

TJD

<b>FROM</b>	<b>NAME &amp; TITLE</b>	THOMAS J. STOSUR, DIRECTOR
	<b>AGENCY NAME &amp; ADDRESS</b>	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 <sup>th</sup> FLOOR
	<b>SUBJECT</b>	CITY COUNCIL BILL #16-0709/ PLANNED UNIT DEVELOPMENT -AMENDMENT PORT COVINGTON

CITY of  
BALTIMORE  
**MEMO**



TO

DATE: August 31, 2016

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

At its regular meeting of August 25, 2016, the Planning Commission considered City Council Bill #16-0709, for the purpose of approving certain amendments to the Port Covington Planned Unit Development #71.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #16-0709 and adopted the following resolution; eight members being present (seven in favor and one recusal).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #16-0709 be amended and passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

- cc: Ms. Kaliop Parthemos, Chief of Staff
- Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development
- Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development
- Ms. Angela Gibson, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. to Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Mr. Patrick Fleming, DOT
- Ms. Elena DiPietro, Law Dept.
- Ms. Melissa Krafchik, PABC
- Ms. Natawna Austin, Council Services
- Mr. Jon Laria, Ballard Spahr LLP



*Stephanie Rawlings-Blake*  
Mayor

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur*  
Director

August 25, 2016

**REQUEST:** City Council Bill #16-0709/ Planned Unit Development- Amendment -Port Covington

**RECOMMENDATIONS:** Amendment and Approval

- **Amendment:** Replace all exhibits introduced with City Council Bill #16-0709 (Sheet 1, "Existing Conditions" date July 13, 2016 and Sheet 2, "Development and Area Plan", dated July 13, 2016) with 3 new sheets: Sheet 1, "Existing Conditions" dated August 15, 2016, Sheet 2, "Development and Area Plan" dated August 15, 2016 and add a new Sheet 3, "Conceptual Architecture" dated August 15, 2016.

**STAFF:** Tamara Woods

**PETITIONER:** UA Port Covington Holdings, LLC

**OWNERS:** Multiple Owners (Tidewater Holdings LLC, UA Port Covington Holdings, LLC, 301 E. Cromwell St. LLC, and Sagamore Whiskey Properties, LLC)

#### **SITE AREA**

**General Area:** The Port Covington Planned Unit Development (PUD) is on the South Baltimore peninsula. To the immediate north and west is a mix of manufacturing, production and utility uses. The City's Ferry Bar Park is adjacent to the southwest corner of Port Covington. South Hanover and McComas Streets provide access to Cromwell Boulevard, the main entrance to the four Areas that make up the Port Covington PUD. Those three streets handle major traffic in all directions and provide access to and from Interstate 95. Just beyond those streets to the north are the South Baltimore and Riverside neighborhoods, with the Locust Point neighborhood to the northeast.

**Site Conditions:** The 68-acre Port Covington PUD is located at the southwest end of the South Baltimore peninsula along the Middle Branch of the Patapsco River. Port Covington is part of Baltimore's Critical Area; portions of the PUD fall within Baltimore's 100 Year Floodplain and the Critical Area's 100 Foot Buffer.

#### **HISTORY**

- In January 1985, the Planning Commission approved a Marina Master Plan for Baltimore City.
- Ordinance #87-1075 established the Port Covington Urban Renewal Area.

- On December 3, 1987, the Planning Commission approved a Final Subdivision and Development Plan for Port Covington.
- Ordinance #88-0001 provided the most recent amendment (#2) to the Port Covington Urban Renewal Plan.
- Ordinance #90-0425 established the Port Covington Planned Unit Development for approximately 72 acres of undeveloped land owned by CSX Railroad.
- On November 9, 1995, the Planning Commission approved a revised Final Subdivision Plan for the larger Port Covington tract.
- On January 23, 1997, the Planning Commission approved the Final Subdivision for the CSX property within the Port Covington Planned Unit Development to create a 40.26 acre Parcel A and 14.90 Parcel B for disposition purposes.
- On March 6, 1997, the Planning Commission approved a Minor Amendment to allow two naval vessels to dock on Pier 6 at the Port Covington PUD.
- Ordinance #00-0057 amended the Port Covington PUD to allow development of a “power center” similar to a shopping center, except that stores may be much larger than typical retail stores.
- Ordinance #02-0431 amended the Port Covington PUD Ordinance and added sheets to the Development Plan for the PUD to allow a gasoline or service station as an accessory use to a principal permitted use and include design details for a service station to be added to Area 1.
- On December 4, 2003, the Planning Commission replaced the 1985 Marina Master Plan with the Maritime Master Plan for Baltimore City and adopted that plan. This plan makes specific recommendations for Port Covington, including limiting the number of marina slips to 400.
- On August 13, 2004, the Mayor and City Council approved Ordinance #04-0803 (City Council Bill #04-1343) concerning the construction of structures on piers.
- On September 20, 2007, the Planning Commission approved the Middle Branch Master Plan.
- On October 16, 2014, the Planning Commission approved a Minor Amendment to the Port Covington PUD and Final Design Approval to retrofit an existing warehouse building for an office use.
- On July 9, 2015, the Planning Commission approved a Minor Amendment to the PUD and Final Design Approval for the construction of a whiskey distillery campus with accessory restaurant.
- On October 29, 2015, the Planning Commission approved the South Baltimore Gateway Master Plan.
- On June 23, 2016, the Planning Commission approved the Port Covington Master Plan.
- On July 14, 2016, Planning Commission recommended approval of City Council Bill #16-0693 for the repeal of the Port Covington Urban Renewal Plan and City Council Bills #16-0669, #16-0670 and #16-0671 for the Port Covington TIF. All four bills are in their respective committees at City Council.

## **CONFORMITY TO PLANS**

This request is compatible with the Comprehensive Master Plan for Baltimore City, specifically:

- EARN Goal 1 (Strengthen Identified Growth Sectors), Objective 1 (Retain and Attract Businesses in all Growth Sectors);

## **BACKGROUND**

On June 23, 2016, the Planning Commission adopted the Port Covington Master Plan. The Port Covington Master Plan proposes to transform the more than 60 properties which represent approximately 260 acres of underutilized industrial land and three miles of waterfront into a dynamic mixed-use community where people can work, live, shop, recreate and enjoy the natural beauty of Baltimore and its waterfront. It is also the future home and global headquarters of Under Armour. As noted above, the existing PUD is 68 acres. It not only includes the future home of the Under Armour headquarters, but a small portion of the Port Covington Master Plan which houses the whiskey distillery and the Tidewater Yacht Services.

In order to facilitate the redevelopment of Port Covington from mostly larger industrial parcels to a full street grid that is envisioned to have varying scale mixed-use buildings, there are many steps that are required. The plan outlines the major areas for implementation, one of which is Land Use and Zoning. As noted in the Master Plan and the staff report for the Port Covington Master Plan adoption, there are many land use approvals needed that will incrementally happen over the course of many years, there are several items that are outlined to happen in the first couple of years to set the stage for development. These items include:

- Repeal of the Urban Renewal Plan
- Amend or Repeal the Planned Unit Development
- Modify the impending new City of Baltimore Zoning Code
- Create new streets and subdivide parcels for new development

The repeal of the Port Covington Urban Renewal Plan is underway. City Council Bill #16-0693 was introduced and on July 14, 2016, the Planning Commission approved staff's recommendation to approve the repeal of the Urban Renewal Plan. This bill is currently in committee at City Council. The major amendment of the existing PUD is the second piece of land use legislation needed to move forward with the implementation of the approved Port Covington Master Plan and the development of the Under Armour campus.

## **ANALYSIS**

The PUD is 68 acre industrial PUD. The majority of the existing PUD was put in place to allow for a larger shopping center complex, of which only a Wal-Mart and Sam's Club was constructed. The PUD area is broken into four areas. Area I of this PUD includes a former Wal-Mart store that is currently unoccupied and a now-defunct Sam's Club building that has been renovated into Under Armour Building 37. Areas II is now the home of the Sagamore Whiskey Distillery and Areas III, and IV are occupied by Tidewater Yacht Service. Residential uses are also permitted on Areas II and IV, excluding Pier 6, but not constructed as of 2016. The changes that have necessitated the Major Amendment is the completely new development plan and the expansion of uses within the PUD.

## Uses

The underlying zoning of the PUD is M-3. As an industrial PUD, per Title 9 of the Zoning Code, uses from the other industrial districts, in this case M-1 and M-2 and uses from business districts are allowed. The previous PUD outlined specific uses within certain areas of the PUD. This amendment proposes amending for the following:

- Allowing permitted uses from the M-1 district within all areas of the PUD
- Allowing permitted uses from the B-2 district within all areas of the PUD, with the exception of a list of prohibited uses instead of just Area I
- Allowing conditional uses from the B-1, B-2 and M-1 in all areas of the PUD instead of just Area I

In addition the bill text provides amendments to consolidate the allowable and permitted uses into one source. The 2004, major amendment provided a use table, while the text of the PUD included additional uses. City Council Bill #16-0709 proposes all uses to be included within the text and relates to the development via certain Areas outlined on the development plan. In addition, certain uses, which had been prohibited are now permitted. For example, distribution facilities/warehouse, gymnasiums, daycare centers, hotels and motels, among other items, will now be permitted within the PUD. While this amendment does allow for greater flexibility within the overall PUD, it does propose prohibition of dwellings within Areas I and III of the PUD, which are the Under Armour Campus and the area with the whiskey distillery.

## Development Plan

The development plan of the PUD is also being updated to reflect the shift from a primarily shopping center and industrial service use with relatively few buildings to a high density mixed use area that features:

- Area I - This area is the Under Armour Campus. It is designed to contain approximately 3.9 million square feet of office, studio, process innovation, sport and recreation, and other ancillary uses on 50 acres.
- Areas II and III - Comprise what is known in the Port Covington Master Plan as the East Waterfront District. The development plan reflects the change to a more dense mixed-use retail district that will allow for plazas and open space. Area II also includes the existing Sagamore Spirit Distillery.
- Area IV – This area show the piers and provides for the reuse of the pier for recreational, residential and maritime uses. Uses on pier are subject to additional regulations outside of the PUD.
- Ferry Bar Park and Coastal Walkway Easement - These are documented on the plan and in the notes to document and provide for public access to the existing Ferry Bar Park (revised easement to be approved by the Board of Estimates) and the public pedestrian path which will be built in phases as the development plan is implemented.

In addition to showing the outlined Areas that align with use provisions within the text, the development plan also indicates the location and relative size of proposed buildings which align to the approved master plans. The developer completed Urban Design and Architectural Review

Panel (UDARP) for the Under Armour Campus Master Plan on January 28, 2016 and the overall Port Covington Master Plan on May 26, 2016. The Under Armour Campus Master Plan received Site Plan Review Committee (SPRC) approval on July 18, 2016. All individual buildings within the PUD will be subject to UDARP and SPRC approval, as well as Final Design Approval from the Planning Commission.

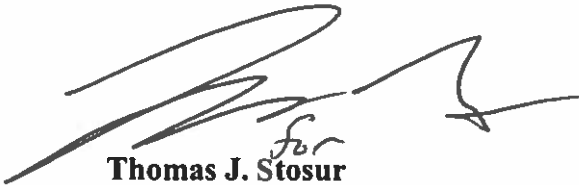
Amendment

Staff recommends amendment and approval of City Council Bill #16-0709. The amendment is to replace all exhibits introduced with City Council Bill #16-0709 with 3 new sheets dated August 15, 2016. These sheets include Sheet 1, "Existing Conditions" dated August 15, 2016 (Exhibit 1), Sheet 2, "Development and Area Plan" dated August 15, 2016 (Exhibit 2) and add a new Sheet 3, "Conceptual Architecture" dated August 15, 2016 (Exhibit 3).

The replacement of the sheets shows technical amendments that Planning Staff required to better align with Title 9 of the Zoning Code. The City Council bill as introduced replaces the existing PUD sheets with only updated Existing Conditions and Development and Area Plan sheets. Planning staff not only recommends updating and replacing these sheets, but adding a Sheet 3, "Conceptual Architecture" which shows relative massing and density.

**COMMUNITY NOTIFICATION**

Notification for this item was done via email to a list of approximately 4,600 recipients, which includes both individuals and organizations. In addition, the following community organizations have been notified of this action: Community of Curtis Bay Association, Concerned Citizens For A Better Brooklyn, Cherry Hill Community Coalition, Westport Neighborhood Association, Lakeland Community Association Partnership, Mt. Winans Community Association, South Baltimore Neighborhood Association, Riverside Neighborhood Association, Sharp-Leadenhall Planning Committee, Inc., Locust Point Civic Association, Inc., Federal Hill Neighborhood Association, Inc, Federal Hill South Neighborhood Association, Sharp-Leadenhall Improvement Association and The Honorable Eric Costello.



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

Exhibit 1- Revised Sheet 1, "Existing Conditions", dated August 15, 2016.

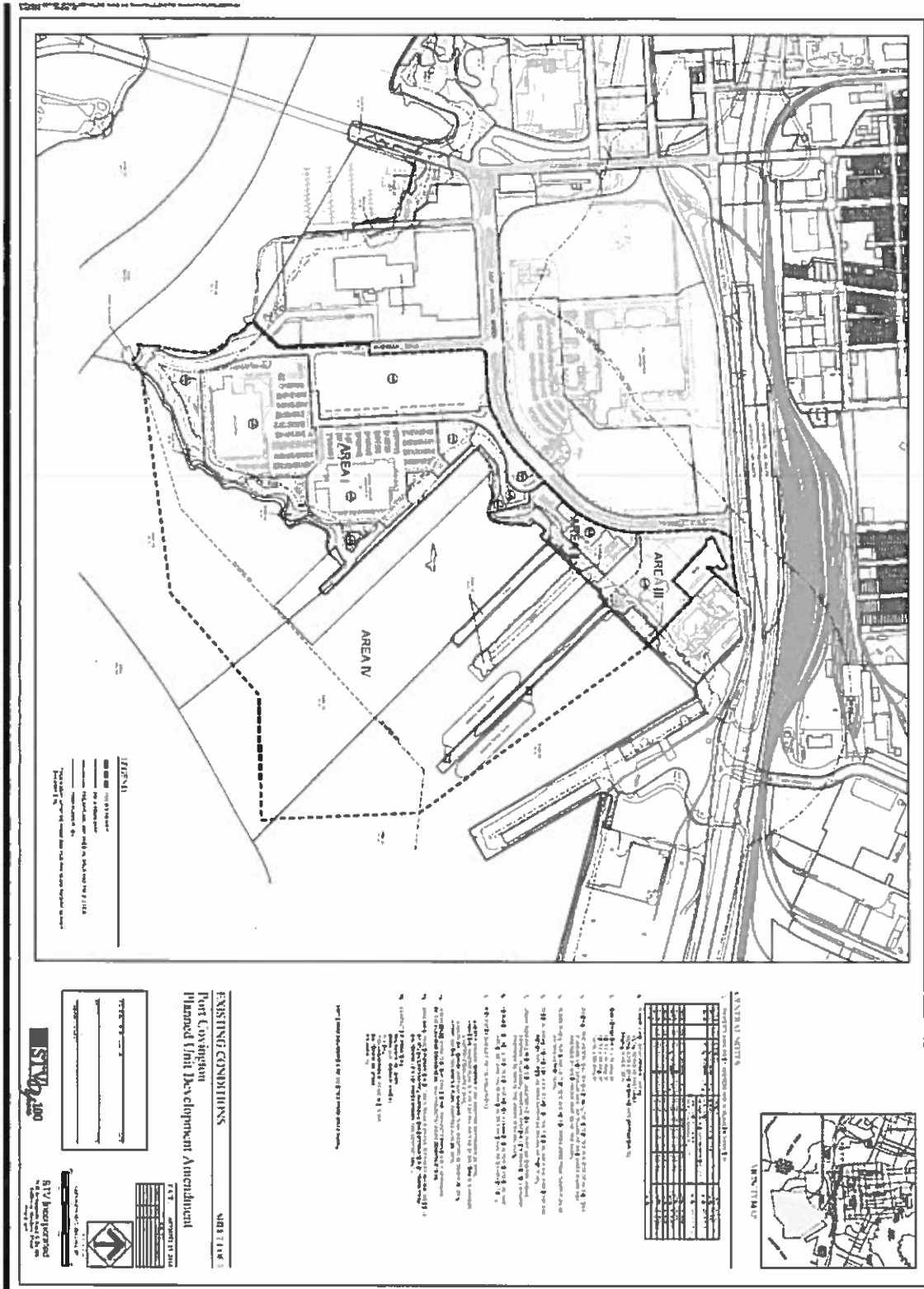






Exhibit 3: Added Sheet 3," Conceptual Architecture", dated August 15, 2016

