS

This project is compatible with the Comprehensive Plan's EARN section, Goal One: Strengthen Identified Growth Sectors, Objective 6: Retain and Attract Business in Healthcare and Social Assistance, LIVE section, Goal One: Build human capital by strengthening Neighborhoods.

ANALYSIS

Project: 300-306 W Fayette Street will be renovated to accommodate patient intake and office space on the first floor. The 2nd -3rd floors will house the University of Maryland School of Medicine Analyzing Outpatient Clinic. Floors 4-7 are programmed for the Restore Health Post-Acute Center with 80 patient beds and a rehabilitation gymnasium.

Mid-Atlantic Health Care ("MAHC") has a signed purchase agreement with Johns Hopkins Bayview to acquire 80 temporarily delicensed nursing home beds in Baltimore City. To attract patients, MAHC is building partnerships with the University of Maryland Medical System (UMMS) Midtown and the University Of Maryland School Of Medicine to develop shared care pathways that will help to identify those hospital patients that could be discharged sooner and also to identify patients who may need further care and medical observation, but whose needs do not require continued hospitalization.

Conditional Use – Required findings: In accordance with §16-304 of the Zoning Code of Baltimore City, the Planning Commission must base its recommendation to the City Council to approve a conditional use on these considerations required by Title 14 {"Conditional Uses"} of the Zoning Code:

1. the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
2. the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization is not otherwise in any way contrary to the public interest; and
4. the authorization is in harmony with the purpose and intent of this article (§14-204).

In addition, the Zoning Code requires review of these considerations, as appropriate:

1. the nature of the proposed site, including its size and shape, are adequate for the proposed use;
2. there will be no negative impact to traffic patterns in the immediate area;
3. development of the proposed use will not impair the present and future development of this lot or the surrounding area;
4. there will be no negative impact resulting from its proximity to dwellings, churches, schools, public structures, or other places of public gathering;
5. there is adequate accessibility of the premises to fire and police protection;
6. there is adequate light and air to the premises and to properties in the vicinity;
7. adequate utilities, access, drainage, and other necessary facilities have been or will be provided; and
8. the use of the property as a nursing rehabilitation facility meets all other applicable standards and requirements of this article (§14-205).

The proposed use as a nursing and rest home would not be detrimental to or endanger public health, security, general welfare, or morals; and would allow constructive re-use of a vacant structure that could become a blighting influence on the community. The site is adequate for the proposed use, would not create a negative impact on traffic patterns in the immediate area, nor impair present or future development of the surrounding area, nor have a negative impact on other dwellings, churches, schools, public structures, or other places of public gathering. The site has adequate fire and police protection, adequate air and light, adequate utilities, access, drainage, and other facilities; and use of this building as a convalescent nursing and rest home meets all other applicable standards of the Zoning Code.

Notification: Councilman Eric Costello, Downtown Partnership, Westside Renaissance, and Baltimore Development Corporation have been notified of this action

A handwritten signature in black ink, appearing to read "Thomas J. Stosur". The signature is fluid and cursive, with the first name "Thomas" and last name "Stosur" clearly distinguishable.

Thomas J. Stosur
Director

**CITY OF BALTIMORE
COUNCIL BILL 16-0629
(First Reader)**

Introduced by: Councilmember Costello

At the request of: Baltimore Nursing and Rehabilitation Realty, LLC

Address: c/o Paul D. Trinkoff, Esquire, Miles & Stockbridge P.C., 100 Light Street, Baltimore,
Maryland 21202-1036

Telephone: 443-794-5328

Introduced and read first time: February 29, 2016

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, Health Department, Fire Department, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Convalescent, Nursing, and Rest Home –**
3 **300-306 West Fayette Street**

4 FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and
5 operation of a convalescent, nursing, and rest home on the property known as 300-306 West
6 Fayette Street, as outlined in red on the accompanying plat.

7 BY authority of

8 Article - Zoning

9 Section(s) 6-509(2) and 14-102

10 Baltimore City Revised Code

11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 permission is granted for the establishment, maintenance, and operation of a convalescent,
14 nursing, and rest home on the property known as 300-306 West Fayette Street, as outlined in red
15 on the plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 6-
16 509(2) and 14-102, subject to the condition that the convalescent, nursing, and rest home
17 complies with all applicable federal, state, and local licensing and certification requirements.

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

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

Council Bill 16-0629

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