


<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>Whole for T.J.S.</i>	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 <sup>th</sup> FLOOR		
	SUBJECT	CITY COUNCIL BILL #09-0382/SALE OF PROPERTY- PORTION OF 1900 ARGONNE DRIVE, LOT 2A, BLOCK 5387 AND A PORTION OF LOT 2, BLOCK 5387		

**TO**

DATE:  
April 28, 2010

The Honorable President and  
 Members of the City Council  
 City Hall, Room 400  
 100 N. Holliday Street  
 Baltimore, MD 21202

At its regular meeting of December 3, 2009 the Planning Commission considered City Council Bill #09-0382, which is for the purpose of authorizing the Mayor and City of Baltimore to sell, at either public or private sale, all its interest in certain parcels of land known as portion of 1900 Argonne Drive, Lot 2A, Block 5387, and a portion of Lot 2, Block 5387 and no longer needed for public use; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached summary and previous staff report which recommended approval of City Council Bill #09-0382 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 #09-0382 be passed by the City Council.

If you have questions, please contact Mr. Wolde Ararsa, Division Chief of the Land Use and Urban Design Division, at 410-396-4488.

TJS/WA/ttl

Attachments

cc:

- Mr. Andy Frank, Deputy Mayor
- Ms Sophie Dagenais, Chief of Staff
- Ms. Kaliope Parthemos, Asst. Deputy Mayor
- Ms. Angela Gibson, Mayor's Office
- The Honorable Bill Henry, City Council Commission Representative
- Ms. Nikol Nabors-Jackson, DHCD
- Mr. Larry Greene, Council Services
- Ms. Marcia Collins, DPW
- Mr. Paul Barnes, DGS

## PLANNING COMMISSION

### STAFF REPORT

March 5, 2009

**REQUEST:** Final Subdivision and Development Plan/1900, 1911 Argonne Drive and Lot 2 of Block 5387 – Morgan State University and The City of Baltimore

**RECOMMENDATION:** Approval, subject to the following:

- Comments from the Department of Public Works and
- Compliance with the Forest Conservation Program requirements.

**STAFF:** Ervin McDaniel

**PETITIONERS:** State of Maryland/Morgan State University

**OWNER:** State of Maryland/Morgan State University and Mayor and City Council of Baltimore

#### **SITE/ GENERAL AREA**

Site Conditions: The 1900 Argonne Drive property is 2.2 acres in size and is improved with a one story city owned police station. The 1911 Argonne Drive property is 54.3 acres and is improved with several buildings that are part of Morgan State University Campus. Lot 2 of Block 5387 is 2.4 acres in size and is unimproved land owned by the Mayor and City Council of Baltimore. There is an access road that connects Argonne Drive to East Cold Spring Lane.

General Area: All properties along this section of Argonne Drive are institutional use, Morgan State University and Baltimore City Police Station.

#### **HISTORY**

There have been no previous Planning Commission actions regarding this site.

#### **CONFORMITY TO PLANS**

The proposed Final Subdivision and Development Plan is consistent with the Comprehensive Master Plan's LEARN section, Goal Four: Ensure Safe and Convenient Transportation to and from Educational Facilities, Objective One: Improve Pedestrian and Bicycle Access to Schools and Libraries.

#### **ANALYSIS**

The State of Maryland – Morgan State University and the City of Baltimore are proposing a land swap involving the three properties known as 1900 Argonne Drive (City-owned),

Lot #2 of Block 5387 (City-owned), and 1911 Argonne Drive (State-owned). At present, there is an access road across the City-owned property from Argonne Drive north to the State-owned Morgan State Campus. The land swap would place the access road into State ownership. Also, to offset the loss of city property, the State will convey  $\pm 13,832$  square feet of its property to the City.

In order to accomplish this land swap, the State of Maryland – Morgan State University is proposing to subdivide off a  $\pm 13,862$  square foot portion of 1911 Argonne Drive property and convey it to Mayor and City Mayor of Baltimore. The Mayor and City Council of Baltimore is proposing to subdivide off a  $\pm 6,043$  square feet portion of 1900 Argonne Drive and a  $\pm 26,611$  square foot portion of Lot 2 of Block 5387 and convey both parcels to the State of Maryland – Morgan State University.

The following is the staff's review of this project:

- Site Plan: This site was reviewed and approved by the Site Plan Review Committee. All buildings already exist.
- Architectural Elevations: Elevations for this proposal were not required.
- Subdivision and Development Plan Requirements: This project complies with the City's rules and regulations relative to land subdivision within Baltimore City.
- Zoning Code Requirements: The subject site is located within an R-5 zoning district and will not require any action from the Board of Municipal and Zoning Appeals.
- Forest Conservation: The State of Maryland – Morgan State University must comply with all Forest Conservation requirements. Staff will continue to work with Morgan State University to insure that Forest Conservation requirements are fulfilled.

The Northeast Community Organization (NECO) and Harbel Community Organization, Inc. were notified about the Final Subdivision and Development Plans for 1900 Argonne Drive – Morgan State University and City Police Station.



**Thomas J. Stosur**  
**Director**



Sheila Dixon  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### SUMMARY

December 3, 2009 – #1786



Thomas J. Stosur  
Director

#### 3. FINAL SUBDIVISION AND DEVELOPMENT PLAN/2501 W. LEXINGTON

The applicant is proposing to subdivide the property known as 2501 West Lexington Street into two lots in order to create two separate tax parcels (2501 West Lexington Street and 2505 West Lexington Street). The 2501 West Lexington Street property will contain the commercial building. The new 2505 West Lexington Street property will contain the existing communications antenna.

The Shipley Hill Community Association, The Bon Secours Foundation, and the City Council member representing this district were notified about the Final Subdivision and Development Plans for 2501 West Lexington Street.

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

#### 4. CITY COUNCIL BILL #09-0395/ZONING – NONCONFORMING USE – DISCONTINUANCE OR ABANDONMENT

**Purpose:** This bill proposes to modify how Class III nonconforming uses are treated, by altering the discontinuance/abandonment provision, by removing an exception for R-6 through R-10 Districts, and by altering the timeline for continuances. These Class III nonconforming uses are generally properties with buildings of a type that match the allowable uses in the district, but the uses within those buildings are no longer permitted in the district.

**Proposed Requirements:** This bill proposes to remove the discontinuance/abandonment exception for R-6 through R-10 Residential Districts under §13-407.c. That means that once the nonconforming use is gone, it's gone – the same as any other zoning district. At the same time, the bill proposes to extend the time period for determining that a nonconforming use has been abandoned from twelve months to eighteen months.

Under this bill, in the R-6 through R-10 Districts, nonconforming uses would have a "grace period" as under the current process of requesting a continuance from the BMZA (§13-718). That "grace period" is proposed to be extended from six months to twelve months.

Staff notified 223 City-wide community organizations of this hearing, and enclosed a copy of the bill with the notice.

**Recommendation:** Approval

**5. FINAL SUBDIVISION AND PRELIMINARY DEVELOPMENT PLAN/3501 TANEY ROAD**

The applicant is proposing to subdivide the property known as 3501 Taney Road into two lots for the development of one new single family home in the future. An existing home at 3501 Taney Road will be retained. The newly created lot, to be addressed on Wallis Avenue, will be used for new home construction.

The Cross Country Improvement and Glen Neighborhood Improvement Association were notified of the current request, along with the following individuals: Mr. Crowley at 3411 Taney Road; Mr. Slatkin at 6012 Wallis Avenue; and Mr. Richard Sciacca and Ms. Rebecca Statz at 6011 Wallis Avenue.

**Recommendation:** Approval, subject to the following:

- Comments from the Department of General Services; and
- With the understanding that the owner/developer of the new parcel will have to come back to the Planning Commission at a later date for Final Development Plan Approval.

**6. CITY COUNCIL BILL #08-0183/PLANNED UNIT DEVELOPMENT – AMENDMENT – EASTERN PLAZA (ANCHOR SQUARE)**

**FINAL DESIGN APPROVAL/EASTERN PLAZA PLANNED UNIT DEVELOPMENT – McDONALD’S RESTAURANT**

The applicant, MAFA Eastern Avenue Associates, LLC, would like to locate a new restaurant at Anchor Square (AKA Eastern Plaza). However, in order to develop the new restaurant at this location the existing PUD has to be amended. City Council Bill #08-0183 amends the existing Planned Unit Development (PUD) by clarifying some of the text, and by adding the land use “Restaurants: Drive-in.”

Additionally, the applicant is requesting Final Design Approval for a McDonald’s Restaurant at this location. The applicant has submitted a Site Plan, Building Elevation Drawings, and a Landscape Plan. The restaurant will have brick sidewalks with a pedestrian connection to the bus stop at the intersection of Kane and Eastern Avenues. At the bus stop, McDonald’s has committed to install a trash can, a bench and an area of brick pavers as an amenity for transit patrons. McDonald’s staff will empty and maintain the trash can and bench area. The restaurant building itself will incorporate new prototype design concepts for energy efficiency, such as LED lighting, conservative water fixtures, and solar lighting.

The SPRC reviewed and approved the site plan for this drive-through restaurant on February 11, 2009. The proposed McDonald’s restaurant will be built on the vacant pad site called for in the development plan of the PUD near the intersection of Kane Street and Eastern Avenue. The approved PUD allows a 5,400 sqft retail pad building though the proposed McDonald’s restaurant will only be 4,150 sqft in size. Forest Conservation

requirements, the Traffic Impact Study (TIS) and the Storm Water Management requirements have already been addressed through the PUD's establishment.

Staff has also reviewed and approved the Building Elevation Drawings for the restaurant. The restaurant will be primarily covered in earthtone brick with darker brick trim sections. The entrance and portions around the windows will be finished in EFIS. Metal awnings and accent details will be in a contrasting yellow. The "M" logo and McDonald's name will be individual letters pin-mounted to the walls, with a metal individual letter "Welcome" sign over the entry door canopies.

Staff notified the Bayview Improvement Association and the Eastwood Community Association of this action.

**Recommendations:**

- CCB #08-0183: Approval
- Final Design Approval: Approval

**CONSENT AGENDA**

**7. CITY COUNCIL BILL #09-0382/SALE OF PROPERTY – PORTION OF 1900 ARGONNE DRIVE, LOT 2A, BLOCK 5387 AND A PORTION OF LOT 2, BLOCK 5387**

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 a portion of 1900 Argonne Drive, Lot 2A, Block 5387, and a portion of Lot 2, Block 5387 and no longer needed for public use; and providing for a special effective date.

On March 5, 2009, the Planning Commission approved the Final Subdivision and Development Plan for 1900 and 1911 Argonne Drive and Lot 2 of Block 5387. The purpose of the subdivision was to institute a land swap between Baltimore City and the State of Maryland (Morgan State University), in order to place an access road built on City property under State ownership. Now that the subdivision has been approved and recorded, a sales ordinance is the final piece needed to effectuate the swap. City Council Bill #09-0382 is consistent with past Planning Commission actions related to the subject property. As such, staff is supportive of the request.

**Recommendation:** Approval