

CITY OF BALTIMORE
ORDINANCE **08 - 98**
Council Bill 08-0166

Introduced by: Councilmember Cole

At the request of: The State of Maryland, Department of General Services; and the Mayor and City Council of Baltimore

Address: c/o Michael Gaines, Department of General Services, 300 West Preston Street, Room 601, Baltimore, Maryland 21201

Telephone: 410-767-4300

Introduced and read first time: July 21, 2008

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: November 17, 2008

AN ORDINANCE CONCERNING

1 **Planned Unit Development – Designation – The State Center -**
2 **Transit Oriented Development Business Planned Unit Development**

3 FOR the purpose of approving the application of the State of Maryland (the "State") and the City
4 of Baltimore (the "City"), owners of certain property located in and around the State Center
5 area, including 1100 North Eutaw Street (Block 459, Lot 1), "No address" (Block 459, Lot
6 2), "No address" (Block 459, Lot 3), 300 West Preston Street (Block 460, Lot 1), "No
7 address" (Block 460, Lot 2), 231 29th Division Street (Block 460, Lot 3), 301 West Preston
8 Street (Block 478, Lot 1), 201 West Preston Street (Block 478, Lot 2), and "Armory Parking
9 Lot North" and "Armory Parking Lot East" comprising 1.70 acres (No Block or Lot, but
10 constituting Rights-of-Way), respectively, (collectively, the "State Center" or the
11 "Property"), consisting of approximately ~~32.65~~ 37.38 acres of land, streets and open space
12 inclusive, more or less, to have the State Center designated a Business Planned Unit
13 Development; and approving the Development Plan submitted by the State and City.

14 BY authority of

15 Article - Zoning
16 Title 9, Subtitles 1 and 4
17 Baltimore City Revised Code
18 (Edition 2000)

19 **Recitals**

20 The State is the fee simple owner of certain property consisting of approximately 20.138
21 acres of land, more or less, excluding streets and open space, and identified on the attached
22 Development Plan as 1100 North Eutaw Street (Block 459, Lot 1), "No address" (Block 459, Lot
23 2), "No address" (Block 459, Lot 3), 300 West Preston Street (Block 460, Lot 1), "No address"
24 (Block 460, Lot 2), 231 29th Division Street (Block 460, Lot 3), 301 West Preston Street (Block
25 478, Lot 1), 201 West Preston Street (Block 478, Lot 2), (the "State-Owned Property"), which

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 includes five State owned and operated buildings with several adjoining parking lots and support
2 facilities.

3 The City is the fee simple owner of certain property consisting of 1.7 acres of land, more or
4 less, excluding streets and open space, and identified on the attached Development Plan as
5 "Armory Parking Lot North" (No Block or Lot) and "Armory Parking Lot East" (No Block or
6 Lot) (the "City-Owned Property").

7 In addition to rehabilitating and reconfiguring its core State facilities, the State intends to
8 redevelop the State Center for governmental, business and residential use, to encourage urban
9 revitalization and enhancement of the State Center area, and to transform the State Center into a
10 mixed-use, mixed-income, Transit Oriented Development and Smart Growth site (the "TOD
11 Goals").

12 Although not subject to the zoning laws of Baltimore City unless specifically provided by
13 State statute, in order to achieve the TOD Goals, the State has elected to participate in the City's
14 planning process and to seek a Business Planned Unit Development designation for the State
15 Center in preparation for any potential future disposition of State-Owned Property to a private
16 entity that may be necessary to effectuate the redevelopment of the Property.

17 It is understood that the Business Planned Unit Development does not apply to the State-
18 Owned Property so long as the State owns or controls the State-Owned Property and the State,
19 by participating in the City's planning process or this PUD designation, is neither consenting to
20 nor waiving its sovereignty with regard to State-Owned Property or Baltimore City's
21 jurisdiction.

22 On July 14, 2008, the State met with the Department of Planning for a preliminary
23 conference, to explain the scope and nature of existing and proposed development on the
24 Property and to institute proceedings to have the Property designated a Business Planned Unit
25 Development.

26 ~~The State has now submitted the required documentation to the Baltimore City Council for~~
27 ~~designation of the Property as a Business Planned Unit Development, including a Development~~
28 ~~Plan in accordance with the requirements of Title 9, Subtitles 1 and 4 of the Baltimore City~~
29 ~~Zoning Code ("Zoning Code").~~

30 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
31 Mayor and City Council approves the submittal of the State and City, collectively the owners of
32 the properties identified as 1100 North Eutaw Street (Block 459, Lot 1), "No address" (Block
33 459, Lot 2), "No address" (Block 459, Lot 3), 300 West Preston Street (Block 460, Lot 1), "No
34 address" (Block 460, Lot 2), 231 29th Division Street (Block 460, Lot 3), 301 West Preston Street
35 (Block 478, Lot 1), 201 West Preston Street (Block 478, Lot 2), and "Armory Parking Lot
36 North" (No Block or Lot), and "Armory Parking Lot West" (No Block or Lot), respectively, on
37 the attached Development Plan, consisting of ~~32.65~~ 37.38 total acres, more or less, as outlined on
38 the accompanying Development Plan entitled "The State Center – Transit Oriented Development
39 Business Planned Unit Development", consisting of PUD Sheet 1, "Existing Conditions Plan",
40 dated ~~July 9~~ August 25, 2008, PUD Sheet 2, "Proposed Development Plan", dated ~~July 9~~ August
41 25, 2008, PUD Sheet 3, "Height and Massing Plan", dated ~~July 9~~ October 27, 2008, PUD Sheet
42 4, "Preliminary Landscape / Forest Conservation Plan" dated ~~July 9~~ August 25, 2008, and PUD
43 Sheet 5, "Streetscape Sections Plan", dated ~~July 9~~ August 25, 2008, consisting of ~~32.65~~ 37.38

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1 acres of land, more or less, to designate the Property a Business Planned Unit Development
2 under Title 9, Subtitles 1 and 4 of the Zoning Code.

3 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by the
4 State is approved.

5 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with Title 9, Subtitles 1 and
6 4 of the Baltimore City Zoning Code, the uses within the Planned Unit Development are as
7 follows:

8 (a) All permitted, accessory, and conditional uses, as of the date of this Ordinance, as
9 allowed in the B-1 and B-2 Zoning Districts are allowed and authorized as permitted
10 uses within the Business Planned Unit Development, unless stipulated otherwise
11 herein.

12 (b) Without limiting the uses allowed in B-1 and B-2 Zoning Districts, the following are
13 also specifically allowed and authorized as permitted uses within the Business
14 Planned Unit Development:

15 Amusement arcades
16 Artisans' and craft work
17 Bakeries — including the sale of bakery products to restaurants, hotels, clubs, and
18 similar establishments
19 Bakery goods: retail and retail manufacturing
20 Beer and ale: brewing
21 Boiler works accessory to any permitted use
22 Coffee roasting: retail and retail manufacturing
23 Computer centers
24 Convention Halls
25 Fire and police stations
26 Food Commissaries accessory to any permitted use
27 Garages & Lots for Bus & Transit Vehicles
28 Laboratories: research and testing
29 Machines, business and office, new and used, sales, rental, and service
30 Microwave antennas (satellite dishes)
31 Motor vehicle rental establishments
32 Newsstands
33 Outdoor table service accessory to any permitted use
34 Parcel collection and delivery stations
35 Photographic printing and developing establishments: retail
36 Prepared food delivery service including operations accessory to a restaurant
37 Public utility services and transportation uses, as follows:

38 antenna towers, microwave relay towers, and similar installations for
39 communications transmission or receiving
40 bus and transit passenger stations and terminals
41 electric distribution centers and substations
42 electric power generator stations
43 radio and television stations and studios
44 repeater, transformer, etc. installations

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1 sewerage pumping stations
2 water filtration plants, reservoirs, and pumping stations

3 Railroad rights-of-way & stations
4 Recreational facilities: indoor and outdoor
5 Repeater, transformer, pumping, booster, switching, conditioning and regulating
6 stations, and similar installations
7 ~~Restaurants including live entertainment and dancing~~
8 Science centers
9 Tattoo parlors
10 ~~Taverns including live entertainment and dancing~~
11 Trade Centers
12 Vending machines for retail sale of products

13 (c) "Green Uses" (as defined herein) shall also specifically be allowed and authorized as
14 permitted uses within the Business Planned Unit Development. A "Green Use" shall
15 mean any use or method, which is not specifically defined or prescribed by the
16 Zoning Code but is consistent with the spirit and intent of the Zoning Code - which
17 provides efficiencies in sustainable sites and development, utilizes "green" building
18 principles, enhances energy, waste management, or environmental indoor and
19 outdoor quality - the implementation of which should reasonably lead to the
20 acquisition of credits toward certification from the United States Green Building
21 Counsel's Leadership in Energy and Environmental Design (LEED) Green Building
22 Rating System®, or its functional or generally accepted equivalent. Green uses may
23 include, by way of example, but not limitation:

24 Innovative energy generation and distribution technologies
25 Innovative wastewater technologies
26 On-site wastewater treatment systems – utilizing a localized treatment system to
27 transport, store, treat and dispose some or all wastewater volumes generated
28 on the project site
29 ~~Gray water systems – wastewater discharged from lavatories, bathtubs, showers,~~
30 ~~clothes washers, and laundry sinks, that is filtered and reused for irrigation or~~
31 ~~other non-potable water uses~~
32 Storm water reuse facilities

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

34 Automobile accessory stores – including related repair and installation services
35 Blood donation centers
36 Check cashing stores
37 Firearm sales, ammunition sales, or both
38 Furriers
39 Gasoline service stations
40 Gun shops
41 Marinas
42 Pawnshops
43 Poultry and rabbit-killing establishments
44 Travel trailers, recreational vehicles, and similar camping equipment: parking or
45 storage

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1 (e) The following uses are conditional uses, requiring approval by the Board of
2 Municipal and Zoning Appeals, within the Planned Unit Development:

- 3 After hours establishments
4 Bakery goods: wholesale manufacturing
5 Dance halls
6 ~~Homes for the rehabilitation of non-bedridden alcoholics and for the care and~~
7 ~~custody of homeless persons~~
8 Restaurants - including live entertainment and dancing
9 Taverns - including live entertainment and dancing

10 SECTION 4. AND BE IT FURTHER ORDAINED, That the Floor Area and Density within the
11 Planned Unit Development shall be:

- 12 (a) The maximum allowable floor area may not exceed ~~6,989,223.7~~ 6,989,223.7 square
13 feet (which includes gross density TOD bonus).
14 (b) The maximum allowable density may not exceed 2,000 dwelling units.

15 SECTION 5. AND BE IT FURTHER ORDAINED, That if the State disposes of the State-Owned
16 Property to a private entity for private use, prior to the Final Design Approval for any
17 development of the Property within the Business Planned Unit Development, a Traffic
18 Mitigation Agreement shall be entered into with the Department of Transportation.

19 (a) At a minimum, the Traffic Mitigation Agreement shall include the following:

20 (1) To identify the Traffic Mitigation strategies that may be implemented at each
21 phase of the development State Center, including time frames by which the
22 strategies for mitigation will commence and an apportionment of costs for those
23 strategies to be implemented.

24 (2) To identify target mode share goal for each completed phase of the development
25 of State Center and monitor shifts in the mode split.

26 (b) Additional goals for the Traffic Mitigation Agreement shall be as follows:

27 (1) Improvement to the pedestrian experience by enhancing connectivity to mass
28 transit within the Business Planned Unit Development; providing improved
29 connectivity to surrounding communities; improving overall streetscape
30 aesthetics and view corridors; reducing the crossing widths and distances between
31 intersections; and providing traffic calming measures that will support a
32 pedestrian friendly State Center.

33 (2) Improvement to intersection and roadway function; reducing the number of signal
34 phases, and controlling, freeing or reducing turning.

35 (3) To provide parking in accordance with the shared parking calculations within the
36 Planned Unit Development by promoting the use of non-vehicular modes of
37 transportation.

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1 (4) To provide a State Center Transportation Management Association/Plan in
2 cooperation with city and state agencies to implement a Transportation
3 Management Plan that aims to minimize vehicular trips; encourage non-vehicular
4 trips; and enhance roadway safety and the aesthetic environment for all users.

5 (5) To implement a portion of the City's Bicycle Master Plan within State Center by
6 providing on and off-street bicycle routes and bicycle racks.

7 (c) The Traffic Mitigation Agreement shall provide for ongoing and continuous
8 community involvement.

9 (d) The Traffic Mitigation Agreement shall be approved by the Board of Estimates.

10 **SECTION 5 6. AND BE IT FURTHER ORDAINED**, That if the State disposes the State-Owned
11 Property to a private entity for private use, all plans for the construction of permanent
12 improvements on the Property shall be subject to final design approval by the Planning
13 Commission to insure that the plans are consistent with the Development Plan and this
14 Ordinance.

15 **SECTION 6 7. AND BE IT FURTHER ORDAINED**, That the Planning Commission may
16 determine what constitutes minor or major modifications to the Plan. Minor modifications
17 require approval by the Planning Commission. Major modifications require approval by
18 Ordinance.

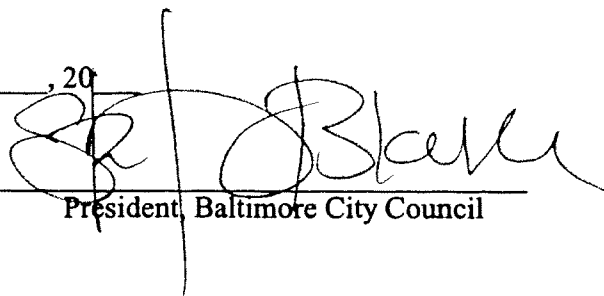
19 **SECTION 7 8. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
20 accompanying Development Plan and in order to give notice to the agencies that administer the
21 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
22 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
23 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
24 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
25 Appeals, the Planning Commission, the Commissioner of Housing and Community
26 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

27 **SECTION 8 9. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th
28 day after the date it is enacted.

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DEC 4 2008

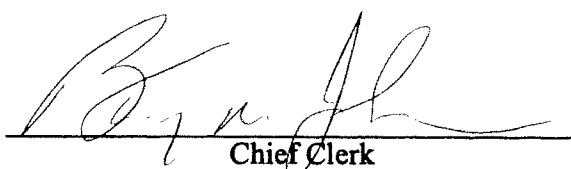
Certified as duly passed this _____ day of _____, 20



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

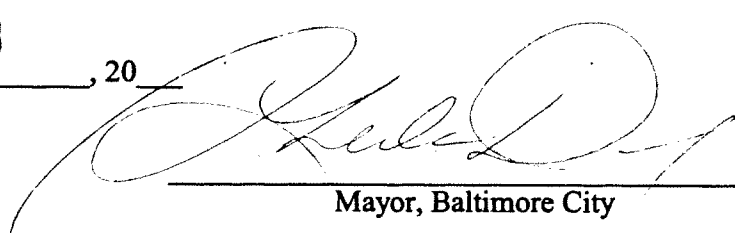
this _____ day of _____, 20



Chief Clerk

DEC 11 2008


Approved this _____ day of _____, 20



Mayor, Baltimore City

APPROVED as to form and

legal sufficiency:

 12/8/08

Associate City Solicitor /Date

A TRUE COPY

Edward J. Gallagher
Director of Finance