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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 #17-0091/ ZONING – CONDITIONAL USE PARKING LOT – 1904 WILMINGTON AVENUE		

DATE:

TO

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

March 9, 2018

At its regular meeting of March 8, 2018, the Planning Commission considered City Council Bill #17-0091, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking lot on the property known as 1904 Wilmington 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 as amended, of City Council Bill #17-0091 and adopted the following resolution, nine members being present (nine in favor):

RESOLVED, That the Planning Commission finds, in accordance with §5-406(a) and §5-406(b) of the Zoning Code of Baltimore City, that the proposed use provided in this bill:

- would not be detrimental to or endanger the public health, safety, or welfare;
- would not be precluded by any other law, including an applicable Urban Renewal Plan;
- would not be contrary to the public interest; and
- would be in harmony with the purpose and intent of this Code; and
- meets all criteria for approval specified in §5-406(b) of the Zoning Code of Baltimore City; and further

RESOLVED, That the Planning Commission concurs with the recommendation of its Departmental staff, and recommends that City Council Bill #17-0091 be amended and passed by the City Council.

If you have any questions, please contact Mr. Martin French in the Land Use and Urban Design Division at 410-396-1354.

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Attachment

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Katelyn McCauley, DOT
Ms. Natawna Austin, Council Services
Mr. Derrell Lawrence



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

March 8, 2018

REQUEST: City Council Bill #17-0091/ Zoning – Conditional Use Parking Lot – 1904 Wilmington Avenue:

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a parking lot on the property known as 1904 Wilmington Avenue, as outlined in red on the accompanying plat.

RECOMMENDATION: Amendment and approval, with the following amendment:

- That the site plan and landscaping plans approved by the Site Plan Review Committee (SPRC) are attached to, and made part of the legislation.

STAFF: Martin French

PETITIONERS: Councilmember Reisinger, at the request of BNJ Health Services

OWNER: Josephine Harris-Lawrence

SITE/GENERAL AREA

Site Conditions: This property is a vacant lot measuring approximately 75' by 120' and is located on the west side of Wilmington Avenue approximately 100' south of its intersection with Washington Boulevard. A 10' wide public alley separates this property from the rear of commercial property along the south side of Washington Boulevard. The site is at a considerable slope downward from the level of Washington Boulevard, and is covered with a mixture of scrub grass and some gravel. The property is zoned R-5.

General Area: The site is in the central portion of Morrell Park, a predominantly residential area bisected by Washington Boulevard. Much of the housing is of the single-family detached type, with some semi-detached housing included. The commercial properties nearest this site are clustered here, and are separated from other commercial or industrial properties along Washington Boulevard by intervening blocks of residential use. Seven blocks southwest of the intersection of Washington Boulevard and Wilmington Avenue is the Caton/95 Industrial Area.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

CONFORMITY TO PLANS

The proposed action is consistent with the Comprehensive Master Plan EARN Goal 1, Strengthen Identified Growth Sectors, Objective 6: Retain and Attract Business in Healthcare and Social Assistance. The purpose of the proposed parking lot is to provide off-street parking for the nearby BNJ Health Services clinic in the 2700 block of Washington Boulevard.

ANALYSIS

Background: This site was identified as a potential location for off-street parking for patrons or clients of BNJ Health Services, which operates a health clinic on Washington Boulevard that, but for a 10' wide alley separating the two properties, would be adjacent to this site. The petitioner met with Planning staff to discuss the challenges of using this vacant lot as a parking lot, and worked to solve one particular problem: how to create handicapped parking that would serve the clinic. The solution was two-part: open a rear entrance to the clinic so that persons with disabilities would not be required to scale the too-steep slope of the existing sidewalk leading from this lot to the Washington Boulevard sidewalk, and create a separate slightly elevated parking space designated as handicapped parking on the lot and placed so as to allow a convenient crossing of the 10' wide dead-end alley to the rear entrance. This revised plan was reviewed and approved by the Site Plan Review Committee in February of 2018. With a revised and approvable parking lot plan in hand, Planning staff are now enabled to recommend approval of this property as a parking lot.

Conditional Use – Required findings: In accordance with §5-406 of Article 32 (the Zoning Code of Baltimore City), the Planning Commission must base its recommendation to the City Council to approve a conditional use on these considerations required by Title 5 {"Applications and Authorizations"}, subtitle 4 {"Conditional Uses"} of the Zoning Code:

1. the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
2. the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
3. the authorization would not be contrary to the public interest; and
4. the authorization would in harmony with the purpose and intent of this article (§5-406).

Creation and maintenance of an off-street parking lot with all of the features included on the parking lot plan, particularly fencing, a gate, and appropriate landscaping, would enhance the immediate area by removing an open vacant lot that is unfortunately an invitation to dumping and other inappropriate or illegal activities. As there is no Urban Renewal Plan for this area, there is no other law which would preclude the proposed use. The authorization would also be in the public interest, by creating off-street parking for a valid commercial use and thus lessening the demand for on-street parking in the immediate vicinity. Thus, the authorization would be in harmony with the purposes and intent of the Zoning Code, especially that of protecting public health and quality of life for current and future generations.

In addition, the Zoning Code requires review of these considerations:

- the nature of the proposed site, including its size and shape, are adequate for the proposed use;
- there will be no negative impact to traffic patterns in the immediate area;
- the proposed use will not impair the present and future development of this lot or the surrounding area;
- there will be no negative impact resulting from its proximity to dwellings, churches, schools, public structures, or other places of public gathering;
- there is adequate accessibility of the premises to emergency vehicles;
- there is adequate light and air to the premises and to properties in the vicinity;
- adequate utilities, access roads, drainage, and other necessary facilities have been or will be provided;
- the proposed use would not interfere with preservation of cultural and historic landmarks and structures;
- the proposed use would not alter the character of the neighborhood;
- the proposed use is consistent with provisions of the City's Comprehensive Master Plan; and
- the use of the property as an off-street parking lot meets all other applicable standards and requirements of this Code (Article 32 – Zoning §5-406).

1904 Wilmington Avenue is adequate for the proposed use, and that use would not cause a negative impact on traffic patterns in the immediate area (in fact, it could reduce demand for on-street parking in the vicinity of the intersection of Washington Boulevard and Wilmington Avenue). The proposed use would not impair future development of the lot or its surrounding area, and would not create negative impacts on other uses in its immediate area. The property is accessible to emergency vehicles and its use as surface parking preserves light and air to adjoining properties. Although most utilities would not be needed for the use, there is adequate electrical service provided for lighting the parking lot. There are no cultural or historic landmarks or structures near this site, and the proposed use would not alter the character of the Morrell Park neighborhood. The use would be consistent with provisions of the Comprehensive Master Plan, as cited earlier under "Conformity to Plans", and meets all other applicable standards and requirements of the Zoning Code.

Notification: The Morrell Park Community Association has been notified of this action.



Thomas J. Stosur
Director