


<b>FROM</b>	NAME & TITLE	DOUGLAS B MCCOACH, III - DIRECTOR <i>DBM</i>	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 <sup>th</sup> FLOOR		
	SUBJECT	CITY COUNCIL BILL #08-0017/ PLANNED UNIT DEVELOPMENT -AMENDMENT 2-HARBOR POINT		

**TO**

DATE:

March 10, 2008

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

At its regular meeting of March 6, 2008 the Planning Commission considered City Council Bill #08-0017, for the purpose of approving certain amendments to the Development Plan of the Harbor Point Planned Unit Development

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendment to and approval of City Council Bill #08-0017 and adopted the following resolution, eight members being present (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #08-0017 be amended and passed by the City Council.

If you have questions, please contact Mr. Gary W. Cole, Deputy Director at 410-396-8337.

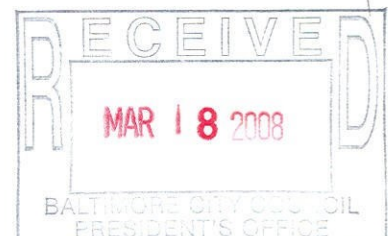
DBM/GWC/ttl

Attachments

cc:

- Mr. Andy Frank, Deputy Mayor
- Mr. Demuane Millard, Mayor's Office
- Ms. Angela Gibson, Mayor's Office
- The Honorable "Rikki" Spector, City Council Commission Representative
- Mr. Donald Small, Zoning Enforcement
- Mr. David Tanner, BMZA
- Ms. Nikol Nabors-Jackson, DHCD
- Ms. Jennifer Coates, Council Services
- Ms. Linda Barclay, Law Department
- Mr. Spiliadis, Black Olive Restaurant - Property owner
- Mr. Larry White, SBER-Property owner

*F/A*



## PLANNING COMMISSION

### STAFF REPORT

March 6, 2008

#### REQUESTS:

- City Council Bill #08-0017/Planned Unit Development – Amendment 2 – Harbor Point
- Final Design Approval/803 S. Caroline Street – The Black Olive Inn

#### RECOMMENDATIONS:

- City Council Bill #08-0017: Approval, with amendments:
  - Replace all sheets of the Development Plan cited in Section 1 with new sheets, all bearing the date of February 21, 2008. No sheet names are changed.
  - Add new Section 3 to read as follows: AND BE IT FURTHER ORDAINED, That Section 7 of Ordinance 04-682, as amended by Ordinance 07-0764 is amended to read as follows:
    - A. FOR EACH RESPECTIVE USE WITHIN THE PUD AREA EXCEPT FOR ANY USE(S) ON PARCEL 6, PARKING SHALL BE PROVIDED in accordance with the requirements of Title 10 of the Baltimore City Zoning Code, as applicable to uses located in a B-2-2 zoning district. The parking shall be accommodated by surface lots and/or structured off-street facilities located within the PUD area, and the parking shall not be required on a lot by lot basis but shall merely need to be provided within the boundaries of the PUD. Temporary parking shall be allowed on individual building sites, subject to Planning Commission approval. The Planning Commission has the discretion to permit the total count of parking spaces required for all uses within any one development lot or among multiple development lots on the property to be reduced to reflect a demonstrated reduction in the need for parking spaces due to shared use, public transportation or other appropriate causes. Notwithstanding anything herein to the contrary, open off-street parking shall be permitted on the Open Space areas at any time prior to the completed development of the Open Space in accordance with the provisions of Section 9(6). After final completion of the Open Space, permanent or temporary parking shall not be allowed on the Open Space areas, except in conjunction with the special event uses set forth in Section 4.
    - B. NOTWITHSTANDING THE FOREGOING, FOR EACH RESPECTIVE USE ON PARCEL 6, PARKING SHALL BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 10 OF THE BALTIMORE CITY ZONING CODE, AS APPLICABLE TO USES LOCATED IN A B-1-1 ZONING DISTRICT. THE PARKING FOR ANY USE(S) ON PARCEL 6 SHALL BE ACCOMMODATED AND PROVIDED BY AGREEMENT IN AN ADJACENT CITY-OWNED GARAGE.
  - Renumber Sections 3, 4 and 5 as appropriate.
- Final Design Approval: Approval

**STAFF:** Natasha Poole

**PETITIONER:** The Black Olive Development Company, LLC and Harbor Point Development, LLC

**OWNERS:** Same



## **SITE/ GENERAL AREA**

**Site Conditions:** The property known as 803 South Caroline Street (Block 1818, Lot 55) is located on the east side of Caroline Street just north of Dock Street. The property, zoned B-1-1, is approximately 5,000 square feet in size. The site until very recently was vacant, but a partial construction permit has been issued, allowing for foundation and site work to begin. The site is directly across the street from the Harbor Point Planned Unit Development. This Business Planned Unit Development encompasses 26.8 acres bounded roughly by the Baltimore Harbor to the south and west, the Living Classrooms site to the north, and Caroline Street to the east.

**General Area:** The Harbor Point PUD and the 803 S. Caroline Street subject property are located along the western edge of the Fells Point Community. To the east of the site is the heart of Fells Point, and to the north is the Living Classrooms main campus. Directly south of the site, across Dock Street and along Caroline Street is the Ferndale Fence property, a historic two story brick building occupied by a fence business. Across Caroline Street is a public parking garage, with residential units that face the street. Southeast of the site is Frederick Douglass/Isaac Myers Maritime Park.

## **HISTORY:**

- Ordinance #93-260, approved August 1993, established the Allied and related sites Planned Unit Development.
- Ordinance #04-0682, approved May 10, 2004, repealed the original Allied PUD and replaced it with the Harbor Point PUD
- On May 18, 2006, the Planning Commission approved a Minor Amendment and Final Design Approval for the Thames Street Wharf Building and Street Closings for Dock, Willis, Block and Philpot Streets within the Harbor Point PUD
- Ordinance #07-429, approved May 17, 2007, implemented the rezoning for Historic Southeast Baltimore
- Ordinance #07-555, approved November 26, 2007, established Fells Point as a Baltimore City Local Historic District
- Ordinance #07-575, approved November 27, 2007, re-established the Fells Point Urban Renewal Plan
- Ordinance #07- 625, approved December 3, 2007 amended the Development Plan of the Harbor Point PUD

## **CONFORMITY TO PLANS**

The proposed amendment and Final Design Approval are consistent with the City's Comprehensive Master Plan, specifically: EARN Goal 1, Objective 4: Retain and attract business in hospitality and tourism.

## **ANALYSIS**

Black Olive Development, LLC proposes to construct a mixed-use project at 803 South Caroline Street as a complement to its well-known Black Olive Restaurant in Fells Point. The new site will feature retail at the ground floor, three floors of boutique hotel suites, and a restaurant/café on the top floor. The project was first proposed in 2001, and all the special land use authorizations necessitated by the site's M-3 zoning had been granted. A building permit had also been issued for



the project. However, the developer chose to pursue innovative green-building techniques for the project, which has resulted in architect changes and delays.


Since then, the 803 S. Caroline Street property was rezoned to B-1-1 as part of the comprehensive rezoning of Historic Southeast. While the uses proposed for the site are all permitted within the B-1-1 district, the bulk regulations of that category are somewhat restrictive. In particular, should the site's owner choose to convert the hotel suites to residential units at any point in the future, the site lacks adequate density to do so. However, the density allowances of the Harbor Point Planned Unit Development are more than adequate to permit such a conversion. As such, an agreement was negotiated with Harbor Point Development, LLC – developers of the Harbor Point PUD – to modify their PUD boundary by including the 803 S. Caroline Street property.

All projects within a Planned Unit Development have the additional requirement to obtain Final Design Approval from the Planning Commission. To satisfy these requirements, the development has submitted a site plan, landscaping, and architectural elevations for the site. The building will be 5 stories in height, approximately 64'6" tall. The top floor will actually be a partial fifth floor to create rooftop seating for the restaurant. The project is contemporary in style, constructed primarily of aluminum, glass, and stone sheathing. Because a building permit was already issued for the project in advance of the creation of the Fells Point Local Historic District, it has been determined that review by the Commission for Historical and Architectural Preservation is not required. As such, staff's recommendation is for approval.

A number of technical amendments to the bill are needed and are listed at the start of this document. What follows is a general summary of those amendments:

- At the time of bill introduction, staff did not have access to Harbor Point's digital PUD drawings. So hand-drawn boundary changes were shown on hard copies submitted with the bill. Staff has since obtained the necessary files and created digital versions of the new PUD drawings. As such, the plans referenced in the bill must be switched out with new plans, all bearing the date of February 21, 2008. These will be the drawings upon which the City Council must base its decision.
- Normally, there is a requirement for PUDs that all of the required parking be provided within the PUD's boundaries. However, in the case of the Black Olive Inn, the developer has already obtained approval from the City to have permanent access to parking in the Caroline Street garage to which it is adjacent. Moreover, the Harbor Point developers do not fully know what the parking requirement of their development plan will be and, as such, are reluctant to lose any parking. So an amendment is needed to clarify that all parking for the 803 S. Caroline Street property (Parcel 6) will be provided in the adjacent City garage.

The following community organizations were notified of this action: Fells Point Task Force, Douglass Place Community Association, Perkins Homes Resident Advisory Council, Fells Point Community Organization, Fells Point Homeowners Association, Fells Point Development Corporation, The Preservation Society, Waterfront Coalition, Fells Prospect, Inc., Baltimore Hispanic Business Group, Broadway Area Business Association, Greenspace Action Partnership, and Upper Fells Point Improvement Association.

A handwritten signature in black ink, appearing to read 'D. B. McCoach, III'. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

**Douglas B. McCoach, III**  
**Director**