

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 14-0379

Introduced by: Councilmembers Clarke and Stokes

At the request of: Miller’s Square, LLC, Miller’s Square Retail, LLC, and 211 W. 28th 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

Committee Report: Favorable with amendments

Council action: Adopted

Read second time: October 27, 2014

AN ORDINANCE CONCERNING

Planned Unit Development – Designation – Remington Row

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

BY authority of

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

Recitals

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

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

On April 11, 2014, 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 Planned Unit Development.

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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1 The representatives of the Applicant have now applied to the Baltimore City Council for
 2 designation of the property as a Business Planned Unit Development, and they have submitted a
 3 Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 4 of the
 4 Baltimore City Zoning Code.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
 6 Mayor and City Council approves the application of the Applicant to designate the Properties,
 7 consisting of 4.25 acres, more or less, as outlined on the accompanying Development Plan
 8 entitled “Remington Row”, dated April 9, 2014, to designate the property a Business Planned
 9 Unit Development under Title 9, Subtitles 1 and 4 of the Baltimore City Zoning Code.

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

Plan Number	Description	Date of Plan
C1.1	Overall Existing Conditions Plan	April 9, 2014
C1.2	Overall Proposed Conditions Plan	April 30, 2014
C1.3	Existing Conditions Plan - 2700 Block	April 9, 2014
C1.4	Detail Site Plan - 2700 Block	April 30, 2014
C1.5	Existing Conditions Plan - 2800 Block	April 9, 2014
C1.6	Detail Site Plan - 2800 Block	April 30, 2014
A4.1	Building Elevations - 2700 Block	April 30, 2014
A4.2	Building Elevations - 2700 Block	April 30, 2014
A4.1	Building Elevations - 7-Eleven	April 9, 2014
A5.1	Building Height Exhibit - 2700 Block	April 9, 2014
A4.1	Building Elevations - 2800 Block	April 9, 2014
L1.0	Overall Landscape Plan	April 9, 2014
L1.1	Landscape Plan - 2700 Block	April 9, 2014
L1.2	Landscape Plan - 2800 Block	April 9, 2014.
<u>C1.1</u>	<u>Overall Existing Conditions Plan</u>	<u>October 20, 2014</u>
<u>C1.2</u>	<u>Overall Proposed Conditions Plan</u>	<u>October 20, 2014</u>
<u>C1.3</u>	<u>Detail Site Plan - 2700 Block</u>	<u>October 20, 2014</u>
<u>C1.3A</u>	<u>Detail Parking Plan - Area A (Mezzanine)</u>	<u>October 20, 2014</u>
<u>C1.3B</u>	<u>Detail Parking Plan - Area A (Ground Floor)</u>	<u>October 20, 2014</u>
<u>C1.3C</u>	<u>Detail Parking Plan - Area A (P1)</u>	<u>October 20, 2014</u>
<u>C1.3D</u>	<u>Detail Parking Plan - Area A (P2)</u>	<u>October 20, 2014</u>
<u>C1.4</u>	<u>Detail Site Plan - Area B</u>	<u>October 20, 2014</u>
<u>C1.4A</u>	<u>Detail Parking Plan - 2800 Block (P1)</u>	<u>October 20, 2014</u>
<u>C1.4B</u>	<u>Detail Parking Plan - 2800 Block (P2)</u>	<u>October 20, 2014</u>
<u>A4.1</u>	<u>Building Elevations - 2700 Block</u>	<u>July 16, 2014</u>
<u>A4.2</u>	<u>Building Elevations - 2700 Block</u>	<u>July 16, 2014</u>
<u>A4.3</u>	<u>Building Elevations - 2800 Block</u>	<u>July 16, 2014</u>
<u>A4.4</u>	<u>Building Elevations - 7 Eleven</u>	<u>July 16, 2014</u>
<u>A5.1</u>	<u>Building Height Exhibit - 2700 Block</u>	<u>October 20, 2014</u>
<u>L1.0</u>	<u>Overall Landscape Plan</u>	<u>July 16, 2014</u>
<u>L1.1</u>	<u>Landscape Plan Enlargement - 2700 Block</u>	<u>July 16, 2014</u>
<u>L1.2</u>	<u>Landscape Plan Enlargement - 2800 Block</u>	<u>July 16, 2014.</u>

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1 **SECTION 3. AND BE IT FURTHER ORDAINED**, That in accordance with the provisions of Title
2 9, Subtitles 1 and 4, the following uses are permitted in all Areas within the Planned Unit
3 Development:

4 (a) all permitted, accessory, and conditional uses as allowed in the B-2 Zoning District
5 with the following maximum retail hours of operation:

6 (1) Area A - 6:00 a.m. to 12:00 a.m. (midnight)

7 (2) Area B - 7:00 a.m. to 10:00 p.m., except that cafes and restaurants serving
8 breakfast may open at 6:00 a.m., and restaurants may extend table service to no
9 later than midnight

10 (3) Area C - 24 hours

11 (b) outdoor seating and table service as accessory to any ~~permitted~~ restaurant use

12 (c) beer and ale: brewing, not to exceed 20,000 square feet

13 (d) artisans' and craft work, subject to the following conditions per artisan and craft work
14 company/tenant:

15 (1) no more than 2 employees plus 1 owner or manager on the premises;

16 (2) work is limited to items produced 1 at a time, with no machine on the site to
17 facilitate mass production; and

18 (3) items are produced primarily for sale on the premises

19 (e) dry cleaning establishments - more than 4 employees, 1 manager on premises

20 ~~(f) dyeing establishments~~

21 ~~(f) (g) trade schools~~

22 ~~(h) trade schools: industrial~~

23 ~~(i) bakery goods: manufacturing~~

24 ~~(j) candy: manufacturing~~

25 (g) (k) clothing, finished products: manufacturing

26 ~~(l) coffee roasting~~

27 (h) (m) commissaries

28 ~~(n) fermented fruits and vegetable products: manufacturing~~

29 ~~(o) food products: manufacturing and processing~~

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- 1 ~~(p) ice cream: manufacturing~~
- 2 ~~(q) spices: manufacturing and processing~~
- 3 ~~(r) furniture and fixtures: manufacturing~~
- 4 ~~(s) jewelry: manufacturing~~
- 5 (i) (t) laboratories: research and testing
- 6 ~~(u) leather products: manufacturing~~
- 7 ~~(v) machine shops~~
- 8 (j) (w) moving and storage establishments
- 9 (k) (x) photographic printing and developing establishments
- 10 (l) (y) upholstering shops
- 11 (m) (z) wholesale establishments
- 12 (n) (aa) woodworking and furniture-making: custom

13 **SECTION 4. AND BE IT FURTHER ORDAINED, That within the Planned Unit Development, the**
14 **following uses are to be limited to Area B of the Development Plan:**

- 15 (a) dying establishments
- 16 (b) trade schools: industrial
- 17 (c) bakery goods: manufacturing
- 18 (d) candy: manufacturing
- 19 (e) coffee roasting
- 20 (f) fermented fruits and vegetable products: processing
- 21 (g) food products: manufacturing and processing
- 22 (h) ice cream: manufacturing
- 23 (i) spices: manufacturing and processing
- 24 (j) furniture and fixtures: manufacturing
- 25 (k) jewelry: manufacturing

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1 (l) leather products: manufacturing

2 (m) machine shops.

3 **SECTION 4 5. AND BE IT FURTHER ORDAINED**, That within the Planned Unit Development
4 the following alcoholic beverages licenses are permitted:

5 (a) a total of not more than 3 Class B beer, wine and liquor licenses; and

6 (b) a total of not more than 1 Class A beer, wine and liquor license, which in Area B may
7 not, in the licensed establishment, include bulletproof security barriers between staff
8 and customers, may not contain lottery machines, and must voluntarily agree to abide
9 by 7:00 a.m. to 10:00 p.m. hours of operation.

10 **SECTION 5 6. AND BE IT FURTHER ORDAINED**, That the following additional use is permitted
11 in Area B within the Planned Unit Development:

12 1 garage, other than accessory, for storage, repair, and servicing of motor vehicles not
13 over 1½ tons capacity - including body repair, painting and engine rebuilding - located at
14 301 West 29th Street. If the existing use at this location is discontinued ~~for a period of 6~~
15 ~~months~~, the discontinuance shall constitute an abandonment of that use, and the use may
16 not be reestablished.

17 **SECTION 7. AND BE IT FURTHER ORDAINED**, That 6 exterior trash cans are required in Area
18 A.

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

- 21 Firearm and ammunition sales
- 22 Amusement arcades in shopping or commercial recreation centers over 20,000 square feet
- 23 Amusement devices (accessory)
- 24 Apartment hotels
- 25 Athletic fields
- 26 Automotive accessory stores
- 27 Banquet halls
- 28 Bed and breakfast homes
- 29 Blood donor centers
- 30 Bus and transit passenger stations and terminals
- 31 Check cashing agencies
- 32 Clubs and lodges: private, nonprofit
- 33 Clubs and lodges: private
- 34 Community correction centers
- 35 Convalescent, nursing and rest homes
- 36 Drug stores and pharmacies: drive-in
- 37 dry cleaning establishment: drive-in
- 38 Garages, which include body repair, painting, engine rebuilding, and storage regardless of
39 the size of vehicles serviced (effective May 1, 2015)
- 40 Gasoline service stations
- 41 Fraternity and sorority houses: off-campus

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- 1 Helistops
- 2 Structures on piers
- 3 Marinas: accessory
- 4 Marinas: recreational
- 5 Marinas: recreational boat launch/tie up
- 6 Outside display and sales areas
- 7 Outside storage areas (unless specifically labeled on the Development Plan to the Planned
- 8 Unit Development)
- 9 Public utility uses as follows: antenna towers, microwave relay towers, and similar
- 10 installations for communications transmission or receiving; bus and transit
- 11 turnarounds; railroad rights of way and passenger stations; repeater, transformer,
- 12 pumping, booster, switching, conditioning, and regulations stations, and similar
- 13 installations
- 14 Radio and television antennas that are free-standing or that extend more than 25 feet
- 15 above the building on which they are mounted - but not including microwave
- 16 antennas (satellite dishes)
- 17 Recycling collection stations
- 18 Restaurants: drive-in
- 19 Residential substance abuse treatment facilities housing 17 or more patients
- 20 Rooming houses
- 21 Pawn shops
- 22 Parole and probation field offices
- 23 Poultry and rabbit killing establishments
- 24 Pool halls and billiard parlors
- 25 Public utility service centers
- 26 Social, fraternal and veterans' clubs
- 27 Taverns
- 28 Travel trailers, RV's and similar camping equipment: parking or storage
- 29 Undertaking establishments or funeral parlors
- 30 Video lottery facility

31 **SECTION 7 9. AND BE IT FURTHER ORDAINED,** That the existing billboards located within the
32 Planned Unit Development shall be permitted to remain ~~and may be relocated within the Planned~~
33 ~~Unit Development subject to approval by the Planning Commission~~ as allowed by Title 11 of the
34 Zoning Code.

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

40 **SECTION 9 10. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
41 permanent improvements on the property are subject to final design approval by the Planning
42 Commission to insure that the plans are consistent with the Development Plan and this
43 Ordinance.

44 ~~**SECTION 10 11. AND BE IT FURTHER ORDAINED,** That the Applicant must comply with the~~
45 ~~requirements of Zoning Code § 2-305 and Building Code § 105.3.1.2 regarding traffic mitigation~~
46 ~~for the Planned Unit Development prior to the issuance of any building permit.~~

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1 **SECTION 11 12. AND BE IT FURTHER ORDAINED**, That the Applicant must comply with the
2 requirements of Building Code Chapter 37 {““Green Building” Requirements”} and incorporate
3 the required energy efficiency and environmental design elements into its construction plans
4 prior to the issuance of any building permit.

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

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

11 **SECTION 14. AND BE IT FURTHER ORDAINED**, That the filing of (1) an appeal of this PUD or
12 (2) an appeal of any building or occupancy permit issued in accordance with the PUD shall toll
13 the time limits set forth in the Development Plan pending the conclusion of all appeals.

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

22 **SECTION 16. AND BE IT FURTHER ORDAINED**, That if any provision or part of any provision
23 of this PUD shall for any reason be held invalid, illegal, or unenforceable in any respect, such
24 invalidity or unenforceability shall not affect other provisions of this PUD, and this PUD shall be
25 construed as if such invalid, illegal, or unenforceable provision or part thereof had never been
26 contained herein, but only to the extent of its invalidity, illegality, or unenforceability.

27 ~~**SECTION 15 17. AND BE IT FURTHER ORDAINED**~~, That this Ordinance takes effect on the date
28 it is enacted.

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1

Exhibit 1

2 **Area A**

3	<u>Block</u>	<u>Lot</u>	<u>Street Address</u>
4	3645	35/37	310 West 27 th 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 th Street

14 **Area B**

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

17 **Area C**

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

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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