

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 10-0624

Introduced by: Councilmember Stokes

At the request of: Popham Properties, LLC c/o Seawall Development

Address: c/o Alfred W. Barry, III, 1 South Calvert Street, #1150, Baltimore, Maryland 21202

Telephone: 410-547-6900

Introduced and read first time: December 6, 2010

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: February 7, 2011

AN ORDINANCE CONCERNING

**Planned Unit Development – Amendment 1 –
Greenmount West - Arts and Entertainment District**

FOR the purpose of approving certain amendments to the Development Plan of the Greenmount West - Arts and Entertainment District Planned Unit Development; and providing for a special effective date.

By authority of

Article - Zoning

Title 9, Subtitles 1 and 3

Baltimore City Revised Code

(Edition 2000)

Recitals

By Ordinance 03-533, the Mayor and City Council (i) approved the application of Charles A. Lankford, Guilford Avenue, LLC, Industrial Roll Co., Lewis Industries, Inc., A&G, LLC, 3 Square Feet, LLC, Venture Vending, Inc., and Venture Amusement Co., Inc., to have certain properties consisting of 3.92747 acres, more or less, designated as an Office-Residential Planned Unit Development and (ii) approved the Development Plan submitted by the applicant.

Popham Properties, LLC, the contract purchaser of the property located at 1500 Barclay Street, wishes to amend the Development Plan, as previously approved by the Mayor and City Council, to modify the uses permitted, to allow for the Board of Municipal and Zoning Appeals to allow variances for off-street parking, to specifically grant certain off-street parking variances, and to add the property located at 1500 Barclay Street to the existing Office-Residential Planned Unit Development under Title 9, Subtitles 1 and 3 of the Baltimore City Zoning Code.

On November 24, 2010, representatives of Popham Properties, LLC, met with the Department of Planning for a preliminary conference to explain the scope and nature of the proposed amendments to the Development Plan.

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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The representatives of Popham Properties, LLC, have now applied to the Baltimore City Council for approval of these amendments, and they have submitted amendments to the Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 3 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 amendments to the Development Plan submitted by the Developer, as attached to and made part of this Ordinance, including Sheet 1, “Existing Conditions”, dated November 22, 2010, Sheet 2, “Site Plan”, dated November 22, 2010, Sheet 3, “Landscape Plan”, dated November 22, 2010, Sheet 4, “East Elevation”, dated November 22, 2010; Sheet 5, “West Elevation”, dated November 22, 2010, “Sheet 6, “North Elevation”, dated November 22, 2010, and Sheet 7, “South Elevation”, dated November 22, 2010. As shown on Sheet 1, the eastern boundary of the properties along Federal Street has been extended to Barclay Street, thereby increasing the overall size of the Properties in the PUD to 5.179 acres, more or less.

SECTION 2. AND BE IT FURTHER ORDAINED, That Section 3(b) of Ordinance 03-533 is amended to read as follows:

SECTION 3. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 9, Subtitles 1 and 3, the following uses are allowed within the Planned Unit Development:

(b) In accordance with the provisions of § 9-303 of the Zoning Code, the following B-1 and B-2 uses are allowed on the first or ground floor of the buildings within the PUD: art and school supply stores; art needlework shops; automatic teller machines; banks and savings and loan associations; barber shops; beauty shops; book stores: general; camera and photographic supply stores; candy and ice cream stores; carry-out food shops; catering establishments: food; clothes pressing establishments; dry cleaning and laundry receiving stations - processing done elsewhere; florist shops; food stores, grocery stores, meat markets, bakeries, and delicatessens; furniture stores - including upholstering when conducted as an accessory use; gift and card shops; hardware stores; launderettes - no more than 2 employees plus 1 owner or manager on the premises; laundries: hand - no more than 2 employees plus 1 owner or manager on the premises; musical instruments: sales and repair; newsstands; office supply stores; photocopying services; recreation buildings and community centers; restaurants and lunch rooms - but not including live entertainment or dancing; shoe and hat repairs stores; shoeshine parlors; tailor or dressmaking shops: custom work or repairs; ~~tobacco shops~~; travel bureaus.

In addition, the following B-2 uses are allowed on all floors of the buildings in the PUD: antique shops; dwellings; financial institutions; offices: business, governmental and professional; photographers; physical culture and health

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1 services: gymnasiums, reducing salons, and public baths;
2 picture framing shops - when conducted for retail trade on
3 the premises; SCHOOLS: ELEMENTARY AND SECONDARY.

4 In addition, all uses conditional in the M-1, B-1, and B-2
5 Districts are conditionally allowed in the PUD, subject to
6 the requirements and provisions of Title 14 of the Zoning
7 Code.

8 ~~SECTION 3. AND BE IT FURTHER ORDAINED, That new Sections 4 and 5 be added to~~
9 ~~Ordinance 03-533 to read as follows:~~

10 ~~SECTION 4. AND BE IT FURTHER ORDAINED, THAT THE BOARD OF~~
11 ~~MUNICIPAL AND ZONING APPEALS HAS THE AUTHORITY TO GRANT VARIANCES TO~~
12 ~~OFF-STREET PARKING REQUIREMENTS WITHIN THE PUD IN ACCORDANCE WITH~~
13 ~~TITLE 15 OF THE ZONING CODE.~~

14 ~~SECTION 5. AND BE IT FURTHER ORDAINED, THAT A VARIANCE IS GRANTED~~
15 ~~FOR THE PROPERTY AT 1500 BARCLAY STREET FOR THE PROPOSED SCHOOL USE TO~~
16 ~~PROVIDE A MINIMUM OF 33 OFF-STREET PARKING SPACES IN ACCORDANCE WITH~~
17 ~~TITLE 15, SECTION 101 OF THE ZONING CODE.~~

18 ~~And, in Ordinance 03-533, renumber Sections “4”, “5”, “6”, “7”, and “8”, respectively, to be~~
19 ~~Sections “6”, “7”, “8”, “9”, and “10”, respectively.~~

20 ~~SECTION 4~~ 3. AND BE IT FURTHER ORDAINED, That all plans for the construction of
21 permanent improvements on the property are subject to final design approval by the Planning
22 Commission to insure that the plans are consistent with the Development Plan and this
23 Ordinance.

24 ~~SECTION 5~~ 4. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the
25 accompanying amended Development Plan and in order to give notice to the agencies that
26 administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the
27 President of the City Council shall sign the amended Development Plan; (ii) when the Mayor
28 approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the
29 Director of Finance then shall transmit a copy of this Ordinance and the amended Development
30 Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the
31 Commissioner of Housing and Community Development, the Supervisor of Assessments for
32 Baltimore City, and the Zoning Administrator.

33 ~~SECTION 6~~ 5. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th
34 ~~day after~~ the date it is enacted.

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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