

**CITY OF BALTIMORE
COUNCIL BILL 10-0456
(First Reader)**

Introduced by: Councilmember Conaway

At the request of: Terra Nova Ventures, LLC

Address: c/o Alfred W. Barry, AB Associates, One South Calvert Street, Suite 1150,
Baltimore, Maryland 21202

Telephone: 410-547-6900

Introduced and read first time: March 22, 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

1 AN ORDINANCE concerning

2 **Planned Unit Development – Designation – Mt. Vernon Mill**

3 FOR the purpose of approving the application of Terra Nova Ventures, LLC, contract purchaser
4 of certain properties located at 2980, 2981, 2990, 3000, 3030, and 3100 Falls Road, to have
5 the properties designated an Industrial Planned Unit Development; and approving the
6 Development Plan submitted by the applicant.

7 BY authority of

8 Article - Zoning

9 Title 9, Subtitles 1 and 5

10 Baltimore City Revised Code

11 (Edition 2000)

12 **Recitals**

13 The subject properties consist of 3 separate landowners. Picker LLC, is the fee simple
14 owner of properties located at 2980, 2981, and 2990 Falls Road, consisting of 1.5 acres, more or
15 less, and is under contract to sell the properties to Terra Nova Ventures, LLC (“Terra Nova”).
16 Kramer Hobbies Long Island, Inc., is the fee simple owner of properties located at 3000 and
17 3030 Falls Road, consisting of approximately 4.20 acres, more or less, and is under contract to
18 sell the properties to Terra Nova. Anthony J. Correlli, Faith Mary Correlli Rottmund, and Philip
19 J. Correlli are the fee simple owners of property located at 3100 Falls Road, consisting of .9
20 acres, more or less, and are under contract to sell the property to Terra Nova.

21 Terra Nova proposes to redevelop the properties (“the property”) identified above into a
22 mixed-use development consisting of residential, office, and retail uses. Terra Nova plans to
23 assign its contract to a related company.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 10-0456

1 On October 21, 2009, representatives of Terra Nova met with the Department of Planning for
2 a preliminary conference, to explain the scope and nature of existing and proposed development
3 on the property and to institute proceedings to have the property designated an Industrial
4 Planned Unit Development.

5 The representatives of Terra Nova have now applied to the Baltimore City Council for
6 designation of the property as an Industrial Planned Unit Development, and they have submitted
7 a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the
8 Baltimore City Zoning Code.

9 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
10 Mayor and City Council approves the application of Terra Nova Ventures, LLC, contract
11 purchaser of the properties located at 2980, 2981, 2990, 3000, 3030, and 3100 Falls Road,
12 consisting of 10.1 acres, more or less, including the Jones Falls streambed, as outlined on the
13 accompanying Development Plan entitled “Mt. Vernon Mill”, consisting of Sheet 1, “Existing
14 Conditions Plan”, dated March 11, 2010; Sheet 2, “Overall Site, Proposed Conditions Plan”,
15 dated March 11, 2010; Sheet 3, “Detailed Site Plans, 2981 & 3100 Falls Road”, dated March 11,
16 2010; Sheet 4, “Detailed Site Plan, 2980, 3000 & 3030 Falls Road”, dated March 11, 2010; Sheet
17 5, “Parking Garage Details Plan, 3000 Falls Road”, dated March 11, 2010; Sheet 6, “Elevations,
18 3000 Falls Road”, dated March 11, 2010; Sheet 7, “Elevations”, dated March 11, 2010; Sheet 8,
19 “Elevations”, dated March 11, 2010; Sheet 9, “Elevations”, dated March 11, 2010; Sheet 10,
20 “Landscape, 3000 Falls Road”, dated March 11, 2010; and Sheet 11, “Landscape, 3000 Falls
21 Road”, dated March 11, 2010, to designate the property an Industrial Planned Development
22 under Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

23 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by Terra
24 Nova Ventures, LLC, is approved.

25 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title
26 9, Subtitles 1 and 5 the following uses are allowed in the Planned Unit Development:

- 27 (a) In accordance with § 9-502 of the Zoning Code, all permitted, conditional, and
28 accessory uses in an M-1 or M-2 Zoning District.
- 29 (b) In accordance with § 9-503 of the Zoning Code, the following uses will be permitted:
30 multifamily residential uses in all buildings. In addition, townhouses will be allowed
31 in the building at 2981 Falls Road and at 3100 Falls Road. Overall residential density
32 will be calculated at a rate of 1,500 square feet per unit based on the overall site
33 square footage.
- 34 (c) In accordance with § 9-503 of the Zoning Code the following O-R uses will be
35 permitted in all buildings: offices, philanthropic and charitable institutions.
- 36 (d) In accordance with § 9-503 of the Zoning Code, the following B-1, B-2, and B-3 uses
37 will be allowed:
- 38 (1) Antique store (but not including any chemical refinishing on the premises); art
39 and school supply stores; art gallery; art needlework shops; artisans’ and craft
40 work; artists’ studios (live and work); athletic fields; automatic teller machines;
41 bakery-including the sale of bakery products to restaurants, hotels, clubs, and
42 similar establishments; banks and savings and loan associations; barber shops;

Council Bill 10-0456

1 beauty shops; bicycles; sales, rental, and repair - but not including any mechanical
2 painting on the premises; book store: general; business and office machines: sales,
3 rental, and service; camera photographic supply store; candy and ice cream stores;
4 carpet and rug stores; carry-out food shops; catering establishments: food; china
5 and glassware stores; clothing shops; computer centers; dance and music studio;
6 day nurseries and nursery schools; delicatessens; dry cleaning and laundry
7 receiving stations – processing done elsewhere; electrical and household
8 appliance repair stores; fabric shops; florist shops; furniture stores – including
9 upholstering when conducted as an accessory use; garden supply, tool, and seed
10 stores; gift and card shops; greenhouses; hardware stores; hobby shops; interior
11 decorating; interior decorating shops - including upholstering and making
12 draperies, slip covers, and similar articles when conducted as an accessory use;
13 jewelry stores – including watch repair; leather goods and luggage stores;
14 libraries and art galleries; lunch room; medical & dental clinics; musical
15 instruments: sales and repair; newsstands; novelty shops; opticians: sales and
16 service; paint, wallpaper, tile, and floor covering stores; photocopying service;
17 photographers; physical culture & health services: gymnasiums, reducing salons,
18 and public baths; picture framing shops – when conducted for retail trade on the
19 premises; printing and publishing; record, tape, cd, and sheet music stores;
20 recording studio; reducing salons; restaurants; schools: business, dance and music
21 studios; security sales, brokerages and exchanges; sporting and athletic goods
22 stores; stationery stores; tailor or dressmaking shops: custom work or repairs;
23 tobacco shops; toy stores; wearing apparel shops; and woodworking, custom and
24 custom furniture-making shops.

25 (2) A high quality liquor store in the first floor of the building to be constructed at
26 3100 Falls Road with a maximum of 20% of the display area utilized for hard
27 liquor display and the remainder being used for display of wine and beer or
28 storage. Alcohol may be sold for off-premise consumption with the following
29 restrictions: No sales of single cans and miniatures; No sales of chemically-
30 fortified wines; No sales of malt beverages greater than 22% alcohol by volume;
31 and No Sunday sales other than that permitted under authority of the Baltimore
32 City Liquor Board.

33 (3) Outdoor table service when accessory to a restaurant use, subject to Planning
34 Commission approval; live entertainment as accessory to a restaurant or art
35 gallery use, provided no admission, donation or use charge is required, and such
36 entertainment is limited to non-amplified music.

37 (4) The following retail uses shall be limited in their location to the basement level or
38 ground floor level of any building: bakery; bicycle stores; candy and ice cream
39 stores; carry-out food stores; greenhouses; tobacco shops; and wearing apparel
40 shops.

41 (e) In accordance with § 9-502 of the Zoning Code, the existing billboard on the property
42 shall be permitted to remain. No other billboards or general advertising will be
43 permitted on the property. Signage identifying the property, buildings, and tenants is
44 permitted. An existing sign attached to the top of the building located at 3030 Falls
45 Road will be permitted to remain and may be modified.

Council Bill 10-0456

1 (f) Subject to the approval of the Board of Liquor License Commissioners for Baltimore
2 City, two Class B restaurant alcoholic beverage licenses shall be permitted within the
3 property located at 2980, 3000, and 3030 Falls Road, and one Class B restaurant
4 alcoholic beverage license shall be permitted within the property at 3100 Falls Road,
5 provided that all such restaurants will have at least 50% of their sales in food.

6 **SECTION 4. AND BE IT FURTHER ORDAINED**, That the existing pedestrian bridge connecting
7 the buildings on the property at 3000 and 3030 Falls Road shall be permitted to remain, and that
8 a second pedestrian bridge connecting the same two buildings is allowed to be constructed if
9 required for the issuance of a building permit, by the City.

10 **SECTION 5. AND BE IT FURTHER ORDAINED**, That all plans for the construction of
11 permanent improvements on the property are subject to final design approval by the Planning
12 Commission to insure that the plans are consistent with the Development Plan and this
13 Ordinance.

14 **SECTION 6. AND BE IT FURTHER ORDAINED**, That off-street parking requirements for the
15 Planned Unit Development are as follows, with the consideration that the parking will be
16 considered shared parking and used primarily by office tenants during the day and primarily by
17 residential tenants at night.

18 (a) Office use: 1 per 400 square feet of floor area in excess of 1,000 square feet.

19 (b) Residential use:

20 (1) apartments (multiple family dwellings): 1 per 1 dwelling unit.

21 (c) Retail use: 1 per 300 square feet of floor area in excess of 1,000 square feet.

22 (d) Parking can be included inside the buildings as well as surface parking on the
23 property.

24 **SECTION 7. AND BE IT FURTHER ORDAINED**, That the Planning Department may determine
25 what constitutes minor or major modifications to the plan. Minor modifications require approval
26 by the Planning Commission. Major modifications require approval by Ordinance.

27 **SECTION 8. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the
28 accompanying Development Plan and in order to give notice to the agencies that administer the
29 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
30 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
31 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
32 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
33 Appeals, the Planning Commission, the Commissioner of Housing and Community
34 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

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