

TJS

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 #12-0072 / ZONING- CONDITIONAL USE – AMENDING ORDINANCE 11- 459		

TO

DATE: June 12, 2012

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

At its regular meeting of June 7, 2012, the Planning Commission considered City Council Bill #12-0072, for the purpose of amending Ordinance 11-459 to reflect the lot consolidation that occurred after Ordinance 11-459 was enacted, by amending the property address of the housing for the elderly, formerly known as 4309-4311 Pimlico Road, to 4311 Pimlico Road.

In its consideration of this Bill, the Planning Commission reviewed the attached agenda, summary and previous staff report, which recommended approval of City Council Bill #12-0072 and adopted the following resolution; 9 members being present (8 in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #12-0072 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, Deputy Chief for Economic and Neighborhood Development
- Mr. Alex Sanchez, Chief of Staff
- 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
- Mr. Nicholas Blendy, DHCD
- Ms. Barbara Zektick, DOT
- Ms. Elena DiPietro, Law Dept.
- Ms. Karen Randle, 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 #11-0678: 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



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

SUMMARY

June 7, 2012



Thomas J. Stosur
Director

3. PLANNING COMMISSION SCHEDULE JULY 2012 – AUGUST 2013

Recommendation: Adoption

4. BALTIMORE CITY LANDMARK LIST/ST. ALPHONSUS HALL – 125 WEST SARATOGA STREET (Eleventh District)

On May 8, 2012, the CHAP Commission reviewed and recommended approval of Landmark designation for the St. Alphonsus Hall located at 125 West Saratoga Street. St. Alphonsus Hall was an important site for Baltimore's German and Lithuanian communities throughout its history, serving as a school, parish hall and convent for St. Alphonsus Church. St. Alphonsus Hall allowed the Germans and Lithuanians to retain their religious and ethnic ties while also helping them assimilate into society at large. Even after the school ceased to serve specific ethnic communities, it was valued by many Baltimoreans of various religious and cultural backgrounds for its quality education.

Staff has notified the following of this action: Downtown Partnership, Baltimore Heritage, Baltimore AIA Chapter, Baltimore City Historical Society, Preservation and Councilman William Cole, IV representing the 11th district.

Recommendation: Approval

5. BALTIMORE CITY LANDMARK LIST/SHELLEY HOUSE – 3849 ROLAND AVENUE (Fourteenth District)

On May 8, 2012, the CHAP Commission reviewed and recommended approval of Landmark designation for the Shelley House, located at 3849 Roland Avenue. The Shelley House is the oldest documented concrete house in Baltimore City, built in 1905-1906. Designed by Baltimore architect John E. Lafferty for Dr. Albert Shelley, this Colonial Revival home is an early example of reinforced concrete used in domestic architecture, predating many other concrete homes locally and nationally. Concrete was an early 20th century "miracle" building material that was versatile and fireproof, and gained popularity as an architectural material throughout the 20th century.

Recommendation: Approval

6. CLOSING OF A 9 FOOT ALLEY IN THE REAR OF THE 1900 BLOCK OF N. CASTLE STREET (Twelfth District)

The purpose of the proposed alley closing is to expand the size of the project area for the site known as the Columbus School located at 2000 E. North Avenue. The applicant is proposing to renovate the old school building and convert the structure into 50 residential dwelling units. The 9 foot alley and lots 53 thru 66 will be consolidated with the school building lot to provide parking for the project.

It is staff's finding that these ROWs are no longer needed for public purposes and can be closed, declared surplus property, and sold.

The East North Avenue Community Development Corporation and South Clifton Park Community Association have been notified of this action.

Recommendation: Approval, Approval subject to comments from the Department of General Services

7. STREET CLOSING/CLOSING SEVERAL ALLEYS IN THE VICINITY OF THE 300 BLOCK OF WORSLEY STREET (Twelfth District)

STREET CLOSING/CLOSING SEVERAL ALLEYS IN THE VICINITY OF THE 400 BLOCK OF WORSLEY STREET (Twelfth District)

The area for the proposed street closings are part of the Barclay Square portion of the project. Barclay Square refers to the areas surrounding the intersection of Barclay and E. 20th Streets. Housing in this portion of the development area primarily consists of two and three story row homes. Many of the houses are single-family dwellings, but some of the town homes have been converted into multi-family units as well. The redevelopment plan focuses on improving Barclay Square with new construction and landscape design. Throughout the redevelopment area, there are many community gardens and informal spaces that residents have cared for and preserved.

It is staff's finding that these ROWs are not needed to provide access to adjacent properties. Thus, the subject ROWs are no longer needed for public purposes and can be closed; the right-of-ways declared surplus property and sold.

Eastern District Police-Community Relations Council, Greater Homewood Community Corporation, Inc., People's Homesteading Group, Inc., Barclay Leadership Council Station North Arts & Entertainment District, and the Greater Greenmount Community Association, Inc. were notified in advance of this hearing.

Recommendation: Approval subject to comments from the Department of General Services

8. STREET CLOSING/ CLOSING OF PORTION OF DENMORE AVENUE AND ALLEYS (Sixth District)

The proposed street closings are at the request of Department of Housing and Community Development and the Department of Recreation and Parks. The Department of Recreation and Parks, in cooperation with the Ripken Foundation is proposing to build several athletic fields at this site.

It is staff's finding that these ROWs are not needed to provide access to adjacent properties. Thus, the subject ROWs are no longer needed for public purposes and can be closed; the right-of-ways declared surplus property and sold.

The following community organizations were notified of this meeting: Cottage/Park Heights/Violet/Springhill/Ulman Avenues Non-Profit Association, Inc., Hidden Circle Community Association, Northwestern District Police-Community Relations Council, SEBBD&G, Development Corporation of Northwest Baltimore-(TDC), The Northwest Zoning Committee, Garrison Restorative Action and Community Empowerment Southwest Community Action Center, Fellowship Outreach Corporation, Inc., and the Park Heights Renaissance, Inc.

Recommendation: Approval subject to comments from the Department of General Services

9. MINOR AMENDMENT & FINAL DESIGN APPROVAL/GATEWAY AT WASHINGTON HILL PUD – TEMPORARY PARKING LOT – AREA “C” (Thirteenth District)

Capital Development, LLC proposes to construct an interim surface parking lot on the block bounded by Orleans, Fayette, Washington, and Wolfe Streets. This site corresponds to Area C in the Planned Unit Development. Until recently, the area was being used by Johns Hopkins Hospital as a temporary construction staging area for the adjacent hospital project. Hopkins has now expressed a desire to continue to use the site to satisfy unmet parking demand.

The Butchers Hill Association and Citizens for Washington Hill have been notified of the requested action.

Recommendation: Approval, subject to a 36-month time limit

10. MINOR AMENDMENT & FINAL DESIGN APPROVAL/BAYVIEW PUD – NEW EMERGENCY DEPARTMENT EXPANSION AND POWER PLANT BUILDING (First District)

Johns Hopkins Real Estate proposes to make two additions within their Bayview Campus: First is a one- and three-story structure to house an expanded emergency department, a pediatric inpatient unit, and an adult observation unit. The building will replace the existing “B” Building North and is adjacent to the existing main hospital and Nathan Shock Drive. The second campus addition is a purely utilitarian electric generator building, designed to meet energy capacity needs.

The Bayview Community Association and Greektown Community Development Corporation have been notified of the requested action.

Recommendation: Approval

11. CITY COUNCIL BILL #12-0084/ MIDTOWN COMMUNITY BENEFITS DISTRICT AND MANAGEMENT AUTHORITY - RENEWAL THROUGH JUNE 30, 2016

The requested legislation authorizes a renewal of the Midtown Community Benefits District. In 1995, this Benefits District was established. The overarching goal of a benefits district is to collect funds through an additional property tax surcharge in order to provide services above and beyond normal City services. In the case of Midtown, they cover approximately 175 blocks in the communities north of downtown. Their fees are used primarily for the purposes of greening, safety and sanitation.

Benefits districts must be renewed every four years. The Midtown Community Benefits District will cease on June 30, 2012, unless City Council Bill #12-0084 is passed. This bill extends the Benefits District for four more years to June 2016.

The following community organizations have been notified of this action: The Midtown Community Benefits District, the Mt. Vernon-Belvedere Association, the Mt. Royal Improvement Association, the Mt. Vernon Cultural District, the Madison Park Improvement Association, Inc., the Charles Street Development Corporation, and the Charles-North Community Association.

Recommendation: Approval

CONSENT AGENDA

12. CITY COUNCIL BILL #12-0070/CITY STREETS – CLOSING – 15- FOOT ALLEY

For the purpose of condemning and closing a 15-foot alley, laid out in the rear of the properties known as 4406 and 4410 Pall Mall Road, as shown on Plat 332-A-28A in the Office of the Department of General Services; and providing for a special effective date. (Sixth District)

Planning Commission considered this street closing at the April 21, 2011 hearing. The request is for the closing a portion of an alley closing laid out in the rear of the properties known as 4406 and 4410 Pall Mall Road. The applicant owns all adjacent property. Thus, the right-of-way area is not needed for public purposes and can be declared surplus or excess right-of-way.

Recommendation: Approval

13. CITY COUNCIL BILL #12-0071/SALE OF PROPERTY - FORMER BED OF A 15-FOOT ALLEY

For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as the former bed of a 15-foot alley laid out in the rear of the properties known as 4406 and 4410 Pall Mall Road and no longer needed for public use; and providing for a special effective date. (Sixth District)

Planning Commission considered this street closing at the April 21, 2011 hearing. The request is for the closing a portion of an alley closing laid out in the rear of the properties known as 4406 and 4410 Pall Mall Road. The applicant owns all adjacent property. Thus, the right-of-way area is not needed for public purposes and can be declared surplus or excess right-of-way.

Recommendation: Approval

14. CITY COUNCIL BILL #12-0072/ ZONING – CONDITIONAL USE – AMENDING ORDINANCE 11-459

For the purpose of amending Ordinance 11-459 to reflect the lot consolidation that occurred after Ordinance 11-459 was enacted, by amending the property address of the housing for the elderly, formerly known as 4309-4311 Pimlico Road, to 4311 Pimlico Road. (Sixth District)

Planning Commission considered CCB #11-0678 (Enacted as Ordinance 11-459) at the April 21, 2011 hearing. The request is to reflect the lot consolidation resulting from the acquisition for the alley that separated the two lots and the site plan remains consistent from the Planning Commissions' previous approval.

Recommendation: Approval

15. CITY COUNCIL BILL #12-0077/CITY STREETS – OPENING – CERTAIN STREETS AND ALLEYS BOUNDED BY SUN STREET, THE CSX TRANSPORTATION, INC. RAILROAD RIGHT OF WAY, VERA STREET, AND CHESAPEAKE AVENUE

For the purpose of condemning and opening certain streets and alleys bounded by Sun Street, the CSX Transportation, Inc. Railroad right of way, Vera Street, and Chesapeake Avenue, as shown on Plat 114-A-55 in the Office of the Department of General Services; and providing for a special effective date. (Tenth District)

Planning Commission considered this street closing at their January 13, 2011 hearing. The request is for the closing of certain streets and alleys located in the Fairfield industrial area. All adjacent property owners have consented to the closing. Thus these rights-of-way areas are not needed for public purposes and can be declared surplus or excess right-of-way.

Recommendation: Approval

16. CITY COUNCIL BILL #12-0078/ CITY STREETS – CLOSING – CERTAIN STREETS AND ALLEYS BOUNDED BY SUN STREET, THE CSX TRANSPORTATION, INC. RAILROAD RIGHT OF WAY, VERA STREET, AND CHESAPEAKE AVENUE

For the purpose of condemning and closing certain streets and alleys bounded by Sun Street, the CSX Transportation, Inc. Railroad right of way, Vera Street, and Chesapeake Avenue, as shown on Plat 114-A-55A in the Office of the Department of General Services; and providing for a special effective date. (Tenth District)

Planning Commission considered this street closing at their January 13, 2011 hearing. The request is for the closing of certain streets and alleys located in the Fairfield industrial area. All adjacent property owners have consented to the closing. Thus these rights-of-way areas are not needed for public purposes and can be declared surplus or excess right-of-way.

Recommendation: Approval

17. CITY COUNCIL BILL #12-0079/ SALE OF PROPERTY – FORMER BEDS OF CERTAIN STREETS AND ALLEYS BOUNDED BY SUN STREET, THE CSX TRANSPORTATION, INC. RAILROAD RIGHT OF WAY, VERA STREET, AND CHESAPEAKE AVENUE

For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as the former beds of certain streets and alleys bounded by Sun Street, the CSX Transportation, Inc. Railroad right of way, Vera Street, and Chesapeake Avenue and no longer needed for public use; and providing for a special effective date. (Tenth District)

Planning Commission considered this street closing at their January 13, 2011 hearing. The request is for the closing of certain streets and alleys located in the Fairfield industrial area. All adjacent property owners have consented to the closing. Thus these rights-of-way areas are not needed for public purposes and can be declared surplus or excess right-of-way.

Recommendation: Approval

**18. MINOR AMENDMENT AND FINAL DESIGN APPROVAL/ UNION MILL
PLANNED UNIT DEVELOPMENT – AMENDMENT TO EXISTING
GENERAL ADVERTISING SIGN (Seventh District)**

ClearChannel operates a general advertising sign on the property of the Union Mill PUD. They have recently requested approval of an adjustment to the sign that would relocate the base by 10' and increase the angle in the "V" sign from 36 degrees to about 73 degrees in angle. The permit was referred to the BMZA for review, and was approved with conditions in their order dated October 18, 2011. Considering that the sign is located within the PUD and the base is shifted slightly, this affects the approved development plan, and thus requires approval from the Planning Commission for a minor amendment to the development plan, and for a final design approval of the sign's proposed configuration.

Recommendation: Approval

19. CIP TRANSFERS

Recommendation: Approval