

**CITY OF BALTIMORE  
COUNCIL BILL 14-0379  
(First Reader)**

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Introduced by: Councilmembers Clarke and Stokes

At the request of: Miller's Square, LLC, Miller's Square Retail, LLC, and 211 W. 28<sup>th</sup> Street, LLC

Address: c/o Evan Morville, 2601 North Howard Street, Suite 100, Baltimore, Maryland 21218

Telephone: 443-602-7514

Introduced and read first time: May 12, 2014

Assigned to: Land Use and Transportation Committee

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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, Office of Sustainability

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Designation – Remington Row**

3 FOR the purpose of approving the application of Miller's Square, LLC, Miller's Square Retail,  
4 LLC, and 211 W. 28<sup>th</sup> Street, LLC (collectively, the "Applicant"), their affiliates and assigns,  
5 who are either the developer, contract purchaser, potential owner and/or owner of the area  
6 consisting of the properties listed on Exhibit 1 attached hereto and made a part of this  
7 Ordinance, together with the adjoining roads, highways, alleys, rights-of-way, and other  
8 similar property (collectively, the "Properties"), to have the Properties designated a Business  
9 Planned Unit Development; approving the Development Plan submitted by the applicant, and  
10 providing for a special effective date.

11 BY authority of

12 Article - Zoning

13 Title 9, Subtitles 1 and 4

14 Baltimore City Revised Code

15 (Edition 2000)

16 **Recitals**

17 The Applicant is either the developer, contract purchaser, potential owner, or owner of the  
18 Properties shown on the accompanying Development Plan, consisting of 4.25 acres, more or less.

19 The owner proposes to develop the Properties for retail, residential, and office uses.

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

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1 On April 11, 2014, representatives of the Applicant 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 a Business Planned  
4 Unit Development.

5 The representatives of the Applicant have now applied to the Baltimore City Council for  
6 designation of the property as a Business Planned Unit Development, and they have submitted a  
7 Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 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 the Applicant to designate the Properties,  
11 consisting of 4.25 acres, more or less, as outlined on the accompanying Development Plan  
12 entitled "Remington Row", dated April 9, 2014, to designate the property a Business Planned  
13 Unit Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

14 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by the  
15 Applicant and consisting of the following sheets is approved:

16	<b>Plan Number</b>	<b>Description</b>	<b>Date of Plan</b>
17	C1.1	Overall Existing Conditions Plan	April 9, 2014
18	C1.2	Overall Proposed Conditions Plan	April 30, 2014
19	C1.3	Existing Conditions Plan - 2700 Block	April 9, 2014
20	C1.4	Detail Site Plan - 2700 Block	April 30, 2014
21	C1.5	Existing Conditions Plan - 2800 Block	April 9, 2014
22	C1.6	Detail Site Plan - 2800 Block	April 30, 2014
23	A4.1	Building Elevations - 2700 Block	April 30, 2014
24	A4.2	Building Elevations - 2700 Block	April 30, 2014
25	A4.1	Building Elevations - 7-Eleven	April 9, 2014
26	A5.1	Building Height Exhibit - 2700 Block	April 9, 2014
27	A4.1	Building Elevations - 2800 Block	April 9, 2014
28	L1.0	Overall Landscape Plan	April 9, 2014
29	L1.1	Landscape Plan - 2700 Block	April 9, 2014
30	L1.2	Landscape Plan - 2800 Block	April 9, 2014.

31 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title  
32 9, Subtitles 1 and 4, the following uses are permitted in all Areas within the Planned Unit  
33 Development:

- 34 (a) all permitted, accessory, and conditional uses as allowed in the B-2 Zoning District
- 35 (b) outdoor seating and table service as accessory to any permitted use
- 36 (c) beer and ale: brewing
- 37 (d) artisans' and craft work
- 38 (e) dry cleaning establishments - more than 4 employees, 1 manager on premises

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- 1 (f) dyeing establishments
- 2 (g) trade schools
- 3 (h) trade schools: industrial
- 4 (i) bakery goods: manufacturing
- 5 (j) candy: manufacturing
- 6 (k) clothing, finished products: manufacturing
- 7 (l) coffee roasting
- 8 (m) commissaries
- 9 (n) fermented fruits and vegetable products: manufacturing
- 10 (o) food products: manufacturing and processing
- 11 (p) ice cream: manufacturing
- 12 (q) spices: manufacturing and processing
- 13 (r) furniture and fixtures: manufacturing
- 14 (s) jewelry: manufacturing
- 15 (t) laboratories: research and testing
- 16 (u) leather products: manufacturing
- 17 (v) machine shops
- 18 (w) moving and storage establishments
- 19 (x) photographic printing and developing establishments
- 20 (y) upholstering shops
- 21 (z) wholesale establishments
- 22 (aa) woodworking and furniture-making: custom

23 **SECTION 4. AND BE IT FURTHER ORDAINED,** That within the Planned Unit Development the  
24 following alcoholic beverages licenses are permitted:

- 25 (a) a total of not more than 3 Class B beer, wine and liquor licenses; and
- 26 (b) a total of not more than 1 Class A beer, wine and liquor license.

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1       **SECTION 5. AND BE IT FURTHER ORDAINED,** That the following additional use is permitted  
2 in Area B within the Planned Unit Development:

3           1 garage, other than accessory, for storage, repair, and servicing of motor vehicles not  
4 over 1½ tons capacity - including body repair, painting and engine rebuilding - located at  
5 301 West 29<sup>th</sup> Street. If the existing use at this location is discontinued for a period of 6  
6 months, the discontinuance shall constitute an abandonment of that use, and the use may  
7 not be reestablished.

8       **SECTION 6. AND BE IT FURTHER ORDAINED,** That the following uses are prohibited as  
9 principal uses within the Planned Unit Development:

- 10           Firearm and ammunition sales
- 11           Amusement arcades in shopping or commercial recreation centers over 20,000 square feet
- 12           Amusement devices (accessory)
- 13           Apartment hotels
- 14           Athletic fields
- 15           Automotive accessory stores
- 16           Bed and breakfast homes
- 17           Blood donor centers
- 18           Bus and transit passenger stations and terminals
- 19           Check cashing agencies
- 20           Clubs and lodges: private, nonprofit
- 21           Clubs and lodges: private
- 22           Community correction centers
- 23           Convalescent, nursing and rest homes
- 24           Drug stores and pharmacies: drive-in
- 25           dry cleaning establishment: drive-in
- 26           Gasoline service stations
- 27           Fraternity and sorority houses: off-campus
- 28           Helistops
- 29           Structures on piers
- 30           Marinas: accessory
- 31           Marinas: recreational
- 32           Marinas: recreational boat launch/tie up
- 33           Outside display and sales areas
- 34           Outside storage areas (unless specifically labeled on the Development Plan to the Planned  
35           Unit Development)
- 36           Public utility uses as follows: antenna towers, microwave relay towers, and similar  
37           installations for communications transmission or receiving; bus and transit  
38           turnarounds; railroad rights of way and passenger stations; repeater, transformer,  
39           pumping, booster, switching, conditioning, and regulations stations, and similar  
40           installations
- 41           Radio and television antennas that are free-standing or that extend more than 25 feet  
42           above the building on which they are mounted - but not including microwave  
43           antennas (satellite dishes)
- 44           Recycling collection stations
- 45           Restaurants: drive-in
- 46           Residential substance abuse treatment facilities housing 17 or more patients
- 47           Rooming houses

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- 1 Pawn shops
- 2 Parole and probation field offices
- 3 Poultry and rabbit killing establishments
- 4 Pool halls and billiard parlors
- 5 Public utility service centers
- 6 Social, fraternal and veterans' clubs
- 7 Taverns
- 8 Travel trailers, RV's and similar camping equipment: parking or storage
- 9 Undertaking establishments or funeral parlors
- 10 Video lottery facility

11 **SECTION 7. AND BE IT FURTHER ORDAINED**, That the existing billboards located within the  
12 Planned Unit Development shall be permitted to remain and may be relocated within the Planned  
13 Unit Development subject to approval by the Planning Commission.

14 **SECTION 8. AND BE IT FURTHER ORDAINED**, That when reviewing plans for final design  
15 approval, the Planning Commission may take into consideration proposed uses that have  
16 different peak parking characteristics that complement each other, so that the parking spaces  
17 provided may reasonably be shared by proposed uses, and an excess of parking is not provided by  
18 strict cumulation of the parking requirements of the Zoning Code.

19 **SECTION 9. AND BE IT FURTHER ORDAINED**, That all plans for the construction of permanent  
20 improvements on the property are subject to final design approval by the Planning Commission  
21 to insure that the plans are consistent with the Development Plan and this Ordinance.

22 **SECTION 10. AND BE IT FURTHER ORDAINED**, That the Applicant must comply with the  
23 requirements of Zoning Code § 2-305 and Building Code § 105.3.1.2 regarding traffic mitigation  
24 for the Planned Unit Development prior to the issuance of any building permit.

25 **SECTION 11. AND BE IT FURTHER ORDAINED**, That the Applicant must comply with the  
26 requirements of Building Code Chapter 37 {“Green Building” Requirements} and incorporate  
27 the required energy efficiency and environmental design elements into its construction plans  
28 prior to the issuance of any building permit.

29 **SECTION 12. AND BE IT FURTHER ORDAINED**, That the Planning Commission may determine  
30 what constitutes minor or major modifications to the Plan. Minor modifications require approval  
31 by the Planning Commission. Major modifications require approval by Ordinance.

32 **SECTION 13. AND BE IT FURTHER ORDAINED**, That on acquisition of the Properties by  
33 Miller’s Square, LLC, Miller’s Square Retail, LLC, or 211 W. 28<sup>th</sup> Street, LLC, or their  
34 successors and assigns the Properties shall be included as part of the Planned Unit Development.

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

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1       **SECTION 15. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it  
2       is enacted.

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Exhibit 1

1

2 Area A

3	<u>Block</u>	<u>Lot</u>	<u>Street Address</u>
4	3645	35/37	310 West 27 <sup>th</sup> Street
5	3645	34	2700 Remington Avenue
6	3645	33C	2718 Remington Avenue
7	3645	33B	2722 Remington Avenue
8	3645	33A	2724 Remington Avenue
9	3645	38	2727 Fox Street
10	3645	39	2729 Fox Street
11	3645	40	2731 Fox Street
12	3645	41	2733 Fox Street
13	3645	33	301 West 28 <sup>th</sup> Street

14 Area B

15	<u>Block</u>	<u>Lot</u>	<u>Street Address</u>
16	3651	32/33	301/315 West 29 <sup>th</sup> Street

17 Area C

18	<u>Block</u>	<u>Lot</u>	<u>Street Address</u>
19	3650B	32/33	211 West 28 <sup>th</sup> Street