

Introduced and Read: 2-5-08  
2<sup>nd</sup> Reading and Adoption: Mar 4, 2008  
Posted: \_\_\_\_\_  
Effective Date: Mar 4, 2008

**CITY OF MOUNT RAINIER, MARYLAND**

**RESOLUTION NO. 3-2008**

(Drafted by City Manager and City Attorney)

Introduced by Council member Brown

**A Resolution Initiating an Urban Renewal Project by  
Finding and Defining a Blighted Area of the Mount Rainier  
Town Center Urban Renewal Area, and Authorizing the  
Acquisition of Properties in the Blighted Area**

**WHEREAS**, the Mount Rainier Charter, Appendix I. Urban Renewal Authority for Slum Clearance, Section A1-102 empowers the City to carry out urban renewal projects in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas to acquire in connection with such projects; and

**WHEREAS**, in accordance with Section A1-105 of the Mount Rainier Charter, the City prepared an urban renewal plan for slum or blighted areas in the City and approved such plan by Ordinance 6-2004 adopting the Mount Rainier Town Center Urban Renewal Plan ("Urban Renewal Plan"); and

**WHEREAS**, this Urban Renewal Plan was intended to create a guide for future development and revitalization in the Mount Rainier Town Center, as well as to serve as the Urban Renewal Plan required by the Charter in order for the City to use its condemnation or eminent domain authority, which may be a key component of the Town Center Urban Renewal Area redevelopment strategy; and

**WHEREAS**, the Urban Renewal Plan set forth certain guiding principles, objectives, and strategies to revitalize the Mount Rainier Town Center Urban Renewal Area and to enhance the historic, small town character of the Town Center as a community asset by encouraging and facilitating coordinated renovation, infill development, and redevelopment; creating inviting and walkable public places and commercial areas; and providing a pleasant environment, free of physical blight, litter, graffiti, and poorly-maintained buildings; and

**WHEREAS**, the Urban Renewal Plan envisions a mix of uses and variety of businesses in the Town Center with street level uses on the ground floor of buildings and residences and offices occupying the upper stories in Town Center buildings; and

**WHEREAS**, the Urban Renewal Plan set forth the boundaries of the Urban Renewal

Area of the Mount Rainier Town Center and identified four sites in the Town Center, termed Sites A - D, with redevelopment potential for future urban renewal projects; and

**WHEREAS**, the City desires to pursue land assembly in order initiate an Urban Renewal Project on Site A and part of Site B; specifically, to acquire and redevelop the properties identified below on the 3200 and 3300 blocks of Rhode Island Avenue; and

**WHEREAS**, the City has formed a limited liability company known as The Mount Rainier Gateway Town Center Revitalization Project, LLC with Landmark Atlantic Holdings, LLC to implement an Urban Renewal Project for the redevelopment of certain blighted properties in the 3200 and 3300 blocks of Rhode Island Avenue; and

**WHEREAS**, the City's goals for the Urban Renewal Project in the 3200 and 3300 blocks of Rhode Island Avenue are to raze unsafe, vacant, and obsolete buildings and to replace and redevelop obsolete or underused properties and uses into a functional mixed-used development to include retail, restaurant, office, and residential uses, with shared parking in the rear of the building(s) and safe, well-lit, and inviting pedestrian access; and

**WHEREAS**, the attached Report of the Findings on Blighted Properties Within the City of Mount Rainier Town Center Urban Renewal Area, submitted by the City Manager and Assistant City Manager, and accompanying photo essay, which are incorporated into this Ordinance by reference and made a part of it, details the blighted condition of the properties on the 3200 and 3300 blocks of Rhode Island Avenue; and

**WHEREAS**, the Council finds that these properties are unsafe, unsanitary, deteriorated and adversely affect the public health, safety, and welfare of the citizens of the City; and

**WHEREAS**, the Council finds that properties on the 3200 and 3300 blocks of Rhode Island Avenue, including, specifically, (1) 3200 Rhode Island Avenue, Mount Rainier, Maryland, (2) 3204 and 3208 Rhode Island Avenue and 3703 and 3705 Eastern Avenue, Mount Rainier, Maryland, (3) 3210, 3212, Lot 3 in Block 5, and 3220 Rhode Island Avenue and Perry Street - Lot 35 in Block 5, Mount Rainier, Maryland, (4) 3300, 3302, and 3306 Rhode Island Avenue and 3303 and 3305 Perry Street, Mount Rainier, Maryland, (5) 3308 Rhode Island Avenue, Mount Rainier, Maryland, (6) 3310 Rhode Island Avenue, Mount Rainier, Maryland, and (7) 3701 Eastern Avenue, Mount Rainier, Maryland, constitute a blighted area of the City; and

**WHEREAS**, this blighted area is part of the Urban Renewal Area of the Mount Rainier Town Center, as approved and identified in the City's Urban Renewal Plan; and

**WHEREAS**, in order to carry out the City's Urban Renewal Project, the City shall acquire the identified properties in the blighted area for slum or blight clearance and redevelopment by purchasing such properties, including, as necessary, taking such properties by exercise of the power of eminent domain; and

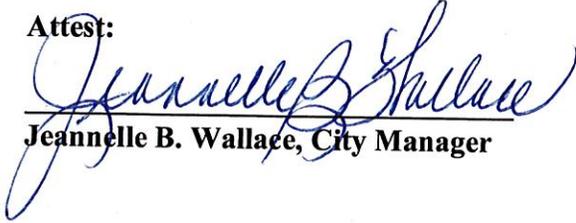
**WHEREAS**, no property in the blighted area acquired by the City by eminent domain shall be taken without just compensation.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER AS FOLLOWS:**

1. The Council finds that the properties listed below, located in the Urban Renewal Area of the Mount Rainier Town Center as approved and identified in the City's Urban Renewal Plan, constitute a blighted area of the City; that is, an area in which a majority of buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
  - (1) 3200 Rhode Island Avenue, Mount Rainier, Maryland
  - (2) 3204 and 3208 Rhode Island Avenue and 3703 and 3705 Eastern Avenue, Mount Rainier, Maryland
  - (3) 3210, 3212, Lot 3 in Block 5, and 3220 Rhode Island Avenue and Perry Street - Lot 35 in Block 5, Mount Rainier, Maryland
  - (4) 3300, 3302, and 3306 Rhode Island Avenue and 3303 and 3305 Perry Street, Mount Rainier, Maryland
  - (5) 3308 Rhode Island Avenue, Mount Rainier, Maryland
  - (6) 3310 Rhode Island Avenue, Mount Rainier, Maryland, and (7) 3701 Eastern Avenue, Mount Rainier, Maryland
  - (7) 3701 Eastern Avenue, Mount Rainier, Maryland
2. The Council finds that the rehabilitation and redevelopment of the blighted area is necessary in the interest of the public health, safety, and welfare of the residents of the City.
3. The Council initiates an Urban Renewal Project for the rehabilitation and redevelopment of the blighted area and, for such purposes, authorizes acquisition of the properties listed in #1, (1) - (7) above, including, as necessary, taking such properties in the blighted area by exercise of the power of eminent domain in accordance with the provisions of Maryland law.

THIS RESOLUTION IS ADOPTED BY THE COUNCIL OF THE CITY OF MOUNT RAINIER THIS 4<sup>th</sup> DAY OF March, 2008.

Attest:

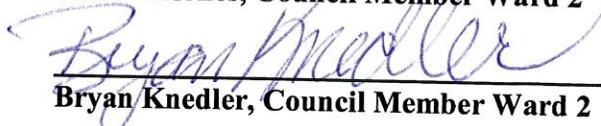
  
Jeannelle B. Wallace, City Manager

  
Malinda Miles, Mayor

Alta Morton, Council Member Ward 1

  
Jimmy Tarlau, Council Member Ward 1

  
Pedro Briones, Council Member Ward 2

  
Bryan Knedler, Council Member Ward 2

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## **A REPORT OF THE FINDINGS ON BLIGHTED PROPERTIES IN THE CITY OF MOUNT RAINIER TOWN CENTER URBAN RENEWAL AREA**

The City of Mount Rainier ("City") has documented unsafe, unsanitary, and deteriorated properties in the Town Center Urban Renewal Area as set forth in this report. The properties listed in this report have not been properly maintained according to the City's property maintenance code standards; contribute to unhealthy, unsanitary and unsafe conditions in the City; and adversely affect the public safety and welfare of the citizens of Mount Rainier.

The City has identified the following properties as being part of a slum or blighted area in the Mount Rainier Town Center Urban Renewal Area. A "blighted area" means an area in which a majority of the buildings have declined in productivity by reason of obsolescence, depreciation or other causes to an extent that they no longer justify fundamental repairs and adequate maintenance.

### **3200 Rhode Island Avenue (former Funeral Home)**

1. Property has been largely vacant for approximately 4+ years. In April 2006, a letter was sent to owner noting 19 property maintenance code violations which required abatement; to date, none of these violations have been abated.
2. The property lacks a Prince George's County Use and Occupancy ("U & O") Permit and any occupancy of this building is prohibited. Code enforcement notified the owner in June 2006 that all tenants and other occupants must vacate the property due to the unsafe property conditions and the lack of a U & O permit.
3. Prince George's County Department of Environmental Resources ("DER") investigated and determined that the building was not in compliance with County building and zoning code requirements. On or about October 12, 2006, the City Manager was informed by the DER supervisor of inspectors that the building had been condemned by DER due to illegal construction which the DER supervisor stated was the removal of load bearing walls or the relocation of load bearing walls resulting in too much weight on the existing floor boards. The DER supervisor stated that he could see clearly up to the second level of the building from the basement level.
4. On or about September 11, 2006, the District Court of Maryland issued an abatement order for weeds to be cut and removed on the property;
5. The exterior of the property has not been maintained in a clean condition. Rubbish and debris regularly accumulates

- on the property and, from time to time, is removed by the City's Department of Public Works;
6. Fence and retaining wall are in disrepair.
  7. Structural modifications to the building which compromise safety appear to have been made. This includes changes to load bearing walls, installation of a kitchen on the upper level, and installation of water drainage pipes from the basement, all performed without necessary permits. Other structural deficiencies include the non-permitted construction of residential living quarters in a building zoned for commercial use.
  8. There are weeds, trash, broken gate, and windows open on the upper level of the building—conditions which contribute to blight at entrance to the City from Washington, DC.
  9. Property owners currently owe \$3,000 in vacant building registration fees to the City and have failed to file the required vacant building plans.

### **3701 Eastern Avenue**

1. This property is a vacant single family residential house adjacent to the property located at 3200 Rhode Island Avenue. The fence is in disrepair, windows are broken, and vegetation is overgrown. There is trash and other debris in the front and sides of the property;
2. Homeless persons and prostitutes regularly occupy the front porch of this property.
3. The property is currently in arrears for \$900 in vacant building registration fees and the required vacant building plans have not been filed.

### **3204 & 3208 Rhode Island Avenue (Bass property)**

1. City has a 20 year history of appealing to the Prince George's County Board of License Commissioners to eliminate Bass' Class B+ Liquor License because the business was a nuisance to the community. In addition, there were numerous calls for service to the Mount Rainier Police Department because of open drinking, prostitution, loitering, fighting, disturbing the peace and order, and drug sales at the property;
2. Prior to the denial of the license renewal by the Board of License Commissioners, the City issued Notices of Violations for numerous property maintenance code violations. The violations included, but were not limited to, central floor beams that were water damaged, including

rotten floor joists. These code violations were never corrected by the owners.

3. Subsequent to the denial of the liquor license renewal by the Board of License Commissioners, the property caught fire in 2004. Emergency fire personnel were critically injured following a fall while attempting to bring the fire under control and the building was extensively damaged.
4. The property is vacant, boarded up, and an eyesore. The building suffered major damage from the fire and is condemned, but has not been razed.
5. This property is located in the City's gateway from Washington, DC and is in a damaged and blighted condition.

**3703 & 3705 Eastern Avenue (parking lots for Bass property)**

1. These vacant lots are zoned commercial and were used as parking lots for the Bass property. The parking lots that were built were not approved under the zoning ordinance for use.
2. These parking lots, located adjacent to the fire damaged and boarded Bass building, regularly accumulate rubbish and debris and have been a site of illegal dumping;
3. The fences surrounding the lots are in disrepair.

**3210, 3212, Lot 3, Block 5, and 3220 Rhode Island Avenue and 3303 & 3305 Perry Street (Thrifty Car Rental)**

1. The business has a long standing zoning violation; namely, illegal use of rear parcel (Lot 35) abutting the alley for parking/car storage. The car storage use is not permitted in the commercial use zone.
2. The historic service station on the property is in deteriorating condition and is surrounded by a chain link fence in the rear. The chain link fence is in poor repair and the fence is inconsistent with the mixed-use town center ("MUTC") guidelines and standards.
3. There are possible environmental hazards at and near the location of the former service station.
4. The use of the property is a grandfathered industrial use which is not consistent with the City's Urban Renewal Plan. The property presents an appearance of a delivery/truck rental/car parking lot which does not contribute positively to the development of the Gateway Arts District.
5. The number of rental vehicles parked on the lot exceeds the permitted number of vehicles under the special exception for

the lot and parking spaces have not been designated to control the chaotic parking of rental vehicles.

6. DER issued violation notices to the owner for fences more than four feet high erected without proper fence permits and for the use of the parking and loading areas and their access driveways for purposes other than customer parking. These violations are uncorrected.

**3300, 3302 & 3306 Rhode Island Avenue and 3303 & 3305 Perry Street (Singer Building)**

1. This property has been vacant for approximately 20 years. Building windows are boarded-up and the exterior area has overgrown vegetation. Broken windows at the rear of the property reveal possible roof damage and open holes in the roof. The City's Public Works Department has had to remove debris and board up windows and doors on numerous occasions.
2. The property has been accessed by the area homeless and has often been vandalized. In 2007 the fire escape was removed because of complaints from neighbors that children were accessing the upper floors of the building. In 2008, a rear door had to be boarded because the door frame was rotted.
3. The property condition generally is a public safety hazard and a nuisance.
4. Historic windows in the building were replaced with windows that were not approved by the MUTC design guidelines.
5. Over \$1,800 in past vacant building fees as well as numerous municipal infraction fines for non abated code violations are owed to the City.
6. Loitering on and around this property is a common occurrence which includes public urination and consumption of alcoholic beverages. The property abuts a residential neighborhood and contributes to public safety hazards to residents.

**3308 Rhode Island Avenue (former Pawn Shop)**

1. Property has been vacant since approximately 2005. No apparent attempts have been made by the owner to bring the property into compliance with the property maintenance code and make it safe for occupancy;
2. Building is in need of restoration or demolition for revitalization purposes;

### **3310 Rhode Island Avenue**

1. The property was transferred to current owners in 2004. Modest fix-up work began in 2005, including removal of boards from windows. The building needs substantial renovation and its appearance adds to the blighted conditions of the City's Town Center.
2. The owners illegally removed trees in the City's public right of way (without permits or approval from the City); the removed trees were valued at approximately \$10,000 (replacement cost).
3. The owners are in arrears on vacant building fees and have not submitted the required vacant building plan;
4. The property adds to the blighted/slum conditions of the City's downtown and urban renewal area.

**Attachment 1 to this report is a photo essay showing the blighted and deteriorated properties.**

Respectfully submitted:

Jeannelle Branson Wallace  
City Manager

Michael D. Jackson  
Assistant City Manager

Date: January 29, 2008 (Draft)  
February 25, 2008 (revised)