

**CITY OF BALTIMORE
COUNCIL BILL 09-0370
(First Reader)**

Introduced by: Councilmember Holton
At the request of: 22 S. Athol Street, LLC, 4 N. Athol Avenue, LLC, and 50 S. Athol Avenue, LLC
Address: c/o Stanley S. Fine, Esquire, 25 South Charles Street, Suite 2115, Baltimore, Maryland 21201
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Introduced and read first time: July 13, 2009

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, Commission on Sustainability

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Designation – Irvington Knolls**

3 FOR the purpose of repealing the existing Development Plan for the Irvington Knolls Village
4 Planned Unit Development and approving a new Development Plan for the Irvington Knolls
5 Planned Unit Development.

6 BY authority of

7 Article - Zoning
8 Title 9, Subtitles 1 and 2
9 Baltimore City Revised Code
10 (Edition 2000)

11 **Recitals**

12 By Ordinance 91-717, the Mayor and City Council of Baltimore approved the application of
13 Irvington Knolls Village Limited Partnership to have certain property located at 22 South Athol
14 Avenue, which property is bounded by Athol Avenue to the east, Mountview Road to the north,
15 parkland owned by the City of Baltimore to the southwest, and 1,100 feet approximately to the
16 south of Mountview Road, consisting of approximately 16 acres, more or less, (the “Property”)
17 designated as a Residential Planned Unit Development and approved the Development Plan
18 submitted by the applicant.

19 Subsequent to the enactment of Ordinance 91-717, the Property was subdivided into three
20 lots: 4 North Athol Avenue, owned by 4 N. Athol Avenue, LLC; 22 South Athol Avenue,
21 owned by 22 S. Athol Street, LLC; and 50 South Athol Avenue, owned by 50 S. Athol Avenue,
22 LLC.

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

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1 22 S. Athol Street, LLC, 4 N. Athol Avenue, LLC, and 50 S. Athol Avenue, LLC, the owners
2 of the Property, wish to rescind Ordinance 91-717 and replace the existing Development Plan
3 with a new one.

4 On June 8, 2009, representatives of 22 S. Athol Street, LLC, 4 N. Athol Avenue, LLC, and
5 50 S. Athol Avenue, LLC, met with the Department of Planning for a preliminary conference, to
6 explain the scope and nature of existing and proposed development on the Property and to
7 institute proceedings to have the Property designated a Residential Planned Unit Development.

8 The representatives of 22 S. Athol Street, LLC, 4 N. Athol Avenue, LLC, and 50 S. Athol
9 Avenue, LLC, have now applied to the Baltimore City Council for the replacement Planned Unit
10 Development, and they have submitted a Development Plan intended to satisfy the requirements
11 of Title 9, Subtitles 1 and 2 of the Baltimore City Zoning Code.

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Ordinance 91-717 is repealed.

14 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the
15 application of 22 S. Athol Street, LLC, 4 N. Athol Avenue, LLC, and 50 S. Athol Avenue, LLC,
16 owners of the property located at 22 South Athol Avenue, which property is bounded by Athol
17 Avenue to the east, Mountview Road to the north, parkland owned by the City of Baltimore to
18 the southwest, and 1,100 feet approximately to the south of Mountview Road, consisting of 16
19 acres, more or less, as outlined on the accompanying Development Plan entitled “Irvington
20 Knolls”, dated May 26, 2009, to designate the property a Residential Planned Development
21 under Title 9, Subtitles 1 and 2 of the Baltimore City Zoning Code.

22 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Development Plan titled “Irvington
23 Knolls, submitted by the applicants 22 S. Athol Street, LLC, 4 N. Athol Avenue, LLC, and 50 S.
24 Athol Avenue, LLC, consisting of Sheet 1, “Existing Conditions,” dated May 26, 2009; Sheet 2,
25 “Proposed Development Plan,” dated May 26, 2009; and Sheet 3, “Preliminary Forest
26 Conservation/Landscape Plan,” dated May 26, 2009, is approved.

27 **SECTION 4. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title
28 9, Subtitles 1 and 2, the following uses are permitted within the Planned Unit Development:

- 29 (a) All permitted, accessory, and conditional uses as allowed in the R-5 and R-6 Zoning
30 Districts.
- 31 (b) The following additional uses are specifically permitted in the Planned Unit
32 Development:
- 33 (1) Convalescent, nursing, and rest homes, including assisted and/or independent
34 living, not to exceed a total of 341 beds.
- 35 (2) Multiple-family dwellings or housing for the elderly, not to exceed 120
36 dwelling units.
- 37 (3) Uses accessory to those listed above, including, but not limited to, a dialysis
38 center, rehabilitation center, and staff offices.

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1 **SECTION 5. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
2 permanent improvements on the property are subject to final design approval by the Planning
3 Commission to insure that the plans are consistent with the Development Plan and this
4 Ordinance.

5 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the Planning Commission may determine
6 what constitutes minor or major modifications to the Plan. Minor modifications require approval
7 by the Planning Commission. Major modifications require approval by Ordinance.

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

16 **SECTION 8. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
17 after the date it is enacted.