

**CITY OF BALTIMORE
COUNCIL BILL 18-0270
(First Reader)**

Introduced by: Councilmember Cohen, President Young

At the request of: TRP-MCB 5601 Eastern, LLC

Address: c/o AB Associates, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland 21202

Telephone: 410-547-6900

Introduced and read first time: June 25, 2018

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Department of Public Works, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Designation – 5601 Eastern Avenue**

3 FOR the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue
4 Planned Unit Development and approving a new Development Plan for the 5601 Eastern
5 Avenue Planned Unit Development.

6 BY authority of

7 Article 32 - Zoning
8 Section 5-201(a) and Title 13
9 Baltimore City Revised Code
10 (Edition 2000)

11 **Recitals**

12 By Ordinance 15-380, the Mayor and City Council of Baltimore approved the application to
13 have certain property located at 5601 Eastern Avenue designated a Business Planned Unit
14 Development and approved the Development Plan as submitted by the applicant.

15 The applicant is the contract purchaser of an adjoining property at 5801 Eastern Avenue that
16 is to be added to the Planned Unit Development and wants approval of a Final Development Plan
17 for the combined property. The applicant wants to replace the existing Planned Unit with a new
18 one that reflects changes previously approved in the Development Plan and final plan approvals
19 from the Planning Commission, and to revise certain text provisions.

20 On May 30, 2018, representatives of the applicant met with the Department of Planning for a
21 preliminary consultation, to explain the scope and nature of existing and proposed development
22 on the property and to institute proceedings to have the property designated a Planned Unit
23 Development.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 The representatives of the applicant have now applied to the Baltimore City Council for
2 designation of the property as a Planned Unit Development, and they have submitted a
3 Development Plan intended to satisfy the requirements of the Baltimore City Zoning Code,
4 Section 5-201(a) and Title 13.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
6 Ordinance 15-380 is repealed.

7 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the
8 application of TRP-MCB 5601 Eastern Avenue, LLC, owner of the property located at 5601
9 Eastern Avenue, consisting of 20.0166 acres, and contract purchaser of the adjacent property at
10 5801 Eastern Avenue, consisting of 27,000 square feet, more or less, as outlined on the
11 accompanying Development Plan entitled “5601 Eastern Avenue”, to designate the property as a
12 Planned Unit Development under Title 13, of the Baltimore City Zoning Code.

13 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
14 approves the replacement of the Planned Unit Development and approves the new Development
15 Plan submitted by the applicant, as attached to and made part of this Ordinance, including:

- 16 Exhibit C-1.0, “Cover Sheet”, dated June 20, 2018
- 17 Exhibit C-2.0, “Existing Conditions Plan”, dated June 20, 2018
- 18 Exhibit C-3.0, “Revised Master Plan - Low Density”, dated June 20, 2018
- 19 Exhibit C-4.0, “Simplified Forest Delineation Plan”, dated June 20, 2018
- 20 Exhibit C-5.0, “Landscape Plan”, dated June 20, 2018
- 21 Exhibit C-6.0, “Landscape Notes and Details”, dated June 20, 2018
- 22 Exhibit C-7.0, “Development Plan Height Limit”, dated June 20, 2018.

23 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the maximum gross square footage for all
24 buildings and uses, excluding parking and circulation, in the Planned Unit Development is
25 2,000,000 square feet, as follows:

- 26 184,000 square feet for retail uses;
- 27 376,000 square feet for office uses;
- 28 350,000 square feet for hotel uses; and
- 29 up to and including a maximum number of 1,350 residential units.

30 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the maximum heights for all buildings
31 shall be as shown on Exhibit C-7.0 of the Development Plan, and no building may be constructed
32 within 65 feet of the westernmost boundary of the Planned Unit Development.

33 **SECTION 6. AND BE IT FURTHER ORDAINED,** That residential, retail, and office uses shall be
34 permitted as follows:

- 35 (a) Uses permitted under Title 10-205 and Table 10-301;
- 36 (b) 1 retail goods establishment with off premises alcohol sales when within a full service
37 grocery store whose net leasable area exceeds 15,000 square feet; and
- 38 (c) 1 gas station as approved under the Final Development Plan at 5801 Eastern Avenue.

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1 **SECTION 7. AND BE IT FURTHER ORDAINED**, That the following uses are prohibited within
2 the Planned Unit Development:

- 3 Adult book or video store
- 4 Adult entertainment
- 5 Amusement arcade
- 6 Bail bond establishment
- 7 Body art establishment
- 8 Community correction center
- 9 Firearm sales
- 10 Fraternity or sorority house
- 11 Helistop
- 12 Massage parlor
- 13 Parole and Probation field office
- 14 Payday loan shop
- 15 Rooming house
- 16 Taxidermist shop
- 17 Tobacco, hookah, and vaping shops

18 **SECTION 8. AND BE IT FURTHER ORDAINED**, That the number of liquor licenses permitted
19 within the Planned Unit Development are limited as follows:

- 20 (a) Class A Beer, Wine & Liquor License, if approved as a conditional use by the Board;
- 21 (b) Class BD-7 Beer, Wine & Liquor Licenses (Tavern), provided that there are no off-
22 premises sales, except for the use specifically approved under § 6(b) of this
23 Ordinance;
- 24 (c) Class B Beer, Wine & Liquor Licenses (Restaurant) in such number as may
25 accompany restaurants within the Planned Unit Development that may qualify under
26 applicable law for such licenses; and
- 27 (d) Class B Beer, Wine & Liquor Licenses (Hotel/Motel) in such number as may qualify
28 under applicable law for such licenses.

29 **SECTION 9. AND BE IT FURTHER ORDAINED**, That off-street parking shall be provided
30 according to the provisions of the Baltimore City Zoning Code, without regard to specific lot
31 lines, and, instead, in the aggregate for the entire Planned Unit Development. Off-street parking
32 may also be further reduced by the Planning Commission on a finding of shared parking where
33 appropriate.

34 **SECTION 10. AND BE IT FURTHER ORDAINED**, That all buildings with frontages on Eastern
35 Avenue shall have a principal entrance on Eastern Avenue. All buildings with frontages on
36 Bayview Drive, as shown on the Development Plan, shall have a principal entrance on that road
37 unless the building also has a entrance on Eastern Avenue. No service access shall be permitted
38 to buildings on Eastern Avenue or Bayview Drive. No vehicular access shall be permitted
39 directly or indirectly to Foster Avenue into the Planned Unit Development.

40 **SECTION 11. AND BE IT FURTHER ORDAINED**, That the following signage limitations apply
41 to the Planned Unit Development:

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1 (a) Total permitted signage within the Planned Unit Development shall be calculated
2 under the Zoning Code using an area factor of 3 and applied to buildings facing any
3 public or private right of ways or streets.

4 (b) A maximum of three monument/pylon signs along Eastern Avenue are permitted
5 subject to the previous design approval by the Planning Commission under the
6 previous Planned Unit Development. One new monument/pylon sign will be
7 permitted for the 5801 Eastern Avenue property, and one free-standing sign facing I-
8 95 will be permitted.

9 (c) All signage within the Planned Unit Development is subject to final design approval
10 by the Planning Commission. The approval can be in the form of either a specific
11 design or a sign design package.

12 **SECTION 12. AND BE IT FURTHER ORDAINED,** That the Planning Commission may determine
13 what constitutes minor or major modifications to the Planned Unit Development, as per the
14 provisions of Title 13 of the Baltimore City Zoning Code.

15 **SECTION 13. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
16 permanent improvements on the property are subject to final design approval by the Planning
17 Commission to insure that the plans are consistent with the Development Plan and this
18 Ordinance.

19 **SECTION 14. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
20 accompanying Development Plan and in order to give notice to the agencies that administer the
21 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
22 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
23 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
24 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
25 Appeals, the Planning Commission, the Commissioner of Housing and Community
26 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

27 **SECTION 15. AND BE IT FURTHER ORDAINED,** That the filing of an appeal of the Planned
28 Unit Development or an appeal of any building permit issued in accordance with the Planned
29 Unit Development shall toll any time limits set forth in the Development Plan pending the
30 conclusion of all appeals.

31 **SECTION 16. AND BE IT FURTHER ORDAINED,** That if any provision of this Ordinance or the
32 application of this Ordinance to any person or circumstance is held invalid for any reason, the
33 invalidity does not affect any other provision or any other application of this Ordinance, and for
34 this purpose the provisions of this Ordinance are declared severable.

35 **SECTION 17. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
36 day after the date it is enacted.