

TJA

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 #15-0490/ CITY STREETS - OPENING AIR RIGHTS OVER A PORTION OF LOVEGROVE STREET		

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

DATE: March 27, 2015

At its regular meeting of March 26, 2015, the Planning Commission considered City Council Bill #15-0490 the purpose of condemning and opening the Air Rights area over a portion of Lovegrove Street, extending northerly 100 feet from the north side of East Lanvale Street, as shown on Plat 227-A-23 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 staff report which recommended approval of City Council Bill #15-0490 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 #15-0490 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/WA

Attachment

- cc: Ms. Kaliop Parthemos, Chief of Staff
- Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
- Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development
- 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
- Ms. Sharon Daboin, DHCD
- Ms. Barbara Zektick, DOT
- Ms. Natawna Austin, Council Services
- Ms. Elena DiPietro, Law Dept.
- Ms. Marcia Collins, DPW
- Mr. David Framm, DGS
- Ms. Melissa Krafchik, PABC



Stephanie Rawlings-Blake
Mayor

PLANNING COMMISSION
Wilbur E. "Bill" Cunningham, Chairman

AGENDA

March 26, 2015 – #1888

Working Session 12:00 – 1:30 p.m.
Regular Session – 1:30 p.m.



Thomas J. Stosur
Director

1:30 PM

- 1. ROLL CALL**
- 2. APPROVAL OF MINUTES**

CONSENT AGENDA

- 3. REVISED FINAL DESIGN APPROVAL/ INNER HARBOR EAST PUD – PARCEL D (First District)**
- 4. CITY COUNCIL BILL #15-0488/ CITY STREETS - CLOSING - A 10-FOOT ALLEY LAID OUT IN THE REAR OF 1701 NORTH CHARLES STREET AND A 10-FOOT ALLEY LAID OUT IN THE REAR OF 22-24 AND 30 EAST LANVALE STREET (City Council President – Administration)**
For the purpose of condemning and closing (1) a 10-foot alley laid out in the rear of the property known as 1701 North Charles Street and (2) a 10-foot alley laid out in the rear of the properties known as 22-24 and 30 East Lanvale Street, as shown on Plat 227-A-22A in the Office of the Department of General Services; and providing for a special effective date. (Twelfth District)
- 5. CITY COUNCIL BILL #15-0489/ SALE OF PROPERTY - FORMER BEDS OF A TEN-FOOT ALLEY LAID OUT IN THE REAR OF 1701 NORTH CHARLES STREET AND A 10-FOOT ALLEY LAID OUT IN THE REAR OF 22-24 AND 30 EAST LANVALE STREET ((City Council President – 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 a 10-foot alley laid out in the rear of the property known as 1701 North Charles Street and a 10-foot alley laid out in the rear of the properties known as 22-24 and 30 East Lanvale Street and no longer needed for public use; and providing for a special effective date. (Twelfth District)
- 6. CITY COUNCIL BILL #15-0490/ CITY STREETS - OPENING - AIR RIGHTS OVER A PORTION OF LOVEGROVE STREET (City Council President – Administration)**
For the purpose of condemning and opening the Air Rights area over a portion of Lovegrove Street, extending northerly 100 feet from the north side of East Lanvale Street, as shown on Plat 227-A-23 in the Office of the Department of General Services; and providing for a special effective date. (Twelfth District)

7. **CITY COUNCIL BILL #15-0491/ CITY STREETS - CLOSING - AIR RIGHTS OVER A PORTION OF LOVEGROVE STREET** (City Council President – Administration)
For the purpose of condemning and closing the Air Rights area over a portion of Lovegrove Street, extending northerly 100 feet from the north side of East Lanvale Street, as shown on Plat 227-A-23A in the Office of the Department of General Services; and providing for a special effective date. (Twelfth District)
8. **CITY COUNCIL BILL #15-0492/ SALE OF PROPERTY - AIR RIGHTS OVER A PORTION OF LOVEGROVE STREET** (City Council President – 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 the Air Rights area over a portion of Lovegrove Street, extending northerly 100 feet from the north side of East Lanvale Street and no longer needed for public use; and providing for a special effective date. (Twelfth District)
9. **MINOR AMENDMENT AND FINAL DESIGN APPROVAL/2400 BOSTON STREET**
(First District)

10. CIP TRANSFERS

REGULAR AGENDA

11. **BIKE MASTER PLAN (DOT) – (Citywide)**
12. **CITY COUNCIL BILL #15-0487/ ZONING - OFFICE-RESIDENCE DISTRICTS - ACCESSORY SHOPS** (Councilmember - Edward Reisinger)
For the purpose of increasing the maximum aggregate size allowed for certain accessory shop uses in an Office-Residence District. (Citywide)
13. **CITY COUNCIL BILL #15-0478/ REZONING - 801-809 EASTERN AVENUE**
For the purpose of changing the zoning for the property known as 801-809 Eastern Avenue, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the B-2-4 Zoning District. (First District)

2:00 PM

14. **CITY COUNCIL BILL #15-0495/ZONING - CONDITIONAL USE CONVERSION OF A 1-FAMILY DWELLING UNIT TO A 2-FAMILY DWELLING UNIT IN THE R-8 ZONING DISTRICT - 926 NEWINGTON AVENUE** (Councilmember - Nick Mosby)
For the purpose of permitting, subject to certain conditions, the conversion of a 1-family dwelling unit to a 2-family dwelling unit in the R-8 Zoning District on the property known as 926 Newington Avenue, as outlined in red on the accompanying plat. (Seventh District)

15. CITY COUNCIL BILL #15-0496/ ZONING - CONDITIONAL USE CONVERSION OF A SINGLE-FAMILY DWELLING UNIT TO A 2-FAMILY DWELLING UNIT IN THE R-8 ZONING DISTRICT - VARIANCE - 1301 NORTH BROADWAY

(Councilmember - Carl Stokes)

For the purpose of permitting, subject to certain conditions, the conversion of a single-family dwelling unit to a 2-family dwelling unit in the R-8 Zoning District on the property known as 1301 North Broadway, as outlined in red on the accompanying plat; and granting a variance from certain off-street parking requirements. (Twelfth District)

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

Wilbur E. "Bill" Cunningham, Chairman



Thomas J. Stosur
Director

STAFF REPORT

March 8, 2012

REQUEST: Street Closings /Closing Portion of Air-Rights of Lovegrove Street and Closing a 10-Foot and 5-Foot Alleys Located in the Vicinity of North Charles Street and East Lanvale Street

RECOMMENDATION: Approval, subject to requirements from Department of Public Works and Department of General Services

STAFF: Kenneth Hranicky

PETITIONER: 22-24 East Lanvale, LLC

OWNERS: Mayor and City Council

SITE/ GENERAL AREA

Site Conditions: The right-of-ways proposed to be closed known as the 10 ft. wide public alley and the 5 ft. wide private alley that border 20 E. Lanvale Street to the west and north. 20 E. Lanvale Street is currently improved as a parking lot. The alley on the western border measures 10 feet wide and 80 feet long and the other alley measures 5 feet wide and 43.5 feet long.

The area for air-rights to be closed above Lovegrove Street begins at the intersection of East Lanvale and Lovegrove, then continues north to the northwestern corner of the property line of the 22 & 24 East Lanvale Street parcels. The portions of air-rights to be closed extend 80 feet from the intersection of E. Lanvale Street and Lovegrove Street north along Lovegrove Street and will be no less than 16 feet above grade. The area is zoned B-5-2.

General Area: The site is located in central Baltimore in the Charles North neighborhood. The area is characterized by residential, commercial, and business uses. The area lies within the Charles North Urban Renewal Plan.

HISTORY:

- Ordinance #82-799, approved on October 25, 1982, established the Charles North Urban Renewal Plan.
- Ordinance 06-317, approved October 5 2006, was the 6th amendment to the Charles North Urban Renewal Plan.

CONFORMITY TO PLANS

This action supports EARN Goal 1: Strengthen Identified Growth Sectors, Objective 1 Retain and Attract Business in all Growth Sectors. The action supports the Charles North Urban Renewal Plan objective of removing blighting influences and creating development lots for commercial uses.

ANALYSIS

The original request for the street and air-rights closing were from the Station North Development Partners, LLC. The current applicant/developer acquired the two parcels know as 22 & 24 East Lanvale Street (the "Lanvale Lots") from Station North Development Partners, LLC on August 25, 2011. Station North Development Partners, LLC acquired the Lanvale Lots, along with the Chesapeake Restaurant parcel at 1701-1709 North Charles Street, from The Mayor and City Council of Baltimore on November 22, 2010, as part of a Land Disposition Agreement, dated October 20, 2010 (the "LDA"). Station North Development Partners, LLC retained ownership of the Chesapeake Restaurant parcel and is currently renovating that existing structure pursuant to the terms of the LDA. The applicant purchased the Lanvale Lots from Station North Development Partners, LLC subject to the terms of the LDA and, therefore, shall develop the two parcels pursuant to the terms of the LDA.

As part of the LDA, the developer proposes to develop the Lanvale Lots in conjunction with other privately-owned adjacent parcels, of which the Lanvale Lots will make up no more than 30% of the total assemblage. The intent is to construct a new mixed-use building, possibly spanning Lovegrove Street that shall consist primarily of residential apartments with parking, common areas, and retail on the lower levels. The developer anticipates a minimum of 6,000 square feet of commercial/retail uses on the ground floor and no less than 60 residential units on the upper floors.

The applicant is requesting the closure of two alleys and the air rights over Lovegrove Street in order to complete site assembly for the development project described above. The areas known as the 10 ft. wide public alley and the 5 ft. wide private alley, both directly behind the Chesapeake Restaurant parcel and lying north of East Lanvale Street, as well as the air rights no less than 16 ft. above Lovegrove Street beginning at the intersection with East Lanvale and continuing north until the northwestern corner of the property line of the 22 & 24 East Lanvale Street parcels, are included as part of Applicant's development plans. The 10-foot alley closing will also assist in correcting a title defect that has the Chesapeake restaurant encroaching two feet into the alley right-of-way. There is also a 10-foot sewer main under Lovegrove Street. The Department of Public Works will need to review and comment on the adequacy of a 16-foot clearance above Lovegrove Street to service this line. The project has not been through Site Plan Review at this time.

It is staff's finding that right-of-ways are not needed to provide access to adjacent properties. Thus, the subject right-of-ways are no longer needed for public purposes and can be closed, declared surplus property and sold.

It is staff's opinion that the specific air rights portion of Lovegrove Street can be closed without adversely affecting the surface use of Lovegrove Street. Therefore, it can be closed, declared surplus right-of-way, and disposed of.

The following community organizations were notified of this meeting: Central District Police-Community Relations Council, Charles-North Community Association, Midtown Community Benefits District, Charles Street Development Corporation and Friends of Pennsylvania Avenue Branch Library.

A handwritten signature in black ink, appearing to read "Thomas J. Stosur". The signature is written in a cursive style with a prominent initial "T" and a long horizontal stroke at the end.

Thomas J. Stosur
Director