

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0027

Introduced by: Councilmember Reisinger

At the request of: Hull Point, LLC

Address: c/o Stanley S. Fine, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, Baltimore, Maryland 21201

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Introduced and read first time: January 28, 2008

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: December 4, 2008

AN ORDINANCE CONCERNING

Planned Unit Development – 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.

By authority of

Article - Zoning

Title 9, Subtitles 1 and 4

Baltimore City Revised Code

(Edition 2000)

Recitals

By Ordinance 99-502, the Mayor and City Council of Baltimore approved the application of Hull Point, LLC, to have certain property located in Locust Point designated an Industrial Planned Unit Development and approved the Development Plan submitted by the applicant.

Hull Point, LLC, wishes to rescind Ordinance 99-502 and replace the existing Development Plan with a new one that will amend the boundaries of the Planned Unit Development, amend the Development Plan, rename the Planned Unit Development, as previously approved by the Mayor and City Council, amend the permitted uses and their densities, and generally provide for a mixed-use, live/work/play urban development including (but not limited to) residential, office, retail, storage, light industrial, and light manufacturing.

Hull Point, LLC, Tide Point Mezzanine Holding, LLC, and Nicholson Street, LLC, are either the owner or contract purchaser for the following properties: Block 2024, Lot 6A, 1000-1050 Hull Street, 1450 Beason Street, 1100 Haubert Street, 1134 Hull Street, 1116 Hull Street, and 1113 Hull Street. Hull Point, LLC, plans to develop the Property, consisting of 24.647 acres, more or less, for business and industrial uses.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 On January 7, 2008, representatives of the applicant met with the Department of Planning for
2 a preliminary conference, to explain the scope and nature of existing and proposed development
3 on the property and to institute proceedings to have the property designated a Business Planned
4 Unit Development.

5 The representatives of the applicant have now applied to the Baltimore City Council for
6 approval of the replacement Planned Unit Development, which is intended to satisfy the
7 requirements of Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

8 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
9 Ordinance 99-502 is repealed.

10 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the
11 replacement of the Planned Unit Development and approved the application of Hull Point, LLC,
12 Tide Point Mezzanine Holding, LLC, and Nicholson Street, LLC, to designate the properties
13 known as Block 2024, Lot 6A, 1000-1050 Hull Street, 1450 Beason Street, 1100 Haubert Street,
14 1134 Hull Street, 1116 Hull Street, and 1113 Hull Street, consisting of 24.647 acres, more or
15 less, as outlined on the accompanying Development Plan entitled "Tide Point", dated January 7,
16 2008, to designate the property a Business Planned Unit Development under Title 9, Subtitles 1
17 and 4 of the Baltimore City Zoning Code.

18 ~~**SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by the~~
19 ~~applicant, Hull Point, LLC, consisting of Sheet 1, "Existing Conditions Plan", dated January 7,~~
20 ~~2008, and Sheet 2, "Development Plan", dated January 7, 2008, is approved.~~

21 ~~**SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title~~
22 ~~9, Subtitles 1 and 4, the following uses are permitted within the Planned Unit Development:~~

23 ~~(a) The following principal uses are permitted within the Planned Unit Development:~~

24 ~~(1) all permitted, accessory, and conditional uses as allowed in the B-2 Zoning~~
25 ~~District;~~

26 ~~(2) artisans' and craft work; automatic teller machines; automotive parts:~~
27 ~~manufacturing; bakeries - including the sale of bakery products to restaurants,~~
28 ~~hotels, clubs, and other similar establishments; bakery goods: manufacturing;~~
29 ~~banks and savings and loan associations; beverages: manufacturing; bottling~~
30 ~~works; bus and transit turnarounds and passenger shelters - including advertising~~
31 ~~signs that comply with § 11-424 of the Zoning Code; cameras and other~~
32 ~~photographic equipment: manufacturing; candy: manufacturing; canvas products:~~
33 ~~manufacturing; carpet and rug cleaning establishments; clothing and other~~
34 ~~finished products: manufacturing; communications systems: sales and service,~~
35 ~~other than retail; computer centers; contractor and construction shops; dry~~
36 ~~cleaning establishments; dyeing establishments; electronic components and~~
37 ~~instruments: manufacturing and assembling; employment agencies; food~~
38 ~~products: manufacturing and processing; furniture and fixtures: manufacturing;~~
39 ~~greenhouses; hardware and tools: manufacturing; ice cream: manufacturing;~~
40 ~~industrial supplies: distribution and sales; ink: manufacturing; inked products:~~
41 ~~manufacturing; instruments, professional, scientific, and controlling:~~
42 ~~manufacturing; jewelry: manufacturing; laboratories: research and testing;~~

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laboratory apparatus: manufacturing; linen, towel, diaper, and similar supply establishments; lithographing; luggage: manufacturing; machinery and machines, industrial, new: sales, rental and service; machines, business and office, new and used: sales, rental, and service; machine shops, machine tools, light: manufacturing; mail order distribution centers; malting; maritime suppliers; massage therapists' offices; medical equipment: manufacturing; milk and dairy products: processing and distribution; mirrors: manufacturing; musical instruments, including organs and pianos: manufacturing; newsstands; novelty products: manufacturing; optical equipment: manufacturing; orthopedic and medical appliances: manufacturing; outdoor seating and table service when accessory to a restaurant or any other permitted use; pharmaceuticals: manufacturing; photographic printing and developing establishments; printing and publishing; private piers; bus and transit passenger stations and terminals; public utility service centers; radio and television antennas and towers, including microwave antennas (satellite dishes) that extend no more than 25 feet above the building on which they are mounted; recording studios; rope or twine, fibrous: manufacturing; schools, commercial; schools, trade - other than industrial; spices: manufacturing and processing; sporting and athletic goods: manufacturing; telephone exchanges; textile mill products: manufacturing and fabrication; tool, dye, or pattern making shops; toys and games: manufacturing; upholstering shops; warehousing and storage; wholesale establishments; window blinds, shades, and awnings: manufacturing; wood products: manufacturing.

(b) A water taxi stop is a permitted use in the Planned Unit Development.

~~SECTION 4. AND BE IT FURTHER ORDAINED, That off street parking requirements for the Planned Unit Development are the same as for a B-2-3 District, as specified in Title 10 of the Baltimore City Zoning Code.~~

SECTION 3. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by the applicant, Hull Point, LLC, consisting of Sheet 1, "Existing Conditions", 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 as 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

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1 or any other permitted use; photographic printing and developing establishments (up
2 to 12,000 square feet); warehousing and storage.

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

4 animal hospitals;
5 auditoriums;
6 automobile accessory stores;
7 banquet halls;
8 bed and breakfast establishments;
9 bed and breakfast homes;
10 bingo halls: charitable;
11 blood donor centers;
12 bus and transit passenger stations and terminals;
13 carpets and rugs - stores;
14 check cashing;
15 clinics: healthcare
16 clothes pressing establishments;
17 clothing and costume rental shops;
18 clubs and lodges;
19 community colleges, colleges, universities - including business;
20 community correction centers;
21 concert halls;
22 dance halls;
23 department stores;
24 drug stores and pharmacies: drive-in;
25 dry cleaning establishments: drive-in;
26 electrical and household appliance repair stores;
27 electrical and household appliance stores;
28 elementary, secondary schools: nonprofit or publicly owned;
29 elementary, secondary schools: public or private;
30 exterminators' shops;
31 firearm sales;
32 fraternity and sorority houses: off-campus;
33 furrier shops, including accessory storage and conditioning of furs;
34 gambling;
35 garages for repairs, servicing, or storage of motor vehicles;
36 gasoline service stations;
37 helistops;
38 hospitals;
39 hotels;
40 laboratories: medical and dental;
41 laundrettes;
42 laundries: hand - up to 2 employees, 1 manager on premises;
43 laundry and dry cleaning facilities where services are provided on-site;
44 business;
45 liquor stores and taverns;
46 marinas: boat launch;
47 microwave antennas (satellite dishes) that are greater than 4 to 6 feet in
48 diameter or extend more than 6 feet above the roof line of the building to
49 which they are attached;

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1 multi-family dwellings;
2 newspaper distribution agencies: home delivery and retail;
3 parole and probation field offices;
4 pawnshops;
5 permanent parking facilities in Area C;
6 pet shops;
7 photographic printing and developing establishments: drive-in;
8 pool halls and billiard parlors;
9 poultry and rabbit killing establishments;
10 recycling collection stations;
11 repeater, transformer, pumping, booster, switching, conditioning, and
12 regulating stations;
13 restaurants: drive-in;
14 rooming houses;
15 schools and studios;
16 schools: commercial;
17 second-hand stores;
18 sewerage pumping stations;
19 taxidermist shops;
20 telegraph offices;
21 telephone exchanges;
22 trade schools - but not industrial;
23 trading stamp redemption centers;
24 travel trailers, Rvs, and similar camping equipment: parking or storage;
25 undertaking establishments, funeral parlors;
26 water filtration plants, reservoirs, and pumping stations.

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

29 (1) A water taxi stop is a permitted use in the Planned Unit Development.

30 (2) A maximum of 3 Class B liquor licenses shall be permitted in the Planned Unit
31 Development.

32 (3) Retail square footage (including restaurants) within the Planned Unit
33 Development is limited to a total of 25,500 square feet net leasable area. In Area
34 B, retail uses not to exceed 12,000 square feet or a day care center is allowed; or
35 in the alternative, residential use is allowed.

36 (4) The net leasable area for any single retail tenant may not be less than 1,000 square
37 feet nor exceed 12,000 square feet.

38 (5) Office square footage within the Planned Unit Development is limited to a total of
39 528,078 square feet net leasable area.

40 a. The 25,500 square feet of retail square footage permitted under paragraph
41 (3) above, or a portion thereof, may be converted to office square footage.

42 b. Additionally, the 40,904 square feet of warehouse square footage located
43 in Area VII of the PUD may be converted to office square footage.

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1 (6) Only residential use shall be permitted in Areas A, B, (except as provided in
2 Section 4(d)(3) above), C, D, and VII and shall be limited to a maximum of 140
3 dwelling units total. No residential use shall be permitted in Areas I, II, III, IV,
4 V, VI, E, G, and H.

5 (7) Notwithstanding anything to the contrary contained in this Ordinance, the
6 aggregate net leasable area for all buildings and uses in the Planned Development
7 may not exceed 549,590 square feet plus 140 dwelling units.

8 (8) Permitted uses in Areas A, C, and D will be limited to those uses authorized in the
9 R-8 Zoning District, excluding those uses that are specifically prohibited in
10 Section 4(c) of this Ordinance.

11 (9) No residential structures within the PUD shall exceed 35 feet in height.

12 (10) The heights of existing structures in Areas I, II, III, IV, V, VI, and VII
13 may only be increased by an Ordinance of the Mayor and City Council of
14 Baltimore that amends this Planned Unit Development.

15 (11) The structures in Areas E and G of the Proposed Development Plan
16 must be parking garages, and those garages shall not exceed 70 feet in height.

17 (12) A 10-foot wide sidewalk shall be constructed on the west side of Decatur Street
18 next to the existing Christ Church structure.

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

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

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

27 (a) 2 spaces per residential dwelling unit included in the purchase price of the unit and
28 located within 250 feet of the property boundaries of the unit;

29 (b) 3 spaces per 1,000 square feet of office space;

30 (c) 1 space per 300 square feet in excess of 1,000 square feet of retail space.

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

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

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

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

12 (a) The following signs are prohibited in the Planned Unit Development:

13 Free-standing pylon signs in Areas A, C, and D.

14 (b) The existing “Tide Point” roof sign located on the Cascade building is permitted.

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

20 SECTION 11. AND BE IT FURTHER ORDAINED, That this Ordinance and its approvals of the
21 Planned Unit Development and the Development Plan are conditioned on compliance with the
22 following Traffic Mitigation Agreement reached in accordance with Zoning Code §§ 2-305
23 {“Traffic-impact study”} and 16-301(b) {Referral to agencies: Traffic-impact study”} and
24 Building Code § 105.3.2 {“Action on [permit] application - Traffic-impact study”}:

25 (a) The Developer will pay a traffic mitigation fee as follows:

26 (1) \$20,000 on April 1, 2009; and

27 (2) \$29,276 on April 1, 2010.

28 (b) The first \$20,000 in each year shall be used to contribute towards the operating cost
29 of Water Taxi service, which will operate point-to-point service between Fells Point
30 and Tide Point, beginning in July 2009. Water taxi routes and schedule will be
31 mutually agreed on by the Developer and the City. In the event that no agreement
32 can be made, the Developer will provide the same payment to be used on another
33 mutually agreed on transportation demand management strategy serving Locust
34 Point. Additional funds shall be used for a study of potential capital improvements to
35 add roadway capacity at McComas Street and Key Highway, for a Locust Point area
36 bicycle master plan, and for such other traffic calming improvements as may be
37 negotiated between the City and the community.

38 (c) The Department of Transportation (“DOT”) will re-stripe the intersection of Key
39 Highway and Key Highway East to allow for additional capacity for traffic turning
40 north onto Key Highway.

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1 (d) DOT will adjust signal timing at Key Highway and Key Highway East to allow for
2 additional capacity for traffic turning north and south onto Key Highway.

3 (e) In consideration of future PUD expansions and not as part of the Traffic Mitigation
4 Agreement for this PUD Amendment, DOT will expand the scope of the Middle
5 Branch Transportation Master Plan to include the area from McComas Street north to
6 Key Highway. This study will be done with significant community input and will
7 address all modes of transportation. A draft report for public comment is expected in
8 the Spring 2009.

9 (f) In the event that the final 27,269 square feet of the 138,198 square feet within the
10 Overflo property (Area VII of the PUD) is converted for office use, the Developer
11 shall pay at the time of issuance of the building permit for such office use an
12 additional \$15,000 as traffic mitigation for traffic calming improvements.

13 (g) The Developer will provide bicycle racks and showers at the Tide Point campus in
14 accordance with LEED EB Standards.

15 (h) DOT will provide a stop control warrant analysis and speed analysis at the Key
16 Highway East entrance to the Overflo parking area.

17 (i) The provisions of this Section 11 are intended to satisfy the requirements of
18 Ordinance 06-345, and no further traffic-impact studies will be required of the
19 applicant prior to the issuance of building permits for development authorized under
20 this Ordinance. Future amendments to the Planned Unit Development may require
21 additional traffic-impact studies.

22 **SECTION 5 12. AND BE IT FURTHER ORDAINED,** That if the Planned Unit Development
23 approved by this Ordinance in any way fails to meet the statutory requirements for the
24 preparation, adoption, and approval of a planned unit development ordinance, those requirements
25 are waived, and the Planned Unit Development approved by this Ordinance is exempted from
26 them.

27 **SECTION 6 13. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
28 permanent improvements on the property are subject to final design approval by the Planning
29 Commission to insure that the plans are consistent with the Development Plan and this
30 Ordinance.

31 **SECTION 7 14. AND BE IT FURTHER ORDAINED,** That the Planning Department may
32 determine what constitutes minor or major modifications to the Plan. Minor modifications
33 require approval by the Planning Commission. Major modifications require approval by
34 Ordinance.

35 **SECTION 8 15. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
36 accompanying Development Plan and in order to give notice to the agencies that administer the
37 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
38 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
39 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
40 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
41 Appeals, the Planning Commission, the Commissioner of Housing and Community
42 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

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1 **SECTION 9 16. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
2 day after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City