

CITY OF BALTIMORE

SHEILA DIXON, Mayor



DEPARTMENT OF LAW

GEORGE A. NILSON, City Solicitor
101 City Hall
Baltimore, Maryland 21202

September 29, 2008

The Honorable President and Members
of the Baltimore City Council
c/o Karen Randle, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

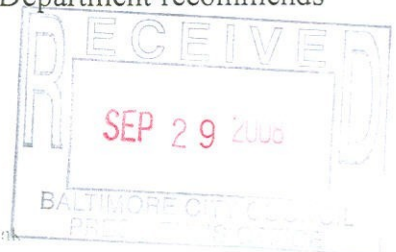
Re: Baltimore City Council Bill 08-0166 – Planned Unit Development –
Designation – The State Center – Transit Oriented Development Business
Planned Unit Development

Dear Madame President and City Council Members:

The Law Department has reviewed City Council Bill 08-0166 *{Planned Unit Development – Designation – The State Center}* as well as the amendments to the bill proposed by the Planning Commission for form and legal sufficiency. The bill would approve the application of the State of Maryland and the City of Baltimore, owners of certain property located in and around the State Center area consisting of approximately 32.65 acres of land, streets and open space inclusive more or less, to have the State Center designated as a Business Planned Unit Development (“PUD”); and approving the Development Plan submitted by the State and City.

The State intends to rehabilitate and revitalize the State Center and transform it into a mixed-use, mixed-income, Transit Oriented Development and Smart Growth site. In order to achieve these goals, the State, although not subject to City zoning laws with regard to the State owned property, is electing to participate in the City’s planning process and designate this property as a PUD to facilitate future disposition of the property during this transformation. It is agreed that the PUD does not apply to the State owned property so long as the State remains the fee simple owner of the property. It is also understood that the State is not waiving its sovereignty nor is it consenting to City jurisdiction by participating in this process.

The bill adds a long list of permitted uses within the PUD including restaurants and taverns with live entertainment and dancing. “Live entertainment and dancing” is a use that is typically conditioned by the Board as stated in Title 14 of the Zoning Code. This gives the Board the opportunity to limit the hours, noise levels and other aspects of the entertainment and dancing that could impact surrounding areas. For this reason, the Law Department recommends listing this as a conditional, rather than a permitted use.



The bill is consistent with Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code, which provide general and specific requirements for Business Planned Unit Developments. Accordingly, the Law Department approves Council Bill 08-0166 and the amendments proposed by the Planning Commission for form and legal sufficiency.

Sincerely,



Ashlea Brown
Special Assistant Solicitor

- cc: Honorable William Cole
George Nilson, City Solicitor
Angela C. Gibson, Mayor's Legislative Liaison
Linda C. Barclay, Chief Solicitor
Elena DiPietro, Senior Solicitor
Deepa Bhattacharyya, Assistant Solicitor
Hilary Ruley, Assistant Solicitor

