

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 08-0165**

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Introduced by: Councilmembers Kraft, Branch  
At the request of: Capital Development, LLC  
Address: c/o Stanley S. Fine, Esquire, 25 South Charles Street, Suite 2115, Baltimore,  
Maryland 21201  
Telephone: 410-727-6600  
Introduced and read first time: July 21, 2008  
Assigned to: Land Use and Transportation Committee  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: February 9, 2009

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**AN ORDINANCE CONCERNING**

**Planned Unit Development – Amendment –**  
**~~1950 East Fayette Street, 1951 East Fayette Street, and~~**  
**~~1921-1939 Orleans Street~~ Gateway at Washington Hill**

FOR the purpose of approving certain amendments to the Planned Unit Development for ~~1950~~  
~~East Fayette Street, 1951 East Fayette Street, and 1921-1939 Orleans Street~~ Gateway at  
Washington Hill.

By authority of  
Article - Zoning  
Title 9, Subtitles 1 and 2  
Baltimore City Revised Code  
(Edition 2000)

**Recitals**

By Ordinance 04-859, the Mayor and City Council approved the application of Capital Development, LLC, and Dell House, LLC, to have certain property known as 1950 East Fayette Street, 1951 East Fayette Street, and 1921-1939 Orleans Street, designated as a Residential Planned Unit Development and approved the Development Plan submitted by the applicant.

Capital Development, LLC, and Dell House, LLC, the owners of 1950 East Fayette Street, 1951 East Fayette Street, and 1921-1939 Orleans Street, wish to amend the Development Plan, as previously approved by the Mayor and City Council, to ~~modify the overall~~ create a certain exception to the retail square footage permitted per retail establishment in the Planned Unit Development.

On July 14, 2008, representatives of Capital Development, LLC, and Dell House, LLC, met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed amendment to the Development Plan.

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 The representatives of Capital Development, LLC, and Dell House, LLC, have now applied  
2 to the Baltimore City Council for approval of this amendment, and they have submitted the  
3 amendment to the Development Plan intended to satisfy the requirements of Title 9, Subtitles 1  
4 and 2 of the Baltimore City Zoning Code.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That**  
6 **Section 1 of Ordinance 04-859 is amended to read as follows:**

7 SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF  
8 BALTIMORE, That the Mayor and City Council approves the application of Capital  
9 Development, LLC, and Dell House, LLC, to designate the properties known as  
10 1950 East Fayette Street, 1951 East Fayette Street, and 1921-1939 Orleans Street,  
11 consisting of 11.14 acres, more or less, as outlined on the accompanying  
12 Development Plan entitled “Orleans, Wolfe, Baltimore & Washington Streets  
13 PUD”, consisting of Sheet 1, “Existing Conditions Plan”, dated May 24, 2004,  
14 Sheet 2, “Proposed Conditions Plan”, dated May 24, 2004, as revised [September  
15 17, 2004] OCTOBER 17, 2008, Sheet 3, “Illustrative Site Plan”, dated September  
16 17, 2004, Sheet 4, “Illustrative Development Plan & Urban Design Guidelines”,  
17 dated September 17, 2004, and Sheet 5, “Streetscapes & Design Goals”, dated  
18 September 17, 2004, to designate the Property a Residential Planned Unit  
19 Development under Title 9, Subtitles 1 and 2 of the Baltimore City Zoning Code.

20 ~~SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE~~  
21 **SECTION 2. AND BE IT FURTHER ORDAINED,** That Section 3 of Ordinance 04-859 is  
22 amended to read as follows:

23 SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the  
24 provisions of Title 9, Subtitles 1 and 2, the following uses are allowed within the  
25 Planned Unit Development:

26 ...

27 (c) ~~In addition, the following uses are permitted on all floors of all~~  
28 ~~buildings within Area C of the Planned Unit Development:~~

29 ~~artisans’ and craft work; computer centers, day nurseries~~  
30 ~~and nursery schools; HOTELS; medical and dental clinics;~~  
31 ~~offices - business, governmental, and professional;~~  
32 ~~philanthropic and charitable institutions; physical culture~~  
33 ~~and health services - gymnasiums, reducing salons, and~~  
34 ~~public baths; radio and television antennas and towers no~~  
35 ~~more than 25 feet above the building on which they are~~  
36 ~~mounted - but not including microwave antennas;~~  
37 ~~secretarial and telephone answering services; travel~~  
38 ~~bureaus; and warehousing and storage.~~

39 ...

40 (e) ~~Overall retail square footage in the Planned Unit Development~~  
41 ~~area is limited to [60,000] 120,000 square feet, with a limit of~~

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1                   ~~[12,000] 30,000 square feet per retail establishment, PROVIDED,~~  
2                   ~~HOWEVER, THAT NO FOOD STORE OR GROCERY STORE IN THE~~  
3                   ~~PLANNED UNIT DEVELOPMENT SHALL EXCEED 20,000 SQUARE~~  
4                   ~~FEET.~~

5                   ~~...~~

6                   ~~(t) ANY HOTEL CONSTRUCTED IN AREA C OF THE PLANNED UNIT DEVELOPMENT~~  
7                   ~~WILL COMPLY WITH THE REQUIREMENTS OF ORDINANCE 07-490, REGARDLESS~~  
8                   ~~OF THE EFFECTIVE DATES THEREIN.~~

9                   (e) Overall retail square footage in the Planned Unit Development area is limited  
10                  to 60,000 square feet, with a limit of 12,000 square feet per retail  
11                  establishment EXCEPT FOR ONE FOOD STORE OR GROCERY STORE WITHIN THE  
12                  PLANNED UNIT DEVELOPMENT, WHICH SHALL NOT EXCEED 20,000 SQUARE  
13                  FEET.

14                  **SECTION 23. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup>  
15                  day after the date it is enacted.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City