

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

June 5, 2017

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: City Council Bill No. 17-0061: Zoning – Conditional Use Parking, Open Off-
Street Area - 4603 Pall Mall Road.

Ladies and Gentlemen:

City Council Bill No. 17-0061 has been referred by your Honorable Body to the Board of
Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0061 is to permit, subject to certain conditions,
the establishment, maintenance, and operation of a parking, open off-street area on the
property known as 4603 Pall Mall Road, as outlined in red on the accompanying plat.

The BMZA has reviewed the legislation and recommends approval to the passage of Bill
Number 17-0061.

Sincerely,

David C. Tanner
Executive Director

DCT/rdh

CC: Mayors Office of Council Relations
Legislative Reference

**CITY OF BALTIMORE
COUNCIL BILL 17-0061
(First Reader)**

Introduced by: Councilmember Middleton

At the request of: OHI Asset (MD) Baltimore - Pall Mall, LLC

Address: c/o Joseph R. Woolman, III, J.R. Woolman, LLC, 111 South Calvert Street, Suite
2700, Baltimore, Maryland 21202

Telephone: 410-385-5328

Introduced and read first time: April 24, 2017

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, Department of Transportation, Baltimore City Parking Authority Board

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Parking, Open Off-Street Area –**
3 **4603 Pall Mall Road**

4 FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and
5 operation of a parking, open off-street area on the property known as 4603 Pall Mall Road, as
6 outlined in red on the accompanying plat.

7 BY authority of

8 Article - Zoning

9 Section(s) 4-904(1) and 14-102

10 Baltimore City Revised Code

11 (Edition 2000)

12 **Recitals**

13 Ordinance 11-521, which permitted the establishment, maintenance, and operation
14 of a parking, open off-street area on the property known as 4603 Pimlico Road,
15 was signed into law on November 17, 2011. The parking, open off-street area
16 permitted by this Ordinance was never established. According to § 14-104 (a) of
17 the Baltimore City Zoning Code, if a conditional use approval is not exercised
18 within the time specified in § 2-602 {"Exercise within 12 months required"}, the
19 approval automatically lapses and is void. The present applicant wants
20 permission to establish, maintain, and operate a parking, open off-street area on
21 the same property, using the site plan approved by the Site Plan Review
22 Committee, dated August 31, 2011, which had been attached to and made part of
23 Ordinance 11-521.

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

Council Bill 17-0061

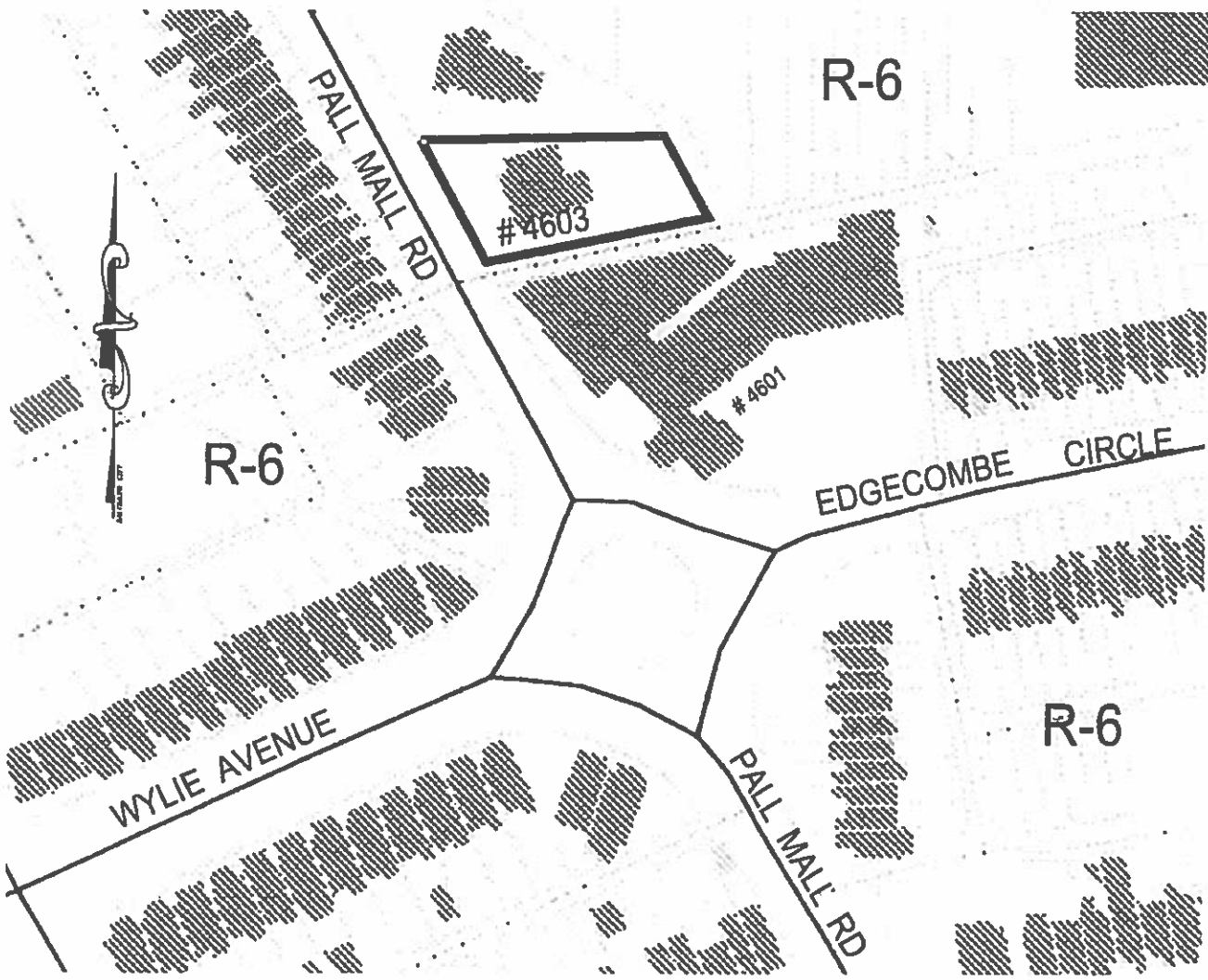
1 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
2 permission is granted for the establishment, maintenance, and operation of a parking, open off-
3 street area on the property known as 4603 Pimlico Road, as outlined in red on the plat
4 accompanying this Ordinance, in accordance with Baltimore City Zoning Code §§ 4-904(1) and
5 14-102, subject to the following conditions:

- 6 1. The site plan approved by the Site Plan Review Committee, dated August 31, 2011, is
7 attached to and made part of this Ordinance.
- 8 2. The parking, open off-street area must comply with all applicable federal, state, and
9 local licensing and certification requirements.

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

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

SHEET No. 13 OF THE ZONING DISTRICT MAP OF THE BALTIMORE CITY ZONING CODE.



Scale: 1" = 100'

NOTE:

In Conjunction With Property Known As
4603 PALL MALL ROAD
The Applicant Wishes To Request
The Conditional Use Of The Aforementioned Property As A
PARKING, OPEN OFF-STREET AREA (PARKING LOT),
As Outlined In Red Above.

Ward 27 Section 18 Block 4813B Lot 23

MAYOR

PRESIDENT CITY COUNCIL

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 #17-0061 / Zoning – Conditional Use Parking, Open Off-Street Area – 4603 Pall Mall Road		

TO

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

DATE: May 25, 2017

At its regular meeting May 25, 2017, the Planning Commission considered City Council Bill #17-0061, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area on the property known as 4603 Pall Mall Road.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #17-0061, and adopted the following resolution, seven members being present (seven in favor):

RESOLVED, That the Planning Commission finds, in accordance with §16-304 and §14-204 of the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- will not be detrimental to or endanger the public health, security, general welfare, or morals;
- is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- is not otherwise in any way contrary to the public interest; and
- is in harmony with the purpose and intent of that article:

and further RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #17-0061 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: (next page)

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, 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
Mr. Francis Burnszynski, PABC
Mr. Joseph Woolman (for OHI Asset (MD) Baltimore – Pall Mall LLC)



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

May 25, 2017

REQUEST: City Council Bill #17-0061 – Zoning – Conditional Use Parking, Open Off-Street Area – 4603 Pall Mall Road

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking, open off-street area on the property known as 4603 Pall Mall Road, as outlined in red on the accompanying plat.

RECOMMENDATION: Approval

STAFF: Martin French

PETITIONERS: Councilwoman Middleton, at the request of OHI Asset (MD) Baltimore – Pall Mall LLC

OWNER: White Pine Holdings III LLC

SITE/GENERAL AREA

Site Conditions: The property is located on the east side of Pall Mall Road, approximately 140' north of the intersection with Edgcombe Circle. The property measures approximately 84'11" by 137'6", is currently unimproved, and is located in a R-6 General Residence District.

General Area: The property is located in the Parklane neighborhood and is part of the Park Heights Urban Renewal Plan area. The area is predominantly residential, with a mix of single-family housing and multiple-family dwellings. Immediately to the south of this property is the Northwest Health and Rehabilitation Center, which is owned by the petitioner OHI Asset (MD) Baltimore – Pall Mall LLC. The opposite side of Pall Mall Road is primarily row-housing.

HISTORY

The Planning Commission previously recommended approval of use of this property as an open off-street parking area after its consideration of City Council Bill #11-0737, which was enacted as Ordinance #11-521 with the site plan amendment recommended by the Planning Commission. However, this authorization was not acted upon and therefore has lapsed. This bill is expressly for the purpose of receiving anew this authorization subject to the same conditions expressed in Ordinance #11-521.

CONFORMITY TO PLANS

The proposed action is consistent with the City of Baltimore's Comprehensive Master Plan, LIVE EARN PLAY LEARN, Earn Goal 1: Strengthen Identified Growth Sectors, Objective 6: Retain and Attract Business in Healthcare and Social Assistance. The property, once an open off-street parking area has been re-authorized, is to be conveyed to the Northwest Health and Rehabilitation Center, which would help maintain the viability of the center as both a services provider and an employer.

The proposed action is also consistent with the objectives of the Park Heights Urban Renewal Plan, specifically: eliminating blight and deterioration through clearance and redevelopment (Objective 2.b.), and creating economic opportunities for residents of Park Heights (Objective 2.c.) because it would simultaneously re-use a vacant lot that formerly had an abandoned building on it, and assist in maintaining the viability of the health and rehabilitation center, a local employer in the Urban Renewal Area.

ANALYSIS

Project: The Northwest Health and Rehabilitation Center located at 4601 Pall Mall Road would like to buy this property from the present owner and improve the lot as a parking lot for its staff and visitors' use. The unpaved portion of the site will remain grassed with additional landscaping and trees, and will also be used as an amenity area for residents and visitors.

Site Plan Review Committee (SPRC): This project was approved by the SPRC on Aug 31, 2011. The site plan approved for the property would include a 4' high fence and landscaping to buffer the parking lot from the homes across the street, and planting by the purchaser of three street trees on Pall Mall Road. As the lot area is approximately ¼ acre, there will be no stormwater management or forest conservation requirements related to developing the parking lot for the proposed 13 parking spaces. The prospective purchaser will make arrangements with the Parking Authority of Baltimore City for designation of a passenger loading zone near the existing health and rehabilitation center, which is across a 15' wide alley from this property.

Conditional Use: The Zoning Code requires (*cf.* §§ 16-304 and 14-204) that the Planning Commission find that:

- (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.

Planning staff review of the required considerations of §§ 16-304 and 14-204 of the Zoning Code determined that the proposed use, if constructed in accordance with the site plan approved by the Site Plan Review Committee on August 31, 2011, would meet all of these standards and considerations. As this would be mandated by City Council Bill #17-0061 in its Section 1, staff recommends approval of this bill.

Notification: The Parklane Neighborhood Association and Park Heights Renaissance Inc., and Councilwoman Green Middleton were notified of this action.



Thomas J. Stosur
Director