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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 #11-0636 / ZONING – CONDITIONAL USE CONVALSESSENT, NURSING, AND REST HOME (ASSISTED LIVING)- 3604 WHITE AVENUE		

TO

DATE:

February 18, 2011

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

At its regular meeting of February 17, 2011 the Planning Commission considered City Council Bill #11-0636, which is for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 3604 White Avenue, 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 #11-0636. However, the Planning Commission did not support staff's recommendations. The Planning Commission felt that 15 clients are too many for this location as it would create undue stress on the neighborhood and is detrimental to the general welfare of the community. Additionally, the Planning Commission felt that the parking arrangement of leasing residential spaces was not acceptable as a long term arrangement.

Thus, the Planning Commission adopted the following resolution, eight members being present (eight in favor).

RESOLVED, That the Planning Commission recommends that City Council Bill #11-0636 not be 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.

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Attachments

cc:

- Ms. Kaliopé Parthemos, Deputy Mayor
- Ms. Sophie Dagenais, 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



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

February 17, 2011

REQUEST: City Council Bill #10-0636/Zoning – Conditional Use Convalescent, Nursing, and Rest Home (Assisted Living) – 3604 White Avenue For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (assisted living) on the property known as 3604 White Avenue.

RECOMMENDATION: Amend and Approve, with the following amendments:

- That the maximum number of clients is 15 not including staff;
- There may be no exterior sign on the facility other than a nameplate no larger than 12 inches wide by 12 inches high.
- That a parking variance be granted to reduce parking requirements by 50% requiring two (2) spaces.

STAFF: Ken Hranicky

PETITIONER(S): Warm Heart Care, LLC

OWNER: The Ultimate Home Buyers, LLC

SITE/ GENERAL AREA

Site Conditions: 3604 White Avenue is located midblock between Walther Avenue and Winthrope Avenue. The site is improved with a three-story, detached, single family home. The lot is 62' by 170'. It is zoned R-4.

General Area: The house is located in the Glenham-Belford neighborhood in northeast Baltimore. The area is predominantly detached single family homes.

HISTORY

- There are no prior Planning Commission actions for this site.

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.

ANALYSIS

Project: The applicant wishes to establish an assisted living facility at 3604 White Avenue. This use requires the conditional use approval of the Mayor and City Council through an Ordinance. This building will have a maximum capacity of 15 residents. The first level has (3) two-client bedrooms along with bathroom, kitchen, dining room and living room. Second level has (4) two-client bedrooms, bathroom, porch and common area. Third level has a single two-client bedroom, staff room, bath and sitting room. The lower level has rooms for offices and living spaces for staff along with kitchen and bathroom. Although the building has room for 16 clients, the applicant has stated that they are only looking to have 15 clients. Staff recommends that the CCB #10-0636 be amended to reflect no more than 15 clients.

Variations: As per §15-101, variances from requirements of the Zoning Code may be granted "... as part of an ordinance authorizing a conditional use, by the Mayor and City Council." Variance for parking is required for this proposal as outlined below:

- **Parking:** There is currently no parking on site. Requirements for parking are no more than 1 parking space need be provided for every 5 beds, plus 1 per 6 employees including staff doctors (§10-405.11.iii). In this case, for 15 clients and 4 staff, 4 parking spaces are required and two (2) parking spaces are proposed. This represents a reduction in the parking requirement of 50%. The 2 parking spaces are located on an adjoining lot and are secured with a 20-year lease. Staff recommends that the aforementioned variance be granted and made part of the conditional use ordinance.

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 assisted living facility at 3604 White Avenue, 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 assisted living facility will not create undue stress on community resources and is consistent with the City 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.

Staff notified the following entities of this action: Harbel Community Organizations, Inc., Belair-Edison Healthy Community Coalition, Eastern Community Action Center, and the Glanham-Belhar Community Association.



Thomas J. Stosur
Director