

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 08-0025

Introduced by: Councilmember Reisinger

At the request of: Gateway South, LLC

Address: c/o Stanley S. Fine, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, Suite 2115, Baltimore, Maryland 21201

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Introduced and read first time: January 28, 2008

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: April 7, 2008

AN ORDINANCE CONCERNING

Planned Unit Development – Designation – Gateway South

FOR the purpose of approving, subject to certain conditions, the application of the Mayor and City Council of Baltimore and Gateway South, LLC, which are either the owner, potential owner, developer, and/or contract purchaser of the following properties: 1501, 1601, 1629, 1633, and 1645 Warner Street; 2110 and 2119 Haines Street; 1501, 1525, and 1551 Russell Street; 2102 Oler Street; 2104 Worcester Street; and portions of Warner Street, Russell Street, Worcester Street, Bayard Street, Haines Street, Oler Street, and South Eutaw Street (collectively, the “Property”); to have the Property designated a Business Planned Unit Development; and approving, subject to certain conditions, 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

The Mayor and City Council of Baltimore and Gateway South, LLC, are either the owner, potential owner, developer, and/or contract purchaser of the following properties: 1501, 1601, 1629, 1633, and 1645 Warner Street; 2110 and 2119 Haines Street; 1501, 1525, and 1551 Russell Street; 2102 Oler Street; 2104 Worcester Street; and portions of Warner Street, Russell Street, Worcester Street, Bayard Street, Haines Street, Oler Street, and South Eutaw Street. Gateway South, LLC, plans to develop the Property, consisting of 15.15 acres, more or less, for business and industrial uses.

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 On November 26, 2007, representatives of the applicant met with the Department of
2 Planning for a preliminary conference, to explain the scope and nature of existing and proposed
3 development on the Property and to institute proceedings to have the Property designated a
4 Business Planned Unit Development.

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

9 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
10 Mayor and City Council approves the application of the Mayor and City Council of Baltimore
11 and Gateway South, LLC, which is either the owner, potential owner, developer, and/or contract
12 purchaser of the following properties: 1501, 1601, 1629, 1633, and 1645 Warner Street; 2110
13 and 2119 Haines Street; 1501, 1525, and 1551 Russell Street; 2102 Oler Street; 2104 Worcester
14 Street; and portions of Warner Street, Russell Street, Worcester Street, Bayard Street, Haines
15 Street, Oler Street, and South Eutaw Street, consisting of 15.15 acres, more or less, as outlined
16 on the accompanying Development Plan entitled "Gateway South", to designate the Property a
17 Business Planned Unit Development under Title 9, Subtitles 1 and 4 of the Baltimore City
18 Zoning Code.

19 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan entitled "Gateway
20 South", submitted by the applicant Gateway South LLC, consisting of Sheet 1, "Existing
21 Conditions Plan", dated November 28, 2007; Sheet 2, "Development Plan", dated January 21,
22 2008; Sheet 3, "Conceptual Massing Plan", dated November 28, 2007; and Sheet 4, "Conceptual
23 Landscape Plan", dated January 21, 2008, is approved.

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title
25 9, Subtitles 1 and 4, the following uses are permitted within the Planned Unit Development:

26 (a) The following principal uses are permitted within the Planned Unit Development:

27 (1) all permitted, accessory, and conditional uses as allowed in the B-2 Zoning
28 District.

29 (2) after-hours establishments; artisans' and craft work; amusement arcades;
30 amusement parks; auditoriums and concert halls; bakeries - including sales of
31 bakery products to restaurants, hotels, clubs, and similar establishments; bakery
32 goods: manufacturing; banquet halls; non-motorized boats, sales and rental; bus
33 and transit passenger stations and terminals; dance halls; food commissaries;
34 garages for bus and transit vehicles; garden supply, tool and seed stores with
35 storage and display of merchandise for sale to the public; greenhouses; hardware
36 stores; helistops; laboratories: research and testing; maritime suppliers; miniature
37 golf; model slot car racing centers; motor vehicles: rental; motor vehicles: sales,
38 indoor; outdoor table service and outdoor seating when accessory to any allowed
39 use; parcel collection and delivery stations; temporary parking, open off-street,
40 for the parking of 4 or more vehicles, subject to final design approval by the
41 Planning Commission; photoengraving; photographic printing and developing
42 establishments; plumbing, heating, and electrical equipment showrooms and
43 shops; pool halls and billiard parlors; printing and publishing; recreational
44 facilities: indoor; recreational facilities: outdoor; repeater, transformer, pumping,

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1 booster, conditioning and regulations stations and similar installations; restaurants
2 - including live entertainment and dancing; second-hand stores; sports complex;
3 schools: trade; skating rink; taverns - including live entertainment and dancing;
4 tennis or racquet club: indoor; theaters; and wholesale establishments.

5 (3) "Sports complex", as used herein, shall be defined as a facility used for
6 recreational and athletic purposes.

7 (b) The following principal uses are prohibited within the Planned Unit Development:

8 automobile service stations; bed and breakfast establishments; check cashing
9 agencies; community correction centers; dwellings; firearm sales; foster homes for
10 children; fraternity and sorority houses; parking or storage of travel trailers and
11 similar camping equipment; pawn shops; poultry and rabbit killing establishments;
12 rooming and boarding houses for three or more roomers; taxidermists' shops;
13 telegraph offices; trading stamp redemption centers; and undertaking establishments
14 and funeral parlors.

15 **SECTION 4. AND BE IT FURTHER ORDAINED,** That this Ordinance and its approvals of the
16 Planned Unit Development and Development Plan are conditioned on compliance with the
17 following Traffic Mitigation Agreement reached in accordance with Zoning Code §§ 2-305
18 {“Traffic-impact study”} and 16-301(b) {“Referral to agencies: Traffic-impact study”} and
19 Building Code § 105.3.2 {“Action on [permit] application – Traffic-impact study”}:

20 (a) Before the Planning Commission grants final design approval for a building
21 parcel within the Planned Unit Development, the following traffic-mitigation
22 fees shall be calculated as a one-time fee, based on the development program
23 for that parcel:

24	<u>Office (per sf gross floor area):</u>	<u>\$ 1.15</u>
25	<u>Retail/Restaurant (per sf gross floor area):</u>	<u>\$ 0.35</u>
26	<u>Sportsplex (per sf gross floor area):</u>	<u>\$ 0.35</u>
27	<u>Multimodal Terminal (per sf gross floor area):</u>	<u>\$ 0.00</u>

28 (b) (1) If a Middle Branch Transportation Management District is established
29 under City Charter Article II, § 63, as recommended in the Middle Branch
30 Master Plan (approved by the Planning Commission on September 20,
31 2007), developers of building parcels who seek a building permit, an
32 occupancy permit, a certificate of completion, or a use permit for office,
33 retail, restaurant, or other permitted uses are obligated to pay an additional
34 transportation-demand-management fee in the amount of \$1,000 for each
35 off-street parking space in excess of 3,000 spaces.

36 (2) To the extent authorized by the ordinance creating the District, the
37 transportation-demand-management fees shall be used to promote non-
38 single occupant vehicle transportation options within the Middle Branch
39 Transportation Management District, such as public transit, bicycling,
40 walking, and ridesharing. To the extent authorized by the ordinance
41 creating the District, the initial appointment of the board of directors for
42 the District shall include a representative of the applicant.

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1 (c) (1) Subject to the approval of the Board of Estimates, traffic-mitigation fees
2 calculated under subsection (a) of this Section 4 shall be used exclusively
3 as follows:

4 (i) to construct a traffic signal on Russell Street at Worchester
5 Street, which would allow left-turn access from northbound
6 Russell Street onto Worchester Street;

7 (ii) to provide signalized left-turn access from southbound Russell
8 Street to eastbound Bayard Street;

9 (iii) to prohibit commercial vehicle through-traffic within the Planned
10 Unit Development; and

11 (iv) for other purposes or services on which the City and the applicant
12 jointly agree.

13 (2) Subject to the approval of the Board of Estimates, transportation-demand-
14 management fees received under subsection (b) of this Section 4 shall be
15 used exclusively to provide publicly available shuttle-bus service from the
16 Planned Unit Development to, among other places, the central business
17 district, Camden Yards MARC Train Station, Hamburg Street Light Rail
18 Station, and the South Baltimore peninsula. In implementing this
19 paragraph (2), the City and the applicant shall closely coordinate their
20 efforts to achieve the maximum feasible service to the Planned Unit
21 Development . Although it is contemplated that the City will manage and
22 operate this service, nothing in this paragraph (2) may be construed to
23 prevent the applicant from providing this service to the Planned Unit
24 Development . If the applicant does provide this service, the City shall
25 reimburse it from the unexpended portion of the fees collected under this
26 Section for all costs and expenses incurred in doing so, subject to the
27 approval of the Board of Estimates.

28 (3) Before any building permit may be issued for a particular building parcel
29 within the Planned Unit Development, 50% of the fees applicable to the
30 parcel shall be paid to the City.

31 (4) Before any occupancy permit, certificate of completion, or use permit may
32 be issued for a particular building parcel within the Planned Unit
33 Development, the balance of the fees applicable to the parcel shall be paid
34 to the City.

35 (d) A parcel developer who has paid any portion of a traffic-mitigation fee under
36 this Section 4 and subsequently discontinues development of the project
37 before issuance of an occupancy permit, certificate of completion, or use
38 permit, as evidenced for example by cancellation or revocation of building
39 permits, may apply for and receive a refund of the traffic-mitigation fees
40 already paid.

41 (e) At its own cost and expense, the Transportation Department may conduct and
42 prepare a new or updated Traffic-Impact Study at the later of:

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1 (1) 7.5 years from the date this Ordinance is enacted; or

2 (2) on issuance of occupancy permits, certificates of completion,
3 or use permits for 50% of the gross floor area permitted under
4 this Ordinance.

5 (f) On recommendation of the Transportation Department, the Board of Estimates
6 may modify the traffic-mitigation fees that are set forth in subsection (a) of
7 this Section 4 if, based on a Traffic-Impact Study conducted under subsection
8 (e) of this Section 4, the modification is necessary to accommodate a
9 justifiable and anticipated increase or decrease in the funding required to
10 safely and adequately manage the vehicular traffic generated by the Planned
11 Unit Development. The amount of any fee modified under this subsection (f)
12 may not exceed 110% of the corresponding amount set forth in subsection (a)
13 of this Section 4.

14 (g) The provisions of this Section 4 are intended to satisfy the requirements of
15 Ordinance 06-345, and no further traffic-impact studies will be required of
16 the applicant prior to the issuance of building permits.

17 **SECTION 4 5. AND BE IT FURTHER ORDAINED,** That height and massing shall be as set forth
18 on Sheet 3 of the Development Plan.

19 **SECTION 5 6. AND BE IT FURTHER ORDAINED,** That the number of parking spaces required
20 for the Planned Unit Development shall be determined by the Planning Commission at the time
21 of final design approval, at which time the Planning Commission shall take into consideration
22 proposed uses that have different peak parking characteristics that complement each other, so
23 that the parking spaces provided may reasonably be shared by proposed uses, and an excess of
24 parking is not provided by the strict application of standard parking requirements.

25 **SECTION 6 7. AND BE IT FURTHER ORDAINED,** That the properties designated as being part
26 of the Business Planned Unit Development under this Ordinance shall not be regulated by this
27 Ordinance until the City or Gateway South, LLC, or its successors or assigns, has acquired title
28 to the properties.

29 **SECTION 7 8. AND BE IT FURTHER ORDAINED,** That the exterior signage within the Planned
30 Unit Development shall be subject to final design review and approval by the Planning
31 Commission.

32 **SECTION 8 9. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
33 permanent improvements on the Property within the Planned Unit Development must be
34 reviewed by the Planning Commission to ensure that the plans are consistent with the
35 Development Plan and this Ordinance. Final design approval shall be granted to the Planning
36 Commission.

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

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1 **SECTION ~~10~~ 11. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
2 accompanying Development Plan and in order to give notice to the agencies that administer the
3 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
4 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
5 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
6 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
7 Appeals, the Planning Commission, the Commissioner of Housing and Community
8 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

9 **SECTION ~~11~~ 12. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
10 day after the date it is enacted.

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