



Legislation Details (With Text)

**File #:** 18-0270      **Version:** 0      **Name:** Planned Unit Development - Designation - 5601 Eastern Avenue

**Type:** Ordinance      **Status:** Enacted

**File created:** 6/25/2018      **In control:** City Council

**On agenda:**      **Final action:** 10/1/2018

**Enactment date:**      **Enactment #:** 18-175

**Title:** Planned Unit Development - Designation - 5601 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 Planned Unit Development.

**Sponsors:** Zeke Cohen, President Young

**Indexes:** Designation, Planned Unit Development

**Code sections:**

**Attachments:** 1. Statement of Intent 18-0270, 2. 18-0270~1st Reader, 3. Parking 18-0270, 4. BDC 18-0270, 5. Planning 18-0270, 6. DPW 18-0270, 7. Exhibit Sheet Drawings - PUD Plans 18-0270, 8. HCD 18-0270, 9. Law 18-0270, 10. BMZA 18-0270, 11. DOT 18-0270, 12. 2nd Reader Amendments 18-0270, 13. 18-0270~3rd Reader, 14. PUD Sheet 18-0270, 15. Completed File\_18-0270

Date	Ver.	Action By	Action	Result
10/15/2018	0	Mayor	Signed by Mayor	
9/17/2018	0	City Council	Advanced to 2nd Reader on same day	
9/17/2018	0	City Council	Approved and Sent to the Mayor	
9/17/2018	0	Land Use and Transportation Committee	Recommended Favorably with Amendment	
9/12/2018	0	Land Use and Transportation Committee	Recommended Favorably with Amendment	Pass
8/13/2018	0	Land Use and Transportation Committee	Advertising	
8/13/2018	0	Land Use and Transportation Committee	Sign Posting	
8/6/2018	0	Land Use and Transportation Committee	Scheduled for a Public Hearing	
7/2/2018	0	Land Use and Transportation Committee	Sign Posting	
6/28/2018	0	The City Council	Refer to Parking Authority Board	
6/28/2018	0	The City Council	Refer to Dept. of Transportation	
6/28/2018	0	The City Council	Refer to Baltimore Development Corporation	
6/28/2018	0	The City Council	Refer to Fire Department	
6/28/2018	0	The City Council	Refer to Dept. of Housing and Community Development	
6/28/2018	0	The City Council	Refer to Dept. of Public Works	
6/28/2018	0	The City Council	Refer to City Solicitor	

6/28/2018	0	The City Council	Refer to Board of Municipal and Zoning Appeals
6/28/2018	0	The City Council	Refer to Planning Commission
6/25/2018	0	City Council	Assigned
6/25/2018	0	City Council	Introduced
6/25/2018	0	Land Use and Transportation Committee	Scheduled for a Public Hearing

\* **Warning:** This is an unofficial, introductory copy of the bill.  
The official copy considered by the City Council is the first reader copy.

### **Introductory\***

## **City of Baltimore Council Bill**

Introduced by: Councilmember Cohen

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

### **A Bill Entitled**

An Ordinance concerning

#### **Planned Unit Development - Designation - 5601 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 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 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.

The representatives of the applicant have now applied to the Baltimore City Council for designation of the property as a Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of the Baltimore City Zoning Code, Section 5-201(a) and Title 13.

**Section 1. Be it ordained by the Mayor and City Council of Baltimore,** That Ordinance 15-380 is repealed.

**Section 2. And be it further ordained,** That the Mayor and City Council approves the application of TRP-MCB 5601 Eastern Avenue, LLC, owner of the property located at 5601 Eastern Avenue, consisting of 20.0166 acres, and contract purchaser of the adjacent property at 5801 Eastern Avenue, consisting of 27,000 square feet, more or less, as outlined on the accompanying Development Plan entitled “5601 Eastern Avenue”, to designate the property as a Planned Unit Development under Title 13, of the Baltimore City Zoning Code.

**Section 3. And be it further ordained,** That the Mayor and City Council of Baltimore approves the replacement of the Planned Unit Development and approves the new Development Plan submitted by the applicant, as attached to and made part of this Ordinance, including:

- Exhibit C-1.0, “Cover Sheet”, dated June 20, 2018
- Exhibit C-2.0, “Existing Conditions Plan”, dated June 20, 2018
- Exhibit C-3.0, “Revised Master Plan - Low Density”, dated June 20, 2018
- Exhibit C-4.0, “Simplified Forest Delineation Plan”, dated June 20, 2018
- Exhibit C-5.0, “Landscape Plan”, dated June 20, 2018
- Exhibit C-6.0, “Landscape Notes and Details”, dated June 20, 2018
- Exhibit C-7.0, “Development Plan Height Limit”, dated June 20, 2018.

**Section 4. And be it further ordained,** That the maximum gross square footage for all buildings and uses, excluding parking and circulation, in the Planned Unit Development is 2,000,000 square feet, as follows:

- 184,000 square feet for retail uses;
- 376,000 square feet for office uses;
- 350,000 square feet for hotel uses; and
- up to and including a maximum number of 1,350 residential units.

**Section 5. And be it further ordained,** That the maximum heights for all buildings shall be as shown on Exhibit C-7.0 of the Development Plan, and no building may be constructed within 65 feet of the westernmost boundary of the Planned Unit Development.

**Section 6. And be it further ordained,** That residential, retail, and office uses shall be permitted as follows:

- (a) Uses permitted under Title 10-205 and Table 10-301;
- (b) 1 retail goods establishment with off premises alcohol sales when within a full service grocery store whose net leasable area exceeds 15,000 square feet; and
- (c) 1 gas station as approved under the Final Development Plan at 5801 Eastern Avenue.

**Section 7. And be it further ordained,** That the following uses are prohibited within the Planned Unit Development:

- Adult book or video store
- Adult entertainment
- Amusement arcade
- Bail bond establishment
- Body art establishment
- Community correction center
- Firearm sales
- Fraternity or sorority house

Helistop  
Massage parlor  
Parole and Probation field office  
Payday loan shop  
Rooming house  
Taxidermist shop  
Tobacco, hookah, and vaping shops

**Section 8. And be it further ordained,** That the number of liquor licenses permitted within the Planned Unit Development are limited as follows:

- (a) Class A Beer, Wine & Liquor License, if approved as a conditional use by the Board;
- (b) Class BD-7 Beer, Wine & Liquor Licenses (Tavern), provided that there are no off-premises sales, except for the use specifically approved under § 6(b) 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; and
- (d) Class B Beer, Wine & Liquor Licenses (Hotel/Motel) in such number as may qualify under applicable law for such licenses.

**Section 9. And be it further ordained,** That off-street parking shall be provided according to the provisions of the Baltimore City Zoning Code, without regard to specific lot lines, and, instead, in the aggregate for the entire Planned Unit Development. Off-street parking may also be further reduced by the Planning Commission on a finding of shared parking where appropriate.

**Section 10. 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 Bayview Drive, as shown on the Development Plan, shall have a principal entrance on that road unless the building also has a entrance on Eastern Avenue. No service access shall be permitted to buildings on Eastern Avenue or Bayview Drive. No vehicular access shall be permitted directly or indirectly to Foster Avenue into the Planned Unit Development.

**Section 11. And be it further ordained,** That the following signage limitations apply to the Planned Unit Development:

- (a) Total permitted signage within the Planned Unit Development shall be calculated under the Zoning Code using an area factor of 3 and applied to buildings facing any public or private right of ways or streets.
- (b) A maximum of three monument/pylon signs along Eastern Avenue are permitted subject to the previous design approval by the Planning Commission under the previous Planned Unit Development. One new monument/pylon sign will be permitted for the 5801 Eastern Avenue property, and one free-standing sign facing I-95 will be permitted.
- (c) All signage within the Planned Unit Development is subject to final design approval by the Planning Commission. The approval can be in the form of either a specific design or a sign design package.

**Section 12. And be it further ordained,** That the Planning Commission may determine what constitutes minor or major modifications to the Planned Unit Development, as per the provisions of Title 13 of the Baltimore City Zoning Code.

**Section 13. 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 14. 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 15. And be it further ordained,** That the filing of an appeal of the Planned Unit Development or an appeal of any building permit issued in accordance with the Planned Unit Development shall toll any time limits set forth in the Development Plan pending the conclusion of all appeals.

**Section 16. And be it further ordained,** That if any provision of this Ordinance or the application of this Ordinance to any person or circumstance is held invalid for any reason, the invalidity does not affect any other provision or any other application of this Ordinance, and for this purpose the provisions of this Ordinance are declared severable.

**Section 17. And be it further ordained,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.