


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #09-0364/SALE OF PROPERTIES- 3322 ½ -3328 ½ WOODLAND AVENUE, 3400-3404 WOODLAND AVENUE, 4410 PALL MALL ROAD, AND 4309-4311 PIMLICO ROAD, AND 4500-4504 PIMLICO ROAD		

TO

DATE:
August 11, 2009

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 August 6, 2009 the Planning Commission considered City Council Bill #09-0364, which is for the purpose of authorizing the Mayor and City Council of Baltimore to sell seven properties known as the “Byrd properties” acquired by HCD at foreclosures auction. Five properties included in the Ordinance are located in Park Heights Urban Renewal and Master Plan Area. The remaining two properties are located in an area outside of the Park Heights Urban Renewal and Master Plan Area. In order to provide HUD with a documented and uniform disposition process, HCD is seeking sales ordinances for all of the Byrd properties under its control. It is believe that this approach, while duplicative of the Park Heights Urban Renewal Plan, will place the City in a more effective long-term position to obtain HUD approvals.

In its consideration of this Bill, the Planning Commission reviewed the attached agenda, summary, previous staff report which recommended approval of City Council Bill #09-0364 and adopted the following resolution, nine members being present (nine in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #09-0364 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
- Mr. Demuane Millard, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable “Rikki” Spector, City Council Commission Representative
- Ms. Nikol Nabors-Jackson, DHCD
- Mr. Larry Greene, Council Services
- Ms. Marcia Collins, DPW
- Mr. Paul Barnes, DPW
- Mr. Walter Horton, Department of Real Estate



*Sheila Dixon
Mayor*

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

AGENDA

August 6, 2009 – #1780

Working Session – 12:00 p.m.

Regular Session – 1:30 p.m.



*Thomas J. Stosur
Director*

1. **ROLL CALL**
2. **APPROVAL OF MINUTES**
3. **BALTIMORE CITY LANDMARK DESIGNATION/MAYFAIR THEATER – 506 NORTH HOWARD STREET (Eleventh District)**

BALTIMORE CITY LANDMARK DESIGNATION/HOTEL BUILDING – 300 W. FRANKLIN STREET (Eleventh District)
4. **MULTIPLE STRUCTURES ON A SINGLE LOT/1301 COVINGTON STREET (Tenth District)**
5. **CITY COUNCIL BILL #09-0350/ZONING – CONDITIONAL USE PARKING, OPEN OFF-STREET AREA – THE PROPERTIES TO BE KNOWN AS 1731 NORTH GAY STREET (BLOCK 1462, LOT 1) AND 1650 NORTH PATTERSON PARK AVENUE (BLOCK 1462, LOT 20A) (President Rawlings Blake – Administration)**
For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of an open off-street area on the properties to be known as 1731 North Gay Street (Block 1462, Lot 1) and 1650 North Patterson Park Avenue (Block 1462, Lot 20A), as outlined in red on the accompanying plat. (Twelfth District)
6. **CITY COUNCIL BILL #09-0366/ZONING – NONCOMPLYING ROWHOUSES – EXPANSIONS (President Rawlings Blake – Administration)**
For the purpose of authorizing certain expansions of noncomplying attached or semi-detached dwellings; establishing procedures and standards for the review, approval, and disapproval of applications for expansion; authorizing the imposition of conditions on the approval of an expansion; requiring compliance with those conditions; providing for a special effective date; and generally relating to noncomplying attached or semi-detached dwellings. (Citywide)
7. **CITY COUNCIL BILL #09-0371/URBAN RENEWAL AMENDMENT – PARK HEIGHTS (Rochelle 'Rikki' Spector, Sharon Green Middleton)**
For the purpose of amending the Urban Renewal Plan for Park Heights to create a new disposition lot, to amend Appendix A to add certain properties for clearance and

redevelopment, to amend Appendix B to add the new disposition lot, and to revise certain exhibits to reflect the changes in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date. (Fifth District and Sixth Districts)

8. **CITY COUNCIL BILL #09-0372/PLANNED UNIT DEVELOPMENT – DESIGNATION – UNION MILL** (Council Member Belinda K. Conaway)
For the purpose of approving the application of Seawall Union Ave, LLC, contract purchaser of certain property located at 1500 Union Avenue, to have that property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant. (Seventh District)

CONSENT AGENDA

9. **CITY COUNCIL BILL #09-0357/BALTIMORE CITY LANDMARK LIST – ANN WIGGINS BROWN HOUSE** (President Rawlings Blake – Administration)
For the purpose of designating the Ann Wiggins Brown House, 1501 Presstman Street, as a historical landmark. (Seventh District)
10. **CITY COUNCIL BILL #09-0358/BALTIMORE CITY LANDMARK LIST – KRESGE BUILDING** (President Rawlings Blake – Administration)
For the purpose of designating the Kresge Building, 117 West Lexington Street, as a historical landmark. (Seventh District)
11. **CITY COUNCIL BILL #09-0359/BALTIMORE CITY LANDMARK LIST – SELLERS MANSION** (President Rawlings Blake – Administration)
For the purpose of designating the Sellers Mansion, 801 Arlington Avenue, as a historical landmark. (Eleventh District)
12. **CITY COUNCIL BILL #09-0360/CITY STREETS – CLOSING – TWO PORTIONS OF PENN STREET** (President Rawlings Blake – Administration)
For the purpose of condemning and closing (1) a portion of Penn Street, extending from Lombard Street, North 02° 49' 40" West 346.42 feet to Redwood Street and (2) a portion of Penn Street at a point on the east side thereof, distant North 02° 49' 40" West 107.33 feet from the north side of Lombard Street and extending North 02° 49' 40" West 239.09 feet, as shown on Plat 184-A-23A in the Office of the Department of Public Works; and providing for a special effective date. (Eleventh District)
13. **CITY COUNCIL BILL #09-0361/SALE OF PROPERTY – THE FORMER BEDS OF TWO PORTIONS OF PENN 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 parcels of land known as the former beds of two portions of Penn Street and no longer needed for public use; and providing for a special effective date. (Eleventh District)

14. CITY COUNCIL BILL #09-0362/CITY STREETS – CLOSING – CERTAIN STREETS LYING WITHIN THE UPLANDS APARTMENT COMPLEX AND BOUNDED BY EDMONDSON AVENUE, ATHOL AVENUE, PEN-LUCY ROAD, AND UPLANDS PARKWAY (President Rawlings Blake – Administration)

For the purpose of condemning and closing certain streets lying within the Uplands Apartment Complex and bounded by Edmondson Avenue, Athol Avenue, Pen-Lucy Road, and Uplands Parkway, as shown on Plat 342-A-13A in the Office of the Department of Public Works; and providing for a special effective date. (Eighth District)

15. CITY COUNCIL BILL #09-0363/SALE OF PROPERTY – THE FORMER BEDS OF CERTAIN STREETS LYING WITHIN THE UPLANDS APARTMENT COMPLEX AND BOUNDED BY EDMONDSON AVENUE, ATHOL AVENUE, PEN-LUCY ROAD AND UPLANDS PARKWAY (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 parcels of land known as the former beds of certain streets lying within the Uplands Apartment Complex and bounded by Edmondson Avenue, Athol Avenue, Pen-Lucy Road and Uplands Parkway and no longer needed for public use; and providing for a special effective date. (Eighth District)

16. CITY COUNCIL BILL #09-0364/SALE OF PROPERTIES – 3322½-3328½ WOODLAND AVENUE, 3400-3404 WOODLAND AVENUE, 4410 PALL MALL ROAD, AND 4309-4311 PIMLICO ROAD, AND 4500-4504 PIMLICO ROAD (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 properties known as 3322½-3328½ Woodland Avenue, 3400-3404 Woodland Avenue, 4410 Pall Mall Road, 4309-4311 Pimlico Road, and 4500-4504 Pimlico Road and are no longer needed for public use; and providing for a special effective date. (Sixth District)

17. 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.



Sheila Dixon
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman



Thomas J. Stosur
Director

SUMMARY

August 6, 2009

3. BALTIMORE CITY LANDMARK DESIGNATION/MAYFAIR THEATER – 506 NORTH HOWARD STREET

On March 10, 2009, the Commission for Historical and Architectural Preservation recommended Baltimore City Landmark Designation for the Mayfair Theater and the Hotel Building. The Mayfair Theater has been found to meet CHAP Landmark Designation Criteria #1 and #4 for landmark designation.

BALTIMORE CITY LANDMARK DESIGNATION/HOTEL BUILDING – 300 W. FRANKLIN STREET

On March 10, 2009, the Commission for Historical and Architectural Preservation recommended Baltimore City Landmark Designation for the Mayfair Theater and the Hotel Building. The Academy Hotel Building has been found to meet CHAP Landmark criteria #1, #4, and #5 for landmark designation.

This is the second public hearing for these two Baltimore City landmark designation properties. These properties were reviewed and approved by the CHAP Commission on March 10, 2009. After the Planning Commission renders an affirmative decision on the designation, it will then go to the City Council for introduction by the administration.

In advance of a hearing on this matter, staff notified the following groups: Preservation Maryland, Baltimore Heritage Area, Downtown Partnership of Baltimore, Inc., Market Center Merchants Association, Mt. Vernon Cultural District, Mt. Vernon-Belvedere Association, Seton Hill Organizations Together, and the Baltimore Development Corporation.

Recommendations: Approval, with the recommendation that upon the passage of Baltimore City Landmark Designation legislation by the Mayor and City Council, the Special List designation on the subject property be removed by the Commission for Historic and Architectural Preservation for the:

- Baltimore City Landmark Designation/Mayfair Theater - 506 North Howard Street; and
- Baltimore City Landmark Designation/Hotel Building - 300 West Franklin Street

4. MULTIPLE STRUCTURES ON A SINGLE LOT/1301 COVINGTON STREET

Federal Place Townhomes is a project that was originally approved in 2005 as a 49 unit 'in-fee' townhome project on 2.291 acres. There are 26 townhome units located along the west side of the project with many being sold and others still available for sale. Due to the change

in housing market conditions, the 23 townhome units that were to be located on this site were never constructed.

The current owner of the property proposes to revise the proposed architecture for the east side of the project from individual townhome units to townhouse condominiums with each townhouse containing 3 dwelling units. The proposed residential units will consist of 2 buildings with a maximum of 4 stories with a penthouse for roof deck access. The building on Jackson Street will have 16 units and the building fronting Federal Place will have 18 units. The total number of proposed units in the 2 buildings will be 34, as compared to the previously approved 23 individual units. As part of the proposed change, the owner is pursuing the consolidation of the individual building lots that were established on the east side of the development.

The Federal Hill South Neighborhood Association and the Riverside Neighborhood Association have been notified of this action.

Recommendation: Approval

5. CITY COUNCIL BILL #09-0350/ZONING – CONDITIONAL USE PARKING, OPEN OFF-STREET AREA – THE PROPERTIES TO BE KNOWN AS 1731 NORTH GAY STREET (BLOCK 1462, LOT 1) AND 1650 NORTH PATTERSON PARK AVENUE (BLOCK 1462, LOT 20A)

This bill is the required ordinance needed to formally establish the properties within Block 1462, with the exception of Lot 020A (1650 Patterson Park Avenue – Highway to Heaven Apostolic Faith Church) as an off street parking lot. These properties are split zoned, B-3-2 and R-8. The R-8 portion of the property requires this conditional use ordinance to establish the open off-street parking lot use.

Once these properties have been consolidated, the development proposal will entail constructing an 82 space parking lot for Humanim. Humanim is a non-profit organization that provides services to the disable. This organization has renovated the American Brewery building and will use it as its new office space. The parking lot will be owned by the Mayor and City Council and will be leased to Humanim. The church will have access to the parking lots on the weekends and evenings.

Staff notified Broadway East Community Association, East Baltimore Community Corporation, Inc., Historic East Baltimore Community Action Coalition, Inc., and City Council Representative of this action.

Recommendation: Approval

6. CITY COUNCIL BILL #09-0366/ZONING – NONCOMPLYING ROWHOUSES – EXPANSIONS

This bill will amend Title 13, Section 5 of the Zoning Code to provide for an expanded scope, and to provide for a new §13-507 that will govern expansions of noncomplying attached or semi-detached dwellings. Under the present law, it is difficult to modify noncomplying structures, as a hearing before the Board of Municipal and Zoning Appeals (BMZA) is required. Many of these noncomplying structures are created simply because the lots are narrower than sixteen feet wide, violating the requirement of §3-303, but would

otherwise comply with the requirements of the Zoning Code. This bill would create an administrative approval process for minor additions that will be reviewed by the Director of Planning, with the potential for binding conditions of approval. This review will include design review to ensure compatibility with the surrounding neighborhood context.

Staff sent notification of this action and a copy of the bill to all City Council members, as well as 271 community organizations City-wide.

Recommendation: Approval

7. CITY COUNCIL BILL #09-0371/URBAN RENEWAL AMENDMENT – PARK HEIGHTS

In 2008, the State of Maryland issued a Request for Proposals (RFP) for approximately 25,000 square feet of office space on at least 4-6 acres of land in Baltimore City to be occupied by the Maryland Department of Transportation's Motor Vehicle Administration (MVA). The RFP was awarded to a development entity comprised of the A&R Development Corporation and the owners of the Hilltop Shopping Center. The proposed new site will replace the MVA's current Baltimore City location at Mondawmin Mall, which they must vacate by May 2011.

The redevelopment of the Hilltop Shopping Center consists of two main components: creation of new office space for the MVA and refurbishment of the existing strip retail center. MVA's new location will be a full service facility, including two driver test courses and over 350 parking spaces. Rehabilitation of the existing strip center will take advantage of the increased site traffic and is expected to bring in a higher quality tenant mix. The team has prepared a site development plan and has already begun preliminary design work on the project.

The footprint required to accommodate the proposed development program is greater than the area currently controlled by the development team, despite their efforts to acquire the needed properties through negotiation. As such, acquisition and disposition authority is being sought for the following parcels: 4041 and 4045 Lewiston Avenue; and 5339, 5341, 5343, 5345 and a rear portion of 5403 Reisterstown Road. A final parcel listed in the bill is 4025 West Rogers Avenue, which is improved with a commercial structure. That property was very recently acquired through auction by the owners of the Hilltop Shopping Center. Thus, acquisition and disposition authority is no longer needed for this particular parcel, and an amendment is proposed to strike it from the list of properties included in the bill.

In advance of a hearing on this matter, staff notified all of the affected property owners and the following community groups: Woodmere Neighborhood Association, Hilltop 4100 Association, Park Heights Renaissance, Inc., and the Reisterstown Road Merchants Coalition.

Recommendation: Approval with amendments, as listed in staff report

8. CITY COUNCIL BILL #09-0372/PLANNED UNIT DEVELOPMENT – DESIGNATION – UNION MILL

1500-1620 Union Avenue is a former warehouse and assembly space last used by Life-Like Products, which made model train parts and accessories. The applicants are proposing to

establish an Industrial Planned Unit Development (PUD) that will allow for the renovation of this historically significant ±86,000 sf industrial building that was built in 1866, and later expanded in 1872. The renovations will provide for 54 one- and two-bedroom apartments and ±36,000 sf of office space. The non-residential portion of the building will be mostly office space for non-profit organizations, with potential for a 6,000 sf restaurant or other retail/service use. The apartments will be marketed to new teachers, as with their recent development at Miller's Court. Non-historic minor concrete block and sheet metal additions will be removed. The parking lot is now under lease by Pepsi for the storage of trailers, but this lease will end October 31, 2010. The southern three-story wing of the building that faces Union Avenue will be developed for the 54 apartments. The northern two-story wing and the one-story connecting wing that faces Buena Vista Avenue will be developed as office space for non-profit organizations. The Boiler Building will most likely be developed as supporting retail space, with perhaps a café or restaurant to serve the tenants of this building.

Recommendation: Amendment and approval, with the following amendment: That the development plan is revised to more clearly show the placement of the proposed signage by type and location.

CONSENT AGENDA

9. CITY COUNCIL BILL #09-0357/BALTIMORE CITY LANDMARK LIST – ANN WIGGINS BROWN HOUSE

On May 13, 2008, members of the Commission for Historical and Architectural Preservation (CHAP) recommended approval of landmark designation for the Ann Wiggins Brown House, located at 1501 Presstman Street. On June 26, 2008, the Planning Commission also recommended approval of landmark designation for the property. This was based on the finding that the Brown House meets CHAP criteria #2 for Baltimore City landmark designation. Passage of City Council Bill #09-0357 is the final needed action to confer landmark status on the property. The request is consistent with past actions on the property.

Recommendation: Approval

10. CITY COUNCIL BILL #09-0358/BALTIMORE CITY LANDMARK LIST – KRESGE BUILDING

On September 9, 2008, members of the Commission for Historical and Architectural Preservation (CHAP) recommended approval of landmark designation for the Kresge Building, located at 117 West Lexington Street. On January 22, 2009, the Planning Commission also recommended approval of landmark designation for the property. This was based on the finding that the Kresge Building meets CHAP criteria #4 for Baltimore City landmark designation. Passage of City Council Bill #09-0358 is the final needed action to confer landmark status on the property. The request is consistent with past actions on the property.

Recommendation: Approval

11. CITY COUNCIL BILL #09-0359/BALTIMORE CITY LANDMARK LIST – SELLERS MANSION

On July 10, 2008, members of the Commission for Historical and Architectural Preservation (CHAP) recommended approval of landmark designation for the Sellers Mansion, located at 801 North Arlington Avenue. On January 22, 2009, the Planning Commission also recommended approval of landmark designation for the property. This was based on the finding that the Sellers Mansion meets CHAP criteria #1, #2, and #4 for Baltimore City landmark designation. Passage of City Council Bill #09-0359 is the final needed action to confer landmark status on the property. The request is consistent with past actions on the property.

Recommendation: Approval

12. CITY COUNCIL BILL #09-0360/CITY STREETS – CLOSING – TWO PORTIONS OF PENN STREET

On May 14, 2009, members of the Planning Commission recommended approval of a street closing for portions of Penn Street, just north of Lombard Street. The street closings were requested by the University of Maryland Medical System in conjunction with a planned expansion of its Shock Trauma facility. City Council Bill #09-0360 is the second in a multi-stop process for closing a public street, and the legislation is found to be consistent with past Planning Commission actions on the matter.

Recommendation: Approval

13. CITY COUNCIL BILL #09-0361/SALE OF PROPERTY – THE FORMER BEDS OF TWO PORTIONS OF PENN STREET

On May 14, 2009, members of the Planning Commission recommended approval of a street closing for portions of Penn Street, just north of Lombard Street. The street closings were requested by the University of Maryland Medical System in conjunction with a planned expansion of its Shock Trauma facility. City Council Bill #09-0361 is the final step in a multi-stop process for closing a public street, and the legislation is found to be consistent with past Planning Commission actions on the matter.

Recommendation: Approval

14. CITY COUNCIL BILL #09-0362/CITY STREETS – CLOSING – CERTAIN STREETS LYING WITHIN THE UPLANDS APARTMENT COMPLEX AND BOUNDED BY EDMONDSON AVENUE, ATHOL AVENUE, PEN-LUCY ROAD, AND UPLANDS PARKWAY

On April 30, 2009, members of the Planning Commission recommended approval of five separate actions related to the Uplands Redevelopment Project, including an Urban Renewal Plan amendment, multiple rezoning, Planned Unit Development designation, multiple street closings, and a Final Subdivision and Preliminary Development Plan. The street closing request was made in order to close the majority of streets and right-of-ways within the development area, so that they could be consolidated with adjacent parcels. The request was presented in tandem with the Final Subdivision and Preliminary Development Plan, which is the needed mechanism to dedicate newly proposed right-of-ways and to create a new network of streets within the area. City Council Bill #09-0362 is the second in a multi-step

process for closing a public street, and the legislation is found to be consistent with past Planning Commission actions on the matter.

Recommendation: Approval

15. CITY COUNCIL BILL #09-0363/SALE OF PROPERTY – THE FORMER BEDS OF CERTAIN STREETS LYING WITHIN THE UPLANDS APARTMENT COMPLEX AND BOUNDED BY EDMONDSON AVENUE, ATHOL AVENUE, PEN-LUCY ROAD AND UPLANDS PARKWAY

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Recommendation: Approval

16. CITY COUNCIL BILL #09-0364/SALE OF PROPERTIES – 3322½-3328½ WOODLAND AVENUE, 3400-3404 WOODLAND AVENUE, 4410 PALL MALL ROAD, AND 4309-4311 PIMLICO ROAD, AND 4500-4504 PIMLICO ROAD

City Council Bill 09-0364 authorizes the Mayor and City Council to sell five of the seven properties known as the “Byrd properties” acquired by HCD at foreclosure auction. Five properties included in the Ordinance are located in Park Heights Urban Renewal and Master Plan Area. In order to provide HUD with a documented and uniform disposition process, HCD is seeking sales ordinances for all of the Byrd properties under its control. It is believed that this approach, while duplicative of the Park Heights Urban Renewal Plan, will place the City in a more effective long-term position to obtain HUD approvals.

The remaining two properties are located in an area outside of the Park Heights Urban Renewal and Master Plan Area. The DHCD will seek a separate ordinance to dispose of these properties.

Recommendation: Approval