



Legislation Text

File #: 15-0506, **Version:** 0

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Kraft

At the request of: TRP-MCB 5601, LLC

Address: c/o Alfred W. Barry, AB Associates, 201 East Baltimore Street, Suite 1150,
Baltimore, Maryland 21202

Telephone: 410-547-6900

A BILL ENTITLED

AN ORDINANCE concerning

Planned Unit Development - Designation - 5601 Eastern Avenue

FOR the purpose of approving the application of TRP-MCB 5601 Eastern, LLC, owner of certain property located at 5601 Eastern Avenue, to have that property designated a Business Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning

Title 9, Subtitles 1 and 4

Baltimore City Revised Code

(Edition 2000)

Recitals

TRP-MCB 5601 Eastern, LLC is the owner of certain property located at 5601 Eastern Avenue, consisting of 20.0166 acres, more or less.

The Applicant proposes to redevelop the property into a mixed-use development, consisting of residential, office, medical, hotel, and retail uses.

On October 20, 2014, representatives of the Applicant met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing and proposed development on the property and to institute proceedings to have the property designated a Business Planned Unit Development.

The representatives of the Applicant have now applied to the Baltimore City Council for designation of the property as a Business Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That the Mayor and City Council approves the application of TRP-MCB 5601 Eastern, LLC, owner of the property located at 5601 Eastern Avenue, consisting of 20.0166 acres, more or less, as outlined on the accompanying Development Plan entitled ♦5601 Eastern Avenue♦, as follows:

Exhibit C-1.0, ♦Cover Exhibit♦, dated January 12, 2015;
Exhibit C-2.0, ♦Existing Conditions Plan♦, dated January 12, 2015;
Exhibit C-3.0, ♦Proposed Conditions Plan - Low Density♦, dated January 12, 2015;
Exhibit C-4.0, ♦Proposed Conditions Plan - High Density♦, dated January 12, 2015;
Exhibit C-5.0, ♦Simplified Forest Delineation Plan♦, dated January 12, 2015;
Exhibit C-6.0, ♦Landscape Plan - Low Density♦, dated January 12, 2015;
Exhibit C-7.0, ♦Landscape Plan - High Density♦, dated January 12, 2015;
Exhibit C-8.0, ♦Landscape Plan Notes and Details♦, dated January 12, 2015;
Exhibit C-9.0, ♦Development Plan Height Limit♦, dated January 12, 2015; and
Exhibit 10, ♦Design Guidelines♦, dated January 12, 2015,

to designate the property a Business Planned Unit Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by the Applicant is approved.

SECTION 3. AND BE IT FURTHER ORDAINED, That the maximum net square footage for all buildings and uses, excluding parking and circulation, in the Planned Unit Development is 2,000,000 square feet, that the maximum net square footage for retail uses in the Planned Unit Development is 184,000 square feet, that the maximum net square footage for office uses in the Planned Unit Development is 376,000 square feet, that the maximum net square footage for hotel uses is 350,000 square feet, and that the maximum number of residential units in the Planned Unit Development is 1,350, with further sub-limits and requirements as follows (all references to Areas are as labeled on the Development Plan):

- (a) In Area A, a maximum of 520,000 net square feet;
- (b) In Area B, a maximum of 995,000 net square feet;
- (c) In Area C, a maximum of 455,000 net square feet;
- (d) In Area D, a maximum of 30,000 net square feet.

Square footage or unit limitations within the above areas are sub-limits only, and any unused square footage or residential units within the Areas may be used in other Areas within the Planned

Unit Development, as long as the overall Planned Unit Development limits and Area sub-limits are not exceeded. As long as Area sub-limits are not exceeded, square footage or residential units may be allocated without regard to future subdivision of parcels within the Planned Unit Development.

SECTION 4. AND BE IT FURTHER ORDAINED, That the maximum heights for all buildings within the Planned Unit Development shall be as shown on Sheet 9 of the Development Plan. No building may be constructed in Area A of the Development Plan within 65 feet of the far westernmost boundary of the Planned Unit Development.

SECTION 5. AND BE IT FURTHER ORDAINED, That in accordance with Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code, the following uses are allowed within the Planned Unit Development, subject to the square footage limits and sub-limits of above Section 3:

(a) The following uses are specifically permitted:

- Animal hospitals that are odor-proofed and sound-proofed
- Antique shops - including refinishing on the premises if accessory to sales
- Apartment hotels
- Art and school supply stores
- Art needlework shops
- Artisans♦ and craft work
- Auditoriums and concert halls
- Automatic teller machines
- Automobile accessory stores - including related repair and installation services so long as all work is done indoors or in an area screened from view
- Awnings, storm windows, and doors: sales and service
- Banks and savings and loan associations
- Barber shops
- Batteries and tires: sales and service
- Beauty shops
- Bicycles: sales, rental, and repair, as well as bike-sharing services and stations if part of a citywide program
- Blueprinting and photostating establishments
- Book stores: general
- Bowling establishments, only if incorporated into an otherwise permitted or approved conditional use
- Buildings and lumber material sales establishments with shops and yards
- Bus passenger shelters - including advertising signs that comply with Baltimore City Zoning Code ♦ 11-424
- Business and office machines: sales, rental, and service
- Camera and photographic supply stores
- Candy and ice cream stores
- Carpet and rug stores
- Carry-out food shops
- Catering establishments: food
- China and glassware stores
- Clothes pressing establishments

Clothing shops
Communications systems: sales and services
Computer centers
Convalescent, nursing, and rest homes
Costume and formal wear rental stores
Day care facilities, including day nurseries and nursery schools, and school-age child care centers
Department stores
Display rooms for mail order sales
Drug stores and pharmacies, including drive-in
Dry cleaning establishments, with no processing except using non-hazardous and environmentally-friendly techniques and methods
Dwellings
Electrical and household appliance and repair stores
Express mail stores, including sale of packaging and related supplies and the dispatch and receipt of packages by private carrier on regular or expedited basis, but not including wiring of funds, check cashing, or relating to financial services
Fabric shops
Financial institutions
Florist shops
Food stores, grocery stores, meat markets, bakeries, and delicatessens

Fuel and ice sales
Furniture stores - including upholstering when conducted as an accessory use
Garages for storage, repair, and servicing of motor vehicles not over 1♦ tons capacity so long as all work is done indoors or in an area screened from view and all vehicles awaiting work remain indoors or screened from view - but not including body repair, painting or self-service work by customers on their own vehicles
Garden supply, tool, and seed stores
Gift and card shops
Governmental services - fire and police stations and post offices
Hardware stores
Hobby shops
Hospitals
Hotels and motels
Indoor trampoline and activity park
Interior decorating shops - including upholstering and making draperies, slip covers, and similar articles when conducted as an accessory use
Jewelry stores - including watch repair
Laboratories: medical and dental
Laboratories for research and testing
Leather goods and luggage stores
Libraries and art galleries
Locksmith shops
Mail order houses
Massage therapists, only if licensed by applicable state law
Microwave antennas (satellite dishes), mounted on rooftops and screened from street view

Millinery shops
Motor vehicles - rental, including vehicle-sharing services, with no more than 20 parking spaces for rental vehicles located on the property
Museums, aquariums, and planetariums
Musical instruments: sale and repair
Newsstands
Office supply stores
Offices: business, medical, governmental, and professional
Opticians: sales and service
Orthopedic and medical appliance stores
Outside display and sale areas, limited to the area in front of the principal facade of each building and the length of the facade, leaving no less than 5 feet of unimpeded sidewalk area for pedestrian passage
Paint, wallpaper, tile, and floor covering stores
Parking, open off-street areas and off-street garages, other than accessory, for the parking of 3 or more motor vehicles, subject to Design Guidelines
Parks and playgrounds
Pet shops
Philanthropic and charitable institutions
Photocopying service
Photographers
Photographic printing and developing establishments
Physical culture and health services: gymnasiums, reducing salons
Picture framing shops - when conducted for retail and trade on the premises
Plumbing, heating and electrical equipment showrooms and shops
Prepared food delivery services - including any operated as an accessory use by a restaurant

Printing establishments
Radio, television, and cellular antennas and towers - so long as mounted on rooftops and screened from street view
Radio and television sales and service
Radio and television stations and studios
Record, tape, CD, and sheet music stores
Recording studios
Recreation buildings and community centers
Recycling collection stations
Restaurants
Restaurants: drive-in - including pick-up drives with window service
Schools and studios: business, dance, and music
Schools: business colleges, community colleges, colleges, and universities
Schools: commercial
Schools: trade
Security sales, brokerages, and exchanges
Sewing machines: sales and service
Shoe and hat repair stores
Skating rinks
Sporting and athletic goods stores

Stationery stores
Storage, indoors and screened from view and only within Area C on the Development Plan
Store fixtures: sales
Tailor or dressmaking shops: custom work or repairs
Taverns without off-premises sales
Tennis and lacrosse clubs
Theaters
Tobacco shops
Toy stores
Travel bureaus
Upholstering shops
Urgent care centers, defined as facilities providing medical treatment without appointment to patients needing immediate care but without a life-threatening condition warranting a hospital emergency room visit
Variety stores
Venetian blinds and window shades: sales and service
Video movies: sales and rental
Watch and clock shops
Wholesale establishments

(b) In addition to any use allowed by above subsection (a), the following uses are conditional within the Planned Unit Development, subject to approval by the Board of Municipal and Zoning Appeals in accordance with the provisions of the Baltimore City Zoning Code:

Provided that the Board requires the applicant to provide 60 days notice of any hearing and further that any hearing be held during the evening docket of the Board, if that docket then exists:

1 Liquor store: package goods, only if within a full-service supermarket or grocery store whose net leasable area exceeds 35,000 square feet.

Live entertainment, but not including adult entertainment

(c) In addition to any use allowed by above subsections (a) and (b), the following uses are permitted when accessory to a permitted or approved conditional use:

Check cashing, only if the area of the otherwise permitted or approved conditional use exceeds 35,000 square feet

On-premises installation services limited to installation in vehicles

Outdoor table service

Outdoor storage areas, so long as screened from view, as approved by the Planning Commission, only within Area C of the Development Plan

Pet hotels and kennels, as long as screened from vision, only within Area C of the Development Plan

Swimming pools, only as accessory to therapeutic, hotel, fitness, or residential uses

Temporary outdoor special events, so long as prior notice is provided to the neighborhood community association (as identified by the Planning Department) and so long as in

compliance with all applicable laws, rules, and procedures

(d) The following uses are specifically prohibited within the Planned Unit Development:

- Adult entertainment
- Amusement arcades
- Bailbondsmen
- Banquet halls
- Book or video store: adult
- Clinics: health care
- Community correction centers
- Exterminators♦ shops
- Firearms sales, ammunition sales, or both
- Fraternity and sorority houses: off-campus
- Helistops
- Homes for the care and custody of homeless persons
- Massage parlors
- Parole and probation field offices
- Pawnshops
- Payday loan shops
- Poultry- and rabbit-killing establishments
- Railroad rights-of-way and passenger stations - but not including railroad yards and shops
- Residential substance abuse treatment facilities
- Rooming houses
- Tattoo parlors
- Taxidermist shops
- Tobacco, hookah, and vaping shops and parlors
- Undertaking establishments and funeral parlors
- Video lottery facilities

(e) Any uses that are permitted or conditional in the B-1, B-2, or any of the R Zoning Districts, and that are not expressly permitted or prohibited by subsections (a), (b), (c), and (d) above, are conditional within the Planned Unit Development, subject to approval by the Board of Municipal and Zoning Appeals in accordance with the provisions of the Baltimore City Zoning Code.

SECTION 6. AND BE IT FURTHER ORDAINED, That the number of liquor licences permitted within the Planned Unit Development shall be limited as follows:

- (a) 1 Class A Beer, Wine & Liquor License (Off Sale Package Goods, No On-Premises Consumption), if the related use is otherwise approved as a conditional use under Section 5(b) of this Ordinance.
- (b) 3 Class BD-7 Beer, Wine & Liquor Licenses (Tavern), provided that there be no off-premises sales, as set forth in Section 5(a) of this Ordinance.
- (c) Class B Beer, Wine & Liquor Licenses (Restaurant) in such number as may accompany

restaurants within the Planned Unit Development that may qualify under applicable law for such licenses.

(d) Class B Beer, Wine & Liquor Licenses (Hotel/Motel) in such number as may accompany hotels within the Planned Unit Development that may qualify under applicable law for such licenses.

SECTION 7. AND BE IT FURTHER ORDAINED, That off-street parking shall be provided in accordance with the Zoning Code for the underlying district, calculated without regard to any lot lines and instead in the aggregate for the entire Planned Unit Development. Off-street parking may be reduced by the Planning Commission on consideration and finding of shared parking considerations because spaces will be used primarily by office and retail tenants during the day and primarily by residential and retail tenants at night and on week ends.

SECTION 8. AND BE IT FURTHER ORDAINED, That all buildings with frontages on Eastern Avenue shall have a principal entrance on Eastern Avenue. All buildings with frontages on the ♦North-South Spine Road♦ shown on the Development Plan shall have a principal entrance on that road unless the building also has a frontage on Eastern Avenue. No service and utility access shall be permitted to buildings from Eastern Avenue or the North-South Spine Road. No vehicular access shall be permitted directly or indirectly from Foster Avenue into the Planned Unit Development.

SECTION 9. AND BE IT FURTHER ORDAINED, That the streetscape along Eastern Avenue shall maintain a 42' +/- setback from the travel lanes. No permanent or temporary surface parking lot shall be permitted within 42 feet of the Eastern Avenue travel lanes. If a permanent surface parking lot is constructed on Area B as shown in the Development Plan, a linear park shall be constructed within the setback area. The linear park will include landscaping, site furniture, seat walls, pedestrian scaled lighting, a transit shelter, and a signage structure at the east driveway that aids in anchoring a constructed screen wall. Within the linear park, a 16-foot landscape buffer shall be provided to act as a barrier from vehicular traffic.

SECTION 10. AND BE IT FURTHER ORDAINED, That the following signage limitations apply to this Planned Unit Development:

(a) Total permitted exterior signage within the Planned Unit Development shall be calculated under the Zoning Code, using an Area Factor of 3 (per the underlying B-2-3 zoning), and applied to buildings facing the front lot line and any other streets, public or private, within the Planned Unit Development. In addition, the Planned Unit Development shall be permitted to have the temporary signage specified in ♦ 11-315 of the Zoning Code.

(b) No pylon signs are permitted. All freestanding signs shall be monumental signs or affixed to a landscaping wall.

(c) Signage installed immediately inside windows, which is intended to be visible from outside the premises, shall be considered exterior signage subject to the above limitation.

(d) All signage within the Planned Unit Development is subject to final design approval by the Planning Commission.

SECTION 11. AND BE IT FURTHER ORDAINED, That the Planning Commission may determine what constitutes minor or major modifications to the Development Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance. Changes to numbers or otherwise objective requirements specifically included in the text of this Ordinance shall be deemed major modifications as provided in § 9-118 {Modifications or deviations} of the Baltimore City Zoning Code.

SECTION 12. AND BE IT FURTHER ORDAINED, That all plans for the construction of permanent improvements on the property are subject to final design approval by the Planning Commission to insure that the plans are consistent with the Development Plan and this Ordinance.

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

SECTION 14. AND BE IT FURTHER ORDAINED, That the filing of an appeal of the Planned Unit Development or an appeal of any building or occupancy permit issued in accordance with this Planned Unit Development shall toll any time limits set forth in the Development Plan pending the conclusion of all such appeals.

SECTION 15. AND BE IT FURTHER ORDAINED, That if any provision or part of this Planned Unit Development shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity or unenforceability shall not affect any other provision of this Planned Unit Development, and this Planned Unit Development shall be construed as if such invalid, illegal, or unenforceable provision or part thereof had never been contained herein, but only to the extent of its invalidity, illegality, or unenforceability.

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

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