

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0110

Introduced by: Councilmember Cole
At the request of: RWN Development Group, LLC
Address: c/o Richard Rubin, One South Street, 27th Floor, Baltimore, Maryland 21202
Telephone: 410-332-8509
Introduced and read first time: April 28, 2008
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 9, 2008

AN ORDINANCE CONCERNING

1 Planned Unit Development – Designation – Guilford/Holliday Towers

2 FOR the purpose of approving the application of RWN Development Group, LLC, its affiliates
3 and assigns, who are either the developer, contract purchaser, potential owner, or owner of
4 certain properties known as 211 East Pleasant Street (a/k/a 320 Guilford Avenue), 310-318
5 Guilford Avenue, 222 East Saratoga Street, 407 East Saratoga Street, 231-233 Holliday
6 Street, 235-239 Holliday Street, and 154, 158, 160, 162, and 164 North Gay Street
7 (collectively referred to as “the Property”), to have the Property designated a Business
8 Planned Unit Development; and approving the Development Plan submitted by the applicant.

9 BY authority of
10 Article - Zoning
11 Title 9, Subtitles 1 and 4
12 Baltimore City Revised Code
13 (Edition 2000)

14 Recitals

15 RWN Development Group, LLC, its affiliates and assigns, are either the developer, contract
16 purchaser, potential owner, or owner of certain properties known as 211 East Pleasant Street
17 (a/k/a 320 Guilford Avenue), 310-318 Guilford Avenue, 222 East Saratoga Street, 407 East
18 Saratoga Street, 231-233 Holliday Street, 235-239 Holliday Street, and 154, 158, 160, 162, and
19 164 North Gay Street (collectively referred to as “the Property”), consisting of 4.232 acres, more
20 or less.

21 The owner proposes to have the Property designated a Business Planned Unit Development.

22 On April 16, 2008, representatives of RWN Development Group, LLC, met with the
23 Department of Planning for a preliminary conference, to explain the scope and nature of existing
24 and proposed development on the Property and to institute proceedings to have the Property
25 designated a Business Planned Unit Development.

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 The City of Baltimore informed RWN Development Group, LLC, of the need to protect a
2 number of historic structures on the Property. In furtherance of that goal, the City has
3 encouraged RWN Development Group, LLC, to so proceed.

4 The representatives of the applicant have now applied to the Baltimore City Council for
5 designation of the Property as a Business Planned Unit Development, and they have submitted a
6 Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the
7 Baltimore City Zoning Code.

8 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
9 Mayor and City Council approves the application of RWN Development Group, LLC, its
10 affiliates and assigns, who are either the developer, contract purchaser, potential owner, or owner
11 of certain properties known as 211 East Pleasant Street (a/k/a 320 Guilford Avenue), 310-318
12 Guilford Avenue, 222 East Saratoga Street, 407 East Saratoga Street, 231-233 Holliday Street,
13 235-239 Holliday Street, and 154, 158, 160, 162, and 164 North Gay Street (collectively referred
14 to as “the Property”), consisting of 4.232 acres, more or less, as outlined on the accompanying
15 Development Plan entitled “Guilford/Holliday Towers Planned Unit Development”, consisting
16 of Sheet 1, “Existing Conditions”, dated April 11, 2008, and Sheet 2, “Proposed Development
17 Plan”, dated ~~April 11~~ May 6, 2008, to designate the Property a Business Planned Development
18 under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

19 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by the
20 applicant is approved.

21 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this approval of the Development Plan is
22 specifically conditioned on compliance with the historic preservation actions set forth in the
23 Plan.

24 **SECTION 3 4. AND BE IT FURTHER ORDAINED,** That the following uses are permitted in the
25 Development Plan, subject to the following limitations:

26 (a) All permitted and accessory uses as allowed as of the effective date of this Ordinance
27 in the B-5 Zoning District and all conditional uses as allowed as of the effective date
28 of this Ordinance in the B-5 and B-4 Zoning Districts, unless otherwise prohibited in
29 Section3(b) below.

30 (b) The following uses are not allowed as principal or accessory uses in the Development
31 Plan:

32 Automobile glass and mirror shops; automobile painting shops; automobile seat cover
33 and convertible top establishments; ~~bus and transit passenger stations and terminals;~~
34 carpet and rug cleaning establishments; check cashing agencies; community
35 corrections centers; feed stores, highway maintenance shops and yards; ~~homes for the~~
36 ~~rehabilitation of non-bedridden alcoholics and for the care and custody of homeless~~
37 ~~persons;~~ parole and probation field offices; peep-show establishments; poultry and
38 rabbit killing establishments; fraternity and sorority houses off campus; undertaking
39 establishments and funeral parlors.

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1 (c) Existing general advertising signs may be maintained on the Property in the existing
2 locations (as noted on Sheet 1, "Existing Conditions") or relocated to other locations
3 on the Property as may be approved by the Planning Commission.

4 **SECTION 4 5. AND BE IT FURTHER ORDAINED,** That there is no restriction on the aggregate
5 number of dwelling units on the Property.

6 **SECTION 5 6. AND BE IT FURTHER ORDAINED,** That the area consisting of the Property,
7 together with the adjoining highways, alleys rights-of-way, and other similar property, consisting
8 of 4.232 acres, more or less, may have an aggregate floor area of up to 2,766,234.1 square feet,
9 which floor area may be allocated among the Property in any manner.

10 **SECTION 6 7. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
11 permanent improvements on the Property are subject to final design approval by the Planning
12 Commission to insure that the plans are consistent with the Development Plan and this
13 Ordinance.

14 **SECTION 7 8. AND BE IT FURTHER ORDAINED,** That prior to final design approval for any
15 development within the Properties, a traffic mitigation agreement shall be entered into with the
16 Department of Transportation for the portion of the Properties on which the development is
17 located, or, if approved by the Department of Transportation, such traffic mitigation agreement
18 may also include all or any portion of the remaining area of the Properties. Any traffic
19 mitigation agreement that includes the properties of 158-164 N. Gay Street or 407 E. Saratoga
20 Street shall:

21 (a) Provide for the dedication of land to the City for intersection improvements at Gay
22 Street and Saratoga Street, at no cost to the City, except that the "fair market value"
23 of the dedicated land shall be considered as credit against any required mitigation.
24 For the purpose of this Section, "fair market value" shall be defined as the average
25 value of 2 appraisals performed by the City and by the Applicant.

26 (b) Be approved by the Board of Estimates.

27 **SECTION 7 9. AND BE IT FURTHER ORDAINED,** That the Planning Department may determine
28 what constitutes minor or major modifications to the Plan. Minor modifications require approval
29 by the Planning Commission. Major modifications require approval by Ordinance.

30 **SECTION 8 10. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
31 accompanying Development Plan and in order to give notice to the agencies that administer the
32 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
33 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
34 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
35 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
36 Appeals, the Planning Commission, the Commissioner of Housing and Community
37 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

38 **SECTION 9 11. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
39 day after the date it is enacted.

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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