


FROM	NAME & TITLE	GARY W. COLE, ACTING DIRECTOR <i>GWC</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #08-0169/ CITY STREETS – CLOSING–CERTAIN STREETS LYING WITHIN THE MIDDLE EAST URBAN RENEWAL		

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

DATE:
 September 23, 2008

At its regular meeting of September 11, 2008 the Planning Commission considered City Council Bill #08-0169, for the purpose of condemning and closing certain streets lying within the Middle East Urban Renewal Project, bounded by Ashland Avenue, McDonogh Street, Chase Street, and Washington Street, as shown on Plat 348-A-80D in the Office of the Department of Public Works; and providing for a special effective date.

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 #08-0169 and adopted the following resolution, eight members being present (eight in favor)

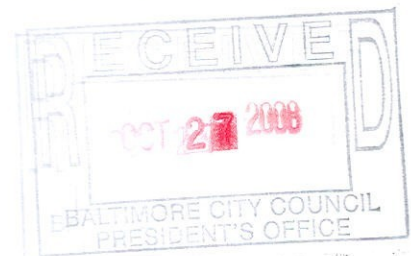
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #08-0169 be passed by the City Council.

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

GWC/ttl

Attachments

- cc:
- Mr. Andy Frank, Deputy Mayor
 - Mr. Demaune Millard, Chief of Staff
 - Ms. Angela Gibson, Mayor's Office
 - The Honorable Rochelle "Rikki" Spector, Council Rep. for Planning Commission
 - Mr. David Tanner, BMZA
 - Mr. Geoffrey Veale, Zoning Administration
 - Ms. Nikol Nabors-Jackson, DHCD
 - Mr. Larry Greene, Councilmanic Services
 - Ms. Marcia Collins, DPW
 - Mr. Paul Barnes, DPW



PLANNING COMMISSION

STAFF REPORT

September 6, 2007

REQUEST: Street Closing/Portion of Rutland Avenue between Eager Street and Ashland Avenue

RECOMMENDATION: Approval

STAFF: Natasha Poole

PETITIONER: East Baltimore Development, Inc. and Forest City Enterprises

OWNERS: Mayor and City Council

SITE/GENERAL AREA

Site Conditions: The area of the proposed street closing is a 1.5 foot wide strip of right-of-way on the western side of Rutland Avenue between Eager Street and Ashland Avenue within the New East Baltimore Community. A portion of Barnes and McDonough Streets, having already been determined as no longer needed for public purpose, are progressing through the street closing process and are being incorporated into the subject site of the abutting property, and construction of a residential building to be known as Park View at Ashland Terrace is currently underway on that property.

General Area: The specific site for this building lies within the proposed Phase I Planned Unit Development (PUD) area of the greater New East Baltimore Community. The proposed PUD area is bounded by East Chase Street to the north, East Madison Street to the south, and roughly by North Washington Street to the east and North Broadway to the west. The total site area is 33.98 acres. Recent legislation has rezoned a majority of the PUD area to the B-2-3 zoning category. There are a number of notable or historic buildings in the area, including Sweet Prospect Baptist Church (in the 1100 block of North Durham Street) and a recently renovated former police station (located in the 1800 block of East Ashland Avenue). Housing stock consists of older two- and three-story brick row homes, the conditions of which range from good to very poor. Large-scale demolition has already begun in the area, beginning with those blocks in the southeastern portion of the site. Of those properties that remain, many more have become vacant as relocation activity has increased.

The general project area lies at the convergence of several distinct neighborhoods that are also Urban Renewal Areas in the central portion of East Baltimore. Those are the Middle East, Johnston Square, Broadway East, Oliver, and Gay Street I Urban Renewal Areas. Though predominantly Residential (either R-7 or R-8), there are also smaller areas of Office-Residential, Commercial, and Industrial zoning. With the exception of Johnston Square, all of the neighborhoods, or portions thereof, are in the Historic East Baltimore Community Action Coalition (HEBCAC) Village Center of the Eastside Empowerment Zone. Institutional and

public facilities in the area include several elementary schools, Broadway Court Elderly Housing, the John Hopkins Drug Treatment Facility, One Stop Career Center, East Baltimore Medical Center, and Collington Square and Oliver Recreation Centers.

HISTORY

- Ordinance #1202, approved November 30, 1979, established the Middle East Urban Renewal Plan.
- On August 12, 2004, the Planning Commission recommended approval of various street and alley closings within the New East Baltimore Community (Part I).
- On June 2, 2005, members of the Planning Commission granted Final Design Approval to the first Life Sciences building to be constructed at 855 N. Wolfe Street.
- Ordinance #05-124, approved by the Mayor and City Council on September 26, 2005, was the last amendment to the Middle East Urban Renewal Plan.
- Ordinance #05-159, approved by the Mayor and City Council on October 26, 2005, rezoned multiple properties in the project area from the B-2-3 zoning district to the R-8 zoning district.
- Ordinance #05-160, approved by the Mayor and City Council on October 26, 2005, established the New East Baltimore Community Planned Unit Development.
- On December 1, 2005, the Planning Commission recommended approval of various street and alley closings within the New East Baltimore Community (Part II.)
- On March 23, 2006, the Planning Commission approved the Final Subdivision and Development Plan for the R2 and R3 residential buildings.
- On August 10, 2006, the Planning Commission approved the Final Design for a temporary surface parking lot adjacent to the R2 and R3 residential buildings.
- On August 9, 2007, the Planning Commission approved a Minor Amendment to the New East Baltimore Community PUD and the Final Design for the R1 residential Townhomes.

ANALYSIS

The first two residential buildings proposed for construction within the New East Baltimore Community PUD, known as Park View at Ashland Terrace and Ashland Commons, obtained Planning Commission Final Design Approval on April 20, 2006. Construction began shortly thereafter, and the buildings will be ready for occupancy within several months. At the time of site plan review for the easternmost of the two buildings, it was not known that the plans had been developed using inaccurate survey dimensions, and that error was only revealed recently. The effect of the error is that 1.5 feet of the building is being constructed in the public right-of-way. This encroachment is for the length of the building.

While a situation of this sort would normally be solved by the developer obtaining a franchise ordinance from the City, Forest City has expressed concerns about the implications this has for financing. Since future renewal of the terms of the ordinance cannot be guaranteed, the developer is seeking clear title to the area of land affected by the encroachment. This, as stated previously, is for a dimension of 1.5' east of the current property line. So as not to create variable right-of-way dimensions within one block, the 1.5' street closing is recommended not only for the area abutting the new residential building, but for the entire length of the block from Eager Street to Ashland Avenue.

Staff is supportive of the request to accommodate the already designed building, and the new dimension of the proposed right-of-way for Rutland Avenue meets Department of Transportation requirements. However, all future buildings within the project area should be accommodated within existing property lines and without alteration to right-of-way dimension. This need not affect an overall goal for the PUD of regularizing street dimensions.

Staff notified the following community groups of the proposed legislation: Middle East Community Organization, Save Middle East Action Committee, Northeast Market Merchants Association, Reclaiming Our Community, Ashland Avenue Association, Citizens Communication Coalition, Historic East Baltimore Community Action Coalition, Broadway Development Foundation, Madison East End Neighborhood Improvement Association, Madison East End Improvement Association, Monument Street Merchants Association, Monument Street Renaissance, Milton-Montford Improvement Association, and Washington Wolfe Gateway Community Association.

Gary W. Cole for D. McCoach, III

Douglas B. McCoach, III
Director

PLANNING COMMISSION

AGENDA

SEPTEMBER 11, 2008 – #1760

Working Session – 12:00 pm.

Regular Session – 1:30 pm.

Evening Session – 6:00 pm.
(Pimlico Race Track)

- 1. ROLL CALL**
- 2. APPROVAL OF MINUTES**
- 3. FINAL DESIGN APPROVAL/BUS SHELTERS PART III – 2008 (Citywide)**
- 4. BALTIMORE CITY LANDMARK DESIGNATION/MORRIS A. MECHANIC THEATER – 1 WEST BALTIMORE STREET (Eleventh District)**
- 5. FINAL SUBDIVISION AND DEVELOPMENT PLAN/917 AND 921 KRESSON STREET (Thirteenth District)**
- 6. CITY COUNCIL BILL#08-0147/SALE OF PROPERTY – 400 SAINT PAUL STREET (BLOCK 566, LOT 26) (President Rawlings Blake - Administration)**
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 property known as 400 saint Paul street (Block 566, Lot 26) and no longer needed for public use ; and providing for special effective date. (Eleventh District)
- 7. CITY COUNCIL BILL# 08-0148/SALE OF PROPERTY – 121 NORTH GREENE STREET (President Rawlings Blake - Administration)**
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 property known as 121 North Greene Street (Block 617, Lot 15) and no longer needed for public use; and providing for a special effective date. (Eleventh District)

8. **CITY COUNCIL BILL # 08-0149/SALE OF PROPERTY – 101 SOUTH ELLWOOD AVENUE** (President Rawlings Blake - Administration)
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 property known as 101 South Ellwood Avenue (Block 1752, Lot 1/54) and no longer needed for public use; and providing for a special effective date. (First District)

(Postponed to the September 25th)

9. **CITY COUNCIL BILL #08-0151/ CITY PROPERTY – NAMING THE NEW CENTRAL MAINTENANCE GARAGE AT 3800 EAST BIDDLE STREET TO BE THE GEORGE L. WINFIELD FLEET MAINTENANCE FACILITY**
(President Rawlings Blake - Administration)
For the purpose of naming the new Central Maintenance Garage, located at 3800 East Biddle Street, to be the George L. Winfield Fleet Maintenance Facility. (Thirteenth District)

10. **AMENDMENT TO THE PARK HEIGHTS MASTER PLAN** (Fifth, Sixth and Seventh Districts)

CITY COUNCIL BILL #08-0158/URBAN RENEWAL – PARK HEIGHTS – RENEWAL AREA DESIGNATION AND URBAN RENEWAL PLAN
(President Rawlings Blake - Administration)

For the purpose of repealing the existing Park Heights Urban Renewal Plan and replacing it by designating as a "Renewal Area" an area situated in Baltimore City, Maryland known as Park Heights, bounded generally by Druid Park Drive on the south, Wabash Avenue on the west, Northern Parkway on the north, and Greenspring Avenue on the east; approving a Renewal Plan for Park Heights; establishing the objectives of the Plan; establishing permitted land uses in the Renewal Area; providing that where there may be a conflict between the provisions of the Renewal Plan and the provisions of any Planned Unit Development, the provisions of the Planned Unit Development control; authorizing the acquisition by purchase or by condemnation of any properties needed for urban renewal purposes; providing that the Department of Housing and Community Development may demolish, sell, or lease acquired properties; creating disposition lots and providing for controls on specific lots; providing that streets and alleys within the disposition lots may be sold in whole or in part consistent with the redevelopment of the lots; providing that scattered City-owned sites within the Renewal Area may be sold or leased for development or rehabilitation; providing that properties identified as "Public" may not be sold; providing for review by the Department of Housing and Community Development of development or rehabilitation plans in the Renewal Area with respect to their conformance with the provisions of the Renewal Plan; providing that the provisions of the Zoning Code apply to the properties in the Project Area; providing for the term of the Plan; establishing procedures for amending the Plan; approving appendices and exhibits to the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; and providing for

the application of this Ordinance in conjunction with certain other ordinances. (Fifth, Sixth and Seventh Districts)

CITY COUNCIL BILL # 08-0159/REZONING – PROPERTIES IN PARK HEIGHTS (President Rawlings Blake - Administration)

For the purpose of changing the zoning for certain properties in Park Heights: as outlined in green on the accompanying plats, from the B-1 Zoning District to the OS Zoning District and from the R-6 Zoning District to the OS Zoning District; as outlined in orange on the accompanying plats from the B-1 Zoning District to the R-10 Zoning District, from the M-2 Zoning District to the R-10 Zoning District, from the O-R Zoning District to the R-10 Zoning District, and from the R-6 Zoning District to the R-10 Zoning District; as outlined in red on the accompanying plats from the B-2 Zoning District to the B-3 Zoning District, from the R-5 Zoning District to the B-3 Zoning District, and from the R-7 Zoning District to the B-3 Zoning District; as outlined in yellow on the accompanying plats from the B-2 Zoning District to the R-6 Zoning District, from the B-3 Zoning District to the R-6 Zoning District, from the M-2 Zoning District to the R-6 Zoning District, from the O-R Zoning District to the R-6 Zoning District, and from the R-7 Zoning District to the R-6 Zoning District; as outlined in brown on the accompanying plats from the B-3 Zoning District to the B-1 Zoning District; as outlined in pink on the accompanying plats from the B-3 Zoning District to the B-2 Zoning District and from the R-6 Zoning District to the B-2 Zoning District; as outlined in purple on the accompanying plats from the B-3 Zoning District to the M-1; as outlined in turquoise on the accompanying plats from the B-3 Zoning District to the M-2 Zoning District; and as outlined in tan on the accompanying plats from the R-6 Zoning District to the R-5 Zoning District. (Fifth, Sixth and Seventh Districts)

CONSENT AGENDA

11. CITY COUNCIL BILL #08-0170/BALTIMORE CITY LANDMARK LIST – FOUR BAY HOUSE (President Rawlings Blake - Administration)

For the purpose of designating the four bay house, 1733 Aliceanna Street, as a historical landmark. (First District)

12. CITY COUNCIL BILL #08-0178/BALTIMORE CITY LANDMARK LIST – ST. STANISLAUS KOSTKA CHURCH (President Rawlings Blake - Administration)

For the purpose of designating St. Stanislaus Kostka Church, 700 block of South Ann Street, as a historical landmark. (First District)

13. CITY COUNCIL BILL#08-0171/BALTIMORE CITY LANDMARK LIST – DR. GIERING HOUSE (President Rawlings Blake - Administration)

For the purpose of designating the Dr. Giering House, 3906 Parkside Drive, as a historical landmark. (Second District)

- 14. CITY COUNCIL BILL #08-0172/BALTIMORE CITY LANDMARK LIST – MOUNT CALVARY CHURCH** (President Rawlings Blake - Administration)
For the purpose of designating Mount Calvary church, 816 North Eutaw Street, as a historical landmark. (Eleventh District)
- 15. CITY COUNCIL BILL #08-0173/BALTIMORE CITY LANDMARK LIST – ST. MARK’S EVANGELICAL LUTHERAN CHURCH** (President Rawlings Blake - Administration)
For the purpose of designating St. Mark’s Evangelical Lutheran Church, 1920 Saint Paul Street, as a historical landmark. (Eleventh District)
- 16. REVISED FINAL SUBDIVISION AND DEVELOPMENT PLAN/ORCHARD RIDGE – PHASE II** (Thirteenth District)
- 17. CITY COUNCIL BILL #08-0168/CITY STREETS – OPENING – CERTAIN STREETS LYING WITHIN THE MIDDLE EAST URBAN RENEWAL PROJECT** (President Rawlings Blake – Administration)
FOR the purpose of condemning and opening certain streets lying within the Middle East Urban Renewal Project, bounded by Ashland Avenue, McDonogh Street, Chase Street, and Washington Street, as shown on Plat 348-A-80D in the Office of the Department of Public Works; and providing for a special effective date. (Thirteenth District)
- 18. CITY COUNCIL BILL #08-0169/CITY STREETS – CLOSING – CERTAIN STREETS LYING WITHIN THE MIDDLE EAST URBAN RENEWAL PROJECT** (President Rawlings Blake – Administration)
FOR the purpose of condemning and opening certain streets lying within the Middle East Urban Renewal Project, bounded by Ashland Avenue, McDonogh Street, Chase Street, and Washington Street, as shown on Plat 348-A-80D in the Office of the Department of Public Works; and providing for a special effective date. (Thirteenth District)

19. CIP TRANSFERS

This agenda was prepared on the assumption that all necessary materials have been made available in sufficient time for consideration by the Commission at this meeting. There are occasionally changes in this agenda when relevant materials have not been delivered to the Department on schedule. For any marked (*) please call the Department at (410)396-8337 for current information.

The meeting will be held in the Phoebe B. Stanton Boardroom of the Department of Planning, located on the 8th floor of 417 East Fayette Street.

However, item #10 which pertains to Park Heights will be held at 6:00 pm in the evening, at the Pimlico Race Track Hall of Fame Room, Hayward and Winner Avenues, Clubhouse Entrance, 2nd Floor matters: