

**CITY OF BALTIMORE
COUNCIL BILL 06-0385
(First Reader)**

Introduced by: Councilmember Conaway
At the request of: Mondawmin Business Trust and Northwest Associates
Address: c/o Claude Edward Hitchcock, Esquire, 233 East Redwood Street, Baltimore,
Maryland 21202
Telephone: 410-576-4053
Introduced and read first time: April 10, 2006
Assigned to: Land Use and Transportation Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Mondawmin Mall**

3 FOR the purpose of repealing the existing Development Plan for Mondawmin Mall and
4 approving a new Development Plan for Mondawmin Mall Planned Unit Development.

5 By authority of

6 Article - Zoning
7 Title 9, Subtitles 1 and 4
8 Baltimore City Revised Code
9 (Edition 2000)

10 **Recitals**

11 By Ordinance 77-348, the Mayor and City Council authorized and established a Planned Unit
12 Development for the land lying generally within 2000 feet of the proposed Mondawmin Mass
13 Transit Station, with permission to establish a drive-in restaurant. The land shown on Sheet 2 of
14 the plans attached to Ordinance 77-348 comprises only the Mondawmin Metro and bus station
15 owned by the State of Maryland, and the Mondawmin Mall shopping center.

16 Mondawmin Business Trust and Northwest Associates, owners of the properties located at
17 2401 Liberty Heights Avenue, bordered on the north by Liberty Heights Avenue, on the west by
18 Tioga Parkway, on the south by Gwynns Falls Parkway, and on the east by Monroe Street and
19 Reisterstown Road, on which they operate the shopping center known as “Mondawmin Mall”,
20 wish to rescind Ordinance 77-348 and replace the existing Development Plan with a new one
21 that will allow the owners to redevelop the properties under the auspices of a new Business
22 Planned Unit Development.

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

Council Bill 06-0385

1 The owners propose to redevelop the properties, and the improvements are to include a new
2 food supermarket and new or expanded retail stores in the existing mall, new pad site tenants on
3 the northwest portion of the parking lot, and new retail buildings on the east and west ends of the
4 mall.

5 On April 5, 2006, representatives of Mondawmin Business Trust, Northwest Associates, and
6 subcontract consultants met with the Department of Planning for a pre-petition conference to
7 explain the scope and nature of the proposed new Development Plan.

8 Mondawmin Business Trust and Northwest Associates have now applied to the Baltimore
9 City Council for approval of the replacement Planned Unit Development, which is intended to
10 satisfy the requirements of Title 9, Sections 1 and 4 of the Baltimore City Zoning Code.

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
12 Ordinance No. 77-348 is repealed.

13 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the
14 replacement of the Planned Unit Development and approves the new Development Plan
15 submitted by Mondawmin Business Trust and Northwest Associates, fee simple owners of the
16 properties located at 2401 Liberty Heights Avenue, bordered on the north by Liberty Heights
17 Avenue, on the west by Tioga Parkway, on the south by Gwynns Falls Parkway, and on the east
18 by Monroe Street and Reisterstown Road, consisting of 45 acres, more or less, as outlined on the
19 accompanying Development Plan entitled “Mondawmin Mall – Planned Unit Development”
20 consisting of Sheet 1, “Title Sheet”, Sheet 2, “Existing Conditions Site Plan”, Sheet 3,
21 “Development Plan”, Sheet 4, “Site Plan Review Committee Masterplan”, Sheet 5, “Landscape
22 Plan”, Sheet 6, “Building Massing Plan”, Sheet 7, “Design Guidelines”, and Sheet 8, “Signage
23 Plan”, all dated March 21, 2006, to designate the properties a Business Planned Development
24 under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

25 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the following uses are allowed in the
26 Business Planned Unit Development:

- 27 a. all permitted, accessory, and conditional uses for the B-2 Zoning District set out in §§
28 6-306, 6-307 and 6-308 of the Baltimore City Zoning Code, subject to the
29 requirements and provisions stated in that section except that there shall not be a need
30 for further public hearings for any particular use.
- 31 b. the following permitted uses for the B-3 Zoning District set out in § 6-406 of the
32 Baltimore City Zoning Code, subject to the requirements and provisions stated in that
33 section:

34 artisans’ and craft work
35 automobile accessory stores – including repair and installation services
36 awnings, storm windows, and doors: sales and service
37 batteries and tires: sales and service
38 building and lumber material sales establishments with shops and yards
39 computer centers
40 dry cleaning establishments
41 fire and police stations
42 food commissaries, but not including drive-in restaurants
43 frozen food lockers

Council Bill 06-0385

1 fuel and ice sales
2 garages and lots for bus and transit vehicles
3 greenhouses
4 hiring halls and work distribution centers
5 industrial supplies: sales
6 machinery: sales, rental, and service
7 meat markets – including sale of meats and meat products to restaurants, hotels,
8 clubs, and similar establishment
9 microwave antennas (satellite dishes)
10 motor vehicle rental establishments
11 motor vehicle sales
12 parcel collection and delivery stations
13 parking, open off-street areas, other than accessory, for the parking of 4 or more
14 motor vehicles
15 pay distribution centers
16 photographic printing and developing establishments
17 plumbing, heating and electrical equipment showrooms and shops
18 public utility service centers
19 schools: commercial
20 schools: trade
21 schools and studios: music, dance and business
22 trailer sales and rentals
23 vending machines for retail sale of products
24 warehousing and wholesale establishments, and storage, other than accessory to
25 permitted uses
26 welding equipment and supplies: sales and service
27 woodworking: custom and custom furniture-making shops.

28 c. the following conditional uses for the B-3 Zoning District set out in § 6-408 of the
29 Baltimore City Zoning Code, subject to the requirements and provisions stated in that
30 section:

31 amusement arcades – located at least 500 feet from the boundary line of a church
32 or school
33 recreational facilities: indoor
34 recreational facilities: outdoor.

35 d. In the area designated on the Development Plan as “Future Parcel B”, in addition to
36 all uses allowed under paragraphs a., b., and c. above, residential uses shall be
37 permitted as in the R-10 Zoning District.

38 **SECTION 5. AND BE IT FURTHER ORDAINED**, That the minimum yard requirements are not
39 applicable to specific lots created within the Business Planned Unit Development but must
40 otherwise be in compliance with the plans approved by the Planning Commission.

41 **SECTION 6. AND BE IT FURTHER ORDAINED**, That the maximum height of buildings on the
42 properties and floor area requirements shall be as set forth in the Development Plan.

43 **SECTION 7. AND BE IT FURTHER ORDAINED**, That inasmuch as the Business Planned Unit
44 Development is located within the Mondawmin Transit Station Urban Renewal Area, in case of a
45 conflict between this Ordinance (including the Development Plan) and the Mondawmin Transit

Council Bill 06-0385

1 Station Urban Renewal Plan, this Ordinance shall prevail; and, this Ordinance having been the
2 subject of public hearings, the community review provisions in C.4.b. of the Urban Renewal
3 Plan shall not apply to any aspect of the approved Development Plan.

4 **SECTION 8. AND BE IT FURTHER ORDAINED,** That all plans for construction of permanent
5 improvements on the properties must be reviewed by the Planning Commission to insure that the
6 plans are consistent with the Development Plan and this Ordinance.

7 **SECTION 9. AND BE IT FURTHER ORDAINED,** That the Planning Department may determine
8 what constitutes a minor or major amendment or modification to the Development Plan. Any
9 changes determined to be minor require approval by the Planning Commission. Major
10 amendments require approval by Ordinance.

11 **SECTION 10. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
12 accompanying Development Plan and in order to give notice to the agencies that administer the
13 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
14 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
15 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
16 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
17 Appeals, the Planning Commission, the Commissioner of Housing and Community
18 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

19 **SECTION 11. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
20 day after the date it is enacted.