



Catherine E. Pugh  
Mayor

## PLANNING COMMISSION

Sean D. Davis, Chairman

### STAFF REPORT



Thomas J. Stosur  
Director

June 21, 2018

**REQUEST:** Major Subdivision Final Plans with Waiver / 12 S. Patterson Park Avenue

**RECOMMENDATION:** Approval with Waiver to create two lots facing the rears of adjacent lots.

**STAFF:** Matthew DeSantis, AICP

**PETITIONER:** Morris & Ritchie Associates, Inc.

**OWNER:** SS Cyril and Methodius Catholic Mission

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

Site Conditions: The subject property is currently vacant. The property had been used as a rescue mission and homeless shelter. The site is improved with a surface parking lot on the northern half and a two and three story building on the southern half.

General Area: This site is located in the Butchers Hill neighborhood. Directly to the east is Patterson Park, and to the south, west, and north are medium-density attached residential properties.

#### **HISTORY**

- There is no prior Planning Commission history for this site.

#### **ANALYSIS**

Project: The proposal for the site is to split the one lot into nine lots for three and four story fee-simple townhomes. The Development Plan features five units proposed to front on Patterson Park Avenue – the northern most would be three stories while the other four would be four stories in height. These five homes would have rear-loading garages. Two homes would front on S. Madeira Street and feature front-loading garages. The last two homes would front on Boyer Street and would also feature front-loading garages. These two homes on Boyer Street would face the rears of the homes fronting on E. Baltimore Street, and so would require a waiver of the Subdivision Rules and Regulations prohibition of creating lots where the fronts of homes face the rears of other homes.

Required Waiver: The applicant has submitted a justification for the granting of the required waiver. Staff finds the waiver request reasonable in that the site is of an unusual shape and the

strict application of this standard would potentially impose an unreasonable burden. Additionally these two new homes will be next to five extant homes that already face the rears of the homes on E. Baltimore Street, so there is some precedent for this development pattern.

In its consideration of the proposal, staff reviewed the following factors:

Fire Code Requirements: In effort to satisfy the Fire Department's clear width requirements, the applicant has proposed to dedicate portions of the property in front of the new homes on Madeira and Boyer Streets to the public right-of-way. This will enable for the provision of the minimum 26' clear width required for these homes, since they will be in excess of 30' in height. While there is some advantage to having the homes set back slightly from these two narrow alley streets, it is an unfortunate fact that no landscaping may be provided in these spaces since they would infringe on the required emergency access. The applicant has submitted that the 26' of required clear width shall be provided on Patterson Park Avenue via the existing vehicle travel lanes.

City Council Bill #2018-0259 was introduced on June 4, 2018 and proposes to eliminate the required clear width for emergency vehicles. Should this bill be passed by the City Council and signed by the Mayor and remove the requirement for 26' of clear width in front of all of the proposed homes, the Planning Department would be supportive of a site design as initially proposed by the applicant that does not dedicate land to the ROW in order to provide these dimensions and bring the homes in line with the existing homes.

Site Plan Review Committee (SPRC): The project was reviewed by SPRC on March 28, 2018 and approved with comments. Revised final plans are pending resubmittal.

Elevations: Design review was conducted on the proposed building elevations. The fronts and sides of all lots will feature a brick façade with the rears being clad in a cementitious panel. The homes on Patterson Park will have rear-loading garages while the homes on Madeira and Boyer will have front-loading garages. All units will have roof-top decks accessible by spiral stairs in the rear.

Landscaping: The development shall require the total planting of 64 caliper inches which will be provided either off-site or satisfied with a fee in lieu. The existing tree pits on Patterson Park Avenue will be expanded and protective tree fencing added.

Zoning Regulations: This project obtained a Conditional Use approval from the BMZA on December 19, 2017 for Lots 26, 27, 27A, and 27B to be a maximum of 45' in height. An amended BMZA application has been filed for the granting of the following variances:

- A 5' rear yard setback in lieu of the required 20'
- To permit lot coverage of 86% in lieu of the maximum 80%
- To permit rear yard impervious surface of 100% in lieu of the maximum 65%

Community Notification: All abutting property owners as well as the Butchers Hill Community Association have been notified via mail of the subdivision application. Additionally, the property has been posted in accordance with Planning Commission guidelines.



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