

TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #16-0747/ CITY STREETS-CLOSING-A PORTION OF EAST FAIRMOUNT AVENUE

CITY of
BALTIMORE
MEMO



TO

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

DATE: September 19, 2016

The Department of Planning is in receipt of City Council Bill #16-0747, which is for the purpose of condemning and closing a portion of East Fairmount Avenue, extending from the Norfolk Southern Railway Right of Way easterly 146.5 feet, more or less, to intersect the west side of a 10-foot alley.

The Planning Department recommends that City Council Bill #16-0747 be approved. In addition, the Planning Commission heard City Council Bill #16-0747 at its regular meeting on September, 15, 2016. In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #16-0747 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 which was that City Council Bill #16-0747 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

- cc: Ms. Kaliope 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. Melissa Krafchik, PABC
 Ms. Natawna Austin, Council Services
 Mr. William Cole, Baltimore Development Corporation



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

September 15, 2016

REQUESTS:

- City Council Bill #16-0747/ City Streets- Closing- A Portion of East Fairmount Avenue
- Parks Master Plan Amendments/Delist A Portion of Janney Street Park and Add A Portion of East Fairmount Avenue

RECOMMENDATIONS:

- City Council Bill #16-0747: Approval
- Parks Master Plan Amendments: Approval

STAFF: Tamara Woods

PLANNING DISTRICT: Northeast

COMPREHENSIVE PLANNER: Carmen Morosan

PETITIONER:

- CCB #16-0747: The Administration (On behalf of Department of Transportation)
- Parks Master Plan Amendments: The Administration (On behalf of Baltimore Development Corporation)

OWNER: Mayor and City Council

SITE AREA

Site and General Conditions: The subject portions of right-of-way are located in the Kresson Industrial area of Southeast Baltimore on the block bounded by Janney Park to the north, Janney Street to the east, a commercial business on the south, and railroad right-of-way to the west.

Janney Street Park is located directly north of the East Fairmount Avenue, with a railroad right-of-way to the west, Pompeian, Inc. to the north and Janney Street to the east. There is a small portion of the park fronting Janney Street with the majority of the eastern boundary adjacent to the rear alley of rowhomes which front on Janney Street.

CONFORMITY TO PLANS

Comprehensive Master Plan: This proposed project is compatible with the Comprehensive Master Plan for Baltimore City, EARN Goal I: Strengthen Identified Growth Sectors; Objective I: Retain and Attract Businesses in all Growth Sectors.

ANALYSIS

Project Proposal

The Petitioner, Baltimore Development Corporation (BDC) is working with both Pompeian Oil, located at 4203 Pulaski Highway, and the City of Baltimore Department of Recreation and Parks to facilitate the expansion of Pompeian Oil southward using what is currently Janney Street Park, 140 N. Janney Street. Pompeian Oil would utilize the majority of Janney Street Park.

In return for the disposition of the park, a new replacement pocket park is to be created on the closed portion of Fairmount Avenue and the southern portion of Janney Street Park. A Memorandum of Understanding (MOU) was approved at the Board of Estimates in 2016 among the Mayor and City Council and Pompeian Inc. to facilitate an expansion of Pompeian's business operations "through the sale and development of 140 N. Janney Street" and to construct a new park.

In order to move forward with the project three actions are needed: Partial Street Closing of East Fairmount Avenue and a Parks Master Plan Amendment in order to delist a portion of Janney Street Park and Add in the closed portion of East Fairmount Avenue.

City Council Bill #16-0747: Street Closing- Portion of East Fairmount Avenue

This proposed street closing would impact one portion of Right-of-way just south of the existing Janney Street Park and west of the 100 block of Janney Street (see Figure 1: Block Plat, attached). The request is for the creation of a new pocket park to serve the nearby residential properties and is part of a planned business expansion to the north.

A utility investigation has been completed and there are utilities to be closed. It will be necessary for the developer to execute an agreement with the City and pay costs and expenses for the relocation and/or abandonment of the City-owned utilities.

The proposed street closing terminates just west of a 10 foot dead-end alley that abuts this portion of East Fairmount Avenue and provides rear access to property owners along the westside of the 100 block of North Janney Street. The partial street closing as requested in City Council Bill #16-0747 will not inhibit access to the rears of the properties on the 100 block of North Janney Street. The Petitioner is in negotiations with the adjacent property owner to the south to obtain their written consent for this partial street closing.

Staff finds that the right-of-way is no longer needed for a public purpose and can be closed and transferred to the Department of Recreation and Parks.

Parks Master Plan Amendments

The Baltimore City Charter establishes the Department of Planning and the Planning Commission, as well as outlines their powers and duties. The Planning Department is charged with creating and maintaining a Master Plan for the City. Within the Charter, the scope of the Master Plan is to consist of a series of component plans that can address among other things "the extent of publicly owned places of recreation, such as playgrounds, squares, and parks".

Periodically the Department of Recreation and Parks needs to review and make modifications to its land inventory. These plan amendments must be approved by the Planning Commission as amendments to the Parks Master Plan. In addition to making revisions to the Master Plan, which would include the addition of properties to the plan or delisting of properties from the Plan, the Charter outlines that public improvements, which could include parks and places of recreation, be in conformance with the Master Plan and have first been approved by the Planning Commission.

As previously mentioned, this project is part of a negotiated agreement to facilitate the expansion of the Pompeian, Inc., which lies directly to the north of Janney Street Park. The proposed expansion would include enlarged warehouse space that would utilize the existing Janney Street Park. In order, to maintain some recreational open space, a portion of Janney Street Park would be retained and consolidated with the closed portion of East Fairmount Avenue.

The existing park is approximately 64,500 square feet. Of that total, approximately 59,000 square feet would be conveyed to Pompeian, Inc. and approximately 5,200 square feet would be retained by The City. The portion of the 4200-block of East Fairmount Avenue to be closed, from the western most end, east to the opening of an un-named alley, is approximately 150 linear feet. This would yield an approximate 6,000 square feet to be added to the remaining park land.

Both the survey and the title work have not yet been completed, but these approvals are necessary to move the project forward. There will be subsequent approvals and Agency reviews required, including the future subdivision of Janney Street Park, which will have to be approved by the Planning Commission.

For this reason, staff recommends approval of the approximate 59,000 square feet of Janney Street Park be delisted from the Parks Master Plan and the approximate 6,000 square feet from the partial street closure of East Fairmount Avenue be added to the Parks Master Plan.

COMMUNITY NOTIFICATION

There is no formal community association in the area. Absent a community association, the owners of 4201 East Fairmount Avenue and all property owners on the westside of the 100 block of North Janney Street were notified. In addition, the Second District Councilman Brandon Scott has been notified of the requested action.



Thomas J. Stosur
Director

Figure 1: Block Plat

