

Introduced by: Councilmember Clarke

Ryan Dorsey, Leon Pinkett, Cohen

At the request of: D & C Management LLP

Address: c/o Caroline Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600

Prepared by: Department of Legislative Reference

Date: January 18, 2017

Referred to: **LAND USE AND TRANSPORTATION** Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 17-0015

A BILL ENTITLED

AN ORDINANCE concerning

Planned Unit Development – Designation – The Fox Building

FOR the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 5
Baltimore City Revised Code
(Edition 2000)

Ryan Dorsey

Leon Pinkett
Leon Pinkett

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

<input checked="" type="checkbox"/> Department of Public Works	<input type="checkbox"/> Baltimore City Public School System
<input type="checkbox"/> Department of Real Estate	<input checked="" type="checkbox"/> Baltimore Development Corporation
<input type="checkbox"/> Department of Recreation and Parks	<input checked="" type="checkbox"/> City Solicitor
<input checked="" type="checkbox"/> Department of Transportation	<input type="checkbox"/> Comptroller's Office
<input checked="" type="checkbox"/> Fire Department	<input type="checkbox"/> Department of Audits
<input type="checkbox"/> Health Department	<input type="checkbox"/> Department of Finance
<input type="checkbox"/> Mayor's Office of Employment Development	<input type="checkbox"/> Department of General Services
<input type="checkbox"/> Mayor's Office of Human Services	<input checked="" type="checkbox"/> Department of Housing and Community Development
<input type="checkbox"/> Mayor's Office of Information Technology	<input type="checkbox"/> Department of Human Resources
<input type="checkbox"/> Office of the Mayor	<input type="checkbox"/> Department of Planning
<input type="checkbox"/> Police Department	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

Boards and Commissions

<input checked="" type="checkbox"/> Environmental Control Board	<input type="checkbox"/> Board of Estimates
<input type="checkbox"/> Fire & Police Employees' Retirement System	<input type="checkbox"/> Board of Ethics
<input type="checkbox"/> Labor Commissioner	<input checked="" type="checkbox"/> Board of Municipal and Zoning Appeals
<input checked="" type="checkbox"/> Parking Authority Board	<input type="checkbox"/> Comm. for Historical and Architectural Preservation
<input checked="" type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Commission on Sustainability
<input type="checkbox"/> Wage Commission	<input type="checkbox"/> Employees' Retirement System
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

CITY OF BALTIMORE
ORDINANCE 17-014
Council Bill 17-0015

Introduced by: Councilmembers Clarke, Dorsey, Pinkett, Cohen

At the request of: D & C Management LLP

Address: c/o Caroline Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: January 23, 2017

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: April 3, 2017

AN ORDINANCE CONCERNING

1 **Planned Unit Development – Designation – The Fox Building**

2 FOR the purpose of approving the application of D & C Management LLP, owner of the
3 following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road
4 (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to
5 have the property designated an Industrial Planned Unit Development; and approving the
6 Development Plan submitted by the applicant.

7 BY authority of

8 Article - Zoning

9 Title 9, Subtitles 1 and 5

10 Baltimore City Revised Code

11 (Edition 2000)

12 **Recitals**

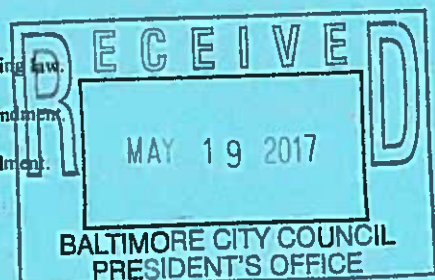
13 D & C Management LLP (the “applicant”) is the owner of 3100 Falls Cliff Road (Block
14 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3
15 (collectively, the “property”), consisting of 2.28 acres, more or less.

16 The applicant proposes to redevelop the property for residential and light industrial uses.

17 The Applicant has entered into a Memorandum of Understanding with the Hampden
18 Community Council, Inc., dated March 31, 2016, governing the redevelopment of the property.
19 The Applicant shall maintain communication with the Hamden Community Council’s Zoning
20 and Land Use Committee throughout the development of the PUD.

21 On December 20, 2016, representatives of the applicant met with the Department of Planning
22 for a preliminary conference, to explain the scope and nature of existing and proposed

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.



Council Bill 17-0015

1 development on the property and to institute proceedings to have the property designated an
2 Industrial Planned Unit Development.

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

7 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
8 Mayor and City Council approves the application of the applicant, owner of 3100 Falls Cliff
9 Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D,
10 Lots 1 and 3 (collectively the "property") , consisting of 2.28 acres, more or less, as outlined on
11 the accompanying Development Plan entitled "The Fox Building", dated January 3, 2017, to
12 designate the property an Industrial Planned Development under Title 9, Subtitles 1 and 5 of the
13 Baltimore City Zoning Code.

14 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
15 approves the new Development Plan submitted by the applicant, as attached to and made part of
16 this Ordinance, including:

- 17 (a) Sheet DP-01, "Existing Conditions Plan", dated ~~January 3~~ February 10, 2017;
18 (b) Sheet DP-02, "Development Plan", dated ~~January 3~~ February 10, 2017; and
19 (c) Sheets A4-1, A4-2, and A4-3, "Architectural Elevations", dated ~~December 15, 2016~~
20 February 10, 2017.

21 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with Title 9, Subtitles 1 and
22 5 of the Baltimore City Zoning Code, the following uses are permitted within the Planned Unit
23 Development:

- 24 (a) All permitted, accessory, and conditional uses as allowed in the underlying Zoning
25 District.
26 (b) Multiple-family dwellings within the existing building, not to exceed a total of 100
27 dwelling units.
28 (c) Light industrial uses, within the existing building, that include the processing,
29 manufacturing, assembly, or compounding of materials or products, where: (i) all
30 processing, fabrication, assembly, treatment, and packaging of products are contained
31 entirely within a building; (ii) noise, odor, smoke, heat, glare, and vibration resulting
32 from the manufacturing process are confined within the building or otherwise
33 minimized; and (iii) only minimal truck traffic is required for daily operations.

34 **SECTION 4. AND BE IT FURTHER ORDAINED,** That to the extent that the following uses are
35 defined in the Zoning Code in effect at the time of enactment of this ordinance and are allowed in
36 the underlying Zoning District, the following uses are prohibited within the Planned Unit
37 Development:

- 38 (a) Animal clinic

Council Bill 17-0015

- 1 (b) Banquet hall
- 2 (c) Boat manufacturing
- 3 (d) Broadcasting station
- 4 (e) Day-care center: adult or child
- 5 (f) Entertainment: indoor
- 6 (g) Entertainment: live
- 7 (h) Government facilities: Public Works
- 8 (i) Heavy retail, rental or service
- 9 (j) Homeless shelter
- 10 (k) Hospital
- 11 (l) Kennel
- 12 (m) Lodge or club
- 13 (n) Lodging: hotel/motel
- 14 (o) Marina: dry storage
- 15 (p) Motor vehicle service and repair (major and minor)
- 16 (q) Passenger terminal
- 17 (r) Recreation: indoor
- 18 (s) Recreation: outdoor

19 **SECTION 5. AND BE IT FURTHER ORDAINED, That, in addition, upon the effective date of**
20 **Ordinance 16-581, then the following uses are prohibited:**

- 21 (a) Animal clinic
- 22 (b) Banquet hall
- 23 (c) Boat manufacturing
- 24 (d) Broadcasting station
- 25 (e) Day-care center: adult or child
- 26 (f) Entertainment: indoor

Council Bill 17-0015

- 1 (g) Entertainment: live
- 2 (h) Government facilities: Public Works
- 3 (i) Heavy retail, rental or service
- 4 (j) Homeless shelter
- 5 (k) Hospital
- 6 (l) Kennel
- 7 (m) Lodge or club
- 8 (n) Lodging: hotel/motel
- 9 (o) Marina: dry storage
- 10 (p) Motor vehicle service and repair (major and minor)
- 11 (q) Passenger terminal
- 12 (r) Recreation: indoor
- 13 (s) Recreation: outdoor

14 ~~SECTION 5. AND BE IT FURTHER ORDAINED, That the provisions of the Memorandum of~~
15 ~~Understanding, dated March 31, 2016, between the applicant and the Hampden Community~~
16 ~~Council, Inc., are incorporated herein:~~

17 SECTION 6. AND BE IT FURTHER ORDAINED, That a minimum number of off-street parking
18 spaces must be provided as follows:

- 19 (a) Residential uses - 1 space per dwelling unit and 1 space per efficiency unit;
- 20 (b) Industrial uses - 1 space per 500 square feet of gross floor area;
- 21 (c) Parking for all other uses shall be as provided for in the Zoning Code in effect at the
22 time a use permit application is filed.

23 ~~SECTION 7. AND BE IT FURTHER ORDAINED, That the applicant shall maintain continued~~
24 ~~communication with the Hampden Community Council's Zoning & Land Use Committee~~
25 ~~throughout the development of the PUD:~~

26 SECTION 8. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent
27 improvements on the property are subject to final design approval by the Planning Commission
28 to insure that the plans are consistent with the Development Plan and this Ordinance.

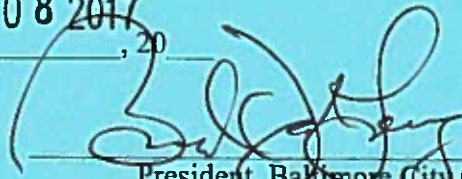
Council Bill 17-0015

1 SECTION 9. AND BE IT FURTHER ORDAINED, That the Planning Department may determine
2 what constitutes minor or major modifications of the Plan. Minor modifications require approval
3 by the Planning Commission. Major modifications require approval by Ordinance.

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

12 SECTION 11. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th
13 day after the date it is enacted. This Ordinance will remain effective for 5 years; at the end of
14 that period, with no further action by the Mayor and City Council, this Ordinance will be
15 abrogated and of no further effect.

Certified as duly passed this _____ day of MAY 08 2017, 20____



President, Baltimore City Council

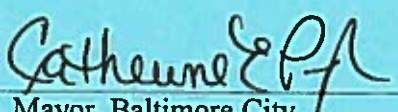
Certified as duly delivered to Her Honor, the Mayor,

this _____ day of MAY 08 2017



Chief Clerk

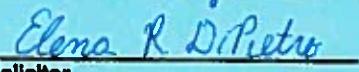
Approved this 16 day of May, 2017



Mayor, Baltimore City

Approved For Form and Legal Sufficiency

This 11th Day of May 2017.



Chief Solicitor

5/10/01 11:30 AM

5/10/01 11:30 AM

5/10/01 11:30 AM

5/10/01 11:30 AM

FORMATTED BY DLR

3/31/17

AMENDMENTS TO COUNCIL BILL 17-015
(1st Reader Copy)

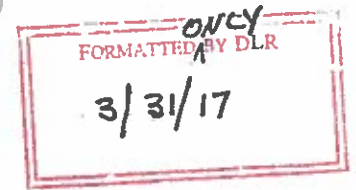
By: Councilmember Clarke
{To be offered on the Council Floor}

Amendment No. 1

On page 2, in line 17, strike "December 15, 2016" and substitute "February 10, 2017".

ADOPTED

AMENDMENTS TO COUNCIL BILL 17-015
(1st Reader Copy)



By: Land Use and Transportation Committee
{To be offered on the Council Floor}

Amendment No. 1

On page 1, after line 17, insert:

“The Applicant has entered into a Memorandum of Understanding with the Hampden Community Council, Inc., dated March 31, 2016, governing the redevelopment of the property. The Applicant shall maintain communication with the Hamden Community Council’s Zoning and Land Use Committee throughout the development of the PUD.”.

Amendment No. 2

On page 2, in line 15 and in line 16, in each instance, strike “January 3, 2017” and substitute “February 10, 2017”.

Amendment No. 3

On page 2, in line 31, after “That”, insert “to the extent that the following uses are defined in the Zoning Code in effect at the time of enactment of this ordinance and are allowed in the underlying Zoning District.”.

Amendment No. 4

ADOPTED

On page 3, after line 15, insert:

“SECTION 5. AND BE IT FURTHER ORDAINED, That, in addition, upon the effective date of Ordinance 16-581, then the following uses are prohibited:

- (a) Animal clinic
- (b) Banquet hall
- (c) Boat manufacturing
- (d) Broadcasting station
- (e) Day-care center: adult or child

- (f) Entertainment: indoor
- (g) Entertainment: live
- (h) Government facilities: Public Works
- (i) Heavy retail, rental or service
- (j) Homeless shelter
- (k) Hospital
- (l) Kennel
- (m) Lodge or club
- (n) Lodging: hotel/motel
- (o) Marina: dry storage
- (p) Motor vehicle service and repair (major and minor)
- (q) Passenger terminal
- (r) Recreation: indoor
- (s) Recreation: outdoor”.

Amendment No. 5

On page 3, strike lines 16 through 18, in their entireties.

Amendment No. 6

On page 3, in line 23, after “the Zoning Code”, insert “in effect at the time a use permit application is filed”.

Amendment No. 7

On page 3, strike lines 24 through 26, in their entireties.

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE:
THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A
PLANNED UNIT DEVELOPMENT FOR

City Council Bill No. 17-0015

Planned Unit Development – Designation – The Fox Building

According to the Baltimore City Zoning Code, agency reports and public testimony an amendment to a Planned Unit Development is being granted under:

Title 9-112

After consideration of:

- (1) the standards in Title 14 (Conditional Uses) of this article governing conditional uses; and
- (2) the plans for the Planned Unit Development are in general conformance with:
 - (A) all elements of the Master Plan; and
 - (B) the character and nature of existing and contemplated development in the vicinity of the proposed Planned Unit Development;
- (3) the Planned Unit Development will preserve unusual topographic or natural features of the land;
- (4) the design of the Planned Unit Development will best utilize and be compatible with the topography of the land;
- (5) the physical characteristics of the Planned Unit Development will not adversely affect:
 - (A) future development or the value of undeveloped neighboring areas; or
 - (B) the use, maintenance, or value of neighboring areas already developed;

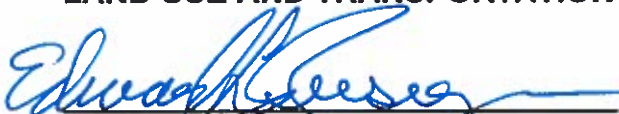
- (6) with respect to availability of light, air, open space, and street access, the Planned Unit Development will secure for its residents and neighboring residents substantially the same benefits as would be provided by application of the basic district regulations;
- (7) with respect to fire, health hazards, and other dangers, the Planned Unit Development will secure for its residents and neighboring residents substantially the same protection as would be provided by application of the basic district regulations; and
- (8) the Planned Unit Development will permit design features that would not be possible by application of the basic district regulations.

Title 14-204


Upon finding that:

- (1) the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals;
- (2) the use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization is not otherwise in any way contrary to the public interest; and
- (4) the authorization is in harmony with the purpose and intent of this article


LAND USE AND TRANSPORTATION COMMITTEE:



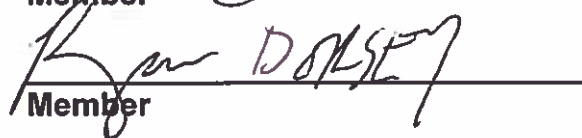
 Chairman




 Member



 Member



 Member



 Member

 Member

 Member

 Member

BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION COMMITTEE VOTING RECORD

DATE: March 29, 2017

BILL NUMBER: 17-0015

BILL TITLE: PLANNED UNIT DEVELOPMENT - DESIGNATION - THE FOX BUILDING

MOTION BY: *Dorsey*

SECONDED BY: *Clarke*

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward - Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Middleton, Sharon - Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
TOTALS	<u>5</u>		<u>2</u>	

CHAIRPERSON: *Edward Reisinger*

COMMITTEE STAFF: Marshall C. Bell Initials: *MB*



HEARING NOTES

Bill: 17-0015

Planned Unit Development – Designation – The Fox Building.

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: March 29, 2017
Time (Beginning): 1:15 pm
Time (Ending): 1:40 pm
Location: Clarence "Du" Burns Chamber
Total Attendance: 25
Committee Members in Attendance:
Edward Reisinger Leon Pinkett Mary Pat Clarke
Ryan Dorsey Eric Costello

Bill Synopsis in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or audio-digitally recorded?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file?.....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Evidence of notification to property owners?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Final vote taken at this hearing?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:	Councilmember Pinkett		
Seconded by:	Councilmember Clarke		
Final Vote:	Fav. with Amendments		

Major Speakers

(This is not an attendance record.)

- Eric Tiso, Department of Planning
- Caroline Hecker, Partner, Rosenberg, Martin and Greenberg, LLC

Major Issues Discussed

1. Chairman Reisinger opened by deferring to the bill sponsor for comment, who in turn, expressed gratitude and appreciation for the spirit of cooperation exhibited by all the interested parties, including the developer, the Baltimore City Planning Department, the BMZA, and the affected community groups. She offered her full support for the bill, and encouraged her committee mates to support the bill, too.
2. Planning Department representative gave brief testimony in support of the legislation, and explained the amendment to the bill they'd offered for consideration.
3. All other departments and agencies stood by their submitted written reports.
4. The attorney for the developer gave a very quick history of the site location and the developer's vision for the PUD, upon completion, and presented the findings of fact (submitting a hard copy and also giving an oral recitation), for the council to accept into the record.

Further Study

Was further study requested?

Yes No

If yes, describe.

Marshall C. Bell, Committee Staff

Date: March 29, 2017

cc: Bill File
OCS Chrono File

CERTIFICATE OF POSTING

RE: Case No. CCB 17-0015

Date of Hearing 3/29/17

**Baltimore City Council
c/o Natawna B. Austin
Room 409 – City Hall
100 N. Holliday Street
Baltimore, Md. 21202**

**This letter is to certify that the necessary sign(s) were posted conspicuously
on the property located at _____**

3100 Falls Cliff Rd., 3300 Falls Cliff Rd. and Block 3511D Lots 1 & 3

_____ on 3/13/17

Sincerely,

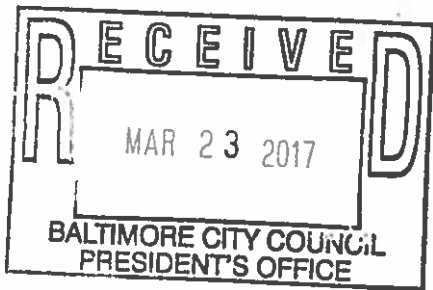


Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

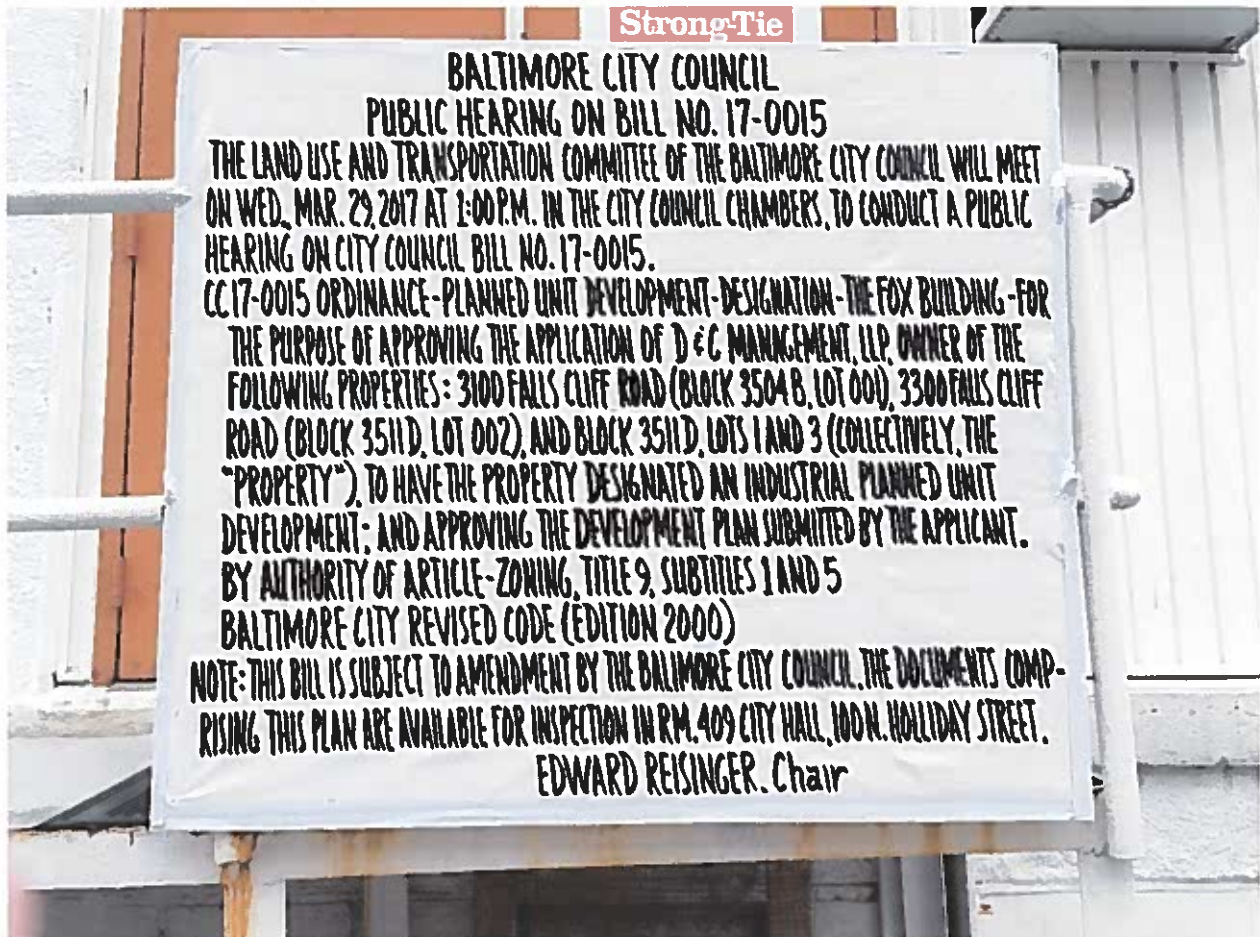


Certificate of Posting

Baltimore City Council

Land Use and Transportation Committee

City Council Bill No. 17-0015



3100 Falls Cliff Road

Posted 3/13/17

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

"NOTICE OF INTRODUCTION" SIGN - POSTING REQUIRED
(For Conditional Use, Planned Unit Development and Rezoning Ordinances)

Each applicant requesting authorization of the City Council for a conditional use, a change in the zoning classification of property, or a planned unit development is required to post in a conspicuous place on the property a sign giving notice of the requested authorization or zoning classification change. The property must be posted for at least 30 days beginning one week after the bill is introduced in the City Council. Signs are provided by the Department of Legislative Reference (396-4730) for a \$20.00 fee.

"NOTICE OF INTRODUCTION" SIGN

ZONING NOTICE

TO WHOM IT MAY CONCERN:

17-0015

NOTICE IS HEREBY GIVEN THAT CITY COUNCIL BILL NO.: ~~17-0015~~ 17-0015 HAS BEEN INTRODUCED INTO THE CITY COUNCIL OF BALTIMORE.

THE PROPERTY KNOWN AS: 310 D Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511 D, Lot 002), and Block 3511 D, Lots 1 and 3

IS PROPOSED TO BE REZONED FROM: _____ TO _____
 CONDITIONAL USE AS: _____
 PLANNED UNIT DEVELOPMENT: The Fox Building NAME
 OTHER: _____

BY AUTHORITY OF ARTICLE 30 - ZONING, BALTIMORE CITY CODE

The "Notice of Introduction" sign must be posted on the property as follows:

- A. The sign must be posted in a conspicuous manner on the front side of the property, not over ten feet above the ground level, and where it will be clearly visible and legible to the public.
- B. The sign must be posted not later than one week after introduction of the bill and must remain posted for 30 days thereafter.
- C. The sign must be maintained in good condition the entire time it is posted. Where proposed changes are to be at the rear of the property, the sign must nevertheless be posted on the front of the premises, unless otherwise directed.

FOR DEPARTMENT OF LEGISLATIVE REFERENCE

Property Owner: _____

Authorized Representative: _____

Address: _____

Bill No. 17-0015 Sign Picked Up By: DAVE GRUND
SIGNATURE OF PROPERTY OWNER OR REPRESENTATIVE

Type of Change Requested by the Bill (check one):

Conditional Use Rezoning Planned Unit Development

NOTE:

- Prior to the public hearing on the bill, the **Certificate of Posting** at the bottom of this form must be dated, signed, and returned to: Baltimore City Council Office; Executive Secretary; Room 409 City Hall; 100 N. Holliday Street, Baltimore, Maryland 21202.
- A second sign ("Notice of Hearing") will be required to be posted before the public hearing. Information about the "Notice of Hearing" sign can be obtained from the Executive Secretary of the Baltimore City Council (396-4800.)

Certificate of Posting

Baltimore, MD

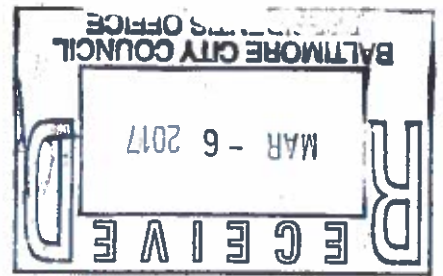
3/6

2007

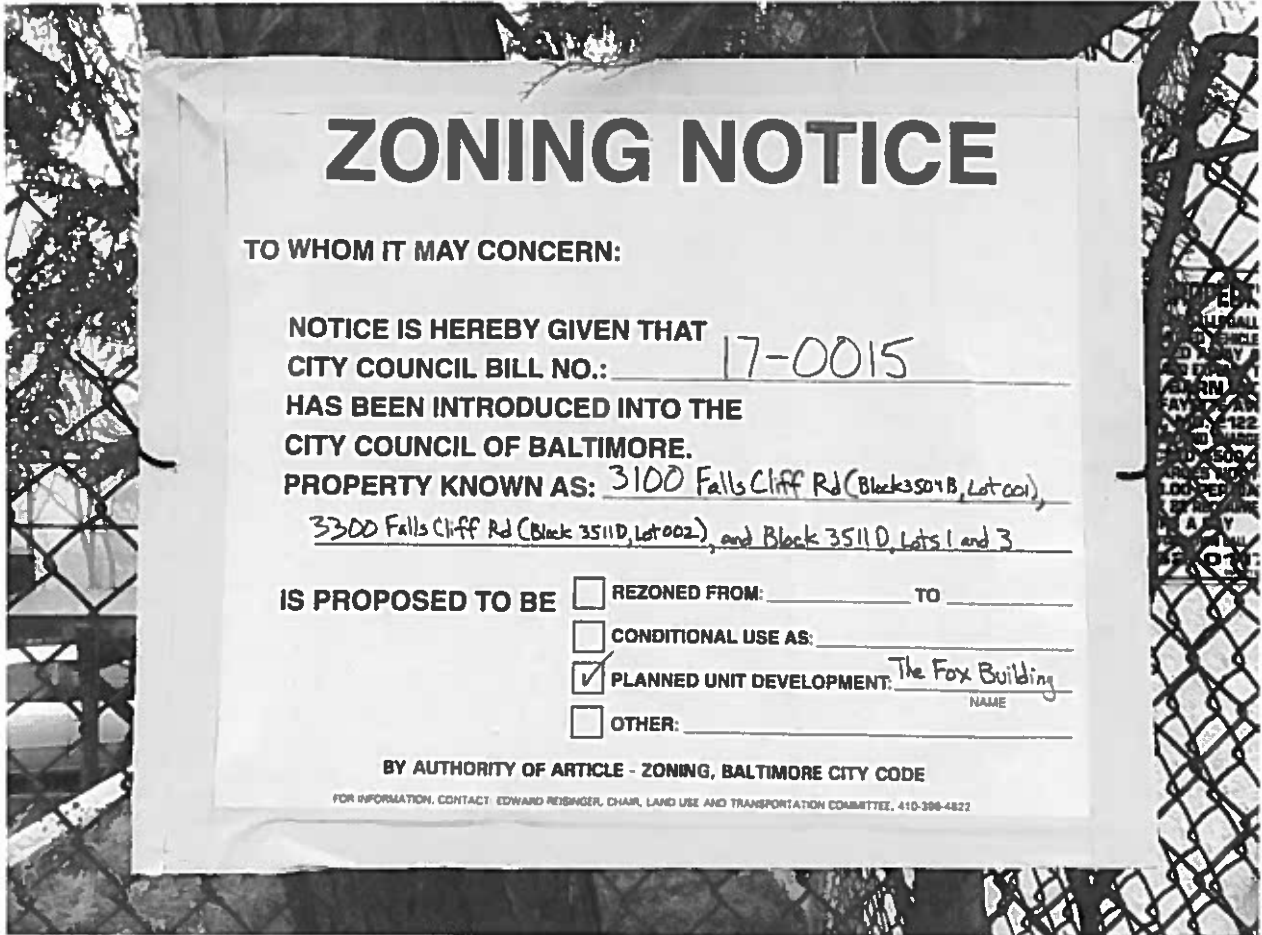
I hereby certify that the sign relating to City Council Bill 17-0015, introduced on 1/23, 2007 to

in accordance with the above instructions.

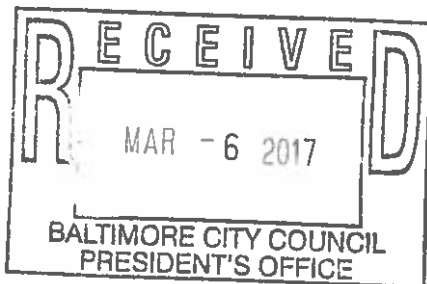
SIGNATURE OF EMPLOYER OR AUTHORIZED REPRESENTATIVE
For Caroline Hecker, Atty.



Certificate of Posting
Baltimore City Council
Introduction Notice City Council Bill No. 17-0015



3100 Falls Cliff Road
(Posted 1/30/17)



Richard E. Hoffman
904 Dellwood Drive
Fallston, Md. 21047
443-243-7360

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11293967
Case #: 17-0015
Description:

Bill No. 17-0015 The Land Use and Transportation Committee of the Baltimore City Council w

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

3/9/2017

Darlene Miller, Public Notice Coordinator
(Representative Signature)

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 17-0015
 The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, March 29, 2017 at 1:00 p.m., in the City Council Chambers, to conduct a public hearing on City Council Bill No. 17-0015.
CC 17-0015 ORDINANCE - Planned Unit Development - Designation - The Fox Building - FOR the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.
 BY authority of
 Article - Zoning
 Title D, Subtitles 1 and 5
 Baltimore City Revised Code
 (Edition 2000)
NOTE: This bill is subject to amendment by the Baltimore City Council. The documents comprising this plan are available for inspection in Room 409, City Hall, 100 N. Holliday Street.
EDWARD REISINGER,
 Chair
 ruh9

RECEIVED
 MAR - 9 2017
 BALTIMORE CITY COUNCIL
 PRESIDENT'S OFFICE

TO: Caroline Hecker, Esquire, Rosenberg, Martin, Greenberg, LLP
FROM: Natawna B. Austin, Executive Secretary to the Baltimore City Council
DATE: February 28, 2017
RE: INSTRUCTIONS FOR ADVERTISING A HEARING FOR PLANNED UNIT DEVELOPMENT

The Land Use and Transportation Committee has scheduled the following City Council Bill for public hearing:

Bill: City Council Bill No. 17-0015

Date: Wednesday, March 29, 2017

Time: 1:00 p.m.

Place: City Council Chambers, 4th floor of City Hall, 100 N. Holliday Street.

At the expense of the applicant, notice of this public hearing:

- 1) must be posted by sign on the property involved, 15 days prior to date of hearing. The sign is to be not less than 4 feet long and 3 feet wide with black lettering 2 inches high on a white background. The sign is to be placed in a conspicuous manner not over 10 feet above the ground; and
- 2) must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

Newspaper Advertisement

You may choose any of the following newspapers for advertising purposes: The Daily Record, Baltimore Sun, or the Afro-American.

Wording for Sign and Newspaper Advertisement

The information that must be advertised and posted appears in the shaded area of the attached page; the deadline date is indicated at the top of the page.

Certification of Postings

Certification of the sign posting on the property and publication of the newspaper advertisements, in duplicate, must be sent to the Executive Secretary, four (4) days prior to the hearing.

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant.

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant.

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE ADVERTISED IN A NEWSPAPER AND A SIGN MUST BE POSTED ON THE PROPERTIES ON **TUESDAY, MARCH 14, 2017**, AS OUTLINED ON THE PREVIOUS PAGE.

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 17-0015**

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, March 29, 2017 at 1:00 p.m., in the City Council Chambers, to conduct a public hearing on City Council Bill No. 17-0015.

CC 17-0015 ORDINANCE - **Planned Unit Development - Designation - The Fox Building** - FOR the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

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

NOTE: This bill is subject to amendment by the Baltimore City Council. The documents comprising this plan are available for inspection in Room 409, City Hall, 100 N. Holliday Street.

EDWARD REISINGER
Chair

SEND CERTIFICATION OF PUBLICATION TO:

SEND BILL FOR THIS ADVERTISEMENT TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202
410-396-1697

Caroline Hecker, Esq.
25 South Charles Street, 21st Floor
Baltimore, Maryland 21201
410-727-6600

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

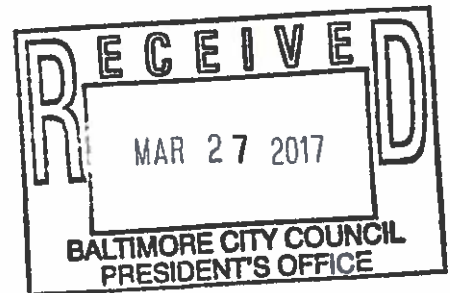


DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

March 27, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 17-0015 – Planned Unit Development – Designation –
The Fox Building

Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 17-0015 for form and legal sufficiency. The bill approves the application of D & C Management LLP, owner of certain property located at 3100 and 3300 Falls Cliff Drive, to have those properties designated an Industrial Planned Unit Development. The bill also approves the Development Plan submitted by the applicant.

The criteria examined for approval of a Planned Unit Development (“PUD”) are “compatibility with a Master Plan, conformance to regulatory criteria, and an examination of potential deleterious effects vis-a-vis adjacent property and uses.” *Maryland Overpak Corp. v. Mayor and City Council of Baltimore*, 395 Md. 16, 31 (2006). A PUD “allows for additional uses on a property not provided for by the permitted or conditional uses designated in that underlying district, but which are adjudged, on a case-by-case basis, not to be incompatible or deleterious at a given location and within the contemplation generally of the applicable Master Plan (or other planning document) and the general purposes of the underlying zone, much like a conditional use.” *Id.* The Zoning Code of Baltimore City (“ZC”), in Section 9-112, sets forth governing standards which reflect the above cited case law. The Staff Report from the Planning Department (“Report”) does not supply findings regarding these factors; therefore they will have to be established at the hearing and accepted by the City Council. *See* ZC 9-110 (“The City Council may authorize the Planned Unit Development and approve the Development Plan in accordance with the procedures, guides, and standards of this title and of Title 14 {Conditional Uses} and Title 16 {Legislative Authorizations} of this article.”).

The Law Department has several concerns about this bill. First, in Sec. 4, there is a list of prohibited uses. The list uses terminology from the new Zoning Code, known as Transform Baltimore, which takes effect June 5, 2017. Some of the terminology does not exist under the current Zoning Code. Since this bill is being enacted under the current Zoning Code, the

Fav w/ comments

terminology for the prohibited uses must conform with the terminology for those uses under the current Code. The bill must be amended to comport with the current Zoning Code.

Second, Sec. 5 of the bill proposes to incorporate a memorandum of understanding between the developer and the Hampden Community Council into the bill. Generally, “[i]n dealing with an application for a planned unit development, the legislative authority may not go beyond the powers granted by the existing enabling legislation.” 83 Am. Jur. 2d Zoning and Planning § 403. In other words, City Council is limited by the authority granted to it in the Land Use Article of the Maryland Code when placing conditions upon a PUD. There are many issues that City Council has legal authority to regulate in a general sense, that is, across the entire City via general laws, but which cannot be applied to one particular development in a piece of zoning legislation. The Court of Appeals explained the distinction in *Northwest Merchants Terminal v. O'Rourke*, 191 Md. 171 (1948):

The purpose of the zoning law is, of course to devote general areas or districts to selected uses... ‘The very essence of zoning is territorial division according to the character of the land and the buildings, their peculiar suitability for particular uses, and uniformity of use within the zone.’ [citations omitted]. ‘On purely public or political questions regarding exercise of the police power, e. g., passage of general building, traffic or zoning laws, legislators may follow the wishes of their constituents. Such action is not subject to judicial review. But in restricting individual rights by exercise of the police power neither a municipal corporation nor the state legislature itself can deprive an individual of property rights by a plebiscite of neighbors or for their benefit. Such action is arbitrary and unlawful, i.e., contrary to Art. 23 of the Declaration of Rights and beyond the delegated power of the town.

In other words, our local zoning code has factors which must be considered by agencies when deciding on a PUD. Those factors concern land use matters; e.g. impact of the development on the traffic in that area, the height and placement of buildings, compatibility with master plan, availability of light and air, topography of the land, impact on future development and neighboring properties etc. City Council has the power to place restrictions on the development which mitigate any impact the development has on these types of land use issues. Anything outside the scope of these matters cannot be restricted in a PUD.

To the extent that the MOU covers matters that are appropriate zoning material, those matters should be in the text of the bill. Any other matters included in the MOU cannot be incorporated by reference in the bill. The Law Department, therefore, proposes that the language of Sec. 5 be moved to the recitals and merely acknowledge the MOU’s existence without incorporating it into the bill.

Third, in Sec. 6(c) there is a reference to the Zoning Code but is not clear which Zoning Code is being referenced, the current Code or Transform.

Finally, Sec. 7 provides that the 'applicant shall maintain continued communication with the Hampden Community Council's Zoning and Land Use Committee throughout the development of the PUD. This is not appropriate material for a PUD bill. The relationship between the developer and the community is not related to land use matters and is outside the scope of this bill.

It also should be noted that certain procedural requirements apply to this bill because the designation of a Planned Unit Development is deemed a "legislative authorization." ZC §§16-101(c)(3), 16-101(d). Specifically, special notice requirements apply to the bill's introduction and the bill must be referred to certain City agencies, which are obligated to review it in a specified manner. See ZC §§16-203, 16-301, 16-303. Additional public notice and hearing requirements apply to the bill, including advertising the time, place and subject of the hearing in a paper of general circulation for 15 days and posting the property conspicuously with this same information. See Md. Code, Land Use, §10-303; ZC §16-402. Finally, certain limitations on the City Council's ability to amend the bill apply, including a Third Reading hold-over before final passage by the Council. See ZC §§16-403, 16-404.


This bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for the designation of the property located at 3100 and 3300 Falls Cliff Drive as an Industrial Planned Unit Development has been met. Thus, if the required findings are made at the hearing, and if the amendments proposed by the Planning Commission and the Law Department are passed, the Law Department will approve the bill for form and legal sufficiency.

Sincerely,



Elena R. DiPietro
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Kyron Banks, Mayor's Legislative Liaison
Hilary Ruley, Chief Solicitor
Victor Tervalá, Chief Solicitor
Jennifer Landis, Assistant Solicitor

F R O M	NAME & TITLE	Frank J. Murphy, Acting Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0015	M E M O	

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

March 22, 2017

I am herein reporting on City Council Bill 17-0015 for the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development: and approving the Development Plan submitted by the applicant.

This development is outside the Traffic Mitigation Zone, but the Department of Transportation will work with the developer to address traffic impacts that are anticipated as a result of the permitted development.

The Department of Transportation (DOT) has no objection to this bill and defers to Planning for the appropriate zoning for this property.

Thank you for this opportunity to comment.

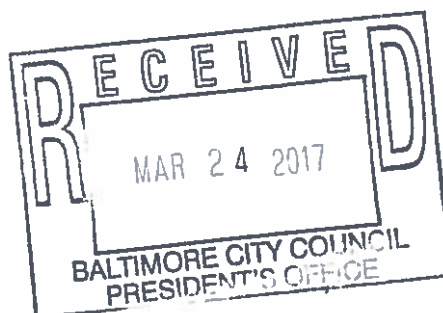
Respectfully,



Frank J. Murphy
Acting Director

FJM/PAF

Cc: Karen Stokes, Mayor's Office
Kyron Banks, Mayor's Office



No obj / defers to planning



BALTIMORE HOUSING

CATHERINE PUGH
Mayor

MICHAEL BRAVERMAN
Acting Executive Director, HABCD
Acting Commissioner, HCD

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Acting Commissioner

MBR

Date: March 8, 2017

Re: **City Council Bill 17-0015 - Planned Unit Development – Designation
– The Fox Building**

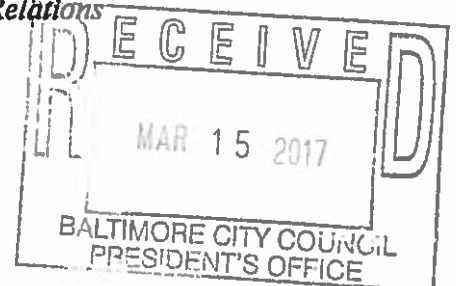
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0015 for the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

If enacted, this bill would support the redevelopment of the existing building and surrounding property located in the southern end of the Hampden Community. The proposed Planned Unit Development will enable the reuse of the building to include no more than 100 residential units and a variety of light industrial uses.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0015.


MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*



417 East Fayette Street • Baltimore, MD 21202 • MD Relay 711 • TTY 410 547 9247 • BaltimoreHousing.org

Baltimore Housing reflects the combined efforts of the Housing Authority of Baltimore City and the Baltimore City Department of Housing and Community Development.

FROM	NAME & TITLE	ANNE DRADDY, SUSTAINABILITY COORDINATOR OFFICE OF SUSTAINABILITY	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 th Floor		
	SUBJECT	City Council Bill 17-0015 / Planned Unit Development - Designation - The Fox Building		

TO The Honorable President and Members of City Council
City Hall 4th Floor
100 N. Holliday Street

DATE: March 17, 2017 *AM*

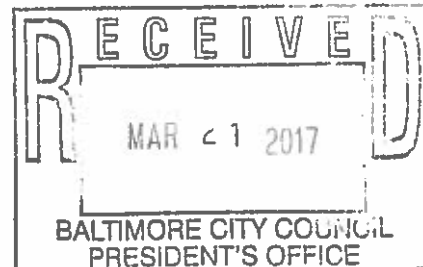
Please be advised of the following comments offered on behalf of the Baltimore Office of Sustainability (BOS). The BOS has reviewed City Council Bill # 17-0015 Planned Unit Development - Designation - The Fox Building, and is offering the following comments.

The intent of this bill addresses the following goals of the Baltimore Sustainability Plan as approved by City Council on March 2, 2009:

- **Pollution Prevention Goal 3: Ensure that Baltimore water bodies are fishable and swimmable**
 - Strategy C: Reduce amount of impervious surfaces and increase on-site storm water management
- **Greening Goal 4: Protect Baltimore's ecology and biodiversity**
 - Strategy F: Identify and pursue opportunities for increasing trees planted on private property
 - Strategy G: Increase tree plantings in sidewalks, medians and other public right-of-ways

The Office of Sustainability supports Council Bill 17-0015 and recommends that the City Council #17-0015 be passed by the City Council.

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Ms. Natawna Austin, Council Services



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

March 6, 2017

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: City Council Bill No. 17-0015: Planned Unit Development - Designation - The Fox
Building

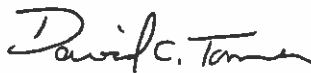
Ladies and Gentlemen:

City Council Bill No. 17-0015 has been referred by your Honorable Body to the Board of
Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0015 is to approve the application of D & C
Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block
3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots
1 and 3 (collectively, the "property"), to have the property designated an Industrial
Planned Unit Development; and approve the Development Plan submitted by the
applicant.

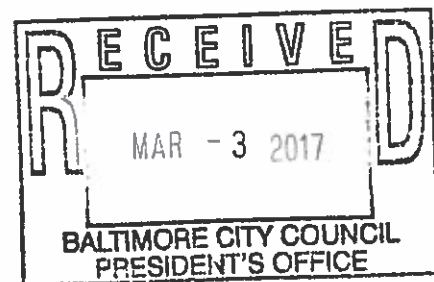
The BMZA has reviewed the legislation and has reviewed the Department of Planning
Staff Report and recommendations and concurs with the Planning Commission response
recommending that the Development Plan sheets introduced with the City Council Bill be
replaced with the updated Development Plan sheets dated February 10, 2017. The Board
recommends that City Council Bill No. 17-0015 be passed.

Sincerely,


David C. Tanner
Executive Director

DCT/rdh

CC: Mayors Office of Council Relations
Legislative Reference



TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young
FROM: Peter Little, Executive Director
DATE: February 9, 2017
RE: Council Bill 17-0015



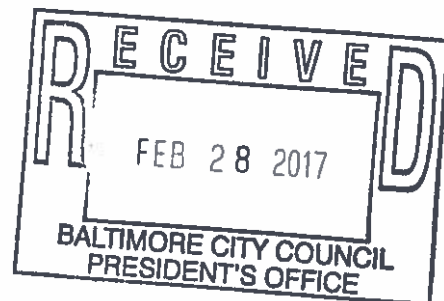
I am herein reporting on City Council Bill 17-0015 introduced by Councilmembers Clarke, Dorsey, Pinkett, and Cohen at the request of D & C Management LLP.

The purpose of this bill is for the approval of the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development (PUD); and approve the Development Plan submitted by the applicant.

The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation and found that the proposed PUD is not located in an area with programs administered by the PABC. The proposed PUD requires that parking be provided in accordance with the underlying zoning prescribed by the Zoning Code. The Parking Authority will be available during Site Plan Review and Planning Commission hearings to answer any questions and ensure that no negative effects to parking will occur due to developments on this site.

Based on the comments above, the Parking Authority of Baltimore City does not oppose Council Bill 17-0016.

*Not
opposed*



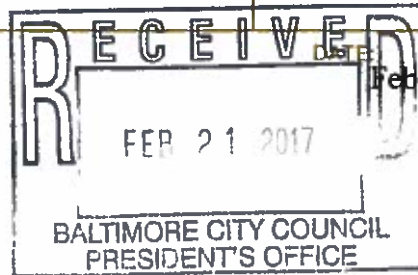
FROM	NAME & TITLE	Rudolph S. Chow, P.E., Director
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building
	SUBJECT	CITY COUNCIL BILL 17-0015

CITY of
BALTIMORE
MEMO



TO

The Honorable President and Members
of the Baltimore City Council
c/o Natawna Austin
Room 400 – City Hall



February 17, 2017

I am herein reporting on City Council Bill 17-0015 introduced by Councilmembers Clarke, Dorsey, Pinkett, and Cohen at the request of D&C Management LLP.

The purpose of this bill is to approve the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

These properties are located just north of the Jones Falls, on the southern end of the Hampden neighborhood. The properties are currently zoned industrial M-2-2 and under Transform are zoned Industrial Mixed-Use (I-MU), which will go into effect on June 5, 2017. The applicant proposes to redevelop the 2.91 acres for residential and light industry uses and is applying to have the property designated an Industrial Planned Unit Development (PUD). The purpose of the Industrial Planned Unit Development is to allow for the project to continue its redevelopment and receive permits currently, before Transform becomes effective on June 5th. Once Transform is in effect and rezones these properties to I-MU, the PUD will no longer be necessary. To that effect, the bill includes a sunset provision that will terminate the PUD five years after the effective date of enactment. The applicant will have the option of requesting a specific repeal of the PUD before the end of the five year sunset, if desired.

City Council Bill 17-0015, if approved, would designate the properties as an Industrial Planned Unit Development, permitting the following uses:

- a) All permitted, accessory, and conditional uses as allowed in the underlying Zoning District
- b) Multiple-family dwellings within the existing building, not to exceed a total of 100 dwelling units.
- c) Light industrial uses, within the existing building, that include the processing, manufacturing, assembly, or compounding of materials or products, where: (i) all processing, fabrication, assembly, treatment, and packaging of products are contained entirely within a building; (ii) noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing process are confined within the building or otherwise minimized; and (iii) only minimal truck traffic is required for daily operations.

No obj

The Honorable President and Members
of the Baltimore City Council
February 17, 2017
Page 2

The legislation would also incorporate the provisions of the Memorandum of Understanding, dated March 31, 2016, between the applicant and the Hampden Community Council, Inc. The legislation requires the applicant to continue communications with the Community Council. It also specifies certain minimum requirements for off-street parking spaces and specifies certain prohibited uses. The residential density requirements and parking requirements of the PUD are more restrictive than what is proposed under the future I-MU zoning classification.

The Planning Commission suggests one amendment that the development plan sheets accompanying the bill be replaced with updated development plan sheets.

Based on these findings, the Department of Public Works has no objection to the passage of City Council Bill 17-0015.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rudolph S. Chow', with a stylized flourish at the end.

Rudolph S. Chow, P. E.
Director

RCS/KTO:ela

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #17-0015 / USE 3100 FALLS CLIFF ROAD et el.

CITY of
BALTIMORE
MEMO



DATE:

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

February 17, 2017

At its regular meeting of February 16, 2017, the Planning Commission considered City Council Bill #17-0015, for the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #17-0015 and adopted the following resolution; eight members being present (eight in favor).

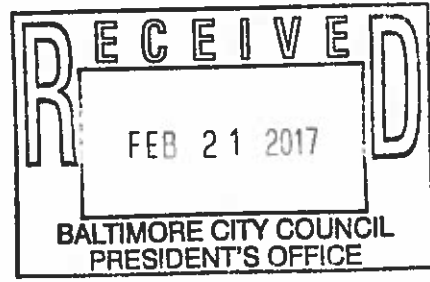
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0015 be amended and passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

- cc: Mr. Pete Hammen, Chief Operating Officer
- Mr. Jim Smith, Chief of Strategic Alliances
- Ms. Karen Stokes, Mayor's Office
- Mr. Colin Tarbert, Mayor's Office
- The Honorable Edward Reisinger, Council Rep. to Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Mr. Patrick Fleming, DOT
- Ms. Elena DiPietro, Law Dept.
- Ms. Natawna Austin, Council Services
- Mr. Francis Burnszynski, PABC
- Ms. Caroline Hecker, Attorney for applicant



Fav w/ Amend

RECEIVED
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

February 16, 2017

REQUEST: City Council Bill #17-0015/ Planned Unit Development – Designation – The Fox Building:

For the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

RECOMMENDATION: Amendment and approval, with the following amendment:

- That the development plan sheets accompanying the bill are replaced with updated development plan sheets, dated February 10, 2017.

STAFF: Eric Tiso

PETITIONER: D & C Management, LLP, c/o Caroline Hecker, Esq.

OWNER: D & C Management, LLP

SITE/GENERAL AREA

Site Conditions: These properties are located in the southern end of the Hampden Community, along the Jones Falls, on the northeastern corner of Falls Road where it intersects Clipper Mill Road. They contain approximately 2.9135± acres of land in total, and the site is improved with the Fox Building that dates back to 1930. The bulk of the property, including the existing building is currently zoned M-2-2 industrial, and the northern portion of the property (used as a part of the parking lot) is currently zoned R-7. Following the effective date of TransForm Baltimore on June 5, 2017, these lots will all be zoned I-MU (Industrial Mixed-Use).

General Area: The southern portion of the Hampden neighborhood lies along the Jones Falls valley, which has a number of former industrial and mill properties, many of which have been retrofitted for residential or mixed use redevelopments. The balance of the community is predominantly residential in character. The Florence Crittenton Home, a local landmark, is located two blocks to the east. The Maryland SPCA, and the Roosevelt Park are located across Falls Road to the west. The Clipper Mill #1 redevelopment project is located approximately one block to the west, on the south side of Clipper Mill Road.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

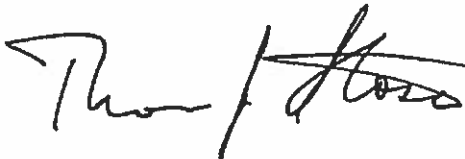
ANALYSIS

Project: This project is for the redevelopment of the existing building and surrounding property. The purpose of requesting an Industrial Planned Unit Development (PUD) is solely for the purpose of bridging the time gap between the need for the project to continue its redevelopment and receive permits before TransForm Baltimore becomes effective on June 5, 2017. Once TransForm Baltimore rezones these parcels to the I-MU district, the PUD will no longer be needed, and can be repealed. To that effect, the bill includes a sunset provision that will terminate the PUD five years after the effective date of the PUD's enactment, and the applicant will also have the option of requesting a specific repeal of the PUD before the end of that five years, if desired.

Elevations and Site Plan: The proposed building will remain as it is presently constructed, and will be renovated for reuse. As part of that process, the exterior facades will be cleaned, and new windows will be installed that meet National Park Service requirements. Small site improvements will be made, such as the addition of small knee walls, the addition of a dumpster enclosure, minor adjustments to the parking lot, and the restoration of a rooftop sign frame that will support a new project identification sign.

Zoning Regulations: This proposed PUD will enable the building's reuse for not more than 100 residential units, a variety of light industrial uses, and the uses allowed under the existing zoning districts (less certain specific uses listed as prohibited by the bill). The residential density and the parking requirements as proposed by the PUD will be more restrictive than what is proposed under the future I-MU zoning classification.

Community Notification: The Hampden Community Council (HCC) has been notified of this action. The applicant and HCC have signed a MOU memorializing their agreement and mutual obligations for this redevelopment project.




Thomas J. Stosur
Director



MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna Austin, Executive Secretary

FROM: William H. Cole, President and CEO 

DATE: February 14, 2017

SUBJECT: City Council Bill No. 17-0015
Planned Unit Development – Designation – The Fox Building

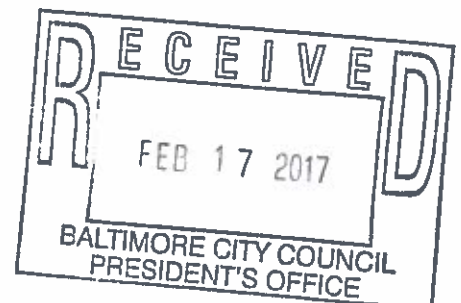
The Baltimore Development Corporation (BDC) has been asked to comment on *Council Bill 17-0015 –Planned Unit Development-Designation-The Fox Building* of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 collectively to have the property designated an Industrial Planned Unit Development: and approving the Development Plan submitted by the applicant.

The designation of a Planned Unit Development (PUD) will allow for the redevelopment of the property for residential and light industrial use, and stands to be a job creating mixed use property capable of supporting small business, and creates the potential for owners and employees to live where they work.

The BDC supports the designation of the PUD and respectfully requests that favorable consideration be given by the City Council in this matter.

cc: Colin Tarbert
Angela Gibson

sandra.blake/ccbill17/17-0015



FROM

NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>NRF</i>
AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. 21202
SUBJECT	City Council Bill #17-0015 Response to: Planned Unit Development-Designation- The Fox Building

CITY OF
BALTIMORE
MEMO



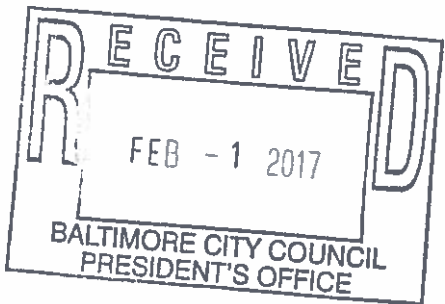
TO

**The Honorable Bernard C. Young, President
And All Members of the Baltimore City Council
City Hall, Room 408**

DATE: **January 30, 2017**

For the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the property”), to have the property designated and Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

The Fire Department has no objection to the proposed City Council Bill 17-0015 as written.



no obj



MEMORANDUM

TO: LAND USE & TRANSPORTATION COMMITTEE,
BALTIMORE CITY COUNCIL

FROM: CAROLINE L. HECKER

CC: D & C MANAGEMENT LLP

RE: CCB # 17-0015 – PLANNED UNIT DEVELOPMENT DESIGNATION –
THE FOX BUILDING
PROPOSED FINDINGS OF FACT

DATE: MARCH 29, 2017

The following sets forth proposed findings of fact under §§ 9-112 and 14-204 of the Zoning Code on CCB and 14-204 of the Zoning Code on CCB #17-0015.

§ 9-112(2): The agencies to which the bill is referred are required to consider whether:

(i) The plans for the Planned Unit Development are in general conformance with:

a. All elements of the Master Plan; and

The plans for the PUD are consistent with the City's LiveEarnPlayLearn Master Plan by furthering the City's goals of increasing housing options available in the City and opportunities for business development and economic growth.

b. The character and nature of existing and contemplated development in the vicinity of the proposed Planned Unit Development.

As indicated in the Planning Department's Staff Report, the southern portion of the Hampden neighborhood where this property is located is characterized by a number of former industrial and mill properties, many of which have been retrofitted for residential or mixed-use development. The proposed redevelopment of this site under the PUD is consistent with existing and proposed development in this area.

(ii) The Planned Unit Development will preserve unusual topographic or natural features of the land;

The PUD proposes to repurpose the existing industrial building on the property and will preserve the existing topography and natural features of the landscape buffer on the north side of the site.

(iii) The design of the Planned Unit Development will best utilize and be compatible with the topography of the land;

As no exterior changes or new construction are proposed to the site, the design of the PUD will not change the topography of the land.

- (iv) The physical characteristics of the PUD will adversely affect:
 - a. Future development or the value of undeveloped neighboring areas; or
 - b. The use, maintenance or value of the neighboring areas already developed.

The physical characteristics of the PUD will be an asset to undeveloped neighboring areas and will not adversely affect the use, maintenance or value of these neighboring areas. Rather, the neighboring areas will benefit from the redevelopment of this site, which will improve property values in the area and be an asset to the community.

- (v) With respect to availability of light, air, open space, and street access, the PUD will secure for its residents and neighboring residents substantially the same benefits as would be provided by application of the basic district regulations.

As no exterior changes are proposed, there will be no impact on availability of light, air, open space or street access.

- (vi) With respect to fire, health hazards, and other dangers, the PUD will secure for its residents and neighboring residents substantially the same protection as would be provided by application of the basic district regulations.

As no exterior changes are proposed, there will be no impact on the potential for fire, health hazards, or other dangers.

- (vii) The PUD will permit design features that would not be possible by application of the basic district regulations.

As the PUD contemplates a mix of uses that would not be permitted by right under the property's underlying zoning, the PUD will incorporate design features to incorporate these uses that would not be possible by application of the basic district regulations.

§ 14-204: The Council must make the following findings in approving the PUD:

1. The establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare or morals;

The establishment of the PUD will not be detrimental to public health, security, general welfare or morals as it is supported by the Hampden Community Council.

2. The use is not in any way precluded by any other law, including an applicable Urban Renewal Plan;

The PUD is not located in an Urban Renewal Area and is not in any way precluded by any other law.

3. The authorization is not otherwise in any way contrary to the public interest; and

The authorization is in the public interest as demonstrated by the support of the local community association.

4. The authorization is in harmony with the purpose and intent of this article.

The authorization is in harmony with the purpose and intent of the Zoning Code, including the purpose of encouraging the most appropriate use of land in the City as this will permit the redevelopment of a former industrial site for a use that is much more compatible with the surrounding residential area.

§ 14-205: In making these findings, the Council must consider the following:

1. The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;

The proposed site includes an existing structure originally utilized for manufacturing operations in the early 20th century. The Applicant proposes to redevelop the existing structure for residential and light industrial uses. No new structures are proposed.

2. The resulting traffic patterns and adequacy of proposed off-street parking and loading;

The site will provide adequate parking based on ratios set forth in the PUD (1 space / DU, 1 space / 500 GFA for industrial uses). Existing traffic patterns are expected to improve as trucks will no longer be frequenting the site.

3. The nature of the surrounding area and the extent to which the proposed use might impair its present and future development;

The redevelopment of this site is consistent with present and future development in the surrounding area as residential and light industrial uses are more compatible with the surrounding residential area than the former heavy industrial uses.

4. The proximity of dwellings, churches, schools, public structures and other places of public gathering;

Again, the redevelopment of this site for residential uses is more compatible with existing residential uses in the surrounding area than the former heavy industrial uses.

5. Accessibility of the premises for fire and police protection;

As no exterior changes are proposed, the project will have no impact on the accessibility of the site for fire and police protection.

6. Accessibility of light and air to the premises and to property in the vicinity;

As no exterior changes are proposed, the project will have no impact on the of light and air.

7. The type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;

The Site Plan Review Committee has determined that the site has adequate utilities, access, drainage and other facilities.

8. The preservation of cultural and historic landmarks;

Not applicable.

9. The provisions of the City Master Plan;

The plans for the PUD are consistent with the City's LiveEarnPlayLearn Master Plan by furthering the City's goals of increasing housing options available in the City and opportunities for business development and economic growth.

10. The provisions of any applicable Urban Renewal Plan;

Not applicable.

11. All applicable standards and requirements of this article;

No variances are required for the proposed PUD.

12. The intent and purpose stated in § 1-4-1 of this article; and

The authorization is in harmony with the purpose and intent of the Zoning Code, including the purpose of encouraging the most appropriate use of land in the City as this will permit the redevelopment of a former industrial site for a use that is much more compatible with the surrounding residential area.

13. Any other matters considered to be in the interest of the general welfare

The project is supported by the surrounding neighbors and the Hamden Community Council, with whom the developer has entered into a Memorandum of Understanding.

MORE ENDANCE RECORD

CHAIRPERSON: THE HONORABLE ED REISINGER
 Clarence "Du" Burns Chambers
 CC BILL NUMBER: 17-0015

ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		(*) LOBBYIST: ARE YOU REGISTERED IN THE CITY	
		FOR	AGAINST	YES	NO
A S E C H E C K H E R E					
21202	Johndoenbmore@yahoo.com	✓	✓	✓	✓
21201	Johndoenbmore@yahoo.com				
21206					
21201		✓			✓
21224	Checkup@senatorburns.com	✓		✓	
21201	Johndoenbmore@yahoo.com	✓			✓

register with the City Ethics Board. Registration is a simple process. For information and RENCE, 626 City Hall, Baltimore, MD 21202. Tel: 410-396-4730. Fax: 410-396-8483



**BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

**The Honorable Edward L. Reisinger
Chairman**

PUBLIC HEARING

WEDNESDAY, MARCH 29, 2017

1:00 PM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

City Council Bill #17-0015

Planned Unit Development – Designation – The Fox Building

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Murray

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: D'Paul Nibber

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Jennifer Coates

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: D'Paul Nibber

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Marguerite Murray

LAND USE AND TRANSPORTATION

Edward Reisinger – Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Marshall Bell

PUBLIC SAFETY

Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
Staff: Marshall Bell

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Jennifer Coates
- Larry Greene (pension only)



BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 17-0015

Planned Unit Development – Designation – The Fox Building

Sponsor: Councilmember Clarke

Introduced: January 23, 2017

Purpose:

FOR the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

Effective: 30th Day after Enactment

Hearing Date/Time/Location: Wednesday, March 29, 2017/1:00 PM/Clarence “Du” Burns Chambers

Agency Reports

Planning Commission	Favorable/Amend
Department of Law	
Department of Housing and Community Development	Favorable
Department of Public Works	No Objection
Baltimore Development Corporation	Favorable
Department of Transportation	Defers to Planning
Fire Department	No Objection
Parking Authority of Baltimore City	Not Opposed
Office of Sustainability	Favorable

Analysis

Current Law

Article – Zoning; Title 9, Subtitles 1 and 5; Baltimore City Revised Code (Edition 2000)

Background

CC Bill 17-0015, if approved, would affirm the application of D & C Management LLP, owner of 3100 and 3300 Falls Cliff Road (Block 3504B, Lot 001 and Block 3511D, Lot 002, respectively), and Block 3511D, lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

This project is for the redevelopment of the existing building and surrounding property, with the purpose of bridging the gap between the need for the project to continue its redevelopment and receive permits before Transform Baltimore becomes effective on June 5, 2017. Once Transform Baltimore rezones these parcels to the I-MU district, the PUD will no longer be needed, and can be repealed. To that effect, the bill includes a sunset provision that will terminate the PUD five years after the effective date of the PUD's enactment, and the applicant will also have the option of requesting a specific repeal of the PUD before the end of that five years, if desired.

These properties contain approximately 2.9135 acres of land in total, and are located in the southern end of the Hampden Community, along the Jones Falls, on the northeastern corner of Falls Road where it intersects with Clipper Mill Road. The bulk of the property is currently zoned M-2-2 industrial; with a portion on the northern end currently zoned R-7. However, following the effective date of Transform Baltimore on June 5, 2017, these lots will all be zoned I-MU (Industrial Mixed-Use).

This southern part of the Hampden neighborhood lies along the Jones Falls valley, and has a number of former industrial and mill properties, many of which have been converted to residential or mixed use redevelopments in recent years. The Florence Crittenton Home, a local landmark, is located two blocks to the east; The Maryland SPCA, and Roosevelt Park are located across Falls Road to the West; and The Clipper Mill #1 redevelopment project is located one block to the west, on the south side of Clipper Mill Road.

Additional Information

Fiscal Note: Not Available

Information Source(s): Planning Department staff report

Analysis by: Marshall Bell MB
Analysis Date: March 27, 2017

Direct Inquiries to: 410-396-1091

**CITY OF BALTIMORE
COUNCIL BILL 17-0015
(First Reader)**

Introduced by: Councilmembers Clarke, Dorsey, Pinkett, Cohen

At the request of: D & C Management LLP

Address: c/o Caroline Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: January 23, 2017

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, 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 – The Fox Building**

3 FOR the purpose of approving the application of D & C Management LLP, owner of the
4 following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road
5 (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to
6 have the property designated an Industrial Planned Unit Development; and approving the
7 Development Plan submitted by the applicant.

8 BY authority of

9 Article - Zoning
10 Title 9, Subtitles 1 and 5
11 Baltimore City Revised Code
12 (Edition 2000)

13 **Recitals**

14 D & C Management LLP (the “applicant”) is the owner of 3100 Falls Cliff Road (Block
15 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3
16 (collectively, the “property”), consisting of 2.28 acres, more or less.

17 The applicant proposes to redevelop the property for residential and light industrial uses.

18 On December 20, 2016, representatives of the applicant met with the Department of Planning
19 for a preliminary conference, to explain the scope and nature of existing and proposed
20 development on the property and to institute proceedings to have the property designated an
21 Industrial Planned Unit Development.

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

Council Bill 17-0015

1 The representatives of the applicant have now applied to the Baltimore City Council for
2 designation of the property as an Industrial Planned Unit Development, and they have submitted
3 a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the
4 Baltimore City Zoning Code.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
6 Mayor and City Council approves the application of the applicant, owner of 3100 Falls Cliff
7 Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D,
8 Lots 1 and 3 (collectively the "property"), consisting of 2.28 acres, more or less, as outlined on
9 the accompanying Development Plan entitled "The Fox Building", dated January 3, 2017, to
10 designate the property an Industrial Planned Development under Title 9, Subtitles 1 and 5 of the
11 Baltimore City Zoning Code.

12 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
13 approves the new Development Plan submitted by the applicant, as attached to and made part of
14 this Ordinance, including:

- 15 (a) Sheet DP-01, "Existing Conditions Plan", dated January 3, 2017;
- 16 (b) Sheet DP-02, "Development Plan", dated January 3, 2017; and
- 17 (c) Sheets A4-1, A4-2, and A4-3, "Architectural Elevations", dated December 15, 2016.

18 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with Title 9, Subtitles 1 and
19 5 of the Baltimore City Zoning Code, the following uses are permitted within the Planned Unit
20 Development:

- 21 (a) All permitted, accessory, and conditional uses as allowed in the underlying Zoning
22 District.
- 23 (b) Multiple-family dwellings within the existing building, not to exceed a total of 100
24 dwelling units.
- 25 (c) Light industrial uses, within the existing building, that include the processing,
26 manufacturing, assembly, or compounding of materials or products, where: (i) all
27 processing, fabrication, assembly, treatment, and packaging of products are contained
28 entirely within a building; (ii) noise, odor, smoke, heat, glare, and vibration resulting
29 from the manufacturing process are confined within the building or otherwise
30 minimized; and (iii) only minimal truck traffic is required for daily operations.

31 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the following uses are prohibited within
32 the Planned Unit Development:

- 33 (a) Animal clinic
- 34 (b) Banquet hall
- 35 (c) Boat manufacturing
- 36 (d) Broadcasting station

Council Bill 17-0015

- 1 (e) Day-care center: adult or child
- 2 (f) Entertainment: indoor
- 3 (g) Entertainment: live
- 4 (h) Government facilities: Public Works
- 5 (i) Heavy retail, rental or service
- 6 (j) Homeless shelter
- 7 (k) Hospital
- 8 (l) Kennel
- 9 (m) Lodge or club
- 10 (n) Lodging: hotel/motel
- 11 (o) Marina: dry storage
- 12 (p) Motor vehicle service and repair (major and minor)
- 13 (q) Passenger terminal
- 14 (r) Recreation: indoor
- 15 (s) Recreation: outdoor

16 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the provisions of the Memorandum of
17 Understanding, dated March 31, 2016, between the applicant and the Hampden Community
18 Council, Inc., are incorporated herein.

19 **SECTION 6. AND BE IT FURTHER ORDAINED,** That a minimum number of off-street parking
20 spaces must be provided as follows:

- 21 (a) Residential uses - 1 space per dwelling unit and 1 space per efficiency unit;
- 22 (b) Industrial uses - 1 space per 500 square feet of gross floor area;
- 23 (c) Parking for all other uses shall be as provided for in the Zoning Code.

24 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the applicant shall maintain continued
25 communication with the Hampden Community Council's Zoning & Land Use Committee
26 throughout the development of the PUD.

27 **SECTION 8. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent
28 improvements on the property are subject to final design approval by the Planning Commission
29 to insure that the plans are consistent with the Development Plan and this Ordinance.

Council Bill 17-0015

1 **SECTION 9. AND BE IT FURTHER ORDAINED,** That the Planning Department may determine
2 what constitutes minor or major modifications of the Plan. Minor modifications require approval
3 by the Planning Commission. Major modifications require approval by Ordinance.

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

12 **SECTION 11. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
13 day after the date it is enacted. This Ordinance will remain effective for 5 years; at the end of
14 that period, with no further action by the Mayor and City Council, this Ordinance will be
15 abrogated and of no further effect.

**LAND USE
AND
TRANSPORTATION
COMMITTEE**

**CC#: 17-0015
AGENCY
REPORTS**

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0015 / USE 3100 FALLS CLIFF ROAD et el.		

DATE:

TO

The Honorable President and
 Members of the City Council
 City Hall, Room 400
 100 North Holliday Street

February 17, 2017

At its regular meeting of February 16, 2017, the Planning Commission considered City Council Bill #17-0015, for the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #17-0015 and adopted the following resolution; eight members being present (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0015 be amended and passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

cc: Mr. Pete Hammen, Chief Operating Officer
 Mr. Jim Smith, Chief of Strategic Alliances
 Ms. Karen Stokes, Mayor's Office
 Mr. Colin Tarbert, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Mr. Patrick Fleming, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Natawna Austin, Council Services
 Mr. Francis Burnszynski, PABC
 Ms. Caroline Hecker, Attorney for applicant



*Catherine E. Pugh
Mayor*

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



*Thomas J. Stosur
Director*

February 16, 2017

REQUEST: City Council Bill #17-0015/ Planned Unit Development – Designation – The Fox Building:

For the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

RECOMMENDATION: Amendment and approval, with the following amendment:

- That the development plan sheets accompanying the bill are replaced with updated development plan sheets, dated February 10, 2017.

STAFF: Eric Tiso

PETITIONER: D & C Management, LLP, c/o Caroline Hecker, Esq.

OWNER: D & C Management, LLP

SITE/GENERAL AREA

Site Conditions: These properties are located in the southern end of the Hampden Community, along the Jones Falls, on the northeastern corner of Falls Road where it intersects Clipper Mill Road. They contain approximately 2.9135± acres of land in total, and the site is improved with the Fox Building that dates back to 1930. The bulk of the property, including the existing building is currently zoned M-2-2 industrial, and the northern portion of the property (used as a part of the parking lot) is currently zoned R-7. Following the effective date of TransForm Baltimore on June 5, 2017, these lots will all be zoned I-MU (Industrial Mixed-Use).

General Area: The southern portion of the Hampden neighborhood lies along the Jones Falls valley, which has a number of former industrial and mill properties, many of which have been retrofitted for residential or mixed use redevelopments. The balance of the community is predominantly residential in character. The Florence Crittenton Home, a local landmark, is located two blocks to the east. The Maryland SPCA, and the Roosevelt Park are located across Falls Road to the west. The Clipper Mill #1 redevelopment project is located approximately one block to the west, on the south side of Clipper Mill Road.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

ANALYSIS

Project: This project is for the redevelopment of the existing building and surrounding property. The purpose of requesting an Industrial Planned Unit Development (PUD) is solely for the purpose of bridging the time gap between the need for the project to continue its redevelopment and receive permits before TransForm Baltimore becomes effective on June 5, 2017. Once TransForm Baltimore rezones these parcels to the I-MU district, the PUD will no longer be needed, and can be repealed. To that effect, the bill includes a sunset provision that will terminate the PUD five years after the effective date of the PUD's enactment, and the applicant will also have the option of requesting a specific repeal of the PUD before the end of that five years, if desired.


Elevations and Site Plan: The proposed building will remain as it is presently constructed, and will be renovated for reuse. As part of that process, the exterior facades will be cleaned, and new windows will be installed that meet National Park Service requirements. Small site improvements will be made, such as the addition of small knee walls, the addition of a dumpster enclosure, minor adjustments to the parking lot, and the restoration of a rooftop sign frame that will support a new project identification sign.

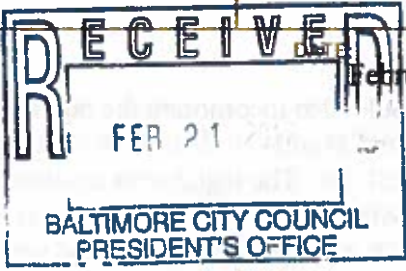
Zoning Regulations: This proposed PUD will enable the building's reuse for not more than 100 residential units, a variety of light industrial uses, and the uses allowed under the existing zoning districts (less certain specific uses listed as prohibited by the bill). The residential density and the parking requirements as proposed by the PUD will be more restrictive than what is proposed under the future I-MU zoning classification.

Community Notification: The Hampden Community Council (HCC) has been notified of this action. The applicant and HCC have signed a MOU memorializing their agreement and mutual obligations for this redevelopment project.



Thomas J. Stosur
Director

FROM	NAME & TITLE	Rudolph S. Chow, P.E., Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	CITY COUNCIL BILL 17-0015		



TO

The Honorable President and Members
of the Baltimore City Council
c/o Natawna Austin
Room 400 – City Hall

February 17, 2017

I am herein reporting on City Council Bill 17-0015 introduced by Councilmembers Clarke, Dorsey, Pinkett, and Cohen at the request of D&C Management LLP.

The purpose of this bill is to approve the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

These properties are located just north of the Jones Falls, on the southern end of the Hampden neighborhood. The properties are currently zoned industrial M-2-2 and under Transform are zoned Industrial Mixed-Use (I-MU), which will go into effect on June 5, 2017. The applicant proposes to redevelop the 2.91 acres for residential and light industry uses and is applying to have the property designated an Industrial Planned Unit Development (PUD). The purpose of the Industrial Planned Unit Development is to allow for the project to continue its redevelopment and receive permits currently, before Transform becomes effective on June 5th. Once Transform is in effect and rezones these properties to I-MU, the PUD will no longer be necessary. To that effect, the bill includes a sunset provision that will terminate the PUD five years after the effective date of enactment. The applicant will have the option of requesting a specific repeal of the PUD before the end of the five year sunset, if desired.

City Council Bill 17-0015, if approved, would designate the properties as an Industrial Planned Unit Development, permitting the following uses:

- a) All permitted, accessory, and conditional uses as allowed in the underlying Zoning District
- b) Multiple-family dwellings within the existing building, not to exceed a total of 100 dwelling units.
- c) Light industrial uses, within the existing building, that include the processing, manufacturing, assembly, or compounding of materials or products, where: (i) all processing, fabrication, assembly, treatment, and packaging of products are contained entirely within a building; (ii) noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing process are confined within the building or otherwise minimized; and (iii) only minimal truck traffic is required for daily operations.

No obj

The Honorable President and Members
of the Baltimore City Council
February 17, 2017
Page 2

The legislation would also incorporate the provisions of the Memorandum of Understanding, dated March 31, 2016, between the applicant and the Hampden Community Council, Inc. The legislation requires the applicant to continue communications with the Community Council. It also specifies certain minimum requirements for off-street parking spaces and specifies certain prohibited uses. The residential density requirements and parking requirements of the PUD are more restrictive than what is proposed under the future I-MU zoning classification.

The Planning Commission suggests one amendment that the development plan sheets accompanying the bill be replaced with updated development plan sheets.

Based on these findings, the Department of Public Works has no objection to the passage of City Council Bill 17-0015.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rudolph S. Chow', is written over the typed name.

Rudolph S. Chow, P. E.
Director

RCS/KTO:ela



MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna Austin, Executive Secretary

FROM: William H. Cole, President and CEO *WHC*

DATE: February 14, 2017

SUBJECT: City Council Bill No. 17-0015
Planned Unit Development – Designation – The Fox Building

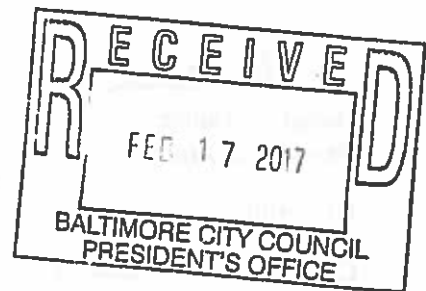
The Baltimore Development Corporation (BDC) has been asked to comment on *Council Bill 17-0015 –Planned Unit Development-Designation-The Fox Building* of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 collectively to have the property designated an Industrial Planned Unit Development: and approving the Development Plan submitted by the applicant.

The designation of a Planned Unit Development (PUD) will allow for the redevelopment of the property for residential and light industrial use, and stands to be a job creating mixed use property capable of supporting small business, and creates the potential for owners and employees to live where they work.

The BDC supports the designation of the PUD and respectfully requests that favorable consideration be given by the City Council in this matter.

cc: Colin Tarbert
Angela Gibson

sandra.blake/ccbill17/17-0015



F

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

March 6, 2017

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: City Council Bill No. 17-0015: Planned Unit Development - Designation - The Fox
Building

Ladies and Gentlemen:

City Council Bill No. 17-0015 has been referred by your Honorable Body to the Board of
Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 17-0015 is to approve the application of D & C
Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block
3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots
1 and 3 (collectively, the "property"), to have the property designated an Industrial
Planned Unit Development; and approve the Development Plan submitted by the
applicant.

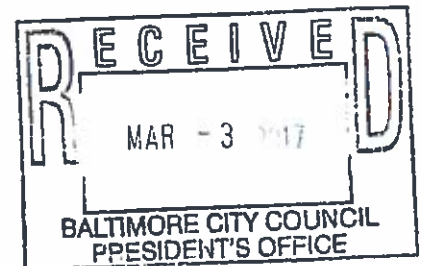
The BMZA has reviewed the legislation and has reviewed the Department of Planning
Staff Report and recommendations and concurs with the Planning Commission response
recommending that the Development Plan sheets introduced with the City Council Bill be
replaced with the updated Development Plan sheets dated February 10, 2017. The Board
recommends that City Council Bill No. 17-0015 be passed.

Sincerely,

David C. Tanner
Executive Director

DCT/rdh

CC: Mayors Office of Council Relations
Legislative Reference





**BALTIMORE
HOUSING**

CATHERINE PUGH
Mayor

MICHAEL BRAVERMAN
Acting Executive Director, HABC
Acting Commissioner, HCD

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Acting Commissioner

MB

Date: March 8, 2017

Re: **City Council Bill 17-0015 - Planned Unit Development – Designation
– The Fox Building**

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0015 for the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.


If enacted, this bill would support the redevelopment of the existing building and surrounding property located in the southern end of the Hampden Community. The proposed Planned Unit Development will enable the reuse of the building to include no more than 100 residential units and a variety of light industrial uses.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0015.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyrn Banks, *Mayor's Office of Government Relations*



FROM	NAME & TITLE	ANNE DRADDY, SUSTAINABILITY COORDINATOR OFFICE OF SUSTAINABILITY	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 th Floor		
	SUBJECT	City Council Bill 17-0015 / Planned Unit Development – Designation – The Fox Building		

DATE: March 17, 2017 *Am*

TO The Honorable President and Members of City Council
City Hall 4th Floor
100 N. Holliday Street


Please be advised of the following comments offered on behalf of the Baltimore Office of Sustainability (BOS). The BOS has reviewed City Council Bill # 17-0015 Planned Unit Development – Designation – The Fox Building, and is offering the following comments.

The intent of this bill addresses the following goals of the Baltimore Sustainability Plan as approved by City Council on March 2, 2009:

- Pollution Prevention Goal 3: Ensure that Baltimore water bodies are fishable and swimmable
 - Strategy C: Reduce amount of impervious surfaces and increase on-site storm water management
- Greening Goal 4: Protect Baltimore's ecology and biodiversity
 - Strategy F: Identify and pursue opportunities for increasing trees planted on private property
 - Strategy G: Increase tree plantings in sidewalks, medians and other public right-of-ways

The Office of Sustainability supports Council Bill 17-0015 and recommends that the City Council #17-0015 be passed by the City Council.

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Ms. Natawna Austin, Council Services

F R O M	NAME & TITLE	Frank J. Murphy, Acting Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0015		

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

March 22, 2017

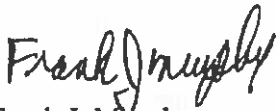
I am herein reporting on City Council Bill 17-0015 for the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

This development is outside the Traffic Mitigation Zone, but the Department of Transportation will work with the developer to address traffic impacts that are anticipated as a result of the permitted development.

The Department of Transportation (DOT) has no objection to this bill and defers to Planning for the appropriate zoning for this property.

Thank you for this opportunity to comment.

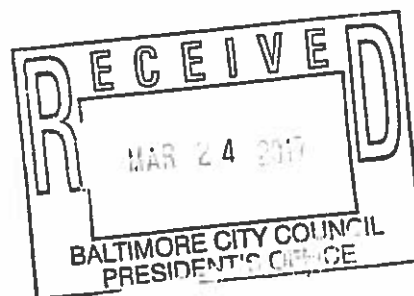
Respectfully,



Frank J. Murphy
Acting Director

FJM/PAF

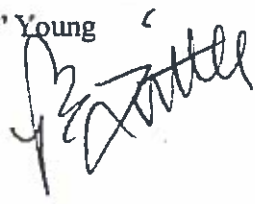
Cc: Karen Stokes, Mayor's Office
Kyron Banks, Mayor's Office



No obj / defers to planning

TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young
FROM: Peter Little, Executive Director
DATE: February 9, 2017
RE: Council Bill 17-0015



PARKING
OF BALTIMORE CITY
AUTHORITY

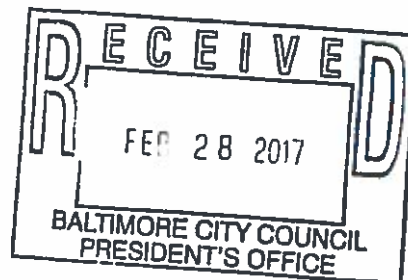
I am herein reporting on City Council Bill 17-0015 introduced by Councilmembers Clarke, Dorsey, Pinkett, and Cohen at the request of D & C Management LLP.


The purpose of this bill is for the approval of the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development (PUD); and approve the Development Plan submitted by the applicant.

The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation and found that the proposed PUD is not located in an area with programs administered by the PABC. The proposed PUD requires that parking be provided in accordance with the underlying zoning prescribed by the Zoning Code. The Parking Authority will be available during Site Plan Review and Planning Commission hearings to answer any questions and ensure that no negative effects to parking will occur due to developments on this site.

Based on the comments above, the Parking Authority of Baltimore City does not oppose Council Bill 17-0016.

*Not
opposed*



FROM	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>NRF</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. 21202		
	SUBJECT	City Council Bill #17-0015 Response to: Planned Unit Development- The Fox Building		

TO

**The Honorable Bernard C. Young, President
And All Members of the Baltimore City Council
City Hall, Room 408**

DATE:

January 30, 2017

For the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the property”), to have the property designated and Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

The Fire Department has no objection to the proposed City Council Bill 17-0015 as written.

**CITY OF BALTIMORE
COUNCIL BILL 17-0015
(First Reader)**

Introduced by: Councilmembers Clarke, Dorsey, Pinkett, Cohen

At the request of: D & C Management LLP

Address: c/o Caroline Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: January 23, 2017

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, 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 – The Fox Building**

3 FOR the purpose of approving the application of D & C Management LLP, owner of the
4 following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road
5 (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to
6 have the property designated an Industrial Planned Unit Development; and approving the
7 Development Plan submitted by the applicant.

8 BY authority of

9 Article - Zoning

10 Title 9, Subtitles 1 and 5

11 Baltimore City Revised Code

12 (Edition 2000)

13 **Recitals**

14 D & C Management LLP (the “applicant”) is the owner of 3100 Falls Cliff Road (Block
15 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3
16 (collectively, the “property”), consisting of 2.28 acres, more or less.

17 The applicant proposes to redevelop the property for residential and light industrial uses.

18 On December 20, 2016, representatives of the applicant met with the Department of Planning
19 for a preliminary conference, to explain the scope and nature of existing and proposed
20 development on the property and to institute proceedings to have the property designated an
21 Industrial Planned Unit Development.

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

Council Bill 17-0015

1 The representatives of the applicant have now applied to the Baltimore City Council for
2 designation of the property as an Industrial Planned Unit Development, and they have submitted
3 a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the
4 Baltimore City Zoning Code.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
6 Mayor and City Council approves the application of the applicant, owner of 3100 Falls Cliff
7 Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D,
8 Lots 1 and 3 (collectively the "property"), consisting of 2.28 acres, more or less, as outlined on
9 the accompanying Development Plan entitled "The Fox Building", dated January 3, 2017, to
10 designate the property an Industrial Planned Development under Title 9, Subtitles 1 and 5 of the
11 Baltimore City Zoning Code.

12 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
13 approves the new Development Plan submitted by the applicant, as attached to and made part of
14 this Ordinance, including:

- 15 (a) Sheet DP-01, "Existing Conditions Plan", dated January 3, 2017;
- 16 (b) Sheet DP-02, "Development Plan", dated January 3, 2017; and
- 17 (c) Sheets A4-1, A4-2, and A4-3, "Architectural Elevations", dated December 15, 2016.

18 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with Title 9, Subtitles 1 and
19 5 of the Baltimore City Zoning Code, the following uses are permitted within the Planned Unit
20 Development:

- 21 (a) All permitted, accessory, and conditional uses as allowed in the underlying Zoning
22 District.
- 23 (b) Multiple-family dwellings within the existing building, not to exceed a total of 100
24 dwelling units.
- 25 (c) Light industrial uses, within the existing building, that include the processing,
26 manufacturing, assembly, or compounding of materials or products, where: (i) all
27 processing, fabrication, assembly, treatment, and packaging of products are contained
28 entirely within a building; (ii) noise, odor, smoke, heat, glare, and vibration resulting
29 from the manufacturing process are confined within the building or otherwise
30 minimized; and (iii) only minimal truck traffic is required for daily operations.

31 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the following uses are prohibited within
32 the Planned Unit Development:

- 33 (a) Animal clinic
- 34 (b) Banquet hall
- 35 (c) Boat manufacturing
- 36 (d) Broadcasting station

Council Bill 17-0015

- 1 (e) Day-care center: adult or child
- 2 (f) Entertainment: indoor
- 3 (g) Entertainment: live
- 4 (h) Government facilities: Public Works
- 5 (i) Heavy retail, rental or service
- 6 (j) Homeless shelter
- 7 (k) Hospital
- 8 (l) Kennel
- 9 (m) Lodge or club
- 10 (n) Lodging: hotel/motel
- 11 (o) Marina: dry storage
- 12 (p) Motor vehicle service and repair (major and minor)
- 13 (q) Passenger terminal
- 14 (r) Recreation: indoor
- 15 (s) Recreation: outdoor

16 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the provisions of the Memorandum of
17 Understanding, dated March 31, 2016, between the applicant and the Hampden Community
18 Council, Inc., are incorporated herein.

19 **SECTION 6. AND BE IT FURTHER ORDAINED,** That a minimum number of off-street parking
20 spaces must be provided as follows:

- 21 (a) Residential uses - 1 space per dwelling unit and 1 space per efficiency unit;
- 22 (b) Industrial uses - 1 space per 500 square feet of gross floor area;
- 23 (c) Parking for all other uses shall be as provided for in the Zoning Code.

24 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the applicant shall maintain continued
25 communication with the Hampden Community Council's Zoning & Land Use Committee
26 throughout the development of the PUD.

27 **SECTION 8. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent
28 improvements on the property are subject to final design approval by the Planning Commission
29 to insure that the plans are consistent with the Development Plan and this Ordinance.

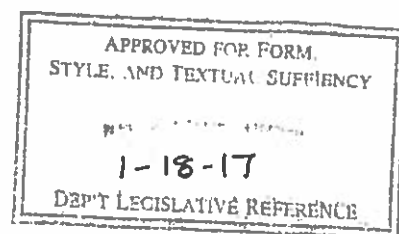
Council Bill 17-0015

1 **SECTION 9. AND BE IT FURTHER ORDAINED,** That the Planning Department may determine
2 what constitutes minor or major modifications of the Plan. Minor modifications require approval
3 by the Planning Commission. Major modifications require approval by Ordinance.

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

12 **SECTION 11. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
13 day after the date it is enacted. This Ordinance will remain effective for 5 years; at the end of
14 that period, with no further action by the Mayor and City Council, this Ordinance will be
15 abrogated and of no further effect.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmember Clarke
At the request of: D & C Management LLP
Address: c/o Caroline Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600

A BILL ENTITLED

AN ORDINANCE concerning

Planned Unit Development – Designation – The Fox Building

FOR the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning
Title 9, Subtitles 1 and 5
Baltimore City Revised Code
(Edition 2000)

Recitals

D & C Management LLP (the “applicant”) is the owner of 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), consisting of 2.28 acres, more or less.

The applicant proposes to redevelop the property for residential and light industrial uses.

On December 20, 2016, 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 an Industrial Planned Unit Development.

The representatives of the applicant have now applied to the Baltimore City Council for designation of the property as an Industrial Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of the applicant, owner of 3100 Falls Cliff

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively the "property"), consisting of 2.28 acres, more or less, as outlined on the accompanying Development Plan entitled "The Fox Building", dated January 3, 2017, to designate the property an Industrial Planned Development under Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore approves the new Development Plan submitted by the applicant, as attached to and made part of this Ordinance, including:

- (a) Sheet DP-01, "Existing Conditions Plan", dated January 3, 2017;
- (b) Sheet DP-02, "Development Plan", dated January 3, 2017; and
- (c) Sheets A4-1, A4-2, and A4-3, "Architectural Elevations", dated December 15, 2016.

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code, the following uses are permitted within the Planned Unit Development:

- (a) All permitted, accessory, and conditional uses as allowed in the underlying Zoning District.
- (b) Multiple-family dwellings within the existing building, not to exceed a total of 100 dwelling units.
- (c) Light industrial uses, within the existing building, that include the processing, manufacturing, assembly, or compounding of materials or products, where: (i) all processing, fabrication, assembly, treatment, and packaging of products are contained entirely within a building; (ii) noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing process are confined within the building or otherwise minimized; and (iii) only minimal truck traffic is required for daily operations.

SECTION 4. AND BE IT FURTHER ORDAINED, That the following uses are prohibited within the Planned Unit Development:

- (a) Animal clinic
- (b) Banquet hall
- (c) Boat manufacturing
- (d) Broadcasting station
- (e) Day-care center: adult or child
- (f) Entertainment: indoor
- (g) Entertainment: live
- (h) Government facilities: Public Works
- (i) Heavy retail, rental or service

- (j) Homeless shelter
- (k) Hospital
- (l) Kennel
- (m) Lodge or club
- (n) Lodging: hotel/motel
- (o) Marina: dry storage
- (p) Motor vehicle service and repair (major and minor)
- (q) Passenger terminal
- (r) Recreation: indoor
- (s) Recreation: outdoor

SECTION 5. AND BE IT FURTHER ORDAINED, That the provisions of the Memorandum of Understanding, dated March 31, 2016, between the applicant and the Hampden Community Council, Inc., are incorporated herein.

SECTION 6. AND BE IT FURTHER ORDAINED, That a minimum number of off-street parking spaces must be provided as follows:

- (a) Residential uses - 1 space per dwelling unit and 1 space per efficiency unit;
- (b) Industrial uses - 1 space per 500 square feet of gross floor area;
- (c) Parking for all other uses shall be as provided for in the Zoning Code.

SECTION 7. AND BE IT FURTHER ORDAINED, That the applicant shall maintain continued communication with the Hampden Community Council's Zoning & Land Use Committee throughout the development of the PUD.

SECTION 8. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

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

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

SECTION 11. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted. This Ordinance will remain effective for 5 years; at the end of that period, with no further action by the Mayor and City Council, this Ordinance will be abrogated and of no further effect.

**STATEMENT OF INTENT
UNDER ZONING CODE § 16-202
FOR**

Planned Unit Development – Designation – The Fox Building

1. Applicant's name, address and telephone number: D & C Management LLP c/o Caroline L. Hecker. Esq., Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, (410) 727-6600
2. All proposed changes for the property: Establishment of a Planned Unit Development for the properties listed below
3. All intended use of the property: As listed in PUD
4. Current owner's name, address, and telephone number:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Property Owner</u>	<u>Deed Reference</u>
3504B	001	3100 Falls Cliff Road	D & C Management LLP	13898/445
3511D	002	3300 Falls Cliff Road	D & C Management LLP	13898/445
3511D	001	[none]	D & C Management LLP	3805/345
3511D	003	[none]	D & C Management LLP	3805/345

The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in Liber ____ folio _____. [Please see above.]

6. (a) There is is not a contract contingent on the requested legislative authorization.
- (b) If there is a contract contingent on the requested legislative authorization:
 - (i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:
N/A

 - (ii) The purpose, nature and effect of the contract are: N/A

7. (a) The applicant is is not acting as an agent for another.
- (b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are {use additional sheet if necessary}: N/A

AFFIDAVIT

I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

By: *Caroline Hecker*
Caroline L. Hecker, Authorized Agent

1/4/17
Date

ACTION BY THE CITY COUNCIL

JAN 23 2017

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON March 29 _____ 20 17

COMMITTEE REPORT AS OF March 31 _____ 20 17

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

[Signature]
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

APR 03 2017

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ MAY 08 2017

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20 _____

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

[Signature]
President

[Signature]
Chief Clerk

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

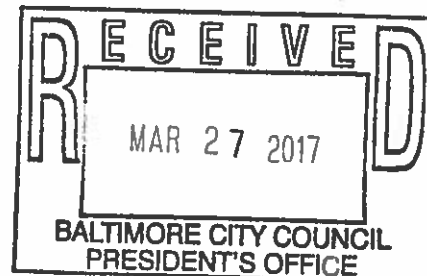


DEPARTMENT OF LAW

101 City Hall
Baltimore, Maryland 21202

March 27, 2017

The Honorable President and Members
of the Baltimore City Council
Attn: Natawna B. Austin, Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202



Re: City Council Bill 17-0015 – Planned Unit Development – Designation –
The Fox Building

Dear Mr. President and City Council Members:

The Law Department has reviewed City Council Bill 17-0015 for form and legal sufficiency. The bill approves the application of D & C Management LLP, owner of certain property located at 3100 and 3300 Falls Cliff Drive, to have those properties designated an Industrial Planned Unit Development. The bill also approves the Development Plan submitted by the applicant.

The criteria examined for approval of a Planned Unit Development (“PUD”) are “compatibility with a Master Plan, conformance to regulatory criteria, and an examination of potential deleterious effects *vis-a-vis* adjacent property and uses.” *Maryland Overpak Corp. v. Mayor and City Council of Baltimore*, 395 Md. 16, 31 (2006). A PUD “allows for additional uses on a property not provided for by the permitted or conditional uses designated in that underlying district, but which are adjudged, on a case-by-case basis, not to be incompatible or deleterious at a given location and within the contemplation generally of the applicable Master Plan (or other planning document) and the general purposes of the underlying zone, much like a conditional use.” *Id.* The Zoning Code of Baltimore City (“ZC”), in Section 9-112, sets forth governing standards which reflect the above cited case law. The Staff Report from the Planning Department (“Report”) does not supply findings regarding these factors; therefore they will have to be established at the hearing and accepted by the City Council. *See* ZC 9-110 (“The City Council may authorize the Planned Unit Development and approve the Development Plan in accordance with the procedures, guides, and standards of this title and of Title 14 {Conditional Uses} and Title 16 {Legislative Authorizations} of this article.”).

The Law Department has several concerns about this bill. First, in Sec. 4, there is a list of prohibited uses. The list uses terminology from the new Zoning Code, known as Transform Baltimore, which takes effect June 5, 2017. Some of the terminology does not exist under the current Zoning Code. Since this bill is being enacted under the current Zoning Code, the

fav w/ comments

terminology for the prohibited uses must conform with the terminology for those uses under the current Code. The bill must be amended to comport with the current Zoning Code.

Second, Sec. 5 of the bill proposes to incorporate a memorandum of understanding between the developer and the Hampden Community Council into the bill. Generally, “[i]n dealing with an application for a planned unit development, the legislative authority may not go beyond the powers granted by the existing enabling legislation.” 83 Am. Jur. 2d Zoning and Planning § 403. In other words, City Council is limited by the authority granted to it in the Land Use Article of the Maryland Code when placing conditions upon a PUD. There are many issues that City Council has legal authority to regulate in a general sense, that is, across the entire City via general laws, but which cannot be applied to one particular development in a piece of zoning legislation. The Court of Appeals explained the distinction in *Northwest Merchants Terminal v. O'Rourke*, 191 Md. 171 (1948):

The purpose of the zoning law is, of course to devote general areas or districts to selected uses... ‘The very essence of zoning is territorial division according to the character of the land and the buildings, their peculiar suitability for particular uses, and uniformity of use within the zone.’ [citations omitted]. ‘On purely public or political questions regarding exercise of the police power, e. g., passage of general building, traffic or zoning laws, legislators may follow the wishes of their constituents. Such action is not subject to judicial review. But in restricting individual rights by exercise of the police power neither a municipal corporation nor the state legislature itself can deprive an individual of property rights by a plebiscite of neighbors or for their benefit. Such action is arbitrary and unlawful, i.e., contrary to Art. 23 of the Declaration of Rights and beyond the delegated power of the town.

In other words, our local zoning code has factors which must be considered by agencies when deciding on a PUD. Those factors concern land use matters; e.g. impact of the development on the traffic in that area, the height and placement of buildings, compatibility with master plan, availability of light and air, topography of the land, impact on future development and neighboring properties etc. City Council has the power to place restrictions on the development which mitigate any impact the development has on these types of land use issues. Anything outside the scope of these matters cannot be restricted in a PUD.

To the extent that the MOU covers matters that are appropriate zoning material, those matters should be in the text of the bill. Any other matters included in the MOU cannot be incorporated by reference in the bill. The Law Department, therefore, proposes that the language of Sec. 5 be moved to the recitals and merely acknowledge the MOU’s existence without incorporating it into the bill.

Third, in Sec. 6(c) there is a reference to the Zoning Code but is not clear which Zoning Code is being referenced, the current Code or Transform.

Finally, Sec. 7 provides that the 'applicant shall maintain continued communication with the Hampden Community Council's Zoning and Land Use Committee throughout the development of the PUD. This is not appropriate material for a PUD bill. The relationship between the developer and the community is not related to land use matters and is outside the scope of this bill.

It also should be noted that certain procedural requirements apply to this bill because the designation of a Planned Unit Development is deemed a "legislative authorization." ZC §§16-101(c)(3), 16-101(d). Specifically, special notice requirements apply to the bill's introduction and the bill must be referred to certain City agencies, which are obligated to review it in a specified manner. *See* ZC §§16-203, 16-301, 16-303. Additional public notice and hearing requirements apply to the bill, including advertising the time, place and subject of the hearing in a paper of general circulation for 15 days and posting the property conspicuously with this same information. *See* Md. Code, Land Use, §10-303; ZC §16-402. Finally, certain limitations on the City Council's ability to amend the bill apply, including a Third Reading hold-over before final passage by the Council. *See* ZC §§16-403, 16-404.


This bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for the designation of the property located at 3100 and 3300 Falls Cliff Drive as an Industrial Planned Unit Development has been met. Thus, if the required findings are made at the hearing, and if the amendments proposed by the Planning Commission and the Law Department are passed, the Law Department will approve the bill for form and legal sufficiency.

Sincerely,

Elena R. DiPietro

Elena R. DiPietro
Chief Solicitor

cc: David Ralph, Acting City Solicitor
Kyron Banks, Mayor's Legislative Liaison
Hilary Ruley, Chief Solicitor
Victor Tervalo, Chief Solicitor
Jennifer Landis, Assistant Solicitor

FROM	NAME & TITLE	Frank J. Murphy, Acting Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 East Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0015	MEMO	

TO The Honorable President and
Members of the City Council
c/o Natawna Austin
Room 400 City Hall

March 22, 2017

I am herein reporting on City Council Bill 17-0015 for the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development: and approving the Development Plan submitted by the applicant.

This development is outside the Traffic Mitigation Zone, but the Department of Transportation will work with the developer to address traffic impacts that are anticipated as a result of the permitted development.

The Department of Transportation (DOT) has no objection to this bill and defers to Planning for the appropriate zoning for this property.

Thank you for this opportunity to comment.

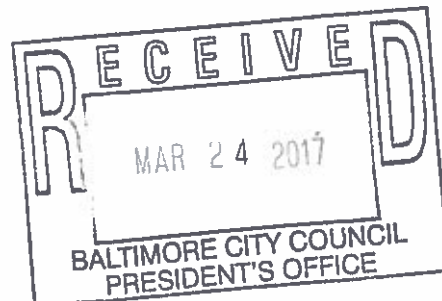
Respectfully,



Frank J. Murphy
Acting Director


FJM/PAF

Cc: Karen Stokes, Mayor's Office
Kyron Banks, Mayor's Office



No obj / refers to planning



FROM	NAME & TITLE	ANNE DRADDY, SUSTAINABILITY COORDINATOR OFFICE OF SUSTAINABILITY	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 th Floor		
	SUBJECT	City Council Bill 17-0015 / Planned Unit Development – Designation – The Fox Building		

TO The Honorable President and Members of City Council
City Hall 4th Floor
100 N. Holliday Street

DATE: March 17, 2017 *AM*

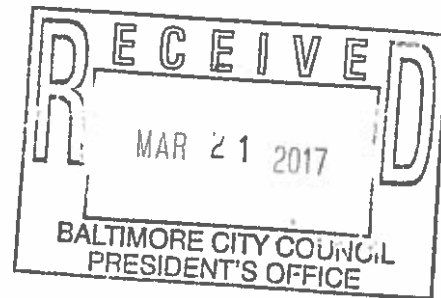
Please be advised of the following comments offered on behalf of the Baltimore Office of Sustainability (BOS). The BOS has reviewed City Council Bill # 17-0015 Planned Unit Development – Designation – The Fox Building, and is offering the following comments.

The intent of this bill addresses the following goals of the Baltimore Sustainability Plan as approved by City Council on March 2, 2009:

- **Pollution Prevention Goal 3: Ensure that Baltimore water bodies are fishable and swimmable**
 - Strategy C: Reduce amount of impervious surfaces and increase on-site storm water management
- **Greening Goal 4: Protect Baltimore's ecology and biodiversity**
 - Strategy F: Identify and pursue opportunities for increasing trees planted on private property
 - Strategy G: Increase tree plantings in sidewalks, medians and other public right-of-ways

The Office of Sustainability supports Council Bill 17-0015 and recommends that the City Council #17-0015 be passed by the City Council.

cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Ms. Natawna Austin, Council Services



F



**BALTIMORE
HOUSING**

CATHERINE PUGH
Mayor

MICHAEL BRAVERMAN
Acting Executive Director, HAABC
Acting Commissioner, HCD

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Acting Commissioner

(MER)

Date: March 8, 2017

Re: **City Council Bill 17-0015 - Planned Unit Development – Designation
– The Fox Building**

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0015 for the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

If enacted, this bill would support the redevelopment of the existing building and surrounding property located in the southern end of the Hampden Community. The proposed Planned Unit Development will enable the reuse of the building to include no more than 100 residential units and a variety of light industrial uses.

The Department of Housing and Community Development supports the passage of City Council Bill 17-0015.

MB:sd

cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*



F

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DAVID C. TANNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

March 6, 2017

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

Re: City Council Bill No. 17-0015: Planned Unit Development - Designation - The Fox
Building


Ladies and Gentlemen:

City Council Bill No. 17-0015 has been referred by your Honorable Body to the Board of
Municipal and Zoning Appeals for study and report.

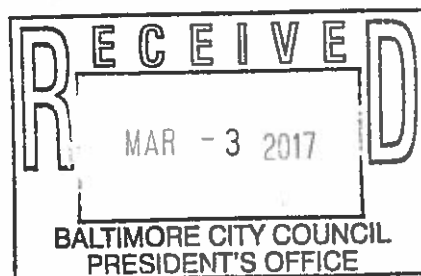
The purpose of City Council Bill No. 17-0015 is to approve the application of D & C
Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block
3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots
1 and 3 (collectively, the "property"), to have the property designated an Industrial
Planned Unit Development; and approve the Development Plan submitted by the
applicant.

The BMZA has reviewed the legislation and has reviewed the Department of Planning
Staff Report and recommendations and concurs with the Planning Commission response
recommending that the Development Plan sheets introduced with the City Council Bill be
replaced with the updated Development Plan sheets dated February 10, 2017. The Board
recommends that City Council Bill No. 17-0015 be passed.

Sincerely,


David C. Tanner
Executive Director

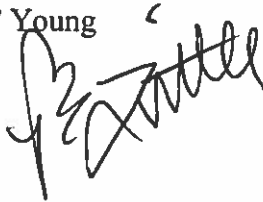
DCT/rdh



CC: Mayors Office of Council Relations
Legislative Reference

TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young
FROM: Peter Little, Executive Director
DATE: February 9, 2017
RE: Council Bill 17-0015



PARKING
OF BALTIMORE CITY
AUTHORITY

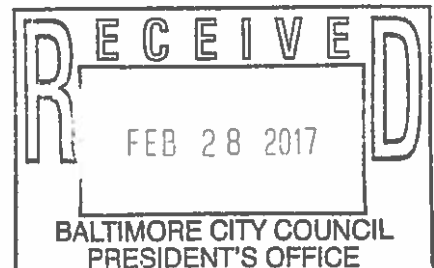
I am herein reporting on City Council Bill 17-0015 introduced by Councilmembers Clarke, Dorsey, Pinkett, and Cohen at the request of D & C Management LLP.


The purpose of this bill is for the approval of the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development (PUD); and approve the Development Plan submitted by the applicant.

The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation and found that the proposed PUD is not located in an area with programs administered by the PABC. The proposed PUD requires that parking be provided in accordance with the underlying zoning prescribed by the Zoning Code. The Parking Authority will be available during Site Plan Review and Planning Commission hearings to answer any questions and ensure that no negative effects to parking will occur due to developments on this site.

Based on the comments above, the Parking Authority of Baltimore City does not oppose Council Bill 17-0016.

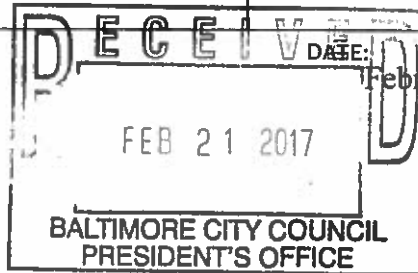
*Not
opposed*



FROM	NAME & TITLE	Rudolph S. Chow, P.E., Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	CITY COUNCIL BILL 17-0015		

TO

The Honorable President and Members
of the Baltimore City Council
c/o Natawna Austin
Room 400 – City Hall



DATE: February 17, 2017

I am herein reporting on City Council Bill 17-0015 introduced by Councilmembers Clarke, Dorsey, Pinkett, and Cohen at the request of D&C Management LLP.

The purpose of this bill is to approve the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

These properties are located just north of the Jones Falls, on the southern end of the Hampden neighborhood. The properties are currently zoned industrial M-2-2 and under Transform are zoned Industrial Mixed-Use (I-MU), which will go into effect on June 5, 2017. The applicant proposes to redevelop the 2.91 acres for residential and light industry uses and is applying to have the property designated an Industrial Planned Unit Development (PUD). The purpose of the Industrial Planned Unit Development is to allow for the project to continue its redevelopment and receive permits currently, before Transform becomes effective on June 5th. Once Transform is in effect and rezones these properties to I-MU, the PUD will no longer be necessary. To that effect, the bill includes a sunset provision that will terminate the PUD five years after the effective date of enactment. The applicant will have the option of requesting a specific repeal of the PUD before the end of the five year sunset, if desired.

City Council Bill 17-0015, if approved, would designate the properties as an Industrial Planned Unit Development, permitting the following uses:

- a) All permitted, accessory, and conditional uses as allowed in the underlying Zoning District
- b) Multiple-family dwellings within the existing building, not to exceed a total of 100 dwelling units.
- c) Light industrial uses, within the existing building, that include the processing, manufacturing, assembly, or compounding of materials or products, where: (i) all processing, fabrication, assembly, treatment, and packaging of products are contained entirely within a building; (ii) noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing process are confined within the building or otherwise minimized; and (iii) only minimal truck traffic is required for daily operations.

No obj.

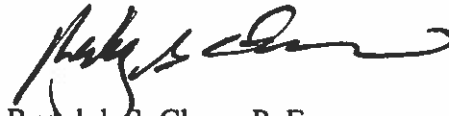
The Honorable President and Members
of the Baltimore City Council
February 17, 2017
Page 2

The legislation would also incorporate the provisions of the Memorandum of Understanding, dated March 31, 2016, between the applicant and the Hampden Community Council, Inc. The legislation requires the applicant to continue communications with the Community Council. It also specifies certain minimum requirements for off-street parking spaces and specifies certain prohibited uses. The residential density requirements and parking requirements of the PUD are more restrictive than what is proposed under the future I-MU zoning classification.

The Planning Commission suggests one amendment that the development plan sheets accompanying the bill be replaced with updated development plan sheets.


Based on these findings, the Department of Public Works has no objection to the passage of City Council Bill 17-0015.

Sincerely,

A handwritten signature in black ink, appearing to read 'Rudolph S. Chow', written in a cursive style.

Rudolph S. Chow, P. E.
Director

RCS/KTO:ela

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0015 / USE 3100 FALLS CLIFF ROAD et el.		

DATE:

TO

The Honorable President and
 Members of the City Council
 City Hall, Room 400
 100 North Holliday Street

February 17, 2017

At its regular meeting of February 16, 2017, the Planning Commission considered City Council Bill #17-0015, for the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #17-0015 and adopted the following resolution; eight members being present (eight in favor).

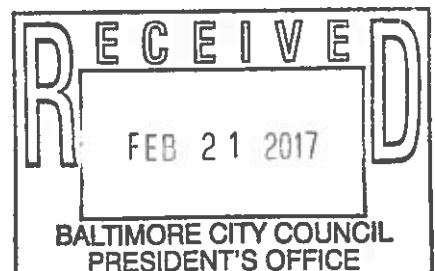
RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #17-0015 be amended and passed by the City Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

- cc: Mr. Pete Hammen, Chief Operating Officer
 Mr. Jim Smith, Chief of Strategic Alliances
 Ms. Karen Stokes, Mayor's Office
 Mr. Colin Tarbert, Mayor's Office
 The Honorable Edward Reisinger, Council Rep. to Planning Commission
 Mr. David Tanner, BMZA
 Mr. Geoffrey Veale, Zoning Administration
 Ms. Sharon Daboin, DHCD
 Mr. Patrick Fleming, DOT
 Ms. Elena DiPietro, Law Dept.
 Ms. Natawna Austin, Council Services
 Mr. Francis Burnszynski, PABC
 Ms. Caroline Hecker, Attorney for applicant



Fav w/ Amend



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

February 16, 2017

REQUEST: City Council Bill #17-0015/ Planned Unit Development – Designation – The Fox Building:

For the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

RECOMMENDATION: Amendment and approval, with the following amendment:

- That the development plan sheets accompanying the bill are replaced with updated development plan sheets, dated February 10, 2017.

STAFF: Eric Tiso

PETITIONER: D & C Management, LLP, c/o Caroline Hecker, Esq.

OWNER: D & C Management, LLP

SITE/GENERAL AREA

Site Conditions: These properties are located in the southern end of the Hampden Community, along the Jones Falls, on the northeastern corner of Falls Road where it intersects Clipper Mill Road. They contain approximately 2.9135± acres of land in total, and the site is improved with the Fox Building that dates back to 1930. The bulk of the property, including the existing building is currently zoned M-2-2 industrial, and the northern portion of the property (used as a part of the parking lot) is currently zoned R-7. Following the effective date of Transform Baltimore on June 5, 2017, these lots will all be zoned I-MU (Industrial Mixed-Use).

General Area: The southern portion of the Hampden neighborhood lies along the Jones Falls valley, which has a number of former industrial and mill properties, many of which have been retrofitted for residential or mixed use redevelopments. The balance of the community is predominantly residential in character. The Florence Crittenton Home, a local landmark, is located two blocks to the east. The Maryland SPCA, and the Roosevelt Park are located across Falls Road to the west. The Clipper Mill #1 redevelopment project is located approximately one block to the west, on the south side of Clipper Mill Road.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

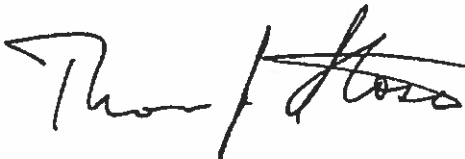
ANALYSIS

Project: This project is for the redevelopment of the existing building and surrounding property. The purpose of requesting an Industrial Planned Unit Development (PUD) is solely for the purpose of bridging the time gap between the need for the project to continue its redevelopment and receive permits before TransForm Baltimore becomes effective on June 5, 2017. Once TransForm Baltimore rezones these parcels to the I-MU district, the PUD will no longer be needed, and can be repealed. To that effect, the bill includes a sunset provision that will terminate the PUD five years after the effective date of the PUD's enactment, and the applicant will also have the option of requesting a specific repeal of the PUD before the end of that five years, if desired.

Elevations and Site Plan: The proposed building will remain as it is presently constructed, and will be renovated for reuse. As part of that process, the exterior facades will be cleaned, and new windows will be installed that meet National Park Service requirements. Small site improvements will be made, such as the addition of small knee walls, the addition of a dumpster enclosure, minor adjustments to the parking lot, and the restoration of a rooftop sign frame that will support a new project identification sign.

Zoning Regulations: This proposed PUD will enable the building's reuse for not more than 100 residential units, a variety of light industrial uses, and the uses allowed under the existing zoning districts (less certain specific uses listed as prohibited by the bill). The residential density and the parking requirements as proposed by the PUD will be more restrictive than what is proposed under the future I-MU zoning classification.

Community Notification: The Hampden Community Council (HCC) has been notified of this action. The applicant and HCC have signed a MOU memorializing their agreement and mutual obligations for this redevelopment project.




Thomas J. Stosur
Director



MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna Austin, Executive Secretary

FROM: William H. Cole, President and CEO 

DATE: February 14, 2017

SUBJECT: City Council Bill No. 17-0015
Planned Unit Development – Designation – The Fox Building

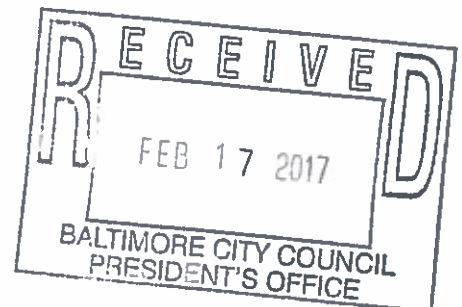
The Baltimore Development Corporation (BDC) has been asked to comment on *Council Bill 17-0015 –Planned Unit Development-Designation-The Fox Building* of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 collectively to have the property designated an Industrial Planned Unit Development: and approving the Development Plan submitted by the applicant.


The designation of a Planned Unit Development (PUD) will allow for the redevelopment of the property for residential and light industrial use, and stands to be a job creating mixed use property capable of supporting small business, and creates the potential for owners and employees to live where they work.

The BDC supports the designation of the PUD and respectfully requests that favorable consideration be given by the City Council in this matter.

cc: Colin Tarbert
Angela Gibson

sandra.blake/ccbill17/17-0015



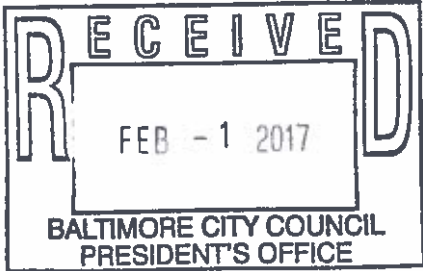
FROM	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>NRF</i>	CITY OF BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. 21202		
	SUBJECT	City Council Bill #17-0015 Response to: Planned Unit Development-Designation- The Fox Building		

DATE: **January 30, 2017**

TO
**The Honorable Bernard C. Young, President
 And All Members of the Baltimore City Council
 City Hall, Room 408**

For the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the property”), to have the property designated and Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

The Fire Department has no objection to the proposed City Council Bill 17-0015 as written.



No obj

**CITY OF BALTIMORE
COUNCIL BILL 17-0015
(First Reader)**

Introduced by: Councilmembers Clarke, Dorsey, Pinkett, Cohen

At the request of: D & C Management LLP

Address: c/o Caroline Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, 21st Floor, Baltimore, Maryland 21201

Telephone: 410-727-6600

Introduced and read first time: January 23, 2017

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, 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 – The Fox Building**

3 FOR the purpose of approving the application of D & C Management LLP, owner of the
4 following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road
5 (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to
6 have the property designated an Industrial Planned Unit Development; and approving the
7 Development Plan submitted by the applicant.

8 BY authority of

9 Article - Zoning
10 Title 9, Subtitles 1 and 5
11 Baltimore City Revised Code
12 (Edition 2000)

13 **Recitals**

14 D & C Management LLP (the “applicant”) is the owner of 3100 Falls Cliff Road (Block
15 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3
16 (collectively, the “property”), consisting of 2.28 acres, more or less.

17 The applicant proposes to redevelop the property for residential and light industrial uses.

18 On December 20, 2016, representatives of the applicant met with the Department of Planning
19 for a preliminary conference, to explain the scope and nature of existing and proposed
20 development on the property and to institute proceedings to have the property designated an
21 Industrial Planned Unit Development.

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

Council Bill 17-0015

1 The representatives of the applicant have now applied to the Baltimore City Council for
2 designation of the property as an Industrial Planned Unit Development, and they have submitted
3 a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the
4 Baltimore City Zoning Code.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
6 Mayor and City Council approves the application of the applicant, owner of 3100 Falls Cliff
7 Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D,
8 Lots 1 and 3 (collectively the “property”) , consisting of 2.28 acres, more or less, as outlined on
9 the accompanying Development Plan entitled “The Fox Building”, dated January 3, 2017, to
10 designate the property an Industrial Planned Development under Title 9, Subtitles 1 and 5 of the
11 Baltimore City Zoning Code.

12 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
13 approves the new Development Plan submitted by the applicant, as attached to and made part of
14 this Ordinance, including:

- 15 (a) Sheet DP-01, “Existing Conditions Plan”, dated January 3, 2017;
- 16 (b) Sheet DP-02, “Development Plan”, dated January 3, 2017; and
- 17 (c) Sheets A4-1, A4-2, and A4-3, “Architectural Elevations”, dated December 15, 2016.

18 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with Title 9, Subtitles 1 and
19 5 of the Baltimore City Zoning Code, the following uses are permitted within the Planned Unit
20 Development:

- 21 (a) All permitted, accessory, and conditional uses as allowed in the underlying Zoning
22 District.
- 23 (b) Multiple-family dwellings within the existing building, not to exceed a total of 100
24 dwelling units.
- 25 (c) Light industrial uses, within the existing building, that include the processing,
26 manufacturing, assembly, or compounding of materials or products, where: (i) all
27 processing, fabrication, assembly, treatment, and packaging of products are contained
28 entirely within a building; (ii) noise, odor, smoke, heat, glare, and vibration resulting
29 from the manufacturing process are confined within the building or otherwise
30 minimized; and (iii) only minimal truck traffic is required for daily operations.

31 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the following uses are prohibited within
32 the Planned Unit Development:

- 33 (a) Animal clinic
- 34 (b) Banquet hall
- 35 (c) Boat manufacturing
- 36 (d) Broadcasting station

Council Bill 17-0015

- 1 (e) Day-care center: adult or child
- 2 (f) Entertainment: indoor
- 3 (g) Entertainment: live
- 4 (h) Government facilities: Public Works
- 5 (i) Heavy retail, rental or service
- 6 (j) Homeless shelter
- 7 (k) Hospital
- 8 (l) Kennel
- 9 (m) Lodge or club
- 10 (n) Lodging: hotel/motel
- 11 (o) Marina: dry storage
- 12 (p) Motor vehicle service and repair (major and minor)
- 13 (q) Passenger terminal
- 14 (r) Recreation: indoor
- 15 (s) Recreation: outdoor

16 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the provisions of the Memorandum of
17 Understanding, dated March 31, 2016, between the applicant and the Hampden Community
18 Council, Inc., are incorporated herein.

19 **SECTION 6. AND BE IT FURTHER ORDAINED,** That a minimum number of off-street parking
20 spaces must be provided as follows:

- 21 (a) Residential uses - 1 space per dwelling unit and 1 space per efficiency unit;
- 22 (b) Industrial uses - 1 space per 500 square feet of gross floor area;
- 23 (c) Parking for all other uses shall be as provided for in the Zoning Code.

24 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the applicant shall maintain continued
25 communication with the Hampden Community Council's Zoning & Land Use Committee
26 throughout the development of the PUD.

27 **SECTION 8. AND BE IT FURTHER ORDAINED,** That all plans for the construction of permanent
28 improvements on the property are subject to final design approval by the Planning Commission
29 to insure that the plans are consistent with the Development Plan and this Ordinance.

Council Bill 17-0015

1 **SECTION 9. AND BE IT FURTHER ORDAINED,** That the Planning Department may determine
2 what constitutes minor or major modifications of the Plan. Minor modifications require approval
3 by the Planning Commission. Major modifications require approval by Ordinance.

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

12 **SECTION 11. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
13 day after the date it is enacted. This Ordinance will remain effective for 5 years; at the end of
14 that period, with no further action by the Mayor and City Council, this Ordinance will be
15 abrogated and of no further effect.

The Daily Record

11 East Saratoga Street
Baltimore, MD 21202-2199
(443) 524-8100
<http://www.thedailyrecord.com>

Order #: 11293967
Case #: 17-0015
Description:

Bill No. 17-0015 The Land Use and Transportation Committee of the Baltimore City Council w

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in The Daily Record, a daily newspaper published in the State of Maryland 1 times on the following dates:

3/9/2017

Darlene Miller, Public Notice Coordinator
(Representative Signature)

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 17-0015

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, March 29, 2017 at 1:00 p.m., in the City Council Chambers, to conduct a public hearing on City Council Bill No. 17-0015.

CC 170015 ORDINANCE - Planned Unit Development - Designation - The Fox Building - FOR the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 350B, Lot 001), 3300 Falls Cliff Road (Block 361 1D, Lot 002), and Block 351 1D, Lots 1 and 3 (collectively, the "property"), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

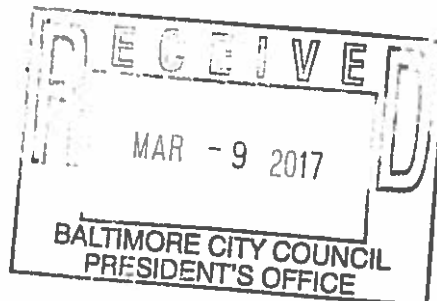
BY authority of

Article - Zoning
Title 9, Subtitles 1 and 5
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council. The documents comprising this plan are available for inspection in Room 408, City Hall, 100 N. Holliday Street.

EDWARD REISINGER,
Chair

mhd



**STATEMENT OF INTENT
UNDER ZONING CODE § 16-202
FOR**

Planned Unit Development – Designation – The Fox Building

1. Applicant's name, address and telephone number: D & C Management LLP c/o Caroline L. Hecker, Esq., Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, (410) 727-6600
2. All proposed changes for the property: Establishment of a Planned Unit Development for the properties listed below
3. All intended use of the property: As listed in PUD
4. Current owner's name, address, and telephone number:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Property Owner</u>	<u>Deed Reference</u>
3504B	001	3100 Falls Cliff Road	D & C Management LLP	13898/445
3511D	002	3300 Falls Cliff Road	D & C Management LLP	13898/445
3511D	001	[none]	D & C Management LLP	3805/345
3511D	003	[none]	D & C Management LLP	3805/345

The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in Liber ____ folio _____. [Please see above.]

6. (a) There is is not a contract contingent on the requested legislative authorization.
- (b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:

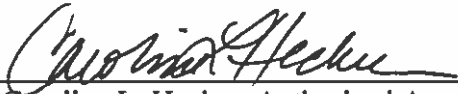
N/A

(ii) The purpose, nature and effect of the contract are: N/A

7. (a) The applicant is is not acting as an agent for another.
- (b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are {use additional sheet if necessary}: N/A

AFFIDAVIT

I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

By: 
Caroline L. Hecker, Authorized Agent

1/4/17
Date

**STATEMENT OF INTENT
UNDER ZONING CODE § 16-202
FOR**

Planned Unit Development – Designation – The Fox Building

1. Applicant's name, address and telephone number: D & C Management LLP c/o Caroline L. Hecker, Esq., Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, (410) 727-6600
2. All proposed changes for the property: Establishment of a Planned Unit Development for the properties listed below
3. All intended use of the property: As listed in PUD
4. Current owner's name, address, and telephone number:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Property Owner</u>	<u>Deed Reference</u>
3504B	001	3100 Falls Cliff Road	D & C Management LLP	13898/445
3511D	002	3300 Falls Cliff Road	D & C Management LLP	13898/445
3511D	001	[none]	D & C Management LLP	3805/345
3511D	003	[none]	D & C Management LLP	3805/345

The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in Liber ____ folio _____. [Please see above.]

6. (a) There is is not a contract contingent on the requested legislative authorization.
- (b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:

N/A

(ii) The purpose, nature and effect of the contract are: N/A

7. (a) The applicant is is not acting as an agent for another.
- (b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are {use additional sheet if necessary}: N/A

AFFIDAVIT

I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

By: *Caroline Hecker*
Caroline L. Hecker, Authorized Agent

1/4/17
Date

**STATEMENT OF INTENT
UNDER ZONING CODE § 16-202
FOR**

Planned Unit Development – Designation – The Fox Building

1. Applicant's name, address and telephone number: D & C Management LLP c/o Caroline L. Hecker, Esq., Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, (410) 727-6600
2. All proposed changes for the property: Establishment of a Planned Unit Development for the properties listed below
3. All intended use of the property: As listed in PUD
4. Current owner's name, address, and telephone number:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Property Owner</u>	<u>Deed Reference</u>
3504B	001	3100 Falls Cliff Road	D & C Management LLP	13898/445
3511D	002	3300 Falls Cliff Road	D & C Management LLP	13898/445
3511D	001	[none]	D & C Management LLP	3805/345
3511D	003	[none]	D & C Management LLP	3805/345

The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in Liber ____ folio _____. [Please see above.]

6. (a) There is is not a contract contingent on the requested legislative authorization.
- (b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:

N/A

(ii) The purpose, nature and effect of the contract are: N/A


7. (a) The applicant is is not acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are {use additional sheet if necessary}: N/A

015

AFFIDAVIT

I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

By: 
Caroline L. Hecker, Authorized Agent

1/4/17
Date

**STATEMENT OF INTENT
UNDER ZONING CODE § 16-202
FOR**

Planned Unit Development – Designation – The Fox Building

1. Applicant's name, address and telephone number: D & C Management LLP c/o Caroline L. Hecker, Esq., Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, (410) 727-6600
2. All proposed changes for the property: Establishment of a Planned Unit Development for the properties listed below
3. All intended use of the property: As listed in PUD
4. Current owner's name, address, and telephone number:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Property Owner</u>	<u>Deed Reference</u>
3504B	001	3100 Falls Cliff Road	D & C Management LLP	13898/445
3511D	002	3300 Falls Cliff Road	D & C Management LLP	13898/445
3511D	001	[none]	D & C Management LLP	3805/345
3511D	003	[none]	D & C Management LLP	3805/345

The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in Liber ____ folio _____. [Please see above.]

6. (a) There is is not a contract contingent on the requested legislative authorization.
- (b) If there is a contract contingent on the requested legislative authorization:
 - (i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:
N/A


 - (ii) The purpose, nature and effect of the contract are: N/A

7. (a) The applicant is is not acting as an agent for another.
- (b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are {use additional sheet if necessary}: N/A

015

AFFIDAVIT

I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

By: 
Caroline L. Hecker, Authorized Agent

1/4/17
Date

**STATEMENT OF INTENT
UNDER ZONING CODE § 16-202
FOR**

Planned Unit Development – Designation – The Fox Building

1. Applicant's name, address and telephone number: D & C Management LLP c/o Caroline L. Hecker, Esq., Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, (410) 727-6600
2. All proposed changes for the property: Establishment of a Planned Unit Development for the properties listed below
3. All intended use of the property: As listed in PUD
4. Current owner's name, address, and telephone number:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Property Owner</u>	<u>Deed Reference</u>
3504B	001	3100 Falls Cliff Road	D & C Management LLP	13898/445
3511D	002	3300 Falls Cliff Road	D & C Management LLP	13898/445
3511D	001	[none]	D & C Management LLP	3805/345
3511D	003	[none]	D & C Management LLP	3805/345

The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in Liber ____ folio _____. [Please see above.]

6. (a) There is is not a contract contingent on the requested legislative authorization.
- (b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:

N/A


(ii) The purpose, nature and effect of the contract are: N/A

7. (a) The applicant is is not acting as an agent for another.
- (b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are {use additional sheet if necessary}: N/A

015

AFFIDAVIT

I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

By: 
Caroline L. Hecker, Authorized Agent

1/4/17
Date

**STATEMENT OF INTENT
UNDER ZONING CODE § 16-202
FOR**

Planned Unit Development – Designation – The Fox Building

1. Applicant's name, address and telephone number: D & C Management LLP c/o Caroline L. Hecker, Esq., Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, (410) 727-6600
2. All proposed changes for the property: Establishment of a Planned Unit Development for the properties listed below
3. All intended use of the property: As listed in PUD
4. Current owner's name, address, and telephone number:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Property Owner</u>	<u>Deed Reference</u>
3504B	001	3100 Falls Cliff Road	D & C Management LLP	13898/445
3511D	002	3300 Falls Cliff Road	D & C Management LLP	13898/445
3511D	001	[none]	D & C Management LLP	3805/345
3511D	003	[none]	D & C Management LLP	3805/345

The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in Liber ____ folio _____. [Please see above.]

6. (a) There is is not a contract contingent on the requested legislative authorization.
- (b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:

N/A

(ii) The purpose, nature and effect of the contract are: N/A

7. (a) The applicant is is not acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are {use additional sheet if necessary}: N/A

015

**STATEMENT OF INTENT
UNDER ZONING CODE § 16-202
FOR**

Planned Unit Development – Designation – The Fox Building

1. Applicant's name, address and telephone number: D & C Management LLP c/o Caroline L. Hecker, Esq., Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, (410) 727-6600
2. All proposed changes for the property: Establishment of a Planned Unit Development for the properties listed below
3. All intended use of the property: As listed in PUD
4. Current owner's name, address, and telephone number:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Property Owner</u>	<u>Deed Reference</u>
3504B	001	3100 Falls Cliff Road	D & C Management LLP	13898/445
3511D	002	3300 Falls Cliff Road	D & C Management LLP	13898/445
3511D	001	[none]	D & C Management LLP	3805/345
3511D	003	[none]	D & C Management LLP	3805/345

The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in Liber ____ folio _____. [Please see above.]

6. (a) There is is not a contract contingent on the requested legislative authorization.
- (b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:

N/A

(ii) The purpose, nature and effect of the contract are: N/A

7. (a) The applicant is is not acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are {use additional sheet if necessary}: N/A

AFFIDAVIT

I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

By: *Caroline Hecker*
Caroline L. Hecker, Authorized Agent

1/4/17
Date

**STATEMENT OF INTENT
UNDER ZONING CODE § 16-202
FOR**

Planned Unit Development – Designation – The Fox Building

1. Applicant's name, address and telephone number: D & C Management LLP c/o Caroline L. Hecker, Esq., Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, (410) 727-6600
2. All proposed changes for the property: Establishment of a Planned Unit Development for the properties listed below
3. All intended use of the property: As listed in PUD
4. Current owner's name, address, and telephone number:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Property Owner</u>	<u>Deed Reference</u>
3504B	001	3100 Falls Cliff Road	D & C Management LLP	13898/445
3511D	002	3300 Falls Cliff Road	D & C Management LLP	13898/445
3511D	001	[none]	D & C Management LLP	3805/345
3511D	003	[none]	D & C Management LLP	3805/345

The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in Liber ____ folio _____. [Please see above.]

6. (a) There is is not a contract contingent on the requested legislative authorization.
- (b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:

N/A

(ii) The purpose, nature and effect of the contract are: N/A

7. (a) The applicant is is not acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are {use additional sheet if necessary}: N/A

AFFIDAVIT

I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

By: *Caroline Hecker*
Caroline L. Hecker, Authorized Agent

1/4/17
Date

**STATEMENT OF INTENT
UNDER ZONING CODE § 16-202
FOR**

Planned Unit Development – Designation – The Fox Building

1. Applicant's name, address and telephone number: D & C Management LLP c/o Caroline L. Hecker, Esq., Rosenberg Martin Greenberg, LLP, 25 S. Charles Street, 21st Floor, (410) 727-6600
2. All proposed changes for the property: Establishment of a Planned Unit Development for the properties listed below
3. All intended use of the property: As listed in PUD
4. Current owner's name, address, and telephone number:

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Property Owner</u>	<u>Deed Reference</u>
3504B	001	3100 Falls Cliff Road	D & C Management LLP	13898/445
3511D	002	3300 Falls Cliff Road	D & C Management LLP	13898/445
3511D	001	[none]	D & C Management LLP	3805/345
3511D	003	[none]	D & C Management LLP	3805/345

The property was acquired by the current owner by deed recorded in the Land Records of Baltimore City in Liber ____ folio _____. [Please see above.]

6. (a) There is is not a contract contingent on the requested legislative authorization.
- (b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties on the contract are {use additional sheet if necessary}:

N/A

(ii) The purpose, nature and effect of the contract are: N/A

7. (a) The applicant is is not acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are {use additional sheet if necessary}: N/A

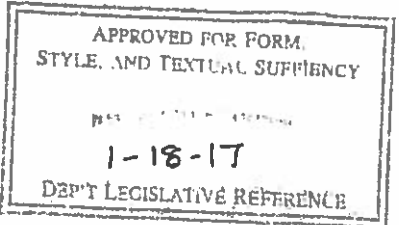
015

AFFIDAVIT

I, Caroline L. Hecker, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information and belief.

By: *Caroline L. Hecker*
Caroline L. Hecker, Authorized Agent

1/4/17
Date



INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL 17-0615

Introduced by: Councilmember Clarke
At the request of: D & C Management LLP
Address: c/o Caroline Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles Street, 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600

A BILL ENTITLED

AN ORDINANCE concerning

Planned Unit Development – Designation – The Fox Building

FOR the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

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

Recitals

D & C Management LLP (the “applicant”) is the owner of 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), consisting of 2.28 acres, more or less.

The applicant proposes to redevelop the property for residential and light industrial uses.

On December 20, 2016, 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 an Industrial Planned Unit Development.

The representatives of the applicant have now applied to the Baltimore City Council for designation of the property as an Industrial Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of the applicant, owner of 3100 Falls Cliff

LUT
Law
BMZA
Planning Com.
He P
DPW
Fire
BDC
Partn. Auth
DOT
office of
SUS.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively the "property"), consisting of 2.28 acres, more or less, as outlined on the accompanying Development Plan entitled "The Fox Building", dated January 3, 2017, to designate the property an Industrial Planned Development under Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore approves the new Development Plan submitted by the applicant, as attached to and made part of this Ordinance, including:

- (a) Sheet DP-01, "Existing Conditions Plan", dated January 3, 2017;
- (b) Sheet DP-02, "Development Plan", dated January 3, 2017; and
- (c) Sheets A4-1, A4-2, and A4-3, "Architectural Elevations", dated December 15, 2016.

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code, the following uses are permitted within the Planned Unit Development:

- (a) All permitted, accessory, and conditional uses as allowed in the underlying Zoning District.
- (b) Multiple-family dwellings within the existing building, not to exceed a total of 100 dwelling units.
- (c) Light industrial uses, within the existing building, that include the processing, manufacturing, assembly, or compounding of materials or products, where: (i) all processing, fabrication, assembly, treatment, and packaging of products are contained entirely within a building; (ii) noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing process are confined within the building or otherwise minimized; and (iii) only minimal truck traffic is required for daily operations.

SECTION 4. AND BE IT FURTHER ORDAINED, That the following uses are prohibited within the Planned Unit Development:

- (a) Animal clinic
- (b) Banquet hall
- (c) Boat manufacturing
- (d) Broadcasting station
- (e) Day-care center: adult or child
- (f) Entertainment: indoor
- (g) Entertainment: live
- (h) Government facilities: Public Works
- (i) Heavy retail, rental or service

- (j) Homeless shelter
- (k) Hospital
- (l) Kennel
- (m) Lodge or club
- (n) Lodging: hotel/motel
- (o) Marina: dry storage
- (p) Motor vehicle service and repair (major and minor)
- (q) Passenger terminal
- (r) Recreation: indoor
- (s) Recreation: outdoor

SECTION 5. AND BE IT FURTHER ORDAINED, That the provisions of the Memorandum of Understanding, dated March 31, 2016, between the applicant and the Hampden Community Council, Inc., are incorporated herein.

SECTION 6. AND BE IT FURTHER ORDAINED, That a minimum number of off-street parking spaces must be provided as follows:

- (a) Residential uses - 1 space per dwelling unit and 1 space per efficiency unit;
- (b) Industrial uses - 1 space per 500 square feet of gross floor area;
- (c) Parking for all other uses shall be as provided for in the Zoning Code.

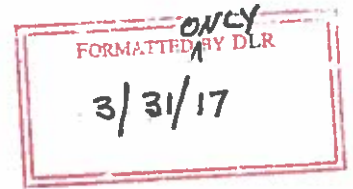
SECTION 7. AND BE IT FURTHER ORDAINED, That the applicant shall maintain continued communication with the Hampden Community Council's Zoning & Land Use Committee throughout the development of the PUD.

SECTION 8. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

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

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

SECTION 11. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted. This Ordinance will remain effective for 5 years; at the end of that period, with no further action by the Mayor and City Council, this Ordinance will be abrogated and of no further effect.



AMENDMENTS TO COUNCIL BILL 17-015
(1st Reader Copy)

By: Land Use and Transportation Committee
{To be offered on the Council Floor}

Amendment No. 1

On page 1, after line 17, insert:

“The Applicant has entered into a Memorandum of Understanding with the Hampden Community Council, Inc., dated March 31, 2016, governing the redevelopment of the property. The Applicant shall maintain communication with the Hamden Community Council’s Zoning and Land Use Committee throughout the development of the PUD.”.

Amendment No. 2

On page 2, in line 15 and in line 16, in each instance, strike “January 3, 2017” and substitute “February 10, 2017”.

Amendment No. 3

On page 2, in line 31, after “That”, insert “to the extent that the following uses are defined in the Zoning Code in effect at the time of enactment of this ordinance and are allowed in the underlying Zoning District.”.

Amendment No. 4

On page 3, after line 15, insert:

“SECTION 5. AND BE IT FURTHER ORDAINED. That, in addition, upon the effective date of Ordinance 16-581, then the following uses are prohibited:

- (a) Animal clinic
- (b) Banquet hall
- (c) Boat manufacturing
- (d) Broadcasting station
- (e) Day-care center: adult or child

ADOPTED

- (f) Entertainment: indoor
- (g) Entertainment: live
- (h) Government facilities: Public Works
- (i) Heavy retail, rental or service
- (j) Homeless shelter
- (k) Hospital
- (l) Kennel
- (m) Lodge or club
- (n) Lodging: hotel/motel
- (o) Marina: dry storage
- (p) Motor vehicle service and repair (major and minor)
- (q) Passenger terminal
- (r) Recreation: indoor
- (s) Recreation: outdoor”.

Amendment No. 5

On page 3, strike lines 16 through 18, in their entireties.

Amendment No. 6

On page 3, in line 23, after “the Zoning Code”, insert “in effect at the time a use permit application is filed”.

Amendment No. 7

On page 3, strike lines 24 through 26, in their entireties.

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 17-0015

Introduced by: Councilmembers Clarke, Dorsey, Pinkett, Cohen
At the request of: D & C Management LLP
Address: c/o Caroline Hecker, Esquire, Rosenberg | Martin | Greenberg, LLP, 25 South Charles
Street, 21st Floor, Baltimore, Maryland 21201
Telephone: 410-727-6600
Introduced and read first time: January 23, 2017
Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments
Council action: Adopted
Read second time: April 3, 2017

AN ORDINANCE CONCERNING

Planned Unit Development – Designation – The Fox Building

FOR the purpose of approving the application of D & C Management LLP, owner of the following properties: 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), to have the property designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

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

Recitals

D & C Management LLP (the “applicant”) is the owner of 3100 Falls Cliff Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D, Lots 1 and 3 (collectively, the “property”), consisting of 2.28 acres, more or less.

The applicant proposes to redevelop the property for residential and light industrial uses.

The Applicant has entered into a Memorandum of Understanding with the Hampden Community Council, Inc., dated March 31, 2016, governing the redevelopment of the property. The Applicant shall maintain communication with the Hamden Community Council’s Zoning and Land Use Committee throughout the development of the PUD.

On December 20, 2016, representatives of the applicant met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed

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.

Council Bill 17-0015

1 development on the property and to institute proceedings to have the property designated an
2 Industrial Planned Unit Development.

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

7 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
8 Mayor and City Council approves the application of the applicant, owner of 3100 Falls Cliff
9 Road (Block 3504B, Lot 001), 3300 Falls Cliff Road (Block 3511D, Lot 002), and Block 3511D,
10 Lots 1 and 3 (collectively the "property"), consisting of 2.28 acres, more or less, as outlined on
11 the accompanying Development Plan entitled "The Fox Building", dated January 3, 2017, to
12 designate the property an Industrial Planned Development under Title 9, Subtitles 1 and 5 of the
13 Baltimore City Zoning Code.

14 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
15 approves the new Development Plan submitted by the applicant, as attached to and made part of
16 this Ordinance, including:

- 17 (a) Sheet DP-01, "Existing Conditions Plan", dated ~~January 3~~ February 10, 2017;
18 (b) Sheet DP-02, "Development Plan", dated ~~January 3~~ February 10, 2017; and
19 (c) Sheets A4-1, A4-2, and A4-3, "Architectural Elevations", dated ~~December 15, 2016~~
20 February 10, 2017.

21 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with Title 9, Subtitles 1 and
22 5 of the Baltimore City Zoning Code, the following uses are permitted within the Planned Unit
23 Development:

- 24 (a) All permitted, accessory, and conditional uses as allowed in the underlying Zoning
25 District.
26 (b) Multiple-family dwellings within the existing building, not to exceed a total of 100
27 dwelling units.
28 (c) Light industrial uses, within the existing building, that include the processing,
29 manufacturing, assembly, or compounding of materials or products, where: (i) all
30 processing, fabrication, assembly, treatment, and packaging of products are contained
31 entirely within a building; (ii) noise, odor, smoke, heat, glare, and vibration resulting
32 from the manufacturing process are confined within the building or otherwise
33 minimized; and (iii) only minimal truck traffic is required for daily operations.

34 **SECTION 4. AND BE IT FURTHER ORDAINED,** That to the extent that the following uses are
35 defined in the Zoning Code in effect at the time of enactment of this ordinance and are allowed in
36 the underlying Zoning District, the following uses are prohibited within the Planned Unit
37 Development:

- 38 (a) Animal clinic

Council Bill 17-0015

- 1 (b) Banquet hall
- 2 (c) Boat manufacturing
- 3 (d) Broadcasting station
- 4 (e) Day-care center: adult or child
- 5 (f) Entertainment: indoor
- 6 (g) Entertainment: live
- 7 (h) Government facilities: Public Works
- 8 (i) Heavy retail, rental or service
- 9 (j) Homeless shelter
- 10 (k) Hospital
- 11 (l) Kennel
- 12 (m) Lodge or club
- 13 (n) Lodging: hotel/motel
- 14 (o) Marina: dry storage
- 15 (p) Motor vehicle service and repair (major and minor)
- 16 (q) Passenger terminal
- 17 (r) Recreation: indoor
- 18 (s) Recreation: outdoor

19 **SECTION 5. AND BE IT FURTHER ORDAINED, That, in addition, upon the effective date of**
20 **Ordinance 16-581, then the following uses are prohibited:**

- 21 **(a) Animal clinic**
- 22 **(b) Banquet hall**
- 23 **(c) Boat manufacturing**
- 24 **(d) Broadcasting station**
- 25 **(e) Day-care center: adult or child**
- 26 **(f) Entertainment: indoor**

Council Bill 17-0015

- 1 (g) Entertainment: live
- 2 (h) Government facilities: Public Works
- 3 (i) Heavy retail, rental or service
- 4 (j) Homeless shelter
- 5 (k) Hospital
- 6 (l) Kennel
- 7 (m) Lodge or club
- 8 (n) Lodging: hotel/motel
- 9 (o) Marina: dry storage
- 10 (p) Motor vehicle service and repair (major and minor)
- 11 (q) Passenger terminal
- 12 (r) Recreation: indoor
- 13 (s) Recreation: outdoor

14 ~~SECTION 5. AND BE IT FURTHER ORDAINED, That the provisions of the Memorandum of~~
15 ~~Understanding, dated March 31, 2016, between the applicant and the Hampden Community~~
16 ~~Council, Inc., are incorporated herein.~~

17 **SECTION 6. AND BE IT FURTHER ORDAINED, That a minimum number of off-street parking**
18 **spaces must be provided as follows:**

- 19 (a) Residential uses - 1 space per dwelling unit and 1 space per efficiency unit;
- 20 (b) Industrial uses - 1 space per 500 square feet of gross floor area;
- 21 (c) Parking for all other uses shall be as provided for in the Zoning Code in effect at the
22 time a use permit application is filed.

23 ~~SECTION 7. AND BE IT FURTHER ORDAINED, That the applicant shall maintain continued~~
24 ~~communication with the Hampden Community Council's Zoning & Land Use Committee~~
25 ~~throughout the development of the PUD.~~

26 **SECTION 8. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent**
27 **improvements on the property are subject to final design approval by the Planning Commission**
28 **to insure that the plans are consistent with the Development Plan and this Ordinance.**

Council Bill 17-0015

1 **SECTION 9. AND BE IT FURTHER ORDAINED,** That the Planning Department may determine
2 what constitutes minor or major modifications of the Plan. Minor modifications require approval
3 by the Planning Commission. Major modifications require approval by Ordinance.

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

12 **SECTION 11. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
13 day after the date it is enacted. This Ordinance will remain effective for 5 years; at the end of
14 that period, with no further action by the Mayor and City Council, this Ordinance will be
15 abrogated and of no further effect.

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

