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**BALTIMORE CITY COUNCIL
WAYS AND MEANS
COMMITTEE**

Mission Statement

The Committee on Ways and Means (WM) is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

**TUESDAY, AUGUST 6, 2024
10:05 AM**

COUNCIL CHAMBERS

Council Bill #24-0558

**Repeal of Ordinance 95-572, as Amended by Ordinance 96-096
Planned Unit Development – Lighthouse Point**

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BILL SYNOPSIS

Committee: Ways and Means

Bill 24-0558

Repeal of Ordinance 95-572, as Amended by Ordinance 96-096 Planned Unit Development – Lighthouse Point

Sponsor: Councilmember Cohen at the requests of Scott Plank and Steven Jennings
Introduced: June 24, 2024

Purpose:

For the purpose of repealing Ordinance 95-572, as amended by Ordinance 96-096, which designated certain properties a Business Planned Unit Development known as Lighthouse Point; and providing for a special effective date.

Effective: On the date it is enacted.

Agency Reports

Law Department	Favorable
Planning Commission	Favorable
Department of Housing & Community Development	None as of this writing
Baltimore Development Corporation	None as of this writing
Department of Transportation	None as of this writing

Analysis

Current Law

Ordinance 95-572, as amended by Ordinance 96-096

Article 32 – Zoning Code law require the Mayor and City Council to find as follows when deciding whether to repeal a Planned Unit Development (PUD)

1. the repeal of the PUD is in the public interest; and
2. the approved final development plan of the PUD:
 - i. has been substantially completed,
 - ii. is no longer necessary in light of the property's underlying zoning,
 - iii. is no longer consistent with the City's Master Plan; or
 - iv. has been abandoned by the property owner.

Background

Council Bill 24-0558, if enacted would repeal (cancel) the prior Ordinance that established the Business PUD for Lighthouse Point located at the southern edge of the Canton neighborhood in Baltimore City. This property is located in the 1st Council District.

Per the Planning Commission, the PUD is no longer necessary, and per §13-505(2)(ii) it can be repealed.

The Department of Planning/Planning Commission has provided extensive information regarding the site, its history and etc. in their agency report. *See attached report.*

Community associations have been notified about this Ordinance/action.

Additional Information

Fiscal Note: None

Information Source(s): Bill 24-0558 and all agency reports, and all correspondence received as of this writing.

Analysis by:  Marguerite M. Currin
Analysis Date: August 1, 2024

Direct Inquiries to: (443) 984-3485

CITY OF BALTIMORE
COUNCIL BILL 24-0558
(First Reader)

Introduced by: Councilmember Cohen
At the request of: Scott Plank; Steven Jennings
Address: c/o Joseph R. Woolman, III
Silverman Thompson Slutkin White
400 E. Pratt Street, Suite 900
Baltimore, Maryland 21202
Telephone: (443) 909-7489

Assigned to: Ways and Means Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and Community Development, Planning Commission, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Repeal of Ordinance 95-572, as Amended by Ordinance 96-096 –**
3 **Planned Unit Development – Lighthouse Point**

4 FOR the purpose of repealing Ordinance 95-572, as amended by Ordinance 96-096, which
5 designated certain properties a Business Planned Unit Development known as Lighthouse
6 Point; and providing for a special effective date.

7 BY repealing
8 Ordinance 95-572, as amended by Ordinance 96-096

9 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
10 Ordinance 95-572, as amended by Ordinance 96-096, is repealed, and the authority conferred in
11 that Ordinance to designate certain properties a Business Planned Unit Development known as
12 Lighthouse Point is rescinded.

13 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the repeal of Ordinance 95-572, as
14 amended by Ordinance 96-096, has no impact on those grants and obligations memorialized by
15 that certain Pedestrian Promenade Easement Agreement dated October 16, 2002, recorded among
16 the Land Records of Baltimore City, at Liber F.M.C. No. 8603, Folio 0656, on November 14,
17 2006, as amended by that certain First Amendment to Pedestrian Promenade Agreement dated
18 May 16, 2012, and as further amended by that certain Second Amendment to Pedestrian
19 Promenade Easement Agreement and Grant of Easement Rights dated November 8, 2017,
20 recorded among the Land Records of Baltimore City, at Liber M.B. No. 19873, Folio 105, on
21 January 26, 2018.

22 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it is
23 enacted.

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

Council Bill 24-0558

AGENCY REPORTS

See attached

CITY OF BALTIMORE

BRANDON M. SCOTT

Mayor



DEPARTMENT OF LAW

EBONY M. THOMPSON, CITY SOLICITOR

100 N. HOLLIDAY STREET

SUITE 101, CITY HALL

BALTIMORE, MD 21202

July 31, 2024

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 24-0558 – Repeal of Ordinance 95-572, as Amended by
Ordinance 96-096 – Planned Unit Development – Lighthouse Point

Dear President and City Council Members:

The Law Department reviewed City Council Bill 24-0558 for form and legal sufficiency. The bill would repeal the prior ordinances that established and amended the Business Planned Unit Development (PUD) for Lighthouse Point. Repeal of the PUD has no impact on the grants and obligations described in the Pedestrian Promenade Easement Agreement and its amendments which are recorded in the land records of Baltimore City.

A PUD may only be repealed by ordinance enacted in accordance with the requirements of the Zoning Code. See City Code, Art. 32, § 13-201(d). To repeal a PUD the Maryland Courts have said that the legislative body must have “a little more than a scintilla of evidence” to support its decision to repeal, and the decision will be upheld if it is not “arbitrary, capricious or illegal.” *Rockville Crushed Stone, Inc. v. Montgomery County*, 78 Md. App. 176, 191 (1989) (citations omitted); *accord Richmarr Holly Hills v. Am. PCS, L.P.*, 117 Md. App. 607, 639 (1997); *see also Lingle v. Chevron U.S.A. Inc.*, 544 U.S. 528, 543 (2005); *MLC Auto., LLC v. Town of S. Pines*, 532 F.3d 269, 281 (4th Cir. 2008).

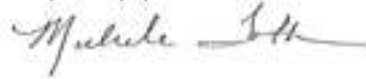
In order to repeal a PUD, the Planning Commission and the City Council must make the following findings:

- (1) the repeal of the planned unit development is in the public interest; and
- (2) the approved final development plan of the planned unit development:
 - (i) has been substantially completed;
 - (ii) is no longer necessary in light of the property’s underlying zoning;
 - (iii) is no longer consistent with the City's Master Plan; or
 - (iv) has been abandoned by the property owner.

City Code, Art. 32, § 13-205.



As there are no legal impediments to this bill, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Michele M. Toth", with a long horizontal flourish extending to the right.

Michele M. Toth
Assistant Solicitor

cc: Stephen Salisbury
Nina Themelis
Tiffany Maclin
Elena DiPietro
Hilary Ruley
Ashlea Brown
Desireé Luckey

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR 	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #24-0558 / REPEAL OF ORDINANCE 95-572, AS AMENDED BY ORDINANCE 96-096 - PLANNED UNIT DEVELOPMENT - LIGHTHOUSE POINT		

TO

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

DATE:

July 26, 2024

At its regular meeting of July 11, 2024, the Planning Commission considered City Council Bill #24-0558, for the purpose of repealing Ordinance 95-572, as amended by Ordinance 96-096, which designated certain properties a Business Planned Unit Development known as Lighthouse Point; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #24-0558 and adopted the following resolutions, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #24-0558 be **approved** 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.

CR/ewt

attachment

cc: Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

July 11, 2024

REQUEST: City Council Bill #24-0558/ Repeal of Ordinance 95-572, as Amended by Ordinance 96-096 - Planned Unit Development – Lighthouse Point:

For the purpose of repealing Ordinance 95-572, as amended by Ordinance 96-096, which designated certain properties a Business Planned Unit Development known as Lighthouse Point; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Caitlin Audette

PETITIONER: Scott Plank and Steven Jennings, c/o Joseph R. Woolman, III

OWNER: Multiple

SITE/GENERAL AREA

Site Conditions: This Planned Unit Development (PUD) area includes the residential community of the Moorings at Canton, the Beacon Condominiums, the Lighthouse Landing Condominiums, Drift Bar and the Lighthouse Point Marina. These properties are located to the southwest of Boston Street generally between Boston Street Pier Park to the northwest and Canton Waterfront Park to the southeast.

General Area: This site is located along the water at the southern edge of the Canton neighborhood, which includes a number of condos along the water, and the O'Donnell Street commercial corridor to the north. Besides Boston Street the PUD is defined by the water, Boston Street Pier Park to the northwest, and 2801 Boston Street to the southeast.

HISTORY

- On December 11, 1989, Ordinance #89-413 (CCB #89-692) established the Planned Unit Development – Baltimore International Yachting Center for a portion of the site.
- On June 15, 1995, Ordinance #95-572 (CCB #95-1153) replaced and renamed the previous Planned Unit Development.
- On December 12, 1996, Ordinance #96-96 (CCB #96-0207) further amended the PUD modifying terminology around townhouse and residential units and modifying on part of the maximum height identified within the plan.
- A number of minor amendments for signage and development have occurred during the life of the PUD.

ANALYSIS

Article 32 – *Zoning* §13-205 provides for the repeal of PUDs:

“In determining whether to approve the repeal of a planned unit development, the Planning Commission and the City Council must find that:

- (1) the repeal of the planned unit development is in the public interest; and
- (2) the approved final development plan of the planned unit development:
 - (i) has been substantially completed;
 - (ii) is no longer necessary in light of the property's underlying zoning;
 - (iii) is no longer consistent with the City's Master Plan; or
 - (iv) has been abandoned by the property owner.”

Under the prior zoning code, the area included both M-3, the heaviest industrial zoning available, and B-3-2, community and highway commercial which allowed for the widest variety of commercial uses. The PUD was utilized during the transition of the Canton waterfront from industrial and supportive of industrial, to residential and community commercial. The PUD along with the Canton Waterfront Urban Renewal Plan were intended to provide limits for residential and commercial development that weren't part of the previous zoning.

The PUD area has subsequently been rezoned to C-2/W-1 under the comprehensive rezoning of the City in 2017. The C-2 category is, “intended for areas of small to medium-scale commercial use, typically located along urban corridors, that are designed to accommodate pedestrians and, in some instances, automobiles”. The W-1 (waterfront overlay), “applies to land along the waterfront areas characterized by a hardscape boundary with the water, such as bulkheads, port facilities, or a hard-surface promenade.”

The existing uses that have been developed will continue as either permitted or lawfully established conditional uses. For this reason, the PUD is no longer necessary, and per §13-205(2)(ii) it can be repealed.

Equity:

Given that the PUD was created for a reasonable purpose 35 years ago, but the zoning concerns of that time have been solved by a more modern zoning code, there will be no evident change to the existing uses. Future development will proceed according to the underlying zoning requirements and Urban Renewal Plan. No additional staff time or resources will be devoted following the repeal of this PUD.

Notification: The Canton Community Association and the various condominium and community associations for the surrounding developments have been notified of this action.



Chris Ryer
Director

Council Bill 24-0558

ADDITIONAL DOCUMENTS

See attached

ZONING ORDINANCE REQUEST

STATEMENT OF INTENT

FOR

{Property Address; Block ____, Lot ____}

1. Applicant's Contact Information:

Name:

Mailing Address:

Telephone Number:

Email Address:

2. All Proposed Zoning Changes for the Property:

3. All Intended Uses of the Property:

4. Current Owner's Contact Information:

Name:

Mailing Address:

Telephone Number:

Email Address:

5. Property Acquisition:

The property was acquired by the current owner on _____ by deed recorded in the
Land Records of Baltimore City in Liber _____ Folio _____.

6. Contract Contingency:

(a) There is _____ is not _____ a contract contingent on the requested legislative authorization.

(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}*:

(ii) The purpose, nature, and effect of the contract are:

7. Agency:

(a) The applicant is is not 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 owners of any corporate entity are as follows {use additional sheet if necessary}:

AFFIDAVIT

I, _____, 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.

Joseph Woolman
Applicant's signature

Date