

BLACKLINE SHOWING 7/12/10 PROPOSED AMENDMENTS TO FIRST READER

**CITY OF BALTIMORE
COUNCIL BILL 10-0488
(First Reader)**

Introduced by: Councilmember Conaway

At the request of: WV Baltimore-24/Sisson LLC and WV Baltimore H 25 LLC

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Introduced and read first time: April 19, 2010

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Department of Public Works, Department of General Services, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation, Commission on Sustainability

A BILL ENTITLED

AN ORDINANCE concerning

Planned Unit Development – Designation – 25th Street Station

FOR the purpose of approving the application of WV Baltimore-24/Sisson LLC and WV Baltimore H 25 LLC (collectively, the “Applicant”), contract purchaser(s) and/or potential owner(s) of certain properties listed on Exhibit 1, attached to and made part of this Ordinance (collectively, the “Property”), to have the Property designated a Business and Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

BY authority of

Article - Zoning

Title 9, Subtitles 1, 4, and 5

Baltimore City Revised Code

(Edition 2000)

Recitals

The Applicant is the contract purchaser of the Property, consisting of 11.518 acres, more or less. The Applicant and/or its affiliates intend to develop the Property into a mixed-use development including principally retail and residential uses.

On April 13, 2010, 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 and Industrial Planned Unit Development.

The representatives of the Applicant have now applied to the Baltimore City Council for designation of the Property as a Business and Industrial Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1, 4, and 5 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 WV Baltimore-24/Sisson LLC and WV Baltimore H 25 LLC (collectively, the “Applicant”), contract purchaser(s) and/or potential owner(s) of certain properties listed on Exhibit 1, attached to and made part of this Ordinance (collectively, the “Property”), consisting of 11.518 acres, more or less, as outlined on the accompanying Development Plan entitled “25th Street Station”, dated April 15, 2010, to designate the Property a Business and Industrial Planned Development under Title 9, Subtitles 1, 4, and 5 of the Baltimore City Zoning Code.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Development Plan submitted by the Applicant, consisting of Sheet 1, “Existing Conditions”, dated April 15, 2010; Sheet 2, “Development Plan A”, dated April 15, 2010; Sheet 3, “Development Plan B”, dated April 15, 2010; Sheet 4, “Development Plan C”, dated April 15, 2010; Sheet 5, “Development Plan D”, dated April 15, 2010; Sheet 6, “Preliminary Forest Conservation/Landscape Plan”, dated April 15, 2010; Sheet 7, “Exterior Elevations - Site I Large Retail, dated April 15, 2010; Sheet 8, “Exterior Elevations - Site I Additional”, dated April 15, 2010; and Sheet 9, “Exterior Elevations - Site II, dated April 15, 2010, is approved. EXPECT REVISED SHEETS AND DATES AS DRAWINGS ARE REVISED; AS NOTED ON ORIGINAL SHEETS. SOME SHEETS WILL BE CONVERTED TO FINAL DESIGN REVIEW DOCUMENTS AND NOT INCLUDED IN PUD ORDINANCE

SECTION 3. AND BE IT FURTHER ORDAINED, That the following uses are allowed within the Planned Unit Development:

- (a) All permitted, accessory, and conditional uses as allowed in the B-2 Zoning District, as of the date of this Ordinance, except as limited or prohibited by ~~paragraph~~ paragraphs (c), (d), and (e) below;
- (b) in addition to any uses allowed by paragraph (a) above, the following uses are specifically permitted within the Planned Unit Development:
 - (1) Drug stores and pharmacies: drive-in;
 - (2) Motor vehicles ~~— rental,~~ with no more than 20 parking spaces for rental vehicles located on the Property;
 - (3) Outdoor table service when accessory to a permitted use;
 - (4) Prepared foods delivery service, including operations accessory to a restaurant;
 - (5) Restaurants: drive-in;
 - (6) Restaurants: drive-in, including pick-up drives with window service, as well as direct customer service to automobiles, if enclosed portion of business is less than 3,500 square feet;
 - (7) Outside ~~storage,~~ display, and sales areas; limited to the area in front of the principal façade of each building and the length of such façade, leaving no less than 5 feet of unimpeded sidewalk area for pedestrian passage;
 - (8) Outside storage areas, limited to the area labeled as such on the Development Plan
NOTE – ADD LABEL TO DEVELOPMENT PLAN BEHIND LOWE’S;

(8) Microwave antennas, non-free standing, if accessory to principal use;

(9) ~~Live entertainment, so long as accessory to a restaurant, coffee shop, or other~~ On-premises in

~~permitted use.~~ (10) 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; and

(11) Liquor stores, with a maximum of 20% of the display area dedicated to hard liquor, no sales of single cans or miniatures, no sales of chemically-fortified wines, no sales of malt beverages exceeding 22% alcohol by volume, and no sales on Sunday except as permitted by the Baltimore City Liquor Board or other governing authority.

(c) in addition to any uses allowed by paragraph (a) above, the following uses are conditional within the Planned Unit Development, subject to approval of the Board of Municipal and Zoning Appeals according to standards provided in the Zoning Code:

(1) Live entertainment;

(2) Second hand stores, except the sale of sporting equipment and accessories, which shall be permitted; and

(3) Tobacco shops.

(d) Notwithstanding the provisions of paragraphs (a), (b) and (bc) above, the following uses are specifically prohibited within the Planned Unit Development:

Ammunition and firearm sales

Amusement arcades

Animal hospitals

Auction rooms

Auditoriums

~~Auto-~~ Automobile accessory stores

~~including repair and installation, except that installation of audio and other electronic components is permitted~~ Bail bondsmen

Banquet halls

Bed and breakfast establishments

Bingo halls

Blood donor centers

Bowling establishments

Check cashing stores, other than ~~accessory~~ as an accessory use

Clubs and lodges, private

Community corrections centers

Concert halls

Convalescent, nursing, and rest homes

Convents, monasteries, and seminaries

Dance halls

Dry cleaning establishments: drive-in only

Dog and cat kennels

Feed stores

Fraternity and sorority houses

Garages for the repair and servicing of motor vehicles

Gasoline service stations
Helistops
Homes for non-bedridden alcoholics or homeless persons
Hospitals
Hotels and motels

Launderettes and Laundromats

Liquor stores or package goods stores- except as provided herein
Marinas
Parking facilities, other than accessory
Parole and probation field offices
Pawnshops
Pool halls and billiard parlors
Poultry and rabbit killing establishments
Rooming houses
Sewerage pumping stations
Swimming pools
Taverns
Theaters
Travel trailers, RVs & similar camping equipment; parking and storage

Undertaking establishments

Union halls
Video lottery facility
Water filtration plants, reservoirs, and pumping stations (except in accordance with paragraph (d) below)

(e) Notwithstanding the provisions of paragraphs (a), (b) and (c) above, the sale of hunting knives (i.e., knives designed and marketed specifically for use by animal hunters or for hunting purposes) and “paintball” guns (i.e., air-charged guns that fire paint pellets in connection with the game of paintball) shall be prohibited within the Planned Unit Development.

~~d) Green Uses~~— (e) “Green Technologies” (as defined herein) shall also specifically be allowed and authorized as permitted uses within the Planned Unit Development, as determined by the Director of Planning. A “Green ~~Use~~ Technology” shall mean any use or method, which is not specifically defined or prescribed by the Zoning Code but is consistent with the spirit and intent of the Zoning Code – which provides efficiencies in sustainable sites and development, utilizes “green” building principles, enhances energy, waste management, or environmental indoor and outdoor quality - the implementation of which is consistent with the requirement of Baltimore City law or regulations governing sustainability and/or Green Buildings and technologies. ~~Green uses~~ Technologies may include, by way of example, but not limitation:

Innovative energy generation and distribution technologies
Innovative wastewater technologies (but excluding “blackwater” recycling)
On-site wastewater treatment systems – utilizing a localized treatment system to transport, store, treat and dispose some or all wastewater volumes generated on the project site
Gray water systems – wastewater discharged from lavatories, bathtubs, showers, clothes washers, and laundry sinks, that is filtered and reused for irrigation or other non-potable water uses
Storm water reuse facilities

SECTION 4. AND BE IT FURTHER ORDAINED, That the business establishments within the Planned Unit Development may be open to the public for business only during the hours of 6:00

AM to Midnight, with the exception of Urgent Care Centers and such other uses as may from time to time be allowed by the Board of Municipal and Zoning Appeals pursuant to the standards of the Code for a Conditional Use.

SECTION 5. AND BE IT FURTHER ORDAINED, That the Property designated as part of the Planned Unit Development under this Ordinance shall not be regulated by this Ordinance until the Applicant or its successors and assigns has acquired title to the properties.

SECTION 56. AND BE IT FURTHER ORDAINED, That exterior signage within the Planned Unit Development shall be subject to final design approval by the Planning Commission.

SECTION 67. AND BE IT FURTHER ORDAINED, That parking shall be provided in accordance with the Zoning Code for the underlying district and as shown on the Development Plan, calculated without regard to any lot lines and instead in the aggregate for the entire Planned Unit Development.

SECTION 78. AND BE IT FURTHER ORDAINED, That before any building permit may be issued for any part of this Planned Unit Development, the Applicant must comply with the requirements of Zoning Code § 2-305 and Building Code § 105.3.2 for a traffic-impact study of the overall Planned Unit Development and for the mitigation of adverse traffic impacts.

SECTION 89. 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 9. 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.~~

SECTION 10. AND BE IT FURTHER ORDAINED, That there is hereby recognized a 25th Street Station PUD Design Review Committee, (the “Committee”) which is composed of (1) the Greater Remington Improvement Association, represented by the President of the organization or his/her designee; (2) the Charles Village Civic Association, represented by the President of the organization or his/her designee; (3) the Old Goucher Community Association, represented by the President of the organization or his/her designee; (4) the Remington Neighborhood Alliance, represented by the President of the organization or his/her designee; and (5) the Historic Fawcett Community Association, represented by the President of the organization or his/her designee. Each organization shall use its best efforts to designate a representative with professional design and/or planning experience. It shall be the responsibility of each organization represented on the Committee to maintain on file with the Department of Planning, or its successor agency, current contact information including at least the full name of the Committee representative, a mailing address, telephone number, and email address. If any of the organizations become defunct, the Planning Department may, but shall not be required to, designate an appropriate successor to be represented on the Committee. All plans for improvements at the Property requiring Planning Commission final design approval pursuant to this Ordinance shall be submitted to the Committee by the Department of Planning prior to action by the Planning Commission. The Department shall submit the request to the Committee, in writing, within five (5) days of initial submission of plans to the Department for review, using the contact information on file with the Department. The Committee shall have fifteen (15) days from the request to submit comments and recommendations to the Department, in writing, which shall be advisory to the Department and the Planning Commission in their respective review of such plans.

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.

SECTION 12. 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 11.13. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

EXHIBIT 1

Properties to be included in the Planned Unit Development

101-15 West 25th Street

204 West Ware Street

2438 North Howard Street

2500 Huntingdon Avenue

300 West 24th Street

330 West 24th Street

400 West 24th Street

Portion of Ward 12, Section 5, Block 3626C, Lot 5, as shown on Development Plan

Portion of existing Hampden Avenue, to be closed, as shown on Development Plan

Portion of existing Ware Street, to be closed, as shown on Development Plan