


FROM	NAME & TITLE	DOUGLAS B MCCOACH, III- DIRECTOR <i>DBM</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #08-0110/PLANNED UNIT DEVELOPMENT- DESIGNATION-GUILFORD/HOLLIDAY TOWERS		

DATE: May 16, 2008

TO

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

At its regular meeting of May 15, 2008 the Planning Commission considered City Council Bill #08-0110 for the purpose to designate this area of the Mayor and City Council of Baltimore and, Business Planned Unit Development. The origin of this project is to preserve certain historic buildings within the boundary, while providing for the future development of surrounding properties.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended amendments to and approval of City Council Bill #08-0110. Additionally, the Commission reviewed and accepted a replacement amendment from staff for the third amendment identified in the staff report. The replacement amendment is attached and is identified as Exhibit A. Thus, the Planning Commission recommended a new replacement third amendment as shown on the attached Exhibit A and adopted the following resolution, eight members being present (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #08-0110 be amended and passed by the City Council.

If you have questions, please contact Mr. Gary W. Cole, Deputy Director at 410-396-8337.

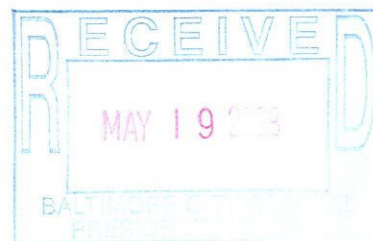
DBM/GWC/ttl

Attachments

cc:

Mr. Andy Frank, Deputy Mayor
Mr. Demuane Millard, Mayor's Office
Ms. Angela Gibson, Mayor's Office
The Honorable "Rikki" Spector, City Council Commission Representative
Mr. Donald Small, Zoning Enforcement
Mr. David Tanner, BMZA
Ms. Nikol Nabors-Jackson, DHCD
Ms. Jennifer Coates, Council Services
Ms. Deepa Bhattacharyya, Law Department
Ms. Kim Clark, BDC

F/A



PLANNING COMMISSION

STAFF REPORT

May 15, 2008

REQUEST: City Council Bill #08-0110/Planned Unit Development – Designation –
Guilford/Holliday Towers

For the purpose of approving the application of RWN Development Group, LLC, its affiliates and assigns, who are either the developer, contract purchaser, potential owner, or owner of certain properties known as 211 East Pleasant Street (a/k/a 320 Guilford Avenue), 310-318 Guilford Avenue, 222 East Saratoga Street, 407 East Saratoga Street, 231-233 Holliday Street, 235-239 Holliday Street, and 154, 158, 160, 162, and 164 North Gay Street (collectively referred to as “the Property”), to have the Property designated a Business Planned Unit Development; and approving the Development Plan submitted by the applicant.

RECOMMENDATION: Amendment and Approval. The amendments are as follows:

- The text on page two, at line 22 and 23 should be amended to read “(a) All permitted and accessory uses as allowed AS OF THE EFFECTIVE DATE OF THIS ORDINANCE in the B-5 Zoning District and all conditional uses as allowed AS OF THE EFFECTIVE DATE OF THIS ORDINANCE in the B-5 and B-4 Zoning Districts, unless otherwise prohibited in Section 3(b) below;
- Bus and transit passenger stations and terminals should be deleted from the prohibited uses list on page 2, at line 28;
- Subject to the requirements of the Department of Transportation, Section 6 at the end of line 6 should have the following text added: “Prior to final design approval for any development within the Properties, a traffic mitigation agreement shall be entered into with the Department of Transportation for the portion of the Properties on which the development is located, or, if approved by the Department of Transportation, such traffic mitigation agreement may also include all or any portion of the remaining area of the Properties. The traffic mitigation agreement shall be approved by the Planning Commission and by the Board of Estimates.”
- Subject to the requirements of the Department of Transportation, notes should be added to Sheet 1 of the Development Plan as a call-out in the area of 158 to 164 North Gay Street:
 - Approximate area to be dedicated for intersection improvements.
 - Proposed building at corner of Saratoga and Gay Streets may need to be set back to accommodate eastbound Saratoga (to signal) sight distance.
 - The City and design team to work together to reconfigure intersection for two-way Saratoga Street Traffic.
 - The "Fair Market Value" resulting from the loss of the area to be dedicated will count towards traffic mitigation.

STAFF: Eric Tiso

PETITIONER(S): RWN Development Group, LLC

OWNER: RWN Development Group, LLC, and Fort Knox Baltimore, LLC.

SITE/GENERAL AREA

Site Conditions: The proposed PUD area encloses the following properties: 211 East Pleasant Street (a/k/a 320 Guilford Avenue), 310-318 Guilford Avenue, 222 East Saratoga Street, 407 East Saratoga Street, 231-233 Holliday Street, 235-239 Holliday Street, and 154, 158, 160, 162, and 164 North Gay Street. In total, the properties within the boundary enclose ±4.232 acres of land, all of which is zoned B-5-2.

General Area: The proposed PUD area is located within the Central Business District, one block north of City Hall. I-83 lies immediately adjacent to the east.

HISTORY

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

CONFORMITY TO PLANS

This site lies within the Central Business District, and generally conforms to the purposes and intent of that plan.

ANALYSIS

Project: The purpose of this bill is to designate this area as a Business Planned Unit Development (PUD). The origin of this project is to preserve certain historic buildings within the boundary, while providing for the future development of surrounding properties. As PUDs are currently the only tool we have as a means of transferring development rights or density to another parcel, this proposal was seen as an advantageous way to allow for the preservation of certain buildings while allowing the owners to transfer the density to other properties in the immediate area. Likewise, as the properties are all located within the downtown area, the added density to individual parcels will not constitute an overwhelming burden on the surrounding area.

Historic Preservation: None of the properties within the proposed PUD boundary are located within any historic district, though 154 North Gay Street is adjacent to the Business and Government Center National Register District. The eastern portion of the PUD area is one property north of the Peale Museum and Zion Lutheran Church, both of which are CHAP landmarks. The following buildings will be preserved: the original 1894 portion of 211 East Pleasant Street (k/a 320 Guilford Avenue), 231-233 North Holliday Street and 235-239 North Holliday Street. Within the Central Business District plan, the 211 East Pleasant Street building (both the original portion and the 1912 addition) are listed as notable properties.

Proposed Uses: The proposed uses for this PUD are those uses that are now permitted in the B-4 and B-5 Business Districts, with the exception of specific uses that are listed as prohibited in the proposed PUD area. Additionally, the applicant is concerned that as the City is embarking on the comprehensive rezoning project that these use lists should be preserved so that the meanings do not change with potential changes to the Zoning Code, and that uses are not inadvertently included or deleted. For this reason, the text on page two, at lines 22 and 23 should be amended

to add references to “as of the effective date of this ordinance” which will then ensure that upon completion of the rezoning project, the uses that are approved today will continue in force for this PUD unless later expressly amended.

Three general advertising signs (billboards) are located within the proposed PUD boundaries and are listed on Sheet 1 of the proposed development plan. The note reads: “There are three existing general advertising signs within this planned unit development: one on the east façade of the 211 E. Pleasant Street building (a.k.a. 320 Guilford Avenue) (sign is 20’ by 40’), one on 154 N. Gay Street (sign is 12’ by 25’) and one on 158 N. Gay Street (sign is 12’ by 25’). They may be relocated within the PUD subject to final design approval.”

Traffic: The properties 158 to 164 North Gay Street may be impacted by improvements required for signalization. The traffic study for this set of improvements is ongoing, and will not be completed prior to the anticipated passage of this bill. For these reasons, and subject to the requirements of the Department of Transportation (including additions, modifications, and deletions), a set of notes are proposed to be added to the Sheet 1 of the Development Plan to read as follows:

- Approximate area to be dedicated for intersection improvements.
- Proposed building at corner of Saratoga and Gay Streets may need to be set back to accommodate eastbound Saratoga (to signal) sight distance.
- The City and design team to work together to reconfigure intersection for two-way Saratoga Street Traffic.
- The "Fair Market Value" resulting from the loss of the area to be dedicated will count towards traffic mitigation.

Dwelling Units: Section 4 of the bill specifies that there is no restriction on the aggregate number of dwelling units on the property. Ordinance #06-248 removed the lot area requirements from the B-5 District. The number of dwelling units is therefore only obliquely limited by requirements of other codes and licensing requirements, such as the building code.

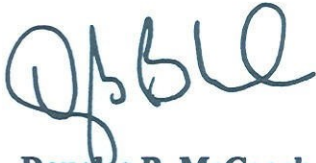
Floor Area Ratio: In Section 5, the floor area ratio (FAR) of the proposed PUD is set. The properties within the boundaries together contain ±2.592 acres of land (112,907.52 square feet). At a maximum FAR of 14.0 as allowed in the B-5-2 District, and including a 75% FAR variance, the maximum aggregate FAR of the entire PUD is 2,766,234.1 square feet of development in total.

Final Design Approval: As the PUD is to be established with the existing conditions, future improvements will need to return to the Planning Commission for Final Design review and approval.

Major and Minor Amendments: Section 7 stipulates that the Department of Planning may determine what constitutes minor or major amendments. Minor amendments will require approval by the Planning Commission, and major amendments will require approval by Ordinance.

Recommendation: Staff recommends Amendment and approval, with amendments referencing land uses effective as of the date of the ordinance, removing “bus and transit passenger stations and terminals” from the prohibited uses list, and including notes regarding intersection improvements subject to the requirements of the Department of Transportation.

The Downtown Partnership of Baltimore and the Baltimore Development Corporation (BDC) have been notified of this project.

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

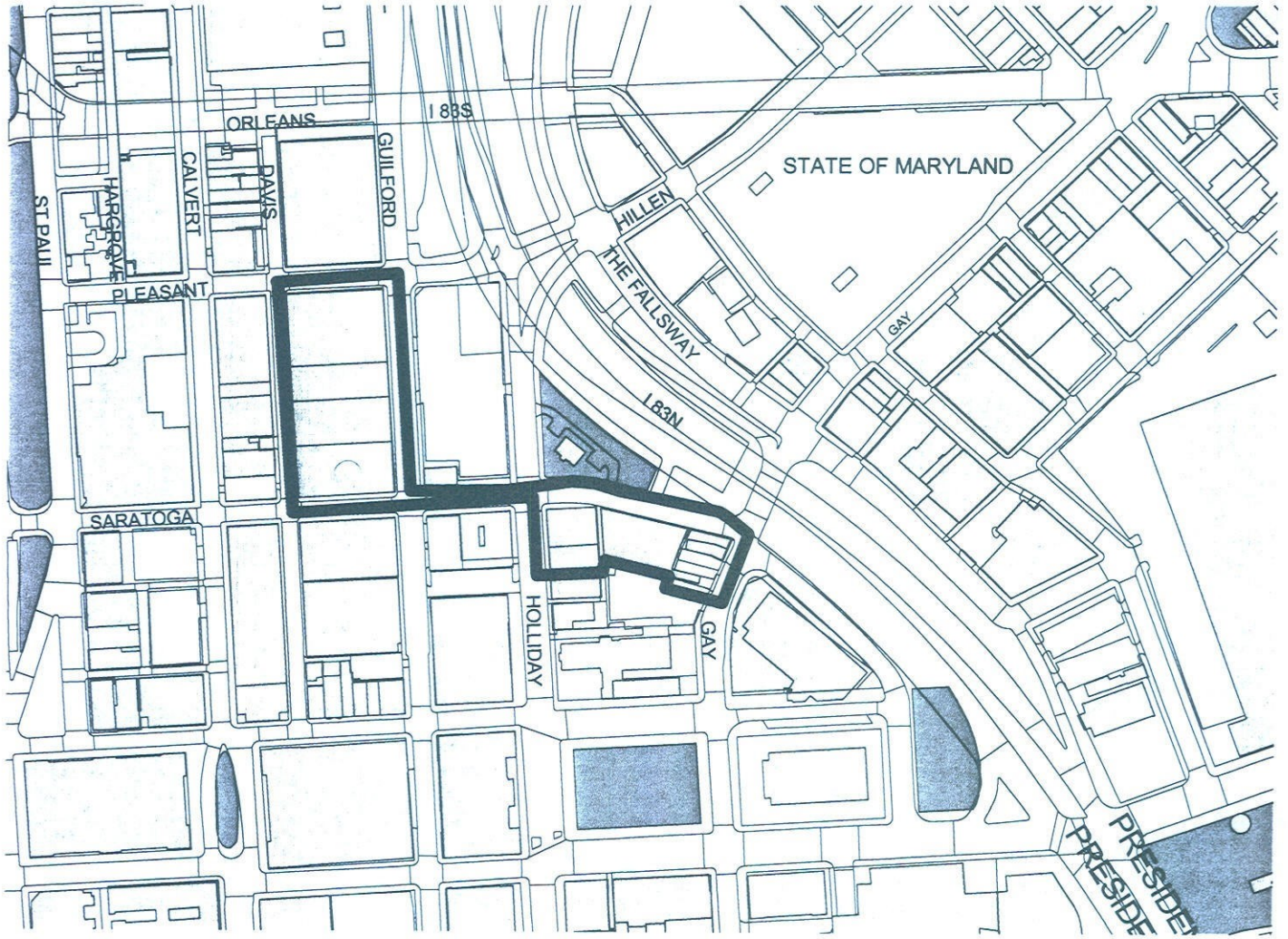
Douglas B. McCoach, III
Director

EXHIBIT A

Following a request from the Department of Transportation, our third recommended amendment should be replaced with the following text, a new Section 7:

- Subject to the requirements of the Department of Transportation, add a new Section 7 and subsequently renumber the following sections: “SECTION 7. AND BE IT FURTHER ORDAINED, That prior to final design approval for any development within the Properties, a traffic mitigation agreement shall be entered into with the Department of Transportation for the portion of the Properties on which the development is located, or, if approved by the Department of Transportation, such traffic mitigation agreement may also include all or any portion of the remaining area of the Properties. Any traffic mitigation agreement which includes the properties at 158 – 164 N. Gay Street or 407 E. Saratoga Street shall:
 - Provide for the dedication of land to the City for intersection improvements at Gay Street and Saratoga Street, at no cost to the City, except that the “fair market value” of the dedicated land shall be considered as credit against any required mitigation. For the purpose of this Section, “fair market value” shall be defined as the average value of two appraisals performed by the City and by the Applicant.
 - Be approved by the Board of Estimates.”

Note: Replaces the third amendment in the Departmental Staff Report, May 15, 2008.



**City Council Bill #08-0110
Planned Unit Development - Designation
Guilford/Holiday Towers**



Planning Commission
May 15, 2008