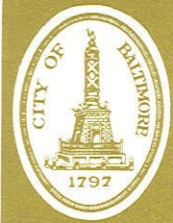


FROM	NAME & TITLE	GARY W. COLE, ACTING DIRECTOR <i>Stole</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #08-0027/PLANNED UNIT DEVELOPMENT -TIDE POINT		

TO

DATE:

October 27, 2008

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

At its regular meeting of October 23, 2008 the Planning Commission considered City Council Bill #08-0027 for the purpose of repealing the existing Development Plan for the Whetstone Point Planned Unit Development; and approving a new Development Plan for the Tide Point Planned Unit Development.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amending and approving City Council Bill #08-0027 and adopted the following resolution, nine members being present (nine in favor) and one recuse.

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #08-0027 be amended and passed by the City Council.

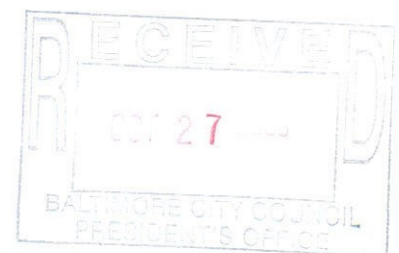
If you have questions, please contact Mr. Wolde Ararsa, Acting Chief of Land Use and Urban Design at 410-396-4488.

GWC/ttl

Attachments

cc:

Mr. Andy Frank, Deputy Mayor
Mr. Demuane Millard, Chief of Staff
Ms. Angela Gibson, Mayor's Office
The Honorable "Rikki" Spector, City Council Commission Representative
Mr. Geoffrey Veale, Zoning Enforcement
Mr. David Tanner, BMZA
Ms. Nikol Nabors-Jackson, DHCD
Ms. Larry Greene, Council Services
Ms. Deepa Bhattacharyya, Law Department



PLANNING COMMISSION

STAFF REPORT

October 23, 2008

REQUEST: City Council Bill #08-0026/Rezoning – Block 2024, Lot 6A, 1000-1050 Hull Street, 1450 Beason Street, 1100 Haubert Street, 1134 Hull Street, 1116 Hull Street, and 1113 Hull Street - For the purpose of changing the zoning for the properties known as Block 2024, Lot 6A, 1134 Hull Street, and 1116 Hull Street, as outlined in red on the accompanying plat, from the M-2-2 Zoning District to the R-8 Zoning District; changing the zoning for the properties known as 1450 Beason Street and 1100 Haubert Street, as outlined in blue on the accompanying plat, from the M-3 Zoning District to the R-8 Zoning District; and changing the zoning of the properties known as 1000-1050 Hull Street, as outlined in green on the accompanying plat, from the M-3 Zoning District to the B-2-3 Zoning District.

City Council Bill #08-0027/Planned Unit Development - Designation – Tide Point - For the purpose of repealing the existing Development Plan for the Whetstone Point Planned Unit Development; and approving a new Development Plan for the Tide Point Planned Unit Development.

RECOMMENDATION:

- City Council Bill #08-0026/Rezoning – Block 2024, Lot 6A, 1000-1050 Hull Street, 1450 Beason Street, 1100 Haubert Street, 1134 Hull Street, 1116 Hull Street, and 1113 Hull Street - Approve
- City Council Bill #08-0027/Planned Unit Development - Designation – Tide Point Amend and Approve (specific amendments are listed at the end of this report).

STAFF: Kenneth Hranicky

PETITIONER: Hull Point, LLC., Represented by Stanley S. Fine, Esquire, Rosenberg | Martin | Greenberg, LLP.

OWNER: Hull Point, LLC.

SITE/GENERAL AREA

Site Conditions: The proposed Tide Point Planned Unit Development (PUD) is comprised of approximately 24.647 acres in Locust Point. The existing Tide Point office complex consists to four (4), three (3) level and one (1), four (4) level brick office buildings totaling approximately 400,000 square feet which were formerly used by Proctor & Gamble for the production of detergents. The area is bounded, going counterclockwise, by shoreline to the north, CSX ROW to the east, Beason Street to the south, Haubert and Hull Street to the east and a series of three (3) triangular lots that extend from the intersection of Hull Street and Key Highway East, moving in a south-easterly direction approximately 900 feet along the CSX ROW.

General Area: Locust Point is a peninsula terminating with Fort McHenry at its tip. Tide Point PUD is located in the Locust Point neighborhood. There are industrial uses on the waterside of the peninsula that take advantage of the deep harbor access. The area consists of heavy industrial, office, and residential uses. Domino's is located to the west adjacent to the Tide Point office complex. To the east of the Tide Point complex are operation buildings and storage tanks, CSX Railroad right-of-way and Pier #10 across Hull Street (M-3 & M-2-2). South of the complex is CSX rights-of-way, two and three story row houses, and neighborhood commercial establishments in the Locust Point community.

HISTORY

- Ordinance #99-502, approved June 10, 1999, established the Whetstone Point Planned Unit Development.
- The Planning Commission adopted the Locust Point Comprehensive Plan in June 2004.

CONFORMITY TO PLANS

The requests are found to be supportive of Baltimore City's Comprehensive Master Plan, specifically LIVE Goal 1, Objective 5: Increase the City's Population by 10,000 Households in Six Years. The requests are also in conformity of the Locust Point Community Plan.

ANALYSIS

City Council Bill #08-0026/Rezoning Request

The rezoning request is for multiple properties. The requests are as follows: 1000-1050 Hull Street, current Tide Point office complex, would be changed from M-3 to B-2-3; 1450 Beason and 1100 Haubert Street, that currently make up the Overflo site, would change from M-3 to R-8 and; the remaining properties, 1134-1144 Hull Street, 1116 Hull Street, currently vacant lots, and Block 2024 to 006A, currently being used for surface parking for the Whetstone PUD, would change from M-2-2 to R-8. The Whetstone PUD was established prior to the adoption of the Maritime Industrial Zoning Overlay District and is not included in the District and is therefore not in conflict with the conversion of industrial land to other uses as identified in the MIZOD. The Tide Point office complex is an established use that is consistent with the B-2-3 zoning designation. The proposed rezoning inside of the Loop Road to R-8 is consistent with the Locust Point Comprehensive Plan. The rezoning of this site meets the Article 66B comprehensive rezoning standard. This rezoning request reflects the change in the needs of industry in this area and is consistent with the recent master plan for Locust Point.

City Council Bill #08-0027 - Tide Point PUD

Background on Whetstone PUD:

Located in Locust Point, a neighborhood rich in character and history, Struever Bros. Eccles & Rouse, Inc. (SBER) has transformed the former Procter & Gamble soap factory, circa 1929, into Tide Point, a 15-acre, 400,000 square foot corporate office campus. The five building site features fully renovated Class A office complex. In revitalizing the property SBER preserved the buildings' heritage and original façade. Tide Point offers tenants that run as large as 100,000 square feet, industrial-height ceilings and 12-foot windows or single buildings. There are several on site amenities that make up Tide Point. Tide Point Day Care Center is a 22,000 square foot daycare center for children six weeks to five years of age. Tide Point Athletic Club is a fully-

appointed corporate fitness center. A restaurant, Harvest Table, 2,500 square feet, provides breakfast, lunch, dinner and catering services. Tide Point also has Waterfront Park which is part of Baltimore's public promenade.

The current maximum Whetstone PUD Gross Area is 450,000 square feet with 50,000 square feet allowable for Retail. Parking calculation, for retail, is 1 per 600 square feet of floor area in excess of 4,000 square feet and a restaurant is 1 per 400 square feet Office Space is 1 per 800 square feet

City Council Bill #08-0027 repeals the Whetstone PUD and establishes a PUD for the Tide Point. In general, the legislation introduced in January 2008, created a mixed use development that allows for an additional 334,198 square feet of Office, 18,000 square feet of Retail and 629 Residential dwelling units. After considerable input from the Locust Point Civic Association the development plan has changed. As part of the review process, staff reviewed many specific issues related to this project which is outlined below:

Development Program

The proposed amendment to the PUD legislation authorizes a aggregate net leasable area of approximately 549,590 square feet and up to 140 dwelling units. Currently there exists 530,578 square feet of office/retail that is comprised of Tide Point and Overflo complex. Area H would house 7,000 square feet of museum (3,000 square feet) and retail (4,000 square feet). The plans are for a museum/gift shop that celebrates the immigration that came through Baltimore at Locust Point. Area A would have 49 townhouses. Area B would have 15 townhouses with the alternative use of 12,000 square feet retail or a day care center. Area C would have 14 townhouses, the triangular lots of D1, D2, and D3 would have 56 town houses. No residential structures within the PUD will exceed 35 feet in height. Area E would have a 530 car parking garage and Area G would have an 819 parking garage for a total of 1,249 cars. The height of the parking garages would not exceed 70 feet in height. There is no "Area F".

Off-street parking shall be provided with 2 spaces per residential dwelling unit, 3 spaces per 1,000 square feet of office space and 1 space per 300 square feet in excess of 1,000 square feet of retail space.

Parking Requirements

Adequate parking is perhaps one of the most important community issues related to new development. As part of the Locust Point Master Plan process specific parking requirements were set for new development in Locust Point. This project conforms to those requirements as well as allowing for shared parking to encourage efficient parking for the project. It is also staff recommendation that the legislation be amended to ensure that adequate parking be maintained at all time.

Community Review

The applicant has had an active community review process since January 2008. The Locust Point Civic Association designated a Taskforce within its organization to specifically review and provide feedback on the project. To ensure this active and healthy dialogue continues between

developer and community, the Locust Point Civic Association is given review authority on all future action related to this PUD.

Locust Point Comprehensive Plan:

In 2004, the Planning Commission adopted the Locust Point Comprehensive Plan (LPCP). The LPCP listed several recommendations that the requests are in conformance with. The LPCP Land Use and Zoning recommendations included: 1) Allow rezoning of all industrial parcels within the Inner Loop to R-8; 2) Preserve existing industrial zoning on parcels outside the inner Loop and; 3) Encourage mixed-use Planned Unit Developments (PUD) for sites over five acres within the Inner Loop. CCB #08-0026 calls for rezoning all industrial parcels within the Inner Loop road to R-8. CCB #08-0027 is a mixed-use PUD.

The LPCP also recommends that all new development must provide a minimum of 2 off-street parking spaces per unit. The proposed PUD does have two off-street parking spaces per house. The LPCP also asked residents to consider Residential Permit Parking which the applicant has offered to pay residents for the first two years. The applicant has offered to purchase permits for neighborhood residents for the first two years of the program.

The LPCP Development Guidelines' call for social spaces. The proposed development plan has an existing promenade and proposes an open space at the northeast corner of Haubert and Beason Street. This area is adjacent to the German Church and will be linked with wayfaring signs to the promenade and the proposed Immigration Museum.

The LPCP also calls for development oriented towards the street, parking placed in the rear of buildings, maximum height of townhomes of 35 feet, and that PUD projects should integrate into existing street and block patterns with height and massing consistent with neighboring buildings. The proposed development plan is consistent with the LPCP.

Site Plan Review Committee (SPRC):

SPRC reviewed and approved this project in its master plan phase.

UDARP:

Urban Design and Architectural Review Panel gave Master Plan approval on June 19, 2008. The design principles were: 1) Filling lots and completing the street front, 2) keeping the established "view corridors" open, 3) establishing pedestrian connections to the water front, and; 4) converting Key Highway into an "Urban Street". Proposed townhouses front the streets and a landscaping along Key Highway is added to give a 'boulevard' feel. There is also a new open space area adjacent to the church along Beason Street. This area is connected to the waterfront promenade with a pedestrian pathway along Haubert Street. The project will proceed in phases, and as individual components of the project are developed, each will have to return to Planning Commission for Final Design Approval.

Promenade Agreement:

Tide Point has over 1100 feet of shoreline. The applicant, Hull Point LLC., currently has an existing promenade agreement that designates a significant amount of land along the shoreline and between the buildings providing pedestrian connections to Key Highway. When new

development occurs along the promenade staff and applicant will revisit and update that agreement.

Chesapeake Bay Critical Area:

A preliminary landscape plan has been prepared for the site, which results in a total planting requirement of 166 new trees and 47 new shrubs with a total of 178 shrubs and 318 trees within the PUD. A detailed landscaping plan that meets the Critical Area requirements will need to be submitted and receive Critical Area Commission and staff approval. The site will also need to account for stormwater management as a pollution reduction measure. As individual phases of development return for Final Design Approvals, they will be evaluated for compliance with the approved Critical Area plans.

Traffic Impact Study:

A traffic impact study is being completed for the project and will require mitigation on the part of the developer. This must be undertaken prior to Final Design Approval for the first building or phase of development. General goals for mitigation are currently under negotiation between the applicant and the Baltimore City Department of Transportation, and will be requested by Transportation for inclusion as a text amendment to the bill at a later date.

Proposed amendments to CCB #08-0027:

**AMENDMENTS TO CITY COUNCIL BILL 08- 0027
(First Reader Copy)**

Amendment No. 1:

On page 2, delete lines 20 through 42, and on page 3, delete lines 1 through 28. Replace with the following:

SECTION 3. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by the applicant, Hull Point, LLC, consisting of Sheet 1, "Existing Conditions Plan", dated October 22, 2008; Sheet 2, "Proposed Development Plan", dated October 22, 2008; and Sheet 3, "Preliminary Landscape Plan", dated October 22, 2008, is approved.

SECTION 4. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitles 1 and 4, the following uses are permitted within the Planned Unit Development:

- (a) Uses authorized in the B-2 Zoning District.

Except as provided in paragraph (c) below, all uses specified in §§ 6-306, 6-307, 6-308, and 6-309 of the Zoning Code of Baltimore City as permitted, accessory, or conditional uses in the B-2 Zoning District are specifically authorized as permitted, accessory, and conditional uses (subject to the requirements of Title 14 of the Zoning Code of Baltimore City – Conditional Uses), in the Planned Unit Development.

- (b) The following additional uses are specifically permitted in the Planned Unit Development:

artisans' and craft work; bakeries – including the sale of bakery products to restaurants (up to 12,000 square feet); greenhouses; ice cream: manufacturing (up to 12,000 square feet); outdoor seating and table service when accessory to a restaurant or any other permitted use; photographic printing and developing establishments (up to 12,000 square feet); warehousing and storage.

- (c) The following uses are prohibited as principal uses in the Planned Unit Development:

animal hospitals;
auditoriums;
automobile accessory stores;
banquet halls;
bed and breakfast establishments;
bed and breakfast homes;
bingo halls: charitable
blood donor centers;
bus and transit passenger stations and terminals;
carpets and rugs – stores;
check cashing;
clothes pressing establishments;
clothing and costume rental shops
clubs and lodges;
community colleges, colleges, universities – including business;
community correction centers;
concert halls;
convalescent, nursing, and rest homes;
dance halls;
department stores;
drug stores and pharmacies: drive-in
dry cleaning establishments: drive-in
electrical and household appliance repair stores;
electrical and household appliance stores;
elementary, secondary schools: nonprofit or publicly owned
elementary, secondary schools: public or private;
exterminators' shops;
firearm sales;
foster homes for children;
fraternity and sorority houses: off-campus;
furrier shops, including accessory storage and conditioning of furs;
gambling;
garages for repairs, servicing, or storage of motor vehicles;

gasoline service stations;
helistops;
homes for the care and custody of non-bedridden alcoholics or homeless persons;
hospitals;
hotels;
laboratories: medical and dental;
laundrettes;
laundries: hand – up to 2 employees, 1 manager on premises;
laundry and dry cleaning facilities where services are provided on-site; business
liquor stores and taverns;
marinas: boat launch;
microwave antennas (satellite dishes) that are greater than 4 to 6 feet in diameter or
extend more than 6 feet above the roof line of the building to which they are
attached;
multi-family dwellings;
newspaper distribution agencies: home delivery and retail;
parole and probation field offices;
pawnshops;
permanent parking facilities in Area C;
pet shops;
photographic printing and developing establishments: drive-in;
pool halls and billiard parlors;
poultry and rabbit killing establishments;
recycling collection stations;
repeater, transformer, pumping, booster, switching, conditioning, and regulating
stations;
rooming houses;
schools and studios;
schools: commercial;
trade schools – but not industrial;
restaurants: drive-in;
second-hand stores;
sewerage pumping stations;
taxidermist shops;
telegraph offices;
telephone exchanges;
trading stamp redemption centers;
travel trailers, RVs, and similar camping equipment: parking or storage;
undertaking establishments, funeral parlors;
water filtration plants, reservoirs, and pumping stations.

(d) The following additional provisions apply to permitted uses in the Planned Unit Development:

(1) Clinics: health care are only permitted in Areas I, II, III, IV, and V.

- (2) A water taxi stop is a permitted use in the Planned Unit Development.
- (3) A maximum of three (3) Class B liquor licenses shall be permitted in the Planned Unit Development.
- (4) Retail square footage (including restaurants) within the Planned Unit Development is limited to a total of 25,500 square feet net leasable area. In Area B, retail uses not to exceed 12,000 square feet a day care center is allowed; or in the alternative, residential use is allowed.
- (5) The net leasable area for any single retail tenant may not be less than 1,000 square feet nor exceed 12,000 square feet.
- (6) Office square footage within the Planned Unit Development is limited to a total of 528,078 square feet net leasable area.
 - a. The 25,500 square feet of retail square footage permitted under paragraph (4) above, or a portion thereof, may be converted to office square footage.
 - b. Additionally, the 40,904 square feet of warehouse square footage located in Area VII of the PUD may be converted to office square footage.
- (7) Only residential use shall be permitted in Areas A, B, (except as provided in Section 4d(4) above), C, D, and VII, and shall be limited to a maximum of 140 dwelling units total. No residential use shall be permitted in Areas I, II, III, IV, V, VI, E, G, and H.
- (8) Notwithstanding anything to the contrary contained in this Ordinance, the aggregate net leasable area for all buildings and uses in the Planned Development may not exceed 549,590 square feet plus 140 dwelling units.
- (9) Permitted uses in Areas A, C, and D will be limited to those uses authorized in the R-8 Zoning District, except those uses specifically prohibited in Section 4(c) of this Planned Unit Development.
- (10) No residential structures within the PUD shall exceed 35 feet in height.
- (11) The heights of existing structures in Areas I, II, III, IV, V, VI, and VII may only be increased by an Ordinance of the City Council amending this Planned Unit Development.
- (12) The structures in Areas E and G of the Proposed Development Plan must be parking garages, and those parking garages shall not exceed 70 feet in height.
- (13) A ten (10) foot wide sidewalk shall be constructed on the west side of Decatur Street next to the existing Christ Church structure.

- (14) No vehicular access shall be allowed on the east side of Area B, except for an emergency or the blockage of other access by a train or other vehicle. Subject to City approval, this access point will be blocked with removable bollards.
- (15) No vehicular access shall be allowed on the south side of Areas E and VII, except for an emergency. Subject to City approval, this access point will be blocked with removable bollards.

SECTION 5. AND BE IT FURTHER ORDAINED, That off-street parking within the Planned Unit Development will be provided as follows:

- a. 2 spaces per residential dwelling unit included in the purchase price of the unit;
- b. 3 spaces per 1,000 square feet of office space;
- c. 1 space per 300 square feet in excess of 1,000 square feet of retail space.

SECTION 6. AND BE IT FURTHER ORDAINED, That the number of parking spaces required for a retail use in the Planned Unit Development shall be determined by the Planning Commission at the time of final design approval, at which time the Planning Commission shall apply a 60% adjustment to any retail use within the Planned Unit Development, so that the parking spaces provided for retail may reasonably be shared by proposed uses, and an excess of parking is not provided by the strict application of the parking requirements of Section 5 above.

SECTION 7. AND BE IT FURTHER ORDAINED, That at all times, the Property will be in compliance with the off-street parking requirements of the PUD and the Zoning Code. Parking spaces required by this Planned Unit Development may not be satisfied with on-street parking spaces provided on public streets and alleys.

SECTION 8. AND BE IT FURTHER ORDAINED, That off-street parking facilities may be provided outside of the PUD and may be subject to unrecorded leases of less than 20 years. Parking for residential uses shall be provided within the PUD.

SECTION 9. AND BE IT FURTHER ORDAINED, That signs as permitted by the Zoning Code are permitted within the Planned Unit Development, provided that all signs conform to a signage master plan that is subject to Final Design Approval by the Planning Commission and that they are also subject to the following conditions:

- (a) The following signs are prohibited in the Planned Unit Development:
 - Free-standing pylon signs in Areas A, C, and D.
- (b) The existing "Tide Point" roof sign located on the Cascade building is permitted.

SECTION 10. AND BE IT FURTHER ORDAINED, That the applicant shall submit to the Locust Point Civic Association, or its successor or assign, for review and comment, the form and content of all plans and proposals for final design approval and/or a minor amendment to the Planned Unit Development at least 45 days prior to a Planning Commission hearing that is scheduled to review the plans.

SECTION 11. AND BE IT FURTHER ORDAINED, That if the Planned Unit Development approved by this Ordinance in any way fails to meet the statutory requirements for the preparation, adoption, and approval of a planned unit development ordinance, those requirements are waived and the Planned Unit Development approved by this Ordinance is exempted from them.

SECTION 12. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the Property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

SECTION 13. AND BE IT FURTHER ORDAINED, That the Planning Department may determine what constitutes minor or major modifications to the Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

Amendment No. 2:

~~(13) Any structures constructed in Area F shall not exceed 90 feet in height (mean curb level).~~

(13) ~~(14)~~ A ten (10) foot wide sidewalk shall be constructed on the west side of Decatur Street next to the existing Christ Church structure.

(14) ~~(15)~~ No vehicular access shall be allowed on the east side of Area B, except for an emergency or the blockage of other access by a train or other vehicle. Subject to City approval, this access point will be blocked with removable bollards.

(15) ~~(16)~~ No vehicular access shall be allowed on the south side of Areas E and VII, except for an emergency. Subject to City approval, this access point will be blocked with removable bollards

Amendment No. 3:

On pages 3 and 4, strike section numbers "5" through "9", and substitute section numbers "11" through "15", respectively.

Amendment No. 4

Replace Sheet 1 of 2, Existing Conditions, dated January 7, 2008, with Sheet 1 of 3, Existing Conditions, dated October 22, 2008

Amendment No. 5

Replace Sheet 2 of 3, Proposed Development Plan, dated January 7, 2008, with Sheet 2 of 3, Proposed Development Plan, dated October 22, 2008.

Amendment No.6

Add Sheet 3 of 3, Preliminary Landscape Plan, dated October 22, 2008.

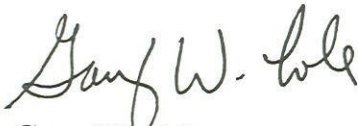
Amendment No. 7

SECTION 8 14. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

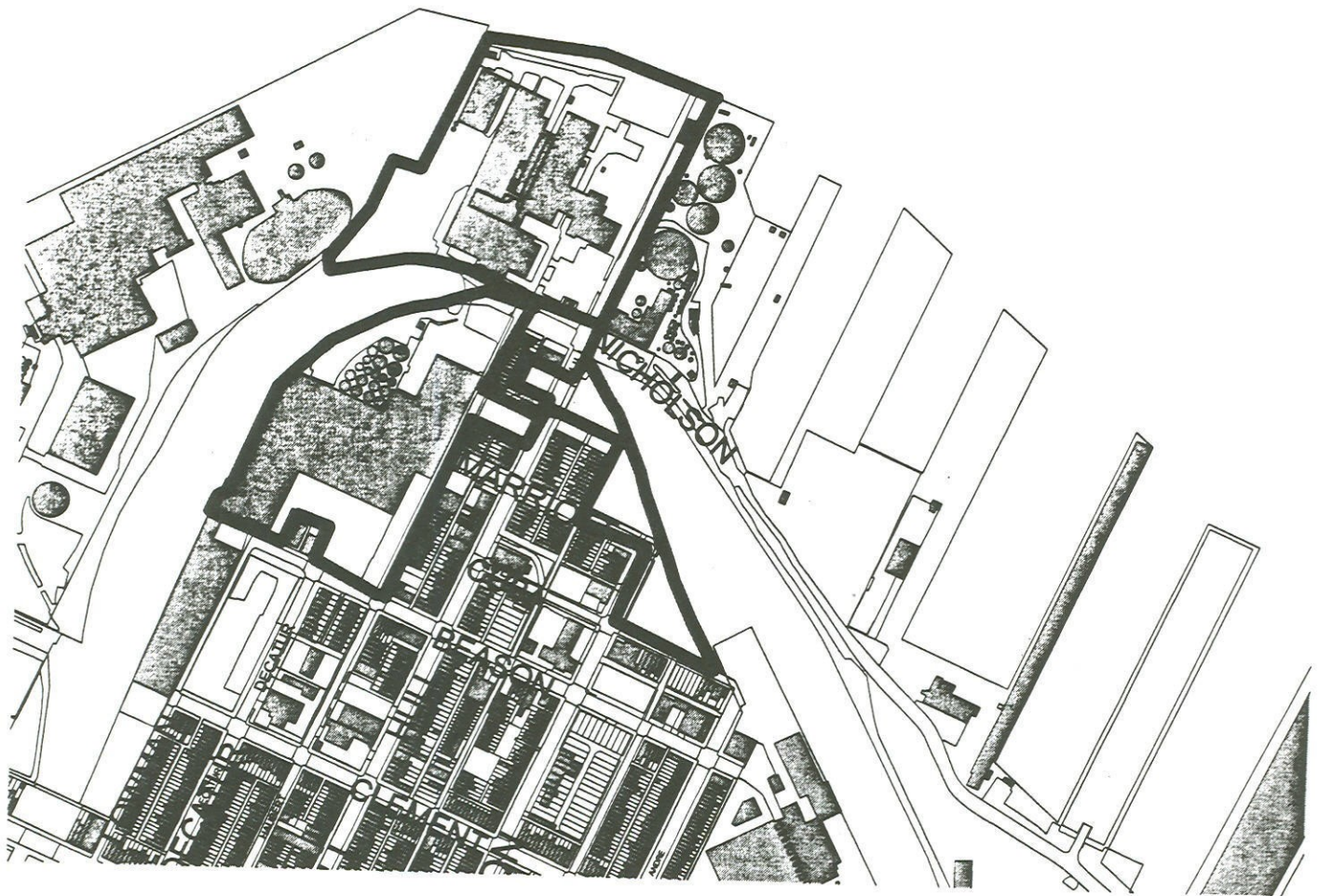
SECTION 915. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

Notification

In advance of today's hearing, staff has notified Baltimore City Councilmember Edward Reisinger, applicant, Locust Point Civic Association, Inc., Fort McHenry Business Association, Inc., Southern District Police - Community Relations Council and all property owners within the PUD and rezoning request.



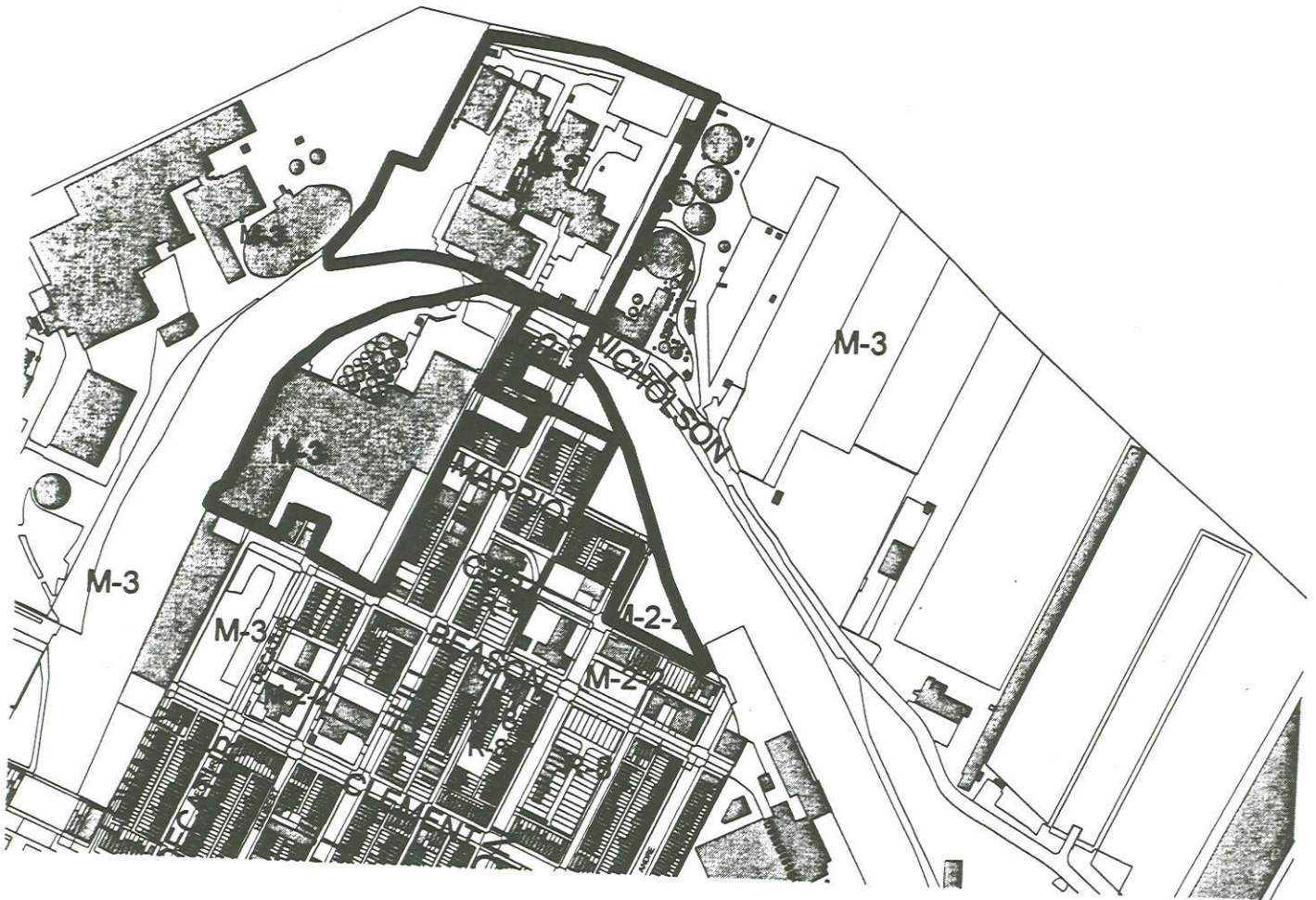
Gary W. Cole
Acting Director



**City Council Bill #08-0027
Planned Unit Development
Tide Point**



Planning Commission
October 23, 2008



**City Council Bill #08-0026/Rezoning
Block 2024, lot 6A, 1000-1050 Hull Street,
1450 Brason Street, 1100 Haubert Street,
134 Hull Street, 1116 Hull Street, and
1113 Hull Street**

Planning Commission
October 23, 2008

