


TJS

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #14-0379/Planned Unit Development - Designation – Remington Row		

DATE:

TO

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

August 8, 2014

At its regular meeting of August 7, 2014, the Planning Commission considered City Council Bill #14-0379, for the purpose of approving the application of Miller’s Square, LLC, Miller’s Square Retail, LLC and 211 W. 28th Street, LLC to have the properties listed in Exhibit 1 of the Bill designated as a Business Planned Unit Development.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #14-0379 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 #14-0379 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/cag

Attachment

- Cc: Ms. Kaliope Parthemos, Chief of Staff  
 Mr. Colin Tarbert, Deputy Mayor for Economic and Neighborhood Development  
 Mr. Leon Pinkett, Assistant Deputy Mayor for Economic and Neighborhood Development  
 Ms. Angela Gibson, Mayor’s Office  
 The Honorable Rochelle “Rikki” Spector, Council Rep. to Planning Commission  
 Mr. David Tanner, BMZA  
 Mr. Geoffrey Veale, Zoning Administration  
 Ms. Sharon Daboin, DHCD  
 Ms. Barbara Zektick, DOT  
 Ms. Elena DiPietro, Law Dept.  
 Ms. Melissa Krafchik, PABC  
 Ms. Natawna Austin, Council Services  
 Mr. Evan Morville



*Stephanie Rawlings-  
Blake  
Mayor*

## PLANNING COMMISSION

*Wilbur E. "Bill" Cunningham, Chairman*

### STAFF REPORT



*Thomas J. Stosur  
Director*

**August 7, 2014**

#### **REQUEST:**

- City Council Bill #14-0379/ Planned Unit Development – Designation and Final Design Approval – Remington Row
- Street Closing /Closing Portion of 2-10' alleys at the vicinity of 2700 Block of Remington Avenue as part of the Remington Row Project

#### **RECOMMENDATION:** Approval with the following amendments:

- City Council Bill #14-0379/ Planned Unit Development - Designation – Remington Row: Approval with amendments (*See "Legislative Text Amendments", pg. 7 of this report*)
- Street Closing /Closing Portion of 2-10' alleys at the vicinity of 2700 Block of Remington Avenue as part of the Remington Row Project: Approval, subject to the compliance with the Department of General Services requirements

**STAFF:** Christina Gaymon

**PETITIONER(S):** Miller's Square, LLC, Miller's Square Retail, LLC and 211 W. 28<sup>th</sup> Street, LLC

**OWNER:** Multiple Owners

#### **SITE/GENERAL AREA**

##### General Area:

The proposed Remington Row Planned Unit Development (PUD) is located in the Remington neighborhood of North Baltimore. The site has a mix of business and residential zoning and contains a variety of residential, retail, and commercial uses. The blocks immediately adjacent to the site also contain a mix of uses and development types, including two and three-story rowhouses, auto servicing garages, small eateries, a seven-story multi-family building, and some offices.

##### Site Conditions:

The proposed PUD area has an L-shaped configuration that is approximately 4.2 acres and roughly bounded by W. 29<sup>th</sup> Street to the north, Fox Street to the west, W. 27<sup>th</sup> Street to the South, and Cresmont Avenue to W. 28<sup>th</sup> Street to Remington Avenue to W. 29<sup>th</sup> Street to the

east. The total PUD area includes the properties either owned or under contract by the Applicant, certain alleys, and right-of-ways to remain public. The built area of the PUD to be owned by the Applicant is 2.29 acres. Remington Avenue bisects the site from north-south and is the main thoroughfare through the development. West 28<sup>th</sup> Street bisects the site to the east-west and is a principal vehicular connection to the Jones Falls Expressway. With the exception of the Baltimore Glass Company, one residential tenant, a retail tenant, and an auto body shop, the site is mainly vacant. No areas of the site lie within a Master Plan area, Urban Renewal area, designated historic district, Chesapeake Bay Critical Area, or regulated floodplain.

## **HISTORY**

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

## **CONFORMITY TO PLANS**

This project is consistent with the Baltimore City Comprehensive Master Plan: LIVE Section, Goal 1, Objective 1: Expand Housing Choice for all Residents; Goal 1, Objective 5: Increase the City's Population by 10,000 Households in 6 years; and Goal 2, Objective 3: Promote TOD and Mixed-Use Development to Reinforce Neighborhood Centers and Main Streets.

## **ANALYSIS**

Overview: The proposed Remington Row Planned Unit Development (PUD) is a mixed-use development that aligns with the existing mixed-use, neighborhood-commercial character of the Remington neighborhood. The development plan proposes phased construction that includes a new 5-story mixed-use, residential, office, and retail building, the adaptive reuse of existing structures for commercial and retail, additional landscaping and outdoor seating, and a dedicated public, open space. The first phase of development requires the closure of two existing 10' alleys, which is being requested as a part of this petition.

## **City Council Bill #14-0379/ Planned Unit Development – Designation and Final Design Approval - Remington Row**

For the purpose of approving the application of Miller's Square, LLC, Miller's Square Retail, LLC and 211 W. 28<sup>th</sup> Street, LLC (collectively, the "Applicant"), their affiliates and assigns, who are either the developer, contract purchaser, potential owner and/or owner of the area consisting of the properties listed on Exhibit 1, attached to and made a part of the Ordinance, together with the adjoining roads, highways, alleys, rights-of-way, and other similar property (collectively, the "Properties"), to have the Properties designated a Business Planned Unit Development and approving the Development Plan submitted by the Applicant, and providing for a special effective date.

- **Development Plan:**

- A. Zoning Review – The Development Plan accompanying the application includes the following information as required per §9-107 of the Zoning Code:

- (1) an accurate topographic and boundary line map of the project area- **Sheets C1.3 & C1.5**

- (2) a location map showing the relationship of the project area to surrounding properties- **Sheet C1.1**
- (3) the pattern and intended design standards of existing and proposed roads, driveways, and parking facilities, whether public or private – **Sheets C1.2, C1.4 & C1.6**
- (4) the use, type, size, arrangement, and location of existing and proposed lots, structures, and building groups – **Sheets C1.1 & C1.2**
- (5) the location, type, and size of existing and proposed landscaping – **Sheet L1.0**
- (6) architectural drawings and sketches that illustrate the design and character of proposed structures – **Sheets A4.1 – A4.4**
- (7) the location of existing and proposed sewer and water facilities – **Sheets C1.3 & C1.4**
- (8) existing topography and storm drainage pattern - **Sheets C1.3 & C1.4**
- (9) proposed storm drainage system showing basic topographic changes; **no changes proposed**
- (10) the location of:
  - (i) recreational and open space areas and areas reserved or dedicated for public uses, such as school and park sites - **Sheet C1.3**
  - (ii) any open space to be owned and maintained by a property owners' association – **N/A**
- (11) statistical data on:
  - (i) the total size of the project area – **Sheet C1.1**
  - (ii) density computations – **Sheet C1.2**
  - (iii) the proposed number of residential units, by type - **Sheet C1.2**
  - (iv) any other similar factors pertinent to a comprehensive evaluation of the proposed Planned Unit Development – **N/A**
- (12) a copy of:
  - (i) the intended organizational structure of and governing documents for any property owners' association – **N/A**
  - (ii) all existing and proposed protective covenants – **N/A**
  - (iii) all maintenance and service provisions- **N/A**
- (13) a detailed time schedule for the start and completion of the Planned Unit Development - **Sheet C1.2**

**B. Project:**

The proposed development comprises a built area of 2.29 acres, split into three areas – Areas A, B, and C – that will be developed in phases. The entire development will be mixed-use in nature and incorporate new development with adaptive reuse. New landscaping will be installed throughout the site, also in phases, but mostly in the first and third phases. A mixture of structured and surface parking is proposed for the new residential and retail users, as well as some for public use.

Area A comprises the entire 2700 block of Remington Avenue, bounded by W. 28<sup>th</sup> Street to the north, Fox Street to the west, W. 27<sup>th</sup> Street to the south, and Remington Avenue to the east. The proposal for Area A is to completely raze the site and construct a five-story, mixed-use building with approximately 15,000 SF of ground-floor retail, approximately 35,000 SF of office space on the second-floor, and 108 apartment units – 105 units on floors 3 – 5<sup>th</sup> and 3 loft units at grade. The three units will have private entrances from W. 27<sup>th</sup> Street and stoops as a reflection of the rowhouse character across the street. Most of the pedestrians will access the building from the main entrance on Remington Avenue.

The parking garage will provide 171 spaces in Area A. Due to the grade change along Remington Avenue, the garage has two vehicular entrances, one at W. 28<sup>th</sup> Street for office and commercial users and another at W. 27<sup>th</sup> Street for residential tenants. Four additional spaces are located at grade along Fox Street that are unreserved and open to public use. Pedestrians will enter the garage from Remington Avenue. Twenty-seven total bicycle spaces are proposed.

Area B is the 315 W. 29<sup>th</sup> Street property in the 2800 block of Remington Avenue, which is bounded by W. 29<sup>th</sup> Street to the north, Fox Street to the west, W. 28<sup>th</sup> Street to the south, and Remington Avenue to the east. The existing rowhouses fronting W. 28<sup>th</sup> Street are not within the PUD. The built area is approximately 39,750 SF. The development plan proposes adaptive reuse of the existing building, incorporating 15,000 SF of first-floor retail and 10,000 SF of second-floor office space, with the potential to use 40,000 SF for any permitted use. The existing parking lot will be restriped for 28 spaces and 58 additional spaces will be accommodated within the building.

The development plan also proposes the adaptive reuse of the existing building in Area C for 3,000 SF of retail. The most significant modifications to the site will occur outside the building, where the existing parking lot will be reduced and reconfigured to create a public green space.

- **Development Density:** The PUD area contains both B-3-2 and R-9 zoning. The R-9 portion of the PUD totals .07 acres (3,120 SF), which is the combined area of the four rowhouses on Fox Street in Area A. The remainder of the PUD is zoned B-3-2 and is approximately 2.22 acres (96,632 SF). The combined underlying zoning and FAR of the PUD would allow up to 250,570 SF of total development and a maximum allowable density of 93 dwelling units.

Per §9-409(a) (2) of the Zoning Code, a Business PUD is permitted 40 dwelling units per acre where the underlying zoning of the property is B-3-2. Per §9-409(a) (1) an efficiency unit is weighted as .67 of a dwelling unit. At 2.29 acres, this PUD is permitted 92 dwelling units exclusively or 137 efficiency units exclusively.

The development plan proposes 179,390 GSF of development, including 60 dwelling units and 48 efficiency units, totaling 108 units for the entire project. If one were to

compute all 108 units as dwelling units (60 dwelling units + (48 efficiency units x .67)), the total number of dwelling units would equal 92, the maximum density permitted for this Business PUD. Therefore, by establishing a PUD, the Applicant reduces the allowable density for the site by one unit fewer than what is permitted by the underlying zoning.

▪ Elevations:

The designer employs masonry, metal, and wood materials to create a historic industrial aesthetic for the new mixed-use building. The building is intended to resemble some of the City's brick warehouse buildings with its simple mid-rise boxed form, red brick cladding, brick pilasters, and large factory windows. However, the design also purposely introduces a modern aesthetic to the building to reflect the style of some of the newer development in the Remington neighborhood. Corrugated metal paneling at the main entrance transitions the building from the historic-industrial to the contemporary-industrial aesthetic and reads as a lighter, inner skin against the heavier, masonry outer skin. It is used with cementitious paneling on the Fox Street façade to reduce the weightiness of the building against the adjacent rowhouses. A dark-grey brick, two-story mass anchors the corner at Remington and W. 27<sup>th</sup> Street, but is intentionally simplified so not to draw attention away from the vertical, wood-framed shaft marking the main entrance to the building. A glass storefront system spans the retail base, which is covered by a pre-finished metal canopy with a plank-wood soffit.

Identification signs for the project are proposed in two locations – a painted horizontal sign on the Remington Avenue façade and a banner sign affixed to the W. 28<sup>th</sup> Street side of the building. All retail signage is proposed below the second floor. Blade signs for retail tenants will be hung beneath the canopy from metal beam supports.

The existing buildings in Areas B and C will be rehabbed with new paint, windows, and signage. Final architecture will be reviewed once the development of those areas commence.

- Landscape Plan: The landscape plan pursues three primary goals for the proposed PUD- to enliven the street; encourage social interaction; and create a unique sense of place for the Remington neighborhood. The designer proposes using the 30' wide sidewalks along Remington Avenue to create "outdoor rooms," incorporating gabion benches, flower beds, new street trees and ambient lighting. Bold concrete bands aligned with the building pilasters will help articulate the room concept. These elements will hopefully encourage pedestrians to sit and engage with the retail activity along the street.

Along Fox Street, the designer proposes a "green wall" to soften the harshness of the central masonry wall and enhance the appearance of the Fox Street façade beyond its back-of-house uses. The green wall terminates at the second-floor courtyard, which is screened with trees to reduce the level of disturbance to the neighbors across the street. LED lights are proposed on the wall to create a soft glow effect of the vegetation. New trees and shrubs are proposed for Fox Street also.

- **Sustainability:** The Applicant intends to meet the Baltimore Green Building Standards by employing numerous sustainable strategies, including:
  - The use of solar reflective materials to reduce the heat island effect
  - Encouragement of alternative transportation by providing additional and secured bicycle storage, showers and changing rooms, as well as Low-Emitting and Fuel Efficient Vehicle (LEFEV) parking spaces.
  - The use of low-flow water fixtures to reduce domestic water use.
  - The use of reclaimed wood and other materials from regional sources and the reduction of building waste by the contractor during construction.
  - High building energy performance in-line with current standards verified and documented through an energy model.
  - Lower electrical consumption by the use of Energy Star appliances, motion sensor lighting and LED light fixtures.
  
- **Land Use:** The proposed uses for this PUD are those uses permitted by-right, conditionally, or as accessory within the B-2 zoning district, with the addition and exception of specific uses listed in the proposed PUD legislation, including uses that are currently permitted by-right or conditionally in industrial or other commercial zoning districts. It is staff's recommendation, (*See "Legislative Text Amendments", page 7 of this report*) that the industrial uses be limited to Area B of the plan, separate from residential uses, to promote the greatest harmony between the mix of uses and limit the potential industrial users to small-scale production. Notwithstanding, the nature of the land is not intended to deviate significantly from its existing mixed-use, neighborhood-commercial character. Furthermore, by adding more ground-floor retail and active commercial spaces, this development increases "eyes on the street", which creates a safer pedestrian environment.
  
- **Plan Reviews:**
  - **UDARP:** The PUD master plan and final architecture of Area A received approval with comments recommendation of the Urban Design and Architectural Review Panel (UDARP) on June 12, 2014. UDARP commented favorably of the historic industrial aesthetic that the design employed, in addition to the coordinated use of brick, metal and wood materials. UDARP was also pleased with changes made to the building along Fox Street, which included a "green wall" and additional landscaping. Along W. 27th Street, the design team incorporated the panel's suggestion to reduce the scale of the garage entrance and adjust the fenestration to distinguish the different uses. The public spaces and continuity of the streetscape were also a consideration of the panel that resulted in an improved plan. Since the proposal for Areas B and C is to reuse the existing buildings, the level of design reviewed will be assessed as those areas are developed.
  
  - **SPRC:** This project was reviewed by the Site Plan Review Committee (SPRC) on June 25, 2014 and received preliminary approval, subject to the findings of the TIS panel.

- Stormwater Management: The development plan for this project was submitted to the Department of Public Works and is undergoing review.
- Traffic Impact Mitigation: A traffic impact analysis is scheduled to commence August 2014 and should be complete by mid-September 2014.
- PUD Considerations: The development plan was reviewed and considered against §9-112 of the Zoning Code. Staff offers the following considerations:
  - The proposed mixed-use development meets several of the city's Comprehensive Master Plan goals, including returning vacant properties to productive use; creating/strengthening main streets; and increasing housing choice.
  - The proposed development reflects the mixed-use character of the surrounding neighborhood and incorporates architectural elements that are in keeping with the design of neighboring structures. Therefore, this proposed PUD should not be detrimental to the character and nature of existing and contemplated development in the immediate area.
  - The location of the PUD and layout of Phase 1 development have been thoughtfully considered to accommodate the existing topography of the land. One such accommodation is in the layout of the garage, which has two separate entrances to account for the grade-differential from W. 27<sup>th</sup> Street to W. 28<sup>th</sup> Street.
  - The proposal will not create any situation that should negatively impact future development potential, the value of undeveloped neighboring areas, or the use, maintenance or value of neighboring areas already developed.
  - The new construction or existing buildings will not impact the availability of light, air, open space, and street access.
  - The proposed development will not reduce the protection of residents, visitors, or neighboring residents from fire, health hazards, or other dangers.

**Legislative Text Amendments:**

▪ **Amendment No. 1 – Update drawings.**

On page 2, in lines 17 through 30, **strike** the words, “C1.1, “Overall Existing Conditions Plan,” dated April 9, 2014; C1.2, “Overall Proposed Conditions Plan”, dated April 30, 2014; C1.3, “Existing Conditions Plan – 2700 Block”, dated April 9, 2014; C1.4, “Detail Site Plan – 2700 Block”, dated April 30, 2014; C1.5, “Existing Conditions Plan - 2800 Block”, dated April 9, 2014; C1.6, “Detailed Site Plan- 2800 Block”, dated April 30, 2014; A4.1, “Building Elevations – 2700 Block”, dated April 30, 2014; A4.2, “Building Elevations – 2700 Block”, dated April 30, 2014; A4.1, “Building Elevations – 7-Eleven”, dated April 9, 2014; A5.1, “Building Height Exhibit – 2700 Block”, dated April 9, 2014; A4.1, “Building Elevations – 2800 Block”, dated April 9, 2014; L1.0, “Overall Landscape Plan”, dated April 9, 2014; L1.1, “Landscape Plan – 2700 Block”, dated April 9, 2014; and L1.2, “Landscape Plan – 2800 Block”, and **insert**, “C1.1, “Overall Existing



Conditions Plan,” dated July 16, 2014; C1.2, “Overall Proposed Conditions Plan”, dated July 16, 2014; C1.3, “Detail Site Plan – 2700 Block”, dated July 16, 2014; C1.4., “Detailed Site Plan - 2800 Block”, dated July 16, 2014; A4.1, “Building Elevations – 2700 Block”, dated July 16, 2014; A4.2, “Building Elevations – 2700 Block”, dated July 16, 2014; A4.3, “Building Elevations – 2800 Block”, dated July 16, 2014; A4.4, “Building Elevations – 7-Eleven”, dated July 16, 2014; A5.1, “Building Height Exhibit – 2700 Block”, dated July 16, 2014; L1.0, “Overall Landscape Plan”, dated July 16, 2014; L1.1, “Landscape Plan Enlargement – 2700 Block”, dated July 16, 2014; and L1.2, “Landscape Plan Enlargement – 2800 Block”, dated July 16, 2014”.

▪ **Amendment No. 2 – Include hours of operation.**

On page 2, line 34 after “District”, insert “with the following maximum hours of operation:

- a. Area A – Maximum retail hours of operation limited to 6:00am to 12 midnight
- b. Area B – Maximum retail hours of operation limited to 6:00am to 12 midnight
- c. Area C – Maximum retail hours of operation – 24 hours”

▪ **Amendment No. 3 – Outdoor seating and table service accessory to restaurant use only**

On page 2, line 35, strike “permitted” and insert “restaurant”

▪ **Amendment No. 4 – Limit area of brewery use.**

On page 2, line 36, after “brewing” insert “, not to exceed 20,000 square feet.”

▪ **Amendment No. 5 – Include conditional use standards for artisans and craft work as outlined in § 6-308 of the Zoning Code.**

On page 2, line 37, after “craft work” insert “- Subject to the following conditions per artisan and craft work company/ tenant:

(i) no more than 2 employees plus 1 owner or manager on the premises;

(ii) work is limited to items produced one at a time, with no machine on the site to facilitate mass production; and

(iii) items are produced primarily for sale on the premises.

▪ **Amendment No. 6 – Remove industrial uses from Section 3.**

On page 3, strike lines 1, 3, 4, 5, 7, 9, 10, 11, 12, 13, 14, 16 and 17

▪ **Amendment No. 7**

On page 3, line 9, strike “manufacturing” and substitute “processing”

- **Amendment No. 8 – Include a section that limits the proposed industrial uses to Area B of the Development Plan.**

On page 3, after line 22 insert:

**“SECTION 4. AND BE IT FURTHER ORDAINED, That within the Planned Unit Development, the following uses are to be limited to Area B of the Development Plan:**

- (a) dying establishments
- (b) trade schools: industrial
- (c) bakery goods: manufacturing
- (d) candy: manufacturing
- (e) coffee roasting
- (f) fermented fruits and vegetable products: manufacturing
- (g) food products: manufacturing and processing
- (h) ice cream: manufacturing
- (i) spices: manufacturing and processing
- (j) furniture and fixtures: manufacturing
- (k) jewelry: manufacturing
- (l) leather products: manufacturing
- (m) machine shops

- **Amendment No. 9 – Omit period of discontinuance for the auto servicing garage.**

On page 4, line 6, strike “for a period of 6 months”

- **Amendment No. 10 – Add appeal clause.**

On page 5, after line 34, insert **“SECTION 14. AND BE IT FURTHER ORDAINED, That the filing of 1) an appeal of this PUD or 2) an appeal of any building or occupancy permit issued in accordance with the PUD shall toll the time limits set forth in the Development Plan pending the conclusion of all such appeal(s).”**

- **Amendment No. 11 – Add severability clause.**

On page 5, after line 42, insert

**“SECTION 15. AND BE IT FURTHER ORDAINED, That if any provision or part of any provision of this PUD shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity or unenforceability shall not affect any**

other provision of this PUD, and this PUD shall be construed as if such invalid, illegal or unenforceable provision or part thereof had never been contained herein, but only to the extent of its invalidity, illegality, or unenforceability.

▪ **Amendment No. 12**

On pages 3 - 6, renumber sections numbers “4” through “15” to numbers “6” through “18” accordingly

**Street Closing /Closing Portion of 2-10’ alleys at the vicinity of 2700 Block of Remington Avenue as part of the Remington Row Project**

**ANALYSIS**

The alleys proposed to be closed are internal to the 2700 block of Remington Avenue. The Petitioner, Miller’s Square, LLC, Miller’s Square Retail, LLC and 211 W. 28<sup>th</sup> Street, LLC, owns or has under contract all of the properties on either side of the Subject Right-of-Way, as summarized below and shown in Exhibit A:

<b>Lot</b>	<b>Owner</b>	<b>Status</b>
33, 33A 33B, 33C, 35/37, 38, 40, and 41	Miller Square, LLC	Acquired
34	Private Owner	Under Contract
39	Private Owner	Under Contract

A utility investigation is currently being conducted and any utilities within the Subject Right-of-Way may be required to be relocated in the event of future development.

It is staff’s finding that at the time of the Petitioner’s purchase of the parcels currently under contract, the entire 2700 block of Remington Avenue will be under a single ownership. The public’s right to access the Subject Right-of-Ways will no longer be needed and therefore, the alleys can be closed.

**Exhibit A.**



**CONFORMITY TO PLANS**

Comprehensive Master Plan: This proposed street closing is compatible with the Comprehensive Master Plan for Baltimore City, specifically:

LIVE

Goal 1: Build Human and Social Capital by Strengthening Neighborhoods

Objective 2: Strategically Redevelop Vacant Properties throughout the City

**NOTIFICATION**

The following community organizations have been notified of this action:

- Greater Remington Improvement Association
- Remington Neighborhood Alliance

**Thomas J. Stosur**  
**Director**