

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 18-0270**

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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  
Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: September 17, 2018

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**AN ORDINANCE CONCERNING**

**Planned Unit Development – Designation – 5601 Eastern Avenue  
and 5801 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 and 5801 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~~ An affiliate of the applicant, MCB 5801 Eastern LLC, 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.

**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 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; 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 30<sup>th</sup>  
21 day after the date it is enacted.

Certified as duly passed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City