

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 05-0309

Introduced by: Councilmember Clarke
At the request of: LVM Limited Partnership and Greenspring Properties, LLC
Address: c/o Claude Edward Hitchcock, Esquire, 233 East Redwood Street, Baltimore,
Maryland 21202
Telephone: 410-576-4053
Introduced and read first time: December 8, 2005
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: June 5, 2006

AN ORDINANCE CONCERNING

**Planned Unit Development – Amendment – 1020/1040 West 41st Street
and 4201 Hickory Avenue**

FOR the purpose of approving certain amendments to and renaming the Development Plan of the
1020/1040 West 41st Street Planned Unit Development.

By authority of
Article - Zoning
Title 9, Subtitles 1 and 5
Baltimore City Revised Code
(Edition 2000)

Recitals

By Ordinance 90-609, the Mayor and City Council approved the application of LVM Limited Partnership to have certain property located north of 41st Street, west of Evans Chapel Road, and east of Hickory Avenue, consisting of 7.558 acres, more or less, designated as an Industrial Planned Unit Development and approved the Development Plan submitted by the applicant. A portion of the property was designated as “Future Reserved Residential”.

LVM Limited Partnership has transferred its title in the Future Reserved Residential portion of the property, containing 1.633 acres (Block 3590, Lot 2), to Greenspring Properties, LLC. Greenspring Properties, LLC, wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to change the boundary area of the Planned Unit Development by incorporating into the Planned Unit Development a parcel of land known as 4201 Hickory Avenue, consisting of 1.454 acres, more or less (Block 3590, Lot 3), being Lot 3 on the subdivision plat entitled “1020 W. 41st Street & 4201 Falls Road,” recorded among the Land Records of Baltimore City on March 17, 2005, as Plat F.M.C. No. 3841. The total property area

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

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1 of the Planned Unit Development will then be 9.012 acres, of which 5.925 acres are owned by
2 LVM Limited Partnership, and 3.087 acres (the “Residential Property”) are owned by
3 Greenspring Properties, LLC. Greenspring Properties, LLC, desires to construct residential
4 dwellings on the Residential Property.

5 On November 9, 2005, representatives of LVM Limited Partnership and Greenspring
6 Properties, LLC (sometimes collectively referred to herein as the “Owner”), met with the
7 Department of Planning for a preliminary conference to explain the scope and nature of the
8 proposed amendments to the Development Plan.

9 The Owner has now applied to the Baltimore City Council for approval of these
10 amendments, and has submitted amendments to the Development Plan intended to satisfy the
11 requirements of Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
13 Mayor and City Council approves the amendments to the Development Plan submitted by the
14 Owner, as attached to and made part of this Ordinance, including Sheet 1, “Existing Conditions”,
15 dated ~~December 5, 2005~~ January 11, 2006, as revised February 14, 2006, and Sheet 2,
16 “Development Plan/Residential Area”, dated ~~December 5, 2005~~ January 11, 2006, as revised
17 May 1, 2006, Sheet 3, “Landscape Plan/Forest Conservation”, dated January 11, 2006, as revised
18 May 1, 2006, and Sheet 4, “Building Elevations”, dated January 11, 2006, as revised February
19 14, 2006. The Development Plan for the entire Planned Unit Development, including the
20 amendments approved by this Ordinance, shall be referred to as the “Development Plan”.

21 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the boundaries of the Planned Unit
22 Development are revised to incorporate into the Planned Unit Development the parcel of land
23 known as 4201 Hickory Avenue, consisting of 1.454 acres of land, more or less. The total
24 property area of the Planned Unit Development as revised is 9.012 acres. This additional parcel
25 of land is subject to the conditions in the existing Planned Unit Development as modified by this
26 Ordinance.

27 **SECTION 3. AND BE IT FURTHER ORDAINED,** That Section 3 of Ordinance 90-609 is
28 amended to read as follows:

29 SECTION 3. AND BE IT FURTHER ORDAINED, That the northernmost portion of
30 the property FORMERLY owned by LVM Limited Partnership AND NOW OWNED BY
31 GREENSPRING PROPERTIES, LLC, shown cross-hatched on Sheet 3 of 4 entitled,
32 “Second Amended Preliminary Site Plan”, dated May 21, 1990, of the
33 Development Plan, TOGETHER WITH THE PARCEL OF 1.454 ACRES OWNED BY
34 GREENSPRING PROPERTIES, LLC, BEING LOTS 2 AND 3 ON THE SUBDIVISION PLAT
35 OF “1020 W. 41ST STREET & 4201 FALLS ROAD”, RECORDED IN THE BALTIMORE
36 CITY LAND RECORDS, [shall be reserved for future] ARE DESIGNATED FOR use as
37 residential dwellings, IN WHICH A HOME OCCUPATION IS ALLOWED THAT COMPLIES
38 WITH THE ZONING CODE, that [such] THIS portion of the property [shall] MAY not
39 be used for any other purpose and that [, prior to the construction of residential
40 dwellings upon such portion of the property, an amendment to] the Development
41 Plan FOR THIS PORTION OF THE PROPERTY [as] submitted by [LVM Limited
42 Partnership, setting forth the type, site, location, and density of such residential
43 dwellings, must be submitted to and approved by an ordinance of the Mayor and
44 City Council of Baltimore] GREENSPRING PROPERTIES, LLC, IS HEREBY
45 APPROVED. DENSITY SHALL BE CALCULATED IN COMPLIANCE WITH THE R-6

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1 ZONING DISTRICT BUT WILL BE COMPUTED ON A CUMULATIVE BASIS, NOT ON A
2 LOT-BY-LOT BASIS.

3 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the plans for the construction of
4 residential dwellings on the Residential Property, as shown on Sheets 1 and 2, dated November
5 14, 2005, are approved.

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

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

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

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

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City