



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

**August 4, 2016**

#### REQUESTS:

- Street Closing- Portion of East Fairmount Avenue Block 6254-D
- Parks Master Plan Amendments/Delist A Portion of Janney Street Park and Add A Portion of East Fairmount Avenue

#### RECOMMENDATIONS:

- Street Closing: Amend and Approve, with the following amendment:
  - Move the eastern boundary of the street closing request to the western edge of the rear alley behind the properties on the 100 block of North Janney Street.
- Parks Master Plan Amendments: Approval

**STAFF:** Tamara Woods

**PLANNING DISTRICT:** Northeast

**COMPREHENSIVE PLANNER:** Carmen Morosan

**PETITIONER:** The Administration (On behalf of Baltimore Development Corporation)

**OWNER:** Mayor and City Council

#### SITE AREA

Site and General Conditions: The subject portions of right-of-way are located in the Kresson Industrial area of Southeast Baltimore on the block bounded by Janney Park to the north, Janney Street to the east, a commercial business on the south, and railroad right-of-way to the west.

Janney Street Park is located directly north of the East Fairmount Avenue, with a railroad right-of-way to the west, Pompeian, Inc. to the north and Janney Street to the east. There is a small portion of the park fronting Janney Street with the majority of the eastern boundary adjacent to the rear alley of rowhomes which front on Janney Street.

## **CONFORMITY TO PLANS**

Comprehensive Master Plan: This proposed project is compatible with the Comprehensive Master Plan for Baltimore City, EARN Goal I: Strengthen Identified Growth Sectors; Objective I: Retain and Attract Businesses in all Growth Sectors.

## **ANALYSIS**

### **Project Proposal**

The Petitioner, Baltimore Development Corporation (BDC) is working with both Pompeian Oil, located at 4203 Pulaski Highway, and the City of Baltimore Department of Recreation and Parks to facilitate the expansion of Pompeian Oil southward using what is currently Janney Street Park, 140 N. Janney Street. Pompeian Oil would utilize the majority of Janney Street Park.

In return for the disposition of the park, a new replacement pocket park is to be created on the closed portion of Fairmount Avenue and the southern portion of Janney Street Park. A Memorandum of Understanding (MOU) was approved at the Board of Estimates in 2016 among the Mayor and City Council and Pompeian Inc. to facilitate an expansion of Pompeian's business operations "through the sale and development of 140 N. Janney Street" and to construct a new park.

In order to move forward with the project three actions are needed: Partial Street Closing of East Fairmount Avenue and a Parks Master Plan Amendment in order to delist a portion of Janney Street Park and Add in the closed portion of East Fairmount Avenue.

### **Street Closing- Portion of East Fairmount Avenue**

This proposed street closing would impact one portion of Right-of-way just south of the existing Janney Street Park and west of the 100 block of Janney Street (see Figure 1: Block Plat, attached). The request is for the creation of a new pocket park to serve the nearby residential properties and is part of a planned business expansion to the north.

A utility investigation has been completed and there are utilities to be closed. It will be necessary for the developer to execute an agreement with the City and pay costs and expenses for the relocation and/or abandonment of the City-owned utilities.

The Petitioner is in negotiations with the adjacent property owners to obtain their written consent for this partial street closing. That being said, there is a 10 foot dead-end alley that abuts this portion of East Fairmount and provides rear access to property owners along the westside of the 100 block of North Janney Street. The partial street closing as requested would inhibit access to the rears of these properties. Both the Department of Recreation and Parks and the Baltimore Development Corporation have agreed to modify the street closing request to maintain rear access for these properties.

### **Amendment**

Planning Staff, concurred with the proposed modification and request that the street closing request be amended. The amendment would be to move the eastern boundary of the street closing request to the western edge of the rear alley behind the properties on the 100 block of

North Janney Street. The moving of this boundary would for rear accesses to the properties and align with the portion of Janney Street Park that would be used to create the new pocket park.

Thusly, the written consent from the owners of the 100 block of North Janney Street should not be needed. That being said, the applicant, the Baltimore Development Corporation is working to obtain all necessary consents. With the amendment, staff finds that the right-of-way is no longer needed for a public purpose and can be closed and transferred to the Department of Recreation and Parks.

### **Parks Master Plan Amendments**

The Baltimore City Charter establishes the Department of Planning and the Planning Commission, as well as outlines their powers and duties. The Planning Department is charged with creating and maintaining a Master Plan for the City. Within the Charter, the scope of the Master Plan is to consist of a series of component plans that can address among other things “the extent of publicly owned places of recreation, such as playgrounds, squares, and parks”.

Periodically the Department of Recreation and Parks needs to review and make modifications to its land inventory. These plan amendments must be approved by the Planning Commission as amendments to the Parks Master Plan. In addition to making revisions to the Master Plan, which would include the addition of properties to the plan or delisting of properties from the Plan, the Charter outlines that public improvements, which could include parks and places of recreation, be in conformance with the Master Plan and have first been approved by the Planning Commission.

As previously mentioned, this project is part of a negotiated agreement to facilitate the expansion of the Pompeian, Inc., which lies directly to the north of Janney Street Park. The proposed expansion would include enlarged warehouse space that would utilize the existing Janney Street Park. In order, to maintain some recreational open space, a portion of Janney Street Park would be retained and consolidated with the closed portion of East Fairmount Avenue.

The existing park is approximately 64,500 square feet. Of that total, approximately 59,000 square feet would be conveyed to Pompeian, Inc. and approximately 5,200 square feet would be retained by The City. The portion of the 4200-block of East Fairmount Avenue to be closed, from the western most end, east to the opening of an un-named alley, is approximately 150 linear feet. This would yield an approximate 6,000 square feet to be added to the remaining park land.

Both the survey and the title work have not yet been completed, but these approvals are necessary to move the project forward. There will be subsequent approvals and Agency reviews required, including the future subdivision of Janney Street Park, which will have to be approved by the Planning Commission.

For this reason, staff recommends approval of the approximate 59,000 square feet of Janney Street Park be delisted from the Parks Master Plan and the approximate 6,000 square feet from the partial street closure of East Fairmount Avenue be added to the Parks Master Plan.

**COMMUNITY NOTIFICATION**

There is no formal community association in the area. Absent a community association, the owners of 4201 East Fairmount Avenue and all property owners on the westside of the 100 block of North Janney Street were notified. In addition, the Second District Councilman Brandon Scott has been notified of the requested action.



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

## Street Closing/Closing Portion of East Fairmount Avenue West of North Janney Street and Parks Master Plan Amendments

