

TJA

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 <sup>th</sup> FLOOR
	SUBJECT	CITY COUNCIL BILL #10-0512/CITY STREETS CLOSING-MCELDERRY STREET

CITY of  
BALTIMORE  
**MEMO**



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

DATE:  
June 29, 2010

At its regular meeting of June 24, 2010 the Planning Commission considered City Council Bill #10-0512, for the purpose of condemning and closing McElderry Street, extending from the west side of Dean Street, Westerly 592.5 feet, more or less, to the east side of a 15 foot alley, laid out in the rear of the properties known as Nos. 401 through 645 N. Highland Avenue, as shown on Plat 212-A-18A in the Office of the Department of General Services; 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 #10-0512 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 #10-0512 be passed by the City Council.

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

TJS/WYA/ttl

Attachments

- cc:
- Ms. Kaliope Parthemos, Deputy Mayor
  - Ms. Sophie Dagenais, Chief of Staff
  - Ms. Angela Gibson, Mayor's Office
  - The Honorable Bill Henry, Council Rep. for Planning Commission
  - Mr. David Tanner, BMZA
  - Mr. Geoffrey Veal, Zoning Enforcement, DHCD
  - Ms. Nikol Nabors-Jackson, DHCD
  - Ms. Karen Randle, City Council Services



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*



*Thomas J. Stosur*  
Director

### AGENDA

**June 24, 2010 – #1797**

**Working Session – 11:00 a.m. to 1:30 p.m.**  
**Regular Session – 1:30 p.m.**

- 1. ROLL CALL**
- 2. APPROVAL OF MINUTES**
- 3. CITY SCHOOLS' 2010 COMPREHENSIVE EDUCATIONAL FACILITIES MASTER PLAN (Citywide)**
- 4. FINAL SUBDIVISION AND DEVELOPMENT PLAN/2730 WILMARCO AVENUE – LOT 007 OF BLOCK 2107 (Tenth District)**
- 5. MINOR AMENDMENT AND FINAL DESIGN APPROVAL/SINAI HOSPITAL PLANNED UNIT DEVELOPMENT – LINEAR ACCELERATOR EXPANSION – 2401 WEST BELVEDERE AVENUE (Sixth District)**
- 6. MINOR AMENDMENT AND FINAL DESIGN APPROVAL/SOUTHSIDE MARKET PLACE – 855-857 EAST FORT AVENUE (Tenth District)**  
*(Rescheduled to July 8, 2010)*
- 7. CITY COUNCIL BILL #10-0476/SALE OF PROPERTY – 2024 ETTING STREET (President Bernard C. "Jack" Young – 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 2024 Etting Street (Block 0314, Lot 071) and no longer needed for public use; and providing for a special effective date. (Eleventh District)

## CONSENT AGENDA

8. **FINAL DESIGN APPROVAL/GOOD SAMARITAN HOSPITAL PUD SIGNAGE – 5601 LOCH RAVEN BOULEVARD** (Third District)
9. **FINAL DESIGN APPROVAL/BALTIMORE TRAVEL PLAZA PUD SIGNAGE – 5501 O’DONNELL STREET CUT-OFF** (First District)
10. **FINAL DESIGN APPROVAL/HARBORPOINT PUD – 803 SOUTH CAROLINE STREET – BLACK OLIVE INN SIGNAGE** (First District)
11. **CITY COUNCIL BILL #10-0507/CITY PROPERTY – GRANT OF EASEMENT – PORTION OF 2201 WEST COLD SPRING LANE** (President Bernard C. “Jack” Young – Administration)  
For the purpose of authorizing the Mayor and City Council of Baltimore to grant a Perpetual Easement for Municipal Utilities and Services through the parcel of land known as portion of 2201 West Cold Spring Lane (Block 3357E, Lot 9A), as shown on Plat R.W. 20-36315 and filed in the Office of the Department of General Services; and providing for a special effective date. (Sixth District)  
*(Rescheduled to a later date)*
12. **CITY COUNCIL BILL #10-0508/CITY STREETS – CLOSING – IVYMOUNT ROAD** (President Bernard C. “Jack” Young – Administration)  
For the purpose of condemning and closing Ivymount Road, extending from the westernmost extremity thereof, Easterly 90.0 feet, more or less, as shown on Plat 349-A025A in the Office of the Department of General Services; and providing for a special effective date. (Fifth District)
13. **CITY COUNCIL BILL #10-0509/SALE OF PROPERTY – IVYMOUNT ROAD** (President Bernard C. “Jack” Young – 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 a certain parcel of land known as the former bed of Ivymount Road, extending from the westernmost extremity thereof, Easterly 90.0 feet, more or less, and no longer needed for public use; and providing for a special effective date. (Fifth District)
14. **CITY COUNCIL BILL #10-0510/CITY STREETS – CLOSING – A PORTION OF GREENSPRING AVENUE** (President Bernard C. “Jack” Young – Administration)  
For the purpose of condemning and closing a portion of Greenspring Avenue, extending from Northern Parkway, Southeasterly 949.2 feet, more or less, as shown on Plat 266-A-24E in the Office of the Department of General Services; and providing for a special effective date. (Fifth District)

**15. CITY COUNCIL BILL #10-0511/SALE OF PROPERTY – PORTION OF THE FORMER BED OF GREENSPRING AVENUE (President Bernard C. “Jack” Young – 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 a certain parcel of land known as a portion of the former bed of Greenspring Avenue and no longer needed for public use; and providing for a special effective date. (Fifth District)

**16. CITY COUNCIL BILL #10-0512/CITY STREETS CLOSING – MCELDERRY STREET (President Bernard C. “Jack” Young – Administration)**

For the purpose of condemning and closing McElderry Street, extending from the west side of Dean Street, Westerly 592.5 feet, more or less, to the east side of a 15 foot alley, laid out in the rear of the properties known as Nos. 401 through 645 N. Highland Avenue, as shown on Plat 212-A-18A in the Office of the Department of General Services; and providing for a special effective date. (Thirteenth District)

**17. CITY COUNCIL BILL #10-0513/SALE OF PROPERTY – FORMER BED OF MCELDERRY STREET (President Bernard C. “Jack” Young – 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 a certain parcel of land known as the former bed of McElderry Street and no longer needed for public use; and providing for a special effective date. (Thirteenth District)

**18. CIP TRANSFER**

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 agenda items marked (\*\*), please call the Department of Planning at 410-396-4488 for current information.**

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



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*



*Thomas J. Stosur*  
Director

### SUMMARY

**June 24, 2010**

### **3. CITY SCHOOLS' 2010 COMPREHENSIVE EDUCATIONAL FACILITIES MASTER PLAN (CEFMP)**

The Regulations for the Administration of the Public School Construction Program (under the Maryland State Department of Education, or MSDE) require that BCPSS annually submit an updated and detailed Educational Facilities Master Plan (EFMP). The Planning Commission is required to review the Educational Facilities Master Plan on an annual basis before July 1<sup>st</sup> of each year. For the past five years, however, the IAC has recommended that Baltimore City Public Schools submit a Comprehensive Educational Facilities Master Plan, or CEFMP, in an effort to clarify the master planning process employed by City Schools for its facilities. A Comprehensive Educational Facilities Master Plan is supposed to provide a long-range (10 year) vision, however due to changing demographic and relatively new leadership, this Comprehensive Educational Facilities Master Plan focuses on a one-year-plus timeframe.

This document includes the requisite Required Elements for updating the annual Facilities Plan. As required, the document provides an overview of the school system's goals, standards and guidelines; presents a planning analysis of the school district's communities; includes a detailed inventory of school facilities; reviews current and projected enrollment data; and identifies potential future school construction needs. It also reports on the changes to City Schools' programs and facilities that will be implemented in School Year 2010-2011, and presents the road map, or directions, for future decision-making that will impact school facilities. This Comprehensive Educational Facilities Master Plan is the document that serves as a blueprint for the school system's fiscal year 2012 capital budget, which will be presented in detail in the fall of 2010. This plan was reviewed and approved by the Board of School Commissioners at their June 8, 2010 meeting.

The Baltimore City Public Schools Board of School Commissioners, Baltimore City Public Schools Parent and Community Advisory Board, and the ACLU of Maryland were notified about the 2010 CEFMP Planning Commission action.

**Recommendation:** Approval and additional recommendations.

**4. FINAL SUBDIVISION AND DEVELOPMENT PLAN/2730 WILMARCO AVENUE – LOT 007 OF BLOCK 2107**

The applicant is proposing to subdivide the property known as 2730 Wilmarco Avenue into two lots for dispositional purposes, Lots #7A (5.1 acres) and Lot #7B (4.1 acres). At present, the property is improved with a large warehouse/manufacturing building. The central portion of this building, which is the oldest will be demolished and in its place will be a surface parking area. The remaining portion of the building will be renovated and each will be on a separate parcel (Lot 7A and 7B). Also, both new properties will have parking, fencing, and landscaping.

The Morrell Park Community Association, Morrell Park & Saint Paul's Improvement Association and Wilhelm Park Community Association were notified about the Final Subdivision and Development Plans for 2730 Wilmarco Avenue.

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

**5. MINOR AMENDMENT AND FINAL DESIGN APPROVAL/SINAI HOSPITAL PLANNED UNIT DEVELOPMENT – LINEAR ACCELERATOR EXPANSION – 2401 WEST BELVEDERE AVENUE**

This addition will duplicate the existing facility in mirror-image, adjacent to the existing facility. The addition is essentially a thick concrete structure sheathed in an Exterior Insulation Finishing System (EIFS), and houses a Linear Accelerator used by the Department of Radiation Oncology in targeted radiation therapy to treat cancer. The exterior will be a mirror image of the existing facility, and is generally not very visible from Greenspring Avenue. A small portion of the existing temporary Rymland staff parking lot will be displaced by this addition, but will later be replaced by an underground parking garage as part of the Rymland expansion in phase 3B of the development plan.

The Reisterstown Park Heights Southern Team, the Levindale-Sunset Community Association, the Parklane Neighborhood Improvement Association, the Mt. Washington Improvement Association, the Cylburn Community Action Association, and the Cylburn Community Association have been notified of this action.

**Recommendation:** Approval

**6. MINOR AMENDMENT AND FINAL DESIGN APPROVAL/SOUTHSIDE MARKET PLACE – 855-857 EAST FORT AVENUE**

*(Rescheduled to July 8, 2010)*

**7. CITY COUNCIL BILL #10-0476/SALE OF PROPERTY – 2024 ETTING STREET**

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 2024 Etting Street (Block 0314, Lot 071). The City has agreed to sell the 2024 Etting Street property and the purchaser plans to rehabilitate the structure. There are two (2) neighboring City-owned properties (2026 and 2028 Etting Street) that the developer is also pursuing for rehabilitation and these may also require authorization to sell. Thus, staff recommends that these two properties be included in the sales legislation.

The Central District Police-Community Relations Council, Druid Heights Community Development Corporation, Inc., Upton Planning Committee, Inc., and the Pennsylvania Avenue Redevelopment Collaborative were notified about this action.

**Recommendation:** Amend and approve. Amend CCB #10-0476 to include the properties known as 2026 and 2028 Etting Street.

## CONSENT AGENDA

### 8. FINAL DESIGN APPROVAL/GOOD SAMARITAN HOSPITAL PUD SIGNAGE – 5601 LOCH RAVEN BOULEVARD

Ordinance #89-358, approved by the Mayor and City Council on July 6, 1989, established the Good Samaritan PUD. Since that time there have been two major amendments to the PUD and seven minor amendments and/or final design approvals for this PUD. The last three Planning Commission minor amendment/final design approvals were June 26, 2008, July 10, 2008, and November 20, 2008.

Good Samaritan Hospital, in order to update its signage, is now requesting final design approval for the following two signage proposals: 1) Remove the existing 96"X60" wide freestanding identification sign and replace with new 19 mm monochrome electronic message center identification sign to be located at the Loch Raven Boulevard entrance. Messages will be restricted to static with 10 second hold time and no animation or blinking content. 2) Remove current wall-mounted logo sign from the main building's Belvedere Avenue façade and install a new building sign 4' 8" high by 49' 6" long to the O'Neil building facade near the Belvedere/Loch Raven corner. The sign will be lit channel letters and logo box of plastic faces with aluminum backing. These changes essentially entail switching out the old signage for the new updated signage. This requested action is consistent with the previously approvals by the Planning Commission. As such, staff is supportive of this request.

**Recommendation:** Approval.

### 9. FINAL DESIGN APPROVAL/BALTIMORE TRAVEL PLAZA PUD SIGNAGE – 5501 O'DONNELL STREET CUT-OFF

On May 8, 2003, members of the Planning Commission granted a Final Design Approval to a service building, truck scales, and revised pump islands within the Baltimore Travel Plaza PUD. At that time, signage was reviewed in two parts: service building signage, which was approved, and site directional signage, which was not. Staff recommended that the site directional signage be generic in nature, not to be used for general advertising space, and much smaller in scale. The developer is now returning for approval of their site directional signage plans and Freestanding sign which has the Buckhorn restaurant, subway and diesel price signs. It is basically changing the faces of the signs for the new tenants and removing old signs that are no more needed which reduces the sign messages and reducing the square footage of the signs, which conform to staff's previous recommendation. As such, staff is supportive of the request.

**Recommendation:** Approval.

**10. FINAL DESIGN APPROVAL/HARBORPOINT PUD – 803 SOUTH CAROLINE STREET – BLACK OLIVE INN SIGNAGE**

On March 6, 2008, members of the Planning Commission granted a Final Design Approval of the PUD. The owners of the Black Olive Inn propose installing two face-lit cabinet wall mounted signs on the Caroline Street façade of their soon-to-be-completed building. The first is a 2'-0" high x 18'-0" sign to be located over the first floor entrance. The second is a 6'-0" high x 8'-2" oval shaped sign to be placed at the top story of the façade to highlight the location of the top floor restaurant space. Staff architects have reviewed the designs of both signs and their proposed locations. The designs were also presented to the Fells Point Design Review Committee and CHAP staff as the building is located within the Fells Point local historic district.

**Recommendation:** Approval

**11. CITY COUNCIL BILL #10-0507/CITY PROPERTY – GRANT OF EASEMENT – PORTION OF 2201 WEST COLD SPRING LANE**

*(Rescheduled to a later date)*

**12. CITY COUNCIL BILL #10-0508/CITY STREETS – CLOSING – IVYMOUNT ROAD**

For the purpose of condemning and closing Ivymount Road, extending from the westernmost extremity thereof, Easterly 90.0 feet, more or less, as shown on Plat 349-A-25A in the Office of the Department of General Services; and providing for a special effective date.

On January 10, 2001, the Planning Commission approved the closing of Ivymount Road. At the end of Ivymount are a green area and a stream. People have been dumping trash in this area, creating a problem for the neighbors. The portion of Ivymount to be closed will become a fenced part of the Friedman's back yard. This gives the family more open space and hopefully, will prevent the dumping problem. This legislation is the third step in a four step process that is required to dispose of surplus right-of-way property. This request is consistent with the previous Planning Commission action, and staff remains in full support.

**Recommendation:** Approval

**13. CITY COUNCIL BILL #10-0509/SALE OF PROPERTY – IVYMOUNT ROAD**

For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as the former bed of Ivymount Road, extending from the westernmost extremity thereof, Easterly 90.0 feet, more or less, and no longer needed for public use; and providing for a special effective date.

On January 10, 2001, the Planning Commission approved the closing of Ivymount Road. At the end of Ivymount are a green area and a stream. People have been dumping trash in this area, creating a problem for the neighbors. The portion of Ivymount to be closed will become a fenced part of the Friedman's back yard. This gives the family more open space



and hopefully, will prevent the dumping problem. City Council Bill #10-0509 is the required legislation that will allow the City to dispose of the aforementioned right-of-way, which is no longer needed for public purposes. This legislation is the final step in a four step process that is required to dispose of surplus right-of-way property. This action request is consistent with the previous Planning Commission action, and staff remains in full support.

**Recommendation:** Approval

**14. CITY COUNCIL BILL #10-0510/CITY STREETS – CLOSING – A PORTION OF GREENSPRING AVENUE**

For the purpose of condemning and closing a portion of Greenspring Avenue, extending from Northern Parkway, Southeasterly 949.2 feet, more or less, as shown on Plat 266-A-24E in the Office of the Department of General Services; and providing for a special effective date.

On September 3, 2009, the Planning Commission reviewed and approved the closing of a portion of Greenspring Ave. Staff has reviewed CCB #10-0510 to close the subject street and finds that the street is no longer needed for public purposes, can be declared surplus right-of-way, closed and sold. CCB #10-0510 is the required legislation that is needed to formally close a portion of Greenspring Avenue. This legislation is the third step in a four step process that is required to dispose of surplus right-of-way property. This request is consistent with the previous Planning Commission action, and staff remains in full support.

**Recommendation:** Approval

**15. CITY COUNCIL BILL #10-0511/SALE OF PROPERTY – PORTION OF THE FORMER BED OF GREENSPRING AVENUE**

FOR the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as a portion of the former bed of Greenspring Avenue and no longer needed for public use; and providing for a special effective date.

On September 3, 2009, the Planning Commission reviewed and approved the closing of a portion of Greenspring Avenue. City Council Bill #10-0511 is the required legislation that will allow the City to dispose of the aforementioned right-of-way, which is no longer needed for public purposes. This legislation is the final step in a four step process that is required to dispose of surplus right-of-way property. This action request is consistent with the previous Planning Commission action, and staff remains in full support.

**Recommendation:** Approval

**16. CITY COUNCIL BILL #10-0512/CITY STREETS CLOSING – MCELDERRY STREET**

For the purpose of condemning and closing McElderry Street, extending from the west side of Dean Street, Westerly 592.5 feet, more or less, to the east side of a 15-foot alley, laid out in the rear of the properties known as Nos. 401 through 645 N. Highland Avenue, as shown on Plat 212-A-18A in the Office of the Department of General Services; and

providing for a special effective date.

On September 25, 2008, the Planning Commission approved the closing of a portion of McElderry Street. This portion of McElderry allows for access between the two areas. Traffic from Schuster Concrete enters down Dean Street or off of Monument Street. The applicant currently has to deal with vandalism and criminal activity along this portion of McElderry Street. Applicant plans to fence off the western portion of the proposed street closing and install gates on the eastern end which opens to Dean Street. CCB #10-0512 is the required legislation that is needed to formally close this portion of McElderry Street. This legislation is the third step in a four step process that is required to dispose of surplus right-of-way property. This request is consistent with the previous Planning Commission action, and staff remains in full support

**Recommendation:** Approval

**17. CITY COUNCIL BILL #10-0513/SALE OF PROPERTY – FORMER BED OF MCELDERRY STREET**

For the purpose of authorizing the Mayor and City Council of Baltimore to sell, at either public or private sale, all its interest in a certain parcel of land known as the former bed of McElderry Street and no longer needed for public use; and providing for a special effective date.

On September 25, 2008, the Planning Commission approved the closing of a portion of McElderry Street. This portion of McElderry allows for access between the two areas. Traffic from Schuster Concrete enters down Dean Street or off of Monument Street. The applicant currently has to deal with vandalism and criminal activity along this portion of McElderry Street. Applicant plans to fence off the western portion of the proposed street closing and install gates on the eastern end which opens to Dean Street. City Council Bill #10-0513 is the required legislation that will allow the City to dispose of the aforementioned right-of-way, which is no longer needed for public purposes. This legislation is the final step in a four step process that is required to dispose of surplus right-of-way property. This action request is consistent with the previous Planning Commission action, and staff remains in full support.

**Recommendation:** Approval

## PLANNING COMMISSION

### STAFF REPORT

September 25, 2008

**REQUEST:** Street Closing/McElderry Street – Between North Dean Street And North Highland Avenue

**RECOMMENDATION:** Approval subject to compliance with Department of Public Works requirements.

**STAFF:** Kenneth Hranicky

**PETITIONER:** McElderry Street, LLC., Represented by Douglas Silber, Esq.

**OWNER:** Mayor and City Council of Baltimore

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

Site Conditions: The requested street closing is a portion of McElderry that runs between North Dean Street and a 15 foot alley located east of North Highland Avenue. This portion of McElderry is 50 feet in width and is approximately 592 feet long.

General Area: The proposed street closing is located in the Ellwood Park/Monument neighborhood. The area to the south and east is predominantly light industrial. To the west are rowhouses. The surrounding area is zoned M-3.

#### **HISTORY**

- There have been no prior Planning Commission actions regarding this site.

#### **CONFORMITY TO PLANS**

The street closing complies with the Comprehensive Master Plan's Earn Section, Goal 1, Objective 1: Retain and Attract Businesses in all Growth Sectors.

#### **ANALYSIS**

McElderry Street, LLC., has requested the street closing. Applicant owns the property bordering the proposed street closing. Schuster Concrete operates out of this location as a concrete batch plant and storage yard. Schuster Concrete employs approximately thirty people with about three fourths being city residents. This portion of McElderry allows for access between the two areas. Traffic from Schuster Concrete enters down Dean Street or off of Monument Street. The applicant currently has to deal with vandalism and criminal activity along this portion of McElderry Street. Applicant plans to fence off the western portion of the proposed street closing and install gates on the eastern end which opens to Dean Street.

It is staff's opinion that this portion of McElderry Street is not needed to provide access to adjacent properties and that it can be closed, declared surplus right-of-way, and be disposed.

The Eastern Community Action Center, Eastern District Police-Community Relations Council, Ellwood Park Improvement Association, Inc. McElderry Park community Association, Inc., Presidents Council of Southeast Baltimore, and Southeast Community Development Corporation have been notified of this action.



**Gary W. Cole**  
**Acting Director**