

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 15-0506

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

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Introduced and read first time: March 23, 2015

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: June 1, 2015

AN ORDINANCE CONCERNING

Planned Unit Development – Designation – 5601 Eastern Avenue

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

BY authority of

Article - Zoning

Title 9, Subtitles 1 and 4

Baltimore City Revised Code

(Edition 2000)

Recitals

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

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

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

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

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

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

15 to designate the property a Business Planned Unit Development under Title 9, Subtitles 1 and 4
16 of the Baltimore City Zoning Code.

17 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by the
18 Applicant is approved.

19 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the maximum net gross square footage for
20 all buildings and uses, excluding parking and circulation, in the Planned Unit Development is
21 2,000,000 square feet, that the maximum net gross square footage for retail uses in the Planned
22 Unit Development is 184,000 square feet, that the maximum net gross square footage for office
23 uses in the Planned Unit Development is 376,000 square feet, that the maximum net gross square
24 footage for hotel uses is 350,000 square feet, and that the maximum number of residential units
25 in the Planned Unit Development is 1,350, with further sub-limits and requirements as follows
26 (all references to Areas are as labeled on the Development Plan):

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

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

37 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the maximum heights for all buildings
38 within the Planned Unit Development shall be as shown on Sheet 9 of the Development Plan.

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1 No building may be constructed in Area A of the Development Plan within 65 feet of the far
2 westernmost boundary of the Planned Unit Development.

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

6 (a) The following uses are specifically permitted:

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

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

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- 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, no more than 3, without off-premises sales
- 44 Tennis and lacrosse clubs
- 45 Theaters
- 46 Tobacco shops
- 47 Toy stores
- 48 Travel bureaus
- 49 Upholstering shops

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1 Clinics: health care but only Urgent care centers, defined as facilities providing
2 medical treatment without appointment to patients needing immediate care but
3 without a life-threatening condition warranting a hospital emergency room visit

4 Variety stores
5 Venetian blinds and window shades: sales and service
6 Video movies: sales and rental
7 Watch and clock shops
8 Wholesale establishments

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

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

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

18 Live entertainment, but not including adult entertainment

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

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

23 On-premises installation services limited to installation in vehicles

24 Outdoor table service

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

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

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

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

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

34 Adult entertainment

35 Amusement arcades

36 Bailbondsmen

37 Banquet halls

38 Book or video store: adult

39 Clinics: health care except facilities providing medical treatment without appointment
40 to patients needing immediate care but without a life-threatening condition
41 warranting a hospital emergency room visit

42 Community correction centers

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

20 (e) Any uses that are permitted or conditional in the B-1, B-2, or any of the ~~R other~~
21 Business Zoning Districts, and that are not expressly permitted or prohibited by
22 subsections (a), (b), (c), and (d) above, are allowed conditional within the Planned
23 Unit Development, subject to approval by the Board of Municipal and Zoning
24 Appeals in accordance with the provisions of the Baltimore City Zoning Code to the
25 extent specifically provided in the approved Development Plan.
26

27 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the number of liquor licences permitted
28 within the Planned Unit Development shall be limited as follows:

- 29 (a) ~~1~~ Class A Beer, Wine & Liquor License (Off Sale Package Goods, No On-Premises
30 Consumption), if the related use is otherwise approved as a conditional use under
31 Section 5(b) of this Ordinance.
- 32 (b) ~~3~~ Class BD-7 Beer, Wine & Liquor Licenses (Tavern), provided that there be no off-
33 premises sales, ~~as set forth in~~ if the related use is otherwise approved as a permitted
34 use under Section 5(a) of this Ordinance.
- 35 (c) Class B Beer, Wine & Liquor Licenses (Restaurant) in such number as may
36 accompany restaurants within the Planned Unit Development that may qualify under
37 applicable law for such licenses.
- 38 (d) Class B Beer, Wine & Liquor Licenses (Hotel/Motel) in such number as may
39 accompany hotels within the Planned Unit Development that may qualify under
40 applicable law for such licenses.

41 **SECTION 7. AND BE IT FURTHER ORDAINED,** That off-street parking shall be provided in
42 accordance with the Zoning Code for the underlying district, calculated without regard to any lot
43 lines and instead in the aggregate for the entire Planned Unit Development. Off-street parking
44 may be reduced by the Planning Commission on consideration and finding of shared parking

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1 considerations because spaces will be used primarily by office and retail tenants during the day
2 and primarily by residential and retail tenants at night and on week ends.

3 **SECTION 8. AND BE IT FURTHER ORDAINED,** That all buildings with frontages on Eastern
4 Avenue shall have a principal entrance on Eastern Avenue. All buildings with frontages on the
5 “North-South Spine Road” shown on the Development Plan shall have a principal entrance on
6 that road unless the building also has a frontage on Eastern Avenue. No service and utility access
7 shall be permitted to buildings from Eastern Avenue or the North-South Spine Road. No
8 vehicular access shall be permitted directly or indirectly from Foster Avenue into the Planned
9 Unit Development.

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

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

20 (a) Total permitted exterior signage within the Planned Unit Development shall be
21 calculated under the Zoning Code, using an Area Factor of 3 (per the underlying B-2-
22 3 zoning), and applied to buildings facing the front lot line and any other streets,
23 public or private, within the Planned Unit Development. In addition, the Planned
24 Unit Development shall be permitted to have the temporary signage specified in § 11-
25 315 of the Zoning Code.

26 (b) No pylon signs are permitted. All freestanding signs shall be monumental signs or
27 affixed to a landscaping wall.

28 (c) Signage installed immediately inside windows, which is intended to be visible from
29 outside the premises, shall be considered exterior signage subject to the above
30 limitation.

31 (d) All signage within the Planned Unit Development is subject to final design approval
32 by the Planning Commission.

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

39 **SECTION 12. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
40 permanent improvements on the property are subject to final design approval by the Planning

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1 Commission to insure that the plans are consistent with the Development Plan and this
2 Ordinance.

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

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

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

21 **SECTION 16. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
22 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