

Introduced by: Councilmember Cohen, *Young Nehr*

At the request of: TRP-MCB 5601 Eastern, LLC

Address: c/o AB Associates, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland 21202
Telephone: 410-547-6900

Prepared by: Department of Legislative Reference

Date: June 20, 2018

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

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

CITY COUNCIL 18 - 0270

A BILL ENTITLED

AN ORDINANCE concerning

Planned Unit Development – Designation – 5601 Eastern Avenue

FOR the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

BY authority of

Article 32 - Zoning
Section 5-201(a) and Title 13
Baltimore City Revised Code
(Edition 2000)



****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

_____ Baltimore City Public School System

_____ Baltimore Development Corporation

_____ City Solicitor

_____ Comptroller's Office

_____ Department of Audits

_____ Department of Finance

_____ Department of General Services

_____ Department of Housing and Community Development

_____ Department of Human Resources

_____ Department of Planning

_____ Other: _____

_____ Other: _____

_____ Other: _____

_____ Department of Public Works

_____ Department of Real Estate

_____ Department of Recreation and Parks

_____ Department of Transportation

_____ Fire Department

_____ Health Department

_____ Mayor's Office of Employment Development

_____ Mayor's Office of Human Services

_____ Mayor's Office of Information Technology

_____ Office of the Mayor

_____ Police Department

_____ Other: _____

_____ Other: _____

_____ Board of Estimates

_____ Board of Ethics

_____ Board of Municipal and Zoning Appeals

_____ Comm. for Historical and Architectural Preservation

_____ Commission on Sustainability

_____ Employees' Retirement System

_____ Other: _____

_____ Other: _____

_____ Other: _____

_____ Environmental Control Board

_____ Fire & Police Employees' Retirement System

_____ Labor Commissioner

_____ Parking Authority Board

_____ Planning Commission

_____ Wage Commission

_____ Other: _____

_____ Other: _____

_____ Other: _____

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1 The representatives of the applicant have now applied to the Baltimore City Council for
2 designation of the property as a Planned Unit Development, and they have submitted a
3 Development Plan intended to satisfy the requirements of the Baltimore City Zoning Code,
4 Section 5-201(a) and Title 13.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
6 Ordinance 15-380 is repealed.

7 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the
8 application of TRP-MCB 5601 Eastern Avenue, LLC, owner of the property located at 5601
9 Eastern Avenue, consisting of 20.0166 acres, and contract purchaser of the adjacent property at
10 5801 Eastern Avenue, consisting of 27,000 square feet, more or less, as outlined on the
11 accompanying Development Plan entitled "5601 Eastern Avenue", to designate the property as a
12 Planned Unit Development under Title 13, of the Baltimore City Zoning Code.

13 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
14 approves the replacement of the Planned Unit Development and approves the new Development
15 Plan submitted by the applicant, as attached to and made part of this Ordinance, including:

- 16 Exhibit C-1.0, "Cover Sheet", dated ~~June 20~~ July 12, 2018
17 Exhibit C-2.0, "Existing Conditions Plan", dated ~~June 20~~ July 12, 2018
18 Exhibit C-3.0, "Revised Master Plan - Low Density", dated ~~June 20~~ July 12, 2018
19 Exhibit C-4.0, "Simplified Forest Delineation Plan", dated ~~June 20~~ July 12, 2018
20 Exhibit C-5.0, "Landscape Plan", dated ~~June 20~~ July 12, 2018
21 Exhibit C-6.0, "Landscape Notes and Details", dated ~~June 20~~ July 12, 2018
22 Exhibit C-7.0, "Development Plan Height Limit", dated ~~June 20~~ July 12, 2018:
23 Exhibit C-8.0. "Design Guidelines", dated July 12, 2018.

24 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the maximum gross square footage for all
25 buildings and uses, excluding parking and circulation, in the Planned Unit Development is
26 2,000,000 square feet, as follows:

- 27 184,000 square feet for retail uses;
28 376,000 square feet for office uses;
29 350,000 square feet for hotel uses; and
30 up to and including a maximum number of 1,350 residential units.

31 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the maximum heights for all buildings
32 shall be as shown on Exhibit C-7.0 of the Development Plan, and no building may be constructed
33 within 65 feet of the westernmost boundary of the Planned Unit Development.

34 **SECTION 6. AND BE IT FURTHER ORDAINED,** That residential, retail, and office uses shall be
35 permitted as follows:

- 36 (a) Uses allowed in the Planned Unit Development are those uses permitted under Title
37 10-205 and Table 10-301;. In addition, the 2 following conditional uses are allowed:
38 retail goods establishment (with alcoholic beverages sales) and gas station.

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1 (b) ~~1 retail goods establishment with off premises alcohol sales when within a full service~~
2 ~~grocery store whose net leasable area exceeds 15,000 square feet, and~~

3 (c) ~~1 gas station as approved under the Final Development Plan at 5801 Eastern Avenue.~~

4 SECTION 7. AND BE IT FURTHER ORDAINED, That the following uses are prohibited within
5 the Planned Unit Development:

- 6 Adult book or video store
- 7 Adult entertainment
- 8 Amusement arcade
- 9 Bail bond establishment
- 10 Body art establishment
- 11 ~~Community correction center~~
- 12 ~~Firearm sales~~
- 13 Fraternity or sorority house
- 14 Helistop
- 15 Massage parlor
- 16 ~~Parole and Probation field office~~
- 17 Payday loan shop
- 18 Rooming house
- 19 ~~Taxidermist shop~~
- 20 Tobacco, hookah, and vaping shops

21 SECTION 8. AND BE IT FURTHER ORDAINED, That the number of liquor licenses permitted
22 within the Planned Unit Development are limited as follows:

- 23 (a) ~~Class A Beer, Wine & Liquor License, if approved as a conditional use by the Board;~~
- 24 (b) ~~Class BD-7 Beer, Wine & Liquor Licenses (Tavern), provided that there are no off-~~
25 ~~premises sales, except for the use specifically approved under § 6(b) of this~~
26 ~~Ordinance;~~
- 27 (c) ~~Class B Beer, Wine & Liquor Licenses (Restaurant) in such number as may~~
28 ~~accompany restaurants within the Planned Unit Development that may qualify under~~
29 ~~applicable law for such licenses; and~~
- 30 (d) ~~Class B Beer, Wine & Liquor Licenses (Hotel/Motel) in such number as may qualify~~
31 ~~under applicable law for such licenses.~~

32 SECTION 8. AND BE IT FURTHER ORDAINED, That this Ordinance and its approvals of the
33 Planned Unit Development and Development Plan are conditioned on compliance with the
34 following Traffic mitigation agreement reached in accordance with Zoning Code §§ 2-305
35 {“Traffic Impact Study”} and 16-301(b) {“Referral to Agencies: Traffic Impact Study”} and
36 Building Code § 105.3.2 {“Action on (permit) application - Traffic Impact Study”} as follows:

37 In the Developer’s Agreement 1593, submitted to the Department of Transportation for
38 construction within the Planned Unit Development, the applicant shall, at the applicant’s
39 expense and pursuant to plans and specifications approved by the Department of
40 Transportation, be responsible for:

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1 1. the design, engineering, and installation of traffic signal modifications, including
2 any and all necessary markings, improvements, repairs, and signage on Eastern
3 Avenue at Anglesea Street; and

4 2. the design, engineering, and installation of traffic signal modifications, including
5 any and all necessary markings, repairs, and signage on Eastern Avenue at Bonsal
6 Street.

7 **SECTION 9. AND BE IT FURTHER ORDAINED,** That off-street parking shall be provided
8 according to the provisions of the Baltimore City Zoning Code, without regard to specific lot
9 lines, and, instead, in the aggregate for the entire Planned Unit Development. Off-street parking
10 may also be further reduced by the Planning Commission on a finding of shared parking where
11 appropriate.

12 **SECTION 10. AND BE IT FURTHER ORDAINED,** That all buildings with frontages on Eastern
13 Avenue shall have a principal entrance on Eastern Avenue. All buildings with frontages on
14 Bayview Drive, as shown on the Development Plan, shall have a principal entrance on that road
15 unless the building also has a entrance on Eastern Avenue. No service access shall be permitted
16 to buildings on Eastern Avenue or Bayview Drive. No vehicular access shall be permitted
17 directly or indirectly to Foster Avenue into the Planned Unit Development.

18 **SECTION 11. AND BE IT FURTHER ORDAINED,** That the following signage limitations apply
19 to the Planned Unit Development:

20 (a) ~~Total permitted signage within the Planned Unit Development shall be calculated~~
21 ~~under the Zoning Code using an area factor of 3 and applied to buildings facing any~~
22 ~~public or private right of ways or streets is per the underlying zoning.~~

23 ~~(b) A maximum of three monument/pylon signs along Eastern Avenue are permitted~~
24 ~~subject to the previous design approval by the Planning Commission under the~~
25 ~~previous Planned Unit Development. One new monument/pylon sign will be~~
26 ~~permitted for the 5801 Eastern Avenue property, and one free-standing sign facing I-~~
27 ~~95 will be permitted.~~

28 **(b) (c)** All signage within the Planned Unit Development is subject to final design
29 approval by the Planning Commission. The approval can be in the form of either a
30 specific design or a sign design package.

31 **SECTION 12. AND BE IT FURTHER ORDAINED,** That the Planning Commission may determine
32 what constitutes minor or major modifications to the Planned Unit Development, as per the
33 provisions of Title 13 of the Baltimore City Zoning Code.

34 **SECTION 13. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
35 permanent improvements on the property are subject to final design approval by the Planning
36 Commission to insure that the plans are consistent with the Development Plan and this
37 Ordinance. All final design approvals previously accepted in the existing Planned Unit
38 Development, established in 2015, are accepted under this Planned Unit Development, subject to
39 other Agency comments.

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1 SECTION 14. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the
2 accompanying Development Plan and in order to give notice to the agencies that administer the
3 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
4 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
5 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
6 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
7 Appeals, the Planning Commission, the Commissioner of Housing and Community
8 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

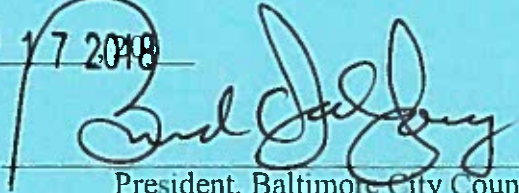
9 SECTION 15. ~~AND BE IT FURTHER ORDAINED, That the filing of an appeal of the Planned
10 Unit Development or an appeal of any building permit issued in accordance with the Planned
11 Unit Development shall toll any time limits set forth in the Development Plan pending the
12 conclusion of all appeals:~~

13 SECTION 15. AND BE IT FURTHER ORDAINED, That if MCB 5801 Eastern LLC does not
14 close on the acquisition of 5801 Eastern Avenue, that property shall not be deemed part of nor
15 subject to the provisions of the Planned Unit Development.

16 SECTION 16. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the
17 application of this Ordinance to any person or circumstance is held invalid for any reason, the
18 invalidity does not affect any other provision or any other application of this Ordinance, and for
19 this purpose the provisions of this Ordinance are declared severable.

20 SECTION 17. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th
21 day after the date it is enacted.

Certified as duly passed this _____ day of SEP 17 2018



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of SEP 17, 2018

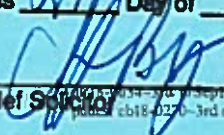


Chief Clerk

Approved this 1 day of October, 2018



Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 17 Day of September


Chief Solicitor
cb18-0270-3rd abr

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Approved For Form and Legal Suitability
This Day of _____

Notary Public

PLANNED UNIT DEVELOPMENT

PROPERTY INFORMATION MAP

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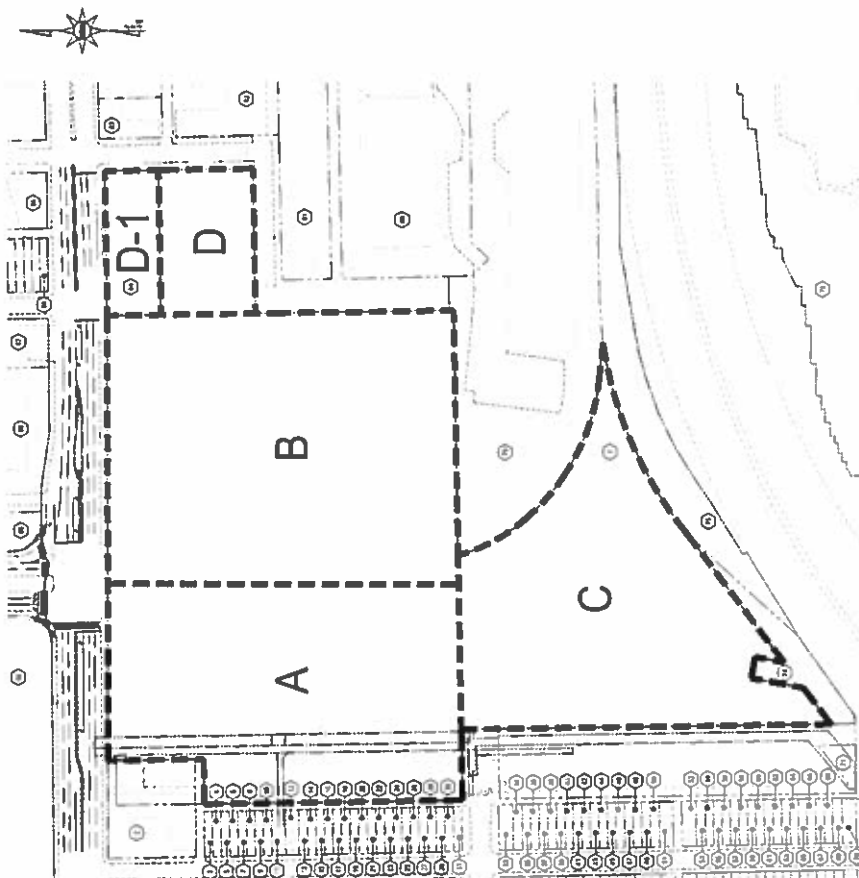


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GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF LOS ANGELES SPECIFICATIONS FOR STANDARD SPECIFICATIONS FOR CONSTRUCTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF LOS ANGELES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
5. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING TREES AND LANDSCAPING.
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6601 EASTERN AVENUE REDEVELOPMENT

C-1.0

hct

10000 WILSON BLVD
LOS ANGELES, CA 90024
TEL: (310) 415-7141
WWW.HCT.COM

MRA

12345 MAIN ST
LOS ANGELES, CA 90001
TEL: (213) 555-1234

MCB REAL ESTATE LLC

12345 MAIN ST
LOS ANGELES, CA 90001
TEL: (213) 555-1234



CONTRACT NO.

DATE

SCALE

PROJECT SCHEDULE

6601 EASTERN AVENUE REDEVELOPMENT

C-1.0

1000 EAST 10TH AVENUE
DENVER, CO 80218
TEL: 303.733.1111
WWW.HETARCHITECTS.COM



12300 E. 10TH AVENUE
DENVER, CO 80231
TEL: 303.733.1111
WWW.MCBREALTY.COM

MCB REAL ESTATE LLC



1000 EAST 10TH AVENUE
DENVER, CO 80218
TEL: 303.733.1111
WWW.HETARCHITECTS.COM



1000 EAST 10TH AVENUE
DENVER, CO 80218
TEL: 303.733.1111
WWW.HETARCHITECTS.COM

Table with 2 columns: Item, Description

LANDSCAPE PLAN

5601 EASTERN AVENUE REDEVELOPMENT

C-5.0

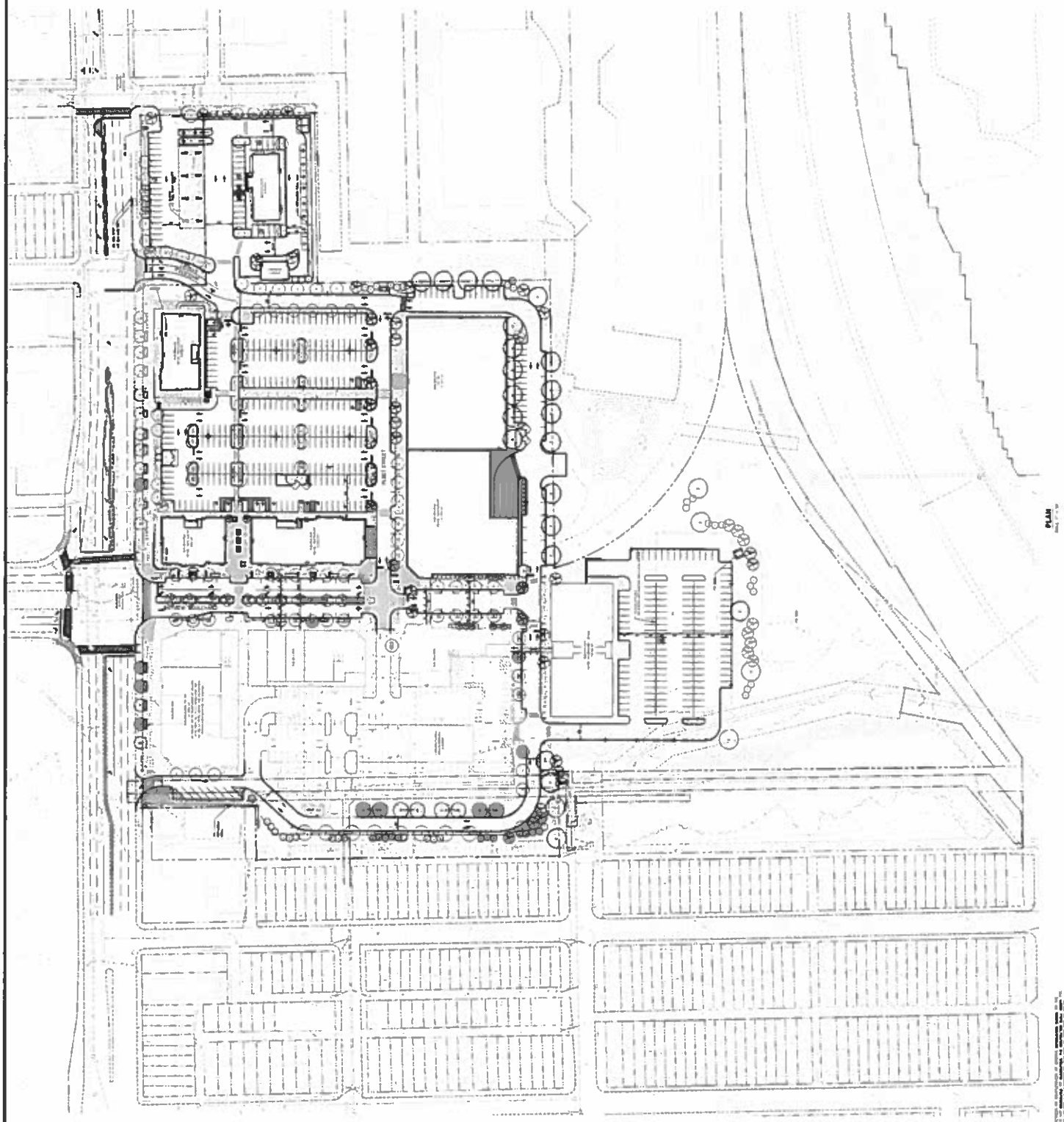
GENERAL NOTES
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9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DENVER
10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF DENVER



LEGEND
Table with 2 columns: Symbol, Description

OWNER: [Handwritten Signature]
DEVELOPER: [Handwritten Signature]

PLAN
C-5.0



1000 EAST 10TH AVENUE
DENVER, CO 80218
TEL: 303.733.1111
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AMENDMENTS TO COUNCIL BILL 18-0270
(1" Reader Copy)

By: Land Use and Transportation Committee

ADOPTED

Amendment No. 1

On page 1, in line 2, after "Avenue", insert "and 5801 Eastern Avenue"; on the same page, in line 5, after "Avenue", insert "and 5801 Eastern Avenue"; and, on page 1, in line 15, strike "The applicant" and substitute "An affiliate of the applicant, MCB 5801 Eastern LLC.".

Amendment No. 2

On page 1, beginning in line 15, strike "that" down through and including "provisions", in line 19.

Amendment No. 3

On page 2, in lines 16 through 22, in each instance, strike "June 20" and substitute "July 12"; in line 22, strike the period; and, on the same page, after line 22, insert "Exhibit C-8.0. "Design Guidelines", dated July 12, 2018.".

Amendment No. 4.

On page 2, in line 35, strike "(a)"; in the same line, after "Uses", insert "allowed in the Planned Unit Development are those uses"; in the same line, strike the semi colon and insert ". In addition, the 2 following conditional uses are allowed: retail goods establishment (with alcoholic beverages sales) and gas station."; and, on the same page, strike lines 36 through 38 in their entireties.

Amendment No. 5

On page 3, strike lines 8, 9, 13, and 16 in their entireties; and, on the same page, strike lines 18 through 28 in their entireties and substitute

"SECTION 8. AND BE IT FURTHER ORDAINED, That this Ordinance and its approvals of the Planned Unit Development and Development Plan are conditioned on compliance

with the following Traffic mitigation agreement reached in accordance with Zoning Code §§ 2-305 {"Traffic Impact Study"} and 16-301(b) {"Referral to Agencies: Traffic Impact Study"} and Building Code § 105.3.2 {"Action on (permit) application - Traffic Impact Study"} as follows:

In the Developer's Agreement 1593, submitted to the Department of Transportation for construction within the Planned Unit Development, the applicant shall, at the applicant's expense and pursuant to plans and specifications approved by the Department of Transportation, be responsible for:

1. the design, engineering, and installation of traffic signal modifications, including any and all necessary markings, improvements, repairs, and signage on Eastern Avenue at Anglesea Street; and
2. the design, engineering, and installation of traffic signal modifications, including any and all necessary markings, repairs, and signage on Eastern Avenue at Bonsal Street."

Amendment No. 6

On page 4, beginning in line 1, strike "shall" down through and including "streets", in line 3 and substitute "is per the underlying zoning"; on the same page, strike lines 4 through 8 in their entireties; and, on the same page, strike "(c)" and substitute "(b)".

Amendment No. 7

On page 4, in line 18, after the period, insert "All final design approvals previously accepted in the existing Planned Unit Development, established in 2015, are accepted under this Planned Unit Development, subject to other Agency comments.".

Amendment No. 8

On page 4, strike lines 27 through 30 in their entireties and substitute

"SECTION 15. AND BE IT FURTHER ORDAINED, That if MCB 5801 Eastern LLC does not close on the acquisition of 5801 Eastern Avenue, that property shall not be deemed part of nor subject to the provisions of the Planned Unit Development."

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

City Council Bill No. 18-0270
Planned Unit Development – Designation – 5601 Eastern Avenue

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO THE APPLICABLE SECTIONS OF ARTICLE 32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A PLANNED UNIT DEVELOPMENT FOR THE ACRES LOCATED AT:

5601 AND 5801 EASTERN AVENUE

IN GENERAL:

ADOPTED

To approve this PUD, the City Council has considered:
(check to evidence consideration)

- whether the planned unit development is in general conformance with all elements of the Comprehensive Master Plan, and the character and nature of existing and contemplated development in the vicinity of the proposed planned unit development;
- whether the planned unit development will preserve unusual topographic or natural features of the land, and the design of the planned unit development will best utilize and be compatible with the topography of the land;
- whether the physical characteristics of the planned unit development will not adversely affect future development or the value of undeveloped neighboring areas, or the use, maintenance, or value of neighboring areas already developed;
- whether the planned unit development will provide the same protection as the basic district regulations in regard to fire, health hazards, and other dangers;
- whether the planned unit development will encourage innovative design features or adaptive reuse of structures that would not be possible by application of the basic district regulations; and
- whether the planned unit development is compatible with any nearby industrial district.

and finds that:

- (1) the use IS/ IS NOT compatible with surrounding neighborhood for the following reasons:
(select one)

The use is compatible with the surrounding neighborhood. The subject property was formerly a long abandoned industrial use and unable to be sold as such due to the environmental cleanup required. The property is adjacent to two primarily residential neighborhoods, a primary artery predominately with commercial uses and across from the Johns Hopkins Bayview Medical campus. The development plan for a pedestrian oriented mixed use development combines each of these land uses as a complimentary overall development and has received unanimous community and institutional support.

The developer obtained environmental approvals in 2017 from both the Maryland Department of Environment and the Environmental Protection Agency. The entire 20.6 acre property will undergo remedial action and planning with Maryland Department of the Environment and U.S. Environmental Protection Agency (EPA) approval prior to commencement of any of the redevelopment phases.

The proposed \$150 million redevelopment will transform a long-abandoned industrial property that was blight to its immediate neighbors into a vibrant mixed use community center providing community services and jobs.

The Planned Unit Development (PUD) is in general conformance with all elements of the Comprehensive Master Plan as well as the nature of existing and contemplated development in the vicinity. There are several trends that this PUD is consistent with: the continued revitalization of the Greektown and Bayview communities, and the projected growth of the Johns Hopkins Bayview campus.

The PUD is compatible with the natural features of the property. The site plan was designed to take advantage of the significant change in topography from Eastern Avenue to the I-95 boundary and the existence of the prior landfill established by the prior owner. A significant buffer on the western edge of the property adjacent to the Greektown homes is being preserved.

The physical characteristics will not adversely affect future development. The plan has established both development restrictions on heights and vehicular access to encourage compatible development and pedestrian connections to the immediate neighborhoods and institutions.

The PUD will provide the same protection with respect to fire and health hazards. The plans have been approved by both the City Fire and Transportation Departments.

The PUD will feature innovative design features not allowed under the existing zoning. The previous PUD established appropriate height and signage standards for redevelopment that were permitted under the previous zoning, but not under Transform.

The PUD is adjacent to an existing warehouse and distribution center and will have no impact on their operation. The industrial use has access to a separate street (Dundalk Avenue) and the owner is cooperating with the PUD developer on grading issues between the properties

- (2) the use **FURTHERS / DOES NOT FURTHER** the proposed classification for the following reasons:
(select one)

The use furthers the purpose of the proposed classification. The City Council recently approved the rezoning of the property from industrial to commercial (Ordinance 18-172) recognizing the inappropriateness of the industrial classification. The proposed Master Plan in the PUD incorporates uses that are all listed as permitted or conditional uses in the commercial classification.

The combination of retail, office and residential uses could not be achieved under the property's original industrial zoning and the City Council subsequently rezoned the property in 2015 to a more appropriate commercial zone that was mistakenly omitted under the Transform Comprehensive rezoning. A corrective bill (Bill 18-0269) was adopted by the City Council. The uses within the PUD are all consistent with the underlying zoning and therefore furthers the purpose of the classification.

- (3) the PUD master plan:

IS/ IS NOT developed under Section 13-304 of the Zoning Code; and
(select one)

ENSURES / DOES NOT ENSURE that there will be no discordance with existing uses by:
(select one)

The PUD Master Plan developed under Article 32, Section 13-304 ensures there is no discordance within existing uses. The exhibits included in the PUD have been carefully reviewed and approved by the City's Site Plan Review Committee. This interagency committee is comprised of appropriate City agencies such as Department of Transportation (DOT), Department of Public Works (DPW) and the Fire Department.

The applicant has entered into a Developer's Agreement #1593 with DOT on a comprehensive traffic mitigation plan for Eastern Avenue that involves signal and intersection upgrades.

- (4) the establishment, location, construction, maintenance, or operation of the PUD
WOULD/ WOULD NOT be detrimental to or endanger the public health, safety, or welfare because:
(select one)

The establishment of the PUD will not be detrimental to the public health and welfare. The redevelopment, through a \$18 million environmental remediation removes a long-standing blight and neighborhood nuisance.

- (5) the use **WOULD/WOULD NOT** be precluded by any other law, including an Urban Renewal Plan
(select one)

The use is not precluded by any other law including an Urban Renewal Plan. The property is not in any Urban Renewal Plan or other City designated district.

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.

- (6) the authorization **WOULD/WOULD NOT** be contrary to the public interest because:
(select one)

The authorization is in the public interest. The stated environmental clean-up and the return of the property to an active use with over \$150 million dollars of investment will complement the two adjacent residential neighborhoods and the Johns Hopkins Bayview campus with its 5,000 employees.

- (7) the authorization **WOULD/ WOULD NOT** be in harmony with the purpose & intent of the Zoning Code because:
(select one)

The authorization would be in harmony with the intent of the Zoning Code. The concept of a Planned Unit Development was an innovative feature of the 1971 Zoning Code to foster innovative planning and design treatments of entire large sites such as this property. Fortunately, Transform continued that feature and this replacement PUD is consistent with the intent of its original 2015 approval and Transform Baltimore.

SOURCE OF FINDINGS:

(check all that apply)

 Planning Report

- Baltimore City Planning Commission – Agency Report on Bill 18-0270– Dated August 7, 2018
- Baltimore City Department of Planning – Staff Report – Dated August 2, 2018

 Testimony presented at the Committee hearing: Oral – Witnesses Names:

- Ms. Tamara Woods, Staff, Department of Planning
- Ms. Hilary Ruley, Staff, Baltimore City Law Department
- Ms. Valerie LaCour, Staff, Baltimore City Department of Transportation
- Mr. Alfred W. Barry, III, Representative – AB Associates, LLC

 Written – Authors Names:

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- Department of Transportation – Agency Report on Bill 18-0270- September 12, 2018
- AB Associates, Mr. Alfred W. Barry, III, Representative – Letter – September 10, 2018
- Development Plans – Exhibits C-1.0 – C-8.0 – Dated July 12, 2018

(continue next to Exception pages of this form if the Bill seeks Exceptions, or if not, to Conditions pages of this Form. If neither are sought, then to Signature page of this Form.)

EXCEPTION:

To grant Section 4 of the bill, as an exception to the underlying regulations in the district for:

- Use
- Bulk
- Yard
- Parking; or
- Signage

the City Council has considered whether the exception will:
(check to evidence consideration)

- enhance the overall merit of the planned unit development;
- promote the objectives of both the City and the development;
- enhance the quality of the design of the structures and the site plan;
- enable the development to offer environmental and pedestrian amenities;
- not cause such an adverse impact on neighboring properties so as to outweigh the benefits of development;
- not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic;
- be compatible with the land use policies of the Comprehensive Master Plan;
- provide a substantial public benefit to the City, such as:
 - use of sustainable design and architecture, such as green roofs, white roofs, and other energy efficient design concepts, new building technologies, and qualifying as a Leadership in Energy and Environmental Design ("LEED") or LEED-equivalent structure;
 - enhanced design characteristics, including mixed-use development, circulation systems that utilize alleys or traffic-calming techniques, and a pedestrian-oriented environment;
 - community amenities, including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and transit facilities;
 - preservation of natural areas and site design that is sensitive to environmental features;
 - historic preservation and adaptive reuse of historic structures;
 - additional open-space and recreational amenities, such as recreational open space and playgrounds, including athletic fields, dog parks, natural water features, and conservation areas;
 - additional public infrastructure improvements, in addition to the minimum needed by the planned unit development, such as new or repaved streets, bicycle paths, gutters and sewers, and traffic control devices to improve traffic flow
 - senior housing set-aside;
 - affordable housing set-aside;
 - provision of accessible dwelling units with accessible features beyond those required by the Americans with Disabilities Act or any other applicable codes; or
 - provision of public car or bike share facilities.
- allow uses that predominantly match or are compatible with uses allowed in the underlying zoning district and the zoning districts of adjacent properties.

and for that exception to the underlying regulation, finds:

- (1) the applicant HAS/ HAS NOT demonstrated the following superior design and enhanced amenities:
(select one)

Exhibits C-8.0 Design Guidelines are meant to be used in conjunction with the PUD text and development plan. Together they illustrate the intent of the design and character of any future structures within the PUD.

This proposed repeal and replace, like the existing PUD, establishes a comprehensive, yet flexible development plan for the site by establishing a physical layout of proposed improvements on both 5601 Eastern Avenue and 5801 Eastern Avenue, but the text sets maximum square footage and height limits across the development plan.

The proposed limits mirror limits that are in the existing PUD. The total development of the entirety of the PUD area is limited to 2 million SF. In addition to this cap, there is a square footage cap by the type of land uses provided within the PUD. The PUD anticipates a mix of retail, office, residential and hotel. The limits are as follows:

Land Use Limits
Retail – 184,000 SF
Office – 376,000 SF
Residential – 1,350 SF
Hotel – 350,000 SF

- (2) the applicant HAS/HAS NOT demonstrated the following substantial benefit to the City:
(select one)

The proposed Planned Unit Development (PUD) and development plan provide substantial benefits to the City as it will bring a vacant highly contaminated manufacturing site back to viability by providing a mixture of new uses that include new infrastructure within the site, improved streetscape, intersection and signal improvements along Eastern Avenue, services, gathering spaces, as well as, portions of naturalized environment for citizens to use and enjoy.

SOURCE OF FINDINGS:

(check all that apply)

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(use a separate Exception form for each Exception sought in the bill.

Once all Exceptions have been reviewed, continue next to Condition page of this form if the Bill seeks Conditions.

If no Conditions are sought, then go to Signature page of this Form.)

EXCEPTION:

To grant Section 5 of the bill, as an exception to the underlying regulations in the district for:

- Use
- Bulk
- Yard
- Parking; or
- Signage

*the City Council has considered whether the exception will:
(check to evidence consideration)*

- enhance the overall merit of the planned unit development;
- promote the objectives of both the City and the development;
- enhance the quality of the design of the structures and the site plan;
- enable the development to offer environmental and pedestrian amenities;
- not cause such an adverse impact on neighboring properties so as to outweigh the benefits of development;
- not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic;
- be compatible with the land use policies of the Comprehensive Master Plan;
- provide a substantial public benefit to the City, such as:
 - use of sustainable design and architecture, such as green roofs, white roofs, and other energy efficient design concepts, new building technologies, and qualifying as a Leadership in Energy and Environmental Design ("LEED") or LEED-equivalent structure;
 - enhanced design characteristics, including mixed-use development, circulation systems that utilize alleys or traffic-calming techniques, and a pedestrian-oriented environment;
 - community amenities, including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and transit facilities;
 - preservation of natural areas and site design that is sensitive to environmental features;
 - historic preservation and adaptive reuse of historic structures;
 - additional open-space and recreational amenities, such as recreational open space and playgrounds, including athletic fields, dog parks, natural water features, and conservation areas;
 - additional public infrastructure improvements, in addition to the minimum needed by the planned unit development, such as new or repaved streets, bicycle paths, gutters and sewers, and traffic control devices to improve traffic flow
 - senior housing set-aside;
 - affordable housing set-aside;
 - provision of accessible dwelling units with accessible features beyond those required by the Americans with Disabilities Act or any other applicable codes; or
 - provision of public car or bike share facilities.
- allow uses that predominantly match or are compatible with uses allowed in the underlying zoning district and the zoning districts of adjacent properties.

and for that exception to the underlying regulation, finds:

- (1) the applicant HAS/ HAS NOT demonstrated the following superior design and enhanced amenities:
 (select one)

Exhibits C-8.0 Design Guidelines are meant to be used in conjunction with the PUD text and development plan. Together they illustrate the intent of the design and character of any future structures within the PUD.

The building envelope for any future building is also capped by height limits on the Development Plan. The height zones help to define the street wall and align to the topography of the site which slopes downward toward the rear of the site. The table below shows the height zones, limits and approximate locations.

Zone	Height Limit	Location
No Build Zone	65 foot buffer	Western most edge of site near Greektown
Height Zone 1	45 feet	Low height adjacent to no build zone
Height Zone 2	88.6 feet	Northern band along Eastern Avenue
Height Zone 3	100 feet	Center band of the site
Height Zone 4	140 feet	Southern most section of the site

- (2) the applicant HAS/HAS NOT demonstrated the following substantial benefit to the City:
 (select one)

The proposed Planned Unit Development (PUD) and development plan provide substantial benefits to the City as it will bring a vacant highly contaminated manufacturing site back to viability by providing a mixture of new uses that include new infrastructure within the site, improved streetscape, intersection and signal improvements along Eastern Avenue, services, gathering spaces, as well as, portions of naturalized environment for citizens to use and enjoy.

Heights

The previous PUD set up zones for future high density development ranging between 88 feet to 140 feet as well as established a 45 foot buffer along the western portion of the site. In the C-3 zoning district, heights above 60 feet to 100 feet are required to obtain conditional use approval and heights above 100 feet would be required to obtain a variance. These heights were approved following a rigorous review by the Planning Department’s Urban Design and Architectural Advisory Panel that considered the overall plan for a high-quality pedestrian development that took into considerations the topography of the site and the need to restrict the taller buildings further from the adjacent Greektown neighborhood. Each of the nine considerations in 13-204 (A) were considered by the Planning Commission’s recommendation for approval. Examples of the substantial benefits to the City required in 13-204 (D) include:

1. Use of sustainable design and architecture
2. Enhanced design characteristics for the mixed-use development
3. Community amenities including enhanced pedestrian spaces
4. Additional public improvements along Eastern Avenue and new traffic control devices

SOURCE OF FINDINGS:

(check all that apply)

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(use a separate Exception form for each Exception sought in the bill. Once all Exceptions have been reviewed, continue next to Condition page of this form if the Bill seeks Conditions. If no Conditions are sought, then go to Signature page of this Form.).

EXCEPTION:

To grant Section 9 of the bill, as an exception to the underlying regulations in the district for:

- Use
- Bulk
- Yard
- Parking; or
- Signage

the City Council has considered whether the exception will:
(check to evidence consideration)

- enhance the overall merit of the planned unit development;
- promote the objectives of both the City and the development;
- enhance the quality of the design of the structures and the site plan;
- enable the development to offer environmental and pedestrian amenities;
- not cause such an adverse impact on neighboring properties so as to outweigh the benefits of development;
- not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic;
- be compatible with the land use policies of the Comprehensive Master Plan;
- provide a substantial public benefit to the City, such as:
 - use of sustainable design and architecture, such as green roofs, white roofs, and other energy efficient design concepts, new building technologies, and qualifying as a Leadership in Energy and Environmental Design ("LEED") or LEED-equivalent structure;
 - enhanced design characteristics, including mixed-use development, circulation systems that utilize alleys or traffic-calming techniques, and a pedestrian-oriented environment;
 - community amenities, including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and transit facilities;
 - preservation of natural areas and site design that is sensitive to environmental features;
 - historic preservation and adaptive reuse of historic structures;
 - additional open-space and recreational amenities, such as recreational open space and playgrounds, including athletic fields, dog parks, natural water features, and conservation areas;
 - additional public infrastructure improvements, in addition to the minimum needed by the planned unit development, such as new or repaved streets, bicycle paths, gutters and sewers, and traffic control devices to improve traffic flow
 - senior housing set-aside;
 - affordable housing set-aside;
 - provision of accessible dwelling units with accessible features beyond those required by the Americans with Disabilities Act or any other applicable codes; or
 - provision of public car or bike share facilities.
- allow uses that predominantly match or are compatible with uses allowed in the underlying zoning district and the zoning districts of adjacent properties.

and for that exception to the underlying regulation, finds:

- (1) the applicant HAS/ HAS NOT demonstrated the following superior design and enhanced amenities:
(select one)

Exhibits C-8.0 Design Guidelines are meant to be used in conjunction with the PUD text and development plan. Together they illustrate the intent of the design and character of any future structures within the PUD. Design guidelines include language for parking.

- (2) the applicant HAS/ HAS NOT demonstrated the following substantial benefit to the City:
(select one)

The proposed Planned Unit Development (PUD) and development plan provide substantial benefits to the City as it will bring a vacant highly contaminated manufacturing site back to viability by providing a mixture of new uses that include new infrastructure within the site, improved streetscape, intersection and signal improvements along Eastern Avenue, services, gathering spaces, as well as, portions of naturalized environment for citizens to use and enjoy.

SOURCE OF FINDINGS:

(check all that apply)

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(use a separate Exception form for each Exception sought in the bill. Once all Exceptions have been reviewed, continue next to Condition page of this form if the Bill seeks Conditions. If no Conditions are sought, then go to Signature page of this Form.).

EXCEPTION:

To grant Section 11 of the bill, as an exception to the underlying regulations in the district for:

- Use
- Bulk
- Yard
- Parking; or
- Signage

*the City Council has considered whether the exception will:
(check to evidence consideration)*

- enhance the overall merit of the planned unit development;
- promote the objectives of both the City and the development;
- enhance the quality of the design of the structures and the site plan;
- enable the development to offer environmental and pedestrian amenities;
- not cause such an adverse impact on neighboring properties so as to outweigh the benefits of development;
- not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic;
- be compatible with the land use policies of the Comprehensive Master Plan;
- provide a substantial public benefit to the City, such as:
 - o use of sustainable design and architecture, such as green roofs, white roofs, and other energy efficient design concepts, new building technologies, and qualifying as a Leadership in Energy and Environmental Design ("LEED") or LEED-equivalent structure;
 - o enhanced design characteristics, including mixed-use development, circulation systems that utilize alleys or traffic-calming techniques, and a pedestrian-oriented environment;
 - o community amenities, including plazas, malls, formal gardens, places to congregate, outdoor seating, public art, and pedestrian and transit facilities;
 - o preservation of natural areas and site design that is sensitive to environmental features;
 - o historic preservation and adaptive reuse of historic structures;
 - o additional open-space and recreational amenities, such as recreational open space and playgrounds, including athletic fields, dog parks, natural water features, and conservation areas;
 - o additional public infrastructure improvements, in addition to the minimum needed by the planned unit development, such as new or repaved streets, bicycle paths, gutters and sewers, and traffic control devices to improve traffic flow
 - o senior housing set-aside;
 - o affordable housing set-aside;
 - o provision of accessible dwelling units with accessible features beyond those required by the Americans with Disabilities Act or any other applicable codes; or
 - o provision of public car or bike share facilities.
- allow uses that predominantly match or are compatible with uses allowed in the underlying zoning district and the zoning districts of adjacent properties.

and for that exception to the underlying regulation, finds:

- (1) the applicant HAS/ HAS NOT demonstrated the following superior design and enhanced amenities:
(select one)

Exhibits C-8.0 Development Guidelines are meant to be used in conjunction with the PUD text and development plan. Together they illustrate the intent of the design and character of any future structures within the PUD. Design guidelines include language for signage.

- (2) the applicant HAS/ HAS NOT demonstrated the following substantial benefit to the City:
(select one)

Signage

The comprehensive sign program will enhance the overall development plan

1. The program will enhance the City's economic development program.
2. The sign program has been designed as an integral part of the design plans.
3. The sign program will feature attractive pedestrian signage.
4. The sign program will not cause any adverse impact on neighboring properties.
5. The sign program will not negatively impact the value or enjoyment of surrounding properties, or the provision of municipal services or traffic flow.
6. The sign program is compatible with the City's land Use policies.
7. The sign program provides substantial public benefits as required by the Code.
8. The sign program will allow signs that are compatible with commercial and residential uses in the underlying zoning district and the zoning districts of adjacent properties.

SOURCE OF FINDINGS:

(check all that apply)

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Testimony presented at the Committee hearing:

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(use a separate Exception form for each Exception sought in the bill. Once all Exceptions have been reviewed, continue next to Condition page of this form if the Bill seeks Conditions. If no Conditions are sought, then go to Signature page of this Form.)

CONDITION:

To impose the condition, restriction or limitation in Section 6a of the bill, the City Council has found that

- (1) the condition **IS/ IS NOT** necessary for the protection of the public interest because:
(select one)

The uses align to the presumed rezoning of 5601 Eastern Avenue to C-3 by Bill 18-0269. The allowable use list must be amended to allow for two conditional uses:

1. a retail goods establishment (with alcoholic beverage sales) and
2. a gas station.

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 design guidelines that respect and compliment the surrounding neighborhood. Therefore, this proposed PUD should not be detrimental to the character and nature of existing and contemplated development in the immediate area.

Liquor licenses are governed by the State of Maryland and the Liquor Board.

1. The establishment of the license will require the approval of the Liquor Board.
2. The new license will not be precluded by any other law.
3. The new license will not be contrary to the public interest.
4. The authorization will be in harmony with the purpose and intent of the Code.

- (2) the condition **IS/ IS NOT** reasonably related to the expected impact of the PUD because of the:
(select one)

1. The large nature of the 20+ acre site and the relative isolation of the license from adjacent neighborhoods.
2. The planned access improvements that restrict vehicular traffic to Eastern Avenue.
3. The nature of the surrounding area and the lack of impact of the proposed license.
4. The large distance of the use from dwellings, churches, schools and other places of public gathering.
5. The accessibility of emergency vehicles as evidenced by the Fire Department's approval

- (3) the condition **IS/ IS NOT** roughly proportional to the expected impact of the PUD as follows:
(select one)

The original purpose of the condition was to ensure that a stand-alone off premise retail sales establishment would not be permitted but that an existing tavern Class B license owned by the applicant could be used to compliment the future grocery store as an accessory use. Nevertheless the required conditional use approval by the city Council for alcohol sales in the underlying C-3 zoning district needs to be satisfied.

SOURCE OF FINDINGS:

(check all that apply)

Planning Report

- Baltimore City Planning Commission – Agency Report on Bill 18-0270– Dated August 7, 2018
- Baltimore City Department of Planning – Staff Report – Dated August 2, 2018

Testimony presented at the Committee hearing:

Oral – Witnesses Names:

- Ms. Tamara Woods, Staff, Department of Planning
- Ms. Hilary Ruley, Staff, Baltimore City Law Department
- Ms. Valerie LaCour, Staff, Baltimore City Department of Transportation
- Mr. Alfred W. Barry, III, Representative – AB Associates, LLC

Written – Authors Names:

- Baltimore City Law Department – Agency Report on Bill 18-0270
- Department of Transportation – Agency Report on Bill 18-0270- September 12, 2018
- AB Associates, Mr. Alfred W. Barry, III, Representative – Letter – September 10, 2018
- Development Plans – Exhibits C-1.0 – C-8.0 – Dated July 12, 2018

(use a separate Condition form for each Condition sought in the bill. Once all Conditions have been reviewed, continue next to Signature page).

CONDITION:

To impose the condition, restriction or limitation in Section 10 of the bill, the City Council has found that

- (1) the condition **IS/ IS NOT** necessary for the protection of the public interest because:
(select one)

Exhibits C-8.0 Development Guidelines are meant to be used in conjunction with the PUD text and development plan. Together they illustrate the intent of the design and character of any future structures within the PUD. Design guidelines include a discussion of the use of a Frontage Zone, Pedestrian Zone, Public Amenity Zone and Roadway Edge Zone within the PUD. Specifically, the Frontage Zone lies adjacent to building frontages and serves as a transition area.

- (2) the condition **IS/ IS NOT** reasonably related to the expected impact of the PUD because:
(select one)

The Frontage Zone forms the outer edge of the public right-of-way and typically is defined by a building façade, constructed wall, or landscape screening treatment. This zone provides a connection of pedestrian circulation of the public sidewalk to the interior of the buildings. It allows for retailers and restaurants to extend their programs out into the hardscape. Some uses or programs include displays, street furniture, seating, tables, planters, and other elements as a means of engaging passerby and activating the public streetscape. This area is an opportunity for places of interest like outdoor dining without constricting the adjacent flow of pedestrian traffic.

- (3) the condition **IS/ IS NOT** roughly proportional to the expected impact of the PUD as follows:
(select one)

The PUD will provide significant features such as welcoming and enhanced pedestrian areas that facilitate movement both to the new development from the community and within the development itself. This principle also recognizes the importance of the architectural treatments such as windows and entrances within the plan to reinforce and welcome pedestrian activity.

SOURCE OF FINDINGS:

(check all that apply)

 Planning Report

- Baltimore City Planning Commission – Agency Report on Bill 18-0270– Dated August 7, 2018
- Baltimore City Department of Planning – Staff Report – Dated August 2, 2018

 Testimony presented at the Committee hearing:

 Oral – Witnesses Names:

- Ms. Tamara Woods, Staff, Department of Planning
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- Mr. Alfred W. Barry, III, Representative – AB Associates, LLC

Written – Authors Names:

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- AB Associates, Mr. Alfred W. Barry, III, Representative – Letter – September 10, 2018
- Development Plans – Exhibits C-1.0 – C-8.0 – Dated July 12, 2018

(use a separate Condition form for each Condition sought in the bill. Once all Conditions have been reviewed, continue next to Signature page).

CONDITION:

To impose the condition, restriction or limitation in Section 11 of the bill, the City Council has found that

- (1) the condition **IS**/ **IS NOT** necessary for the protection of the public interest because:
(select one)

Design guidelines in the PUD speak to items within the public spaces such as signage. Exhibits C-8.0 Design Guidelines are meant to be used in conjunction with the PUD text and development plan. Together they illustrate the intent of the design and character of any future structures within the PUD. There are guidelines for signage.

- (2) the condition **IS**/ **IS NOT** reasonably related to the expected impact of the PUD because:
(select one)

The prior PUD included a subsequent Planning Commission approval on December 12, 2017 for a comprehensive sign package consistent with the previous Zoning Code and PUD. This proposed repeal and replace, like the existing PUD establishes a comprehensive, yet flexible development plan for the site, which includes building structures and signage.

- (3) the condition **IS**/ **IS NOT** roughly proportional to the expected impact of the PUD as follows:
(select one)

Total permitted signage within the Planned Unit Development is per the underlying zoning. Any development plans for new construction included in the PUD exhibits is for concept only. The project will require Final Design Approval by the Planning Commission in the future.

SOURCE OF FINDINGS:

(check all that apply)

 Planning Report

- Baltimore City Planning Commission – Agency Report on Bill 18-0270– Dated August 7, 2018
- Baltimore City Department of Planning – Staff Report – Dated August 2, 2018

 Testimony presented at the Committee hearing: **Oral – Witnesses Names:**

- Ms. Tamara Woods, Staff, Department of Planning
- Ms. Hilary Ruley, Staff, Baltimore City Law Department
- Ms. Valerie LaCour, Staff, Baltimore City Department of Transportation
- Mr. Alfred W. Barry, III, Representative – AB Associates, LLC

 Written – Authors Names:

- Baltimore City Law Department – Agency Report on Bill 18-0270
- Department of Transportation – Agency Report on Bill 18-0270- September 12, 2018

- AB Associates, Mr. Alfred W. Barry, III, Representative – Letter – September 10, 2018
- Development Plans – Exhibits C-1.0 – C-8.0 – Dated July 12, 2018
- Development Plans – Exhibits C-1.0 – C-8.0 – Dated July 12, 2018

(use a separate Condition form for each Condition sought in the bill.
Once all Conditions have been reviewed, continue next to Signature page).

CONDITION:

To impose the condition, restriction or limitation in Section 8 of the bill, the City Council has found that

- (1) the condition **IS/ IS NOT** necessary for the protection of the public interest because:
(select one)

Traffic Impacts were reviewed by the Department of Transportation (DOT) for the Planned Unit Development (PUD) proposed at 5601 Eastern Avenue. The site is located in the Pulaski industrial area which is adjacent to the Greektown and Bayview neighborhoods of southeast Baltimore. Eastern Avenue is an arterial roadway designated as a local truck route on the Baltimore City Truck Map.

Trip generation estimates were based primarily on ITE methodology. The trip generation is a compilation of data collected from numerous sources. In the ITE Trip generation, 7th Edition, data are combined from thousands of trip generation studies. This information is by no means all inclusive; however, it represents the best information available at this time.

DOT concluded that the PUD had a total daily automobile trip generation of 9,900 for the total maximum density of the PUD. Discounts and credits were applied for local bus, non-motorized (walking/cycling) and pass-by discount reducing the total trips generated to net daily trips 6,800.

- (2) the condition **IS/ IS NOT** reasonably related to the expected impact of the PUD because:
(select one)

The proposed site trips forecasted for the maximum density allowed in the PUD are based on the best data available. The actual trips from the site may vary depending on final program build out and future transportation options. In conjunction with the proposed access points of the site, the developer is making improvements to the roadway network adjacent to the site including the traffic signal at Bayview Boulevard. However, in order to provide adequate mitigation for the forecasted new daily trips generated, DOT has negotiated additional improvements for multimodal traffic management.

- (3) the condition **IS/ IS NOT** roughly proportional to the expected impact of the PUD as follows:
(select one)

The above traffic mitigation required by DOT will not only provide additional access improvements to the site but also traffic management to the surrounding network.

SOURCE OF FINDINGS:

(check all that apply)

Planning Report

- Baltimore City Planning Commission – Agency Report on Bill 18-0270– Dated August 7, 2018
- Baltimore City Department of Planning – Staff Report – Dated August 2, 2018

Testimony presented at the Committee hearing:

Oral – Witnesses Names:

- Ms. Tamara Woods, Staff, Department of Planning
- Ms. Hilary Ruley, Staff, Baltimore City Law Department
- Ms. Valerie LaCour, Staff, Baltimore City Department of Transportation
- Mr. Alfred W. Barry, III, Representative – AB Associates, LLC

Written – Authors Names:

- Baltimore City Law Department – Agency Report on Bill 18-0270
- Department of Transportation – Agency Report on Bill 18-0270- September 12, 2018
- AB Associates, Mr. Alfred W. Barry, III, Representative – Letter – September 10, 2018
- Development Plans – Exhibits C-1.0 – C-8.0 – Dated July 12, 2018

(use a separate Condition form for each Condition sought in the bill.
Once all Conditions have been reviewed, continue next to Signature page).

LAND USE AND TRANSPORTATION COMMITTEE:

Edward Jensen
Chairman

Member

CT - End
Member

Member

H. Dansey
Member

Member

Robert Stokes
Member

Member

BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION VOTING RECORD

DATE: September 12, 2018

BILL#: 18-0270

BILL TITLE: Planned Unit Development - Designation - 5601 Eastern Avenue

MOTION BY: Clark SECONDED BY: Stoke

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	7			

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC



501 N. Calvert St., P.O. Box 1377
Baltimore, Maryland 21278-0001
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5756677

Sold To:

Baltimore City Council - CU00201379
100 Holliday St
Rom 409
Baltimore, MD 21202-3427

Bill To:

TRP-MCB Real Estate - CU80000772
5601 Eastern Ave
Baltimore, MD 21224-2726

Was published in "The Baltimore Sun", "Daily", a newspaper printed and published in Baltimore City on the following dates:

Aug 13, 2018; Aug 28, 2018

The Baltimore Sun Media Group

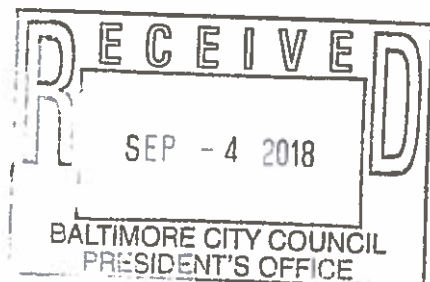
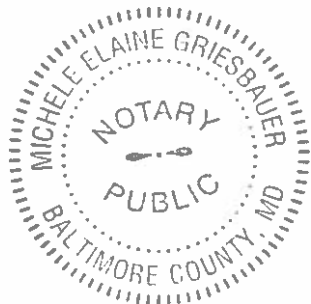
By S. Wilkinson

Subscribed and sworn to before me this 30 day of Aug 2018,
Legal Advertising

By Michele Elaine Griesbauer

Notary Public

My commission expires 10/5/19



BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 18-0270
The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, September 12, 2018 at 1:10 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0270.
CC - 18-0270 ORDINANCE - Planned Unit Development - Designation - 5601 Eastern Avenue - FOR the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.
BY authority of Article 32 - Zoning Section 5-201(a) and Title 13 Baltimore City Revised Code (Edition 2000)
Applicant: TRP-MCB Real Estate 5601 Eastern, LLC c/o AB Associates
For more information contact: Committee Staff at (410) 396-1260.
NOTE: This bill is subject to amendment by the Baltimore City Council.
EDWARD REISINGER, Chair

CERTIFICATE OF POSTING

RE: Case No. CCB 18-0270

Date of Hearing 9/12/18

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 signs was posted conspicuously, on the properties located at: _____

5601 Eastern Avenue & 5801 Eastern Avenue

_____ on 8/13/18

Sincerely,

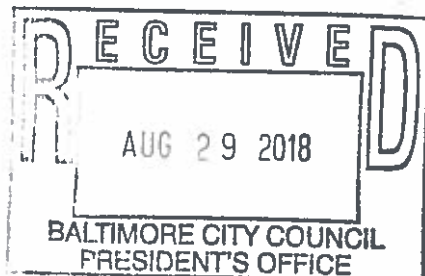
 _____

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

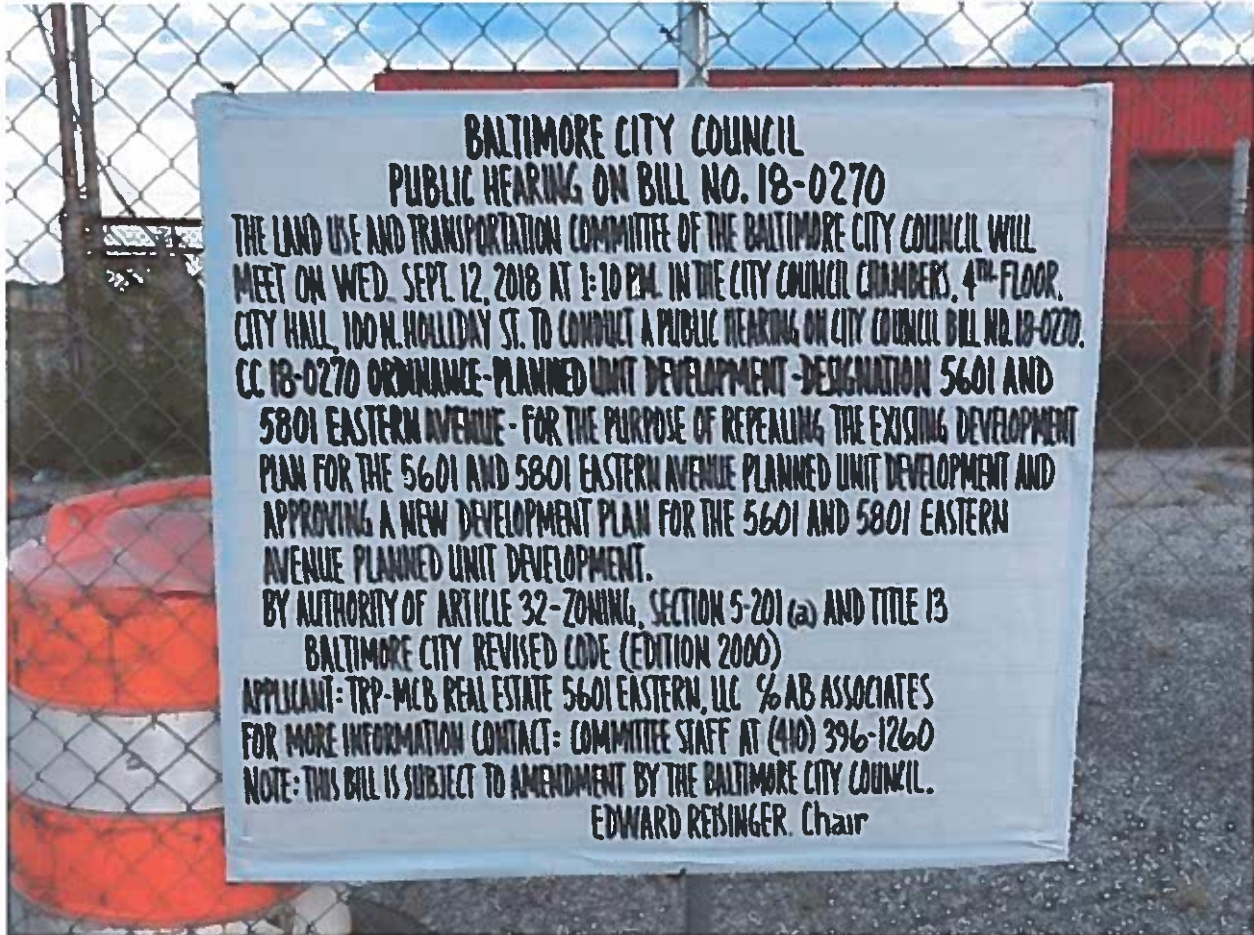


Certificate of Posting

Baltimore City Council

Land Use and Transportation Committee

City Council Bill No. 18-0270



5601 Eastern Avenue

Posted 8/13/18

Richard E. Hoffman 8/13/18

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

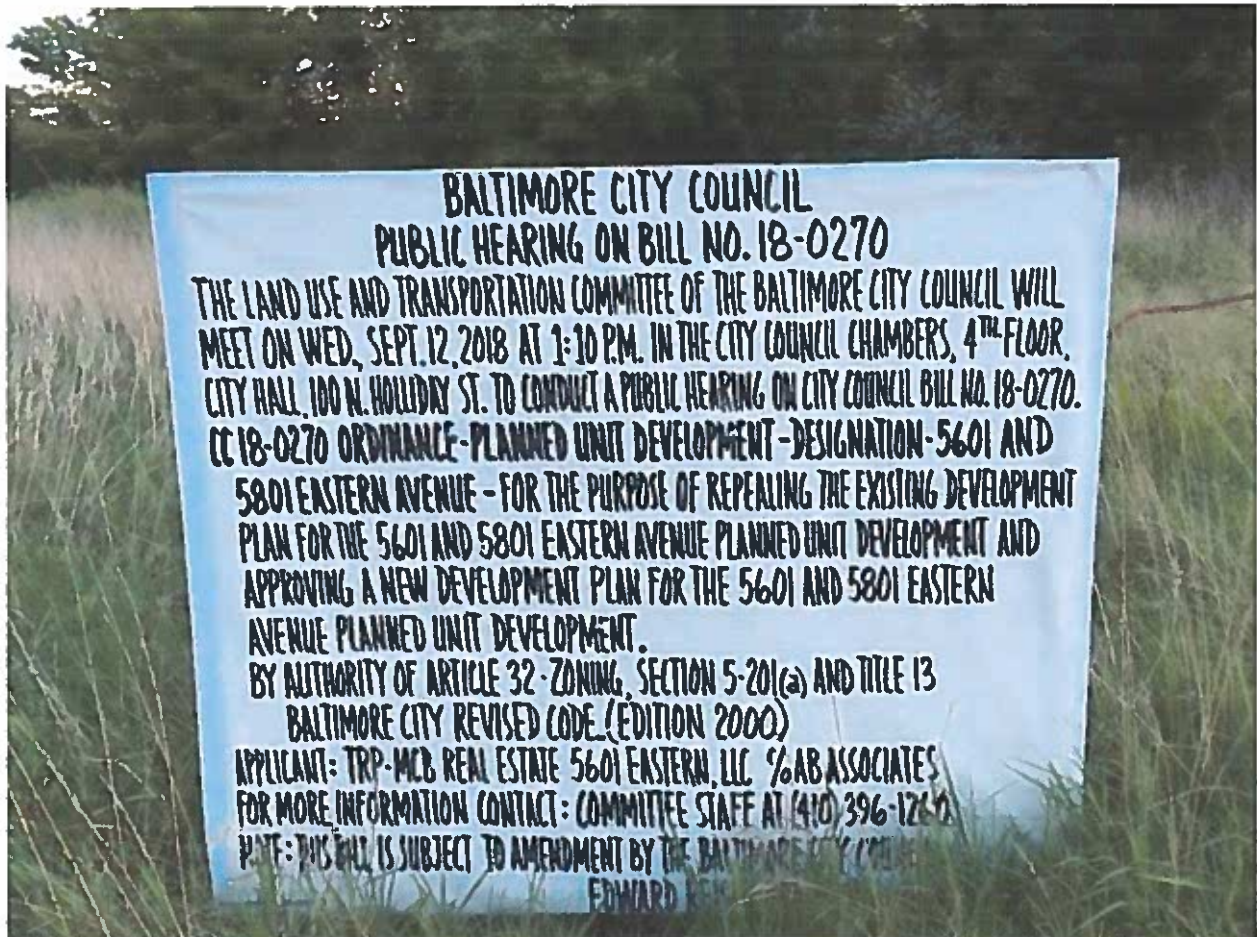
443-243-7360

Certificate of Posting

Baltimore City Council

Land Use and Transportation Committee

City Council Bill No. 18-0270



5801 Eastern Avenue

Posted 8/13/18

 - 8/13/18

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

Coates, Jennifer

From: Coates, Jennifer
Sent: Tuesday, August 07, 2018 5:01 PM
To: 'AB Associates'
Cc: Cohen, Zeke; Austin, Natawna B.; Bishop, Ervin
Subject: Hearing for City Council Bill 18-0270
Attachments: PNI - Letter - 18-0270 - Planned Unit Development - Designation - 5601 Eastern Avenue 09-12-18.docx; Sign Posting Contacts.pdf; Afro American; Michele Griesbauer - Sunpaper - Advertising; Darlene Miller - Daily Record; Sample - Certificate of Posting - Attachment C.docx

Good Afternoon Mr. Barry:

Attached is the information you will need to post a sign and publish a newspaper ad for the subject bill to be heard by the Land Use and Transportation Committee on **September 12, 2018 at 1:10 p.m.** at City Hall in the City Council Chamber. I have also attached a contact list for sign makers, contacts for the newspaper ad and a sample template for the sign certification.

Thank you and feel free to call me if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL.



Jennifer L. Coates

*Senior Legislative Policy Analyst
Office of Council Services*

100 N. Holliday Street, Room 415
Baltimore, MD 21202

jennifer.coates@baltimorecity.gov

OFFICE OF COUNCIL SERVICES

Office: (410) 396-1260

Fax: (410) 545-7596

Confidentiality Notice:

This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain legal or other confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated.

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: MCB Real Estate, LLC c/o AB Associates

FROM: Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee, Baltimore City Council

Date: August 7, 2018

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS (REZONINGS); TEXT AMENDMENTS AND PLANNED UNIT DEVELOPMENTS

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

Bill: City Council Bill No. 18-0270

Date: Wednesday, September 12, 2018

Time: 1:10 p.m.

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

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising from accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers.

Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

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

Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (*See Attachment A*); the deadline date is indicated in BOLD letters at the top of Attachment A.

Certification of Postings

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

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

Sign Posting:	August 13, 2018
Newspaper Advertisement:	August 28, 2018
Written Notice to Property Owners:	August 28, 2018

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use and Transportation Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

ATTACHMENT A

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE POSTED ON A SIGN ON THE PROPERTY BY **WEDNESDAY, AUGUST 13, 2018** AND PUBLISHED **BY WEDNESDAY AUGUST 28, 2018**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 18-0270**

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, September 12, 2018 at 1:10 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0270.

CC 18-0270 ORDINANCE - Planned Unit Development - Designation - 5601 Eastern Avenue - FOR the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

By authority of
Article 32 – Zoning
Section 5-201(a) and Title 13
Baltimore City Revised Code
(Edition 2000)

Applicant: TRP-MCB Real Estate 5601 Eastern, LLC c/o AB Associates

For more information contact: Committee Staff at (410) 396-1260.

NOTE: This bill is subject to amendment by the Baltimore City Council.

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

TRP-MCB Real Estate 5601 Eastern, LLC
c/o AB Associates
201 E. Baltimore Street, #1150
Baltimore, MD 21202
(410) 547-6900

**ZONING
SUBTITLE 6 - NOTICES**

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - (i) by posting in a conspicuous place on the subject property; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and
- (2) for a comprehensive rezoning:
 - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
- (3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

- (1) posted at least 30 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.

Baltimore City Council
Certificate of Posting - Public Hearing Notice

City Council Bill No.:

Today's Date: [Insert Here]

(Place a picture of the posted sign in the space below.)

Address:

Date Posted:

Name:

Address:

Telephone:

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

ADVERTISING SIGNS MAY BE OBTAINED FROM THE FOLLOWING:

RICHARD HOFFMAN
AMERICAN DRAFTING SERVICE
904 DELLWOOD DRIVE
BALTIMORE, MARYLAND 21047

PHONE: (410) 879-3122
E-MAIL: DICK_E@COMCAST.NET

LA GRANDE VISION
JAMES EARL REID
408 E. EAGER STREET
BALTIMORE, MARYLAND 21202

PHONE: (410) 448-4913 or (410) 783-1555

FAX (410) 783-1559

SIGNS BY ANTHONY
ANTHONY L. GREENE
2815 TODKILL TRACE
EDGEWOOD, MD 21040

PHONE: 443-866-8717
FAX: 410-676-5446
E-MAIL: bones_malone@comcast.net

LINDA O'KEEFE
523 PENNY LANE
HUNT VALLEY, MD 21030
PHONE: 410-666-5366
CELL: 443-604-6431
E-MAIL: LUCKYLINDA1954@YAHOO.COM

OR ANY OTHER COMPANY OF YOUR CHOICE. THE SIGNS MUST BE MADE IN ACCORDANCE WITH THE RULES OF THE BOARD OF MUNICIPAL AND ZONING APPEALS.

THIS OFFICE IS NOT ASSOCIATED WITH ANY OF THE ABOVE DRAFTING COMPANIES, NOR DO WE RECOMMEND ANY SPECIFIC ONE.

Coates, Jennifer

Full Name: Michele Griesbauer
Last Name: Griesbauer
First Name: Michele
Company: Sunpaper - Advertising

Business Address: <http://ts.merlinone.com/scripts/foxisapi.dll/sur.x.go?WHkI8OI--1>

Business: (410) 332-6381
Business Fax: (410) 783-2507

E-mail: mgriesbauer@baltsun.com
E-mail Display As: Sunpaper - Advertising (mgriesbauer@baltsun.com)

Monday, June 09, 2014 4:07 PM:
Michele Wharton 410-332-6522

Coates, Jennifer

Full Name: Afro American
Last Name: American
First Name: Afro
Business: (410) 554-8251
E-mail: TRobinson@afro.com
E-mail Display As: TRobinson@afro.com

Cancelled

CITY OF BALTIMORE

CATHERINE E. PUGIL, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: MCB Real Estate c/o AB Associates

FROM: Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee, Baltimore City Council

Date: June 26, 2018

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS (REZONINGS); TEXT AMENDMENTS AND PLANNED UNIT DEVELOPMENTS

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

Bill: City Council Bill No. 18-0270

Date: Wednesday, August 1, 2018

Time: 1:15 p.m.

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

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers

Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

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

Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (*See Attachment A*); the deadline date is indicated in BOLD letters at the top of Attachment A.

Certification of Postings

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

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

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use and Transportation Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE POSTED BY **JULY 2, 2018** AND PUBLISHED BY **JULY 17, 2018**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

**BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 18-0270**

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, August 1, 2018 at 1:15 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0270.

CC 18-0270 ORDINANCE - Planned Unit Development - Designation - 5601 Eastern Avenue- FOR the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

BY authority of
Article 32 - Zoning
Section 5-201(a) and Title 13
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: MCB Real Estate c/o AB Associates

For more information contact: Jennifer Coates, Committee Staff at (410) 396-1260.

EDWARD REISINGER

Chair

SEND CERTIFICATION OF PUBLICATION TO:
ADVERTISEMENT TO:

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

SEND BILL FOR THIS

MCB Real Estate c/o AB Associates
201 E. Baltimore Street, #1150
Baltimore, MD 21202
410-547-6900

**ZONING
SUBTITLE 6 - NOTICES**

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - (i) by posting in a conspicuous place on the subject property; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and
- (3) for a comprehensive rezoning:
 - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
- (3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

- (1) posted at least 30 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.

ADVERTISING SIGNS MAY BE OBTAINED FROM THE FOLLOWING:

RICHARD HOFFMAN
AMERICAN DRAFTING SERVICE
904 DELLWOOD DRIVE
BALTIMORE, MARYLAND 21047

PHONE: (410) 879-3122
E-MAIL: DICK_E@COMCAST.NET

LA GRANDE VISION
JAMES EARL REID
408 E. EAGER STREET
BALTIMORE, MARYLAND 21202

PHONE: (410) 448-4913 or (410) 783-1555

FAX (410) 783-1559

SIGNS BY ANTHONY
ANTHONY L. GREENE
2815 TODKILL TRACE
EDGEWOOD, MD 21040

PHONE: 443-866-8717

FAX: 410-676-5446

E-MAIL: bones_malone@comcast.net

LINDA O'KEEFE
523 PENNY LANE
HUNT VALLEY, MD 21030

PHONE: 410-666-5366

CELL: 443-604-6431

E-MAIL: LUCKYLINDA1954@YAHOO.COM

OR ANY OTHER COMPANY OF YOUR CHOICE. THE SIGNS MUST BE MADE IN ACCORDANCE WITH THE RULES OF THE BOARD OF MUNICIPAL AND ZONING APPEALS.

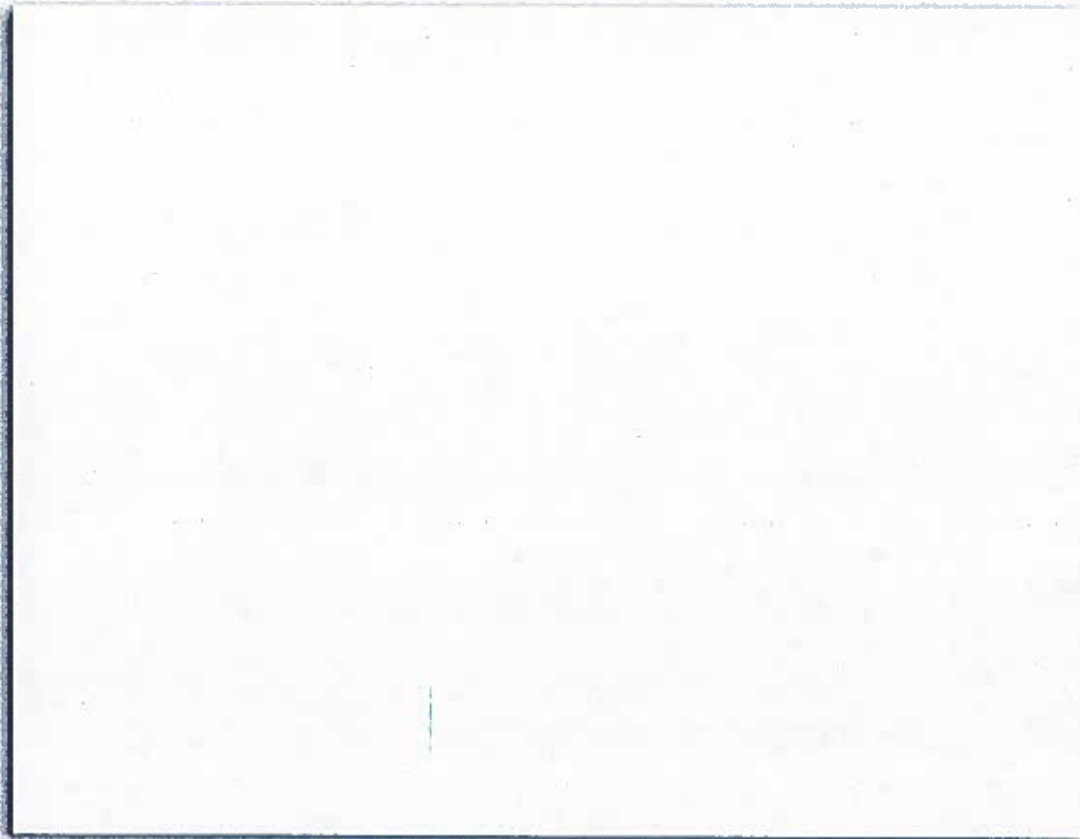
THIS OFFICE IS NOT ASSOCIATED WITH ANY OF THE ABOVE DRAFTING COMPANIES, NOR DO WE RECOMMEND ANY SPECIFIC ONE.

Baltimore City Council
Certificate of Posting - Public Hearing Notice

City Council Bill No.:

Today's Date: [Insert Here]

(Place a picture of the posted sign in the picture box below.)



Address:

Date Posted:

Name:

Address:

Telephone:

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

Cancelled

CERTIFICATE OF POSTING

RE: Case No. CCB 18-0270

Date of Hearing 8/1/18

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 was posted conspicuously, on the property located at _____

5601 Eastern Avenue

_____ on 7/2/18

Sincerely,

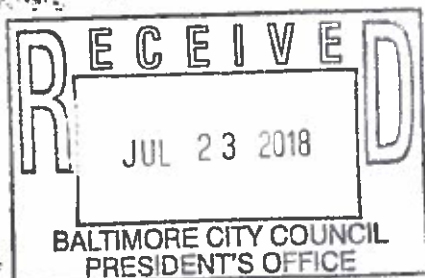


Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

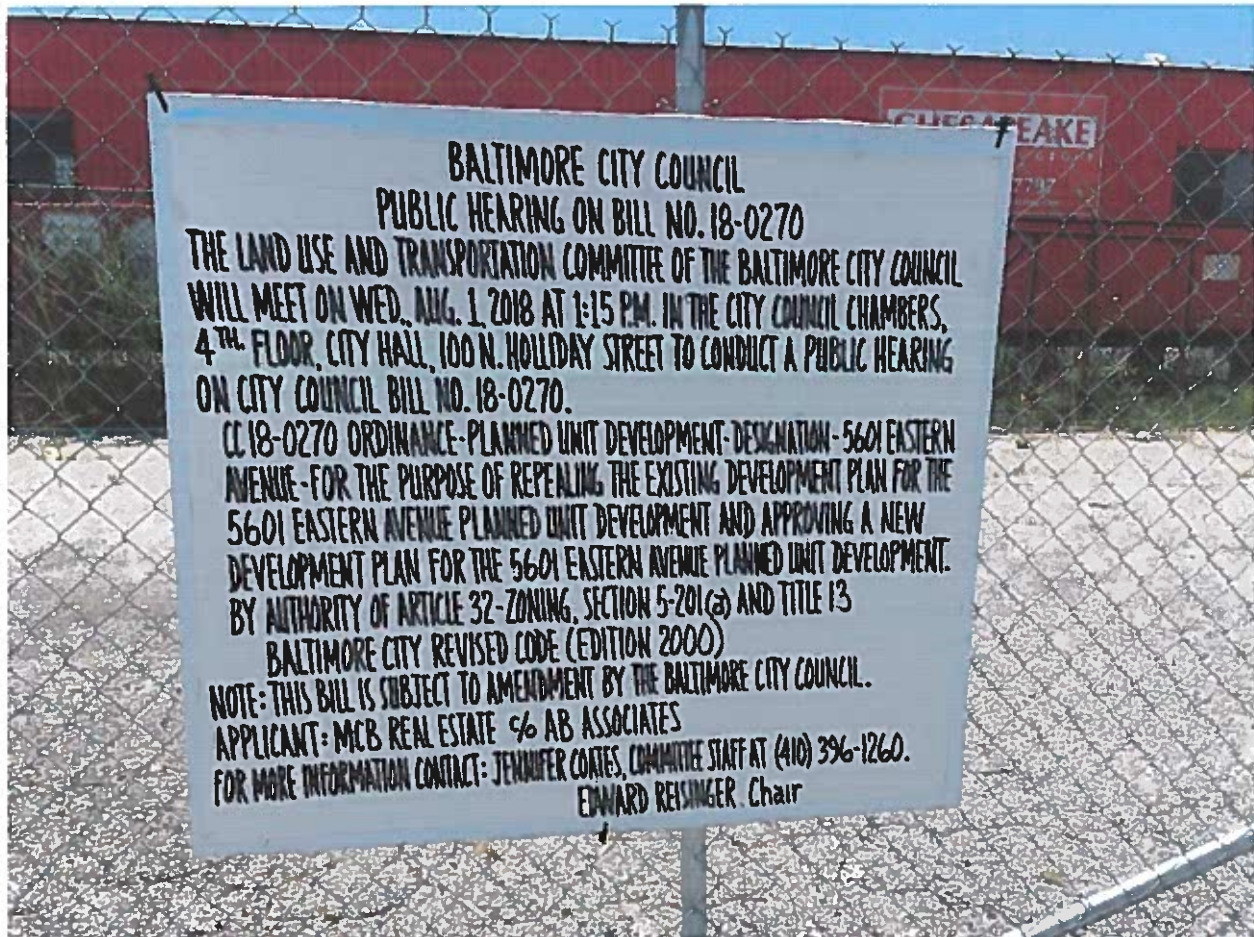


Certificate of Posting

Baltimore City Council

Land Use and Transportation Committee

City Council Bill No. 18-0270



5601 Eastern Avenue


Posted 7/2/18

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #18-0270/ PLANNED UNIT DEVELOPMENT - DESIGNATION-5601 EASTERN AVENUE		

TJS

TO

DATE: August 7, 2018

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

At its regular meeting of August 2, 2018, the Planning Commission considered City Council Bill #18-0270 for the purpose of repealing and replacing the 5601 Eastern Avenue Planned Unit Development #157.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #18-0270 and adopted the following resolution; nine members being present (seven in favor and two recusals).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #18-0270 be amended and passed by the City Council.

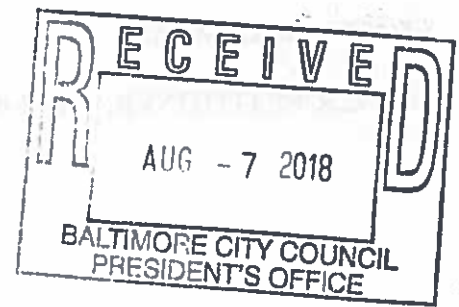
If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

TJS/ewt

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
- Mr. Kyron Banks, Mayor's Office
- The Honorable Edward Reisinger, Council Rep. to Planning Commission
- Mr. William H. Cole IV, BDC
- Mr. Derek Baumgardner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Ms. Elena DiPietro, Law Dept.
- Mr. Francis Burnszynski, PABC
- Ms. Eboni Wimbush, DOT
- Ms. Natawna Austin, Council Services
- Mr. Ervin Bishop, Council Services
- Mr. Alfred Barry, AB Associates

Fav w/ Amends





Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

August 2, 2018

REQUEST: City Council Bill #18-0270/ Planned Unit Development – Designation– 5601 Eastern Avenue

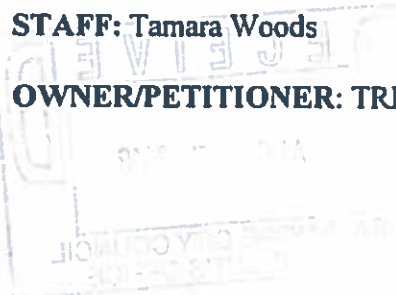
For the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

RECOMMENDATION: Approval with the following amendments:

- Amend page 1, Recitals: In lines 15 through 19 **strike** the words “that is to be added to ... and final plan approvals from the Planning Commission, and to revise certain text provisions.”
- Amend page 2, Section 3 to **replace** all exhibits C-1.0 through C-7.0 dated June 20, 2018 with all new exhibits C-1.0 through C-7.0, dated July 12, 2018.
- Amend page 2, Section 3 to **add** new exhibit “Exhibit C-8.0, ‘Design Guidelines,’” dated July 12, 2018 after line 22.
- Amend page 2, Section 6 (a), to read “Uses allowed in the Planned Unit Development are those uses permitted under Title 10-205 and Table 10-301. In addition, the two following conditional uses are allowed: Retail Goods Establishment (With Alcoholic Beverages Sales) and Gas Station.”
- Amend page 2, Section 6(b) to read “1 Retail Goods Establishment (With Alcoholic Beverages Sales) when within a full service grocery store whose net leasable area exceeds 15,000 square feet; and”
- Amend page 2, Section 6, to **strike** “(c) 1 gas station as approve under the Final Development Plan at 5801 Eastern Avenue.”
- Amend page 3, to **strike** Section 8 in its entirety and renumber the sections.
- Amend page 4, Section 11 to **strike** lines 4 through 8, “(b) A maximum of three monument...facing I-95 will be permitted.”
- Amend page 4, Section 13, to **add** language on line 18 after “Ordinance.” the following language: “All Final Design Approvals previously accepted in the existing PUD established in 2015 are accepted under this PUD, subject to other Agency comments.”

STAFF: Tamara Woods

OWNER/PETITIONER: TRP-MCB 5601 Eastern LLC



SITE/GENERAL AREA

General Area:

The existing 5601 Eastern Avenue Planned Unit Development (PUD) is located in the Pulaski Industrial Area, which is adjacent to the Greektown and Bayview neighborhoods of southeast Baltimore. The site is situated on the south side of Eastern Avenue, across from the Johns Hopkins Bayview Hospital and is bounded by Bonsal Street to the east, Umbra Street to the west and I-95 bounds the site to the south.

Site Conditions:

The subject parcel, 5601 Eastern Avenue, is approximately 20 acres (871,751 square feet). The site was improved with several warehouse buildings that have recently been demolished. Within the 20 acres there are significant grade changes, most notably from an upper section fronting Bonsal Street that is roughly 19 feet higher in elevation than that fronting Eastern Avenue. There is also a significant slope from Eastern Avenue to the rear of the site. In addition to the physical characteristics of the site, there are also environmental challenges.

For many years, the Pemco Corporation, as well as other corporations, held this site to manufacture glass and porcelain. Throughout the time it was used for heavy manufacturing waste porcelain and glass, known as "frit," was disposed of in the western portion of the site. The owner is currently working with the Maryland Department of the Environment to do proper mitigation.

HISTORY

- Ordinance 15-379 was signed by the Mayor on June 24, 2015 to rezone 5601 Eastern Avenue from the M-3 zoning district to the B-2-3 zoning district.
- Ordinance 15-380 was signed by the Mayor on June 24, 2015 to establish the 5601 Eastern Avenue Planned Unit Development.
- On May 4, 2017, the Planning Commission approved the Final Design for the LA Fitness.
- On December 21, 2017, the Planning Commission approved the Final Design proposed retail and site for the Eastern side of the site, as well as a Phase I Signage Package.
- On May 31, 2018, the Planning Commission approved a major subdivision for 5601 Eastern Avenue.

ANALYSIS

Project Overview: The 5601 Eastern Avenue Planned Unit Development (PUD) is a mixed-use commercial and residential development. The development plan proposes the creation of a new mixed use development that includes both a low density and high density option that would be built in phases. As stated before, this site is a former industrial site. The proposed land uses and density in the PUD are based on a 2015 rezoning that rezoned the site from M-3 to B-2-3. At the time of the 2015 PUD approval, the site was one parcel. In May 2018, the Planning Commission approved a major subdivision, which is in the process of being recorded. In addition, the developer is currently under contract to acquire 5801 Eastern Avenue. Their desire is to add this parcel to the PUD and eventually consolidate to the easternmost parcel to create a new retail opportunity that fronts Eastern Avenue.

In 2016, the City Council of Baltimore approved a new zoning code which went into effect on June 5, 2017. In that zoning code new rules for PUDs went into effect and the property of 5601 Eastern Avenue was rezoned to I-2, an industrial zoning. Also, the new zoning code, which went into effect in June 2017, created new rules for PUDs that require repeal and replacement of the PUD for any major change. This requirement to repeal and replace the PUD, necessitates the rezoning of the property because PUDs cannot be established in the I-2 zoning category. Without rezoning, no major changes could be done with the existing PUD. That being said, many of the changes would have required a major amendment to the PUD under the old rules. The transition rules are put in place to require projects to become current to existing zoning rules if the desire is to make substantial changes to the PUD.

City Council Bill #18-0270 / Planned Unit Development – Designation – 5601 Eastern Avenue

As previously noted, Ordinance 15-380 was signed by the Mayor in June 2015 to establish the 5601 Eastern Avenue Planned Unit Development. Though the developer is currently in permits for one building within the PUD and plans to submit permits prior to a new PUD being in place, there are major changes proposed within the PUD legislation from the existing PUD. These changes are:

- Expansion of PUD boundaries to include a new parcel 5801 Eastern Avenue.
- The formal removal of a high-density development plan option (though the development plan was modified via Minor Change in May 2017 to pursue buildout of the low-density development plan option.)
- Modification in the development plan concept for the PUD, including modifying the planned hotel site, for a possible medical office building, inclusion of a new retail/gas station site at 5801 Eastern Avenue (to be combined with previously shown parking lot site.)
- Significant changes to the use structure within the text.

Development Plan: This proposed repeal and replace, like the existing PUD, establishes a comprehensive, yet flexible development plan for the site by establishing a physical layout of proposed improvements on both 5601 Eastern Avenue and 5801 Eastern Avenue, but the text sets maximum square footage and height limits across the development plan.

The proposed limits mirror limits that are in the existing PUD. The total development of the entirety of the PUD area is limited to 2 million SF. In addition to this cap, there is a square footage cap by the type of land uses provided within the PUD. The PUD anticipates a mix of retail, office, residential and hotel. The table below shows the land use cap. The limits are as follows:

Land Use Limits
Retail – 184,000 SF
Office – 376,000 SF
Residential – 1,350 units
Hotel – 350,000 SF

While these limits cap the amount of density allowed per land use within the PUD, the building envelope for any future building is also capped by height limits on the Development Plan. The height zones help to define the street wall and align to the topography of the site which slopes downward toward the rear of the site. The table below shows the height zones, limits and approximate locations.

Zone	Height Limit	Location
No Build Zone	65 foot buffer	Western most edge of site near Greektown
Height Zone 1	45 feet	Low height adjacent to no build zone
Height Zone 2	88.6 feet	Northern band along Eastern Avenue
Height Zone 3	100 feet	Center band of the site
Height Zone 4	140 feet	Southern most section of the site

Land Use: The proposed uses for this PUD in Section 6 of the legislation are contingent upon rezoning the site from the I-2 zoning district to the C-3 zoning district (refer to companion legislation City Council Bill #18-0269). The proposed PUD lists permitted uses and prohibited uses individually. As the bill is written, all uses permitted in the C-3 zoning district would be allowed within the PUD.

Also added is the allowance of a limit of one retail goods establishment when within a grocery store larger than 15,000 SF. Overall, the land use provisions within the bill are in keeping with the character of the surrounding neighborhoods and promote a healthy mix of commercial and residential uses.

Development Plan Reviews: Both Design Review and Site Plan Review are currently underway for this PUD. The PUD master plan, as well as various aspects of the development plan are continuously evolving as there is a current PUD in place which has been used for a current subdivision that has not been recorded and existing permit applications which are under review.

Conformance with Title 13: As part of the analysis of City Council Bill #18-0270, staff reviewed § 13-203 *Approval standards* and §13-204 *Exceptions from district regulations*. Title 13 also states that § 5-405 *Conditions* and § 5-406 *Approval standards* from the Conditional Use criteria must be reviewed in conjunction with the additional requirements of Title 13. This proposal must satisfy the requirements of the governing standards for PUDs per Title 13 and consequently Title 5 of the Zoning Code. Staff offers the following considerations from our review:

- The proposed PUD would not be detrimental to the public health, safety or welfare.
- The proposed PUD is not contrary to the public interest.

- The proposed PUD is in harmony with this code, provided the rezoning to C-3 per the companion bill City Council Bill #18-0269 is passed and goes into effect.
- 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 design guidelines that respect and compliment the surrounding neighborhood. 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 has been thoughtfully considered to accommodate the existing topography of the land. There are tremendous slopes across the entirety of the PUD. The established heights and proposed development plan take the topography into consideration.
- The proposal will not create any situation that should negatively impact future development potential or the use, maintenance or value of neighboring areas already developed.
- The new construction 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.
- The proposed PUD and development plan provide substantial benefits to the City, as it will bring a vacant highly contaminated manufacturing site back to viability by provided a mixture of new uses that include new infrastructure within the site, improved streetscape, intersection and signal improvements along Eastern Avenue, services, gathering spaces, as well as, portions of naturalized environment for citizens to use and enjoy.

Legislative Amendments: There are several amendments that Planning Staff is proposing to this bill. The amendments and purpose of them are as follows:

1. Amend page 1, Recitals: In lines 15 through 19 **strike** the words “that is to be added to ... and final plan approvals from the Planning Commission, and to revise certain text provisions.”
2. Amend page 2, Section 3 to **replace** all exhibits C-1.0 through C-7.0 dated June 20, 2018 with all new exhibits C-1.0 through C-7.0, dated July 12, 2018.
3. Amend page 2, Section 3 to **add** new exhibit “Exhibit C-8.0, ‘Design Guidelines,’” dated July 12, 2018 after line 22.
4. Amend page 2, Section 6 (a), to read “Uses allowed in the Planned Unit Development are those uses permitted under Title 10-205 and Table 10-301. In addition, the two following conditional uses are allowed: Retail Goods Establishment (With Alcoholic Beverages Sales) and Gas Station.”

5. Amend page 2, Section 6(b) to read "1 Retail Goods Establishment (With Alcoholic Beverages Sales) when within a full service grocery store whose net leasable area exceeds 15,000 square feet; and"
6. Amend page 2, Section 6, to strike "(c) 1 gas station as approve under the Final Development Plan at 5801 Eastern Avenue."
7. Amend page 3, to strike Section 8 in its entirety and renumber the sections.
8. Amend page 4, Section 11 to strike lines 4 through 8, "(b) A maximum of three monument...facing I-95 will be permitted."
9. Amend page 4, Section 13, to add language on line 18 after "Ordinance." the following language: "All Final Design Approvals previously accepted in the existing PUD established in 2015 are accepted under this PUD, subject to other Agency comments."

Purpose of Amendments 1 and 6

Proposed Amendments 1 and 4 are regarding the Final Design Approval of a property, 5801 Eastern Avenue, that is not currently in the existing PUD that will be adjoined in the future to a parcel that is currently in the PUD. The establishing PUD for this property cannot at its creation also approve the Final Design that per language of this bill and the existing PUD are in the authority of the Planning Commission. Any development plans for new construction included in the PUD exhibits is for concept only. The project will require Final Design Approval by the Planning Commission in the future.

The intended developer of the retail space is not the petitioner of this PUD, though the petitioner of the PUD is purchasing 5801 Eastern Avenue. Planning Staff has had a pre-development meeting with the intended developer to thoroughly review the project or ascertain exactly which approvals would be needed. In addition, the engineer for the site, MRA, attended one Site Plan Review Committee meeting on July 11, 2018, one day prior to the July 12, 2018 Planning Commission hearing. Design Review has just begun.

Purposed of Amendments 2 and 3

The exhibits as introduced have been updated to reflect changes made since introduction. These include changes to the development plan to show that the plan for the eastern-most edge is conceptual, updates to show the current zoning code classification and proposed boundaries to the Forest Delineation Plan and an updated landscape plan exhibit. All of the exhibit sheets should be replaced with new dates so as not to confuse sheets upon approval of the PUD.

In addition, a new exhibit "C-8.0 Design Guidelines" is to be added (See Appendix). This document is included in the existing PUD and was inadvertently not included in the introduction of the current PUD City Council Bill #18-0270. The design guidelines include language on parking, building form and placement and general planting. They also include streetscape design guidance for various zones: Frontage Zone, Pedestrian Zone, Public Amenity Zone and Roadway Edge Zone. The guidelines speak to screening, street furniture and other items within the public spaces. They are meant to be used in conjunction with the PUD text and development plan. Together they illustrate the intent of the design and character of any future structures within the PUD.

Purpose of Amendment 4 and 5

These amendments pertain to the allowable uses within the PUD. The uses align to the presumed rezoning of 5601 Eastern Avenue to C-3. The allowable use list must be amended to allow for two conditional uses under the zoning code. "Retail Goods Establishment (With Alcoholic Beverages Sales) and Gas Station. In addition, amendment five is just to match the use name to what is it called in the zoning code. Amendment 6 is not needed as the

Purpose of Amendment 7

Liquor licenses are governed by the State of Maryland and the Liquor Board. The Board of Municipal and Zoning Appeals does not issue conditional uses for liquor licenses as alluded to in (a) of Section 8. The section is not needed as the PUD will be allowed to receive the proper licenses per the Liquor Board. The limit on the number of establishments allowed is included within the land use section of City Council Bill #18-0270.

Purpose of Amendment 8

This section is not needed. The total amount of signage is calculated for the entirety of the PUD. The development plan show the locations of the proposed monument signs. In addition, the proposed Amendment 6 will allow for any previous approvals to be accepted, which include two of the proposed monument signs.

Purpose of Amendment 9

As previously mentioned, there is an existing PUD for this property that had current Final Design Approvals received in 2017. In addition, the developer has submitted for permits for the LA Fitness, that is the subject of the May 2017 Planning Commission Approval. It is expected that the developer may submit for permits under the existing PUD prior to the passage of CCB #18-0270 or within weeks of passage. This language will allow for continuity of prior Final Design Approvals as they transition to a new PUD. The intent is that the design will stand, but subject to any other agency reviews that may require a change. If the developer changes the designs substantially, new Planning Commission approval would be required.

Notifications:

In advance of a hearing on this matter, staff notified the Community Leaders of Bayview, representatives from the following associations: the Bayview Community Association, Southeast Neighborhoods Development (SEND) Southeast CDC, the Greater Greektown Neighborhood Alliance and City Councilman Zeke Cohen.



Thomas J. Stosur
Director

**Appendix
Amendment #6
Design Guidelines Exhibit C-8.0**

DESIGN GUIDELINES

5601 and 5801 EASTERN AVENUE

BALTIMORE, MD 21224

BUSINESS PLANNED UNIT DEVELOPMENT PLAN

EXHIBIT C-8.0

JULY 12, 2018

Note: The illustrations contained in this document show the design intent, but do not represent a formal approval of any site or building design. The illustrations contained herein are conceptual and guidelines only, and are subject to Final Design Approval. Specific references (names) to internal circulation streets and drives are for descriptive purposes only.

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DESIGN PRINCIPLES

5601 Eastern Avenue Business Planned Unit Development

INTRODUCTION

These design principles are intended to support the overall intent behind the specific guidelines that accompany the Planned Unit Development approval of 5601 Eastern Avenue and its redevelopment into a mixed-use center with retail, office, fuel service station/convenience store, medical, hotel and residential uses.

The 5601 Eastern Avenue Business Planned Unit Development consist of the parcels addressed as 5601 Eastern Avenue and 5801 Eastern Avenue but will be referenced to as 5601 Eastern Avenue.

1. An integrated redevelopment plan

The entire site of 5601 Eastern Avenue will be designed as a cohesive redevelopment plan with integrated design and architectural features that complement each of the individual phases and the surrounding residential and institutional communities. The plan is intended to be a phased project within four distinct Development Areas (Design Guidelines Exhibit A).

2. Create a pedestrian –friendly, mixed-use environment

Provide significant features such as welcoming and enhanced pedestrian areas that facilitate movement both to the new development from the community and within the development itself. This principle also recognizes the importance of the architectural treatments such as windows and entrances within the plan to reinforce and welcome pedestrian activity.

3. Create a high-quality environment

The use of high-quality design elements and materials in both the architectural and landscaping elements throughout the redevelopment plan are intended to promote a quality destination environment that emphasizes the redevelopment as an asset that reinforces the on-going revitalization of the overall community.

4. Undertake the environmental remediation and planning of the entire site as the initial phase

The entire 20.6-acre property will undergo remedial action and planning with Maryland Department of the Environment (MDE) and U.S. Environmental Protection Agency (EPA) approval prior to commencement of any of the redevelopment phases.

5. Complete the initial landscaping areas following environmental remediation

The landscaped areas along both Eastern Avenue and the buffer adjacent to the Greektown community (Design Guidelines Exhibit B) will be implemented as part of the initial phase of redevelopment in order to establish the overall landscaping intent.

STREETSCAPE DESIGN

The objective is to create streetscape designs that focus on improving the attractiveness and effectiveness of the pedestrian network with a level of safety, social spaces, amenities, and active uses that reinforce and encourage pedestrian activity along the street corridor.

- Streetscape at retail/restaurant frontage areas must accommodate pedestrian activities and allow retail/restaurant programs to spread out into the hardscape area.
- The streetscape design must screen parking lots from adjacent public rights-of-way. In order to screen headlights from the parked car a 3.5' +/- height wall or landscape screening buffer will be required facing Eastern Avenue. The parking lot shall be graded to be lower than the sidewalk along Eastern Avenue to enhance the screening. Walls should be constructed out of durable, low maintenance materials coordinated with the materials used on building facades. Walls should be placed on the inside edge of the landscape strip with the planting on the Eastern Avenue side of the wall or in wider buffers, placed to allow planting on both sides of the wall.
- An 8' wide clear unobstructed, linear sidewalk space must be created to allow for pedestrian circulation. If there are project constraints effecting the design, an ADA compliant, unobstructed walking path must maintained. Where space allows within the pedestrian zone street furniture is encouraged as long as the minimum clear zone is maintained.
- The area at roadway edge should be clear of any amenity element and should be set back as much as 3 feet from the face of the street curb to avoid conflict with on-street parking (e.g. car doors, passenger loading, etc.), but no less than 1.5 feet.

General Sidewalk Design

Sidewalk widths are established at 8 feet. If there are project constraints effecting the design, an ADA compliant, unobstructed walking path must maintained. Public sidewalks will provide a direct and continuous pedestrian network with a clear, unobstructed pedestrian path way throughout the development. Sidewalks will be cast-in-place concrete or integral colored concrete with thoughtful score line design.

Paving Design

The pedestrian experience shall be enhanced through the variation of paving materials. Paving material, color, and pattern shall provide visual cues to help define pedestrian access and safety. The surfaces shall be attractive, durable and of high-quality. Design options for paving surfaces include: cast-in-place concrete, integral colored concrete, stamped concrete, non-slip finish concrete, and stamped asphalt.

Colors to be coordinated with architecture.

- Special paving shall be located at high visibility locations like entrances and intersections

Lighting Selection and Design

All lighting shall be dark sky compliant. When possible, street lighting shall be pedestrian

oriented 12'- 15' high decorative poles. To provide additional pedestrian lighting and night light effects, accent lighting should be incorporated when appropriate. Wall washes, LED colored light, light strings, and pendant lights are encouraged at entries and gathering areas. When required for vehicular safety, cobra lighting, or a similar vehicular scale fixture, shall be installed.

General Planting Guidelines and Design

To enhance the pedestrian experience, planting of the public spaces adds visual interest, softens the urban edges, and provides shade. It also creates buffers, pedestrian scale, and assists with storm water management. When selecting a planting palette, consideration shall be given to compatibility with the urban environment (i.e. limited space for roots and canopies, limited soil fertility increased urban pollution, etc.) and multi-seasonal interest.

Streetscape planting shall have a consistent and well-coordinated planting scheme where specific species are repeated regularly throughout the site to provide visual continuity and identity of spaces. The plant palette selected should assist in unifying the site while also offering periodic accent points. Landscaping should not obstruct pedestrian through-traffic or access to the street or retail storefronts. Spacing of trees shall coordinate with utilities, sight clearances, and maintaining views of retail signage and storefronts.

Proper clearance of plant material includes the following:

- Shrubs shall be trimmed to three (3) feet or less in height above the grade of the sidewalk
- Tree canopies shall be trimmed up to at least eight (8) feet over the sidewalk when trees have matured.
- Street trees shall be selected that have a branching pattern that will not obscure storefront windows or conflict with truck/pedestrian access.
- Where possible, trees shall be spaced 25'-35' to maintain a consistent overhead canopy; provided, however, final tree locations shall be coordinated with utilities.
- Tree pits shall be a minimum of 4'x8' and may include continuous planting strips or pits.

STREETSCAPE ZONES

For purposes of these guidelines, the pedestrian realm has been subdivided into four zones: the frontage zone, the pedestrian zone, the amenity zone and the roadway edge zone. These zones are conceptual, and may vary in areas along the street.

- Frontage zone-adjacent to building frontages and serves as a transition area
- Pedestrian zone- primarily accommodates pedestrian circulation and ensures an 8' unobstructed sidewalk width for pedestrian through-traffic (If design constraints are present, at a minimum, the path shall be an ADA complaint walking path.)
- Amenity zone- adjacent to the street and accommodates a landscape buffer, storm water management, and street furnishings (Minimum 4' Width)
- Roadway edge zone- this zone's purpose is to allow cars parked along the street enough room to open their car doors without any obstructions (Minimum 1.5' Width)

Frontage Zone

The frontage zone forms the outer edge of the public right-of-way and typically is defined by a building façade, constructed wall, or landscape screening treatment. This zone provides a connection of pedestrian circulation of the public sidewalk to the interior of the buildings. It allows for retailers and restaurants to extend their programs out into the hardscape. Some uses or programs include displays, street furniture, seating, tables, planters, and other elements as a means of engaging passersby and activating the public streetscape. This area is an opportunity for places of interest like outdoor dining without constricting the adjacent flow of pedestrian traffic.

The streetscape design must screen parking lots from adjacent public rights-of Way. In order to screen headlights from the parked car a 3.5' +/- height wall or landscape screening treatment will be required with landscaping in front of the wall facing Eastern Avenue. Walls shall be constructed of durable, low maintenance materials coordinated with the materials used on building facades or coordinated with the existing church facade. Walls shall be placed on the inside edge of the landscape strip with the planting on Eastern Avenue side of the wall or in wider buffers, placed to allow planting on both sides of the walls.

Pedestrian Zone

The pedestrian zone's intent is to facilitate the efficient movement of pedestrians between the frontage zone and the public amenity zone. It provides a wide unobstructed, linear sidewalk space that is free of street furniture, street trees, planters, and other vertical elements (Refer to General Sidewalk Design listed above). Where space allows within the pedestrian zone street furniture can be introduced as long as the minimum, ADA compliant, clear zone is maintained. The pedestrian zone should generally remain straight, and never be less than ADA compliant at specific constrained locations.

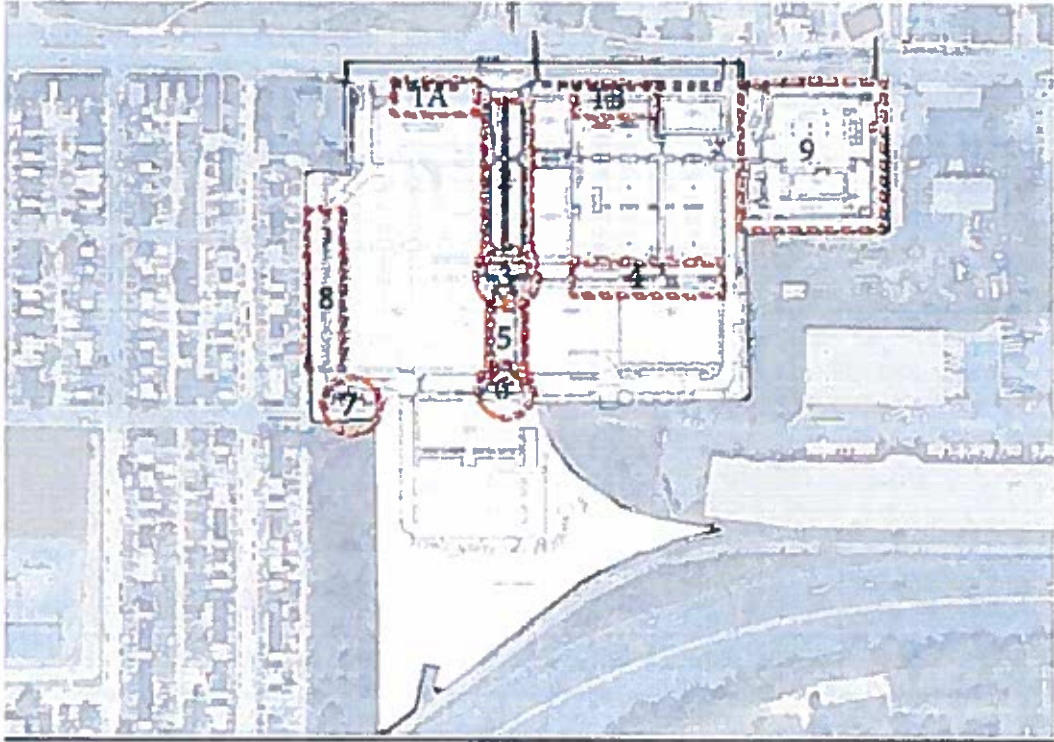
Public Amenity Zone

The public amenity zone contains streetscape amenities that work and coordinate with the pedestrian zone. It includes features such as street trees, landscaping, micro-bioretenion, site furniture, seating, and other features. This space not only acts as a buffer from vehicular traffic but enhances the aesthetics of the streetscape and activates the space with its designated functions. Streetscape features should be repeated to provide a continuity and identity along the street. Where possible and appropriate, furniture shall be oriented to allow for social interaction. Amenities located in this zone improve the visual appearance of the street, and assist in making the streetscape a functional/ active space. Street furnishing design, type, color and material shall be consistent. Along Eastern Avenue there shall be a sufficient landscape buffer provided which may include storm water management areas.

Roadway Edge Zone

The public amenity and the roadway edge zone is the area directly adjacent to the street and buffers pedestrians from the street. Where feasible in the roadway edge zone, elements within the Public Amenity Zone generally should be set back at minimum 1.5' to 3' feet from the face of the street curb to avoid conflict with on-street parking (e.g. car doors, passenger loading, etc.),

AREA LOCATION MAP

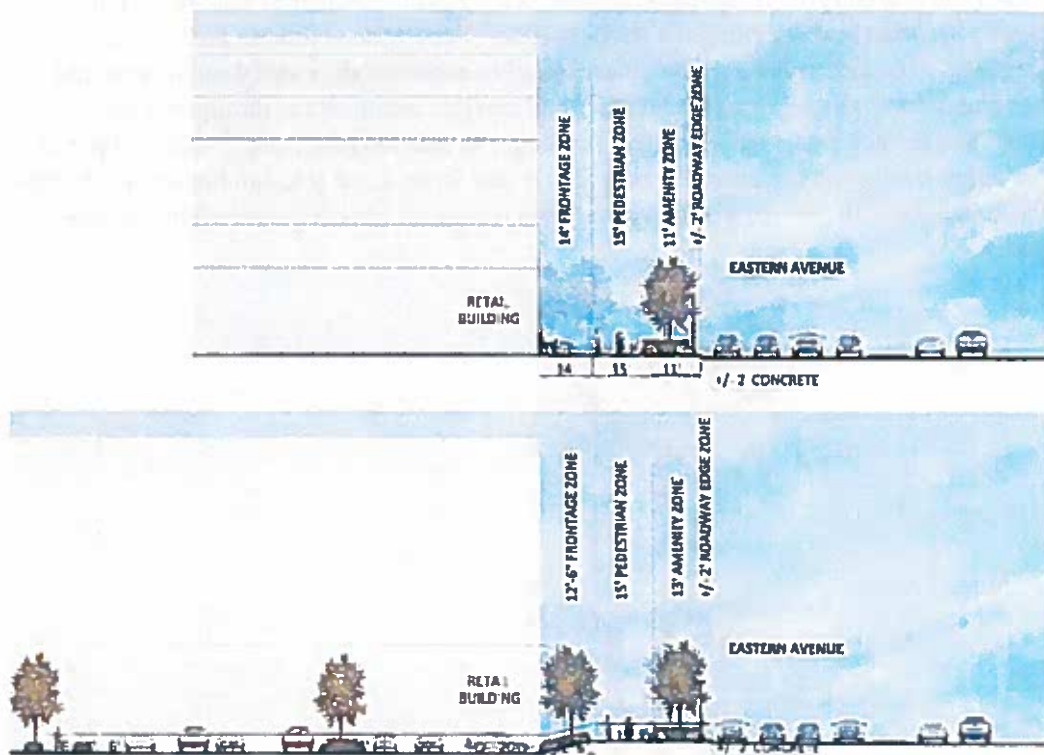


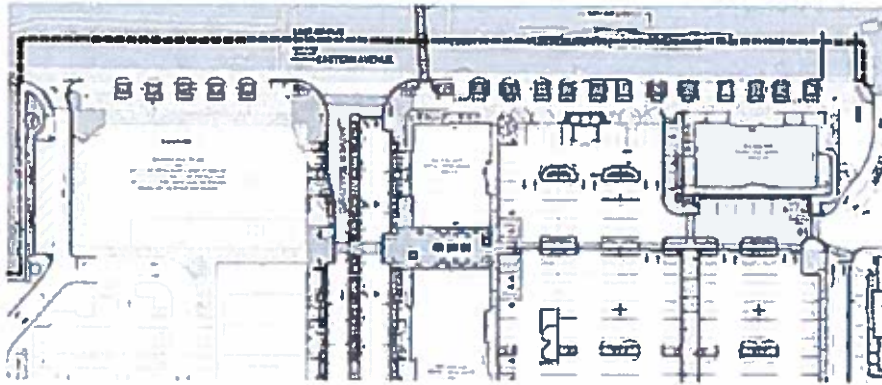
1. STREETScape ON EASTERN AVENUE

The streetscape along Eastern Avenue (shown on Design Guidelines Exhibits B and C) shall maintain an average 42' +/- setback from the travel lanes. This setback was created to coordinate with the adjacent church to the west of the property. Where appropriate, existing pedestrian access and crosswalks shall be incorporated into the pedestrian access areas and create a link to the community.

- Encourage locations that coordinate with public transportation spots.
- Maintain an average 42' +/- setback from travel lanes.
- Lighting along Eastern Avenue shall be coordinated with the project design.
- Provide bike racks and benches.
- Create a landscape buffer along Eastern Avenue; landscaped area can be designed as a micro-bioretention area.

No permanent or temporary surface parking lot shall be permitted within 42 feet of the Eastern Avenue travel lanes.



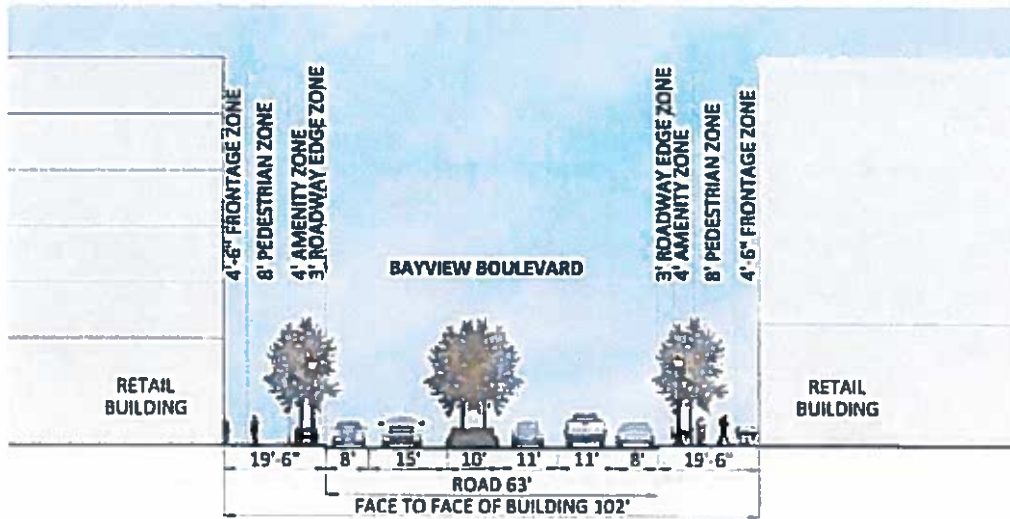


*All dimensions are approximate and subject to change.

2. UPPER BAYVIEW BOULEVARD DESIGN

The focus of the design is on the aesthetics and effectiveness of the pedestrian network that encourages pedestrian activity along the street corridor. Pedestrian elements such as site furnishings and wide sidewalks shall be incorporated to accommodate social interaction and amenities like outdoor dining. Provide benches and smaller seating areas throughout the streetscape. Street trees along this street shall be larger in size ranging from 3"-3.5" caliper to provide a larger tree canopy. Upper Bayview Boulevard Streetscape (Design Guidelines Exhibit C) will also include a 10' +/- median that provides a refuge for crossing pedestrians between retail spaces.

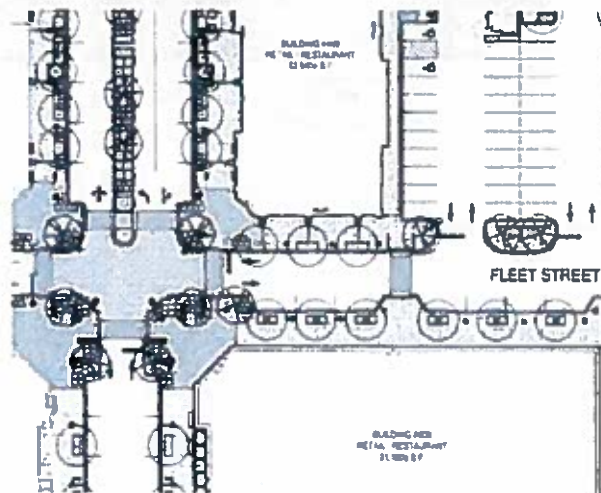


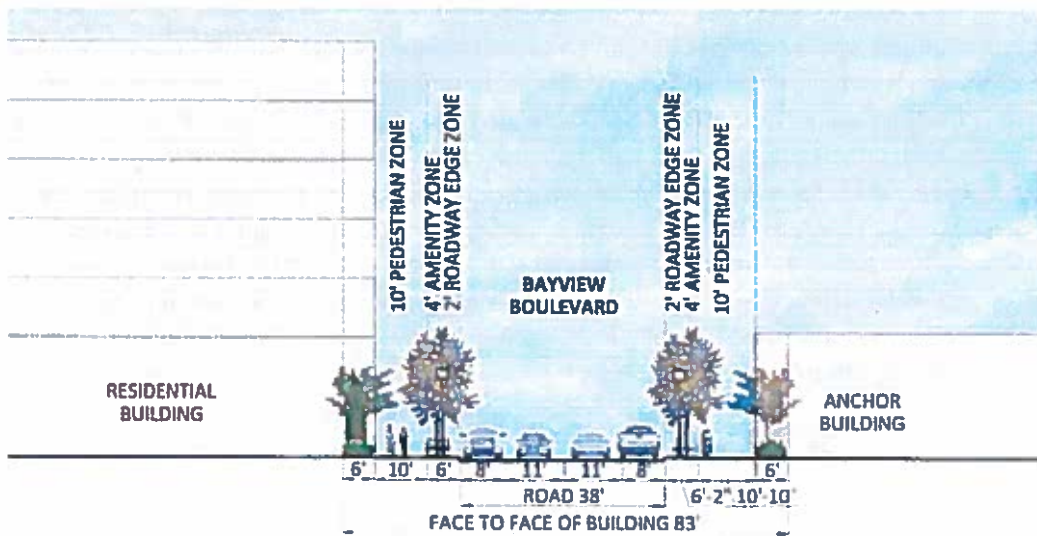
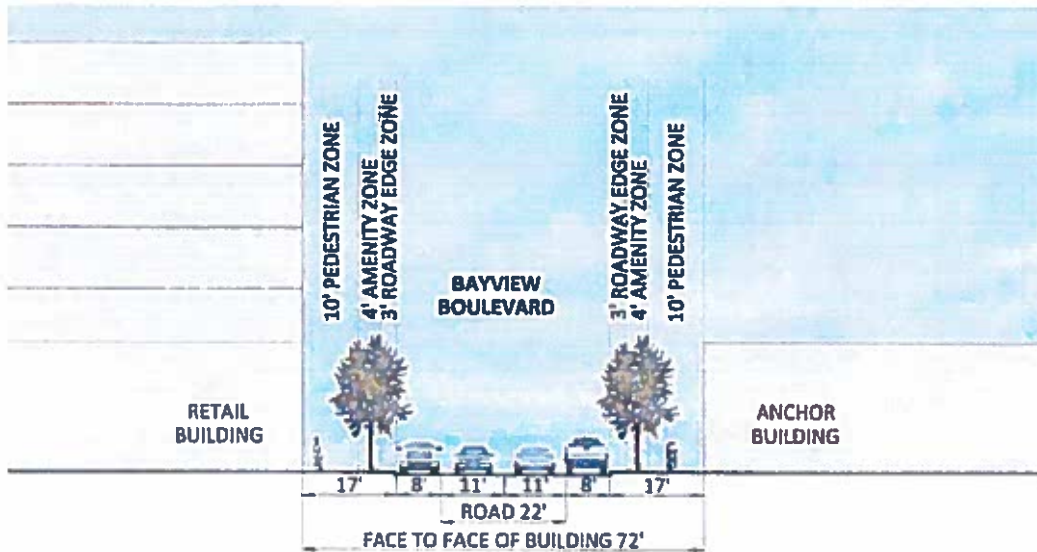


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3. BAYVIEW BOULEVARD AND FLEET STREET INTERSECTION DESIGN

This intersection (Design Guidelines Exhibit C) is the terminus point of the designated retail area and therefore needs to have a special identity. The buildings in this area will be chamfered to accommodate opportunities for pedestrians to activate the area. This will also allow retailers and restaurants to extend their programs out into the hardscape. This may include displays, street furniture, seating, tables for outdoor dining areas, planters, and other elements as a means of engaging passersby. This intersection shall have special paving patterns and attractive pedestrian crosswalks. To help aid in traffic calming and add a distinctive character in this area, raised planters or seat walls will help separate the pedestrian and vehicular traffic. Site furniture, lighting, seating areas, and outdoor dining is encouraged in this area. The area shall provide a Tree canopy and opportunities for accent planting.

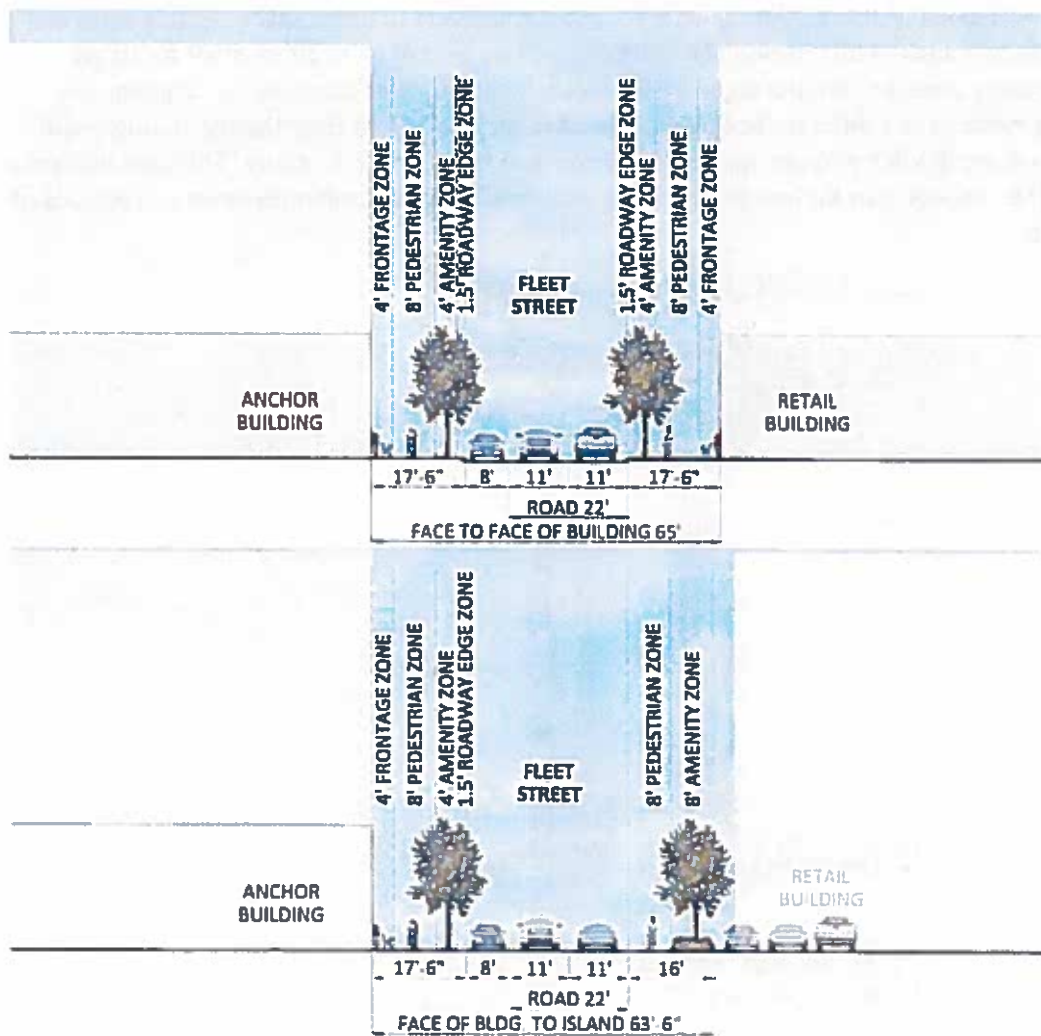




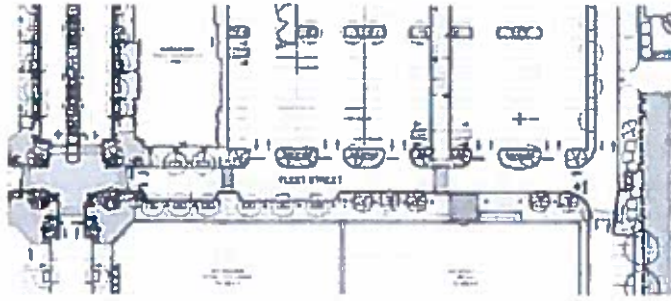
*All dimensions are approximate and subject to change.

4. FLEET STREET ADJACENT TO ANCHOR BUILDING STREETSCAPE DESIGN

This area (Design Guidelines Exhibit C) is designated to act as: 1) a buffer between the parking lot and the anchor building entrance; or, 2) a drive aisle serving surface and structured parking. The use of special paving and bollards is encouraged to help identify the space as a pedestrian friendly walkway. Bollards can be used to mark pathway entries and the bollard styles and color shall match other site furniture. At the far east of Fleet Street, a focal point shall be created to be visible from the Bayview Boulevard and Fleet Street intersection. This focal point can be created by a special landscaped area or a feature wall which may have special signage and lighting.

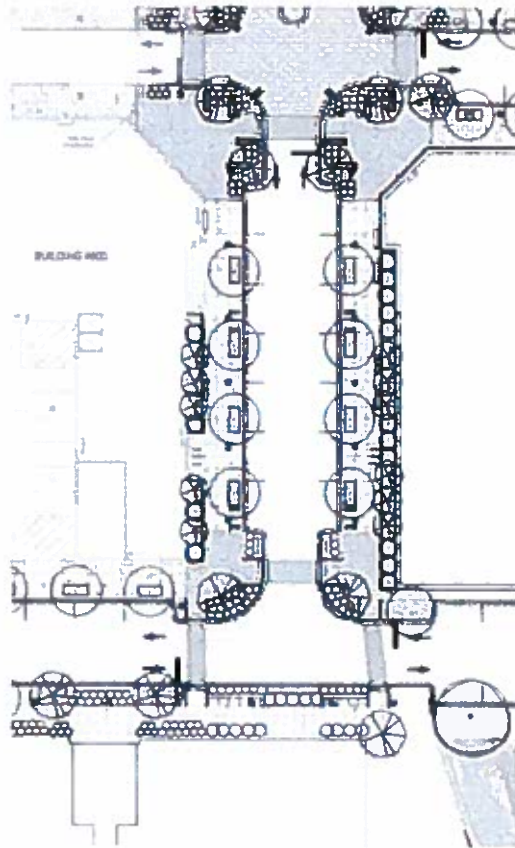


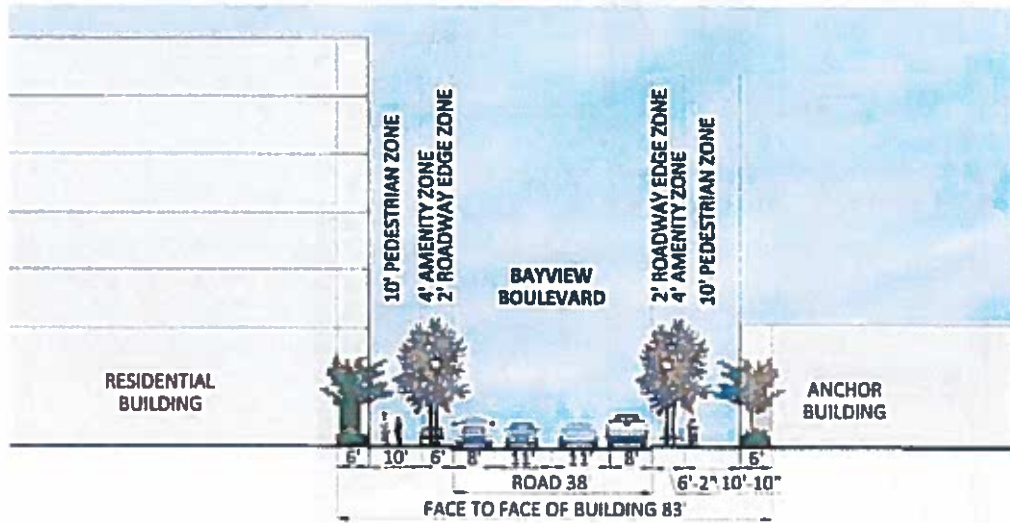
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5. LOWER BAYVIEW BOULEVARD STREETSCAPE DESIGN

The character transitions here (Design Guidelines Exhibit C) from a retail corridor to an outdoor residential amenity space. This “quieter space” is comprised of green space, seating areas and site furniture such as bike racks. The buildings will be inset 6’ +/- to allow room for larger landscaping areas and seating areas. The road also transforms its character by changing the paving material to a different paving material than the retail areas. Here the site furniture will serve a more flexible purpose such as platforms, seat walls or site furniture. This area will act as a flexible outdoor area for lounging, seating and socializing with other residents and patrons of the site.

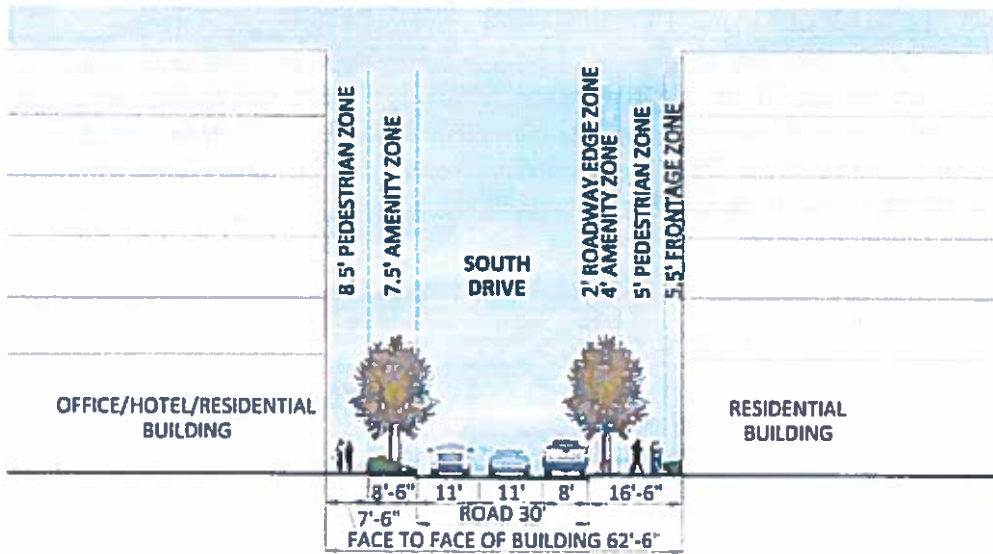
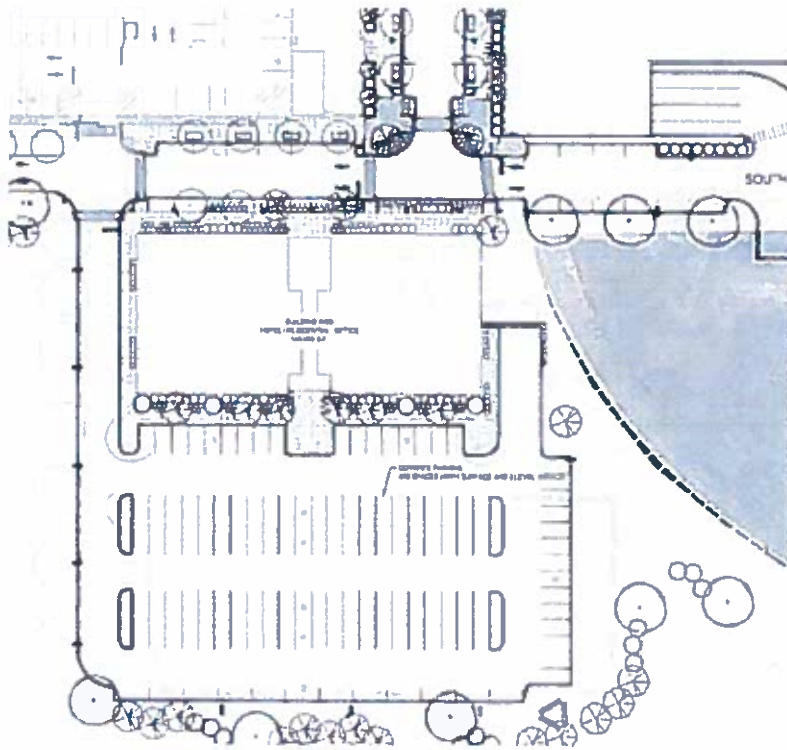




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6. BAYVIEW BOULEVARD STREETScape AND TERMINUS POINT DESIGN

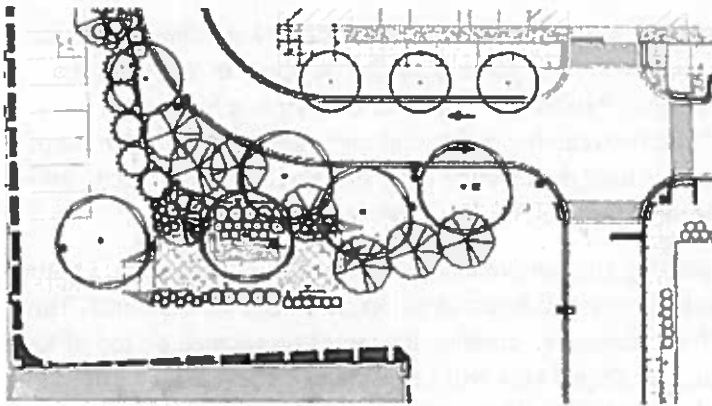
Located at the terminus point of Bayview Boulevard a focal point is to be created at the intersection of Bayview Boulevard and South Drive (Design Guidelines Exhibit C). This will be achieved with a site feature such as a sculpture, architecture, seat wall, water feature, landscaping, etc. Additional pedestrian lighting, night light effects, or accent lighting shall be incorporated into the gathering area. This seating area provides an opportunity for the hotel/residential building to have an amenity of outdoor dining and a place for socializing surrounded by landscaping. To the south of the anchor building, the service road on South Drive shall be screened with landscaping. A wall may be used in this area for additional screening, subject to final design approval. Walls shall be constructed of durable, low maintenance materials coordinated with the materials used on building facades.

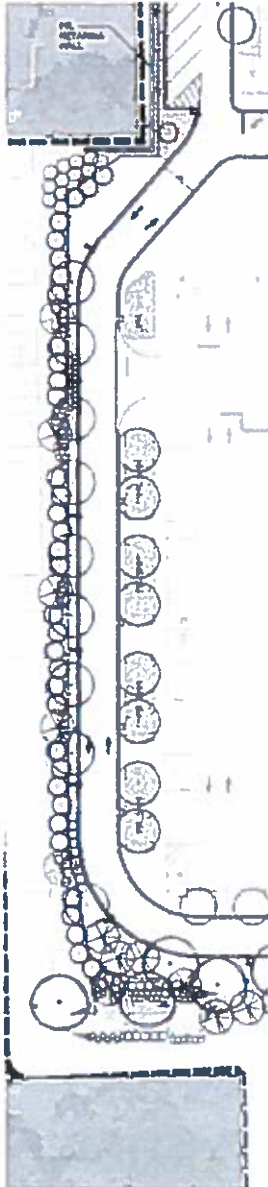


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7. GREEKTOWN CONNECTION TO SOUTH DRIVE DESIGN

This site is within easy walking distance of residential areas and Greektown. To gain entrance to the site, pedestrian access will be provided that connects Foster Avenue to South Drive. As appropriate, this area shall provide space for passive gathering with benches for seating and social activities. Landscaping shall be low maintenance and must keep clear sightlines so that the seating area can be seen by the hotel/residential building. Shrubs and groundcover must be maintained 3' high or lower so vegetation does not obstruct visibility. Security must be maintained and adequate and appropriate lighting must be provided for pedestrian safety.



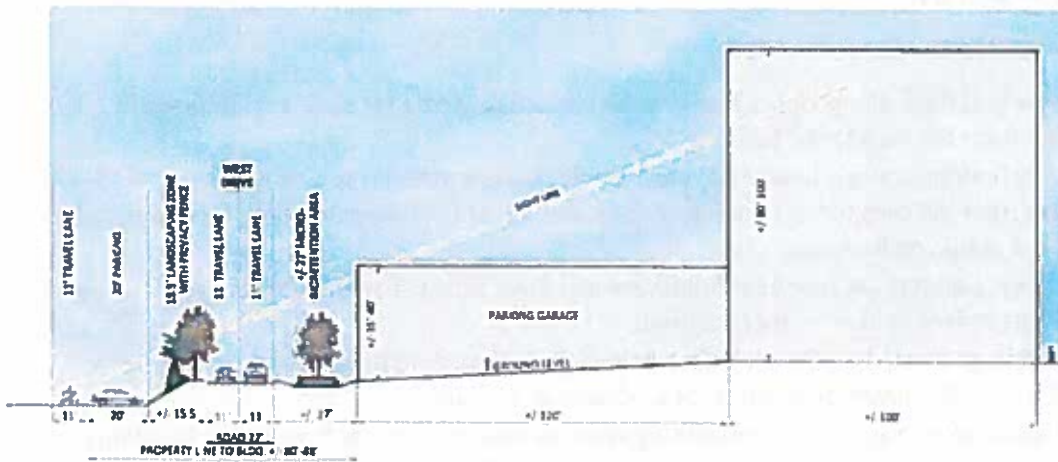


8. GREEKTOWN BUFFER TO WEST DRIVE DESIGN

On the site there is a transitional space located between the residential units of Greektown and the parking garage building on West Drive (Design Guidelines Exhibit B). This area will act as a buffer and transitional zone between the residential community and the myriad of uses on the site. Along the existing alley there will be designated parking for the residents to the west of the property.

Next to the parking an approximately 13' +/- wide landscape buffer shall be created to help screen the new development from the residents. The buffer shall be enhanced by creating the vegetative screen on top of an earthen berm. The sloped area will help screen the residents while assisting with site grading. This vegetative buffer shall include a combination of evergreen trees, shrubs, and shade trees. The majority of the selected plants shall be evergreen to maintain screening qualities in winter. Beyond the landscape buffer a 6' high privacy fence shall be placed (and shown on a site plan prior to final approvals). The privacy fence shall be made of durable, good quality, and aesthetically pleasing materials. It should be coordinated in style, color, and materials of the buildings' architecture.

Stormwater management areas such as micro-bioretenion areas will be provided along both sides of West Drive. The width of the micro-bioretenion areas vary from 20'-27'. As noted above in the "General Planting Guidelines and Design" species selected should be native/ adaptive plant material and should take into account seasonal interest and survivability of the urban condition. Plant species selected for the micro-bioretenion should handle the specific fluxuating water depth.



*All dimensions are approximate and subject to change.

9. EASTERN AVENUE FUEL STATION AND CONVENIENCE STORE

At the corner of Eastern Avenue and Bonsal Street there will be a fuel service station and convenience store placed at the front of the site. The streetscape planting along Eastern Ave will be continued and established as per the streetscape design described in Section 1 (page 8). The streetscape design must screen parking lots from adjacent public rights-of-way. In order to screen headlights from the parked cars a 3.5' +/- height wall and landscape screening treatment will be required with landscaping in front of the wall facing Eastern Avenue. Walls shall be constructed of durable, low maintenance materials coordinated with the materials used on building facades or coordinated with the existing church facade. Walls shall be placed on the inside edge of the landscape strip with the planting on eastern Avenue side of the wall or in wider buffers, placed to allow planting on both sides of the wall. This area will incorporate aesthetically pleasing plantings selected to fluctuate due to seasonal patterns while still providing year-round screening and buffering from the adjacent road. Within the fuel service station/convenience store there will be decorative crosswalks for aesthetics and for pedestrian safety. Crosswalks can also be found surrounding the area for increasing the walkability of the site and providing connectivity to the surrounding neighborhood.

NEW BUILDING DESIGN GUIDELINES

BUILDING FORM AND PLACEMENT

New buildings in the project are to be designed to allow for a transition from nearby low-density areas to moderate and high densities within the site boundary. Building form and penetrations shall be used to define and reinforce the public realm. Build-to lines are established to reinforce the building-to-building relationships (Design Guidelines Exhibit D). Maximum heights and structured parking shall be setback from the existing residential community on the western

boundary of the project.

Design Guidelines:

- New buildings along Upper Bayview Boulevard are to be set back a minimum of 17-19 feet from the curb to the building.
- New buildings along Lower Bayview Boulevard are to be set back a minimum of 15-17 feet from the curb to the building with an additional 6'+/- inset to allow for additional, quiet public realm space.
- Corner buildings at Bayview Boulevard and Fleet Street shall have massing and active fronts reflecting their corner position.
- Buildings located on Development Area C shall have pedestrian access directly to the Bayview Boulevard terminus area as shown on Exhibit C.
- Pedestrian passageways from parking areas to streets are to cut through the building mass and receive appropriate lighting and architectural design consideration.
- Service and utility access shall not be located on Eastern Avenue and Bayview Boulevard.
- All buildings fronting Eastern Avenue and Bayview Boulevard shall have main entrances on those streets.

BUILDING WALL

- 80% of the ground level building wall planes highlighted on Design Guidelines Exhibit D shall meet the build-to line dimension on Exhibit D. The line relationship may be established by building-to-building dimension or by half of the building-to-building dimension from the street center line.
- Street frontage buildings on Eastern Avenue and Upper Bayview Boulevard shall, in their ground level street front facade, allow for potential retail, restaurants, cafes and service type businesses that activate the street with pedestrian traffic. Extensive solid wall areas at the street level are not permitted.
- Street frontage at the intersection of Bayview Boulevard and Fleet Street shall be active, composed of significant amounts of glazing and have entries at the intersection areas.
- Glass at the ground floor must be clear vision glass; heavily tinted or mirrored glass is not permitted.
- Upper floors must have street-facing windows.
- A distinct base will be composed of the first floor or the first two floors of the building.
- Rooftop elements such as mechanical penthouses shall be compatible and integrate into the massing and exterior wall design below in materials, color and design.
- Ground floor facades shall be designed to accommodate signage that allows for each commercial tenant to achieve a distinct identity.

PARKING

STRUCTURED PARKING

- Garage openings should have some form of screening to block views of cars on upper levels.
- Structured parking shall not exclusively front, nor be the first building wall plane, on Eastern Avenue or North South Street.

SURFACE PARKING

- Structured parking is preferred over surface parking.
- No off-street surface parking shall be permitted within 50 feet of the streetscape edge of Bayview Boulevard.
- Permanent surface parking is permitted provided lots: 1) have landscaped refuge islands; and, 2) are screened with constructed walls.
- Surface parking lot light fixtures shall be dark sky compliant.
- Permanent, clear-to-sky, surface parking lots on Development Area A as shown on Exhibit A shall not exceed 100 spaces. Temporary surface parking shall be allowed.

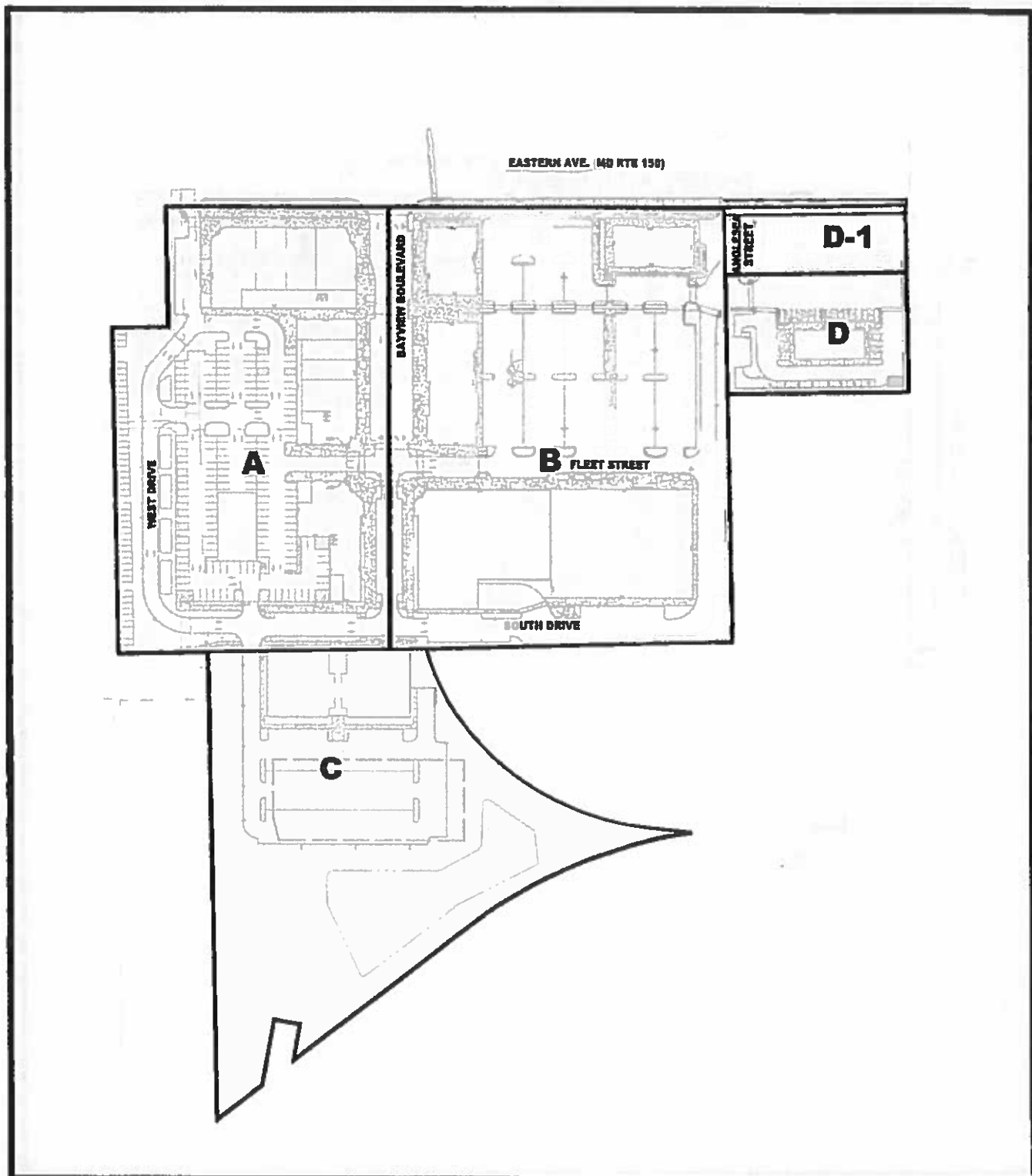
SIGNAGE

The primary project entrance and identity signage locations shall be shown on the Development Plan and have dimensions not to exceed 12' by 4' by 25'.

Comprehensive Signage Plan shall be subject to Final Design Approval.

5601 EASTERN AVENUE, BALTIMORE, MD
21224 BUSINESS PLANNED UNIT DEVELOPMENT

EXHIBITS



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 FAX (410) 821-1748
 MRAGTA.COM

5601 EASTERN AVENUE
DESIGN GUIDELINES
EXHIBIT 'A'
 DEVELOPMENT AREAS

BALTIMORE CITY, MARYLAND

SCALE: 1"=200'

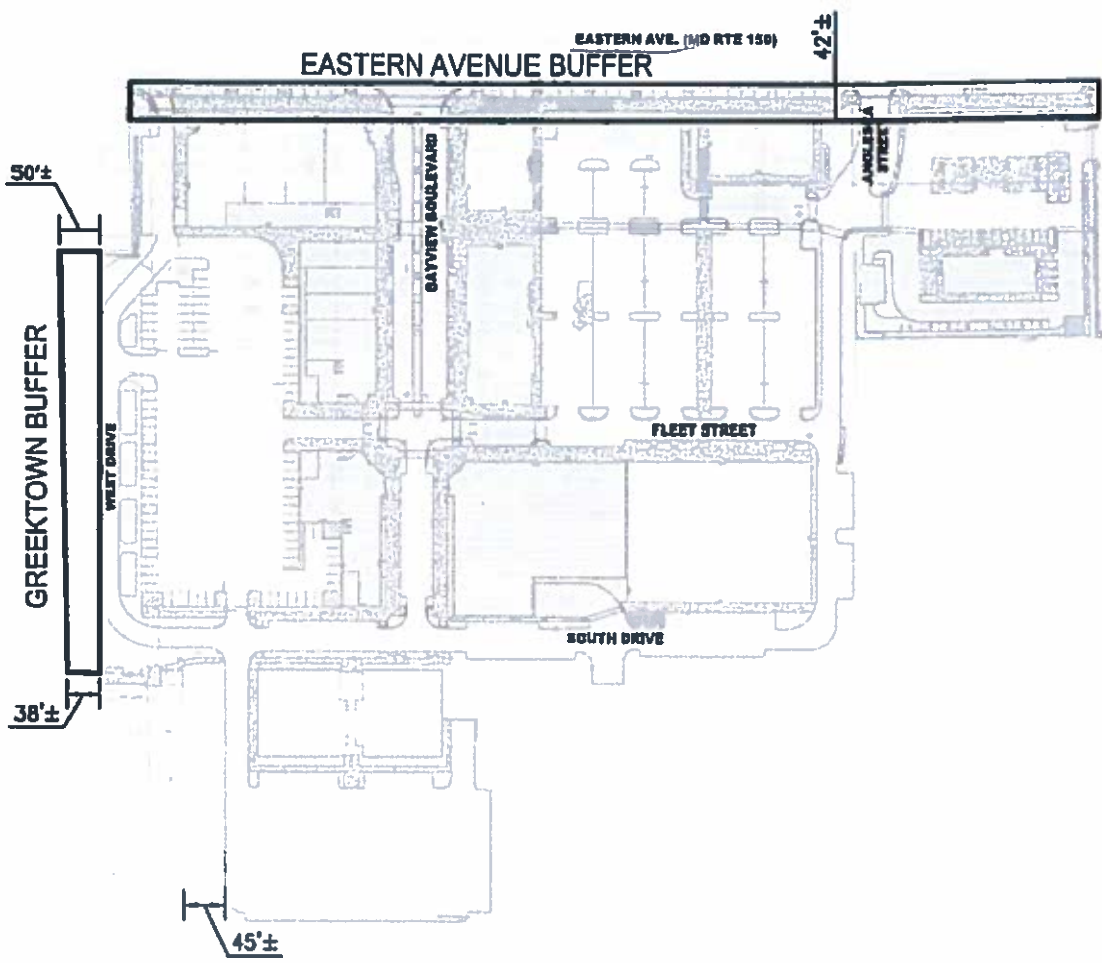
DATE: 07-12-2018

DRAWN BY:

DESIGN BY:

REVIEW BY: JTS

JOB NO. : 18297



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5601 EASTERN AVENUE
DESIGN GUIDELINES
EXHIBIT 'B'
 BUFFER AREAS

BALTIMORE CITY, MARYLAND

SCALE: 1"=200'

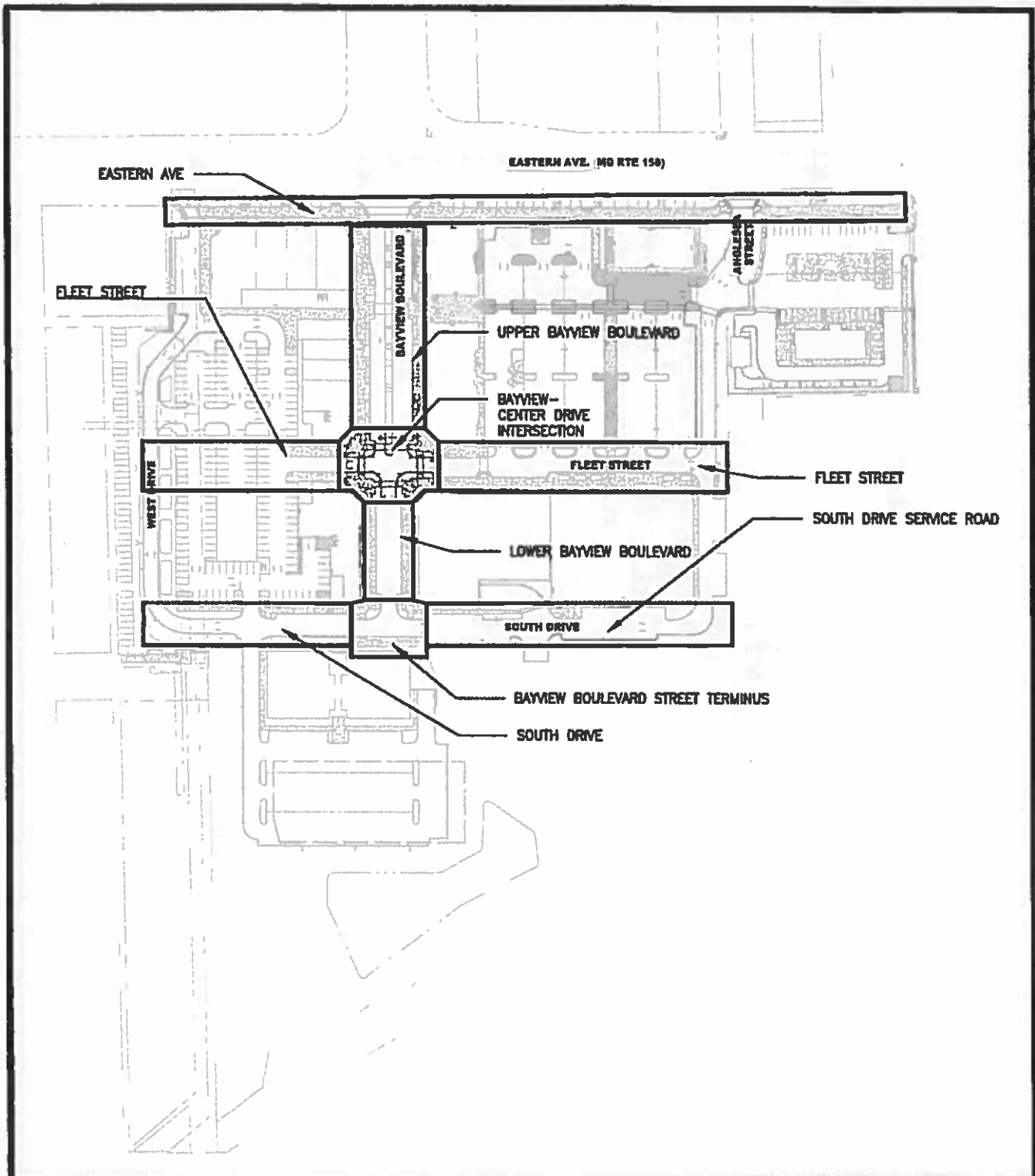
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DESIGN BY:

REVIEW BY: JTS

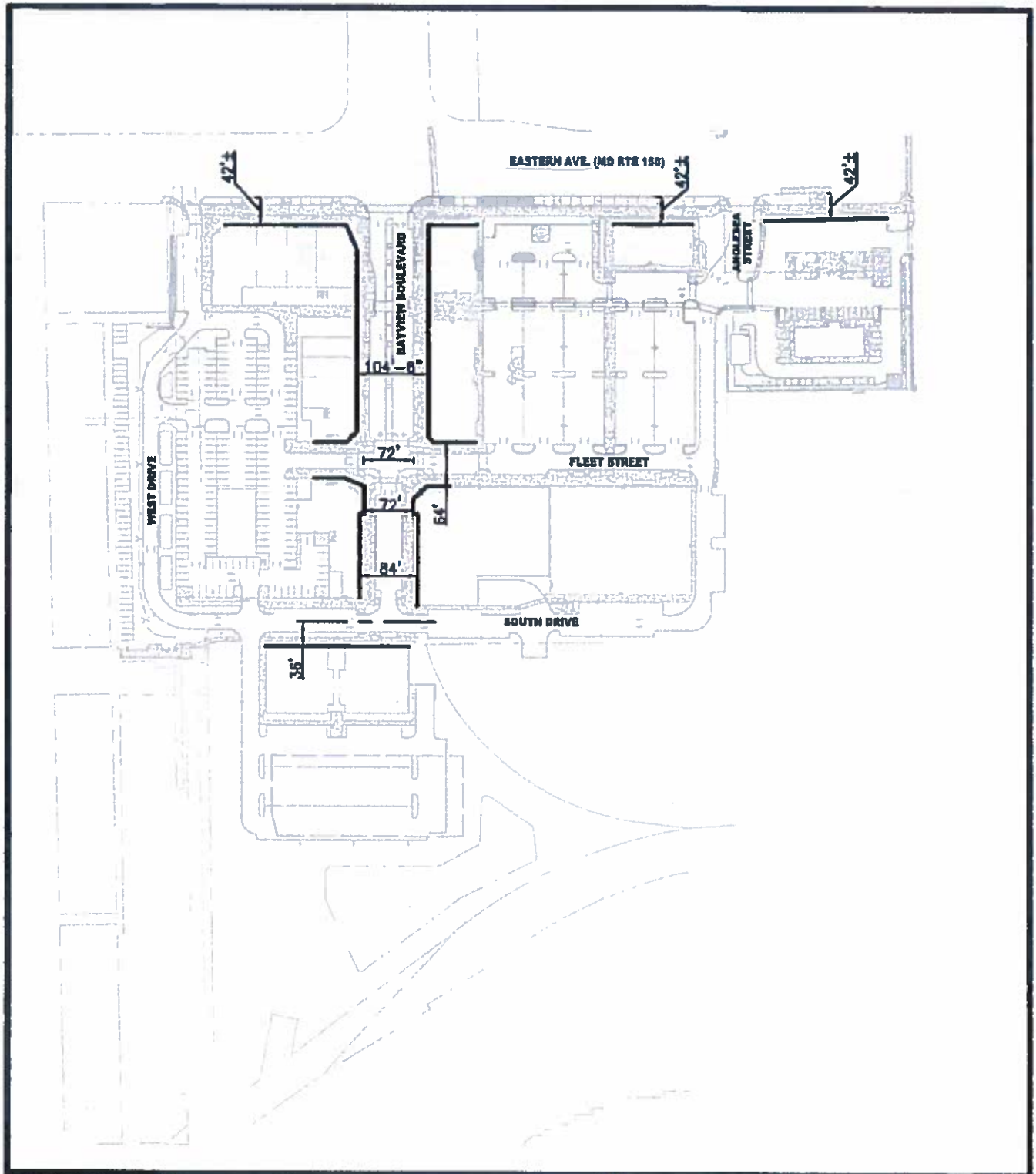
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5601 EASTERN AVENUE
DESIGN GUIDELINES
EXHIBIT 'C'
 STREETScape AREAS
 BALTIMORE CITY, MARYLAND

SCALE: 1"=200'	DATE: 07-12-2018	DRAWN BY:	DESIGN BY:	REVIEW BY: JTS	JOB NO. : 18297
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5601 EASTERN AVENUE
DESIGN GUIDELINES
EXHIBIT 'D'
 BUILD TO LINES
 DIMENSION IS AVERAGE OF PLANE
 BALTIMORE CITY, MARYLAND

SCALE: 1"=200'

DATE: 07-12-2018

DRAWN BY:

DESIGN BY:

REVIEW BY: JTS

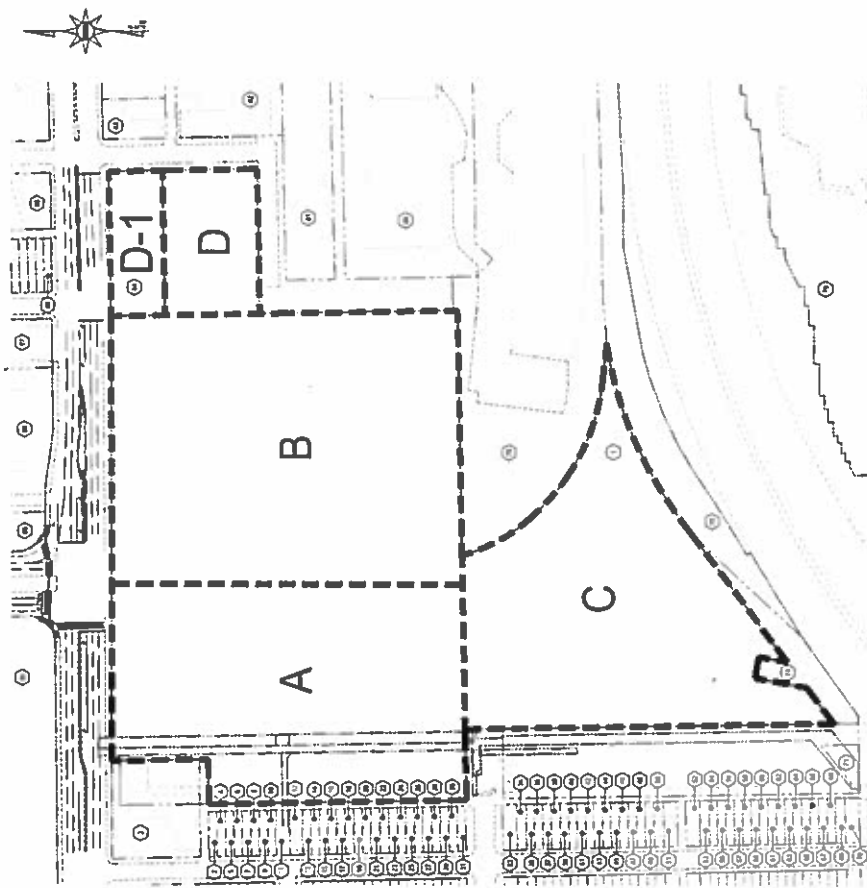
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PLANNED UNIT DEVELOPMENT



VELOCITY MAP
DATE: 11/10/11

PROPERTY INFORMATION MAP	PROPERTY INFORMATION MAP	PROPERTY INFORMATION MAP
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95	95	95
96	96	96
97	97	97
98	98	98
99	99	99
100	100	100



DEVELOPMENT AREAS MAP
DATE: 11/10/11

INDEX OF DRAWINGS

NO.	DESCRIPTION
1	PLANNED UNIT DEVELOPMENT
2	DEVELOPMENT AREAS MAP
3	VELOCITY MAP
4	GENERAL NOTES
5	PHASING REGULATIONS
6	PROJECT SCHEDULE
7	PROPERTY INFORMATION MAP

PHASING REGULATIONS

NO.	DESCRIPTION
1	PHASE 1: CONSTRUCTION OF LOT 100
2	PHASE 2: CONSTRUCTION OF LOT 101
3	PHASE 3: CONSTRUCTION OF LOT 102
4	PHASE 4: CONSTRUCTION OF LOT 103
5	PHASE 5: CONSTRUCTION OF LOT 104
6	PHASE 6: CONSTRUCTION OF LOT 105
7	PHASE 7: CONSTRUCTION OF LOT 106
8	PHASE 8: CONSTRUCTION OF LOT 107
9	PHASE 9: CONSTRUCTION OF LOT 108
10	PHASE 10: CONSTRUCTION OF LOT 109
11	PHASE 11: CONSTRUCTION OF LOT 110
12	PHASE 12: CONSTRUCTION OF LOT 111
13	PHASE 13: CONSTRUCTION OF LOT 112
14	PHASE 14: CONSTRUCTION OF LOT 113
15	PHASE 15: CONSTRUCTION OF LOT 114
16	PHASE 16: CONSTRUCTION OF LOT 115
17	PHASE 17: CONSTRUCTION OF LOT 116
18	PHASE 18: CONSTRUCTION OF LOT 117
19	PHASE 19: CONSTRUCTION OF LOT 118
20	PHASE 20: CONSTRUCTION OF LOT 119
21	PHASE 21: CONSTRUCTION OF LOT 120
22	PHASE 22: CONSTRUCTION OF LOT 121
23	PHASE 23: CONSTRUCTION OF LOT 122
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28	PHASE 28: CONSTRUCTION OF LOT 127
29	PHASE 29: CONSTRUCTION OF LOT 128
30	PHASE 30: CONSTRUCTION OF LOT 129
31	PHASE 31: CONSTRUCTION OF LOT 130
32	PHASE 32: CONSTRUCTION OF LOT 131
33	PHASE 33: CONSTRUCTION OF LOT 132
34	PHASE 34: CONSTRUCTION OF LOT 133
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36	PHASE 36: CONSTRUCTION OF LOT 135
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96	PHASE 96: CONSTRUCTION OF LOT 195
97	PHASE 97: CONSTRUCTION OF LOT 196
98	PHASE 98: CONSTRUCTION OF LOT 197
99	PHASE 99: CONSTRUCTION OF LOT 198
100	PHASE 100: CONSTRUCTION OF LOT 199
101	PHASE 101: CONSTRUCTION OF LOT 200

GENERAL NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND THE ILLINOIS CONSTRUCTION CODE.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHICAGO AND THE STATE OF ILLINOIS.
3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE DEVELOPER SHALL MAINTAIN ALL UTILITIES AND SERVICES TO REMAIN UNINTERRUPTED THROUGHOUT THE CONSTRUCTION PROCESS.
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROTECTION AND PRESERVATION OF ALL EXISTING TREES AND LANDSCAPE FEATURES.
6. THE DEVELOPER SHALL MAINTAIN ALL EXISTING UTILITIES AND SERVICES TO REMAIN UNINTERRUPTED THROUGHOUT THE CONSTRUCTION PROCESS.
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19. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
20. THE DEVELOPER SHALL MAINTAIN ALL UTILITIES AND SERVICES TO REMAIN UNINTERRUPTED THROUGHOUT THE CONSTRUCTION PROCESS.

PROJECT SCHEDULE

NO.	DESCRIPTION	START DATE	END DATE
1	PERMITTING	11/10/11	11/10/11
2	CONSTRUCTION	11/10/11	11/10/11
3	COMPLETION	11/10/11	11/10/11

OWNER'S DEVELOPER

NAME	
ADDRESS	
PHONE	
FAX	
EMAIL	

5601 EASTERN AVENUE REDEVELOPMENT
11/10/11

C-1.0

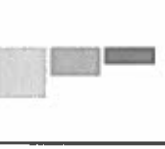
hgt

11/10/11



11/10/11

MCB REAL ESTATE LLC



11/10/11



11/10/11

11/10/11

11/10/11

11/10/11

11/10/11

11/10/11

11/10/11

11/10/11

ARCHITECT / ENGINEER
HUGHES CORBIN TURNER
100 South Main Street, Suite 200
Tomball, Texas 77375
713.282.7277
1.800.837.7447
www.hct.com



and Engineering Professionals
ARCHITECTS AND ENGINEERS
REGISTERED PROFESSIONALS
12345 West Loop West, Suite 200
Houston, Texas 77027
713.282.7277
1.800.837.7447



10000 Katy Road, Suite 100
Houston, Texas 77025
713.282.7277
1.800.837.7447
www.mcbrealestate.com



Professional Engineer
No. 123456789
State of Texas
Mechanical
Expiration Date: 12/31/2024
Issued: 12/31/2023

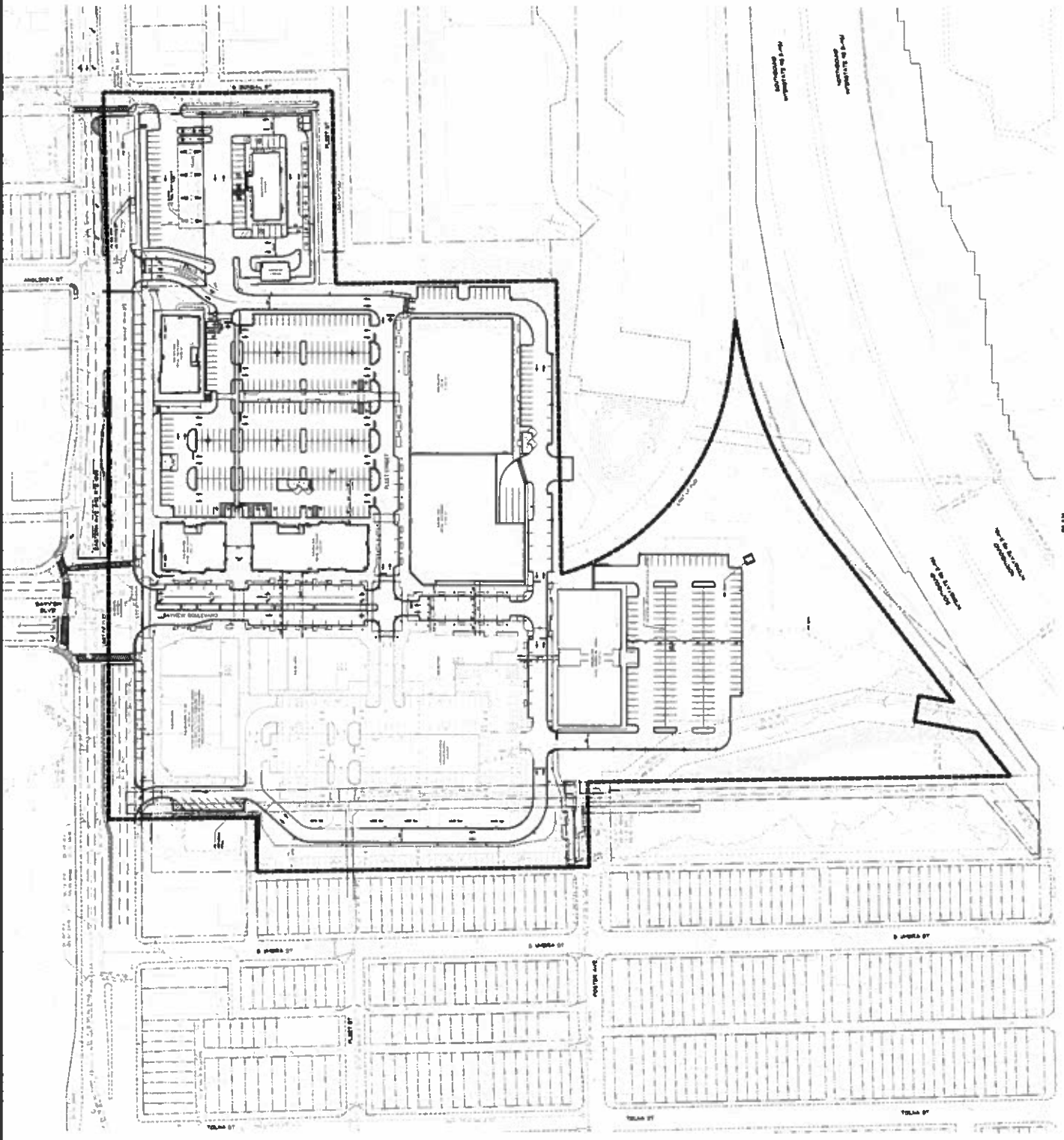
Table with 2 columns: Description, Quantity. Includes items like 'CONCRETE', 'STEEL', 'GLASS'.

REVISED MASTER PLAN
CITY OF HOUSTON

5601 EASTERN AVENUE REDEVELOPMENT

PLAN C-3.0

PARKING NOTE
1. ALL PARKING SPACES IN THIS DEVELOPMENT PLAN



LEGEND

---	Proposed Building Footprint
---	Proposed Parking Spaces
---	Proposed Driveways
---	Proposed Walkways
---	Proposed Landscaping
---	Proposed Fencing
---	Proposed Utility Lines
---	Proposed Stormwater Management
---	Proposed Access Points
---	Proposed Signage
---	Proposed Security Features
---	Proposed ADA Compliance
---	Proposed Fire Safety Features
---	Proposed Energy Efficiency Features
---	Proposed Sustainability Features
---	Proposed Accessibility Features
---	Proposed Security Features
---	Proposed ADA Compliance
---	Proposed Fire Safety Features
---	Proposed Energy Efficiency Features
---	Proposed Sustainability Features
---	Proposed Accessibility Features

OWNER / DEVELOPER
Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____ Fax: _____
Email: _____

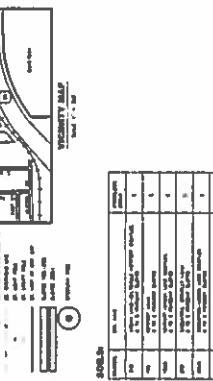
DATE: _____
SCALE: _____
PROJECT NO.: _____



NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF HOUSTON DEVELOPMENT CODE.
2. ALL UTILITIES SHALL BE DELETED AND RELOCATED AS SHOWN ON THIS PLAN.
3. ALL EXISTING UTILITIES SHALL BE MAINTAINED AND PROTECTED.
4. ALL EXISTING TREES SHALL BE MAINTAINED AND PROTECTED.
5. ALL EXISTING LANDSCAPING SHALL BE MAINTAINED AND PROTECTED.
6. ALL EXISTING FENCING SHALL BE MAINTAINED AND PROTECTED.
7. ALL EXISTING SIGNAGE SHALL BE MAINTAINED AND PROTECTED.
8. ALL EXISTING SECURITY FEATURES SHALL BE MAINTAINED AND PROTECTED.
9. ALL EXISTING ADA COMPLIANCE SHALL BE MAINTAINED AND PROTECTED.
10. ALL EXISTING FIRE SAFETY FEATURES SHALL BE MAINTAINED AND PROTECTED.
11. ALL EXISTING ENERGY EFFICIENCY FEATURES SHALL BE MAINTAINED AND PROTECTED.
12. ALL EXISTING SUSTAINABILITY FEATURES SHALL BE MAINTAINED AND PROTECTED.
13. ALL EXISTING ACCESSIBILITY FEATURES SHALL BE MAINTAINED AND PROTECTED.

LEGEND

1	Proposed Building Footprint
2	Proposed Parking Spaces
3	Proposed Driveway
4	Proposed Street
5	Proposed Sidewalk
6	Proposed Utility Lines
7	Proposed Stormwater Management
8	Proposed Landscaping
9	Proposed Tree Plantings
10	Proposed Site Access
11	Proposed Site Elevation
12	Proposed Site Grading
13	Proposed Site Drainage
14	Proposed Site Utilities
15	Proposed Site Features
16	Proposed Site Details
17	Proposed Site Annotations
18	Proposed Site Notes
19	Proposed Site Schedule
20	Proposed Site Index



OWNER / APPLICANT / DESIGN CONSULTANT

NO.	NAME	ADDRESS	PHONE	EMAIL
1	6071 EASTERN AVENUE REDEVELOPMENT	6071 EASTERN AVENUE	(312) 227-2299	hct@hctinc.com
2	HORTON CONSULTANTS	100 NORTH SUPERIOR STREET, SUITE 200	(312) 227-2299	hct@hctinc.com
3	MIDWESTERN REAL ESTATE ASSOCIATION	1200 NORTH DEARBORN STREET, SUITE 100	(312) 227-2299	mra@hctinc.com
4	MCB REAL ESTATE LLC	1200 NORTH DEARBORN STREET, SUITE 100	(312) 227-2299	mcb@hctinc.com

SITE DATA

1. SITE ADDRESS: 6071 EASTERN AVENUE
 2. SITE AREA: 1.2 ACRES
 3. ZONING: C-4.0
 4. ADJACENT PROPERTIES: 6069 EASTERN AVENUE, 6073 EASTERN AVENUE
 5. EXISTING USES: VACANT, PAVED
 6. EXISTING STRUCTURES: 1-2 STORY BRICK BUILDING, 1-2 STORY CONCRETE BUILDING
 7. EXISTING UTILITIES: WATER, SEWER, GAS, ELECTRIC, TELEPHONE
 8. EXISTING LANDSCAPE: TREES, SHRUBS, GRASS
 9. EXISTING GRADING: 100' TO 110' ELEVATION
 10. EXISTING DRAINAGE: TO ADJACENT STREETS

GENERAL NOTES

1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 2. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
 3. ALL TREE REMOVALS SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO TREE PRESERVATION ORDINANCE.
 4. ALL TREE PLANTINGS SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO TREE PRESERVATION ORDINANCE.
 5. ALL GRADING SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO GRADING ORDINANCE.
 6. ALL DRAINAGE SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO DRAINAGE ORDINANCE.
 7. ALL UTILITIES SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO UTILITIES ORDINANCE.
 8. ALL STRUCTURES SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO BUILDING CODE.
 9. ALL PARKING SPACES SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO PARKING ORDINANCE.
 10. ALL DRIVEWAYS SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO DRIVEWAY ORDINANCE.

FOR INFORMATION:

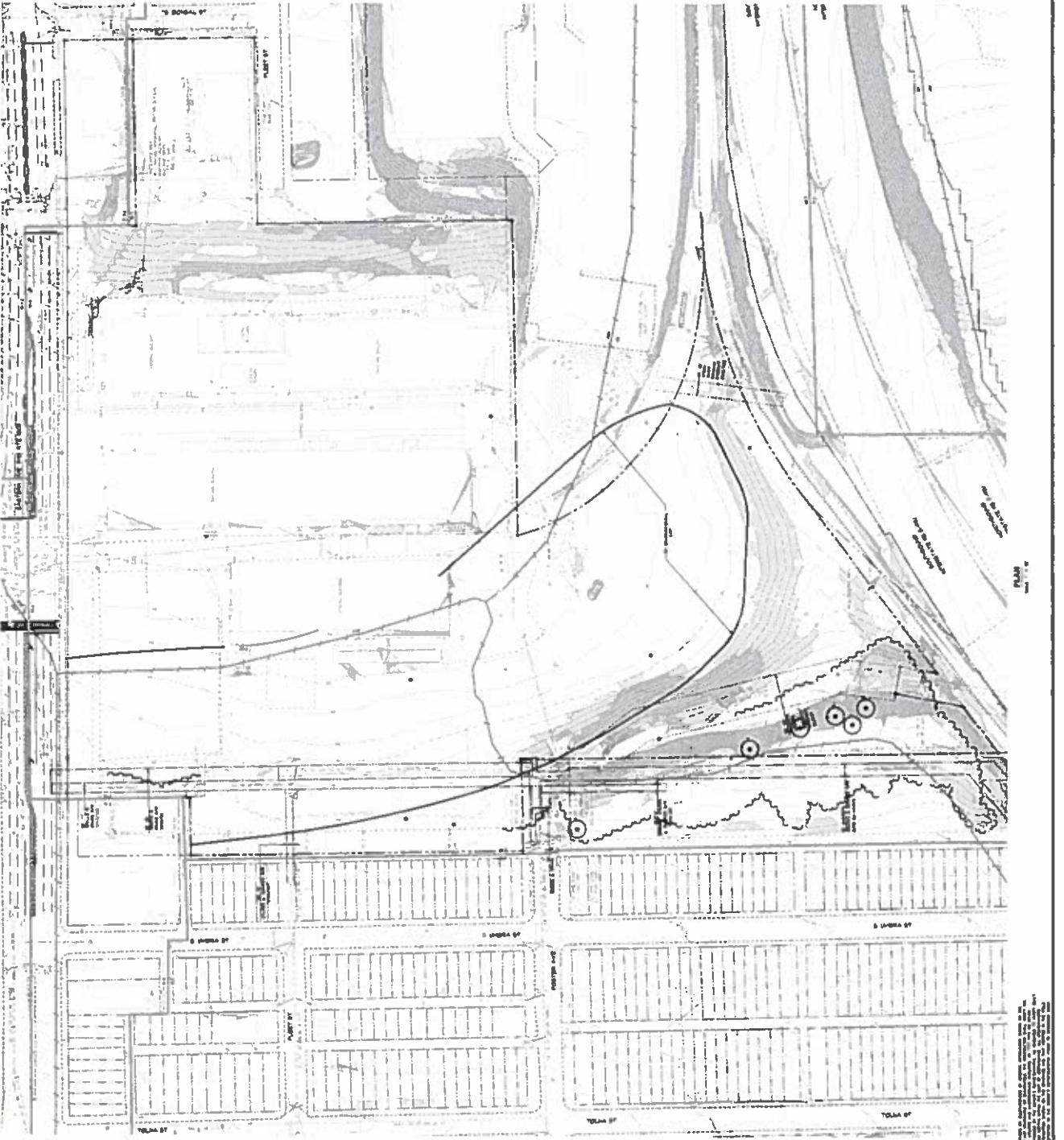
1. THE CITY OF CHICAGO HAS REVIEWED THIS PRELIMINARY PLAN AND HAS ISSUED A PERMIT TO CONSTRUCT FOR THE PROPOSED DEVELOPMENT.
 2. THE CITY OF CHICAGO HAS REVIEWED THIS PRELIMINARY PLAN AND HAS ISSUED A PERMIT TO CONSTRUCT FOR THE PROPOSED DEVELOPMENT.
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 5. THE CITY OF CHICAGO HAS REVIEWED THIS PRELIMINARY PLAN AND HAS ISSUED A PERMIT TO CONSTRUCT FOR THE PROPOSED DEVELOPMENT.

SPECIFIC TREES

NO.	DATE	TYPE	SIZE	LOCATION
1	10/15/10	DOGWOOD	12"	100' W OF 6071 EASTERN AVENUE
2	10/15/10	DOGWOOD	12"	100' W OF 6071 EASTERN AVENUE
3	10/15/10	DOGWOOD	12"	100' W OF 6071 EASTERN AVENUE
4	10/15/10	DOGWOOD	12"	100' W OF 6071 EASTERN AVENUE
5	10/15/10	DOGWOOD	12"	100' W OF 6071 EASTERN AVENUE
6	10/15/10	DOGWOOD	12"	100' W OF 6071 EASTERN AVENUE
7	10/15/10	DOGWOOD	12"	100' W OF 6071 EASTERN AVENUE
8	10/15/10	DOGWOOD	12"	100' W OF 6071 EASTERN AVENUE
9	10/15/10	DOGWOOD	12"	100' W OF 6071 EASTERN AVENUE
10	10/15/10	DOGWOOD	12"	100' W OF 6071 EASTERN AVENUE

OWNER / DEVELOPER

NAME: _____
 ADDRESS: _____
 PHONE: _____
 EMAIL: _____



PLAN

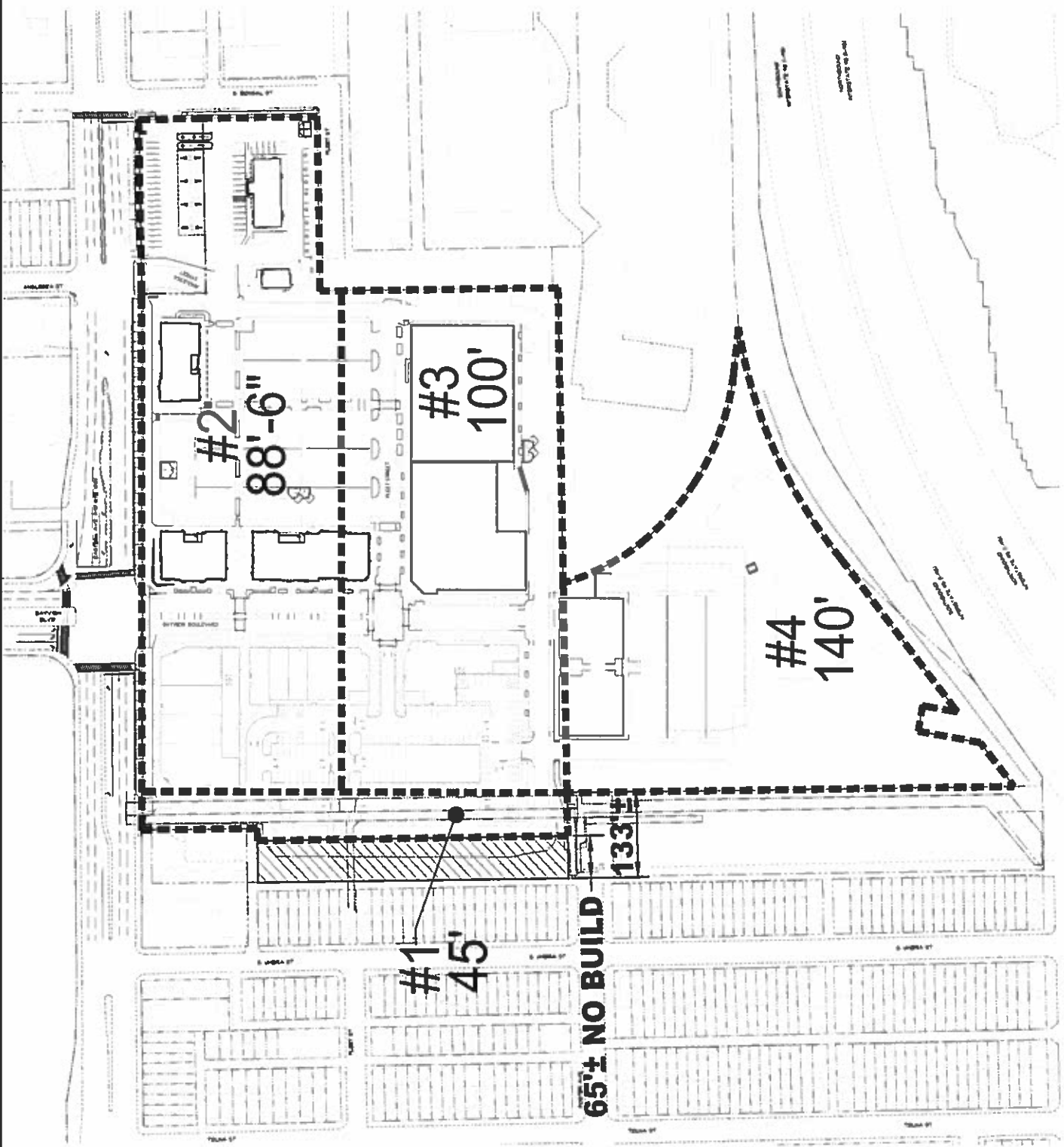
1. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
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 7. ALL UTILITIES SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO UTILITIES ORDINANCE.
 8. ALL STRUCTURES SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO BUILDING CODE.
 9. ALL PARKING SPACES SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO PARKING ORDINANCE.
 10. ALL DRIVEWAYS SHALL BE IN ACCORDANCE WITH THE CITY OF CHICAGO DRIVEWAY ORDINANCE.

HEIGHT NOTE
HEIGHTS SHOWN ARE BASE LEVEL AT FINISH GRADE UNLESS NOTED OTHERWISE. HEIGHTS SHOWN ARE TO THE TOP OF FINISH ROOF OR TO THE TOP OF FINISH SIGNAGE. HEIGHTS SHOWN TO THE TOP OF FINISH SIGNAGE ARE TO THE TOP OF THE SIGNAGE. HEIGHTS SHOWN TO THE TOP OF FINISH SIGNAGE ARE TO THE TOP OF THE SIGNAGE.



LEGEND

[Symbol]	EXISTING BUILDING
[Symbol]	EXISTING DRIVEWAY
[Symbol]	EXISTING DRIVE
[Symbol]	EXISTING SIDEWALK
[Symbol]	EXISTING CURB
[Symbol]	EXISTING DRIVEWAY
[Symbol]	EXISTING DRIVE
[Symbol]	EXISTING SIDEWALK
[Symbol]	EXISTING CURB
[Symbol]	EXISTING DRIVEWAY
[Symbol]	EXISTING DRIVE
[Symbol]	EXISTING SIDEWALK
[Symbol]	EXISTING CURB



DATE: 11/11/11
SCALE: AS SHOWN
PROJECT: 3601 EASTERN AVENUE REDEVELOPMENT
SHEET: C-7.0

OWNER: DEVELOPER
DATE: 11/11/11
SCALE: AS SHOWN
PROJECT: 3601 EASTERN AVENUE REDEVELOPMENT
SHEET: C-7.0



DATE: 11/11/11
SCALE: AS SHOWN
PROJECT: 3601 EASTERN AVENUE REDEVELOPMENT
SHEET: C-7.0

DATE: 11/11/11
SCALE: AS SHOWN
PROJECT: 3601 EASTERN AVENUE REDEVELOPMENT
SHEET: C-7.0

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

September 7, 2018

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

**RE: CC Bill #18-0270 Planned Unit Development - Designation - 5601
Eastern Avenue**

Ladies and Gentlemen:

City Council Bill No. 18-270 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

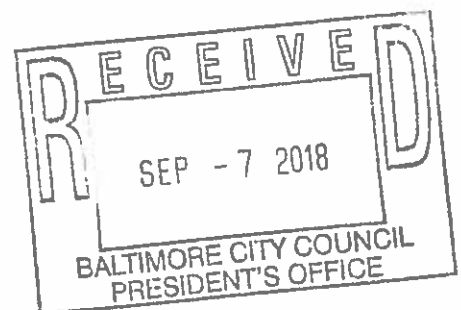
The purpose of City Council Bill No. 18-270 is to repeal the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approve a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

The BMZA has reviewed the legislation and concurs with the report and recommendation of the Planning Commission and Planning Department recommending approval of CC Bill. 18-270 with amendments.


Sincerely,

Derek J. Baumgardner
Executive Director

CC: Mayors Office of Council Relations
City Council President
Legislative Reference



Fav w/ Amendments per Planning

FROM	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 18-0270		

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

September 12, 2018

I am herein updating the Department of Transportation reporting on City Council Bill 18-0270 Planned Unit Development – Designation – 5601 Eastern Avenue For the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new development Plan for the 5601 Eastern Avenue Planned Unit Development.

The Traffic Impact Study (TIS) for the Planned Unit Development (PUD) located at 5601 Eastern Avenue is complete. The Department of Transportation (DOT) has thoroughly reviewed the PUD development program and discussed its findings with the development team. In conjunction with these discussions, DOT recommends the following language for insertion into City Council Bill No. 18-0270.

SECTION ____ . AND BE IT FURTHER ORDAINED, THAT THIS ORDINANCE AND ITS APPROVALS OF THE PLANNED UNIT DEVELOPMENT AND DEVELOPMENT PLAN ARE CONDITIONED ON COMPLIANCE WITH THE FOLLOWING TRAFFIC MITIGATION AGREEMENT REACHED IN ACCORDANCE WITH ZONING CODE 2-305 (“TRAFFIC IMPACT STUDY”) AND 16-301(B) (“REFERRAL TO AGENCIES: TRAFFIC – IMPACT STUDY”) AND BUILDING CODE 105.3.2 (“ACTION ON (PERMIT) APPLICATION – TRAFFIC IMPACT STUDY”) AS FOLLOWS:

IN A DEVELOPER’S AGREEMENT SUBMITTED TO THE DEPARTMENT OF GENERAL SERVICES FOR CONSTRUCTION WITHIN THE PLANNED UNIT DEVELOPMENT, THE APPLICANT SHALL, AT THE APPLICANT’S EXPENSE AND PURSUANT TO PLANS AND SPECIFICATIONS APPROVED BY THE DEPARTMENT OF TRANSPORTATION:

1. THE DESIGN, ENGINEERING AND INSTALLATION OF TRAFFIC SIGNAL MODIFICATIONS INCLUDING ANY AND ALL NECESSARY MARKINGS, IMPROVEMENTS, REPAIRS, AND SIGNAGE ON EASTERN AVENUE AT ANGLESEA STREET; AND
2. THE DESIGN, ENGINEERING AND INSTALLATION OF TRAFFIC SIGNAL MODIFICATIONS INCLUDING ANY AND ALL NECESSARY MARKINGS, IMPROVEMENTS, REPAIRS, AND SIGNAGE ON EASTERN AVENUE AT BONSALE STREET.

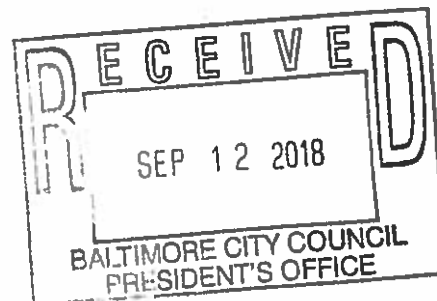
DOT supports this bill and respectfully requests a favorable report.


Respectfully,


Michelle Pourciau
Director

MP/vl

Cc: Kyron Banks, Mayor’s Office



FROM	NAME & TITLE	Michelle Pourciau, Director <i>MP</i>	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 18-0270	MEMO	

TO Mayor Catherine E. Pugh

DATE: 7/30/18

TO: Respective City Council Land Use and Transportation Committee

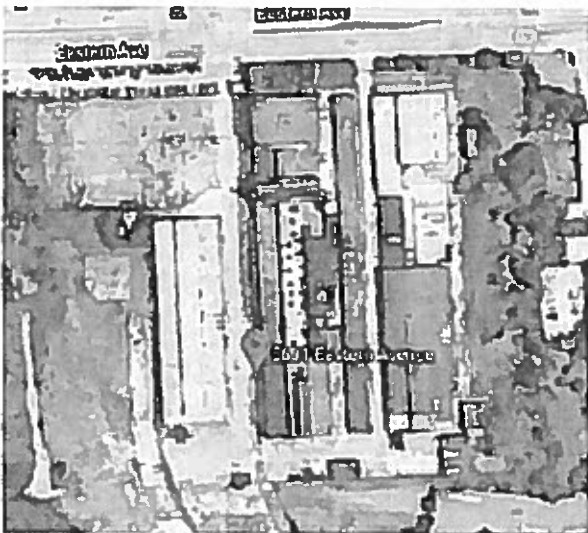
FROM: Department of Transportation

POSITION: Support

RE: Council Bill – 18-0270 – Planned Unit Development – Designation – 5601 Eastern Avenue

INTRODUCTION – By Ordinance 15-380, the Mayor and City Council of Baltimore approved the application to have certain property located at 5601 Eastern Avenue designated a Business Planned Unit Development and approved the Development Plan as submitted by the applicant.

PURPOSE/PLANS – For the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.



AGENCY/DEPARTMENT POSITION –

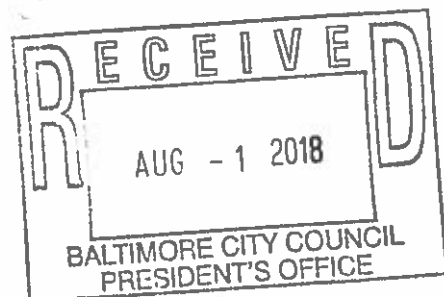
The Department of Transportation supports City Council 18-0270

If you have any questions, please do not hesitate to contact Josh Taylor at Josh.Taylor@baltimorecity.gov, 443-984-3394

Sincerely,

Michelle Pourciau

Michelle Pourciau
Director



✓

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor
101 City Hall
Baltimore, Maryland 21202

August 27, 2018

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

Re: City Council Bill 18-0270 – Planned Unit Development – 5601 Eastern Avenue

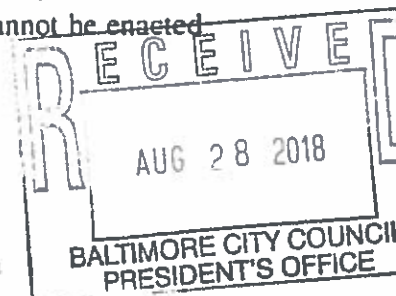
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0270 for form and legal sufficiency. The bill would repeal the existing Planned Unit Development (“PUD”) for 5601 Eastern Avenue and replace it with a Planned Unit Development for 5601 Eastern Avenue and 5801 Eastern Avenue.

A repeal of a PUD without a replacement has no legal impediments because for floating zones, such as a PUD, Maryland Courts have said that the legislative body must have “a little more than a scintilla of evidence” to support its decision and that decision must not be “arbitrary, capricious or illegal.” *Rockville Crushed Stone, Inc. v. Montgomery County*, 78 Md. App. 176, 190 (1989) (citations omitted). However, the replacement of a new PUD for 5601 Eastern Avenue, to include 5801 Eastern Avenue, is treated as any other enactment of a new PUD. Baltimore City Code, Art. 32, §§ 5-201(a), 13-403(a)(4), (b).

A PUD is not permitted in an I-2 zoning district. Baltimore City Code, Art. 32, § 13-201(c). Therefore, this PUD is only allowed if 5601 Eastern Avenue is rezoned because it is currently zoned I-2. City Council Bill 18-0269, or another bill to rezone 5601 Eastern Avenue, must be enacted at or before the time that this bill is enacted. Additionally, there must be at least two acres within the PUD. Baltimore City Code, Art. 32, §13-202(b). 5601 Eastern Avenue, which is larger than twenty acres, must remain a part of this PUD because 5801 Eastern Avenue, at only 27,000 square feet, is too small for a PUD itself. In short, if 5601 Eastern Avenue is not rezoned, or is otherwise removed from this bill, then the PUD cannot be enacted because it cannot exist for 5801 Eastern Avenue alone.

For w/Amends



Findings of Fact and Factors to Consider

The City Council may approve the PUD in accordance with Subtitle 2 of Article 13 of the City's Zoning Code, which requires that the City Council find facts to establish:

- (1) the use is compatible with the surrounding neighborhood;
- (2) the use furthers the purpose of the proposed classification; and
- (3) the PUD master plan developed under § 13-304 {"PUD master plan"} of this title ensures that there will be no discordance with existing uses.

Baltimore City Code, Art. 32, §13-203(b). In addition, the PUD is subject to the conditional use standards in Section 5-406, which means that the City Council may not approve the PUD unless it finds:

- (1) the establishment, location, construction, maintenance, or operation of the PUD would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

Baltimore City Code, Art. 32, §§5-406, 13-203(a)(1). The following additional factors must also be considered:

- (i) whether the planned unit development is in general conformance with all elements of the Comprehensive Master Plan, and the character and nature of existing and contemplated development in the vicinity of the proposed planned unit development;
- (ii) whether the planned unit development will preserve unusual topographic or natural features of the land, and the design of the planned unit development will best utilize and be compatible with the topography of the land;
- (iii) whether the physical characteristics of the planned unit development will not adversely affect future development or the value of undeveloped neighboring areas, or the use, maintenance, or value of neighboring areas already developed;

- (iv) whether the planned unit development will provide the same protection as the basic district regulations in regard to fire, health hazards, and other dangers;
- (v) whether the planned unit development will encourage innovative design features or adaptive reuse of structures that would not be possible by application of the basic district regulations; and
- (vi) whether the planned unit development is compatible with any nearby industrial district.

Baltimore City Code, Art. 32, §13-203(a)(2).

The Planning Report does not find all the facts necessary to support this Planned Unit Development. Therefore, the City Council must take care to make all the required findings of fact.

Approval of the Master Plan

The Mayor and City Council's enactment of the ordinance is legislative approval of the PUD Master Plan, which must include thirteen separate components. Baltimore City Code, Art. 32, §13-304(a), (b). There are no required findings or reviews for this Master Plan by the City Council, but the Planning Commission must include in its bill report to the City Council its final determination on the proposed PUD Master Plan. Baltimore City Code, Art. 32, §13-304(d). Thus, it is imperative that in Section 3, the Planning Commission and City Council are satisfied that they have received the correct Exhibits that make up this Master Plan. The Law Department notes that the Planning Report recommends amending the Exhibits to reflect a new date and an additional exhibit. The Law Department would approve that amendment for form and legal sufficiency. Additionally, the Planning Report states that this PUD serves to approve the same design approvals that had been approved under the previous PUD. The Law Department would also approve that amendment for form and legal sufficiency.

Exceptions for Use, Bulk, Yard, Parking and Signage

The PUD can make exceptions for the use, bulk, yard, parking and signage regulations of the underlying districts (C-3, if 5601 Eastern Avenue is rezoned; C-4 for 5801 Eastern Avenue). Baltimore City Code, Art. 32, §13-202(c). But, in "determining whether to grant an exception from district regulations, the Planning Commission and City Council must consider whether the exception will:

- (1) enhance the overall merit of the planned unit development;
- (2) promote the objectives of both the City and the development;

- (3) enhance the quality of the design of the structures and the site plan;
- (4) enable the development to offer environmental and pedestrian amenities;
- (5) not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development;
- (6) not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic;
- (7) be compatible with the land use policies of the Comprehensive Master Plan;
- (8) provide a substantial public benefit to the City, as illustrated in subsection (d) of this section; and
- (9) allow uses that predominantly match or are compatible with uses allowed in the underlying zoning district and the zoning districts of adjacent properties.”

Baltimore City Code, Art. 32, §13-204(a). Moreover, to be granted an exception, the applicant must demonstrate superior design, enhanced amenities and substantial benefit to the City. Baltimore City Code, Art. 32, §13-204(b), (c). Examples of substantial benefits to the City are contained in Section 13-204(d). Baltimore City Code, Art. 32, §13-204(d).

This PUD seeks such exceptions to bulk regulations in Sections 4 and 5 and to the parking regulations in Section 9. It also seeks in certain signage regulation exceptions in Section 11. **The Planning Report does not address all these considerations for each of the exceptions sought in this PUD. Therefore, the City Council must take care to address the required considerations for each legally permissible exception.**

While there are no legal impediments to the exemptions sought in Sections 4, 5 and 9, assuming the above facts are found with respect to them, there is a problem with the signage exception in Section 11. In that Section, the bill creates a whole separate set of signage regulations for the area contained in the PUD rather than operating as an exception to the existing regulations on signs contained in Title 17 of Article 32 of the City Code. Thus, Section 11 impermissibly operates as the creation of a whole new set of sign regulations applicable only in this PUD. Baltimore City Code, Art. 32, §13-202(c). The amendment suggested in the Planning Report, to delete subsection 11(b), while legally sufficient, is not enough to cure this problem. Therefore, the Law Department recommends rewording this Section 11 to make the permissions or restrictions sought conform with the regulations on signs in Title 17 or deleting Section 11. A suggested amendment to remove the sign regulations is attached to this bill report.

Conditions Imposed

Conditions may be imposed on the PUD in accordance with Section 5-405(a). Baltimore City Code, Art. 32, §13-203(a)(1). These can only be conditions that protect the public interest and are “reasonably related and roughly proportional to the expected impact” of the PUD. Baltimore City Code, Art. 32, §5-405(a). Such a condition is proposed in Section 10 of the Bill concerning principal entrances and frontages. The City Council must find that this condition protects the public interest and does so in a way that it proportional to the expected impact.

Additionally, such a condition is imposed in Section 6(b) with the language “when within a full service grocery store whose net leasable area exceeds 15,000 square feet.” That language operates as a condition on a retail goods establishment with alcoholic beverage sales. Such a use is permitted of right in a C-4 district but is only permitted by enactment of conditional use ordinance in a C-3. Baltimore City Code, Art. 32, Tbl. 10-301. This PUD would operate as the conditional use ordinance and therefore permit the retail goods establishment with alcoholic beverage sales. The Law Department notes that the Planning Report recommends an amendment to language in Section 6(b). The Law Department would approve that language for form and legal sufficiency. However, as with the conditions in Section 10 of the bill, the City Council must find that this condition protects the public interest and does so in a way that it proportional to the expected impact.

The Planning Report does not address the required findings for these conditions. Therefore, the City Council must take care to make these findings for every condition sought to be imposed on this PUD.

Use Restrictions

With respect to the use restrictions in Section 6, 7, and 8 of the bill, there are various issues.

Section 6(a) is unclear because it refers to a “Title 10-205.” Even if the word “Section” was intended instead of “Title,” there is still ambiguity because it is unclear if the PUD is attempting to permit all the uses that are allowed in the C-3 district, or also those that are conditional in that district. It is also unclear if the PUD is to allow any of the uses permitted or conditional in the C-4 district. Baltimore City Code, Art. 32, §10-205. Presumably, Section 6(a) should be reworded to state that the PUD allows all the uses permitted in C-3 and C-4. The Law Department notes that the Planning Report suggests an amendment to this language that will remedy this issue by allowing all permitted uses and two conditional uses. The Law Department would approve this amendment for form and legal sufficiency.

Section 6(c) should be modified to remove the language “as approved under the Final Development Plan at 5801 Eastern Avenue” because this PUD would have its own Development

Plan that is approved via this PUD process. Baltimore City Code, Art. 32, §13-304. This exact amendment is recommended in the Planning Report and the Law Department would approve it for form and legal sufficiency.

Section 7 includes in its list of prohibited uses, several uses that are not in Article 32. These include a Community Correction Center, Firearm Sales, Parole and Probation Field Office and Taxidermist Shop. These uses need to be removed from the bill or reworded so that they are defined by whatever use they would fall under in Article 32. Baltimore City Code, Art. 32, §13-202(c). A suggested amendment to remove these uses is attached to this bill report.

Section 8(a) states that a certain liquor license must be "approved as a conditional use by the Board." The Board of Municipal and Zoning Appeals does not approve liquor licenses. If the intent of this language is to allow a Class A Beer, Wine & Liquor License if approved by the Liquor Board, then the language should be modified to "as may qualify under applicable law for such license." If the intent is to require a conditional use for something that is already permitted of right in a C-3 or C-4, that may not be accomplished in a PUD because it effectuates a change in the text of Article 32. Baltimore City Code, Art. 32, §13-202(c). Certainly, an otherwise permitted use can be prohibited in a PUD, but it cannot be made to get conditional use approval if such approval is not required in the underlying zoning district.

Section 8(b) must be clarified because as written it prohibits a tavern with off-premises sales unless that tavern is the retail goods establishment in a grocery store described in Section 6(b). It is unclear how such grocery store with over 15,000 square feet would satisfy the requirement in Section 14-437(b) of Article 32 that requires more than half of the establishment's floor space be devoted to on-premises consumption and annually more than half of the average daily receipts are for the sale of alcoholic beverages for on-premises consumption. Baltimore City Code, Art. 32, §14-337(b). The Law Department recommends deleting the language that ties this use restriction to Section 6(b).

The Planning Report suggested an amendment to eliminate the entirety of Section 8, which would fix the issues in Sections 8(a) and 8(b). The Law Department would approve that amendment for form and legal sufficiency.

Tolling Provision

The Law Department notes that Section 15 should be removed from the bill as it may conflict with the rules on tolling time limits and stays set forth in Title 19 of Article 32 and the City's Building Code. Baltimore City Code, Art. 32, §§ 19-301(c), 19-302(d); Baltimore City Building, Fire and Related Codes, §128.6.1. An amendment to accomplish that purpose is attached to this bill report.

Procedural Requirements

Finally, certain procedural requirements apply to this bill beyond those discussed above because the enactment of a Planned Unit Development is deemed a "legislative authorization." Baltimore City Code, Art. 32, §5-501(2)(iii). This includes referral to certain agencies, including the Planning Commission. Baltimore City Code, Art. 32, §§5-504, 5-506. Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property. Baltimore City Code, Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Baltimore City Code, Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location that is visible to passing pedestrians, and at least one sign must be visible from each of the property's street frontages. City Code, Art., §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, §5-601(e), (f).

The bill is the appropriate method to review the facts and make the determination as to whether the legal standards for PUD have been met. The Law Department can approve the amended bill for form and legal sufficiency if the required findings are made at the hearing, all procedural requirements are satisfied, and the amendments discussed herein, or other satisfactory amendments, are adopted.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark

AMENDMENTS TO COUNCIL BILL 18-0270
(1st Reader Copy)

Proposed by: Law Dep't
(To be offered to the Land Use and Transportation Committee)

Amendment No. 1

Delete lines 40 and 41 on page 3 and lines 1 through 11 on page 4.

Amendment No. 2

On page 3, delete lines 8, 9, 13 and 16.

Amendment No. 3

On page 4, delete lines 27 through 30.

The Baltimore City Department of
**HOUSING & COMMUNITY
DEVELOPMENT**

MEMORANDUM

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

From: Michael Braverman, Housing Commissioner

MB

Date: August 24, 2018

Re: **City Council Bill 18-0270 - Planned Unit Development – Designation – 5601 Eastern Avenue**

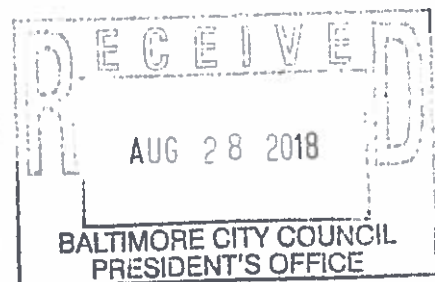
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0270, for the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

If enacted, this bill would repeal the existing Development Plan for 5601 Eastern Avenue and replace it with a development plan that would include improvements on both 5601 and 5801 Eastern Avenue because the lots were consolidated. The development plan includes mixed-use commercial and residential development and includes limits on heights and square footage, which are consistent with the limits in the original development plan.

The Department of Housing and Community Development supports the passage of City Council Bill 18-0270.

MB:sd

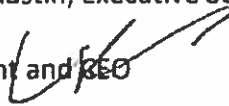
cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*
Mr. Kyron Banks, *Mayor's Office of Government Relations*





MEMORANDUM

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

FROM: William H. Cole, President and CEO 

DATE: July 19, 2018

SUBJECT: City Council Bill No. 18-0270
Planned Unit Development – Designation – 5601 Eastern Avenue

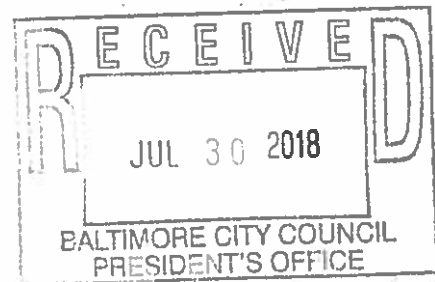
The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 18-0270, a Bill for the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.


This Bill will allow for the transformation of the former PEMCO industrial site into Yard 56, a \$100 million, mixed-use development featuring over two million square feet of residential, retail, hotel and office space. BDC acknowledges that through several years of extensive outreach, the developer has connected with the neighboring communities, and they strongly support this project.

BDC supports this proposed ordinance and respectfully requests that City Council Bill# 18-0270 be given favorable consideration by the City Council.

cc: Kyron Banks

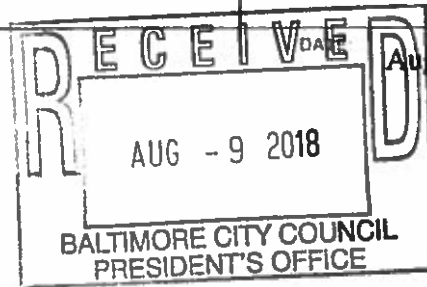
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FROM	NAME & TITLE	Rudolph S. Chow, P.E., Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	CITY COUNCIL BILL 18-0270		

TO

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



August 8, 2018

I am herein reporting on City Council Bill 18-0270 introduced by Councilmember Cohen and Council President Young at the request of TRP-MCB 5601 Eastern, LLC.

The purpose of this Bill is to repeal the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approve a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

Ordinance 15-380 established the Business Planned Unit Development (PUD) for 5601 Eastern Avenue. The boundaries of this PUD are Eastern Avenue to the north, Bonsal Street to the east, I-95 to the south, and Umbra Street to the west. The PUD, which consists of approximately 20 acres, is located in the Pulaski Industrial Area of southeast Baltimore, adjacent to the neighborhoods of Bayview and Greektown. Heavy manufacturing occurred at the site for many years when the Pemco Corporation, and other corporations, manufactured glass and porcelain. The current owner is working with the Maryland Department of the Environment on mitigation.

The City's new zoning code, which went into effect on June 5, 2017, included new rules for PUDs that require repeal and replacement of PUDs for any major changes. The developer for this site is seeking major changes in the new proposed PUD, including: expanding the boundaries, removing a high-density development plan, modifying the development plan concept, and making changes to the use structure. The new development plan proposes to create a mixed-use commercial and residential development which would be built in phases with both high-density and low-density options.

City Council Bill 18-0270, if approved, would replace the existing Planned Unit with a new one that reflects changes previously approved in the Development Plan and final plan approvals from the Planning Commission, and would revise certain text provisions. Companion legislation, City Council Bill 18-0269, seeks to rezone the property from the I-2 Zoning District to the C-3 Zoning District.

The Department of Public Works' Plans Review Section will need to review and approve all Stormwater Management plans and Erosion and Sediment Control (ESD) plans for the development. The ESD plans for the portion of the project known as Yard 56 were approved in July 2018.

The Planning Commission considered City Council Bill 18-0270 at its August 2, 2018 meeting and recommended several amendments which are explained in the Planning Commission Staff Report. It is the understanding of this Department that the neighboring community associations were notified of this legislation.

Based on these considerations, the Department of Public Works has no objection to the passage of City Council Bill 18-0241 as proposed to be amended by the Planning Commission.

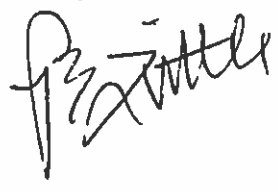
Sincerely,

S. Dale Thompson for R. Chow
Rudolph S. Chow, P.E.
Director

RSC/KTO

TRANSMITTAL MEMO

TO: Bernard C. "Jack" Young, President City Council
FROM: Peter Little, Executive Director
DATE: July 13, 2018
RE: City Council Bill 18-0270



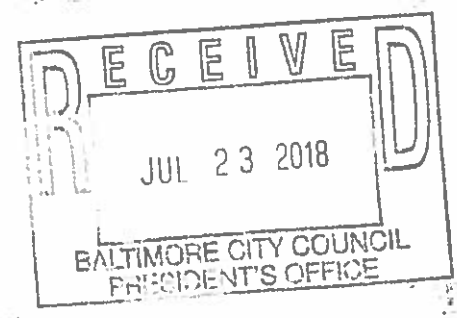
I am herein reporting on City Council Bill 18-0270 introduced by Councilmembers Cohen and President Young at the request of TMP-MCB 5601 Eastern, LLC.

The purpose of this bill is to approve certain amendments to the Planned Unit Development – Designation – 5601 Eastern Avenue.

The Development Plan for the 5601 Eastern Avenue Planned Unit Development (PUD) was originally approved by Ordinance 15-380. Master developer TRP-MCB 5601 Eastern, LLC wishes to amend the Development Plan, as previously approved, to add an adjoining property within the Planned Unit Development.

The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation and determined there would be no impact to any parking programs for on-street parking activity and/or City-owned off-street parking facilities. The Baltimore City Parking Authority will continue to work with City agencies and developers to ensure that sufficient parking is provided without regard to specific lot lines, and, instead, in the aggregate for the entire PUD. Additionally, PABC will help ensure parking ratios as proscribed by Code are met, with the understanding that off-street parking may be further reduced by the Planning Commission in cases where shared parking may be appropriate.

Based on the above comments, PABC does not oppose the passage of City Council Bill 18-0270.



Not opposed



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One South Calvert Street / Suite 1150
Baltimore, Maryland 21202
TEL 410 547 6900
FAX 410 547 6903

Alfred W Barry III
Principal

September 10, 2018

**The Honorable President and Members
of the Baltimore City Council
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202**

Re: City Council Bill 18-0270 - Planned Unit Development, 5601 Eastern Avenue

Dear President and City Council Members:

On behalf of the Applicant, TRP-MCB 5601 Eastern, LLC, I would like to offer the following comments in support of the proposed Planned Unit Development (PUD) and offer comments on the suggested amendments offered by both Planning and Law. A companion Bill, 18-0269, that rezoned the 5601 property from I-MU to a C-3 zoning district was previously passed by the City Council on August 6, 2018 (Ordinance 18-172) fulfilling one of Law's requirements.

It is important to recognize that this proposed replacement PUD is the first to be considered by the Council since the adoption of Transform Baltimore and the applicant agrees that the new procedures and guidelines should be carefully followed but also recognize the spirit and intent of the original PUD approval. The City Council's original approval dates back to 2015 (Ordinance 15-380) following 18 months of community and City review. The proposed replacement PUD essentially maintains the physical plan approved by the Council and the subsequent Final Design approvals by the Planning Commission for which permits have been issued and demolition and grading are underway for Phase 1 of the development. The only significant changes come about from certain text changes related to certain restrictive aspects of the original PUD that interfered with the leasing for a new supermarket and the addition of the adjacent vacant property known as 5801 Eastern Avenue. Since Transform Baltimore does not allow simple amendments to cure these types of changes, the replacement Bill requires the PUD to conform the new PUD language to the new Code.

Before discussing the specific amendments and the need for the required Findings of Fact, I want to summarize the overall development plan and emphasize its importance to southeast Baltimore. The original PUD was for a mixed use development on the twenty acre former PEMCO industrial property that had been abandoned for over twenty years and was a prominent eyesore and nuisance across from the Hopkins Bayview campus and adjacent to the Greektown and Bayview communities. A small portion of the PUD is located directly to the

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south of a vacant service station at 5801 Eastern Avenue. MCB 5801 Eastern Avenue LLC, a wholly-owned subsidiary of the Applicant, is currently under contract to purchase the 5801 Eastern Avenue property. The Applicant desires that upon acquisition, the 5801 Eastern Avenue property be included in the PUD. In the event that the 5801 property is not acquired by the Applicant, the current owners have requested that the property not be included in the PUD.

Following the 2015 approval, the developer obtained environmental approvals in 2017 from both the Maryland Department of Environment and the Environmental Protection Agency. The Planning Commission also approved Final Design approvals for Phase 1 of the project for the Eastern portion of the site that includes over 85,000 square feet of retail uses anchored by a 34,000 square foot LA Fitness operation a 20,000 square foot Streets Market and Café and a 100,000 square foot medical office building. Demolition of the former PEMCO buildings has been completed, site grading and environmental remediation is underway at a total projected cost of \$18.5 million. The first phase buildings represent a \$77 million dollar private investment and are anticipated to open in in late 2019 and 2020.

Phase 2 is being planned to include office, retail, hospitality and residential. The proposed Phase 2 development plan is in conformance with the original PUD vision and will require Planning Commission Final Design approvals. The property at 5801 Eastern will be combined with a portion of the original 5601 property and is currently under review by Planning for a new gasoline station and convenience store. In all, the entire PUD will ultimately total over \$150 million dollars of private investment.

I also want to add that following the 2015 approval, the developer has maintained regular contact with the various neighborhood associations that supported the original PUD, including the Greater Greektown Neighborhood Alliance, The Bayview Community Association, the Bayview Business Association, the Southeast Community Development Corporation, Johns Hopkins Bayview and the Greektown Community Development Corporation.

With that as background, let me address the conformance with the conditional use standards, the required Findings of Fact and Exceptions, and the various amendments to be considered by the Council.

1. Conditional Use Standards (Section 5-406 and Article 13, subtitle 2)
Planning's report found that the proposal met the conditional use standards required by the Code however Law suggests that their reasons may not be sufficient for the Council. Accordingly, Attachment A is provided that offers specific support for the Council to consider.
2. Findings of Fact and Exceptions (Article 13- 203 and 204)
Planning's report again addresses this in its entirety, recognizing that the previous PUD approval and this replacement are essentially for the same development and under the same standards of approval. In addition, it is important that the previous approvals for density, height and signage be retained and not be repealed through any inadvertent

action or amendment. Attachment B is provided that also offers specific findings for the Council to consider.

3. Amendments

There are amendments suggested by Planning and Law as well as the Applicant. Most, if not all, of Planning's suggestions have been accepted by Law as well as the Applicant. For consistency, Attachment C is provided that consolidates all of the proposed amendments as one exhibit for the Council to consider.

In summary, the Applicant urges the Committee to support City Council Bill 2018-0270 at its hearing on September 12th so that it can be approved by the City Council on September 17th.

Sincerely,



Alfred W. Barry III
on behalf of the Applicant

cc: David Bramble

ATTACHMENT A - September 10, 2018

CITY COUNCIL BILL 18-0270 - PLANNED UNIT DEVELOPMENT, 5601 and 5801 EASTERN AVENUE

CONDITIONAL USE STANDARDS (Article 13 Subtitle 2, 5-406, 13-203(a,b))

- 1. The use is compatible with the surrounding neighborhood.**
The subject property was formerly a long abandoned industrial use and unable to be sold as such due to the environmental cleanup required. The property is adjacent to two primarily residential neighborhoods, a primary artery predominately with commercial uses and across from the Johns Hopkins Bayview Medical campus. The development plan for a pedestrian oriented mixed use development combines each of these land uses as a complimentary overall development and has received unanimous community and institutional support.
- 2. The use furthers the purpose of the proposed classification.**
The combination of retail, office and residential uses could not be achieved under the property's original industrial zoning and the City Council subsequently rezoned the property in 2015 to a more appropriate commercial zone that was mistakenly omitted under the Transform Comprehensive rezoning. A corrective Bill was adopted by the City Council on August 6, 2018. The uses within the PUD are all consistent with the underlying zoning and therefore furthers the purpose of the classification.
- 3. The PUD master plan ensures that there will be no discordance with existing uses.**
This has previously been accepted as such by the Planning Commission's through review of the plan, its subsequent final design approvals for the initial plans as well as the overall community review and acceptance
- 4. The establishment of the PUD will not be detrimental to the public health and welfare.**
The redevelopment, through a \$18 million environmental remediation removes a long-standing blight and neighborhood nuisance.
- 5. The use is not precluded by any other law including an Urban Renewal Plan.**
The property is not in any Urban Renewal Plan or other City designated district.
- 6. The authorization is in the public interest.**
The stated environmental clean- up and the return of the property to an active use with over \$150 million dollars of investment will complement the two adjacent residential neighborhoods and the Johns Hopkins Bayview campus with its 5,000 employees.
- 7. The authorization would be in harmony with the intent of the Zoning Code.**
The concept of a Planned Unit Development was an innovative feature of the 1971 Zoning Code to foster innovative planning and design treatments of entire large sites such as this property. Fortunately, Transform continued that feature and this replacement PUD is consistent with the intent of its original 2015 approval and Transform Baltimore.
- 8. The PUD is in general conformance with all elements of the Comprehensive Master Plan as well as the nature of existing and contemplated development in the vicinity.**
There are several trends that this PUD is consistent with: the continued revitalization of

the Greektown and Bayview communities, and the projected growth of the Johns Hopkins Bayview campus.

9. The PUD is compatible with the natural features of the property.
The site plan was designed to take advantage of the significant change in topography from Eastern Avenue to the I-95 boundary and the existence of the prior landfill established by the prior owner. A significant buffer on the western edge of the property adjacent to the Greektown homes is being preserved.
10. The physical characteristics will not adversely affect future development. The plan has established both development restrictions on heights and vehicular access to encourage compatible development and pedestrian connections to the immediate neighborhoods and institutions.
11. The PUD will provide the same protection with respect to fire and health hazards.
The plans have been approved by both the City Fire and Transportation Departments.
12. The PUD will feature innovative design features not allowed under the existing zoning.
The previous PUD established appropriate height and signage standards for redevelopment that were permitted under the previous zoning but not under Transform.
13. The PUD is adjacent to an existing warehouse and distribution center and will have no impact on their operation. The industrial use has access to a separate street (Dundalk Avenue) and the owner is cooperating with the PUID developer on grading issues between the properties

ATTACHMENT B - September 10, 2018

CITY COUNCIL BILL 18-270 - PLANNED UNIT DEVELOPMENT, 5601 and 5801 EASTERN AVENUE

FINDINGS OF FACT (13-203 (A and B))

1. The use is compatible with the surrounding neighborhood.
The proposed \$150 million redevelopment will transform a long-abandoned industrial property that was a blight to its immediate neighbors into a vibrant mixed use community center providing community services and jobs.
2. The use furthers the purpose of the proposed classification.
The City Council recently approved the rezoning of the property from industrial to commercial (Ord 18-172) recognizing the inappropriateness of the industrial classification. The proposed Master Plan in the PUD incorporates uses that are all listed as permitted or conditional uses in the commercial classification.
3. The PUD Master Plan developed under 13-304 ensures there is no discordance within existing uses.
The exhibits included in the PUD have been carefully reviewed and approved by the City's Site Plan Review Committee. This interagency committee is comprised of appropriate City agencies such as DOT, DPW and Fire. The applicant is working with DOT on a comprehensive traffic mitigation plan for Eastern Avenue that involves signal and intersection upgrades.

EXCEPTIONS (13-204 (A-D))

Three exceptions are requested from the existing Transform Baltimore Code. These were exceptions that were included in the original PUD approval and permitted in the former underlying Commercial zoning. As noted by Law, the Council must take into account the considerations for each exception listed below.

Heights

The previous PUD set up zones for future high density development ranging between 88 feet to 140 feet as well as established a 45 foot buffer along the western portion of the site. In the C-3 zoning district, heights above 60 feet to 100 feet are required to obtain conditional use approval and heights above 100 feet would be required to obtain a variance. These heights were approved following a rigorous review by the Planning Department's Urban Design and Architectural Advisory Panel that considered the overall plan for a high-quality pedestrian development that took into considerations the topography of the site and the need to restrict the taller buildings further from the adjacent Greektown neighborhood. Each of the nine considerations in 13-204 (A) were considered by the Planning Commission's recommendation for approval. Examples of the substantial benefits to the City required in 13-204 (D) include:

1. Use of sustainable design and architecture
2. Enhanced design characteristics for the mixed-use development

3. Community amenities including enhanced pedestrian spaces
4. Additional public improvements along Eastern Avenue and new traffic control devices

Signage

The prior PUD included a subsequent Planning Commission approval on December 12, 2017 for a comprehensive sign package consistent with the previous Zoning Code and PUD. Planning and the applicant wish to retain these approvals and incorporate them into the PUD approvals with future Planning Commission approval. Law is suggesting that the sections in the PUD be removed due to a conflict with the new sign regulations in Transform. If the City Council must make specific findings that the sign guidelines are considered an exception to the District regulations. These findings are listed below:

1. The comprehensive sign program will enhance the overall development plan
2. The program will enhance the City's economic development program
3. The sign program has been designed as an integral part of the design plans
4. The sign program will feature attractive pedestrian signage
5. The sign program will not cause any adverse impact on neighboring properties
6. The sign program will not negatively impact the value or enjoyment of surrounding properties, or the provision of municipal services or traffic flow
7. The sign program is compatible with the City's land Use policies
8. The sign program provides substantial public benefits as required by the Code
9. The sign program will allow signs that are compatible with commercial and residential uses in the underlying zoning district and the zoning districts of adjacent properties

Alcoholic Beverage Sales

The prior PUD contained very proscribed conditions related to alcohol licenses for which Planning is recommending removal (Section 8). The remaining provision as a condition in Section 6(b) for alcohol sales within a grocery store needs to be amended so as to not conflict with State or local law. The original purpose of the condition was to ensure that a stand-alone off premise retail sales establishment would not be permitted but that an existing tavern Class B license owned by the applicant could be used to compliment the future grocery store as an accessory use. Nevertheless, the required conditional use approval by City Council for alcohol sales in the underlying C-3 zoning district needs to be satisfied by the Council by adopting the following Findings of Fact required under 5-406 (A and B) :

1. The establishment of the license will require the approval of the Liquor Board and their approval will be for the operation of a first class license that compliments the \$150 million dollar mixed use development
2. The new license will not be precluded by any other law
3. The new license will not be contrary to the public interest
4. The authorization will be in harmony with the purpose and intent of the Code

In coming to these findings, the City Council has considered the following;

1. The large nature of the 20+ acre site and the relative isolation of the license from adjacent neighborhoods.
2. The planned access improvements that restrict vehicular traffic to Eastern Avenue
3. The nature of the surrounding area and the lack of impact of the proposed License.
4. The large distance of the use from dwellings, churches, schools and other places of public gathering
5. The accessibility of emergency vehicles as evidenced by the Fire Department's approval

CITY COUNCIL BILL 18-0270 - September 10, 2018

SUMMARY OF AMENDMENTS (First Reader Copy)

BY PLANNING

1. Page 1, lines 15-19 - strike "that is to be added to...and final plan approvals from the Planning Commission, and to revise certain text provisions"
2. Page 2, Section 3 - replace all exhibits C-1.0 through C-7.0 dated June 20, 2018 with all new exhibits C-1.0-C-7.0, dated July 12, 2018
3. Page 2, Section 3 to add new exhibit "Exhibit C-8.0, Design Guidelines dated July 12, 2018 after line 22
4. Page 2, Section 6 (a) to read "Uses allowed in the Planned Unit Development are those uses permitted under Title 10-205 and Table 10-301. In addition, the two following conditional uses are allowed: Retail Goods Establishment (With Alcoholic Beverages Sales) and Gas Station "
5. Page 2, Section 6 (b) to read "1 Retail Goods Establishment (With Alcoholic Beverage sales0 when within a full service grocery store whose net leasable area exceeds 15,000 square feet"
6. Page 2, Section 6 - Strike "(c) 1 gas station as approved under the Final Development Plan at 5801 Eastern Avenue."
7. Page 3 - Strike Section 8 in its entirety and renumber sections
8. Page 4, Section 11 - strike lines 4-8, (b) A maximum of three monument...facing I-95 will be permitted"
9. Page 4, Section 13 to add language on line 18 after "Ordinance." "All Final Design Approvals previously accepted in the existing PUD established in 2015 are accepted under this PUD, subject to other agency comments."

BY LAW

1. Page 3 - Delete lines 40-41 and 1-11 on Page 4 related to signage
2. Page 3 - Delete lines 8,9,13 and 16 related to uses
3. Page 4 - Delete lines 27-30 related to tolling

BY THE APPLICANT

1. Page 1, Line 2 - Add "and 5801 Eastern Avenue" after "5601 Eastern Avenue"
2. Page 1, Line 5 - Add "and 5801 Eastern Avenue" after "Avenue"
3. Page 1, Line 15 - Replace "the applicant" with " An affiliate of the applicant, MCB 5801 Eastern LLC"
4. Page 2, Lines 36-37 - Strike in its entirety and renumber sections
5. Page 4, Add new Section 14 as follows and renumber Sections "AND BE IT FURTHER ORDAINED, That if MCB 5801 Eastern LLC does not close on the acquisition of 5801

Eastern Avenue, then that property shall not be deemed part of, or subject to the provisions of the Planned Unit Development.”

BY TRANSPORTATION

1. DOT will be submitting an amendment pertaining to the Traffic Mitigation requirements

Coates, Jennifer

From: Lacour, Valorie
Sent: Friday, September 14, 2018 5:58 PM
To: Banks, Kyrin; Coates, Jennifer; Taylor, Josh
Cc: Ray, Nancy; Framm, David
Subject: RE: Bill 18-0270

Nancy:

I hope I don't confuse the issue further:

A Developer's Agreement (DA) is the legal agreement between the City and Developer and is required for all work in the right-of-way by the developer. In this case, the developer will be required to include the work described in the amendments – signal modification at Eastern Avenue and Anglesea and Eastern and Bonsal.

DOT reviews and approves the work through the Developer's Agreement. The engineering details and specifications for the amendments are required to be shown on the Developer's Agreement. DOT has the final approval authority for the work described in the amendment.

The Developer has made its initial Developer's Agreement submission for 5601 Eastern Avenue. The Developer's Agreement Number is 1593. If you prefer to reference the Actual Developer's Agreement in the Legislation I think that would be ok. I have added David Framm to this email for his concurrence.

I will be in my office Monday morning at 9AM to clarify any additional information.

Valorie LaCour, RLA, LEED AP
Strategic Initiatives

417 East Fayette Street, 5th Floor
Baltimore, MD 21202
443-984-4092
Cell: 443-202-5446
Valorie.LaCour@Baltimorecity.gov



CATHERINE E. PUGH
MAYOR



Connect with the Department of Transportation!

Twitter: [@bmorecityDOT](https://twitter.com/bmorecityDOT)

Facebook: [BaltimoreCityDOT](https://www.facebook.com/BaltimoreCityDOT)

Weather Alert – In the event that Baltimore City schools are closed system-wide, all meetings (a.m. and p.m.) of the Baltimore City Department of Transportation Planning Division will be canceled for that day. If the school system closes during the day, any meetings scheduled for the remainder of the day or evening are canceled. Delays in the opening of the school system do not impact meeting with the Transportation Planning Division or their scheduled time.

received
9-14-18 *RLC*



August 31, 2018

Traffic Mitigation Report for: 5601 Eastern Avenue Planned Unit Development (PUD)

A. INTRODUCTION

Traffic Impacts were reviewed for the Planned Unit Development (PUD) proposed at 5601 Eastern Avenue. The site is located in the Pulaski industrial area which is adjacent to the Greektown and Bayview neighborhoods of southeast Baltimore. Figure 1 is the location map. Appendix A contains the 5601 Eastern Avenue Redevelopment Plans C-1.0 through C-7.0. Eastern Avenue is an arterial roadway designated as a local truck route on the Baltimore City Truck Map.



Figure 1: Location Map

The proposed PUD has a maximum gross square footage for all buildings and uses, excluding parking and circulation for the 2,000,000 square feet as follows.

- 184,000 square feet for retail
- 376,000 square feet for office
- 350,000 square feet for hotel
- 1,350 residential units

received
9.14.18 JRC

B. TRIP GENERATION METHODOLOGY

Trip generation estimates were based primarily on ITE methodology. The trip generation is a compilation of data collected from numerous sources. In the *ITE Trip Generation*, 7th Edition, data are combined from thousands of trip generation studies. This information is by no means all inclusive; however, it represents the best information available at this time.

DOT concluded that the PUD had a total daily automobile trip generation of 9,900 for the total maximum density of the PUD. Discounts and credits were applied for local bus, non-motorized (walking/cycling) and pass-by discount reducing the total trips generated to net daily trips 6,800.

C. MITIGATION

The proposed site trips forecasted for the maximum density allowed in the PUD are based on the best data available. The actual trips from the site may vary depending on final program build out and future transportation options. In conjunction with the proposed access points of the site, the developer is making improvements to the roadway network adjacent to the site including the traffic signal at Bayview Boulevard. However, in order to provide adequate mitigation for the forecasted new daily trips generated, DOT has negotiated the following additional improvements for multimodal traffic management.

1. The Design, engineering and installation of traffic signal modifications including any and all necessary markings, roadway improvements/repairs, and signage on Eastern Avenue at Anglesea Street. The Anglesea Street signal improvements provide for the signal at Baltimore City Fire Department Station at this location.
2. The Design, engineering and installation of traffic signal modifications including any and all necessary markings, roadway improvements/repairs, and signage on Eastern Avenue at Bonsal Street.

The above traffic mitigation required by DOT will not only provide additional access improvements to the site but also traffic management to the surrounding network.



Traffic Analysis Glossary:

Access Point: An intersection, driveway, or opening on a public street providing entry to a private development or property.

Adjacent Street Traffic: All traffic with direct access to a development site

Arterial: A signalized street that primarily serves through traffic and that secondarily provides access to abutting properties, with signal spacing of 2.0 miles or less.

Multimodal: A transportation facility for different types of users, modes or vehicles.

Pass-by Trip: An intermediate stop on the way from an origin to a primary trip destination without a route diversion. Pass-by trips are attracted from traffic passing the site on an adjacent street or roadway that offers direct access to the development.

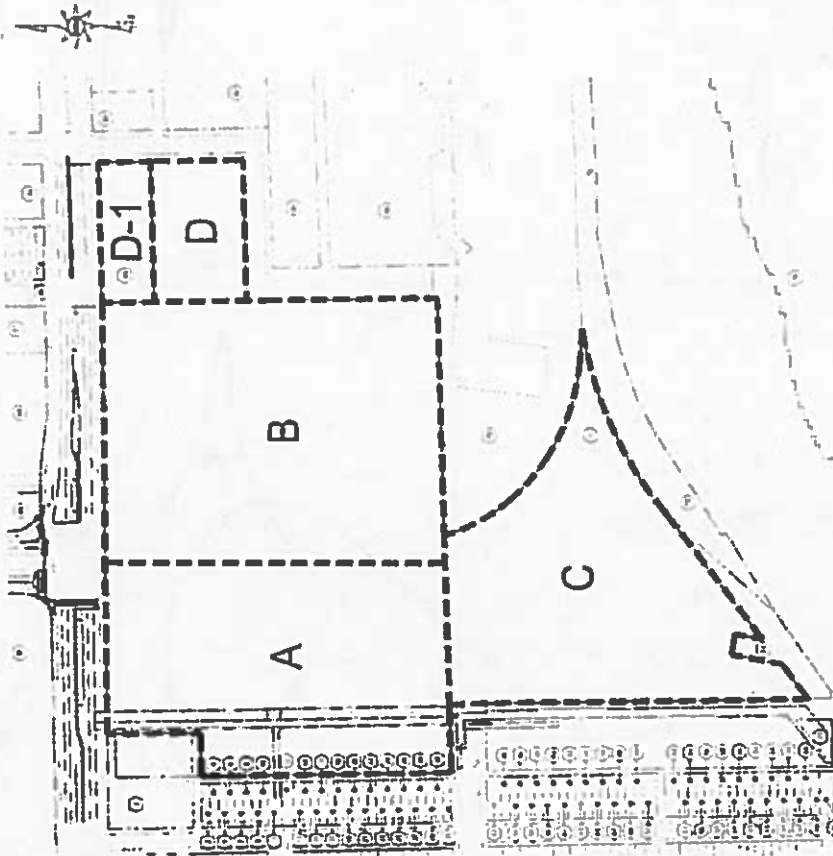
APPENDIX A

5601 Eastern Avenue Redevelopment Plans C-1.0 through C-7.0

PLANNED UNIT DEVELOPMENT



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LEGEND

Symbol	Description
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PERMITS REQUIRED

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- GENERAL NOTES**
1. All work shall be in accordance with the approved plans and specifications.
 2. The contractor shall be responsible for obtaining all necessary permits.
 3. All materials and workmanship shall be subject to inspection and approval by the local authority.
 4. The contractor shall maintain access to all adjacent properties at all times.
 5. All utility lines shall be located and marked prior to any excavation.
 6. The contractor shall be responsible for the protection of all existing structures and utilities.
 7. All work shall be completed within the specified time frame.
 8. The contractor shall be responsible for the removal and disposal of all debris.
 9. All work shall be completed in accordance with the applicable codes and regulations.
 10. The contractor shall be responsible for the safety of all workers and the public.

PROJECT INFORMATION

Project Name	...
Client	...
Architect	...
Engineer	...
Date	...

APPROVALS

Signature	Name	Title
...



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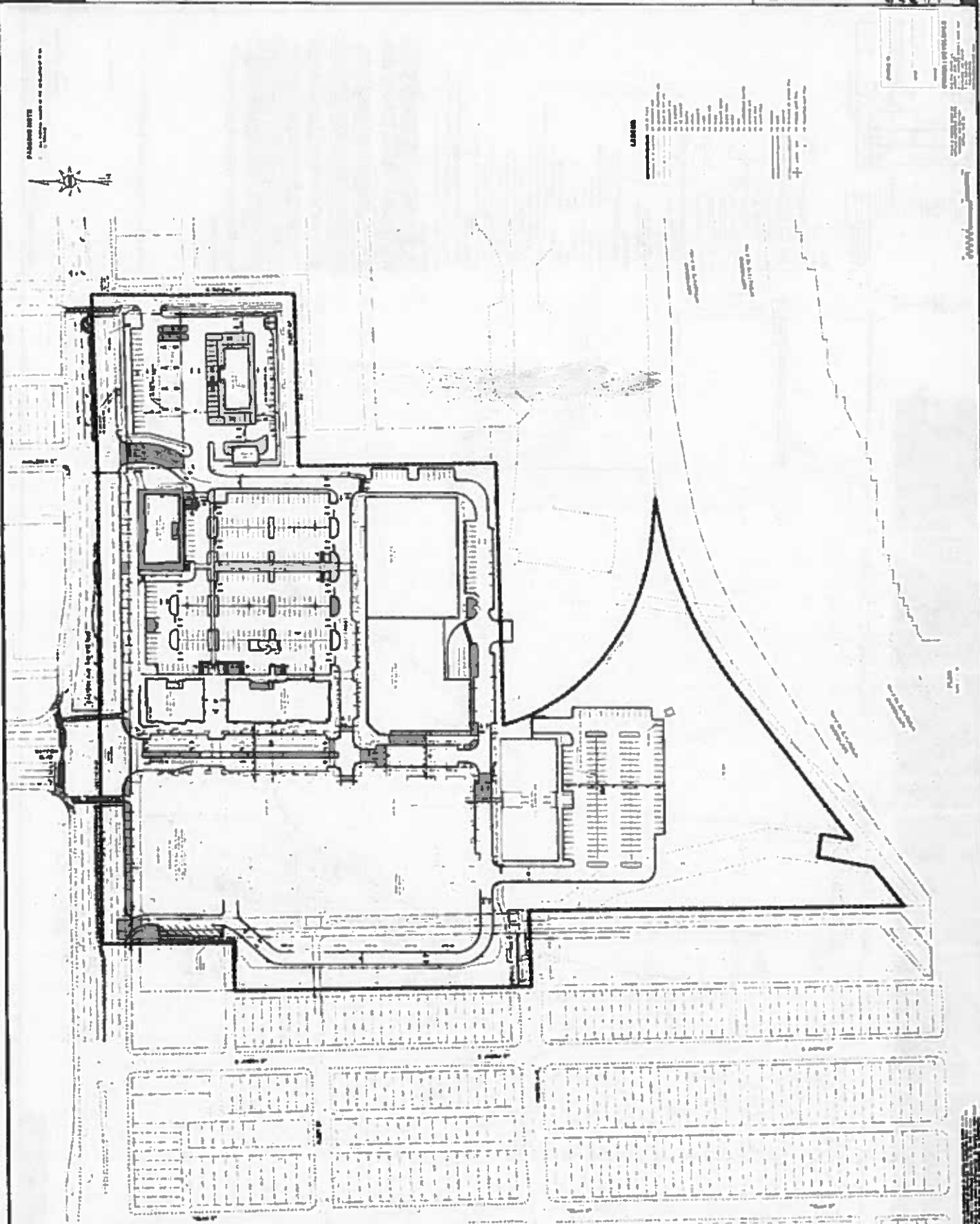
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APPENDIX B
Baltimore City Truck Route Map



Baltimore City Official Truck Routes



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, September 12, 2018

1:10 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0270

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Member Edward Reisinger, Member Sharon Green Middleton, Member Mary Pat Clarke, Member Eric T. Costello, Member Ryan Dorsey, Member Leon F. Pinkett III, and Member Robert Stokes Sr.

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0270

Planned Unit Development - Designation - 5601 Eastern Avenue

For the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

Sponsors: Zeke Cohen, President Young

A motion was made by Member Clarke, seconded by Member Stokes, Sr., that this bill be recommended favorably with amendments. The motion carried by the following vote:

Yes: 7 - Member Reisinger, Member Middleton, Member Clarke, Member Costello, Member Dorsey, Member Pinkett III, and Member Stokes Sr.

ADJOURNMENT

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 18-0270

Planned Unit Development - Designation - 5601 Eastern Avenue

Committee: Land Use and Transportation

Chaired By: Councilmember Edward Reisinger

Hearing Date: September 12, 2018

Time (Beginning): 1:20 PM

Time (Ending): 2:30 PM

Location: Clarence "Du" Burns Chamber

Total Attendance: ~30

Committee Members in Attendance:

Reisinger, Edward, Chairman

Middleton, Sharon, Vice Chair

Clarke, Mary Pat

Costello, Eric

Dorsey, Ryan

Pinkett, Leon

Stokes, Robert

Bill Synopsis in the file? [X] yes [] no [] n/a
Attendance sheet in the file? [X] yes [] no [] n/a
Agency reports read? [X] yes [] no [] n/a
Hearing televised or audio-digitally recorded? [X] yes [] no [] n/a
Certification of advertising/posting notices in the file? [X] yes [] no [] n/a
Evidence of notification to property owners? [X] yes [] no [] n/a
Final vote taken at this hearing? [X] yes [] no [] n/a
Motioned by: Councilmember Clarke, Mary Pat
Seconded by: Councilmember Stokes, Robert
Final Vote: Favorable/Amend

Major Speakers

(This is not an attendance record.)

- Ms. Tamara Woods, Department of Planning
 - Mr. Josh Taylor, Department of Transportation
 - Ms. Valerie LaCour, Department of Transportation
 - Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
 - Ms. Hilary Ruley, Department of Law
 - Ms. Sharon DaBoin, Department of Housing and Community Development
 - Ms. Laura Bianca Pruitt, Parking Authority of Baltimore City
 - Ms. Sally Costello, Baltimore Development Corporation
 - Ms. Kristen Oldendorf, Department of Public Works
 - Mr. Al Barry, representative for the applicant
-

Major Issues Discussed

1. Councilman Reisinger introduced committee members and read the bill's title and purpose. He also provided general information about the development project and its benefits for the City.
2. Ms. Tamara Woods presented the Planning Commission's recommendations and provided information from the Department of Planning's staff report. Committee staff gave committee members a copy of the Planning Commission's report which explained findings of facts for the Planned Unit Development. Ms. Woods provided background information about the property. The site was a vacant brownfield site. Commercial and retail development is being planned for the site. Ms. Woods also explained the amendments being recommended by the Planning Commission.
3. Councilwoman Clarke asked about the addition of two new uses. Tamara Woods explained that the property at 5801, which is being added to the site, would be split zoned (C3/C4).
4. Councilwoman Middleton made a statement indicating that she will continue to monitor how equitably the Planning Department treats zoning requests for retail goods establishment for alcoholic beverage sales (particularly when the use is combined with a grocery store) throughout Baltimore.
5. Ms. Ruley presented amendments for the Law Department. She explained legal requirements for exceptions, conditions, findings and amendments.
6. Agency reports were read. Agency representatives testified in support of their respective agency's position on the bill. The Department of Transportation offered amendments.
7. Mr. Al Barry provided general information about the development project for the site and answered general questions. He stated that an estimated \$70 millions dollars has been invested in the development project. He also indicated that the project would be completed in phases. He explained that certain zoning code text amendments were needed for the existing planned unit development PUD. For the major changes being requested, the new zoning code (Article 32) required a repeal and replacement of the existing (PUD). The committee discussed the applicant's signage request.
8. Councilwoman Clarke stated that language in Article 32 relating to Planned Unit Developments may need to be reviewed.

9. Ms. LaCour presented an updated report from the Department of Transportation that included amendments and supporting information.
10. The committee discussed the amendments, exceptions, conditions, and findings for the bill.
11. The committee approved finding of facts and amendments for the bill.
12. The committee voted to recommend the bill favorable with amendments.
13. The hearing was adjourned.

Further Study

**Was further study requested?
If yes, describe.**

Yes No

Committee Vote:

Reisinger, Edward, Chairman.....	Yea
Middleton, Sharon, Vice Chair.....	Yea
Clarke, Mary Pat.....	Yea
Costello, Eric.....	Yea
Dorsey, Ryan.....	Yea
Pinkett, Leon.....	Yea
Stokes, Robert:.....	Yea

Jennifer L. Coates, Committee Staff
cc: Bill File
OCS Chrono File

Date: September 13, 2018



**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Land Use and Transportation Chairperson: Edward Reisinger
 Date: September 12, 2018 Time: 1:10 PM Place: Clarence "Du" Burns Chambers
 Subject: Ordinance - Planned Unit Development - Designation - 5601 Eastern Avenuen Avenue CC Bill Number: 18-0270

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO	WHAT IS YOUR POSITION ON THIS BILL?	(*) LOBBYIST: ARE YOU REGISTERED IN THE CITY
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Tamara	Woods		Planning Dept		tamara.woods@baltoemphcity.gov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Al	Soss		801 E Gold St.		al@altesy.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Shirley	Walt		DOT		shirley.walt@baltimorecity.gov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Kristyn	Oldendorf		HEP			<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>
Kelly	Cross		Old Garden Community Assn		cross.kelly@gmail.com	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730. FAX: 410-396-8483.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, September 12, 2018

1:10 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0270

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0270

Planned Unit Development - Designation - 5601 Eastern Avenue

For the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

Sponsors:

Zeke Cohen, President Young

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



**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 Reisinger
Chairperson**

PUBLIC HEARING

Wednesday, September 12, 2018

1:10 PM

Clarence "Du" Burns Council Chambers

City Council Bill # 18-0270

Planned Unit Development - Designation - 5601 Eastern Avenue

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 Currin

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: Matthew Peters

EXECUTIVE APPOINTMENTS

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

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

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Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: Matthew Peters

LABOR

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

LAND USE AND TRANSPORTATION

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

PUBLIC SAFETY

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

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

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



BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 18-0270

Planned Unit Development - Designation – 5601 Eastern Avenue

Sponsor: Councilmember Cohen

Introduced: June 25, 2018

Purpose:

For the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development (PUD) and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

Effective: 30th Day after Enactment

Hearing Date/Time/Location: September 12, 2018/1:10 p.m./Clarence "Du" Burns Chambers

Agency Reports

Planning Commission	Favorable/Amend
Board of Municipal and Zoning Appeals	
Department of Transportation	Favorable
Department of Law	Favorable/Amend
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	Favorable
Parking Authority of Baltimore City	Not Opposed
Department of Public Works	No Objection
Fire Department	

Analysis

Current Law

Article 32 – Zoning; Sections 5-201(a) and Title 13; Baltimore City Revised Code (Edition 2000)

Background

CC Bill 18-0270, if approved, would repeal Ordinance 15-380 the existing development plan for the 5601 Eastern Avenue Planned Unit Development (PUD). Major changes proposed by the bill would:

- add an additional property (5801 Eastern Avenue) to the 5601 Eastern Avenue PUD site (Sec. 2)
- approve a new development plan for the site (with appropriate exhibits) (Sec. 3)
- allow for maximum gross square footage for all buildings and uses (Sec. 4)
- allow for maximum heights for all buildings (Sec. 5)
- regulate construction within the PUD near certain boundaries (Sec. 5)
- specify permitted uses and include a *“retail goods establishment with off premises alcohol sales”* when within a full service grocery store, and *gas station* (Sec. 6)
- grant Final Development Plan approval for a gas station (Sec. 6)
- prohibit certain uses within the PUD, including uses not included in Article 32 (*Community Correction Center, Firearm Sales, Parole and Probation Field Office and Taxidermist Shop*) (Sec. 7)
- limit the number of liquor licenses permitted within the PUD (Sec. 7)
- permit only liquor licenses approved by the Board of Municipal and Zoning Appeals (Sec. 8(a))
- prohibit a tavern with off-premises sales unless it is the retail goods establishment in a grocery store (Sec. 8(b))
- provide for and/or reduce off-street parking in the PUD (Sec. 9)
- determine building entrances (Sec. 10)
- permit/limit service and vehicular access to buildings (Sec. 10)
- permit/limit certain types and number of signs (Sec. 11)
- set parameters for sign approval (Sec. 11)
- allow (*as specified in Article 32, Title 13*) the Planning Commission to determine minor and major modifications to the PUD Development Plan (Section 12)

- require that all plans for the construction of permanent improvements are subject to final design approval by the Planning Commission (Sec. 13)
- require that the filing of an appeal of the PUD or any building permit issued shall toll any time limits set forth in the Development Plan pending the conclusion of all appeals. (Sec. 15)

There is a companion bill (Bill 18-0269) to rezone the property from I-2 to C-3 which was heard by the Land Use and Transportation Committee on August 1, 2018 and approved on its second reading by the full Council on August 6, 2018.

The property, which lies on the south side of Eastern Avenue, is situated directly across the street from the Johns Hopkins Bayview Hospital. It is bounded on the east by Bonsal Street, on the west by Umbra Street and on the south by I-95. Greektown and Bayview neighborhoods are adjacent to the site.

The former industrial site is owned by TRP-MCB 5601 Eastern LLC, the applicant for the PUD. The site was previously used by corporations for heavy manufacturing of waste porcelain and glass, which was disposed of on certain sections of the parcel. The owner is working with the Maryland Department of the Environment to perform proper mitigation. Buildings, on the once improved lot, have recently been demolished. The applicant is also a contract purchaser of an adjoining property at 5801 Eastern Avenue, which is zoned C-4 Commercial Zoning District and is to be added to the PUD.

The 5601 Eastern Avenue Planned Unit Development (PUD), established in 2015, is a mixed-use commercial and residential development. The PUD's new development plan proposes to create a new mixed use development.

Proposed amendments from the Department of Planning and Law Department are attached. The amendments are as follows:

Department of Planning proposes to amend the bill to:

#1 - Page 1, Lines 15-19 – Recital - Strike language in the recital that discusses the rationale for adding the property located at 5801 Eastern Avenue to the PUD

#2 - Page 2, Lines 16 – 22 - Section 3 – Change the date of the Exhibits to July 12, 2018 and add Exhibit C – 8.0 Design Guidelines dated July 12, 2018

#3 - Page 2, Line 35 – Section 6 – Specify that uses in Table 10-205 and Table 10-301 are allowed/permitted and add two (2) additional conditional uses:

- retail goods establishment (with alcoholic beverages sales), and
- gas stations

#4 - Page 2, Lines 36 - 38 - Section 6 – Change the language that describes retail goods establishment by replacing “with off premises alcohol sales” and inserting “with alcoholic beverage sales” AND delete language referencing approval of the Final Development Plan for 5801 Eastern Avenue.

#5 - Page 3, Lines 18 – 28 and Lines 12, 15, 19, 27, 31 and 35 – Section 8 – Remove the entire Section 8 regarding liquor licenses and renumber remaining sections 9 – 14 of the bill.

#6 - Page 4, Lines 4 – 8 and Line 9– Section 11(b) – Remove the entire section 11(b) and renumber remaining sections.

#7 - Page 4, Line 18 – Section 13 – Insert language to allow/accept all final design approvals that were previously accepted in the existing PUD which was established in 2015.

Department of Law proposes to amend the bill to:

#1 - Page 3, Line 40 – 41 and Page 4, Line 1 -11 - Section 11 – Delete in its entirety Section 11 which pertains to signage.

#2 – Page 3, Lines 8, 9, 13 and 16 – Section 7 – Delete the following uses from those prohibited within the PUD: Community correction centers, Firearm Sales, Parole and Probation Field Office and Taxidermist Shop.

#3 – Page 4, Lines 27 – 30 – Section 15 – Delete in its entirety Section 15 which would have set tolling time limits on appeals of the PUD or building permits for the PUD.

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency Reports

Analysis by: Jennifer L. Coates
Analysis Date: September 6, 2018

Direct Inquiries to: (410) 396-1260

**CITY OF BALTIMORE
COUNCIL BILL 18-0270
(First Reader)**

Introduced by: Councilmember Cohen, President Young

At the request of: TRP-MCB 5601 Eastern, LLC

Address: c/o AB Associates, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland 21202

Telephone: 410-547-6900

Introduced and read first time: June 25, 2018

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Designation – 5601 Eastern Avenue**

3 FOR the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue
4 Planned Unit Development and approving a new Development Plan for the 5601 Eastern
5 Avenue Planned Unit Development.

6 BY authority of

7 Article 32 - Zoning
8 Section 5-201(a) and Title 13
9 Baltimore City Revised Code
10 (Edition 2000)

11 **Recitals**

12 By Ordinance 15-380, the Mayor and City Council of Baltimore approved the application to
13 have certain property located at 5601 Eastern Avenue designated a Business Planned Unit
14 Development and approved the Development Plan as submitted by the applicant.

15 The applicant is the contract purchaser of an adjoining property at 5801 Eastern Avenue that
16 is to be added to the Planned Unit Development and wants approval of a Final Development Plan
17 for the combined property. The applicant wants to replace the existing Planned Unit with a new
18 one that reflects changes previously approved in the Development Plan and final plan approvals
19 from the Planning Commission, and to revise certain text provisions.

20 On May 30, 2018, representatives of the applicant met with the Department of Planning for a
21 preliminary consultation, to explain the scope and nature of existing and proposed development
22 on the property and to institute proceedings to have the property designated a Planned Unit
23 Development.

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

Council Bill 18-0270

1 The representatives of the applicant have now applied to the Baltimore City Council for
2 designation of the property as a Planned Unit Development, and they have submitted a
3 Development Plan intended to satisfy the requirements of the Baltimore City Zoning Code,
4 Section 5-201(a) and Title 13.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That**
6 **Ordinance 15-380 is repealed.**

7 **SECTION 2. AND BE IT FURTHER ORDAINED, That the Mayor and City Council approves the**
8 **application of TRP-MCB 5601 Eastern Avenue, LLC, owner of the property located at 5601**
9 **Eastern Avenue, consisting of 20.0166 acres, and contract purchaser of the adjacent property at**
10 **5801 Eastern Avenue, consisting of 27,000 square feet, more or less, as outlined on the**
11 **accompanying Development Plan entitled "5601 Eastern Avenue", to designate the property as a**
12 **Planned Unit Development under Title 13, of the Baltimore City Zoning Code.**

13 **SECTION 3. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore**
14 **approves the replacement of the Planned Unit Development and approves the new Development**
15 **Plan submitted by the applicant, as attached to and made part of this Ordinance, including:**

- 16 Exhibit C-1.0, "Cover Sheet", dated June 20, 2018
- 17 Exhibit C-2.0, "Existing Conditions Plan", dated June 20, 2018
- 18 Exhibit C-3.0, "Revised Master Plan - Low Density", dated June 20, 2018
- 19 Exhibit C-4.0, "Simplified Forest Delineation Plan", dated June 20, 2018
- 20 Exhibit C-5.0, "Landscape Plan", dated June 20, 2018
- 21 Exhibit C-6.0, "Landscape Notes and Details", dated June 20, 2018
- 22 Exhibit C-7.0, "Development Plan Height Limit", dated June 20, 2018.

23 **SECTION 4. AND BE IT FURTHER ORDAINED, That the maximum gross square footage for all**
24 **buildings and uses, excluding parking and circulation, in the Planned Unit Development is**
25 **2,000,000 square feet, as follows:**

- 26 184,000 square feet for retail uses;
- 27 376,000 square feet for office uses;
- 28 350,000 square feet for hotel uses; and
- 29 up to and including a maximum number of 1,350 residential units.

30 **SECTION 5. AND BE IT FURTHER ORDAINED, That the maximum heights for all buildings**
31 **shall be as shown on Exhibit C-7.0 of the Development Plan, and no building may be constructed**
32 **within 65 feet of the westernmost boundary of the Planned Unit Development.**

33 **SECTION 6. AND BE IT FURTHER ORDAINED, That residential, retail, and office uses shall be**
34 **permitted as follows:**

- 35 (a) Uses permitted under Title 10-205 and Table 10-301;
- 36 (b) 1 retail goods establishment with off premises alcohol sales when within a full service
37 grocery store whose net leasable area exceeds 15,000 square feet; and
- 38 (c) 1 gas station as approved under the Final Development Plan at 5801 Eastern Avenue.

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1 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the following uses are prohibited within
2 the Planned Unit Development:

- 3 Adult book or video store
- 4 Adult entertainment
- 5 Amusement arcade
- 6 Bail bond establishment
- 7 Body art establishment
- 8 Community correction center
- 9 Firearm sales
- 10 Fraternity or sorority house
- 11 Helistop
- 12 Massage parlor
- 13 Parole and Probation field office
- 14 Payday loan shop
- 15 Rooming house
- 16 Taxidermist shop
- 17 Tobacco, hookah, and vaping shops

18 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the number of liquor licenses permitted
19 within the Planned Unit Development are limited as follows:

- 20 (a) Class A Beer, Wine & Liquor License, if approved as a conditional use by the Board;
- 21 (b) Class BD-7 Beer, Wine & Liquor Licenses (Tavern), provided that there are no off-
22 premises sales, except for the use specifically approved under § 6(b) of this
23 Ordinance;
- 24 (c) Class B Beer, Wine & Liquor Licenses (Restaurant) in such number as may
25 accompany restaurants within the Planned Unit Development that may qualify under
26 applicable law for such licenses; and
- 27 (d) Class B Beer, Wine & Liquor Licenses (Hotel/Motel) in such number as may qualify
28 under applicable law for such licenses.

29 **SECTION 9. AND BE IT FURTHER ORDAINED,** That off-street parking shall be provided
30 according to the provisions of the Baltimore City Zoning Code, without regard to specific lot
31 lines, and, instead, in the aggregate for the entire Planned Unit Development. Off-street parking
32 may also be further reduced by the Planning Commission on a finding of shared parking where
33 appropriate.

34 **SECTION 10. AND BE IT FURTHER ORDAINED,** That all buildings with frontages on Eastern
35 Avenue shall have a principal entrance on Eastern Avenue. All buildings with frontages on
36 Bayview Drive, as shown on the Development Plan, shall have a principal entrance on that road
37 unless the building also has a entrance on Eastern Avenue. No service access shall be permitted
38 to buildings on Eastern Avenue or Bayview Drive. No vehicular access shall be permitted
39 directly or indirectly to Foster Avenue into the Planned Unit Development.

40 **SECTION 11. AND BE IT FURTHER ORDAINED,** That the following signage limitations apply
41 to the Planned Unit Development:

Council Bill 18-0270

1 (a) Total permitted signage within the Planned Unit Development shall be calculated
2 under the Zoning Code using an area factor of 3 and applied to buildings facing any
3 public or private right of ways or streets.

4 (b) A maximum of three monument/pylon signs along Eastern Avenue are permitted
5 subject to the previous design approval by the Planning Commission under the
6 previous Planned Unit Development. One new monument/pylon sign will be
7 permitted for the 5801 Eastern Avenue property, and one free-standing sign facing I-
8 95 will be permitted.

9 (c) All signage within the Planned Unit Development is subject to final design approval
10 by the Planning Commission. The approval can be in the form of either a specific
11 design or a sign design package.

12 **SECTION 12. AND BE IT FURTHER ORDAINED,** That the Planning Commission may determine
13 what constitutes minor or major modifications to the Planned Unit Development, as per the
14 provisions of Title 13 of the Baltimore City Zoning Code.

15 **SECTION 13. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
16 permanent improvements on the property are subject to final design approval by the Planning
17 Commission to insure that the plans are consistent with the Development Plan and this
18 Ordinance.

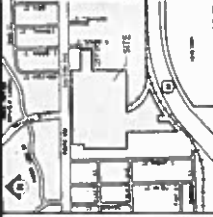
19 **SECTION 14. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
20 accompanying Development Plan and in order to give notice to the agencies that administer the
21 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
22 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
23 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
24 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
25 Appeals, the Planning Commission, the Commissioner of Housing and Community
26 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

27 **SECTION 15. AND BE IT FURTHER ORDAINED,** That the filing of an appeal of the Planned
28 Unit Development or an appeal of any building permit issued in accordance with the Planned
29 Unit Development shall toll any time limits set forth in the Development Plan pending the
30 conclusion of all appeals.

31 **SECTION 16. AND BE IT FURTHER ORDAINED,** That if any provision of this Ordinance or the
32 application of this Ordinance to any person or circumstance is held invalid for any reason, the
33 invalidity does not affect any other provision or any other application of this Ordinance, and for
34 this purpose the provisions of this Ordinance are declared severable.

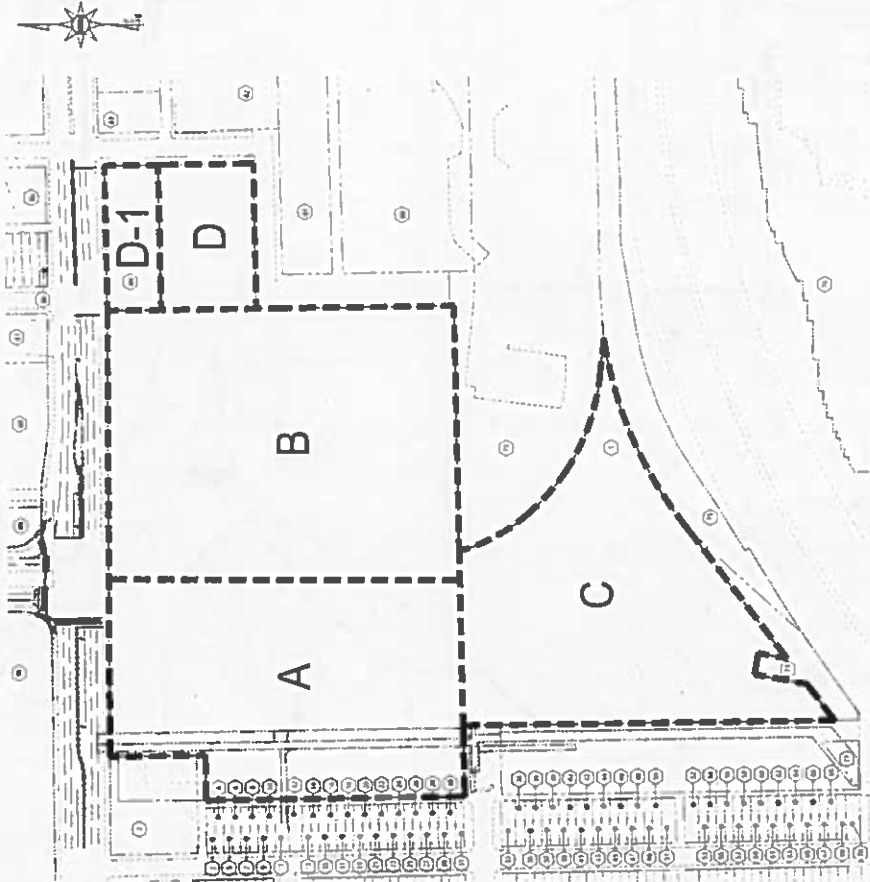
35 **SECTION 17. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
36 day after the date it is enacted.

PLANNED UNIT DEVELOPMENT



VICINITY MAP

PROPERTY INFORMATION MAP		
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DEVELOPMENT AREAS MAP

hot
 1400 East 17th Street
 Suite 100
 Denver, CO 80218
 Tel: 303.733.4400
 Fax: 303.733.4401
 www.hot.com

MRA
 1400 East 17th Street
 Suite 100
 Denver, CO 80218
 Tel: 303.733.4400
 Fax: 303.733.4401
 www.mra.com

MCB
 1400 East 17th Street
 Suite 100
 Denver, CO 80218
 Tel: 303.733.4400
 Fax: 303.733.4401
 www.mcb.com

INDEX OF DRAWINGS

NO.	DESCRIPTION
1	Site Plan
2	Site Plan
3	Site Plan
4	Site Plan
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9	Site Plan
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PARKING EXPLANATION

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- GENERAL NOTES**
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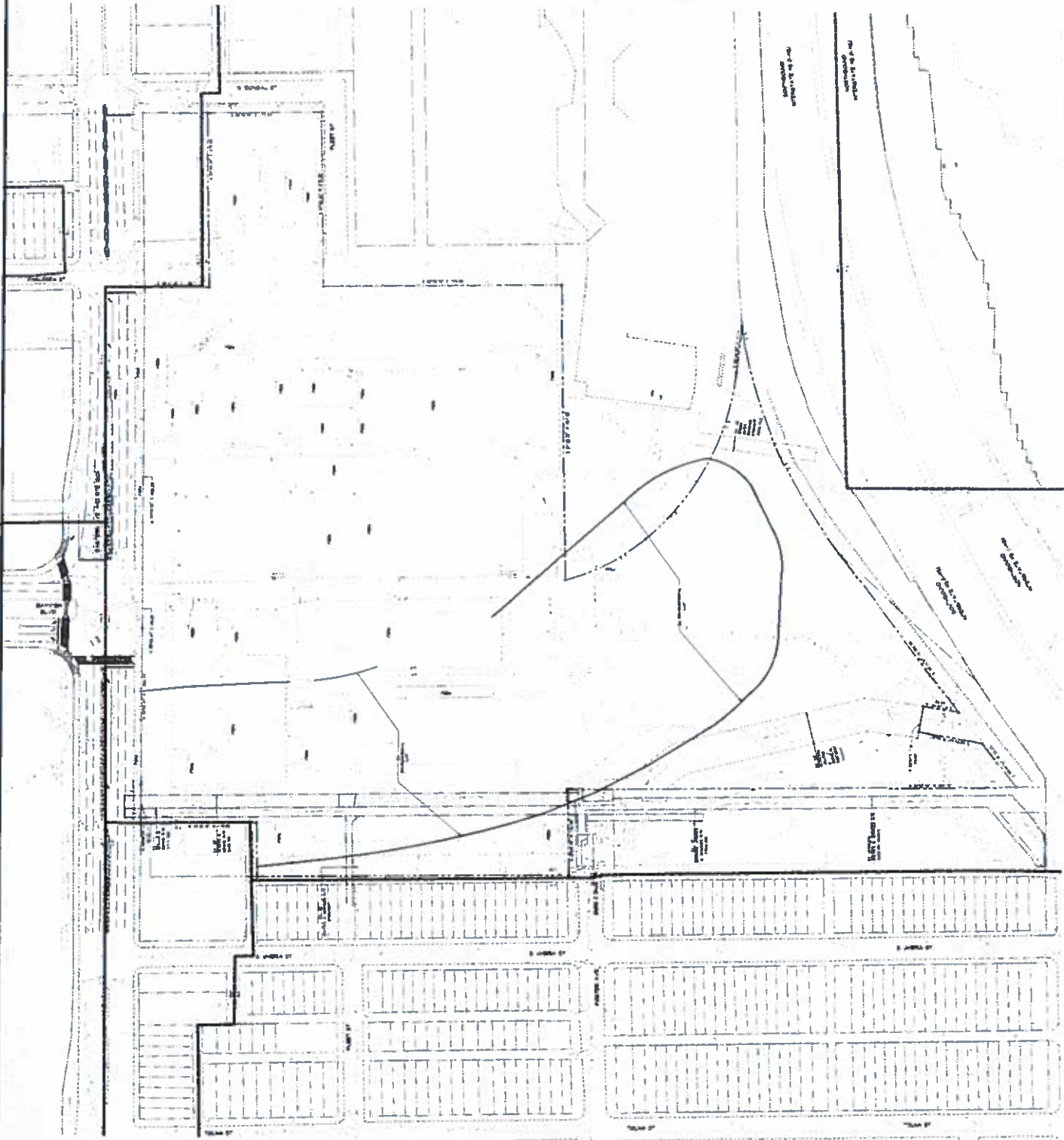
PROJECT SCHEDULE

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OWNER / DEVELOPER
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 ADDRESS: _____
 CITY: _____
 STATE: _____
 ZIP: _____
 PHONE: _____
 FAX: _____
 E-MAIL: _____

DATE
 MONTH: _____
 DAY: _____
 YEAR: _____

1401 EASTERN AVENUE REDEVELOPMENT
C-1.0



LEGEND

Table with 2 columns: Symbol and Description. Symbols include solid lines, dashed lines, and hatched areas.

BOUNDARY DATA TABLE

Table with 3 columns: Station, Description, and Distance. It lists boundary points and their corresponding distances.

Table with 2 columns: Field No. and Description. It lists field notes and their locations on the site plan.

OWNER / DEVELOPER
1000 Engineering / Architecture
1000 Engineering / Architecture
1000 Engineering / Architecture
1000 Engineering / Architecture



PLAN
Sheet C-2.0

1000 Engineering / Architecture
1000 Engineering / Architecture
1000 Engineering / Architecture
1000 Engineering / Architecture
1000 Engineering / Architecture

hct

Professional Engineer
12000 10th Avenue, Suite 200
Baltimore, MD 21286
410.528.1234
www.hctinc.com



12000 10th Avenue, Suite 200
Baltimore, MD 21286
410.528.1234
www.hctinc.com

MCB
REAL ESTATE LLC



Professional Engineer
12000 10th Avenue, Suite 200
Baltimore, MD 21286
410.528.1234
www.hctinc.com



Professional Engineer
12000 10th Avenue, Suite 200
Baltimore, MD 21286
410.528.1234
www.hctinc.com

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REAR'S WATER PLUM
CIVIL 10/11

1601 EASTERN
AVENUE
REDEVELOPMENT

C-3.0

PROPOSED WATER
PLUM



LEGEND

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PROPOSED WATER
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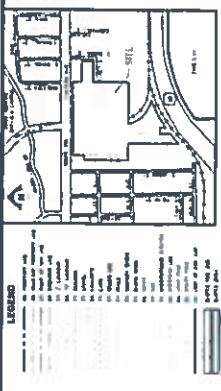


TABLE 1: SUMMARY OF PROPOSED DEVELOPMENT

NO.	DESCRIPTION	AREA (SQ. FT.)	TYPE
1	PROPOSED HOTEL	100,000	RESIDENTIAL
2	PARKING	50,000	PARKING
3	LANDSCAPING	20,000	LANDSCAPING
4	WATER TREATMENT	10,000	WATER TREATMENT
5	SEWER TREATMENT	10,000	SEWER TREATMENT
6	UTILITY BUILDING	5,000	UTILITY BUILDING
7	STREET LIGHTS	5,000	STREET LIGHTS
8	TRASH ENCLOSURE	5,000	TRASH ENCLOSURE
9	STREET FURNITURE	5,000	STREET FURNITURE
10	STREET SIGNAGE	5,000	STREET SIGNAGE
11	STREET LIGHTS	5,000	STREET LIGHTS
12	STREET FURNITURE	5,000	STREET FURNITURE
13	STREET SIGNAGE	5,000	STREET SIGNAGE
14	STREET LIGHTS	5,000	STREET LIGHTS
15	STREET FURNITURE	5,000	STREET FURNITURE
16	STREET SIGNAGE	5,000	STREET SIGNAGE
17	STREET LIGHTS	5,000	STREET LIGHTS
18	STREET FURNITURE	5,000	STREET FURNITURE
19	STREET SIGNAGE	5,000	STREET SIGNAGE
20	STREET LIGHTS	5,000	STREET LIGHTS

OWNER / APPLICANT / DESIGN CONSULTANT:
MOUNTAIN RECREATION ASSOCIATION
10000 10th Avenue, Suite 100
Boulder, Colorado 80501
Tel: 303.440.1000
Fax: 303.440.1001
www.mra.com

SITE DATA:
1. SITE AREA: 100,000 SQ. FT.
2. ZONING: RESIDENTIAL
3. ADJACENT PROPERTIES:
4. EXISTING UTILITIES:
5. EXISTING STRUCTURES:
6. EXISTING TREES:
7. EXISTING ROADS:
8. EXISTING PARKING:
9. EXISTING LANDSCAPING:
10. EXISTING WATER TREATMENT:
11. EXISTING SEWER TREATMENT:
12. EXISTING UTILITY BUILDING:
13. EXISTING STREET LIGHTS:
14. EXISTING TRASH ENCLOSURE:
15. EXISTING STREET FURNITURE:
16. EXISTING STREET SIGNAGE:
17. EXISTING STREET LIGHTS:
18. EXISTING STREET FURNITURE:
19. EXISTING STREET SIGNAGE:
20. EXISTING STREET LIGHTS:

GENERAL NOTES:
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF BOULDER ZONING ORDINANCE.
2. ALL UTILITIES SHALL BE DEEPENED AND REPAIRED TO A MINIMUM OF 18" BELOW FINISHED GRADE.
3. ALL EXISTING TREES SHALL BE PRESERVED AND PROTECTED.
4. ALL EXISTING STRUCTURES SHALL BE DEMOLISHED AND RECONSTRUCTED TO MEET CURRENT CODES.
5. ALL EXISTING ROADS SHALL BE REPAIRED AND IMPROVED TO MEET CURRENT STANDARDS.
6. ALL EXISTING PARKING SHALL BE REPAIRED AND IMPROVED TO MEET CURRENT STANDARDS.
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FOR INFORMATION:
1. THE CITY OF BOULDER HAS REVIEWED THIS PLAN AND HAS NO OBJECTIONS TO THE PROPOSED DEVELOPMENT.
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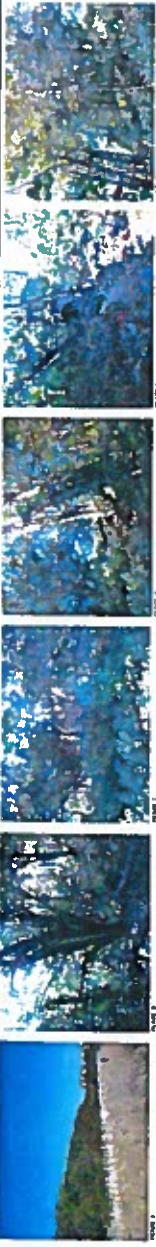
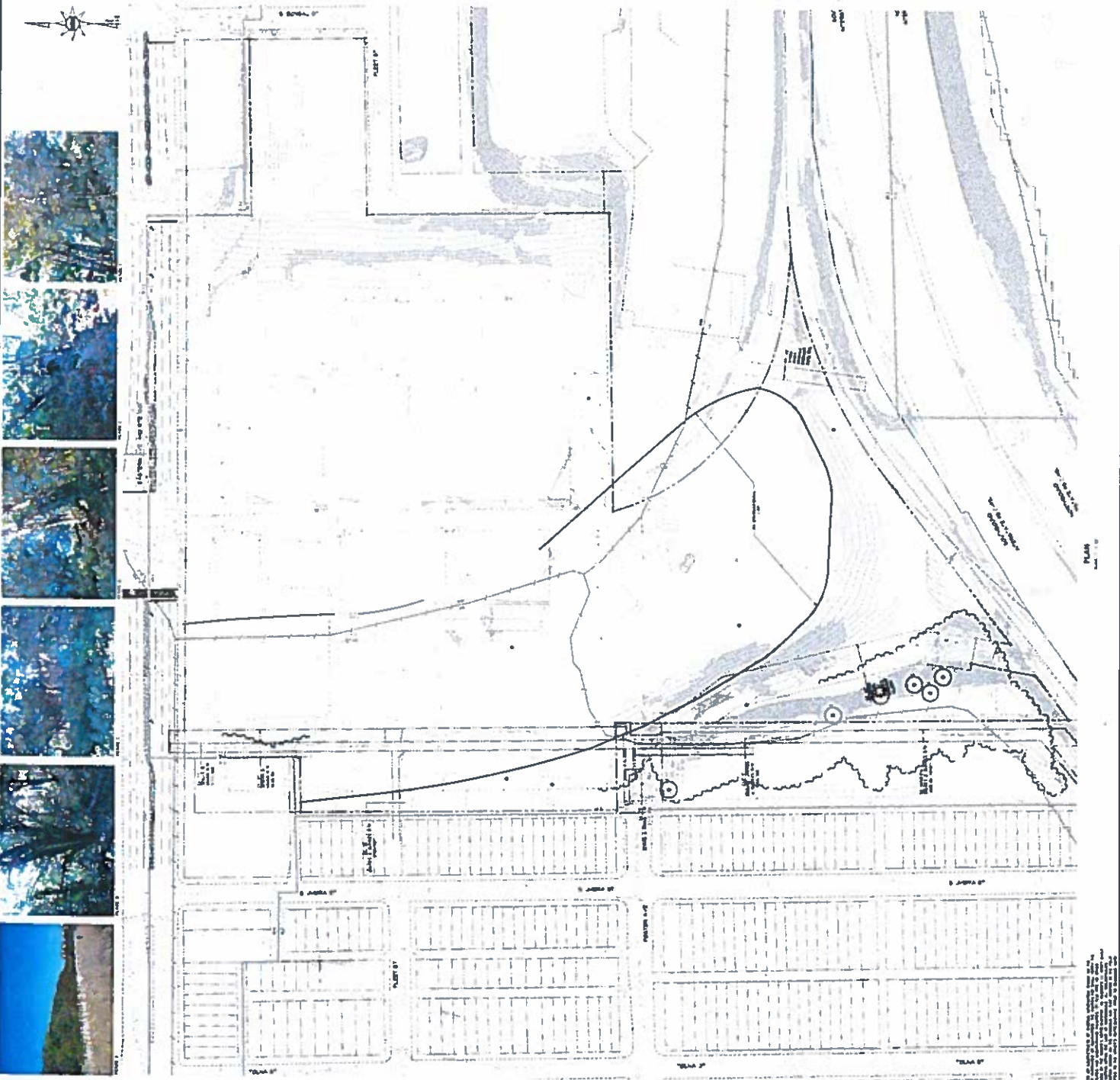
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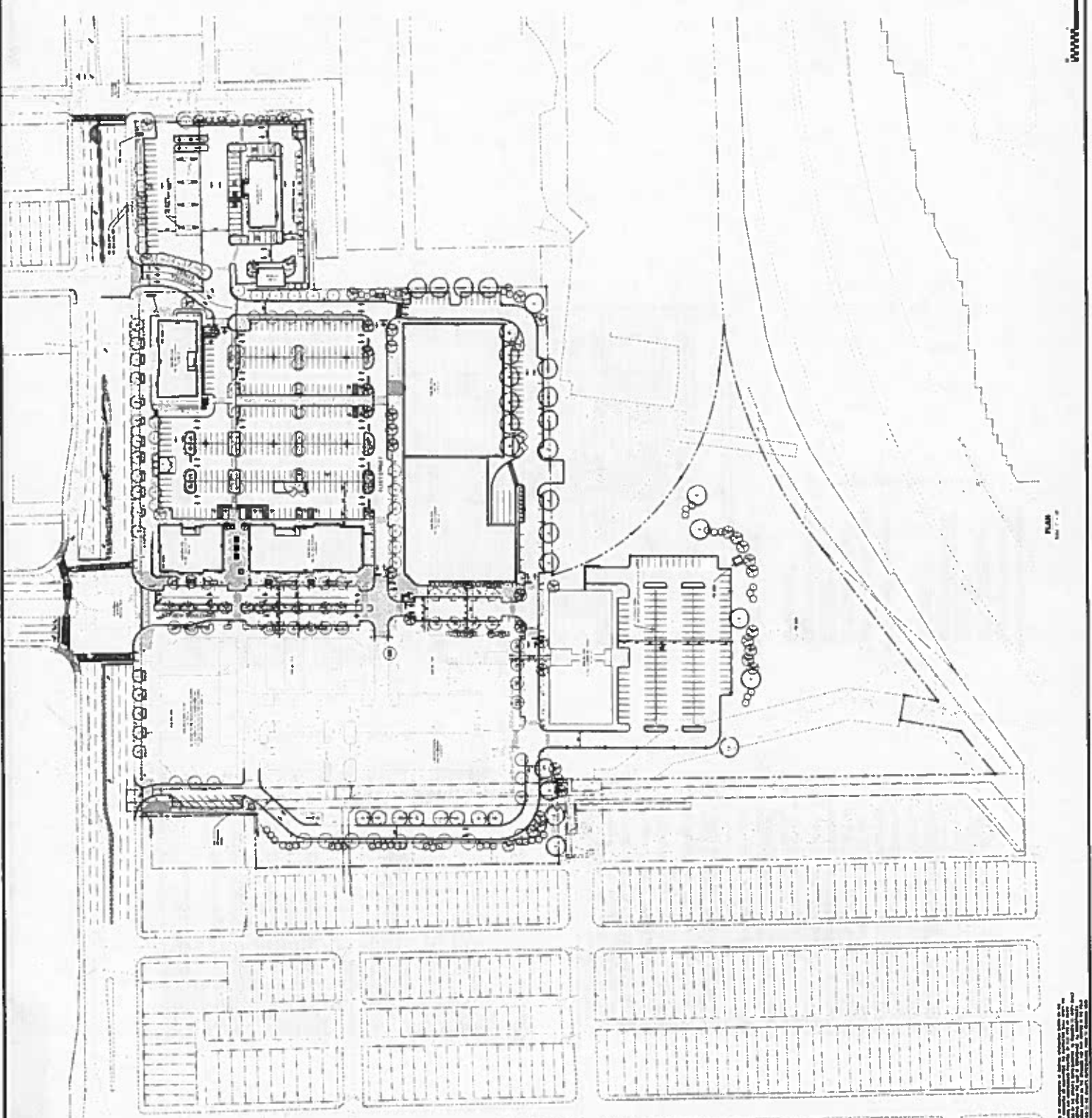


GENERAL NOTES



Legend table with symbols and descriptions for various landscape elements like trees, shrubs, and hardscape.

Table with project information including owner, developer, and date.



Small text block at the bottom right corner, possibly a disclaimer or contact information.


LAND USE AND TRANSPORTATION COMMITTEE

BILL 18-0270

AGENCY REPORTS

Planning Commission	Favorable/Amend
Board of Municipal Zoning Appeals	
Department of Transportation	Favorable
Department of Law	Favorable
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	Favorable
Department of Public Works	No Objection
Fire Department	
Parking Authority of Baltimore City	Not Opposed

MFC
for

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #18-0270/ PLANNED UNIT DEVELOPMENT - DESIGNATION-5601 EASTERN AVENUE		

TO

DATE: August 7, 2018

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

At its regular meeting of August 2, 2018, the Planning Commission considered City Council Bill #18-0270 for the purpose of repealing and replacing the 5601 Eastern Avenue Planned Unit Development #157.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended amendment and approval of City Council Bill #18-0270 and adopted the following resolution; nine members being present (seven in favor and two recusals).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #18-0270 be amended and passed by the City Council.

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

TJS/ewt

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
- Mr. Kyron Banks, Mayor's Office
- The Honorable Edward Reisinger, Council Rep. to Planning Commission
- Mr. William H. Cole IV, BDC
- Mr. Derek Baumgardner, BMZA
- Mr. Geoffrey Veale, Zoning Administration
- Ms. Sharon Daboin, DHCD
- Ms. Elena DiPietro, Law Dept.
- Mr. Francis Burnszynski, PABC
- Ms. Eboni Wimbush, DOT
- Ms. Natawna Austin, Council Services
- Mr. Ervin Bishop, Council Services
- Mr. Alfred Barry, AB Associates



Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Thomas J. Stosur
Director

August 2, 2018

REQUEST: City Council Bill #18-0270/ Planned Unit Development – Designation– 5601 Eastern Avenue

For the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

RECOMMENDATION: Approval with the following amendments:

- Amend page 1, Recitals: In lines 15 through 19 **strike** the words “that is to be added to ... and final plan approvals from the Planning Commission, and to revise certain text provisions.”
- Amend page 2, Section 3 to **replace** all exhibits C-1.0 through C-7.0 dated June 20, 2018 with all new exhibits C-1.0 through C-7.0, dated July 12, 2018.
- Amend page 2, Section 3 to **add** new exhibit “Exhibit C-8.0, ‘Design Guidelines,’” dated July 12, 2018 after line 22.
- Amend page 2, Section 6 (a), to read “Uses allowed in the Planned Unit Development are those uses permitted under Title 10-205 and Table 10-301. In addition, the two following conditional uses are allowed: Retail Goods Establishment (With Alcoholic Beverages Sales) and Gas Station.”
- Amend page 2, Section 6(b) to read “1 Retail Goods Establishment (With Alcoholic Beverages Sales) when within a full service grocery store whose net leasable area exceeds 15,000 square feet; and”
- Amend page 2, Section 6, to **strike** “(c) 1 gas station as approve under the Final Development Plan at 5801 Eastern Avenue.”
- Amend page 3, to **strike** Section 8 in its entirety and renumber the sections.
- Amend page 4, Section 11 to **strike** lines 4 through 8, “(b) A maximum of three monument...facing I-95 will be permitted.”
- Amend page 4, Section 13, to **add** language on line 18 after “Ordinance.” the following language: “All Final Design Approvals previously accepted in the existing PUD established in 2015 are accepted under this PUD, subject to other Agency comments.”

STAFF: Tamara Woods

OWNER/PETITIONER: TRP-MCB 5601 Eastern LLC

SITE/GENERAL AREA

General Area:

The existing 5601 Eastern Avenue Planned Unit Development (PUD) is located in the Pulaski Industrial Area, which is adjacent to the Greektown and Bayview neighborhoods of southeast Baltimore. The site is situated on the south side of Eastern Avenue, across from the Johns Hopkins Bayview Hospital and is bounded by Bonsal Street to the east, Umbra Street to the west and I-95 bounds the site to the south.

Site Conditions:

The subject parcel, 5601 Eastern Avenue, is approximately 20 acres (871,751 square feet). The site was improved with several warehouse buildings that have recently been demolished. Within the 20 acres there are significant grade changes, most notably from an upper section fronting Bonsal Street that is roughly 19 feet higher in elevation than that fronting Eastern Avenue. There is also a significant slope from Eastern Avenue to the rear of the site. In addition to the physical characteristics of the site, there are also environmental challenges.

For many years, the Pemco Corporation, as well as other corporations, held this site to manufacture glass and porcelain. Throughout the time it was used for heavy manufacturing waste porcelain and glass, known as "frit," was disposed of in the western portion of the site. The owner is currently working with the Maryland Department of the Environment to do proper mitigation.

HISTORY

- Ordinance 15-379 was signed by the Mayor on June 24, 2015 to rezone 5601 Eastern Avenue from the M-3 zoning district to the B-2-3 zoning district.
- Ordinance 15-380 was signed by the Mayor on June 24, 2015 to establish the 5601 Eastern Avenue Planned Unit Development.
- On May 4, 2017, the Planning Commission approved the Final Design for the LA Fitness.
- On December 21, 2017, the Planning Commission approved the Final Design proposed retail and site for the Eastern side of the site, as well as a Phase I Signage Package.
- On May 31, 2018, the Planning Commission approved a major subdivision for 5601 Eastern Avenue.

ANALYSIS

Project Overview: The 5601 Eastern Avenue Planned Unit Development (PUD) is a mixed-use commercial and residential development. The development plan proposes the creation of a new mixed use development that includes both a low density and high density option that would be built in phases. As stated before, this site is a former industrial site. The proposed land uses and density in the PUD are based on a 2015 rezoning that rezoned the site from M-3 to B-2-3. At the time of the 2015 PUD approval, the site was one parcel. In May 2018, the Planning Commission approved a major subdivision, which is in the process of being recorded. In addition, the developer is currently under contract to acquire 5801 Eastern Avenue. Their desire is to add this parcel to the PUD and eventually consolidate to the easternmost parcel to create a new retail opportunity that fronts Eastern Avenue.

In 2016, the City Council of Baltimore approved a new zoning code which went into effect on June 5, 2017. In that zoning code new rules for PUDs went into effect and the property of 5601 Eastern Avenue was rezoned to I-2, an industrial zoning. Also, the new zoning code, which went into effect in June 2017, created new rules for PUDs that require repeal and replacement of the PUD for any major change. This requirement to repeal and replace the PUD, necessitates the rezoning of the property because PUDs cannot be established in the I-2 zoning category. Without rezoning, no major changes could be done with the existing PUD. That being said, many of the changes would have required a major amendment to the PUD under the old rules. The transition rules are put in place to require projects to become current to existing zoning rules if the desire is to make substantial changes to the PUD.

City Council Bill #18-0270 / Planned Unit Development – Designation – 5601 Eastern Avenue

As previously noted, Ordinance 15-380 was signed by the Mayor in June 2015 to establish the 5601 Eastern Avenue Planned Unit Development. Though the developer is currently in permits for one building within the PUD and plans to submit permits prior to a new PUD being in place, there are major changes proposed within the PUD legislation from the existing PUD. These changes are:

- Expansion of PUD boundaries to include a new parcel 5801 Eastern Avenue.
- The formal removal of a high-density development plan option (though the development plan was modified via Minor Change in May 2017 to pursue buildout of the low-density development plan option.)
- Modification in the development plan concept for the PUD, including modifying the planned hotel site, for a possible medical office building, inclusion of a new retail/gas station site at 5801 Eastern Avenue (to be combined with previously shown parking lot site.)
- Significant changes to the use structure within the text.

Development Plan: This proposed repeal and replace, like the existing PUD, establishes a comprehensive, yet flexible development plan for the site by establishing a physical layout of proposed improvements on both 5601 Eastern Avenue and 5801 Eastern Avenue, but the text sets maximum square footage and height limits across the development plan.

The proposed limits mirror limits that are in the existing PUD. The total development of the entirety of the PUD area is limited to 2 million SF. In addition to this cap, there is a square footage cap by the type of land uses provided within the PUD. The PUD anticipates a mix of retail, office, residential and hotel. The table below shows the land use cap. The limits are as follows:

Land Use Limits
Retail – 184,000 SF
Office – 376,000 SF
Residential – 1,350 units
Hotel – 350,000 SF

While these limits cap the amount of density allowed per land use within the PUD, the building envelope for any future building is also capped by height limits on the Development Plan. The height zones help to define the street wall and align to the topography of the site which slopes downward toward the rear of the site. The table below shows the height zones, limits and approximate locations.

Zone	Height Limit	Location
No Build Zone	65 foot buffer	Western most edge of site near Greektown
Height Zone 1	45 feet	Low height adjacent to no build zone
Height Zone 2	88.6 feet	Northern band along Eastern Avenue
Height Zone 3	100 feet	Center band of the site
Height Zone 4	140 feet	Southern most section of the site

Land Use: The proposed uses for this PUD in Section 6 of the legislation are contingent upon rezoning the site from the I-2 zoning district to the C-3 zoning district (refer to companion legislation City Council Bill #18-0269). The proposed PUD lists permitted uses and prohibited uses individually. As the bill is written, all uses permitted in the C-3 zoning district would be allowed within the PUD.

Also added is the allowance of a limit of one retail goods establishment when within a grocery store larger than 15,000 SF. Overall, the land use provisions within the bill are in keeping with the character of the surrounding neighborhoods and promote a healthy mix of commercial and residential uses.

Development Plan Reviews: Both Design Review and Site Plan Review are currently underway for this PUD. The PUD master plan, as well as various aspects of the development plan are continuously evolving as there is a current PUD in place which has been used for a current subdivision that has not been recorded and existing permit applications which are under review.

Conformance with Title 13: As part of the analysis of City Council Bill #18-0270, staff reviewed § 13-203 *Approval standards* and §13-204 *Exceptions from district regulations*. Title 13 also states that § 5-405 *Conditions* and § 5-406 *Approval standards* from the Conditional Use criteria must be reviewed in conjunction with the additional requirements of Title 13. This proposal must satisfy the requirements of the governing standards for PUDs per Title 13 and consequently Title 5 of the Zoning Code. Staff offers the following considerations from our review:

- The proposed PUD would not be detrimental to the public health, safety or welfare.
- The proposed PUD is not contrary to the public interest.

- The proposed PUD is in harmony with this code, provided the rezoning to C-3 per the companion bill City Council Bill #18-0269 is passed and goes into effect.
- 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 design guidelines that respect and compliment the surrounding neighborhood. 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 has been thoughtfully considered to accommodate the existing topography of the land. There are tremendous slopes across the entirety of the PUD. The established heights and proposed development plan take the topography into consideration.
- The proposal will not create any situation that should negatively impact future development potential or the use, maintenance or value of neighboring areas already developed.
- The new construction 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.
- The proposed PUD and development plan provide substantial benefits to the City, as it will bring a vacant highly contaminated manufacturing site back to viability by provided a mixture of new uses that include new infrastructure within the site, improved streetscape, intersection and signal improvements along Eastern Avenue, services, gathering spaces, as well as, portions of naturalized environment for citizens to use and enjoy.

Legislative Amendments: There are several amendments that Planning Staff is proposing to this bill. The amendments and purpose of them are as follows:

1. Amend page 1, Recitals: In lines 15 through 19 strike the words "that is to be added to ... and final plan approvals from the Planning Commission, and to revise certain text provisions."
2. Amend page 2, Section 3 to replace all exhibits C-1.0 through C-7.0 dated June 20, 2018 with all new exhibits C-1.0 through C-7.0, dated July 12, 2018.
3. Amend page 2, Section 3 to add new exhibit "Exhibit C-8.0, 'Design Guidelines,'" dated July 12, 2018 after line 22.
4. Amend page 2, Section 6 (a), to read "Uses allowed in the Planned Unit Development are those uses permitted under Title 10-205 and Table 10-301. In addition, the two following conditional uses are allowed: Retail Goods Establishment (With Alcoholic Beverages Sales) and Gas Station."

5. Amend page 2, Section 6(b) to read "1 Retail Goods Establishment (With Alcoholic Beverages Sales) when within a full service grocery store whose net leasable area exceeds 15,000 square feet; and"
6. Amend page 2, Section 6, to strike "(c) 1 gas station as approve under the Final Development Plan at 5801 Eastern Avenue."
7. Amend page 3, to strike Section 8 in its entirety and renumber the sections.
8. Amend page 4, Section 11 to strike lines 4 through 8, "(b) A maximum of three monument...facing I-95 will be permitted."
9. Amend page 4, Section 13, to add language on line 18 after "Ordinance." the following language: "All Final Design Approvals previously accepted in the existing PUD established in 2015 are accepted under this PUD, subject to other Agency comments."

Purpose of Amendments 1 and 6

Proposed Amendments 1 and 4 are regarding the Final Design Approval of a property, 5801 Eastern Avenue, that is not currently in the existing PUD that will be adjoined in the future to a parcel that is currently in the PUD. The establishing PUD for this property cannot at its creation also approve the Final Design that per language of this bill and the existing PUD are in the authority of the Planning Commission. Any development plans for new construction included in the PUD exhibits is for concept only. The project will require Final Design Approval by the Planning Commission in the future.

The intended developer of the retail space is not the petitioner of this PUD, though the petitioner of the PUD is purchasing 5801 Eastern Avenue. Planning Staff has had a pre-development meeting with the intended developer to thoroughly review the project or ascertain exactly which approvals would be needed. In addition, the engineer for the site, MRA, attended one Site Plan Review Committee meeting on July 11, 2018, one day prior to the July 12, 2018 Planning Commission hearing. Design Review has just begun.

Purposed of Amendments 2 and 3

The exhibits as introduced have been updated to reflect changes made since introduction. These include changes to the development plan to show that the plan for the eastern-most edge is conceptual, updates to show the current zoning code classification and proposed boundaries to the Forest Delineation Plan and an updated landscape plan exhibit. All of the exhibit sheets should be replaced with new dates so as not to confuse sheets upon approval of the PUD.

In addition, a new exhibit "C-8.0 Design Guidelines" is to be added (See Appendix). This document is included in the existing PUD and was inadvertently not included in the introduction of the current PUD City Council Bill #18-0270. The design guidelines include language on parking, building form and placement and general planting. They also include streetscape design guidance for various zones: Frontage Zone, Pedestrian Zone, Public Amenity Zone and Roadway Edge Zone. The guidelines speak to screening, street furniture and other items within the public spaces. They are meant to be used in conjunction with the PUD text and development plan. Together they illustrate the intent of the design and character of any future structures within the PUD.

Purpose of Amendment 4 and 5

These amendments pertain to the allowable uses within the PUD. The uses align to the presumed rezoning of 5601 Eastern Avenue to C-3. The allowable use list must be amended to allow for two conditional uses under the zoning code. "Retail Goods Establishment (With Alcoholic Beverages Sales) and Gas Station. In addition, amendment five is just to match the use name to what is it called in the zoning code. Amendment 6 is not needed as the

Purpose of Amendment 7

Liquor licenses are governed by the State of Maryland and the Liquor Board. The Board of Municipal and Zoning Appeals does not issue conditional uses for liquor licenses as alluded to in (a) of Section 8. The section is not needed as the PUD will be allowed to receive the proper licenses per the Liquor Board. The limit on the number of establishments allowed is included within the land use section of City Council Bill #18-0270.

Purpose of Amendment 8

This section is not needed. The total amount of signage is calculated for the entirety of the PUD. The development plan show the locations of the proposed monument signs. In addition, the proposed Amendment 6 will allow for any previous approvals to be accepted, which include two of the proposed monument signs.

Purpose of Amendment 9

As previously mentioned, there is an existing PUD for this property that had current Final Design Approvals received in 2017. In addition, the developer has submitted for permits for the LA Fitness, that is the subject of the May 2017 Planning Commission Approval. It is expected that the developer may submit for permits under the existing PUD prior to the passage of CCB #18-0270 or within weeks of passage. This language will allow for continuity of prior Final Design Approvals as they transition to a new PUD. The intent is that the design will stand, but subject to any other agency reviews that may require a change. If the developer changes the designs substantially, new Planning Commission approval would be required.

Notifications:

In advance of a hearing on this matter, staff notified the Community Leaders of Bayview, representatives from the following associations: the Bayview Community Association, Southeast Neighborhoods Development (SEND) Southeast CDC, the Greater Greektown Neighborhood Alliance and City Councilman Zeke Cohen.



Thomas J. Stosur
Director

CITY OF BALTIMORE

CATHERINE E PUGIL, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, City Solicitor
101 City Hall
Baltimore, Maryland 21202

August 27, 2018

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

Re: City Council Bill 18-0270 – Planned Unit Development – 5601 Eastern Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0270 for form and legal sufficiency. The bill would repeal the existing Planned Unit Development (“PUD”) for 5601 Eastern Avenue and replace it with a Planned Unit Development for 5601 Eastern Avenue and 5801 Eastern Avenue.

A repeal of a PUD without a replacement has no legal impediments because for floating zones, such as a PUD, Maryland Courts have said that the legislative body must have “a little more than a scintilla of evidence” to support its decision and that decision must not be “arbitrary, capricious or illegal.” *Rockville Crushed Stone, Inc. v. Montgomery County*, 78 Md. App. 176, 190 (1989) (citations omitted). However, the replacement of a new PUD for 5601 Eastern Avenue, to include 5801 Eastern Avenue, is treated as any other enactment of a new PUD. Baltimore City Code, Art. 32, §§ 5-201(a), 13-403(a)(4), (b).

A PUD is not permitted in an I-2 zoning district. Baltimore City Code, Art. 32, § 13-201(c). Therefore, this PUD is only allowed if 5601 Eastern Avenue is rezoned because it is currently zoned I-2. City Council Bill 18-0269, or another bill to rezone 5601 Eastern Avenue, must be enacted at or before the time that this bill is enacted. Additionally, there must be at least two acres within the PUD. Baltimore City Code, Art. 32, § 13-202(b). 5601 Eastern Avenue, which is larger than twenty acres, must remain a part of this PUD because 5801 Eastern Avenue, at only 27,000 square feet, is too small for a PUD itself. In short, if 5601 Eastern Avenue is not rezoned, or is otherwise removed from this bill, then the PUD cannot be enacted because it cannot exist for 5801 Eastern Avenue alone.



Findings of Fact and Factors to Consider

The City Council may approve the PUD in accordance with Subtitle 2 of Article 13 of the City's Zoning Code, which requires that the City Council find facts to establish:

- (1) the use is compatible with the surrounding neighborhood;
- (2) the use furthers the purpose of the proposed classification; and
- (3) the PUD master plan developed under § 13-304 ("PUD master plan") of this title ensures that there will be no discordance with existing uses.

Baltimore City Code, Art. 32, §13-203(b). In addition, the PUD is subject to the conditional use standards in Section 5-406, which means that the City Council may not approve the PUD unless it finds:

- (1) the establishment, location, construction, maintenance, or operation of the PUD would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

Baltimore City Code, Art. 32, §§5-406, 13-203(a)(1). The following additional factors must also be considered:

- (i) whether the planned unit development is in general conformance with all elements of the Comprehensive Master Plan, and the character and nature of existing and contemplated development in the vicinity of the proposed planned unit development;
- (ii) whether the planned unit development will preserve unusual topographic or natural features of the land, and the design of the planned unit development will best utilize and be compatible with the topography of the land;
- (iii) whether the physical characteristics of the planned unit development will not adversely affect future development or the value of undeveloped neighboring areas, or the use, maintenance, or value of neighboring areas already developed;

- (iv) whether the planned unit development will provide the same protection as the basic district regulations in regard to fire, health hazards, and other dangers;
- (v) whether the planned unit development will encourage innovative design features or adaptive reuse of structures that would not be possible by application of the basic district regulations; and
- (vi) whether the planned unit development is compatible with any nearby industrial district.

Baltimore City Code, Art. 32, §13-203(a)(2).

The Planning Report does not find all the facts necessary to support this Planned Unit Development. Therefore, the City Council must take care to make all the required findings of fact.

Approval of the Master Plan

The Mayor and City Council's enactment of the ordinance is legislative approval of the PUD Master Plan, which must include thirteen separate components. Baltimore City Code, Art. 32, §13-304(a), (b). There are no required findings or reviews for this Master Plan by the City Council, but the Planning Commission must include in its bill report to the City Council its final determination on the proposed PUD Master Plan. Baltimore City Code, Art. 32, §13-304(d). Thus, it is imperative that in Section 3, the Planning Commission and City Council are satisfied that they have received the correct Exhibits that make up this Master Plan. The Law Department notes that the Planning Report recommends amending the Exhibits to reflect a new date and an additional exhibit. The Law Department would approve that amendment for form and legal sufficiency. Additionally, the Planning Report states that this PUD serves to approve the same design approvals that had been approved under the previous PUD. The Law Department would also approve that amendment for form and legal sufficiency.

Exceptions for Use, Bulk, Yard, Parking and Signage

The PUD can make exceptions for the use, bulk, yard, parking and signage regulations of the underlying districts (C-3, if 5601 Eastern Avenue is rezoned; C-4 for 5801 Eastern Avenue). Baltimore City Code, Art. 32, §13-202(c). But, in "determining whether to grant an exception from district regulations, the Planning Commission and City Council must consider whether the exception will:

- (1) enhance the overall merit of the planned unit development;
- (2) promote the objectives of both the City and the development;

- (3) enhance the quality of the design of the structures and the site plan;
- (4) enable the development to offer environmental and pedestrian amenities;
- (5) not cause such an adverse impact on neighboring properties so as to outweigh the benefits of the development;
- (6) not negatively affect the value and enjoyment of surrounding property, the provision of municipal services, or the flow of traffic;
- (7) be compatible with the land use policies of the Comprehensive Master Plan;
- (8) provide a substantial public benefit to the City, as illustrated in subsection (d) of this section; and
- (9) allow uses that predominantly match or are compatible with uses allowed in the underlying zoning district and the zoning districts of adjacent properties."

Baltimore City Code, Art. 32, §13-204(a). Moreover, to be granted an exception, the applicant must demonstrate superior design, enhanced amenities and substantial benefit to the City. Baltimore City Code, Art. 32, §13-204(b), (c). Examples of substantial benefits to the City are contained in Section 13-204(d). Baltimore City Code, Art. 32, §13-204(d).

This PUD seeks such exceptions to bulk regulations in Sections 4 and 5 and to the parking regulations in Section 9. It also seeks in certain signage regulation exceptions in Section 11. **The Planning Report does not address all these considerations for each of the exceptions sought in this PUD. Therefore, the City Council must take care to address the required considerations for each legally permissible exception.**

While there are no legal impediments to the exemptions sought in Sections 4, 5 and 9, assuming the above facts are found with respect to them, there is a problem with the signage exception in Section 11. In that Section, the bill creates a whole separate set of signage regulations for the area contained in the PUD rather than operating as an exception to the existing regulations on signs contained in Title 17 of Article 32 of the City Code. Thus, Section 11 impermissibly operates as the creation of a whole new set of sign regulations applicable only in this PUD. Baltimore City Code, Art. 32, §13-202(c). The amendment suggested in the Planning Report, to delete subsection 11(b), while legally sufficient, is not enough to cure this problem. Therefore, the Law Department recommends rewording this Section 11 to make the permissions or restrictions sought conform with the regulations on signs in Title 17 or deleting Section 11. A suggested amendment to remove the sign regulations is attached to this bill report.

Conditions Imposed

Conditions may be imposed on the PUD in accordance with Section 5-405(a). Baltimore City Code, Art. 32, §13-203(a)(1). These can only be conditions that protect the public interest and are "reasonably related and roughly proportional to the expected impact" of the PUD. Baltimore City Code, Art. 32, §5-405(a). Such a condition is proposed in Section 10 of the Bill concerning principal entrances and frontages. The City Council must find that this condition protects the public interest and does so in a way that it proportional to the expected impact.

Additionally, such a condition is imposed in Section 6(b) with the language "when within a full service grocery store whose net leasable area exceeds 15,000 square feet." That language operates as a condition on a retail goods establishment with alcoholic beverage sales. Such a use is permitted of right in a C-4 district but is only permitted by enactment of conditional use ordinance in a C-3. Baltimore City Code, Art. 32, Tbl. 10-301. This PUD would operate as the conditional use ordinance and therefore permit the retail goods establishment with alcoholic beverage sales. The Law Department notes that the Planning Report recommends an amendment to language in Section 6(b). The Law Department would approve that language for form and legal sufficiency. However, as with the conditions in Section 10 of the bill, the City Council must find that this condition protects the public interest and does so in a way that it proportional to the expected impact.

The Planning Report does not address the required findings for these conditions. Therefore, the City Council must take care to make these findings for every condition sought to be imposed on this PUD.

Use Restrictions

With respect to the use restrictions in Section 6, 7, and 8 of the bill, there are various issues.

Section 6(a) is unclear because it refers to a "Title 10-205." Even if the word "Section" was intended instead of "Title," there is still ambiguity because it is unclear if the PUD is attempting to permit all the uses that are allowed in the C-3 district, or also those that are conditional in that district. It is also unclear if the PUD is to allow any of the uses permitted or conditional in the C-4 district. Baltimore City Code, Art. 32, §10-205. Presumably, Section 6(a) should be reworded to state that the PUD allows all the uses permitted in C-3 and C-4. The Law Department notes that the Planning Report suggests an amendment to this language that will remedy this issue by allowing all permitted uses and two conditional uses. The Law Department would approve this amendment for form and legal sufficiency.

Section 6(c) should be modified to remove the language "as approved under the Final Development Plan at 5801 Eastern Avenue" because this PUD would have its own Development

Plan that is approved via this PUD process. Baltimore City Code, Art. 32, §13-304. This exact amendment is recommended in the Planning Report and the Law Department would approve it for form and legal sufficiency.

Section 7 includes in its list of prohibited uses, several uses that are not in Article 32. These include a Community Correction Center, Firearm Sales, Parole and Probation Field Office and Taxidermist Shop. These uses need to be removed from the bill or reworded so that they are defined by whatever use they would fall under in Article 32. Baltimore City Code, Art. 32, §13-202(c). A suggested amendment to remove these uses is attached to this bill report.

Section 8(a) states that a certain liquor license must be "approved as a conditional use by the Board." The Board of Municipal and Zoning Appeals does not approve liquor licenses. If the intent of this language is to allow a Class A Beer, Wine & Liquor License if approved by the Liquor Board, then the language should be modified to "as may qualify under applicable law for such license." If the intent is to require a conditional use for something that is already permitted of right in a C-3 or C-4, that may not be accomplished in a PUD because it effectuates a change in the text of Article 32. Baltimore City Code, Art. 32, §13-202(c). Certainly, an otherwise permitted use can be prohibited in a PUD, but it cannot be made to get conditional use approval if such approval is not required in the underlying zoning district.

Section 8(b) must be clarified because as written it prohibits a tavern with off-premises sales unless that tavern is the retail goods establishment in a grocery store described in Section 6(b). It is unclear how such grocery store with over 15,000 square feet would satisfy the requirement in Section 14-437(b) of Article 32 that requires more than half of the establishment's floor space be devoted to on-premises consumption and annually more than half of the average daily receipts are for the sale of alcoholic beverages for on-premises consumption. Baltimore City Code, Art. 32, §14-337(b). The Law Department recommends deleting the language that ties this use restriction to Section 6(b).

The Planning Report suggested an amendment to eliminate the entirety of Section 8, which would fix the issues in Sections 8(a) and 8(b). The Law Department would approve that amendment for form and legal sufficiency.

Tolling Provision


The Law Department notes that Section 15 should be removed from the bill as it may conflict with the rules on tolling time limits and stays set forth in Title 19 of Article 32 and the City's Building Code. Baltimore City Code, Art. 32, §§ 19-301(c), 19-302(d); Baltimore City Building, Fire and Related Codes, §128.6.1. An amendment to accomplish that purpose is attached to this bill report.

Procedural Requirements

Finally, certain procedural requirements apply to this bill beyond those discussed above because the enactment of a Planned Unit Development is deemed a "legislative authorization." Baltimore City Code, Art. 32, §5-501(2)(iii). This includes referral to certain agencies, including the Planning Commission. Baltimore City Code, Art. 32, §§5-504, 5-506. Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property. Baltimore City Code, Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Baltimore City Code, Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location that is visible to passing pedestrians, and at least one sign must be visible from each of the property's street frontages. City Code, Art., §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, §5-601(e), (f).

The bill is the appropriate method to review the facts and make the determination as to whether the legal standards for PUD have been met. The Law Department can approve the amended bill for form and legal sufficiency if the required findings are made at the hearing, all procedural requirements are satisfied, and the amendments discussed herein, or other satisfactory amendments, are adopted.

Very truly yours,



Hilary Ruley
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark

**AMENDMENTS TO COUNCIL BILL 18-0270
(1st Reader Copy)**

Proposed by: Law Dep't
(To be offered to the Land Use and Transportation Committee)

Amendment No. 1

Delete lines 40 and 41 on page 3 and lines 1 through 11 on page 4.

Amendment No. 2

On page 3, delete lines 8, 9, 13 and 16.

Amendment No. 3

On page 4, delete lines 27 through 30.

The Baltimore City Department of
**HOUSING & COMMUNITY
DEVELOPMENT**

MEMORANDUM

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

From: Michael Braverman, Housing Commissioner *MEM*

Date: August 24, 2018

Re: **City Council Bill 18-0270 - Planned Unit Development – Designation – 5601 Eastern Avenue**

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0270, for the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

If enacted, this bill would repeal the existing Development Plan for 5601 Easter Avenue and replace it with a development plan that would include improvements on both 5601 and 5801 Eastern Avenue because the lots were consolidated. The development plan includes mixed-use commercial and residential development and includes limits on heights and square footage, which are consistent with the limits in the original development plan.

The Department of Housing and Community Development supports the passage of City Council Bill 18-0270.


MB:sd

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



MEMORANDUM

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

FROM: William H. Cole, President and CEO 

DATE: July 19, 2018


SUBJECT: City Council Bill No. 18-0270
Planned Unit Development – Designation – 5601 Eastern Avenue

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 18-0270, a Bill for the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

This Bill will allow for the transformation of the former PEMCO industrial site into Yard 56, a \$100 million, mixed-use development featuring over two million square feet of residential, retail, hotel and office space. BDC acknowledges that through several years of extensive outreach, the developer has connected with the neighboring communities, and they strongly support this project.

BDC supports this proposed ordinance and respectfully requests that City Council Bill# 18-0270 be given favorable consideration by the City Council.

cc: Kyron Banks

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 18-0270		

DATE August 8, 2018

TO

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

I am herein reporting on City Council Bill 18-0270 introduced by Councilmember Cohen and Council President Young at the request of TRP-MCB 5601 Eastern, LLC.

The purpose of this Bill is to repeal the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approve a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

Ordinance 15-380 established the Business Planned Unit Development (PUD) for 5601 Eastern Avenue. The boundaries of this PUD are Eastern Avenue to the north, Bonsal Street to the east, I-95 to the south, and Umbra Street to the west. The PUD, which consists of approximately 20 acres, is located in the Pulaski Industrial Area of southeast Baltimore, adjacent to the neighborhoods of Bayview and Greektown. Heavy manufacturing occurred at the site for many years when the Pemco Corporation, and other corporations, manufactured glass and porcelain. The current owner is working with the Maryland Department of the Environment on mitigation.

The City's new zoning code, which went into effect on June 5, 2017, included new rules for PUDs that require repeal and replacement of PUDs for any major changes. The developer for this site is seeking major changes in the new proposed PUD, including: expanding the boundaries, removing a high-density development plan, modifying the development plan concept, and making changes to the use structure. The new development plan proposes to create a mixed-use commercial and residential development which would be built in phases with both high-density and low-density options.

City Council Bill 18-0270, if approved, would replace the existing Planned Unit with a new one that reflects changes previously approved in the Development Plan and final plan approvals from the Planning Commission, and would revise certain text provisions. Companion legislation, City Council Bill 18-0269, seeks to rezone the property from the I-2 Zoning District to the C-3 Zoning District.

The Department of Public Works' Plans Review Section will need to review and approve all Stormwater Management plans and Erosion and Sediment Control (ESD) plans for the development. The ESD plans for the portion of the project known as Yard 56 were approved in July 2018.

The Planning Commission considered City Council Bill 18-0270 at its August 2, 2018 meeting and recommended several amendments which are explained in the Planning Commission Staff Report. It is the understanding of this Department that the neighboring community associations were notified of this legislation.

Based on these considerations, the Department of Public Works has no objection to the passage of City Council Bill 18-0241 as proposed to be amended by the Planning Commission.

Sincerely,

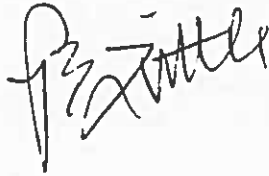
A handwritten signature in blue ink that reads "S. Dale Thompson for R. Chow". The signature is written in a cursive style.

Rudolph S. Chow, P.E.
Director

RSC/KTO

TRANSMITTAL MEMO

TO: Bernard C. "Jack" Young, President City Council
FROM: Peter Little, Executive Director
DATE: July 13, 2018
RE: City Council Bill 18-0270



I am herein reporting on City Council Bill 18-0270 introduced by Councilmembers Cohen and President Young at the request of TMP-MCB 5601 Eastern, LLC.

The purpose of this bill is to approve certain amendments to the Planned Unit Development – Designation – 5601 Eastern Avenue.

The Development Plan for the 5601 Eastern Avenue Planned Unit Development (PUD) was originally approved by Ordinance 15-380. Master developer TRP-MCB 5601 Eastern, LLC wishes to amend the Development Plan, as previously approved, to add an adjoining property within the Planned Unit Development.

The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation and determined there would be no impact to any parking programs for on-street parking activity and/or City-owned off-street parking facilities. The Baltimore City Parking Authority will continue to work with City agencies and developers to ensure that sufficient parking is provided without regard to specific lot lines, and, instead, in the aggregate for the entire PUD. Additionally, PABC will help ensure parking ratios as proscribed by Code are met, with the understanding that off-street parking may be further reduced by the Planning Commission in cases where shared parking may be appropriate.

Based on the above comments, PABC does not oppose the passage of City Council Bill 18-0270.

LAND USE AND TRANSPORTATION COMMITTEE

BILL 18-0270

**Proposed
Amendments**

- Department of Law – August 27, 2018
- Department of Planning – August 7, 2018

AMENDMENTS TO COUNCIL BILL 18-0270
(1st Reader Copy)

Proposed by: Law Dep't

(To be offered to the Land Use and Transportation Committee)

Amendment No. 1

Delete lines 40 and 41 on page 3 and lines 1 through 11 on page 4.

Amendment No. 2

On page 3, delete lines 8, 9, 13 and 16.

Amendment No. 3

On page 4, delete lines 27 through 30.

AMENDMENTS TO COUNCIL BILL 18-0270
(1" Reader Copy)

By: Department of Planning

{To be offered to the Land Use and Transportation Committee}

Amendment No. 1

On page 1, beginning in line 15, strike "that" down through and including "provisions", in line 19.

Amendment No. 2

On page 2, in lines 16 through 22, in each instance, strike "June 20" and substitute "July 12"; in line 22, strike the period; and, on the same page, after line 22, insert "Exhibit C-8.0, "Design Guidelines", dated July 12, 2018.".

Amendment No. 3

On page 2, in line 35, after "Uses", insert "allowed in the Planned Unit Development are those uses"; in the same line, after "10-301", insert ". In addition, the 2 following conditional uses are allowed: retail goods establishment (with alcoholic beverages sales) and gas station"; and, in line 35, after the semi colon, insert "and".

Amendment No. 4

On page 2, in line 36, strike "with off premises alcohol sales" and substitute "(with alcoholic beverages sales)"; on the same page, in line 37, strike "; and" and substitute a period; and, on the same page, strike line 38 in its entirety.

Amendment No. 5

On page 3, strike lines 18 through 28 in their entireties, and, on page 3, in lines 29, 34, and 40, and, on page 4, in lines 12, 15, 19, 27, 31, and 35, strike "9", "10", "11", "12", "13", "14",

"15", "16", and "17", respectively, and substitute "8", "9", "10", "11", "12", "13", "14", "15", and "16", respectively.

Amendment No. 6

On page 4, strike lines 4 through 8 in their entireties; and, in line 9, strike "(c)" and substitute "(b)".

Amendment No. 7

On page 4, in line 18, after the period, insert "All final design approvals previously accepted in the existing Planned Unit Development, established in 2015, are accepted under this Planned Unit Development, subject to other Agency comments.".

**Appendix
Amendment #6
Design Guidelines Exhibit C-8.0**

DESIGN GUIDELINES

5601 and 5801 EASTERN AVENUE

BALTIMORE, MD 21224

BUSINESS PLANNED UNIT DEVELOPMENT PLAN

EXHIBIT C-8.0

JULY 12, 2018

Note: The illustrations contained in this document show the design intent, but do not represent a formal approval of any site or building design. The illustrations contained herein are conceptual and guidelines only, and are subject to Final Design Approval. Specific references (names) to internal circulation streets and drives are for descriptive purposes only.

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DESIGN PRINCIPLES

5601 Eastern Avenue Business Planned Unit Development

INTRODUCTION

These design principles are intended to support the overall intent behind the specific guidelines that accompany the Planned Unit Development approval of 5601 Eastern Avenue and its redevelopment into a mixed-use center with retail, office, fuel service station/convenience store, medical, hotel and residential uses.

The 5601 Eastern Avenue Business Planned Unit Development consist of the parcels addressed as 5601 Eastern Avenue and 5801 Eastern Avenue but will be referenced to as 5601 Eastern Avenue.

1. An integrated redevelopment plan

The entire site of 5601 Eastern Avenue will be designed as a cohesive redevelopment plan with integrated design and architectural features that complement each of the individual phases and the surrounding residential and institutional communities. The plan is intended to be a phased project within four distinct Development Areas (Design Guidelines Exhibit A).

2. Create a pedestrian –friendly, mixed-use environment

Provide significant features such as welcoming and enhanced pedestrian areas that facilitate movement both to the new development from the community and within the development itself. This principle also recognizes the importance of the architectural treatments such as windows and entrances within the plan to reinforce and welcome pedestrian activity.

3. Create a high-quality environment

The use of high-quality design elements and materials in both the architectural and landscaping elements throughout the redevelopment plan are intended to promote a quality destination environment that emphasizes the redevelopment as an asset that reinforces the on-going revitalization of the overall community.

4. Undertake the environmental remediation and planning of the entire site as the initial phase

The entire 20.6-acre property will undergo remedial action and planning with Maryland Department of the Environment (MDE) and U.S. Environmental Protection Agency (EPA) approval prior to commencement of any of the redevelopment phases.

5. Complete the initial landscaping areas following environmental remediation

The landscaped areas along both Eastern Avenue and the buffer adjacent to the Greektown community (Design Guidelines Exhibit B) will be implemented as part of the initial phase of redevelopment in order to establish the overall landscaping intent.

STREETSCAPE DESIGN

The objective is to create streetscape designs that focus on improving the attractiveness and effectiveness of the pedestrian network with a level of safety, social spaces, amenities, and active uses that reinforce and encourage pedestrian activity along the street corridor.

- Streetscape at retail/restaurant frontage areas must accommodate pedestrian activities and allow retail/restaurant programs to spread out into the hardscape area.
- The streetscape design must screen parking lots from adjacent public rights-of-way. In order to screen headlights from the parked car a 3.5'+/- height wall or landscape screening buffer will be required facing Eastern Avenue. The parking lot shall be graded to be lower than the sidewalk along Eastern Avenue to enhance the screening. Walls should be constructed out of durable, low maintenance materials coordinated with the materials used on building facades. Walls should be placed on the inside edge of the landscape strip with the planting on the Eastern Avenue side of the wall or in wider buffers, placed to allow planting on both sides of the wall.
- An 8' wide clear unobstructed, linear sidewalk space must be created to allow for pedestrian circulation. If there are project constraints effecting the design, an ADA compliant, unobstructed walking path must maintained. Where space allows within the pedestrian zone street furniture is encouraged as long as the minimum clear zone is maintained.
- The area at roadway edge should be clear of any amenity element and should be set back as much as 3 feet from the face of the street curb to avoid conflict with on-street parking (e.g. car doors, passenger loading, etc.), but no less than 1.5 feet.

General Sidewalk Design

Sidewalk widths are established at 8 feet. If there are project constraints effecting the design, an ADA compliant, unobstructed walking path must maintained. Public sidewalks will provide a direct and continuous pedestrian network with a clear, unobstructed pedestrian path way throughout the development. Sidewalks will be cast-in-place concrete or integral colored concrete with thoughtful score line design.

Paving Design

The pedestrian experience shall be enhanced through the variation of paving materials. Paving material, color, and pattern shall provide visual cues to help define pedestrian access and safety. The surfaces shall be attractive, durable and of high-quality. Design options for paving surfaces include: cast-in-place concrete, integral colored concrete, stamped concrete, non-slip finish concrete, and stamped asphalt.

Colors to be coordinated with architecture.

- Special paving shall be located at high visibility locations like entrances and intersections

Lighting Selection and Design

All lighting shall be dark sky compliant. When possible, street lighting shall be pedestrian

oriented 12'- 15' high decorative poles. To provide additional pedestrian lighting and night light effects, accent lighting should be incorporated when appropriate. Wall washes, LED colored light, light strings, and pendant lights are encouraged at entries and gathering areas. When required for vehicular safety, cobra lighting, or a similar vehicular scale fixture, shall be installed.

General Planting Guidelines and Design

To enhance the pedestrian experience, planting of the public spaces adds visual interest, softens the urban edges, and provides shade. It also creates buffers, pedestrian scale, and assists with storm water management. When selecting a planting palette, consideration shall be given to compatibility with the urban environment (i.e. limited space for roots and canopies, limited soil fertility increased urban pollution, etc.) and multi-seasonal interest.

Streetscape planting shall have a consistent and well-coordinated planting scheme where specific species are repeated regularly throughout the site to provide visual continuity and identity of spaces. The plant palette selected should assist in unifying the site while also offering periodic accent points. Landscaping should not obstruct pedestrian through-traffic or access to the street or retail storefronts. Spacing of trees shall coordinate with utilities, sight clearances, and maintaining views of retail signage and storefronts.

Proper clearance of plant material includes the following:

- Shrubs shall be trimmed to three (3) feet or less in height above the grade of the sidewalk
- Tree canopies shall be trimmed up to at least eight (8) feet over the sidewalk when trees have matured.
- Street trees shall be selected that have a branching pattern that will not obscure storefront windows or conflict with truck/pedestrian access.
- Where possible, trees shall be spaced 25'-35' to maintain a consistent overhead canopy; provided, however, final tree locations shall be coordinated with utilities.
- Tree pits shall be a minimum of 4'x8' and may include continuous planting strips or pits.

STREETSCAPE ZONES

For purposes of these guidelines, the pedestrian realm has been subdivided into four zones: the frontage zone, the pedestrian zone, the amenity zone and the roadway edge zone. These zones are conceptual, and may vary in areas along the street.

- Frontage zone-adjacent to building frontages and serves as a transition area
- Pedestrian zone- primarily accommodates pedestrian circulation and ensures an 8' unobstructed sidewalk width for pedestrian through-traffic (If design constraints are present, at a minimum, the path shall be an ADA complaint walking path.)
- Amenity zone- adjacent to the street and accommodates a landscape buffer, storm water management, and street furnishings (Minimum 4' Width)
- Roadway edge zone- this zone's purpose is to allow cars parked along the street enough room to open their car doors without any obstructions (Minimum 1.5' Width)

Frontage Zone

The frontage zone forms the outer edge of the public right-of-way and typically is defined by a building façade, constructed wall, or landscape screening treatment. This zone provides a connection of pedestrian circulation of the public sidewalk to the interior of the buildings. It allows for retailers and restaurants to extend their programs out into the hardscape. Some uses or programs include displays, street furniture, seating, tables, planters, and other elements as a means of engaging passersby and activating the public streetscape. This area is an opportunity for places of interest like outdoor dining without constricting the adjacent flow of pedestrian traffic.

The streetscape design must screen parking lots from adjacent public rights-of Way. In order to screen headlights from the parked car a 3.5'+/- height wall or landscape screening treatment will be required with landscaping in front of the wall facing Eastern Avenue. Walls shall be constructed of durable, low maintenance materials coordinated with the materials used on building facades or coordinated with the existing church facade. Walls shall be placed on the inside edge of the landscape strip with the planting on Eastern Avenue side of the wall or in wider buffers, placed to allow planting on both sides of the walls.

Pedestrian Zone

The pedestrian zone's intent is to facilitate the efficient movement of pedestrians between the frontage zone and the public amenity zone. It provides a wide unobstructed, linear sidewalk space that is free of street furniture, street trees, planters, and other vertical elements (Refer to General Sidewalk Design listed above). Where space allows within the pedestrian zone street furniture can be introduced as long as the minimum, ADA compliant, clear zone is maintained. The pedestrian zone should generally remain straight, and never be less than ADA compliant at specific constrained locations.

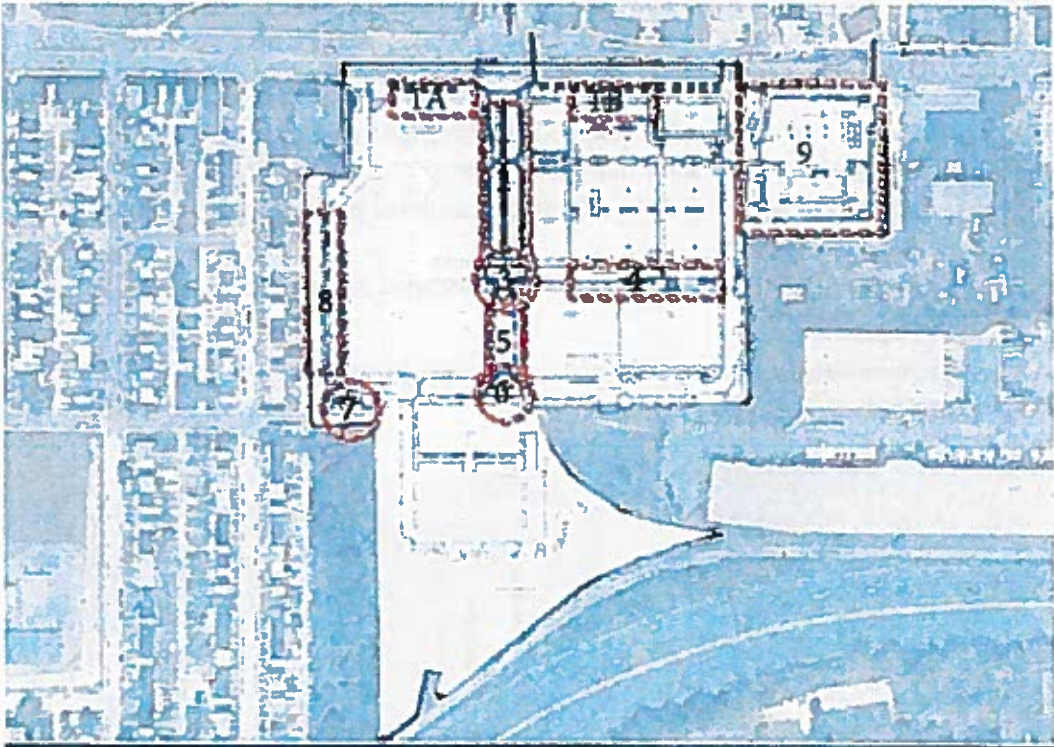
Public Amenity Zone

The public amenity zone contains streetscape amenities that work and coordinate with the pedestrian zone. It includes features such as street trees, landscaping, micro-bioretenion, site furniture, seating, and other features. This space not only acts as a buffer from vehicular traffic but enhances the aesthetics of the streetscape and activates the space with its designated functions. Streetscape features should be repeated to provide a continuity and identity along the street. Where possible and appropriate, furniture shall be oriented to allow for social interaction. Amenities located in this zone improve the visual appearance of the street, and assist in making the streetscape a functional/ active space. Street furnishing design, type, color and material shall be consistent. Along Eastern Avenue there shall be a sufficient landscape buffer provided which may include storm water management areas.

Roadway Edge Zone

The public amenity and the roadway edge zone is the area directly adjacent to the street and buffers pedestrians from the street. Where feasible in the roadway edge zone, elements within the Public Amenity Zone generally should be set back at minimum 1.5' to 3' feet from the face of the street curb to avoid conflict with on-street parking (e.g. car doors, passenger loading, etc.),

AREA LOCATION MAP

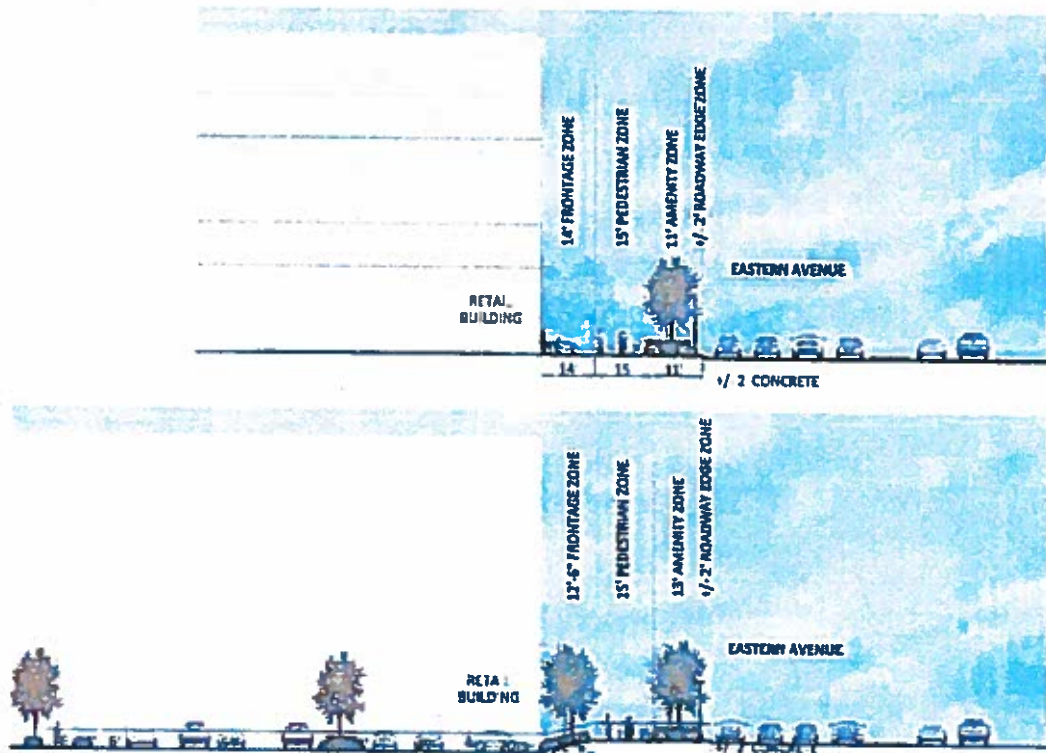


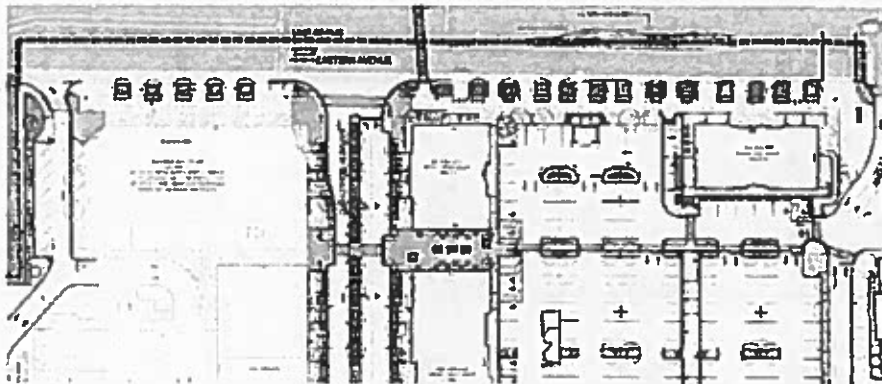
I. STREETScape ON EASTERN AVENUE

The streetscape along Eastern Avenue (shown on Design Guidelines Exhibits B and C) shall maintain an average 42' +/- setback from the travel lanes. This setback was created to coordinate with the adjacent church to the west of the property. Where appropriate, existing pedestrian access and crosswalks shall be incorporated into the pedestrian access areas and create a link to the community.

- Encourage locations that coordinate with public transportation spots.
- Maintain an average 42' +/- setback from travel lanes.
- Lighting along Eastern Avenue shall be coordinated with the project design.
- Provide bike racks and benches.
- Create a landscape buffer along Eastern Avenue; landscaped area can be designed as a micro-bioretenion area.

No permanent or temporary surface parking lot shall be permitted within 42 feet of the Eastern Avenue travel lanes.

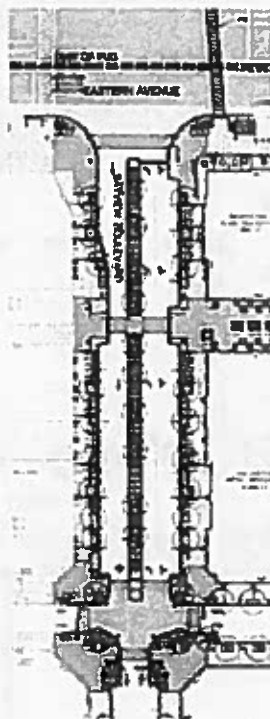


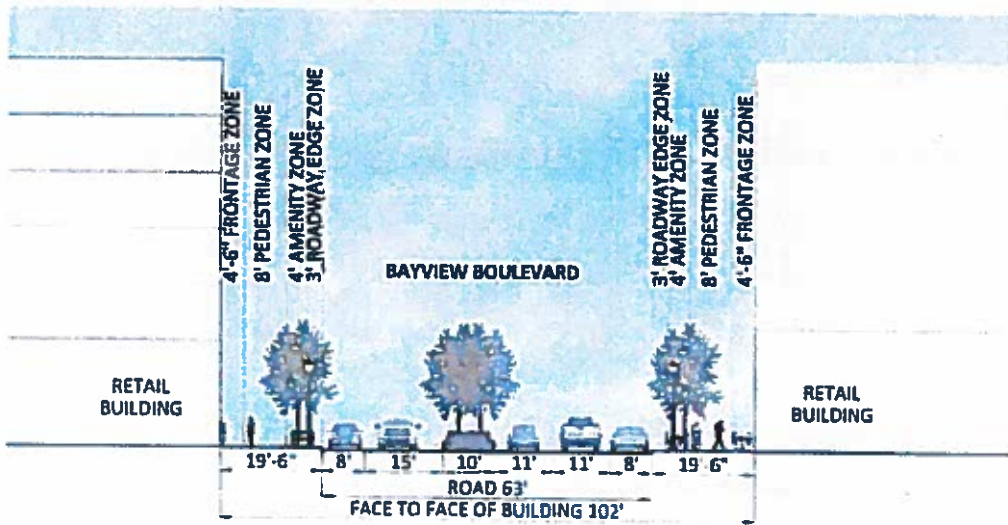


*All dimensions are approximate and subject to change.

2. UPPER BAYVIEW BOULEVARD DESIGN

The focus of the design is on the aesthetics and effectiveness of the pedestrian network that encourages pedestrian activity along the street corridor. Pedestrian elements such as site furnishings and wide sidewalks shall be incorporated to accommodate social interaction and amenities like outdoor dining. Provide benches and smaller seating areas throughout the streetscape. Street trees along this street shall be larger in size ranging from 3"-3.5" caliper to provide a larger tree canopy. Upper Bayview Boulevard Streetscape (Design Guidelines Exhibit C) will also include a 10' +/- median that provides a refuge for crossing pedestrians between retail spaces.

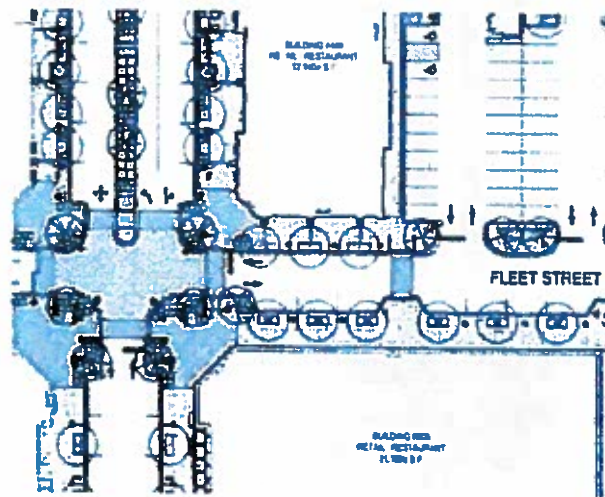


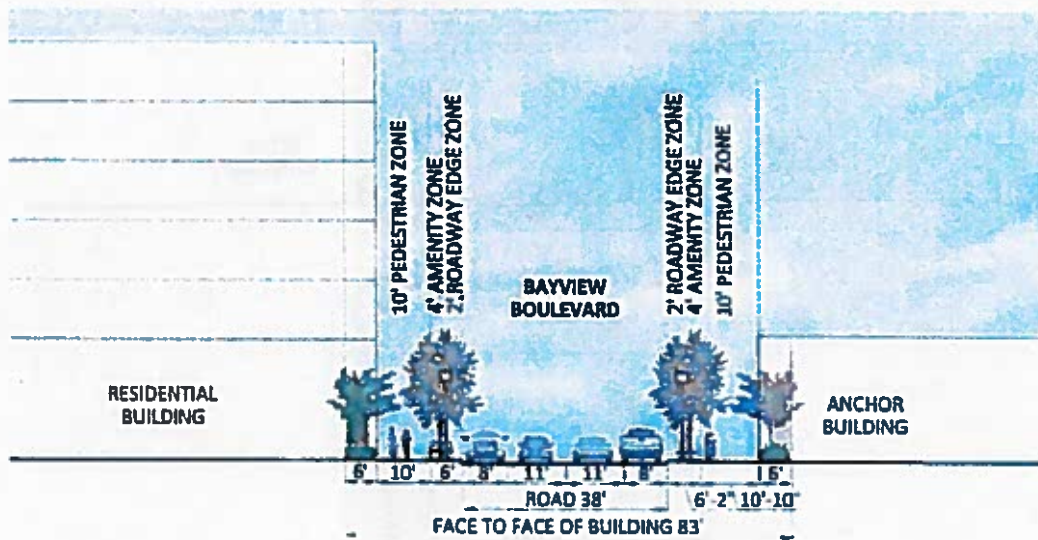
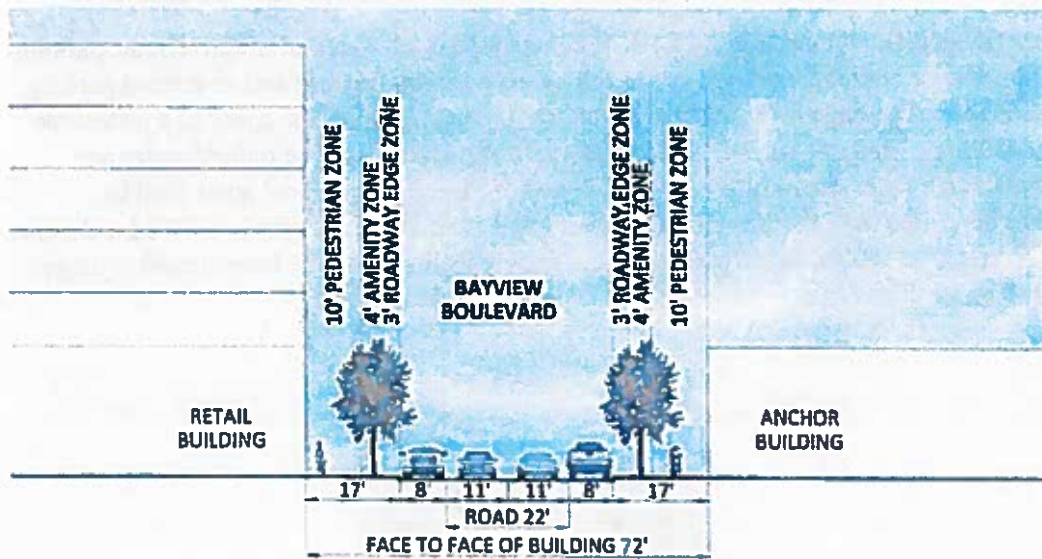


*All dimensions are approximate and subject to change.

3. BAYVIEW BOULEVARD AND FLEET STREET INTERSECTION DESIGN

This intersection (Design Guidelines Exhibit C) is the terminus point of the designated retail area and therefore needs to have a special identity. The buildings in this area will be chamfered to accommodate opportunities for pedestrians to activate the area. This will also allow retailers and restaurants to extend their programs out into the hardscape. This may include displays, street furniture, seating, tables for outdoor dining areas, planters, and other elements as a means of engaging passersby. This intersection shall have special paving patterns and attractive pedestrian crosswalks. To help aid in traffic calming and add a distinctive character in this area, raised planters or seat walls will help separate the pedestrian and vehicular traffic. Site furniture, lighting, seating areas, and outdoor dining is encouraged in this area. The area shall provide a Tree canopy and opportunities for accent planting.

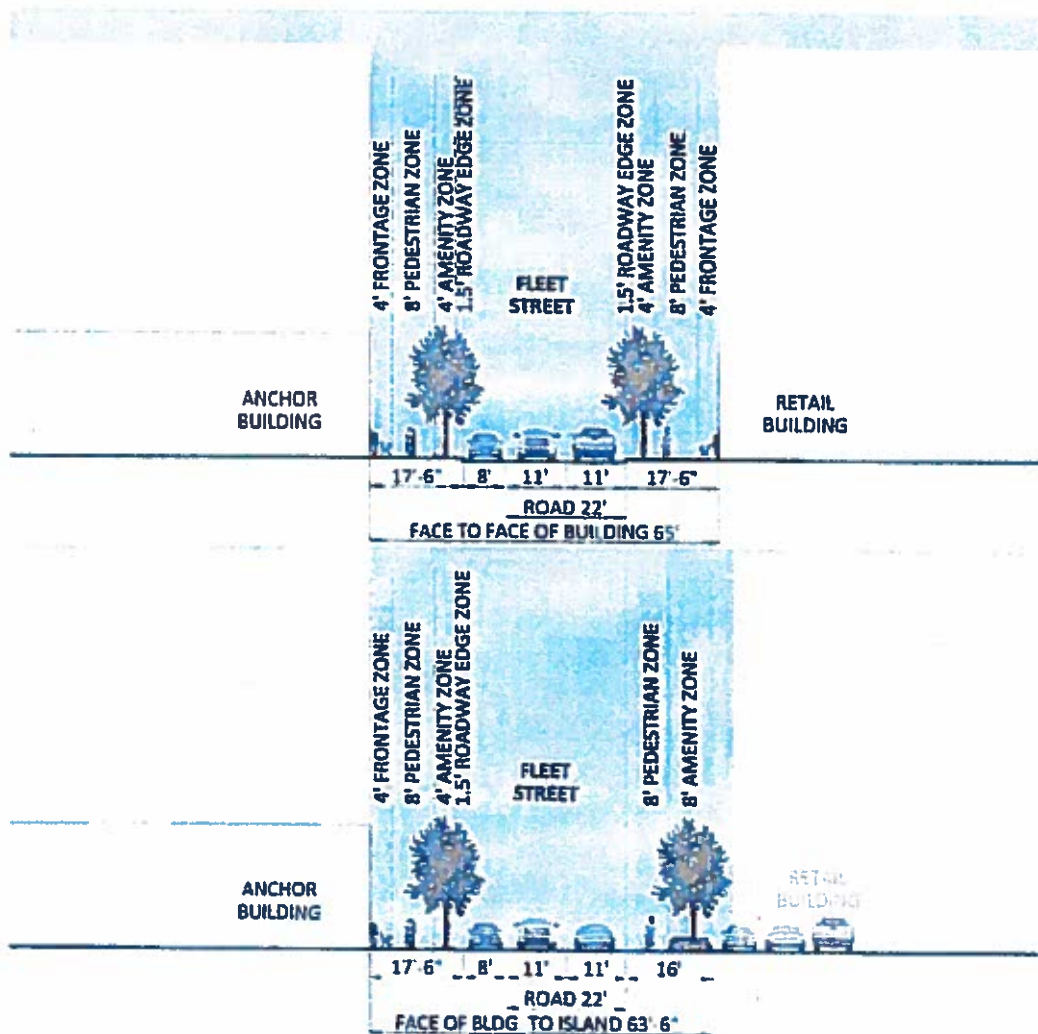




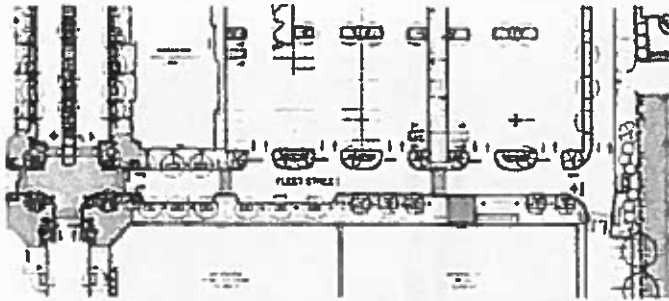
*All dimensions are approximate and subject to change.

4. FLEET STREET ADJACENT TO ANCHOR BUILDING STREETSCAPE DESIGN

This area (Design Guidelines Exhibit C) is designated to act as: 1) a buffer between the parking lot and the anchor building entrance; or, 2) a drive aisle serving surface and structured parking. The use of special paving and bollards is encouraged to help identify the space as a pedestrian friendly walkway. Bollards can be used to mark pathway entries and the bollard styles and color shall match other site furniture. At the far east of Fleet Street, a focal point shall be created to be visible from the Bayview Boulevard and Fleet Street intersection. This focal point can be created by a special landscaped area or a feature wall which may have special signage and lighting.

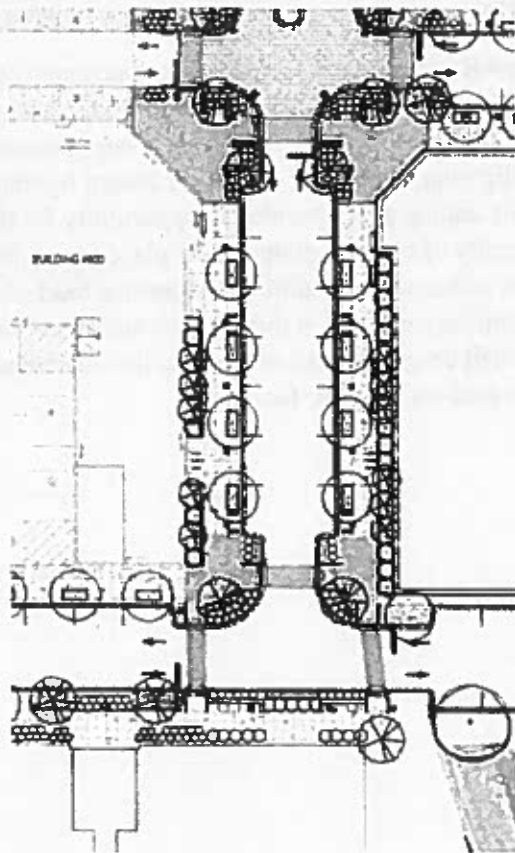


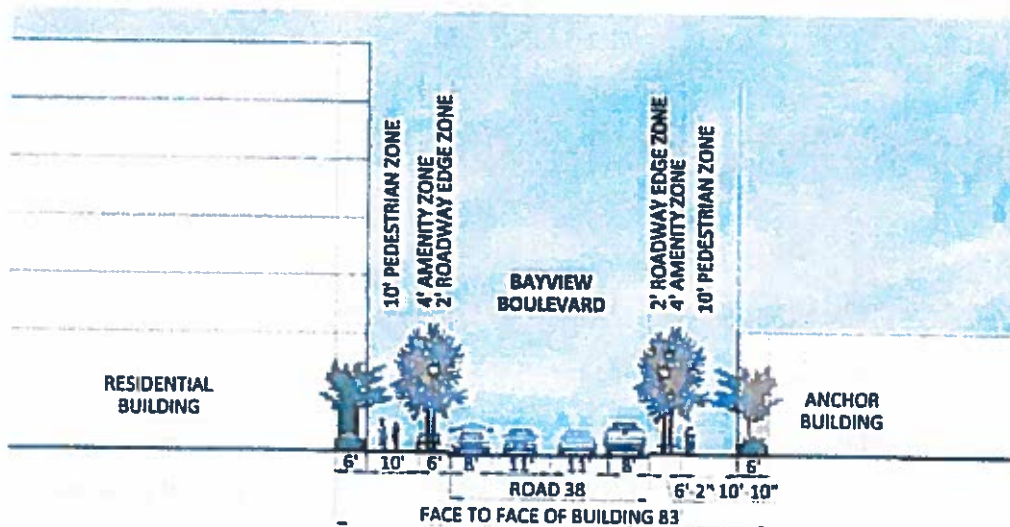
*All dimensions are approximate and subject to change.



5. LOWER BAYVIEW BOULEVARD STREETScape DESIGN

The character transitions here (Design Guidelines Exhibit C) from a retail corridor to an outdoor residential amenity space. This “quieter space” is comprised of green space, seating areas and site furniture such as bike racks. The buildings will be inset 6’ +/- to allow room for larger landscaping areas and seating areas. The road also transforms its character by changing the paving material to a different paving material than the retail areas. Here the site furniture will serve a more flexible purpose such as platforms, seat walls or site furniture. This area will act as a flexible outdoor area for lounging, seating and socializing with other residents and patrons of the site.

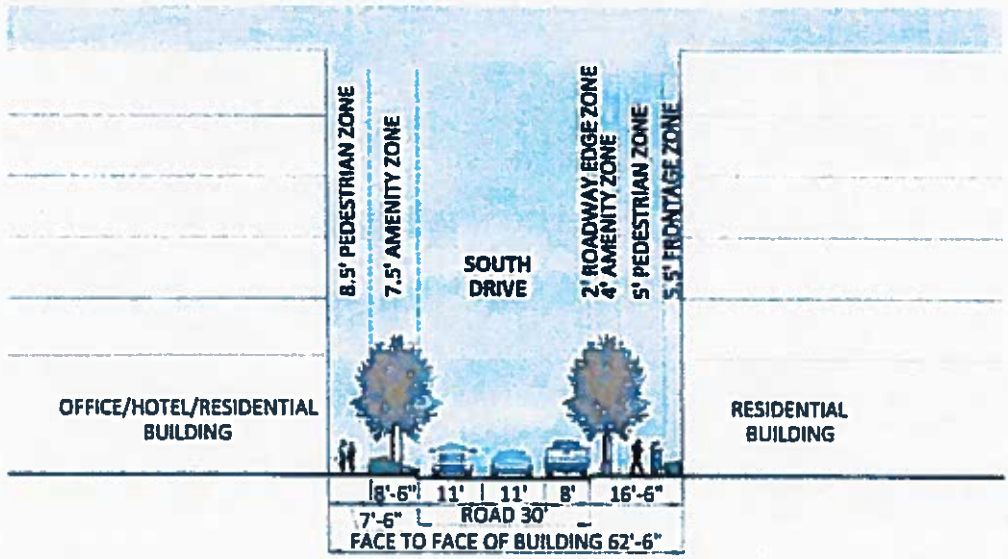
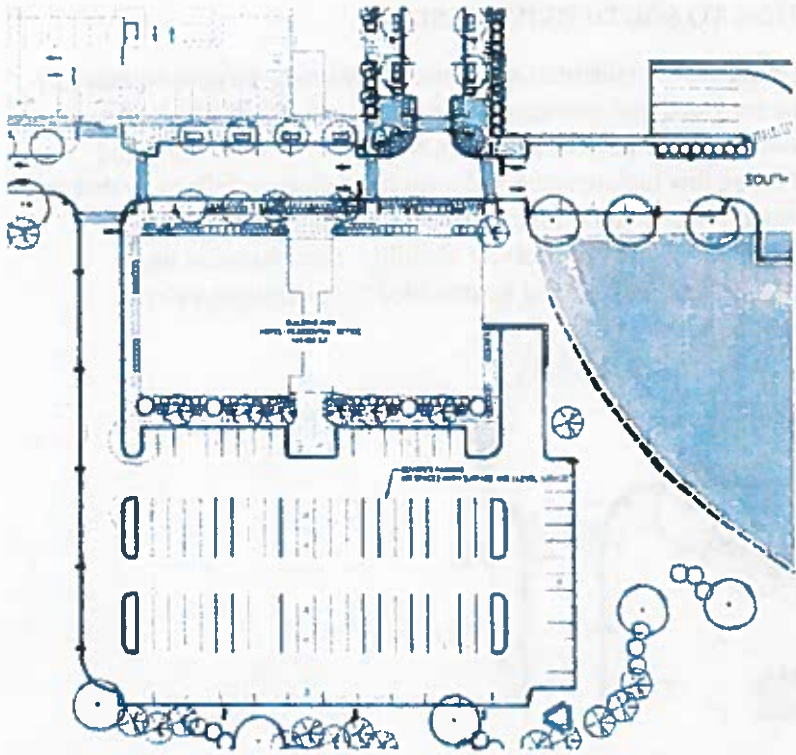




*All dimensions are approximate and subject to change.

6. BAYVIEW BOULEVARD STREETScape AND TERMINUS POINT DESIGN

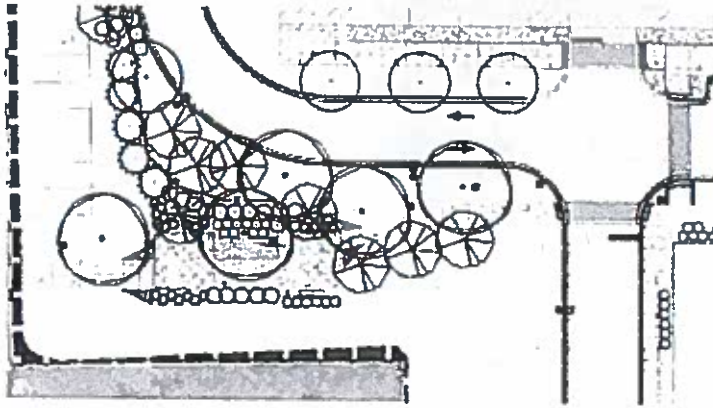
Located at the terminus point of Bayview Boulevard a focal point is to be created at the intersection of Bayview Boulevard and South Drive (Design Guidelines Exhibit C). This will be achieved with a site feature such as a sculpture, architecture, seat wall, water feature, landscaping, etc. Additional pedestrian lighting, night light effects, or accent lighting shall be incorporated into the gathering area. This seating area provides an opportunity for the hotel/residential building to have an amenity of outdoor dining and a place for socializing surrounded by landscaping. To the south of the anchor building, the service road on South Drive shall be screened with landscaping. A wall may be used in this area for additional screening, subject to final design approval. Walls shall be constructed of durable, low maintenance materials coordinated with the materials used on building facades.

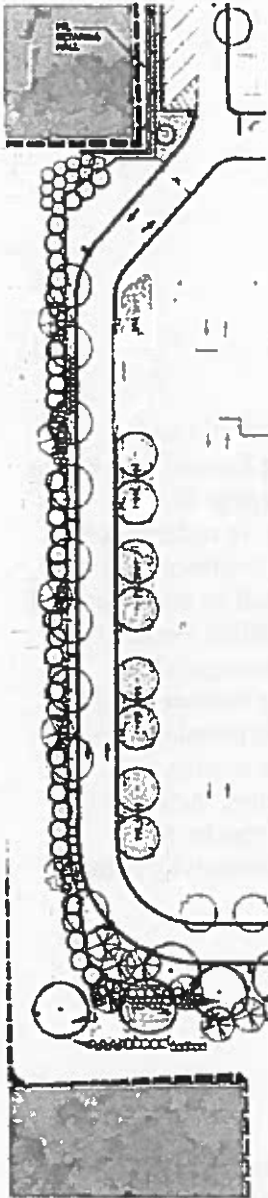


*All dimensions are approximate and subject to change.

7. GREEKTOWN CONNECTION TO SOUTH DRIVE DESIGN

This site is within easy walking distance of residential areas and Greektown. To gain entrance to the site, pedestrian access will be provided that connects Foster Avenue to South Drive. As appropriate, this area shall provide space for passive gathering with benches for seating and social activities. Landscaping shall be low maintenance and must keep clear sightlines so that the seating area can be seen by the hotel/residential building. Shrubs and groundcover must be maintained 3' high or lower so vegetation does not obstruct visibility. Security must be maintained and adequate and appropriate lighting must be provided for pedestrian safety.



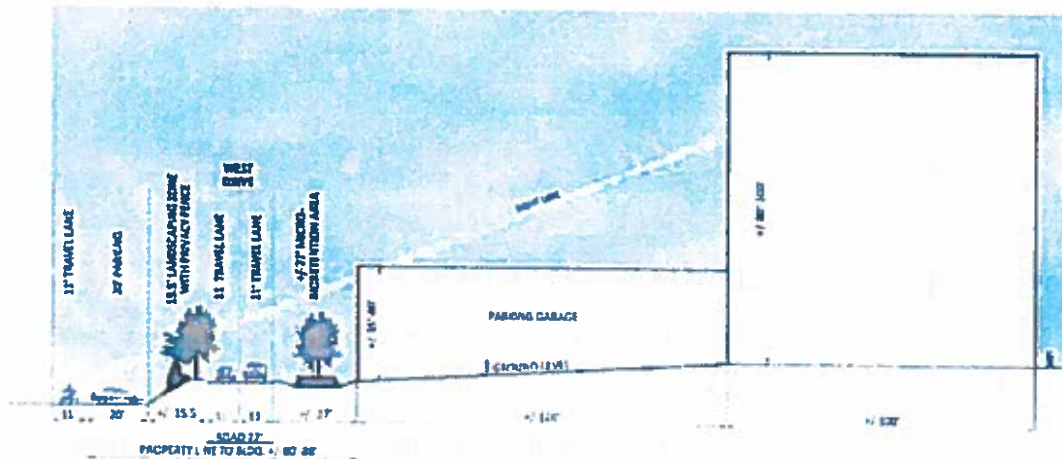


8. GREEKTOWN BUFFER TO WEST DRIVE DESIGN

On the site there is a transitional space located between the residential units of Greektown and the parking garage building on West Drive (Design Guidelines Exhibit B). This area will act as a buffer and transitional zone between the residential community and the myriad of uses on the site. Along the existing alley there will be designated parking for the residents to the west of the property.

Next to the parking an approximately 13'+/- wide landscape buffer shall be created to help screen the new development from the residents. The buffer shall be enhanced by creating the vegetative screen on top of an earthen berm. The sloped area will help screen the residents while assisting with site grading. This vegetative buffer shall include a combination of evergreen trees, shrubs, and shade trees. The majority of the selected plants shall be evergreen to maintain screening qualities in winter. Beyond the landscape buffer a 6' high privacy fence shall be placed (and shown on a site plan prior to final approvals). The privacy fence shall be made of durable, good quality, and aesthetically pleasing materials. It should be coordinated in style, color, and materials of the buildings' architecture.

Stormwater management areas such as micro-bioretenion areas will be provided along both sides of West Drive. The width of the micro-bioretenion areas vary from 20'-27'. As noted above in the "General Planting Guidelines and Design" species selected should be native/ adaptive plant material and should take into account seasonal interest and survivability of the urban condition. Plant species selected for the micro-bioretenion should handle the specific fluxuating water depth.



*All dimensions are approximate and subject to change.

9. EASTERN AVENUE FUEL STATION AND CONVENIENCE STORE

At the corner of Eastern Avenue and Bonsal Street there will be a fuel service station and convenience store placed at the front of the site. The streetscape planting along Eastern Ave will be continued and established as per the streetscape design described in Section 1 (page 8). The streetscape design must screen parking lots from adjacent public rights-of-way. In order to screen headlights from the parked cars a 3.5' +/- height wall and landscape screening treatment will be required with landscaping in front of the wall facing Eastern Avenue. Walls shall be constructed of durable, low maintenance materials coordinated with the materials used on building facades or coordinated with the existing church facade. Walls shall be placed on the inside edge of the landscape strip with the planting on eastern Avenue side of the wall or in wider buffers, placed to allow planting on both sides of the wall. This area will incorporate aesthetically pleasing plantings selected to fluctuate due to seasonal patterns while still providing year-round screening and buffering from the adjacent road. Within the fuel service station/convenience store there will be decorative crosswalks for aesthetics and for pedestrian safety. Crosswalks can also be found surrounding the area for increasing the walkability of the site and providing connectivity to the surrounding neighborhood.

NEW BUILDING DESIGN GUIDELINES

BUILDING FORM AND PLACEMENT

New buildings in the project are to be designed to allow for a transition from nearby low-density areas to moderate and high densities within the site boundary. Building form and penetrations shall be used to define and reinforce the public realm. Build-to lines are established to reinforce the building-to-building relationships (Design Guidelines Exhibit D). Maximum heights and structured parking shall be setback from the existing residential community on the western

boundary of the project.

Design Guidelines:

- New buildings along Upper Bayview Boulevard are to be set back a minimum of 17-19 feet from the curb to the building.
- New buildings along Lower Bayview Boulevard are to be set back a minimum of 15-17 feet from the curb to the building with an additional 6'+/- inset to allow for additional, quiet public realm space.
- Corner buildings at Bayview Boulevard and Fleet Street shall have massing and active fronts reflecting their corner position.
- Buildings located on Development Area C shall have pedestrian access directly to the Bayview Boulevard terminus area as shown on Exhibit C.
- Pedestrian passageways from parking areas to streets are to cut through the building mass and receive appropriate lighting and architectural design consideration.
- Service and utility access shall not be located on Eastern Avenue and Bayview Boulevard.
- All buildings fronting Eastern Avenue and Bayview Boulevard shall have main entrances on those streets.

BUILDING WALL

- 80% of the ground level building wall planes highlighted on Design Guidelines Exhibit D shall meet the build-to line dimension on Exhibit D. The line relationship may be established by building-to-building dimension or by half of the building-to-building dimension from the street center line.
- Street frontage buildings on Eastern Avenue and Upper Bayview Boulevard shall, in their ground level street front facade, allow for potential retail, restaurants, cafes and service type businesses that activate the street with pedestrian traffic. Extensive solid wall areas at the street level are not permitted.
- Street frontage at the intersection of Bayview Boulevard and Fleet Street shall be active, composed of significant amounts of glazing and have entries at the intersection areas.
- Glass at the ground floor must be clear vision glass; heavily tinted or mirrored glass is not permitted.
- Upper floors must have street-facing windows.
- A distinct base will be composed of the first floor or the first two floors of the building.
- Rooftop elements such as mechanical penthouses shall be compatible and integrate into the massing and exterior wall design below in materials, color and design.
- Ground floor facades shall be designed to accommodate signage that allows for each commercial tenant to achieve a distinct identity.

PARKING

STRUCTURED PARKING

- Garage openings should have some form of screening to block views of cars on upper levels.
- Structured parking shall not exclusively front, nor be the first building wall plane, on Eastern Avenue or North South Street.

SURFACE PARKING

- Structured parking is preferred over surface parking.
- No off-street surface parking shall be permitted within 50 feet of the streetscape edge of Bayview Boulevard.
- Permanent surface parking is permitted provided lots: 1) have landscaped refuge islands; and, 2) are screened with constructed walls.
- Surface parking lot light fixtures shall be dark sky compliant.
- Permanent, clear-to-sky, surface parking lots on Development Area A as shown on Exhibit A shall not exceed 100 spaces. Temporary surface parking shall be allowed.

SIGNAGE

The primary project entrance and identity signage locations shall be shown on the Development Plan and have dimensions not to exceed 12' by 4' by 25'.

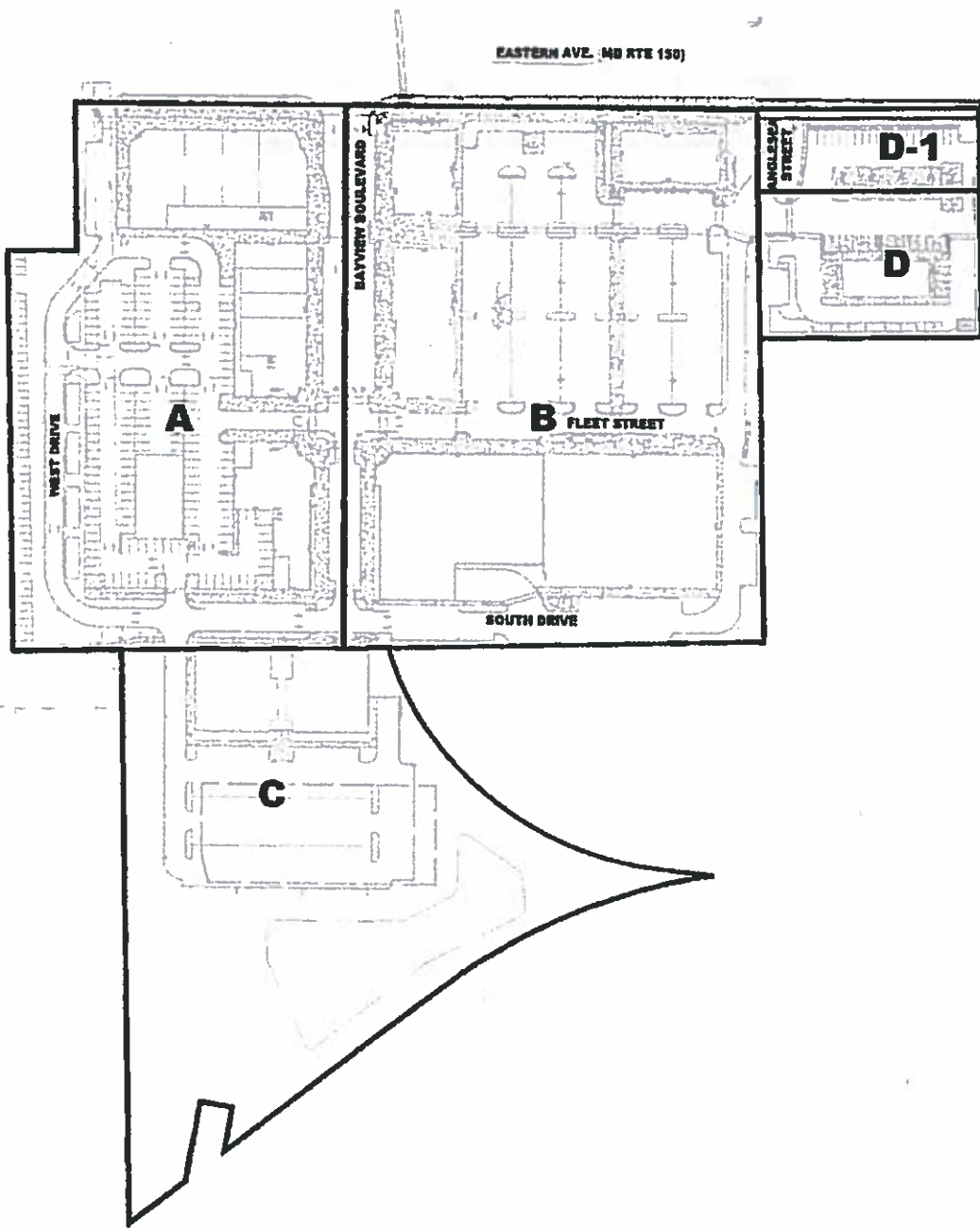
Comprehensive Signage Plan shall be subject to Final Design Approval.

5601 EASTERN AVENUE, BALTIMORE, MD
21224 BUSINESS PLANNED UNIT DEVELOPMENT

EXHIBITS



<p>DEVELOPER: [Faint text]</p> <p>DATE: [Faint text]</p>	<p>PROJECT: [Faint text]</p> <p>ADDRESS: [Faint text]</p>	<p>21</p>
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MORRIS & RITCHIE ASSOCIATES, INC.
 ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS
 1220-C EAST JOPPA ROAD, SUITE 505
 TOWSON, MARYLAND 21286
 (410) 821-1890
 FAX (410) 821-1748
 MRAGTA.COM

5601 EASTERN AVENUE
DESIGN GUIDELINES
EXHIBIT 'A'
 DEVELOPMENT AREAS

BALTIMORE CITY, MARYLAND

SCALE: 1"=200'

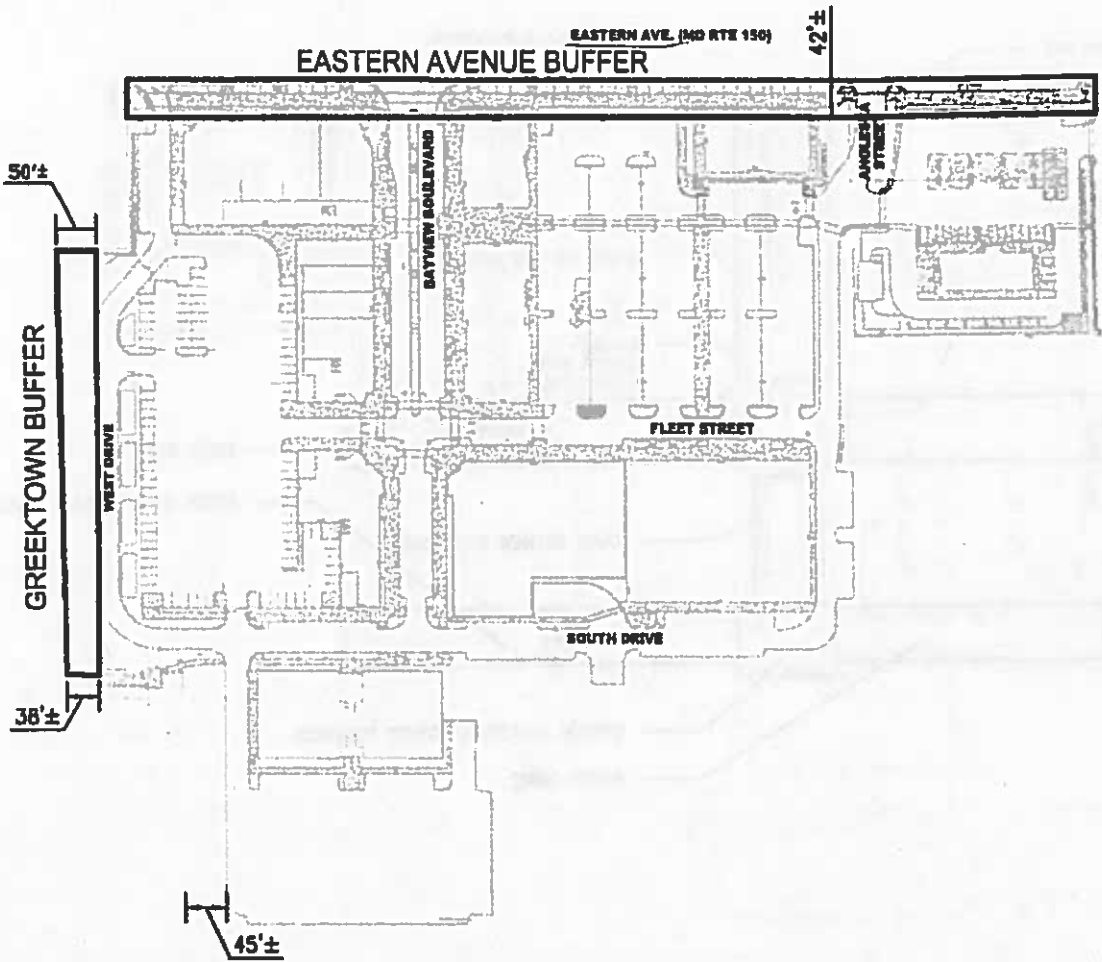
DATE: 07-12-2018

DRAWN BY:

DESIGN BY:

REVIEW BY: JTS

JOB NO. : 18297

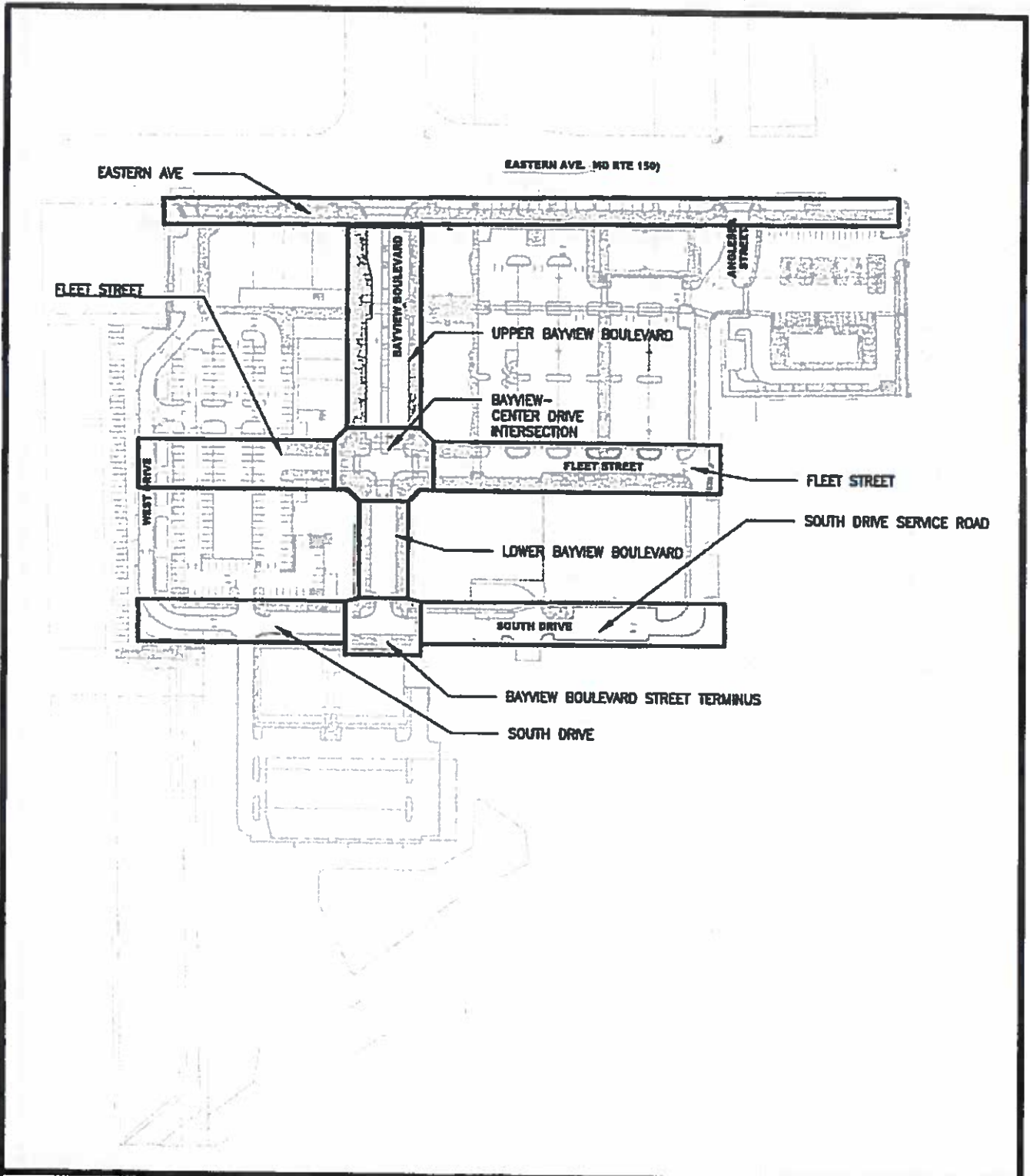


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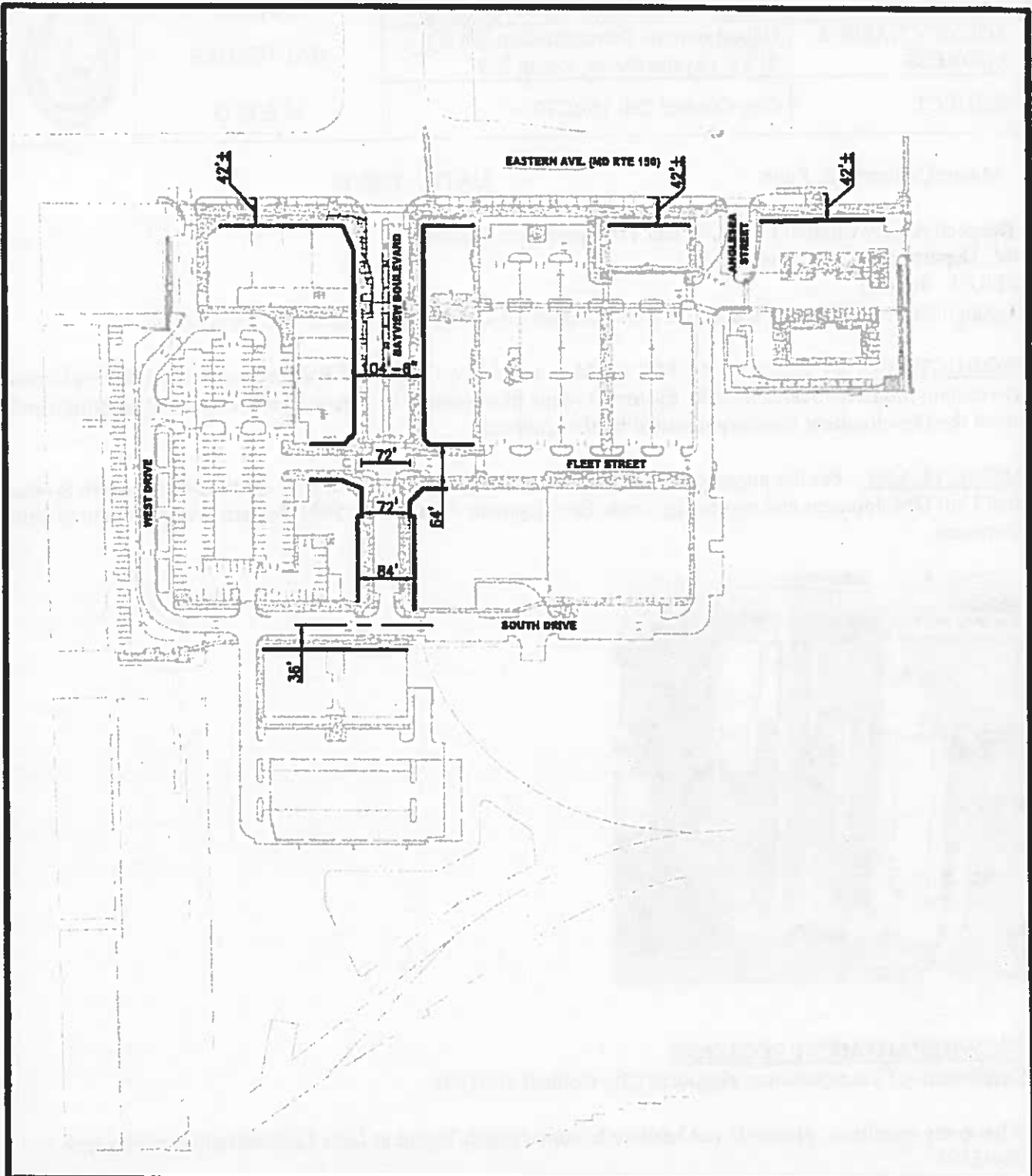
5601 EASTERN AVENUE
DESIGN GUIDELINES
EXHIBIT 'B'
 BUFFER AREAS

BALTIMORE CITY, MARYLAND

SCALE: 1"=200'	DATE: 07-12-2018	DRAWN BY:	DESIGN BY:	REVIEW BY: JTS	JOB NO. : 18287
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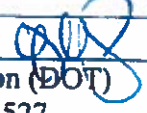

	<p>MORRIS & RITCHIE ASSOCIATES, INC. ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS 1220-C EAST JOPPA ROAD, SUITE 505 TOWSON, MARYLAND 21286 (410) 821-1690 FAX: (410) 821-1748 MRAGTA.COM</p>	<p>5601 EASTERN AVENUE DESIGN GUIDELINES EXHIBIT 'C' STREETScape AREAS</p>			
<p>SCALE: 1"=200'</p>	<p>DATE: 07-12-2018</p>	<p>DRAWN BY:</p>	<p>DESIGN BY:</p>	<p>REVIEW BY: JTS</p>	<p>BALTIMORE CITY, MARYLAND JOB NO. : 18297</p>



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5601 EASTERN AVENUE
DESIGN GUIDELINES
EXHIBIT 'D'
 BUILD TO LINES
 DIMENSION IS AVERAGE OF PLANE
 BALTIMORE CITY, MARYLAND

SCALE: 1"=200'	DATE: 07-12-2018	DRAWN BY:	DESIGN BY:	REVIEW BY: JTS	JOB NO. : 18287
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F R O M	NAME & TITLE	Michelle Pourciau, Director 	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 18-0270		
			M E M O	

TO Mayor Catherine E. Pugh

DATE: 7/30/18

TO: Respective City Council Land Use and Transportation Committee

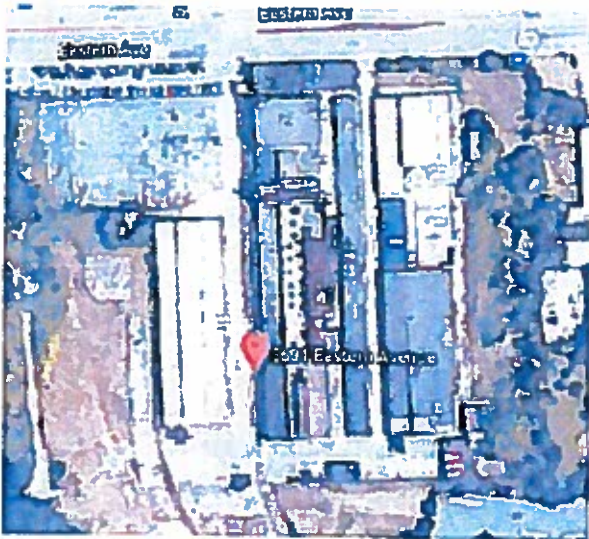
FROM: Department of Transportation

POSITION: Support

RE: Council Bill – 18-0270 – Planned Unit Development – Designation – 5601 Eastern Avenue

INTRODUCTION – By Ordinance 15-380, the Mayor and City Council of Baltimore approved the application to have certain property located at 5601 Eastern Avenue designated a Business Planned Unit Development and approved the Development Plan as submitted by the applicant.

PURPOSE/PLANS – For the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.



AGENCY/DEPARTMENT POSITION –

The Department of Transportation supports City Council 18-0270

If you have any questions, please do not hesitate to contact Josh Taylor at Josh.Taylor@baltimorecity.gov, 443-984-3394

Sincerely,


Michelle Pourciau
Director

**CITY OF BALTIMORE
COUNCIL BILL 18-0270
(First Reader)**

Introduced by: Councilmember Cohen, President Young

At the request of: TRP-MCB 5601 Eastern, LLC

Address: c/o AB Associates, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland 21202

Telephone: 410-547-6900

Introduced and read first time: June 25, 2018

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Designation – 5601 Eastern Avenue**

3 FOR the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue
4 Planned Unit Development and approving a new Development Plan for the 5601 Eastern
5 Avenue Planned Unit Development.

6 BY authority of

7 Article 32 - Zoning
8 Section 5-201(a) and Title 13
9 Baltimore City Revised Code
10 (Edition 2000)

11 **Recitals**

12 By Ordinance 15-380, the Mayor and City Council of Baltimore approved the application to
13 have certain property located at 5601 Eastern Avenue designated a Business Planned Unit
14 Development and approved the Development Plan as submitted by the applicant.

15 The applicant is the contract purchaser of an adjoining property at 5801 Eastern Avenue that
16 is to be added to the Planned Unit Development and wants approval of a Final Development Plan
17 for the combined property. The applicant wants to replace the existing Planned Unit with a new
18 one that reflects changes previously approved in the Development Plan and final plan approvals
19 from the Planning Commission, and to revise certain text provisions.

20 On May 30, 2018, representatives of the applicant met with the Department of Planning for a
21 preliminary consultation, to explain the scope and nature of existing and proposed development
22 on the property and to institute proceedings to have the property designated a Planned Unit
23 Development.

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

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1 The representatives of the applicant have now applied to the Baltimore City Council for
2 designation of the property as a Planned Unit Development, and they have submitted a
3 Development Plan intended to satisfy the requirements of the Baltimore City Zoning Code,
4 Section 5-201(a) and Title 13.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
6 Ordinance 15-380 is repealed.

7 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the
8 application of TRP-MCB 5601 Eastern Avenue, LLC, owner of the property located at 5601
9 Eastern Avenue, consisting of 20.0166 acres, and contract purchaser of the adjacent property at
10 5801 Eastern Avenue, consisting of 27,000 square feet, more or less, as outlined on the
11 accompanying Development Plan entitled "5601 Eastern Avenue", to designate the property as a
12 Planned Unit Development under Title 13, of the Baltimore City Zoning Code.

13 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
14 approves the replacement of the Planned Unit Development and approves the new Development
15 Plan submitted by the applicant, as attached to and made part of this Ordinance, including:

- 16 Exhibit C-1.0, "Cover Sheet", dated June 20, 2018
- 17 Exhibit C-2.0, "Existing Conditions Plan", dated June 20, 2018
- 18 Exhibit C-3.0, "Revised Master Plan - Low Density", dated June 20, 2018
- 19 Exhibit C-4.0, "Simplified Forest Delineation Plan", dated June 20, 2018
- 20 Exhibit C-5.0, "Landscape Plan", dated June 20, 2018
- 21 Exhibit C-6.0, "Landscape Notes and Details", dated June 20, 2018
- 22 Exhibit C-7.0, "Development Plan Height Limit", dated June 20, 2018.

23 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the maximum gross square footage for all
24 buildings and uses, excluding parking and circulation, in the Planned Unit Development is
25 2,000,000 square feet, as follows:

- 26 184,000 square feet for retail uses;
- 27 376,000 square feet for office uses;
- 28 350,000 square feet for hotel uses; and
- 29 up to and including a maximum number of 1,350 residential units.

30 **SECTION 5. AND BE IT FURTHER ORDAINED,** That the maximum heights for all buildings
31 shall be as shown on Exhibit C-7.0 of the Development Plan, and no building may be constructed
32 within 65 feet of the westernmost boundary of the Planned Unit Development.

33 **SECTION 6. AND BE IT FURTHER ORDAINED,** That residential, retail, and office uses shall be
34 permitted as follows:

- 35 (a) Uses permitted under Title 10-205 and Table 10-301;
- 36 (b) 1 retail goods establishment with off premises alcohol sales when within a full service
37 grocery store whose net leasable area exceeds 15,000 square feet; and
- 38 (c) 1 gas station as approved under the Final Development Plan at 5801 Eastern Avenue.

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1 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the following uses are prohibited within
2 the Planned Unit Development:

- 3 Adult book or video store
- 4 Adult entertainment
- 5 Amusement arcade
- 6 Bail bond establishment
- 7 Body art establishment
- 8 Community correction center
- 9 Firearm sales
- 10 Fraternity or sorority house
- 11 Helistop
- 12 Massage parlor
- 13 Parole and Probation field office
- 14 Payday loan shop
- 15 Rooming house
- 16 Taxidermist shop
- 17 Tobacco, hookah, and vaping shops

18 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the number of liquor licenses permitted
19 within the Planned Unit Development are limited as follows:

- 20 (a) Class A Beer, Wine & Liquor License, if approved as a conditional use by the Board;
- 21 (b) Class BD-7 Beer, Wine & Liquor Licenses (Tavern), provided that there are no off-
22 premises sales, except for the use specifically approved under § 6(b) of this
23 Ordinance;
- 24 (c) Class B Beer, Wine & Liquor Licenses (Restaurant) in such number as may
25 accompany restaurants within the Planned Unit Development that may qualify under
26 applicable law for such licenses; and
- 27 (d) Class B Beer, Wine & Liquor Licenses (Hotel/Motel) in such number as may qualify
28 under applicable law for such licenses.

29 **SECTION 9. AND BE IT FURTHER ORDAINED,** That off-street parking shall be provided
30 according to the provisions of the Baltimore City Zoning Code, without regard to specific lot
31 lines, and, instead, in the aggregate for the entire Planned Unit Development. Off-street parking
32 may also be further reduced by the Planning Commission on a finding of shared parking where
33 appropriate.

34 **SECTION 10. AND BE IT FURTHER ORDAINED,** That all buildings with frontages on Eastern
35 Avenue shall have a principal entrance on Eastern Avenue. All buildings with frontages on
36 Bayview Drive, as shown on the Development Plan, shall have a principal entrance on that road
37 unless the building also has a entrance on Eastern Avenue. No service access shall be permitted
38 to buildings on Eastern Avenue or Bayview Drive. No vehicular access shall be permitted
39 directly or indirectly to Foster Avenue into the Planned Unit Development.

40 **SECTION 11. AND BE IT FURTHER ORDAINED,** That the following signage limitations apply
41 to the Planned Unit Development:

Council Bill 18-0270

1 (a) Total permitted signage within the Planned Unit Development shall be calculated
2 under the Zoning Code using an area factor of 3 and applied to buildings facing any
3 public or private right of ways or streets.

4 (b) A maximum of three monument/pylon signs along Eastern Avenue are permitted
5 subject to the previous design approval by the Planning Commission under the
6 previous Planned Unit Development. One new monument/pylon sign will be
7 permitted for the 5801 Eastern Avenue property, and one free-standing sign facing I-
8 95 will be permitted.

9 (c) All signage within the Planned Unit Development is subject to final design approval
10 by the Planning Commission. The approval can be in the form of either a specific
11 design or a sign design package.

12 **SECTION 12. AND BE IT FURTHER ORDAINED,** That the Planning Commission may determine
13 what constitutes minor or major modifications to the Planned Unit Development, as per the
14 provisions of Title 13 of the Baltimore City Zoning Code.

15 **SECTION 13. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
16 permanent improvements on the property are subject to final design approval by the Planning
17 Commission to insure that the plans are consistent with the Development Plan and this
18 Ordinance.

19 **SECTION 14. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
20 accompanying Development Plan and in order to give notice to the agencies that administer the
21 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
22 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
23 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
24 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
25 Appeals, the Planning Commission, the Commissioner of Housing and Community
26 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

27 **SECTION 15. AND BE IT FURTHER ORDAINED,** That the filing of an appeal of the Planned
28 Unit Development or an appeal of any building permit issued in accordance with the Planned
29 Unit Development shall toll any time limits set forth in the Development Plan pending the
30 conclusion of all appeals.

31 **SECTION 16. AND BE IT FURTHER ORDAINED,** That if any provision of this Ordinance or the
32 application of this Ordinance to any person or circumstance is held invalid for any reason, the
33 invalidity does not affect any other provision or any other application of this Ordinance, and for
34 this purpose the provisions of this Ordinance are declared severable.

35 **SECTION 17. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
36 day after the date it is enacted.

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____

APPROVED FOR FORM STYLE, AND TEXTUAL SUFFICIENCY
6-20-18
DEPT LEGISLATIVE REFERENCE

Introduced by: Councilmember Cohen
At the request of: TRP-MCB 5601 Eastern, LLC
Address: c/o AB Associates, 201 East Baltimore Street, Suite 1150, Baltimore, Maryland 21202
Telephonic: 410-547-6900

A BILL ENTITLED

AN ORDINANCE concerning

Planned Unit Development – Designation – 5601 Eastern Avenue

FOR the purpose of repealing the existing Development Plan for the 5601 Eastern Avenue Planned Unit Development and approving a new Development Plan for the 5601 Eastern Avenue Planned Unit Development.

BY authority of

Article 32 - Zoning
Section 5-201(a) and Title 13
Baltimore City Revised Code
(Edition 2000)

Recitals

By Ordinance 15-380, the Mayor and City Council of Baltimore approved the application to have certain property located at 5601 Eastern Avenue designated a Business Planned Unit Development and approved the Development Plan as submitted by the applicant.

The applicant is the contract purchaser of an adjoining property at 5801 Eastern Avenue that is to be added to the Planned Unit Development and wants approval of a Final Development Plan for the combined property. The applicant wants to replace the existing Planned Unit with a new one that reflects changes previously approved in the Development Plan and final plan approvals from the Planning Commission, and to revise certain text provisions.

On May 30, 2018, representatives of the applicant met with the Department of Planning for a preliminary consultation, to explain the scope and nature of existing and proposed development on the property and to institute proceedings to have the property designated a Planned Unit Development.

The representatives of the applicant have now applied to the Baltimore City Council for designation of the property as a Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of the Baltimore City Zoning Code, Section 5-201(a) and Title 13.

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

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance 15-380 is repealed.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Mayor and City Council approves the application of TRP-MCB 5601 Eastern Avenue, LLC, owner of the property located at 5601 Eastern Avenue, consisting of 20.0166 acres, and contract purchaser of the adjacent property at 5801 Eastern Avenue, consisting of 27,000 square feet, more or less, as outlined on the accompanying Development Plan entitled "5601 Eastern Avenue", to designate the property as a Planned Unit Development under Title 13, of the Baltimore City Zoning Code.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore approves the replacement of the Planned Unit Development and approves the new Development Plan submitted by the applicant, as attached to and made part of this Ordinance, including:

- Exhibit C-1.0, "Cover Sheet", dated June 20, 2018
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- up to and including a maximum number of 1,350 residential units.

SECTION 5. AND BE IT FURTHER ORDAINED, That the maximum heights for all buildings shall be as shown on Exhibit C-7.0 of the Development Plan, and no building may be constructed within 65 feet of the westernmost boundary of the Planned Unit Development.

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- (a) Uses permitted under Title 10-205 and Table 10-301;
- (b) 1 retail goods establishment with off premises alcohol sales when within a full service grocery store whose net leasable area exceeds 15,000 square feet; and
- (c) 1 gas station as approved under the Final Development Plan at 5801 Eastern Avenue.

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- Bail bond establishment
- Body art establishment

Community correction center
Firearm sales
Fraternity or sorority house
Helistop
Massage parlor
Parole and Probation field office
Payday loan shop
Rooming house
Taxidermist shop
Tobacco, hookah, and vaping shops

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- (a) Class A Beer, Wine & Liquor License, if approved as a conditional use by the Board;
- (b) Class BD-7 Beer, Wine & Liquor Licenses (Tavern), provided that there are no off-premises sales, except for the use specifically approved under § 6(b) of this Ordinance;
- (c) Class B Beer, Wine & Liquor Licenses (Restaurant) in such number as may accompany restaurants within the Planned Unit Development that may qualify under applicable law for such licenses; and
- (d) Class B Beer, Wine & Liquor Licenses (Hotel/Motel) in such number as may qualify under applicable law for such licenses.

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SECTION 11. AND BE IT FURTHER ORDAINED, That the following signage limitations apply to the Planned Unit Development:

- (a) Total permitted signage within the Planned Unit Development shall be calculated under the Zoning Code using an area factor of 3 and applied to buildings facing any public or private right of ways or streets.
- (b) A maximum of three monument/pylon signs along Eastern Avenue are permitted subject to the previous design approval by the Planning Commission under the previous Planned Unit Development. One new monument/pylon sign will be permitted for the 5801 Eastern Avenue property, and one free-standing sign facing I-95 will be permitted.

- (c) All signage within the Planned Unit Development is subject to final design approval by the Planning Commission. The approval can be in the form of either a specific design or a sign design package.

SECTION 12. AND BE IT FURTHER ORDAINED, That the Planning Commission may determine what constitutes minor or major modifications to the Planned Unit Development, as per the provisions of Title 13 of the Baltimore City Zoning Code.

SECTION 13. 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 14. 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 15. AND BE IT FURTHER ORDAINED, That the filing of an appeal of the Planned Unit Development or an appeal of any building permit issued in accordance with the Planned Unit Development shall toll any time limits set forth in the Development Plan pending the conclusion of all appeals.

SECTION 16. AND BE IT FURTHER ORDAINED, That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

SECTION 17. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

STATEMENT OF INTENT

FOR

5601 Eastern Avenue; 5801 Eastern Avenue

{Address}

1. Applicant's Contact Information:

Name: MCB Real Estate c/o AB Associates
Mailing Address: 201 E. Baltimore St. #1150
Baltimore, MD 21202
Telephone Number: (410) 547-6900
Email Address: ababalt@yahoo.com

2. All Proposed Zoning Changes for the Property:

Repeal existing Planned Unit Development (Ord. 15-380) and replace with a new PUD to include an additional parcel at 5801 Eastern Ave and new exhibits.

3. All Intended Uses of the Property:

Residential, office, hotel, commercial

4. Current Owner's Contact Information:

Name: TRP-MCB 5601 Eastern, LLC 5801 Eastern Avenue, LLC
Mailing Address: 2701 N. Charles St #404 11411 Rockville Pike
Baltimore, MD 21218 Rockville, MD 20852
Telephone Number: (410) 547-6900 (410) 547-6900
Email Address:

5. Property Acquisition:

The property was acquired by the current owner on 4/14/2014 by deed recorded in the Land Records of Baltimore City in Liber 16154 Folio 0059.
5801 Eastern Avenue - acquired 4/2/14 Liber 16124 Folio 0316

6. Contract Contingency:

(a) There is X is not X a contract contingent on the requested legislative authorization.

(5801 Eastern Ave) (5601 Eastern Ave)

(b) If there is a contract contingent on the requested legislative authorization:

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

Names and addresses are the same as listed above in Section 4 of this statement of intent.

(ii) The purpose, nature, and effect of the contract are: _____

Purchase the property to include as part of proposed redevelopment.


7. Agency:

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

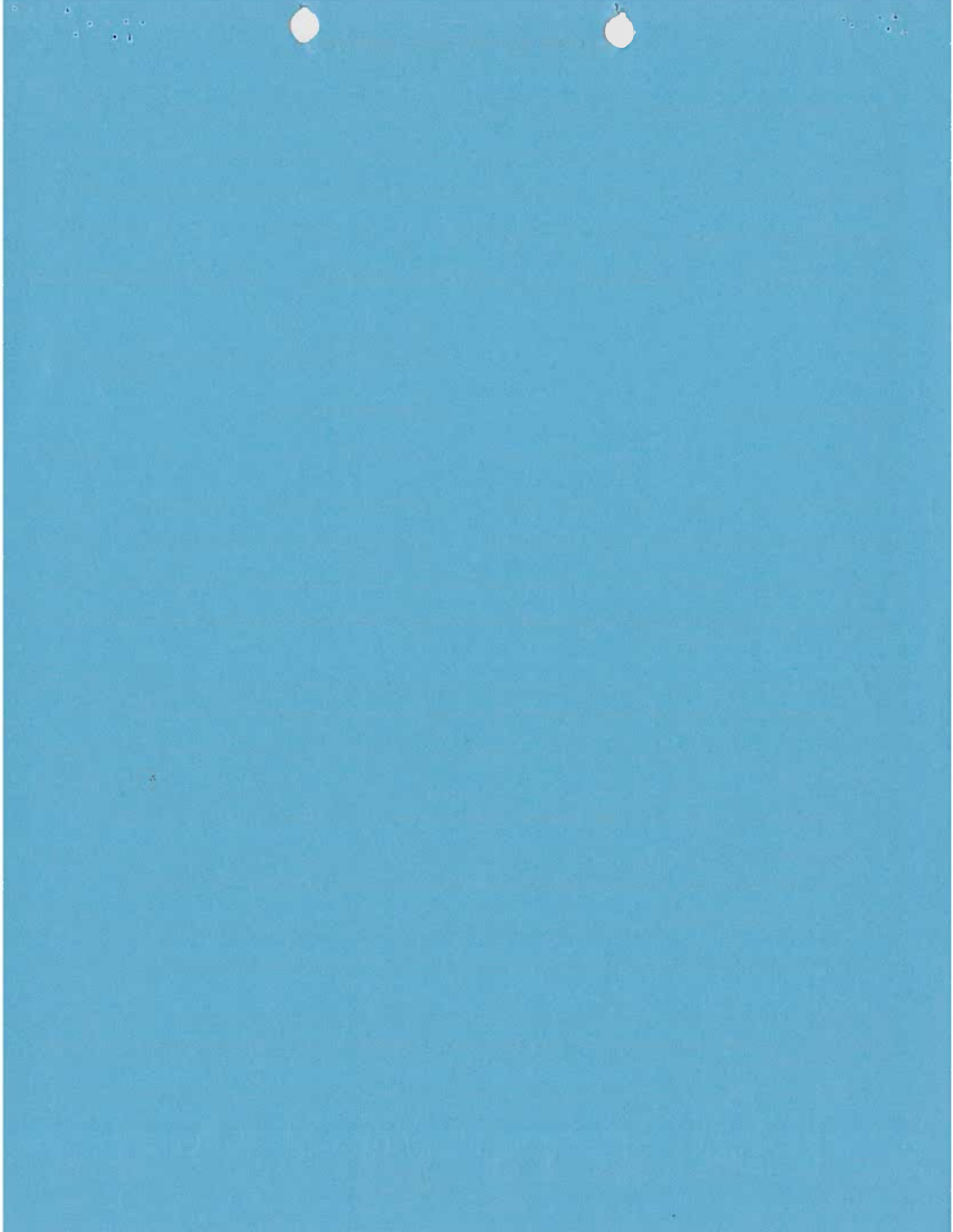
(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: _____

AFFIDAVIT

I, Alfred W. Barry III, 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.


Applicant's signature

6/18/2018
Date



ACTION BY THE CITY COUNCIL

JUN 25 2018

FIRST READING (INTRODUCTION) _____

PUBLIC HEARING HELD ON September 12, _____ 20 18

COMMITTEE REPORT AS OF September 17, _____ 20 18

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Edward H. Bessing
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:

SEP 17 2018

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

THIRD READING _____ SEP 17 2018

_____ 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.

Bob DeJoy

Leann St. Davin

President

Chief Clerk