

**CITY OF BALTIMORE  
COUNCIL BILL 05-0309  
(First Reader)**

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Introduced by: Councilmember Clarke  
At the request of: LVM Limited Partnership and Greenspring Properties, LLC  
Address: c/o Claude Edward Hitchcock, Esquire, 233 East Redwood Street, Baltimore,  
Maryland 21202  
Telephone: 410-576-4053

Introduced and read first time: December 8, 2005

Assigned to: Land Use and Transportation Committee

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

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Amendment – 1020/1040 West 41<sup>st</sup> Street**  
3 **and 4201 Hickory Avenue**  
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5 FOR the purpose of approving certain amendments to and renaming the Development Plan of the  
6 1020/1040 West 41<sup>st</sup> Street Planned Unit Development.

7 BY authority of  
8 Article - Zoning  
9 Title 9, Subtitles 1 and 5  
10 Baltimore City Revised Code  
11 (Edition 2000)

12 **Recitals**

13 By Ordinance 90-609, the Mayor and City Council approved the application of LVM  
14 Limited Partnership to have certain property located north of 41<sup>st</sup> Street, west of Evans Chapel  
15 Road, and east of Hickory Avenue, consisting of 7.558 acres, more or less, designated as an  
16 Industrial Planned Unit Development and approved the Development Plan submitted by the  
17 applicant. A portion of the property was designated as “Future Reserved Residential”.

18 LVM Limited Partnership has transferred its title in the Future Reserved Residential portion  
19 of the property, containing 1.633 acres (Block 3590, Lot 2), to Greenspring Properties, LLC.  
20 Greenspring Properties, LLC, wishes to amend the Development Plan, as previously approved by  
21 the Mayor and City Council, to change the boundary area of the Planned Unit Development by  
22 incorporating into the Planned Unit Development a parcel of land known as 4201 Hickory  
23 Avenue, consisting of 1.454 acres, more or less (Block 3590, Lot 3), being Lot 3 on the  
24 subdivision plat entitled “1020 W. 41<sup>st</sup> Street & 4201 Falls Road,” recorded among the Land

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

1 Records of Baltimore City on March 17, 2005, as Plat F.M.C. No. 3841. The total property area  
2 of the Planned Unit Development will then be 9.012 acres, of which 5.925 acres are owned by  
3 LVM Limited Partnership, and 3.087 acres (the “Residential Property”) are owned by  
4 Greenspring Properties, LLC. Greenspring Properties, LLC, desires to construct residential  
5 dwellings on the Residential Property.

6 On November 9, 2005, representatives of LVM Limited Partnership and Greenspring  
7 Properties, LLC (sometimes collectively referred to herein as the “Owner”), met with the  
8 Department of Planning for a preliminary conference to explain the scope and nature of the  
9 proposed amendments to the Development Plan.

10 The Owner has now applied to the Baltimore City Council for approval of these  
11 amendments, and has submitted amendments to the Development Plan intended to satisfy the  
12 requirements of Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
14 Mayor and City Council approves the amendments to the Development Plan submitted by the  
15 Owner, as attached to and made part of this Ordinance, including Sheet 1, “Existing Conditions”,  
16 dated December 5, 2005, and Sheet 2, “Development Plan/Residential Area”, dated December 5,  
17 2005. The Development Plan for the entire Planned Unit Development, including the  
18 amendments approved by this Ordinance, shall be referred to as the “Development Plan”.

19 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the boundaries of the Planned Unit  
20 Development are revised to incorporate into the Planned Unit Development the parcel of land  
21 known as 4201 Hickory Avenue, consisting of 1.454 acres of land, more or less. The total  
22 property area of the Planned Unit Development as revised is 9.012 acres. This additional parcel  
23 of land is subject to the conditions in the existing Planned Unit Development as modified by this  
24 Ordinance.

25 **SECTION 3. AND BE IT FURTHER ORDAINED,** That Section 3 of Ordinance 90-609 is  
26 amended to read as follows:

27 SECTION 3. AND BE IT FURTHER ORDAINED, That the northernmost portion of  
28 the property FORMERLY owned by LVM Limited Partnership AND NOW OWNED BY  
29 GREENSPRING PROPERTIES, LLC, shown cross-hatched on Sheet 3 of 4 entitled,  
30 “Second Amended Preliminary Site Plan”, dated May 21, 1990, of the  
31 Development Plan, TOGETHER WITH THE PARCEL OF 1.454 ACRES OWNED BY  
32 GREENSPRING PROPERTIES, LLC, BEING LOTS 2 AND 3 ON THE SUBDIVISION PLAT  
33 OF “1020 W. 41<sup>ST</sup> STREET & 4201 FALLS ROAD”, RECORDED IN THE BALTIMORE  
34 CITY LAND RECORDS, [shall be reserved for future] ARE DESIGNATED FOR use as  
35 residential dwellings, IN WHICH A HOME OCCUPATION IS ALLOWED THAT COMPLIES  
36 WITH THE ZONING CODE, that [such] THIS portion of the property [shall] MAY not  
37 be used for any other purpose and that [, prior to the construction of residential  
38 dwellings upon such portion of the property, an amendment to] the Development  
39 Plan FOR THIS PORTION OF THE PROPERTY [as] submitted by [LVM Limited  
40 Partnership, setting forth the type, site, location, and density of such residential  
41 dwellings, must be submitted to and approved by an ordinance of the Mayor and  
42 City Council of Baltimore] GREENSPRING PROPERTIES, LLC, IS HEREBY  
43 APPROVED. DENSITY SHALL BE CALCULATED IN COMPLIANCE WITH THE R-6  
44 ZONING DISTRICT BUT WILL BE COMPUTED ON A CUMULATIVE BASIS, NOT ON A  
45 LOT-BY-LOT BASIS.

1       **SECTION 4. AND BE IT FURTHER ORDAINED,** That the plans for the construction of  
2 residential dwellings on the Residential Property, as shown on Sheets 1 and 2, dated November  
3 14, 2005, are approved.

4       **SECTION 5. AND BE IT FURTHER ORDAINED,** That all plans for the construction of  
5 permanent improvements on the property are subject to final design approval by the Planning  
6 Commission to insure that the plans are consistent with the Development Plan and this  
7 Ordinance.

8       **SECTION 6. AND BE IT FURTHER ORDAINED,** That the Planning Department may determine  
9 what constitutes minor or major modifications to the Plan. Minor modifications require approval  
10 by the Planning Commission. Major modifications require approval by Ordinance.

11       **SECTION 7. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
12 accompanying amended Development Plan and in order to give notice to the agencies that  
13 administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the  
14 President of the City Council shall sign the amended Development Plan; (ii) when the Mayor  
15 approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the  
16 Director of Finance then shall transmit a copy of this Ordinance and the amended Development  
17 Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the  
18 Commissioner of Housing and Community Development, the Supervisor of Assessments for  
19 Baltimore City, and the Zoning Administrator.

20       **SECTION 8. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
21 after the date it is enacted.