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| FROM | NAME & TITLE | THOMAS J. STOSUR, DIRECTOR | CITY of BALTIMORE MEMO |  |
| | AGENCY NAME & ADDRESS | DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET | | |
| | SUBJECT | CITY COUNCIL BILL #12-0109/Franchise-Private Pedestrian Bridgeways Above and Across and Private Tunnels Under and Across A Portion of Marion Street Right-of-Way | | |

DATE:

TO

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

August 9, 2012

At its regular meeting of August 9, 2012, the Planning Commission considered City Council Bill #12-0109, for the purpose of granting a franchise to CB Fayette Street Baltimore, LLC, to use and maintain two existing private pedestrian bridgeways above and across and two existing private tunnels under and across a portion of Marion Street right-of-way, subject to certain terms, conditions, and reservations; 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 #12-0109 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 #12-0109 be passed by the City Council.

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

TJS/GC

Attachment

- cc: Ms. Kaliop Parthemous, Deputy Chief for Economic and Neighborhood Development
- Mr. Alexander Sanchez, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
- Ms. Marcia Collins, DPW
- Mr. Paul Barnes, DGS
- Mr. Nicholas Blendy, DHCD
- Ms. Barbara Zektick, DOT
- Ms. Karen Randle, Council Services
- Ms. Elena DiPietro, Law Dept.



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PLANNING COMMISSION
STAFF REPORT

CITY COUNCIL BILLS #1592 AND #1593

PROPOSAL

CCB #1592 - For the purpose of repealing Ordinance #1049 and Ordinance #1050, approved April 19, 1971, which provided for the maintenance, and operation of existing enclosed superstructures, bridgeways or tunnels above and in Marion Street

CCB #1593 - For the purpose of granting permission and authority to PKLB Limited Partnership to use existing enclosed superstructures, bridgeways and tunnels above and in Marion Street above Howard Street and Kimmel Alley

ANALYSIS

In 1971 the Hecht-May Company was granted a franchise ordinance for the use of the six story walkway connecting its two buildings along with the tunnel under Marion Street, that connected the basement of the two buildings.

The Hecht Company has since closed the Fayette Street store and the City obtained it with the intent of its being used as office space. In 1985 it was sold to Pharmakinetics Laboratories, Inc. for their office and research facility. Pharmakinetics is in the process of renovating the building and completion is slated for this fall. The Planning Commission approved industrial revenue bond financing for the facility in 1985.

The six floors within the bridgeway will be used as office space for Pharmakinetics and the tunnel space will be used for storage.

RECOMMENDATION

The staff recommends approval of City Council Bills #1592 and #1593.



LARRY REICH
DIRECTOR

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Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION
Wilbur E. "Bill" Cunningham, Chairman

AGENDA

August 9, 2012 – #1838

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/ ST. MARK'S EVANGELICAL LUTHERAN CHURCH PUBLIC INTERIOR – 1920 SAINT PAUL STREET (Twelfth District)**
4. **BALTIMORE CITY LANDMARK DESIGNATION/ OLD TOWN NATIONAL BANK – 221 N. GAY STREET (Twelfth District)**
5. **STREET CLOSING/ CLOSING PORTION OF WARNER STREET (Tenth District)**
6. **STREET CLOSING/ CLOSING PORTION OF 62nd STREET (Second District)**
7. **MAJOR SUBDIVISION FINAL PLANS/BARCLAY PHASE II RENTALS** (Twelfth District)**
8. **MINOR AMENDMENT & FINAL DESIGN APPROVAL/ THE DISTRICT AT CANTON CROSSING PUD – THE SHOPS AT CANTON CROSSING PHASE I (First District)**

CONSENT AGENDA

9. **MINOR SUBDIVISION FINAL PLANS/30 & 36 S. LIGHT STREET (Eleventh District)**

10. CITY COUNCIL BILL #12-0109/ FRANCHISE – PRIVATE PEDESTRIAN BRIDGEWAYS ABOVE AND ACROSS AND PRIVATE TUNNELS UNDER AND ACROSS A PORTION OF MARION STREET RIGHT-OF-WAY (City Council President - Administration)

For the purpose of granting a franchise to CB Fayette Street Baltimore, LLC, to use and maintain two existing private pedestrian bridgeways above and across and two existing private tunnels under and across a portion of Marion Street right-of-way, subject to certain terms, conditions, and reservations; and providing for a special effective date. (Eleventh District)

11. 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 item marked (**), please call the Department at 410-396-4488 for most 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.



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION

SUMMARY

August 9, 2012



Thomas J. Stosur
Director

3. BALTIMORE CITY LANDMARK DESIGNATION/ST. MARK'S EVANGELICAL LUTHERAN CHURCH PUBLIC INTERIOR – 1920 SAINT PAUL STREET

St. Mark's Evangelical Lutheran Church's public interior is the only building in Baltimore with a Tiffany designed interior. Louis Comfort Tiffany was one of America's most famous interior designers and artists of the late 19th - early 20th century. Today, he is best known for his stained-glass. Built in 1898, St. Mark's is one of only a few intact Tiffany-designed interiors left in the world. The Tiffany Glass and Decorating Company designed and produced the ornately decorated walls, mosaics, organ pipes, stained-glass windows, and lamps in the church.

This is the second public hearing for the public interior as part the Baltimore City Landmark Designation process. The first hearing occurred on July 10, 2012, when the CHAP Commission reviewed and recommended approval of Landmark designation for the public interior of St. Mark's Evangelical Lutheran Church. After the Planning Commission recommends approval of landmark designation, the request will be sent to City Council to secure legislation for the landmark designation.

Staff has notified the following of this action: Rev. Dale Dusman, Charles-North Community Association, Baltimore Heritage, Baltimore AIA Chapter, Baltimore City Historical Society, Preservation Maryland and Councilman Hon. Carl Stokes City Councilman, 12th District.

Recommendation: Approval

4. BALTIMORE CITY LANDMARK DESIGNATION/OLD TOWN NATIONAL BANK – 221 N. GAY STREET

The Old Town National Bank is an excellent example of an early 20th century commercial structure in Baltimore. Designed in the Beaux Arts style by Frederic A. Fletcher, the building served one of the oldest banking houses in the city. The bank's history is intrinsically tied to the Old Town neighborhood, and was the finest and largest building when it was constructed in Old Town in 1925.

This is the second public hearing for this structure as part the Baltimore City Landmark Designation process. The first hearing occurred July 10, 2012, when the CHAP Commission reviewed this request and recommended approval of Landmark designation for the Old Town National Bank located at 221 N. Gay Street. After the Planning Commission recommends approval of landmark designation, the request will be sent to City Council to secure legislation for the official landmark designation.

Staff has notified the following of this action: Jonestown Planning Council, Inc., Historic Jonestown Business Association, Baltimore Heritage, Baltimore AIA Chapter, Baltimore City Historical Society, Preservation Maryland, Downtown Partnership, Property Owner, and City Council Representative.

Recommendation: Approval

5. STREET CLOSING/CLOSING PORTION OF WARNER STREET

The proposed street closing has been requested by the Baltimore Development Corporation. The area bounded by Russell Street, Worchester Street, Warner Street and Bayard Street is the site chosen for the proposed Casino site. This area is City-owned and actively managed by the Baltimore Development Corporation (BDC). BDC is now working with an entity for the development of the casino. A parking garage is proposed on the south side of Warner Street and the closure of Warner Street will allow the developer to use Warner Street as the entrance to the casino and become a drop-off zone for patrons. There are no current development plans for the anticipated casino. The City owns all the property bordering the proposed street closing. The street does not serve any properties except those of the applicant. It is staff's opinion that this portion of Warner Street is not needed for public purposes to provide access to adjacent properties and that it can be closed, declared surplus right-of-way and sold.

The following groups have been notified of this action: Westport Improvement Association, Inc., Southwest Community Council, Inc., Southern District Police-Community Relations Council, and Carroll/Camden Industrial Business Association.

Recommendation: Approval, subject to requirements from the Department of General Services.

6. STREET CLOSING/CLOSING PORTION OF 62nd STREET

The proposed street closing is within the Hollander 95 Business Park PUD. The Hollander-95 project had begun following the clearance of the site when the former Hollander Ridge housing project was demolished. Now that FRP Hollander 95, LLC has purchased these properties, and have established a Planned Unit Development (PUD), they are seeking to gain control of the this street bed on the site in order to allow for some flexibility in site design in attracting tenants.

The applicant owns all the property bordering the proposed street closing. The street does not serve any properties except those of the applicant. It is staff's opinion that this portion of 62nd Street is not needed for public purposes to provide access to adjacent properties and that it can be closed, declared surplus right-of-way and sold.

Staff sent notification of this meeting to the Eastern Community Action Center, the Frankford Improvement Association, Inc., the Gardenville/Belair Road Business Association, and Harbel Community Organization, Inc.

Recommendation: Approval, subject to requirements from the Department of General Services.

7. MAJOR SUBDIVISION FINAL PLANS/BARCLAY PHASE II RENTALS**

The current subdivision request covers the Phase 2 rental portion of the Barclay redevelopment project and includes the 400 blocks of East 20th, 21st, and Worsley Streets. 69 multi-family units are proposed in building groups designed as townhomes, along with 52 off-street parking spaces, a mid-block pedestrian walkway, and a new community gathering space. The breakdown of units includes (20) 1-bedrooms, (42) 2-bedrooms, and (7) 3-bedrooms. The project has completed necessary environmental, design, and technical reviews and is fully compliant with Batlimore City's *Subdivision Regulations*.

The following groups have been notified in advance of this hearing: Eastern District Police Community Relations Council, Greater Homewood Community Corporation, Inc., People's Homesteading Group, Inc., Barclay Leadership Council, Station North Arts & Entertainment District, Greater Greenmount Community Association, Inc., and Charles Village Civic Association.

Recommendation: Approval (including Multiple Structures on a Residential Lot)

8. MINOR AMENDMENT & FINAL DESIGN APPROVAL/THE DISTRICT AT CANTON CROSSING PUD – THE SHOPS AT CANTON CROSSING PHASE I

The District at Canton Crossing PUD authorizes a single-story multi-tenant retail shopping center to be constructed in two phases. At the time of initial approval, Phase 1 was to include approximately 325,100 total square feet: 293,950 s.f. retail, 27,650 s.f. restaurant, and a 3,500 s.f. bank. The development program remains largely unchanged with this Minor Amendment. Phase 1 now includes 321,313 total square feet: 292,773 s.f. retail, 25,040 s.f. restaurant, and the same 3,500 s.f. bank. But several key changes have been introduced to the master plan: the grocery tenant (Harris Teeter) has been relocated to the rear of the site, occupying a location previously reserved for a junior box store; the department store anchor (Target) rotated its building layout such that loading is now positioned at the rear of the site, and parking is now directly in front of the store; and a central green space and plaza previously planned for Phase 2 has been relocated to Phase 1. These key changes triggered a number of smaller changes, all of which were considered in a second round of master plan design review and which informed the Minor Amendment submittal considered by the Commission today. The development team has also submitted a detailed site plan, illustrative landscape plan, and final architectural drawings, pursuant to their Final Design Approval request.

The following groups have been notified of the requested actions: Canton Community Association, Brewer's Hill Community Association, Canton-Highlandtown Community Association, and The Waterfront Coalition.

Recommendation:

- Minor Amendment: Approval
- Final Design: Approval, subject to:
 - Forest Conservation Plan approval prior to the issuance of building permits

- Inclusion of a required 10' fence on the property's southern boundary on permit drawings

CONSENT AGENDA

9. MINOR SUBDIVISION FINAL PLANS/30 & 36 S. LIGHT STREET

The subdivision request is a lot line adjustment between 30 and 36 Light Street. 30 Light Street is improved with a Royal Farms with office above, while 36 Light Street is the site of a parking garage. The purpose of the request is to convey two stair towers on the existing garage property to the adjacent retail/office property. Separate private easement agreements will be provided, and no development is proposed at this time. The applicant has fulfilled official notice requirements contained in Baltimore City's *Subdivision Regulations* and has submitted Final Plans that address all agency comments.

Recommendation: Approval

10. CITY COUNCIL BILL #12-0109/FRANCHISE – PRIVATE PEDESTRIAN BRIDGEWAYS ABOVE AND ACROSS AND PRIVATE TUNNELS UNDER AND ACROSS A PORTION OF MARION STREET RIGHT-OF-WAY

For the purpose of granting a franchise to CB Fayette Street Baltimore, LLC, to use and maintain two existing private pedestrian bridgeways above and across and two existing private tunnels under and across a portion of Marion Street right-of-way, subject to certain terms, conditions, and reservations; and providing for a special effective date.

In 1971 the Hecht-May Company was granted a franchise ordinance for the use of the six story walkway connecting its two buildings along with the tunnel under Marion Street that connected the basement of the two buildings. During the regular Planning Commission meeting of March 19, 1987, the Planning Commission recommended continuing the franchise for 25 years. The bridgeways and tunnels continue to be used by the current tenant and there are no known plans or development proposals that would alter the use of these franchise structures.

Recommendation: Approval