


TJS

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CCB #12-0038 / ZONING-CONDITIONAL USE CONVALESCENT, NURSING, AND REST HOME (SUBSTANCE ABUSE TREATMENT CENTER) – 4613 PARK HEIGHTS AVENUE		

DATE: March 23, 2012

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

At its regular meeting of March 22, 2012, the Planning Commission considered City Council Bill #12-0038, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (substance abuse treatment center) on the property known as 4613 Park Heights Avenue, as outlined in red on the accompanying plat.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #12-0038 and adopted the following resolution; six members being present (six in favor).

**RESOLVED**, That the Planning Commission concurs with the recommendation of its departmental staff, as amended, and recommends that City Council Bill #12-0038 be amended and passed by the City Council with the following amendments:

- That the site plan complies with the requirements of the Site Plan Review Committee,
- That the elevations are approved by the Department of Planning, and
- That on the first page of the bill, lines 20 and 21 are amended as follows:  
 20 conform to the site plan ~~known as Exhibit A that is attached to and made part of this~~  
 21 ~~Ordinance~~ **APPROVED BY THE SITE PLAN REVIEW COMMITTEE, AND THE**  
**BUILDING ELEVATIONS APPROVED BY THE DEPARTMENT OF PLANNING.**

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: Ms. Kaliope Parthemos, Deputy Mayor  
 Mr. Peter O'Malley, Chief of Staff  
 Ms. Angela Gibson, Mayor's Office  
 The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission  
 Mr. David Tanner, BMZA  
 Mr. Geoffrey Veale, Zoning Administration  
 Mr. Nicholas Blendy, DHCD  
 Ms. Barbara Zektick, DOT  
 Ms. Elena DiPietro, Law Dept.  
 Ms. Karen Randle, Council Services  
 Mr. Stanley S. Fine, Attorney for Applicant



Stephanie Rawlings-Blake  
Mayor

## PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

March 22, 2012

**REQUEST:** City Council Bill #12-0038/ Zoning – Conditional Use Convalescent, Nursing, and Rest Home (Substance Abuse Treatment Center) – 4613 Park Heights Avenue:

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a convalescent, nursing, and rest home (substance abuse treatment center) on the property known as 4613 Park Heights Avenue, as outlined in red on the accompanying plat.

**RECOMMENDATION:** Amendment and Approval, with the following amendments:

- That the site plan complies with the requirements of the Site Plan Review Committee,
- That the elevations are approved by the Department of Planning, and
- That the approved site plan and elevations are attached to the bill, and become part of the legislation.

**STAFF:** Eric Tiso

**PETITIONER(S):** Gaudenzia Foundation, Inc. c/o Stanley S. Fine,  
Rosenberg | Martin | Greenberg, LLP

**OWNER:** Gaudenzia, Inc.

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

**Site Conditions:** 4613 Park Heights Avenue is located on the east side of the street, approximately 139' north of the intersection with Sumter Avenue. This property contains 0.556± acres of land and is currently unimproved. This site is zoned R-6 and is located within the Park Heights Urban Renewal Plan area. The adjacent property to the north is also owned by Gaudenzia, and is currently improved with a building that has an existing Substance Abuse Treatment Center for men. The Derrick C. Jones Funeral Home is located immediately adjacent to the south, and the Saint Ambrose School is located to the west across Park Heights Avenue.

**General Area:** This site is located at the transition of a primarily residential area and a commercial district. The residential neighborhood consists of semi-detached and attached homes. The commercial area is immediately to the south, with smaller attached buildings, and a more focused node at the intersection of Park Heights Avenue and West Cold Spring Lane.

## HISTORY

- This site is located within the Park Heights Urban Renewal Plan (URP), which was established by Ordinance #08-158, dated December 11, 2008.
- The Park Heights Urban Renewal Plan was amended by Ordinance #11-450, dated May 26, 2011. The principal purposes of the amendment included the reauthorization of the acquisition authority of the plan through December 31, 2014, and to remove certain properties from the acquisition lists in the URP document, along with other technical corrections.

## CONFORMITY TO PLANS

This proposal conforms to the general intent of the City's Comprehensive Master Plan's LIVE section, Goal 1: Build Human and Social Capital by Strengthening; Neighborhoods, Objective 1: Expand Housing Choices for all Residents, specifically, "Ensure that at least 300 more housing units per year are affordable to seniors, people with disabilities, low- and fixed income households."

## ANALYSIS

Project: This proposal is to construct a three-story building (38,370 sqft) for women and their children that are currently being served by the program in the existing building on the adjacent 4615 Park Heights Avenue. The first floor of the proposed building will house the Family Services and Reunification Program, and expects to serve perhaps 20 women at a time in their recovery from substance abuse. The women and their children will also be served through case management, counseling, life skills and parenting classes, as well as a day care center and preschool for about 70 children. The second and third floors will have 18 dwelling units for women who have successfully graduated from recovery programs, along with their children.

Conditional Use: Per §16-304 of the Baltimore City Zoning Code (BCZC), the City Council needs to make certain findings in order to approve a conditional use:

- (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.

Further, there are additional considerations under §14-205:

(a) In general.

As a further guide to its decision on the facts of each case, the Board must consider the following, where appropriate:

- (1) the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading;
- (3) the nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
- (4) the proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- (5) accessibility of the premises for fire and police protection;
- (6) accessibility of light and air to the premises and to the property in the vicinity;

- (7) the type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- (8) the preservation of cultural and historic landmarks;
- (9) the provisions of the City Master Plan;
- (10) the provisions of any applicable Urban Renewal Plan;
- (11) all applicable standards and requirements of this article;
- (12) the intent and purpose stated in § 1-401 ("Purposes of article") of this article; and
- (13) any other matters considered to be in the interest of the general welfare.

The applicant has provided a summary of their rationale for the conditional use. Staff has reviewed this summary and finds it reasonable, though we note that the memo incorrectly states that the site is not within an Urban Renewal Plan area – it is. A copy is attached for the Planning Commission's review. For that reason, staff recommends approval of the conditional use, subject to the amendments outlined above.

Variations: As per §15-101 of the zoning code, the Mayor and City Council may grant variances as part of an ordinance authorizing or amending a conditional use. This project as proposed will require that the City Council grant variances (as outlined on the plans) for off-street parking, setbacks, lot area and coverage requirements, and floor area ratio, specifically:

1. An interior side yard setback of 5' in lieu of the required 15';
2. Lot Area of 24,401 sqft in lieu of the required 32,000 sqft;
3. Lot Area Coverage of 47% in lieu of the permitted 35%;
4. Floor Area Ratio of 1.57 in lieu of the permitted 1.0;
5. 15 vehicle parking spaces in lieu of the required 29; and
6. Side yard projection of 5' (to the property line) in lieu of the permitted 3'.

In order to approve these variances, the Mayor and City Council must make a finding of unnecessary hardship or practical difficulty (§15-218), and must make other specific required findings (§15-219). The applicant has provided a summary of their justification for the variances sought. Staff has reviewed this summary and finds it reasonable. For that reason, staff recommends approval of the specific variances requested.

Site Plan Review Committee (SPRC): The SPRC reviewed this project on November 23, 2011 and approved this project on March 20, 2012. The existing curb cut will be closed and relocated to the south of the proposed building in order to construct a new driveway that will lead to the rear yard area for trash service and loading for both buildings (4613 and 4615 Park Heights Avenue). The area of the driveway that will be removed will then be landscaped, and a portion of that area will be incorporated into a play lot for the day care center and preschool.

Community Input: The following community organizations have been notified of this action: The Development Corporation of Northwest Baltimore (TDC), Fellowship Outreach Corporation, Inc., Northwestern District Police-Community Relations Council, Park Heights Renaissance, Inc., and the Saint Ambrose Community Development Association.



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



**MEMORANDUM**

**TO: ERIC TISO**

**FROM: CAROLINE HECKER**

**SUBJECT: 4613 PARK HEIGHTS AVE. – VARIANCE AND CONDITIONAL USE STANDARDS**

**DATE: MARCH 20, 2012**

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**Proposed findings regarding the conditional use of 4613 Park Heights Ave. as a convalescent, nursing, and rest home:**

In order to approve the conditional use, the Board must consider the following factors where appropriate: (§ 14-205)

1. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The proposed site is ideal for the proposed Women's and Children's Center, as it is adjacent to Gaudenzia's men's facility at 4615 Park Heights Ave. The location of the two facilities next door to one another will permit efficient operations and provision of services to residents of both facilities.

2. The resulting traffic patterns and the adequacy of proposed off-street parking and loading;

The resulting traffic patterns and off-street parking and loading have been reviewed and approved by the Site Plan Review Committee, and the approved site plan will be incorporated by reference into the Ordinance.

3. The nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

The surrounding area is well suited for this development as it will compliment the adjacent men's facility and will provide important services for those in need.

4. The proximity of dwellings, churches, schools, public structures, and other places of public gathering;

The proposed facility will be adequately screened from adjacent homes and is not expected to interfere with or adversely affect any nearby places of public gathering.

5. Accessibility of the premises for fire and police protection;

The proposed facility has been reviewed and approved by the Site Plan Review Committee, which reviewed the accessibility of the premises for fire and police protection and approved the site plan.

6. Accessibility of light and air to the premises and to the property in the vicinity;

The proposed facility will not impede the accessibility of light and air to other property in the vicinity.

7. The type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;

Again, the proposed facility has been reviewed and approved by the Site Plan Review Committee, which reviewed these items and approved the site plan.

8. The preservation of cultural and historic landmarks;

Not applicable.

9. The provisions of the City Master Plan;

The proposed Women's and Children's Center is consistent with the City's LiveEarnPlayLearn Master Plan by providing housing alternatives for those recovering from substance abuse problems.

10. The provisions of any applicable Urban Renewal Plan;

Not applicable.

11. All applicable standards and requirements of this article;

Although certain variances are necessary to construct the proposed facility, the necessity for these variances is created by the unique size and shape of the property and these variances are the minimum necessary to afford relief.

12. The intent and purpose stated in § 1-401 of the Zoning Code;

The conditional use is in harmony with the purpose and intent of the Zoning Code, specifically the purpose of encouraging the most appropriate use of land in the City.

13. Any other matters considered to be in the general welfare.

The variances are in the public interest as demonstrated by the letters of support we have received from:

Senator Catherine Pugh  
Baltimore Substance Abuse Systems  
Health Care for the Homeless  
Recovery in the Community  
United Hope of Central Park Heights Avenue  
Park Heights Renaissance  
Park Heights Community Health Alliance  
Family & Children's Services of Central Maryland  
Mayor's Office of Human Services

**Proposed findings regarding the variances requested for 4613 Park Heights Ave.:**

In order to grant a variance, the City Council must find that, because of the particular physical surroundings, shape or topographic conditions of the specific structure or land involved, an unnecessary hardship or practical difficulty would result if the applicable requirement were carried out. (§ 15-218)

The existing property is unique by virtue of its size and shape, creating a practical difficulty in developing the lot. The subject property is long and narrow and, although it is larger than most of the other properties in the vicinity, it is too large to be developed as a single-family home, but too small to be developed for any viable multi-family use under the strict application of the bulk regulations of the R-6 Zoning District. It is ideally situated for the proposed Women & Children's facility, however, due to its location adjacent to Gaudenzia's men's facility at 4615 Park Heights Avenue. In order to develop the lot as proposed, however, variances to the interior side yard, lot area, lot coverage, floor area ratio, side yard projection, and off-street parking requirements of the R-6 District are required. All of the requested variances are within the Council's discretion to grant and are the minimum necessary to afford relief.

In order to grant a variance, the Council must also find that (§ 15-219):

1. The conditions on which the application is based are unique to the property for which the variance is sought and are not generally applicable to other property within the same zoning classification.

The large size and narrow shape of the lot are unique and are not applicable to other property in the vicinity of this site.

2. The unnecessary hardship or practical difficulty is caused by the Zoning Code and has not been created by the intentional action or inaction of any person who has a present interest in the property.

The practical difficulty is caused by the strict application of the Zoning Code due to the size and shape of the site.

3. The purpose of the variance is not based exclusively on a desire to increase the value or income potential of the property.

The purpose of the variances is to permit the development of this lot for use in connection with the adjacent property as a Women's and Children's Center, which is not calculated to create value or income potential for the property.

4. The variance will not be injurious to the use and enjoyment of other property in the immediate vicinity or substantially diminish and impair property values in the neighborhood.

The property is adjacent to another Gaudenzia facility at 4615 Park Heights Avenue on the north and the Darrick C. Jones Funeral Home on the south, neither of which will be adversely impacted by the requested variances. In addition, a fence is proposed along the 20' alley on the east side of the property, which will screen the site from the homes to the east.

5. The variance will not impair an adequate supply of light and air to adjacent property, overcrowd the land, create an undue concentration of population, substantially increase the congestion of the streets, create hazardous traffic conditions, adversely affect transportation unduly burden water, sewer, school, park, or other public facilities, increase the danger of fire, or otherwise endanger the public safety.

The site plan for the property has been reviewed and approved by the Site Plan Review Committee and the approved site plan will be incorporated by reference into the Ordinance. In addition, with regard to the parking variance specifically, many of the residents of the facility are expected to be children residing with their mothers, who will not be parking cars on the premises.

6. The variance is not precluded by and will not adversely affect any Urban Renewal Plan or the City's Master Plan.

The property is not located within an Urban Renewal Plan and is consistent with the City's LiveEarnPlayLearn Master Plan by providing housing alternatives for those recovering from substance abuse problems.

7. The variance will not be detrimental to or endanger the public health, security, general welfare or morals, or in any way be contrary to the public interest.

The variances are in the public interest as demonstrated by the letters of support we have received from:

Senator Catherine Pugh  
Baltimore Substance Abuse Systems  
Health Care for the Homeless  
Recovery in the Community  
United Hope of Central Park Heights Avenue  
Park Heights Renaissance  
Park Heights Community Health Alliance



Family & Children's Services of Central Maryland  
Mayor's Office of Human Services

8. The variance is in harmony with the purpose and intent of the Zoning Code.

The variances are in harmony with the purpose and intent of the Zoning Code, specifically the purpose of encouraging the most appropriate use of land in the City.

9. Within the purpose and intent of the Zoning Code, the variance is the minimum necessary to afford relief.

The variances are the minimum necessary to afford relief, as no greater variances than necessary are requested.