

**CITY OF BALTIMORE
COUNCIL BILL 15-0506
(First Reader)**

Introduced by: Councilmember Kraft

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

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

Telephone: 410-547-6900

Introduced and read first time: March 23, 2015

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, Department of General Services, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation, Office of Sustainability

A BILL ENTITLED

1 AN ORDINANCE concerning

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

3 FOR the purpose of approving the application of TRP-MCB 5601 Eastern, LLC, owner of certain
4 property located at 5601 Eastern Avenue, to have that property designated a Business
5 Planned Unit Development; and approving the Development Plan submitted by the applicant.

6 BY authority of

7 Article - Zoning

8 Title 9, Subtitles 1 and 4

9 Baltimore City Revised Code

10 (Edition 2000)

11 **Recitals**

12 TRP-MCB 5601 Eastern, LLC is the owner of certain property located at 5601 Eastern
13 Avenue, consisting of 20.0166 acres, more or less.

14 The Applicant proposes to redevelop the property into a mixed-use development, consisting
15 of residential, office, medical, hotel, and retail uses.

16 On October 20, 2014, representatives of the Applicant met with the Department of Planning
17 for a preliminary conference, to explain the scope and nature of existing and proposed
18 development on the property and to institute proceedings to have the property designated a
19 Business Planned Unit Development.

20 The representatives of the Applicant have now applied to the Baltimore City Council for
21 designation of the property as a Business Planned Unit Development, and they have submitted a

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

Council Bill 15-0506

1 Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the
2 Baltimore City Zoning Code.

3 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
4 Mayor and City Council approves the application of TRP-MCB 5601 Eastern, LLC, owner of the
5 property located at 5601 Eastern Avenue, consisting of 20.0166 acres, more or less, as outlined
6 on the accompanying Development Plan entitled “5601 Eastern Avenue”, as follows:

- 7 Exhibit C-1.0, “Cover Exhibit”, dated January 12, 2015;
- 8 Exhibit C-2.0, “Existing Conditions Plan”, dated January 12, 2015;
- 9 Exhibit C-3.0, “Proposed Conditions Plan - Low Density”, dated January 12, 2015;
- 10 Exhibit C-4.0, “Proposed Conditions Plan - High Density”, dated January 12, 2015;
- 11 Exhibit C-5.0, “Simplified Forest Delineation Plan”, dated January 12, 2015;
- 12 Exhibit C-6.0, “Landscape Plan - Low Density”, dated January 12, 2015;
- 13 Exhibit C-7.0, “Landscape Plan - High Density”, dated January 12, 2015;
- 14 Exhibit C-8.0, “Landscape Plan Notes and Details”, dated January 12, 2015;
- 15 Exhibit C-9.0, “Development Plan Height Limit”, dated January 12, 2015; and
- 16 Exhibit 10, “Design Guidelines”, dated January 12, 2015,

17 to designate the property a Business Planned Unit Development under Title 9, Subtitles 1 and 4
18 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 the maximum net square footage for all
22 buildings and uses, excluding parking and circulation, in the Planned Unit Development is
23 2,000,000 square feet, that the maximum net square footage for retail uses in the Planned Unit
24 Development is 184,000 square feet, that the maximum net square footage for office uses in the
25 Planned Unit Development is 376,000 square feet, that the maximum net square footage for hotel
26 uses is 350,000 square feet, and that the maximum number of residential units in the Planned
27 Unit Development is 1,350, with further sub-limits and requirements as follows (all references to
28 Areas are as labeled on the Development Plan):

- 29 (a) In Area A, a maximum of 520,000 net square feet;
- 30 (b) In Area B, a maximum of 995,000 net square feet;
- 31 (c) In Area C, a maximum of 455,000 net square feet;
- 32 (d) In Area D, a maximum of 30,000 net square feet.

33 Square footage or unit limitations within the above areas are sub-limits only, and any unused
34 square footage or residential units within the Areas may be used in other Areas within the
35 Planned Unit Development, as long as the overall Planned Unit Development limits and Area
36 sub-limits are not exceeded. As long as Area sub-limits are not exceeded, square footage or
37 residential units may be allocated without regard to future subdivision of parcels within the
38 Planned Unit Development.

Council Bill 15-0506

1 **SECTION 4. AND BE IT FURTHER ORDAINED**, That the maximum heights for all buildings
2 within the Planned Unit Development shall be as shown on Sheet 9 of the Development Plan.
3 No building may be constructed in Area A of the Development Plan within 65 feet of the far
4 westernmost boundary of the Planned Unit Development.

5 **SECTION 5. AND BE IT FURTHER ORDAINED**, That in accordance with Title 9, Subtitles 1 and
6 4 of the Baltimore City Zoning Code, the following uses are allowed within the Planned Unit
7 Development, subject to the square footage limits and sub-limits of above Section 3:

8 (a) The following uses are specifically permitted:

- 9 Animal hospitals that are odor-proofed and sound-proofed
- 10 Antique shops - including refinishing on the premises if accessory to sales
- 11 Apartment hotels
- 12 Art and school supply stores
- 13 Art needlework shops
- 14 Artisans' and craft work
- 15 Auditoriums and concert halls
- 16 Automatic teller machines
- 17 Automobile accessory stores - including related repair and installation services so
18 long as all work is done indoors or in an area screened from view
- 19 Awnings, storm windows, and doors: sales and service
- 20 Banks and savings and loan associations
- 21 Barber shops
- 22 Batteries and tires: sales and service
- 23 Beauty shops
- 24 Bicycles: sales, rental, and repair, as well as bike-sharing services and stations if part
25 of a citywide program
- 26 Blueprinting and photostating establishments
- 27 Book stores: general
- 28 Bowling establishments, only if incorporated into an otherwise permitted or approved
29 conditional use
- 30 Buildings and lumber material sales establishments with shops and yards
- 31 Bus passenger shelters - including advertising signs that comply with Baltimore City
32 Zoning Code § 11-424
- 33 Business and office machines: sales, rental, and service
- 34 Camera and photographic supply stores
- 35 Candy and ice cream stores
- 36 Carpet and rug stores
- 37 Carry-out food shops
- 38 Catering establishments: food
- 39 China and glassware stores
- 40 Clothes pressing establishments
- 41 Clothing shops
- 42 Communications systems: sales and services
- 43 Computer centers
- 44 Convalescent, nursing, and rest homes
- 45 Costume and formal wear rental stores
- 46 Day care facilities, including day nurseries and nursery schools, and school-age child
47 care centers

Council Bill 15-0506

- 1 Department stores
- 2 Display rooms for mail order sales
- 3 Drug stores and pharmacies, including drive-in
- 4 Dry cleaning establishments, with no processing except using non-hazardous and
- 5 environmentally-friendly techniques and methods
- 6 Dwellings
- 7 Electrical and household appliance and repair stores
- 8 Express mail stores, including sale of packaging and related supplies and the dispatch
- 9 and receipt of packages by private carrier on regular or expedited basis, but not
- 10 including wiring of funds, check cashing, or relating to financial services
- 11 Fabric shops
- 12 Financial institutions
- 13 Florist shops
- 14 Food stores, grocery stores, meat markets, bakeries, and delicatessens
- 15 Fuel and ice sales
- 16 Furniture stores - including upholstering when conducted as an accessory use
- 17 Garages for storage, repair, and servicing of motor vehicles not over 1½ tons capacity
- 18 so long as all work is done indoors or in an area screened from view and all
- 19 vehicles awaiting work remain indoors or screened from view - but not including
- 20 body repair, painting or self-service work by customers on their own vehicles
- 21 Garden supply, tool, and seed stores
- 22 Gift and card shops
- 23 Governmental services - fire and police stations and post offices
- 24 Hardware stores
- 25 Hobby shops
- 26 Hospitals
- 27 Hotels and motels
- 28 Indoor trampoline and activity park
- 29 Interior decorating shops - including upholstering and making draperies, slip covers,
- 30 and similar articles when conducted as an accessory use
- 31 Jewelry stores - including watch repair
- 32 Laboratories: medical and dental
- 33 Laboratories for research and testing
- 34 Leather goods and luggage stores
- 35 Libraries and art galleries
- 36 Locksmith shops
- 37 Mail order houses
- 38 Massage therapists, only if licensed by applicable state law
- 39 Microwave antennas (satellite dishes), mounted on rooftops and screened
- 40 from street view
- 41 Millinery shops
- 42 Motor vehicles - rental, including vehicle-sharing services, with no more than 20
- 43 parking spaces for rental vehicles located on the property
- 44 Museums, aquariums, and planetariums
- 45 Musical instruments: sale and repair
- 46 Newsstands
- 47 Office supply stores
- 48 Offices: business, medical, governmental, and professional
- 49 Opticians: sales and service
- 50 Orthopedic and medical appliance stores

Council Bill 15-0506

- 1 Outside display and sale areas, limited to the area in front of the principal facade of
- 2 each building and the length of the facade, leaving no less than 5 feet of
- 3 unimpeded sidewalk area for pedestrian passage
- 4 Paint, wallpaper, tile, and floor covering stores
- 5 Parking, open off-street areas and off-street garages, other than accessory, for the
- 6 parking of 3 or more motor vehicles, subject to Design Guidelines
- 7 Parks and playgrounds
- 8 Pet shops
- 9 Philanthropic and charitable institutions
- 10 Photocopying service
- 11 Photographers
- 12 Photographic printing and developing establishments
- 13 Physical culture and health services: gymnasiums, reducing salons
- 14 Picture framing shops - when conducted for retail and trade on the premises
- 15 Plumbing, heating and electrical equipment showrooms and shops
- 16 Prepared food delivery services - including any operated as an accessory use by a
- 17 restaurant
- 18 Printing establishments
- 19 Radio, television, and cellular antennas and towers - so long as mounted on rooftops
- 20 and screened from street view
- 21 Radio and television sales and service
- 22 Radio and television stations and studios
- 23 Record, tape, CD, and sheet music stores
- 24 Recording studios
- 25 Recreation buildings and community centers
- 26 Recycling collection stations
- 27 Restaurants
- 28 Restaurants: drive-in - including pick-up drives with window service
- 29 Schools and studios: business, dance, and music
- 30 Schools: business colleges, community colleges, colleges, and universities
- 31 Schools: commercial
- 32 Schools: trade
- 33 Security sales, brokerages, and exchanges
- 34 Sewing machines: sales and service
- 35 Shoe and hat repair stores
- 36 Skating rinks
- 37 Sporting and athletic goods stores
- 38 Stationery stores
- 39 Storage, indoors and screened from view and only within Area C on the Development
- 40 Plan
- 41 Store fixtures: sales
- 42 Tailor or dressmaking shops: custom work or repairs
- 43 Taverns without off-premises sales
- 44 Tennis and lacrosse clubs
- 45 Theaters
- 46 Tobacco shops
- 47 Toy stores
- 48 Travel bureaus
- 49 Upholstering shops
- 50 Urgent care centers, defined as facilities providing medical treatment without

Council Bill 15-0506

1 appointment to patients needing immediate care but without a life-threatening
2 condition warranting a hospital emergency room visit

3 Variety stores

4 Venetian blinds and window shades: sales and service

5 Video movies: sales and rental

6 Watch and clock shops

7 Wholesale establishments

8 (b) In addition to any use allowed by above subsection (a), the following uses are
9 conditional within the Planned Unit Development, subject to approval by the Board of
10 Municipal and Zoning Appeals in accordance with the provisions of the Baltimore
11 City Zoning Code:

12 Provided that the Board requires the applicant to provide 60 days' notice of any
13 hearing and further that any hearing be held during the evening docket of the
14 Board, if that docket then exists:

15 1 Liquor store: package goods, only if within a full-service supermarket or
16 grocery store whose net leasable area exceeds 35,000 square feet.

17 Live entertainment, but not including adult entertainment

18 (c) In addition to any use allowed by above subsections (a) and (b), the following uses are
19 permitted when accessory to a permitted or approved conditional use:

20 Check cashing, only if the area of the otherwise permitted or approved conditional use
21 exceeds 35,000 square feet

22 On-premises installation services limited to installation in vehicles

23 Outdoor table service

24 Outdoor storage areas, so long as screened from view, as approved by the Planning
25 Commission, only within Area C of the Development Plan

26 Pet hotels and kennels, as long as screened from vision, only within Area C of the
27 Development Plan

28 Swimming pools, only as accessory to therapeutic, hotel, fitness, or residential uses

29 Temporary outdoor special events, so long as prior notice is provided to the
30 neighborhood community association (as identified by the Planning Department)
31 and so long as in compliance with all applicable laws, rules, and procedures

32 (d) The following uses are specifically prohibited within the Planned Unit Development:

33 Adult entertainment

34 Amusement arcades

35 Bailbondsmen

36 Banquet halls

37 Book or video store: adult

38 Clinics: health care

39 Community correction centers

40 Exterminators' shops

41 Firearms sales, ammunition sales, or both

42 Fraternity and sorority houses: off-campus

Council Bill 15-0506

- 1 Helistops
- 2 Homes for the care and custody of homeless persons
- 3 Massage parlors
- 4 Parole and probation field offices
- 5 Pawnshops
- 6 Payday loan shops
- 7 Poultry- and rabbit-killing establishments
- 8 Railroad rights-of-way and passenger stations - but not including railroad yards and
- 9 shops
- 10 Residential substance abuse treatment facilities
- 11 Rooming houses
- 12 Tattoo parlors
- 13 Taxidermist shops
- 14 Tobacco, hookah, and vaping shops and parlors
- 15 Undertaking establishments and funeral parlors
- 16 Video lottery facilities

- 17 (e) Any uses that are permitted or conditional in the B-1, B-2, or any of the R Zoning
- 18 Districts, and that are not expressly permitted or prohibited by subsections (a), (b),
- 19 (c), and (d) above, are conditional within the Planned Unit Development, subject to
- 20 approval by the Board of Municipal and Zoning Appeals in accordance with the
- 21 provisions of the Baltimore City Zoning Code.
- 22

23 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the number of liquor licences permitted

24 within the Planned Unit Development shall be limited as follows:

- 25 (a) 1 Class A Beer, Wine & Liquor License (Off Sale Package Goods, No On-Premises
- 26 Consumption), if the related use is otherwise approved as a conditional use under
- 27 Section 5(b) of this Ordinance.

- 28 (b) 3 Class BD-7 Beer, Wine & Liquor Licenses (Tavern), provided that there be no off-
- 29 premises sales, as set forth in Section 5(a) of this Ordinance.

- 30 (c) Class B Beer, Wine & Liquor Licenses (Restaurant) in such number as may
- 31 accompany restaurants within the Planned Unit Development that may qualify under
- 32 applicable law for such licenses.

- 33 (d) Class B Beer, Wine & Liquor Licenses (Hotel/Motel) in such number as may
- 34 accompany hotels within the Planned Unit Development that may qualify under
- 35 applicable law for such licenses.

36 **SECTION 7. AND BE IT FURTHER ORDAINED,** That off-street parking shall be provided in

37 accordance with the Zoning Code for the underlying district, calculated without regard to any lot

38 lines and instead in the aggregate for the entire Planned Unit Development. Off-street parking

39 may be reduced by the Planning Commission on consideration and finding of shared parking

40 considerations because spaces will be used primarily by office and retail tenants during the day

41 and primarily by residential and retail tenants at night and on week ends.

42 **SECTION 8. AND BE IT FURTHER ORDAINED,** That all buildings with frontages on Eastern

43 Avenue shall have a principal entrance on Eastern Avenue. All buildings with frontages on the

Council Bill 15-0506

1 “North-South Spine Road” shown on the Development Plan shall have a principal entrance on
2 that road unless the building also has a frontage on Eastern Avenue. No service and utility access
3 shall be permitted to buildings from Eastern Avenue or the North-South Spine Road. No
4 vehicular access shall be permitted directly or indirectly from Foster Avenue into the Planned
5 Unit Development.

6 **SECTION 9. AND BE IT FURTHER ORDAINED,** That the streetscape along Eastern Avenue
7 shall maintain a 42' +/- setback from the travel lanes. No permanent or temporary surface
8 parking lot shall be permitted within 42 feet of the Eastern Avenue travel lanes. If a permanent
9 surface parking lot is constructed on Area B as shown in the Development Plan, a linear park
10 shall be constructed within the setback area. The linear park will include landscaping, site
11 furniture, seat walls, pedestrian scaled lighting, a transit shelter, and a signage structure at the
12 east driveway that aids in anchoring a constructed screen wall. Within the linear park, a 16-foot
13 landscape buffer shall be provided to act as a barrier from vehicular traffic.

14 **SECTION 10. AND BE IT FURTHER ORDAINED,** That the following signage limitations apply
15 to this Planned Unit Development:

- 16 (a) Total permitted exterior signage within the Planned Unit Development shall be
17 calculated under the Zoning Code, using an Area Factor of 3 (per the underlying B-2-
18 3 zoning), and applied to buildings facing the front lot line and any other streets,
19 public or private, within the Planned Unit Development. In addition, the Planned
20 Unit Development shall be permitted to have the temporary signage specified in § 11-
21 315 of the Zoning Code.
- 22 (b) No pylon signs are permitted. All freestanding signs shall be monumental signs or
23 affixed to a landscaping wall.
- 24 (c) Signage installed immediately inside windows, which is intended to be visible from
25 outside the premises, shall be considered exterior signage subject to the above
26 limitation.
- 27 (d) All signage within the Planned Unit Development is subject to final design approval
28 by the Planning Commission.

29 **SECTION 11. AND BE IT FURTHER ORDAINED,** That the Planning Commission may determine
30 what constitutes minor or major modifications to the Development Plan. Minor modifications
31 require approval by the Planning Commission. Major modifications require approval by
32 Ordinance. Changes to numbers or otherwise objective requirements specifically included in the
33 text of this Ordinance shall be deemed major modifications as provided in § 9-118
34 {Modifications or deviations} of the Baltimore City Zoning Code.

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

39 **SECTION 13. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
40 accompanying Development Plan and in order to give notice to the agencies that administer the
41 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the

Council Bill 15-0506

1 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
2 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
3 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
4 Appeals, the Planning Commission, the Commissioner of Housing and Community
5 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

6 **SECTION 14. AND BE IT FURTHER ORDAINED,** That the filing of an appeal of the Planned
7 Unit Development or an appeal of any building or occupancy permit issued in accordance with
8 this Planned Unit Development shall toll any time limits set forth in the Development Plan
9 pending the conclusion of all such appeals.

10 **SECTION 15. AND BE IT FURTHER ORDAINED,** That if any provision or part of this Planned
11 Unit Development shall for any reason be held invalid, illegal, or unenforceable in any respect,
12 such invalidity or unenforceability shall not affect any other provision of this Planned Unit
13 Development, and this Planned Unit Development shall be construed as if such invalid, illegal, or
14 unenforceable provision or part thereof had never been contained herein, but only to the extent of
15 its invalidity, illegality, or unenforceability.

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