

Introduced by: Councilmembers Clarke, Pinkett, ~~Stallard~~

At the request of: Mt. Vernon Mill, LLC

Address: c/o Alfred W. Barry, AB Associates, 201 East Baltimore Street, Suite 1150,
Baltimore, Maryland 21202
Telephone: 410-547-6900

Prepared by: Department of Legislative Reference

Date: September 11, 2018

Referred to: **LAND USE AND TRANSPORTATION** Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 18 - 0289

A BILL ENTITLED

AN ORDINANCE concerning

Planned Unit Development – Designation – Mt. Vernon Mill

FOR the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and providing for a special effective date.

BY authority of

Article 32 - Zoning
Section 5-201(a) and Title 13
Baltimore City Revised Code
(Edition 2000)

****The Introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

Department of Public Works	Baltimore City Public School System
Department of Real Estate	Baltimore Development Corporation
Department of Recreation and Parks	City Solicitor
Department of Transportation	Comptroller's Office
Fire Department	Department of Audits
Health Department	Department of Finance
Mayor's Office of Employment Development	Department of General Services
Mayor's Office of Human Services	Department of Housing and Community Development
Mayor's Office of Information Technology	Department of Human Resources
Office of the Mayor	Department of Planning
Police Department	Other:
Other:	Other:
Other:	Other:
Other:	Other:
Environmental Control Board	Board of Estimates
Fire & Police Employees' Retirement System	Board of Ethics
Labor Commissioner	Board of Municipal and Zoning Appeals
Parking Authority Board	Comm. for Historical and Architectural Preservation
Planning Commission	Commission on Sustainability
Wage Commission	Employees' Retirement System
Other:	Other:
Other:	Other:
Other:	Other:

Boards and Commissions

Department of Public Works	Baltimore City Public School System
Department of Real Estate	Baltimore Development Corporation
Department of Recreation and Parks	City Solicitor
Department of Transportation	Comptroller's Office
Fire Department	Department of Audits
Health Department	Department of Finance
Mayor's Office of Employment Development	Department of General Services
Mayor's Office of Human Services	Department of Housing and Community Development
Mayor's Office of Information Technology	Department of Human Resources
Office of the Mayor	Department of Planning
Police Department	Other:
Other:	Other:
Other:	Other:
Other:	Other:
Environmental Control Board	Board of Estimates
Fire & Police Employees' Retirement System	Board of Ethics
Labor Commissioner	Board of Municipal and Zoning Appeals
Parking Authority Board	Comm. for Historical and Architectural Preservation
Planning Commission	Commission on Sustainability
Wage Commission	Employees' Retirement System
Other:	Other:
Other:	Other:
Other:	Other:

CITY OF BALTIMORE
ORDINANCE **19-221**
Council Bill 18-0289

Introduced by: Councilmembers Clarke, Pinkett
At the request of: Mt. Vernon Mill, LLC
Address: c/o Alfred W. Barry, AB Associates, 201 East Baltimore Street, Suite 1150,
Baltimore, Maryland 21202
Telephone: 410-547-6900
Introduced and read first time: September 17, 2018
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: December 3, 2018

AN ORDINANCE CONCERNING

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

2 FOR the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned
3 Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned
4 Unit Development; and providing for a special effective date.

5 BY authority of
6 Article 32 - Zoning
7 Section 5-201(a) and Title 13
8 Baltimore City Revised Code
9 (Edition 2000)

10 **Recitals**

11 By Ordinance 10-374, ~~as last amended by Ordinance 11-538~~, the Mayor and City Council of
12 Baltimore approved the application to have certain properties located at 2980, 2990, 3000, 3030,
13 and 3100 Falls Road designated an Industrial Planned Unit Development and approved the
14 Development Plan as submitted by the applicant.

15 The applicant wants to replace the existing Planned Unit Development with a new one.

16 On February 21, 2018, representatives of Mt. Vernon Mill, LLC, met with the Department of
17 Planning for a preliminary conference, to explain the scope and nature of existing and proposed
18 development on the property and to institute proceedings to have the property designated a
19 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.

Council Bill 18-0289

1 The representatives of Mt. Vernon Mill have now applied to the Baltimore City Council for
2 designation of the property as a Planned Unit Development, and they have submitted a
3 Development Plan intended to satisfy the requirements of Baltimore City Zoning Code Section 5-
4 201(a) and Title 13.

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
6 Ordinance 10-374 ~~and Ordinance 11-538~~ is repealed.

7 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the
8 application of Mt. Vernon Mill, LLC., owner of the properties located at 2980, 2990, 3000, 3030,
9 and 3100 Falls Road , consisting of 9.78 acres, including the Jones Falls streambed, more or less,
10 as outlined on the accompanying Development Plan entitled "Mt. Vernon Mill", to designate the
11 property a Planned Development under Title 13 of the Baltimore City Zoning Code.

12 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
13 approves the replacement of the Planned Unit Development and approves the new Development
14 Plan submitted by the applicant, as attached to and made part of this Ordinance, including:

15 Sheet 1, "Existing and Proposed Conditions Plan", dated July 30, 2018.

16 **SECTION 4. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title
17 13, Subtitle 2, the following uses are allowed in the Planned Unit Development:

18 (a) In accordance with Title 13, all permitted, conditional, and accessory uses are as allowed
19 in the I-MU Zoning District, in accordance with Table 11-301: Industrial Districts -
20 Permitted and Conditional Uses, of Article 32 - Zoning.

21 (b) The following additional use will be allowed: 1 banquet hall.

22 (1) Outdoor table service when accessory to a restaurant use, subject to Planning
23 Commission approval; live entertainment as an accessory to a restaurant or art
24 gallery use, provided no admission, donation, or use charge is required; and the
25 live entertainment is limited to indoor non-amplified music.

26 (2) The banquet hall will be limited to 2980 Falls Road and will be operated with the
27 following conditions:

28 (i) All contract users, such as weddings, will be required to use the owner's
29 dedicated valet parking company that shall be the same as for the
30 restaurant use;

31 (ii) The owner shall contract with the owner of a property in close proximity
32 to the property for the parking of cars; and

33 (iii) The owner shall engage a manager for coordination of events at the
34 banquet hall, including having a person on-site during the time of the
35 event.

36 (iv) Any additional, more specific provisions required by the MOU between
37 the Hampden Community Council and the owner, Mt. Vernon Mills, LLC.

Council Bill 18-0289

1 (c) In accordance with Title 13 of the Zoning Code, the existing billboard on the property
2 must be removed on or before December 31, 2036. No other billboards or general
3 advertising will be permitted on the property. Signage identifying the property, buildings,
4 and tenants is allowed. An existing sign attached to the top of the building located at
5 3030 Falls Road will be permitted to remain and may be modified.

6 (d) Subject to the approval of the Board of Liquor Licenses Commissioners for Baltimore
7 City, 2 Class B restaurant alcoholic beverage licenses shall be permitted within the
8 properties located at 2980, 3000, 3030, and 3100 Falls Road, provided that each
9 restaurant must have at least 50% of its sales in food.

10 (e) Subject to the approval of the Board of Liquor Licenses Commissioners for Baltimore
11 City, catering and events shall be permitted within the property known as 2980 Falls
12 Road.

13 (f) No more than a total of 2 liquor licenses are permitted within the Planned Unit
14 Development.

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

18 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the existing number of off-street parking
19 spaces provided, as shown on the Development Plan, shall continue to be permitted.

20 **SECTION 7. AND BE IT FURTHER ORDAINED,** That notwithstanding the provisions of Article
21 32, § 13-402, which provide that the Planning Department may determine what constitutes minor
22 or major modifications to the Plan, any new development plans in this Planned Unit
23 Development are considered to be major amendments and must be approved by Ordinance. The
24 owner shall submit to the Hampden Community Council all proposed modifications at least 30
25 days before their submission to the Planning Department.

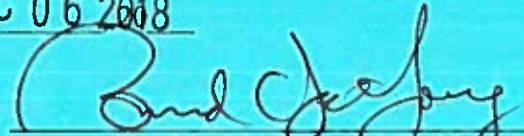
26 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the Mt. Vernon Mill, LLC, will record the
27 Memorandum of Understanding between the Developer and the Hampden Community Council
28 in the land records of the Planned Unit Development property.

29 **SECTION 9. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
30 accompanying Development Plan and in order to give notice to the agencies that administer the
31 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
32 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
33 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
34 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
35 Appeals, the Planning Commission, the Commissioner of Housing and Community
36 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

37 **SECTION 10. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
38 is enacted.

Council Bill 18-0289

Certified as duly passed this _____ day of DEC 06 2018



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of DEC 06 2018



Chief Clerk

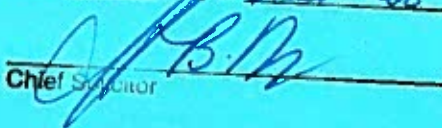
Approved this _____ day of _____, 20__

Mayor, Baltimore City

Pursuant to City Charter Article IV,
Section 5 (c), this bill became law
on February 11, 2019, without the
Mayor's Signature.

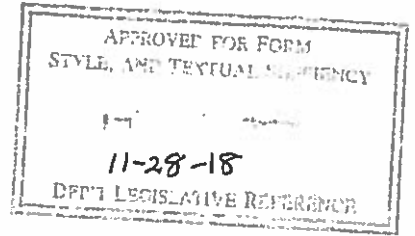
Approved For Form and Legal Sufficiency

This 19th Day of Dec 2018



Chief Solicitor

AMENDMENTS TO COUNCIL BILL 18-0289
(1st Reader Copy)



By: Land Use and Transportation Committee

Amendment No. 1

On page 1, in line 12, strike “as last amended by Ordinance 11-538,”; and, on page 2, in line 4, strike “and Ordinance 11-538 are” and substitute “is”.

ADOPTED

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

City Council Bill No. 18-0289
Planned Unit Development - Designation – Mt. Vernon Mill

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE: AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO THE APPLICABLE SECTIONS OF ARTICLE 32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A PLANNED UNIT DEVELOPMENT FOR THE ACRES LOCATED AT:

Mt. Vernon Mill - 2980, 2990, 3000, 3030, and 3100 Falls Road

IN GENERAL:

ADOPTED

To approve this PUD, the City Council has considered:
(check to evidence consideration)

- whether the planned unit development is in general conformance with all elements of the Comprehensive Master Plan, and the character and nature of existing and contemplated development in the vicinity of the proposed planned unit development;

The proposed PUD is in general conformance with the Comprehensive Master Plan, in that it seeks to enhance and preserve historic buildings. No further development of these properties is proposed at this time.

- whether the planned unit development will preserve unusual topographic or natural features of the land, and the design of the planned unit development will best utilize and be compatible with the topography of the land;

These properties are unique in the City, in that one of the buildings is located on an island within the Jones Falls River, and is only accessible by an enclosed footbridge. The buildings have this arrangement as a result of having been originally used as a mill property. The properties are also partly within the floodplain, and in their renovation were required to comply with appropriate flood protection measures.

- whether the physical characteristics of the planned unit development will not adversely affect future development or the value of undeveloped neighboring areas, or the use, maintenance, or value of neighboring areas already developed;

The properties within the proposed PUD will not adversely affect future development or the value of neighboring areas. The buildings already exist, no further development is proposed, and the adaptation to productive uses has prevented them from being abandoned.

- whether the planned unit development will provide the same protection as the basic district regulations in regard to fire, health hazards, and other dangers;

These properties will be provided the same level of protection from fire, health hazards, and other dangers, as their renovation and approval for occupancy has already been inspected by the City. An additional bridge was built to provide adequate access to 3030 Falls Road, which had previously been isolated.

- whether the planned unit development will encourage innovative design features or adaptive reuse of structures that would not be possible by application of the basic district regulations; and

The adaptive reuse of these historic buildings has already been completed under the existing PUD, and will continue under the proposed PUD.

- whether the planned unit development is compatible with any nearby industrial district.

The PUD will remain compatible with the adjacent I-MU zoned Mill Centre to the north, as well as the OIC zoned Steiff silver campus to the east. There are no other adjacent industrially-zoned properties (other than the bed of the Jones Falls itself).

and finds that:

- (1) the use IS / **IS NOT** compatible with surrounding neighborhood for the following reasons:
(select one)

The proposed PUD is located in the Jones Falls valley, and is separated from the nearby residential neighborhood. The adaptive reuse of the former mill buildings in this stretch of the valley starting around the time the existing PUD was created has been successful, allowing for the reuse of the buildings, thereby preventing their demolition. The proposed PUD will continue the purpose of that strategy in this area.

According to the Department of Planning's staff report (dated October 18, 2018), which summarizes the analysis of Bill 18-0289, according to required considerations of Article 32 – Zoning, Section 5-406, findings revealed that the existing PUD created by Ord. #10-374 remains fundamentally the same. The Department of Planning considered the following:

1. Considering the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures. The proposed PUD is reasonable, as it has allowed for the flexible re-use of these buildings that are otherwise impaired in meeting the requirement of a modern industrial tenant.
2. The traffic patterns in the immediate area have not been negatively impacted to date by the prior PUD, and should not be negatively impacted in the future. Parking was increased as part of the redevelopment of the site, which created an overall improvement. No further construction is planned at this time, so the demand for parking should not increase.
3. In considering the nature of the surrounding area, this PUD is not likely to impair the present or future development of surrounding properties.
4. There are no other dwellings, churches, schools, public structures, or other places of public gathering immediately close to this PUD.

5. This site is accessible by police and fire protection, and egress from 3030 Falls Road has since been provided by way of a connecting bridge.
6. This development will not impact accessibility of light and air to the property and to the property in the vicinity, as the properties within the PUD will retain their current configuration.
7. There are adequate utilities in the immediate area and sufficient access to the road network is available.
8. The proposed PUD will aid in the preservation of these historic buildings that may otherwise be targeted for demolition or neglect. The renovation of the buildings has already occurred under the existing PUD, returning them visually to the appearance they had in the 1920s.
9. The character of the neighborhood will remain unchanged following the replacement of the PUD.
10. This PUD will continue to support the City's Comprehensive Master Plan, specifically, Goal 2: Elevate the Design and Quality of the City's Built Environment, Objective 4: Protect and Enhance the Preservation of Baltimore's Historic Buildings and Neighborhoods.
11. These properties are not located within an Urban Renewal Plan area.
12. The existing buildings within the proposed PUD will remain. They were built well before the current Zoning Code, or the prior Zoning Code (originating in 1971), and so they may not adhere to the requirements of the current Zoning Code. As existing buildings they may continue to exist as noncomplying structures.
13. For the intent and purpose of the Code, see the discussion on *Article 32 – Zoning, Section 13-204 Exceptions from district regulations*.
14. It is in the City's best interest to allow for the continued productive use of these historic buildings.

(2) the use **FURTHERS** / **DOES NOT FURTHER** the proposed classification for the following reasons:
(select one)

The properties are located within the I-MU district, which is eligible for the creation of a Planned Unit Development (PUD). The properties together contain 9.78 acres (i.e. more than the two acre required minimum).

The uses proposed within the PUD are those as allowed in the underlying I-MU district, with a couple of specific additions. A few specific uses have been carried over from the prior PUD; outdoor table service accessory to a restaurant (subject to Planning Commission approval), a limit of two liquor licenses within the property as may be authorized by the Board of Liquor License commissioners, the existing general advertising sign (which must be removed by December 31, 2026), and the existing rooftop sign that may be modified. As an added use over the prior PUD, one banquet hall may be established within

2980 Falls Road, subject to certain conditions as outlined in the bill, and subject to a Memorandum of Understanding (MOU) to be recorded between Mt. Vernon Mills, LLC and the Hampden community council.

(3) the PUD master plan:

IS / **IS NOT** developed under Section 13-304 of the Zoning Code; and
(select one)

The PUD master plan proposed is in this case an existing conditions plan, as the renovation of the buildings have already occurred, and no further development of the properties is proposed.

The committee has received Sheet 1 — “*Existing and Proposed Conditions Plan*,” dated July 30, 2018.

ENSURES / **DOES NOT ENSURE** that there will be no discordance with existing uses by:
(select one)

The PUD Master Plan developed under Article 32, Section 13-304 ensures there is no discordance within existing uses.

(4) the establishment, location, construction, maintenance, or operation of the PUD **WOULD** / **WOULD NOT** be detrimental to or endanger the public health, safety, or welfare because:
(select one)

The establishment of the PUD will not be detrimental to the public health and welfare as this is a replacement of an existing PUD. The Council may rely on its previous findings in Ord. #10-374 that the proposed replacement PUD will again meet the criteria for the required conditional use standards.

This Planned Unit Development (PUD) #149 was created in 2010 in order to allow for the renovation and reuse of this historic mill property for a mix of uses that included residential, office and retail. These buildings are not located within a historic district, nor are they formally designated landmarks; the buildings range in date from 1820 (Picker Building), 1873 – 1881 (mill building), and 1918 (concrete building). Still, the desire to preserve these buildings was a primary purpose in the designation of the PUD.

According to the Department of Planning’s staff report (dated April 16, 2010) which provided an analysis of the original PUD proposal, Bill 10-0456 (Ord. #10-374), consideration was made of the nature of the properties and the size, shape and arrangement of structures. It was determined that the PUD proposal is reasonable as it will allow for the flexible re-use of these buildings that are otherwise impaired in finding a viable modern industrial tenant.

Bill 18-0289 is a logical continuation of the original purpose for the creation of the PUD (Ord. #10-374) and is compatible with the City’s Comprehensive Master.

(5) the use **WOULD** / **WOULD NOT** be precluded by any other law, including an Urban Renewal Plan
(select one)

The use is not precluded by any other law including an Urban Renewal Plan. The property is not in any Urban Renewal Plan.

The PUD meets several of the City's Comprehensive Master Plan goals, including:

LIVE Goal 1: Build Human and Social Capital by Strengthening Neighborhoods, Objective 2: Strategically Redevelop Vacant Properties Throughout the City, and

LIVE Goal 2: Elevate the Design and Quality of the City's Built Environment, Objective 4: Protect and Enhance the Preservation of Baltimore's Historic Buildings and Neighborhoods

(6) the authorization **WOULD** / **WOULD NOT** be contrary to the public interest because:
(select one)

The authorization would not be contrary to the public interest as It allows for the flexible re-use of the buildings that are otherwise impaired in meeting the requirements of a modern industrial tenant.

(7) the authorization **WOULD** / **WOULD NOT** be in harmony with the purpose & intent of the Zoning Code because:
(select one)

The authorization would be in harmony with the intent of the Zoning Code. The concept of a Planned Unit Development was an innovative feature of the 1971 Zoning Code to foster innovative planning and design treatments of entire large sites such as this property. Fortunately, Transform continued that feature and this replacement PUD is consistent with the intent of its original 2010 approval and Transform Baltimore.

SOURCE OF FINDINGS:

(check all that apply)

Planning Report:

- Baltimore City Planning Commission – Agency Report for Bill 18-0289 – Dated October 19, 2018
- Baltimore City Department of Planning – Staff Report for Bill 18-0289 – Dated October 18, 2018
- Baltimore City Planning Commission – Agency Report for Bill 10-0456 – Dated April 16, 2010
- Baltimore City Department of Planning – Staff Report for Bill 10-0456 - Dated April 15, 2010

Testimony presented at the Committee hearing:

Oral – Witnesses Names:

- Ms. Eric Tiso, Staff, Department of Planning
- Ms. Victor Tervalá, Staff, Baltimore City Law Department
- Mr. Alfred W. Barry, III, Representative – AB Associates, LLC

Written – Authors Names:

- Baltimore City Planning Commission – Agency Report– Dated October 19, 2018
- Baltimore City Law Department – Agency Report on Bill 18-0289 Dated November 21, 2018
- Terra Nova Ventures Mt. Vernon Mill- *Sheet 1* — “Existing and Proposed Conditions Plan,” dated July 30 2018.

CONDITION:

To impose the condition, restriction or limitation in Section 4 of the bill, the City Council has found that

- (1) the condition **IS / IS NOT** necessary for the protection of the public interest because:
(select one)

The Planning Department presented oral testimony that elements of the PUD are in general conformance with the Comprehensive Master Plan and the “*Existing and Proposed Conditions Plan*,” (Dated July 30, 2018). The Planning Department emphasized that the conditions outlined in the bill, specifically for the new banquet hall use and certain alcoholic beverage licenses, are necessary and reasonable to balance the potential impact of the uses and are proportional to the uses. The Planning Department supports the uses.

- (2) the condition **IS / IS NOT** reasonably related to the expected impact of the PUD because:
(select one)

The Planning Department emphasized that the conditions outlined in the bill, specifically for the new banquet hall use and certain alcoholic beverage licenses, are necessary and reasonable to balance the potential impact of the use. The Planning Department supports the use.

- (3) the condition **IS / IS NOT** roughly proportional to the expected impact of the PUD as follows:
(select one)

The Planning Department provided oral testimony and emphasized that the conditions outlined in the bill, specifically for the new banquet hall use and allowance for alcoholic beverage licenses, are proportional to the use. The Planning Department supports the use.

SOURCE OF FINDINGS:

(check all that apply)

Planning Report:

- Baltimore City Planning Commission – Agency Report for Bill 18-0289 – Dated October 19, 2018
- Baltimore City Department of Planning – Staff Report for Bill 18-0289 – Dated October 18, 2018
- Baltimore City Planning Commission – Agency Report for Bill 10-0456 – Dated April 16, 2010
- Baltimore City Department of Planning – Staff Report for Bill 10-0456 - Dated April 15, 2010

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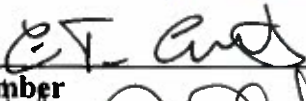
(use a separate Condition form for each Condition sought in the bill.
Once all Conditions have been reviewed, continue next to Signature page).

LAND USE AND TRANSPORTATION COMMITTEE:



Chairman

Member



Member

Member



Member

Member



Member

Member

BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION VOTING RECORD

DATE: November 28, 2018

BILL#: 18-0289

BILL TITLE: Planned Unit Development - Designation - Mt. Vernon Mill

MOTION BY: Clarke SECONDED BY: Pinkett

- FAVORABLE FAVORABLE WITH AMENDMENTS
 UNFAVORABLE WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TOTALS	<u>6</u>		<u>1</u>	

CHAIRPERSON: Sharon Middleton

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC



300 E. Cromwell Street
Baltimore, Maryland 21230
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5947987

Sold To:

Ab Associates - CU00294545
201 E Baltimore St Ste 1150
Baltimore, MD 21202

Bill To:

Ab Associates - CU00294545
201 E Baltimore St Ste 1150
Baltimore, MD 21202

Was published in "The Baltimore Sun", "Daily", a newspaper printed and published in Baltimore City on the following dates:

Nov 13, 2018

The Baltimore Sun Media Group

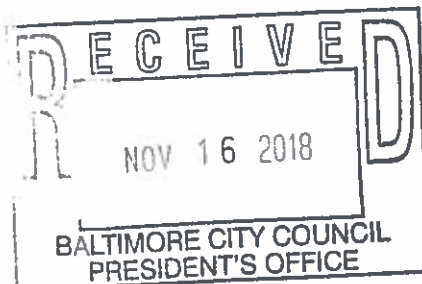
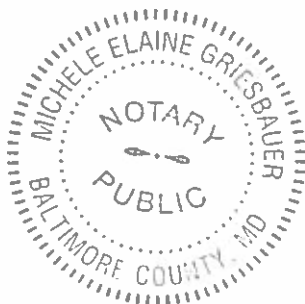
By S. Wilkinson

Subscribed and sworn to before me this 13 day of Nov, 2018,
Legal Advertising

By *Michele Elaine Griesbauer*

Notary Public

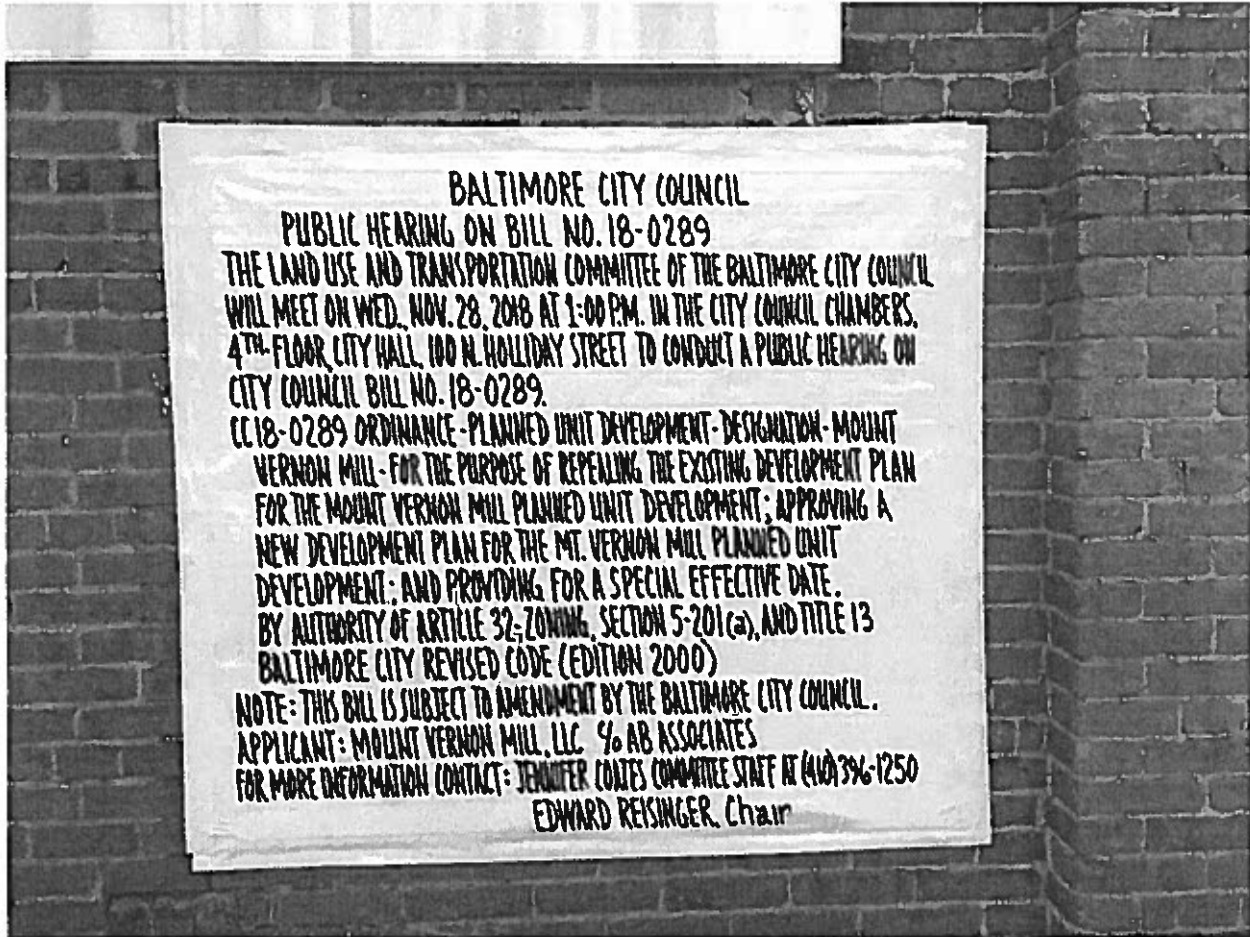
My commission expires 10/6/19



BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO.
18-0289
The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, November 28, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0289.
CC 18-0289 - ORDINANCE
- Planned Unit Development - Designation - Mount Vernon Mill - FOR the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and providing for a special effective date.
BY authority of
Article 32 - Zoning
Section 5-201(a) and Title 13
Baltimore City Revised Code
(Edition 2000)
NOTE: This bill is subject to amendment by the Baltimore City Council.
Applicant: Mount Vernon Mill, LLC c/o AB Associates
For more information contact:
Jennifer Coates, Committee Staff at (410) 396-1260.
EDWARD REISINGER
Chair
11/13/2018 5947987

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 18-0289

11/20/2018



Address: 3300 Clipper Mill Road (aka Mount Vernon Mill) 1 of 2

(at intersection of Chestnut Avenue)

Date Posted: October 29, 2018

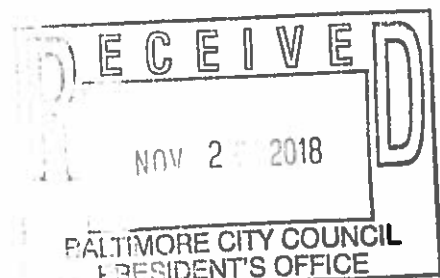
Name: Alfred W. Barry, III

Address: 201 E. Baltimore Street – suite 1150

Baltimore, Md. 21202

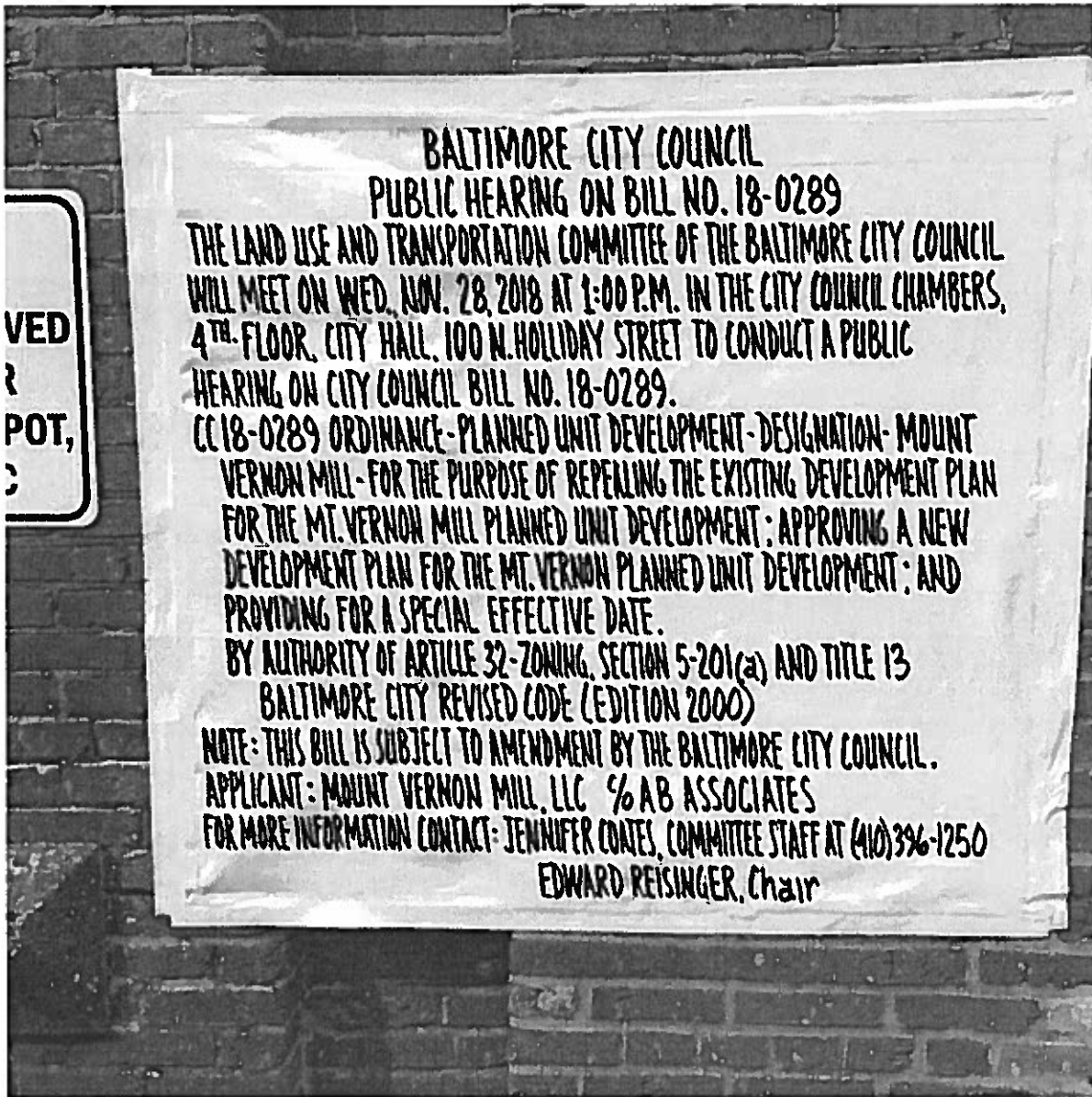
Telephone: 410-547-5900

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202



**Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 18-0289**

11/20/2018

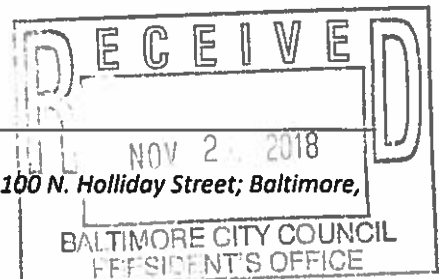


Address: 3300 Clipper Mill Road (aka Mount Vernon Mill) 2 of 2

(at south end of property)

Date Posted: October 29, 2018

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202




Name: Alfred W. Barry, III

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- *Email to: Natawnab.Austin@baltimorecity.gov*
- *Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202*



FROM	NAME & TITLE	Laurie Fedberg, Acting Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #18-0289 / PLANNED UNIT DEVELOPMENT - DESIGNATION - MT. VERNON MILL		

TO

DATE:

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

October 19, 2018

At its regular meeting of October 18, 2018, the Planning Commission considered City Council Bill #18-0289, for the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #18-0289 and adopted the following resolution; eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #18-0289 be passed by the City Council.

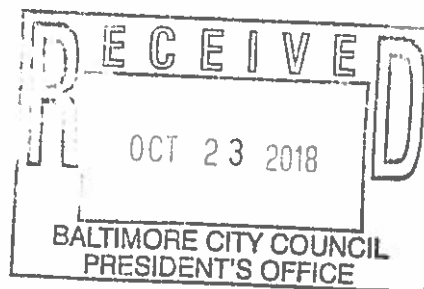
If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

LF/ewt

attachment

- cc: Mr. Pete Hammen, Chief Operating Officer
Mr. Jim Smith, Chief of Strategic Alliances
Ms. Karen Stokes, Mayor's Office
Mr. Colin Tarbert, Mayor's Office
Mr. Kyron Banks, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. William H. Cole IV, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Sharon Daboin, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Josh Taylor, DOT
Ms. Natawna Austin, Council Services
Mr. Ervin Bishop, Council Services
Mr. Al Barry, AB Associates

F







Catherine E. Pugh
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Laurie Feinberg
Acting Director

October 18, 2018

REQUEST: City Council Bill #18-0289/ Planned Unit Development – Designation – Mt. Vernon Mill:

For the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Eric Tiso, AICP

PETITIONER: Mt. Vernon Mill, LLC, c/o Alfred W. Barry, AB Associates

OWNER: Mt. Vernon Mill, LLC

SITE/GENERAL AREA

Site Conditions: These I-MU zoned properties are bordered by I-83 to the southwest, and are mostly on the south side of Falls Road, between Wyman Park Drive on the southeast, and the Falls Road ramp from I-83 (Exit 8) to the northwest. Most of the buildings on this site are from a historic mill operation, and date from the late 19th Century.

General Area: These properties are within the Jones Falls area. Portions of the site are within the floodplain. One of the buildings is located between the Jones Falls and I-83 without direct street access to that portion of the property. The Stone Hill historic community is located immediately to the north, within the Hampden neighborhood.

HISTORY

- Ordinance #10-374, dated October 21, 2010, established this Planned Unit Development (PUD).
- Ordinance #12-72, dated 5 Dec 2012, granted three perpetual easements over the Jones Falls for the benefit of Mt. Vernon Mill, LLC, between the properties of 3000 and 3030 Falls Road.
- On August 8, 2013, the Planning Commission approved a Revised Final Design for a revised signage package.
- On February 11, 2016, the Planning Commission approved a Revised Final Design for a new identification sign for a restaurant.
- On March 31, 2016, the Planning Commission approved a Revised Final Design for outdoor seating for that restaurant.



ANALYSIS

Background: This Planned Unit Development (PUD) #149 was created in 2010, in order to allow for the renovation and reuse of this historic mill property for a mix of uses that included residential, office and retail. These buildings are not located within a historic district, nor are they formally designated landmarks; the buildings range in date from 1840 (Picker Building), 1873-1881 (Mill building), and 1918 (concrete building). Still, the desire to preserve these buildings was a primary purpose in the designation of the PUD.

Creation of Planned Unit Developments

Authorization and General Requirements: The creation and modification of PUDs are found in Article 32 – *Zoning*, Title 13. This bill proposes a repeal and replacement of the existing PUD, so while there is a logical continuation in the purpose, it is a new creation, and must follow the requirements in Title 13. These properties are located within the I-MU district, which is eligible for the creation of a PUD, and the properties together contain 9.78± acres (i.e. more than the two acre minimum).

Approval Standards: The conditional use standards under §5-405(a) and §5-406 apply, as well as additional standards under §13-203.

Conditional Use: Per §5-406 {“Approval standards”} of Article 32 – *Zoning*:

(a) *Limited criteria for denying.*

Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

As this is a replacement of an existing PUD, the Council may rely on its previous findings in Ord. #10-374 that the proposed replacement PUD will again meet the criteria for conditional uses above. The proposal will not be detrimental, is not precluded by any other law, is in the public’s interest, and is in harmony with the purposes of the Zoning Code, most specifically through the preservation of historic buildings.

Below is the staff’s review of §5-406(b) {“Required considerations”} of Article 32 – *Zoning*. We find that our analysis for the existing PUD created by Ord. #10-374 remains fundamentally the same:

- (1) Considering the nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures, the proposed PUD is reasonable, as it has allowed for the flexible re-use of these buildings that are otherwise impaired in meeting the requirements of a modern industrial tenant.
- (2) the resulting traffic patterns and adequacy of proposed off-street parking and loading
The traffic patterns in the immediate area have not been negatively impacted to date by the prior PUD, and should not be negatively impacted in the future. Parking was increased as part of the redevelopment of the site, which created an overall

improvement. No further construction is planned at this time, so the demand for parking should not increase.

- (3) In considering the nature of the surrounding area, this PUD is not likely to impair the present or future development of surrounding properties.
- (4) There are no other dwellings, churches, schools, public structures, or other places of public gathering immediately close to this PUD.
- (5) This site is accessible by police and fire protection, and egress from 3030 Falls Road has since been provided by way of a connecting bridge.
- (6) This development will not impact accessibility of light and air to the property and to the property in the vicinity, as the properties within the PUD will retain their current configuration.
- (7) There are adequate utilities in the immediate area and sufficient access to the road network is available.
- (8) The proposed PUD will aid in the preservation of these historic buildings that may otherwise be targeted for demolition or neglect. The renovation of the buildings has already occurred under the existing PUD, returning them visually to the appearance they had in the 1920s.
- (9) The character of the neighborhood will remain unchanged following the replacement of the PUD.
- (10) This PUD will continue to support the City's Comprehensive Master Plan, specifically, Goal 2: *Elevate the Design and Quality of the City's Built Environment*, Objective 4: *Protect and Enhance the Preservation of Baltimore's Historic Buildings and Neighborhoods*.
- (11) These properties are not located within an Urban Renewal Plan area.
- (12) The existing buildings within the proposed PUD will remain. They were built well before the current Zoning Code, or the prior Zoning Code (originating in 1971), and so they may not adhere to the requirements of the current Zoning Code. As existing buildings they may continue to exist as noncomplying structures.
- (13) For the intent and purpose of the Code, see the discussion below on §13-204.
- (14) It is in the City's best interest to allow for the continued productive use of these historic buildings.

Additional Factors: In addition to the considerations for conditional uses above, there are additional factors under §13-203(a)(2) that must be considered:

- (i) **whether the planned unit development is in general conformance with all elements of the Comprehensive Master Plan, and the character and nature of existing and contemplated development in the vicinity of the proposed planned unit development;** The proposed PUD is in general conformance with the Comprehensive Master Plan, in that it seeks to enhance and preserve historic buildings. No further development of these properties is proposed at this time.
- (ii) **whether the planned unit development will preserve unusual topographic or natural features of the land, and the design of the planned unit development will best utilize and be compatible with the topography of the land;** These properties are unique in the City, in that one of the buildings is located on an island within the Jones Falls River, and



is only accessible by an enclosed footbridge. The buildings have this arrangement as a result of having been originally used as a mill property. The properties are also partly within the floodplain, and in their renovation were required to comply with appropriate flood protection measures.

- (iii) whether the physical characteristics of the planned unit development will not adversely affect future development or the value of undeveloped neighboring areas, or the use, maintenance, or value of neighboring areas already developed;** The properties within the proposed PUD will not adversely affect future development or the value of neighboring areas. The buildings already exist, no further development is proposed, and the adaptation to productive uses has prevented them from being abandoned.
- (iv) whether the planned unit development will provide the same protection as the basic district regulations in regard to fire, health hazards, and other dangers;** These properties will be provided the same level of protection from fire, health hazards, and other dangers, as their renovation and approval for occupancy has already been inspected by the City. An additional bridge was built to provide adequate access to 3030 Falls Road, which had previously been isolated.
- (v) whether the planned unit development will encourage innovative design features or adaptive reuse of structures that would not be possible by application of the basic district regulations; and** The adaptive reuse of these historic buildings has already been completed under the existing PUD, and will continue under the proposed PUD.
- (vi) whether the planned unit development is compatible with any nearby industrial district.** This PUD will remain compatible with the adjacent I-MU zoned Mill Centre to the north, as well as the OIC zoned Steiff Silver campus to the east. There are no other adjacent industrially-zoned properties (other than the bed of the Jones Falls itself).

Required Findings: Per §13-203(b), the planned unit development may be approved only if there are findings that:

- (1) the use is compatible with the surrounding neighborhood;
- (2) the use furthers the purpose of the proposed classification; and
- (3) the PUD master plan developed under § 13-304 {"PUD master plan"} of this title ensures that there will be no discordance with existing uses.



The proposed PUD is located in the Jones Falls valley, and is separated from the nearby residential neighborhood. The adaptive reuse of the former mill buildings in this stretch of the valley starting around the time the existing PUD was created has been successful, allowing for the reuse of the buildings, thereby preventing their demolition. The proposed PUD will continue the purpose of that strategy in this area. The PUD master plan proposed is in this case an existing conditions plan, as the renovation of the buildings have already occurred, and no further development of the properties is proposed.



Exceptions from district regulations: In determining whether to grant an exception from district regulations, the Planning Commission and City Council must make certain considerations under §13-204. In this case, the buildings within the existing and proposed PUD predated both this and the prior Zoning Codes, and to any extent that they do not strictly adhere to the requirements of the underlying district, are now considered lawful nonconforming structures (*i.e.* “grandfathered”).

Proposed Uses: The uses proposed within the PUD are those as allowed in the underlying I-MU district, with a couple of specific additions. A few specific uses have been carried over from the prior PUD: Outdoor table service accessory to a restaurant (subject to Planning Commission approval), a limit of two liquor licenses within the property as may be authorized by the Board of Liquor License Commissioners, the existing general advertising sign (which must be removed by December 31, 2036), and the existing rooftop sign that may be modified. As an added use over the prior PUD, one banquet hall may be established within 2980 Falls Road, subject to certain conditions as outlined in the bill, and subject to a MOU to be recorded between Mt. Vernon Mills, LLC and the Hampden Community Council. Staff understands that while it is referenced in the bill, enforcement of the MOU would be by civil action, and not through zoning enforcement.

Notification: The Hampden Community Council has been notified of this action.



Laurie Feinberg
Acting Director



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND
ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director
417 E. Fayette Street, Room 1432
Baltimore, Maryland 21202

November 16, 2018

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

**RE: CC Bill #18-0289 Planned Unit Development – Designation – Mt.
Vernon Mill**

Ladies and Gentlemen:

City Council Bill No. 18-289 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

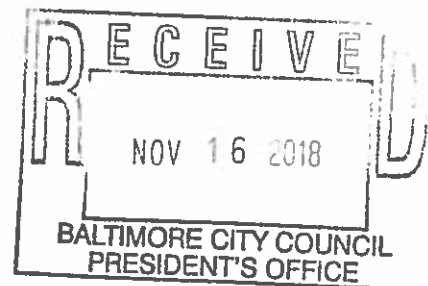
The purpose of City Council Bill No. 18-289 is to repeal the existing Development Plan for the Mt. Vernon Mill Planned Unit Development; approve a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and provide a special effective date.

The BMZA has reviewed the legislation and recommends approval of CC Bill. 18-289.


Sincerely,

Derek J. Baumgardner
Executive Director

CC: Mayors Office of Council Relations
City Council President
Legislative Reference



F

FROM	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 18-0289	MEMO	

TO Mayor Catherine E. Pugh

DATE: 10/2/18

TO: Land Use and Transportation Committee

FROM: Department of Transportation

POSITION: Support

RE: Council Bill -18-0289

INTRODUCTION – For the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned Unit Development (PUD); approving a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and providing for a special effective date.

PURPOSE/PLANS – The repeal makes null and void any previous Traffic Mitigation Agreements (TMA) that may have been executed for the PUD. New development will be subject to Traffic Impact Study (TIS) requirements per Ordinance 11-529.



AGENCY/DEPARTMENT POSITION –

The Department of Transportation Supports City Council 18-0289.

If you have any questions, please do not hesitate to contact Josh Taylor at Josh.Taylor@baltimorecity.gov, 443-604-3352.

Sincerely,

Michelle Pourciau
Director



CITY OF BALTIMORE

CATHERINE E. PUGH,
Mayor

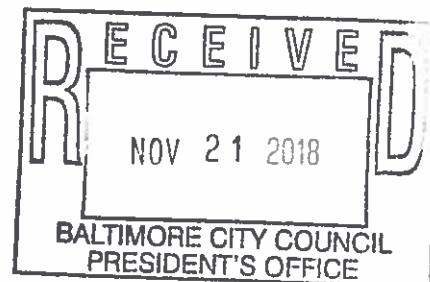


DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

November 21, 2018

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Favorable



Re: City Council Bill 18-0289 – Planned Unit Development – Designation – Mt.
Vernon Mill

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 18-0289 for form and legal sufficiency. The bill would repeal the existing Development Plan for the Mt. Vernon Mill Planned Unit Development and approve a new Development Plan for the Mt. Vernon Mill Planned Unit Development. The bill provides for an immediate effective date.

The repeal of an existing Development Plan for a PUD is considered a major amendment that requires the repeal and reestablishment of the PUD by ordinance. Baltimore City Code, Art. 32, § 13-403. CB 18-0289 is intended to accomplish this objective. Furthermore, the properties are located in the I-MU district. A PUD is permitted in the I-MU district. *See* BCC, Art. 32, § 13-403. Additionally, for this PUD to be lawful, it must consist of at least two acres. BCC, Art. 32, § 13-202(b). The proposed PUD will contain 9.78 acres.

Findings of Fact and Factors to Consider

The City Council may approve the PUD in accordance with Subtitle 2 of Article 13 of the City's Zoning Code, which requires that the City Council find facts to establish:

- (1) the use is compatible with the surrounding neighborhood;
- (2) the use furthers the purpose of the proposed classification; and
- (3) the PUD master plan developed under § 13-304 {"PUD master plan"} of this title ensures that there will be no discordance with existing uses.

Baltimore City Code, Art. 32, §13-203(b). In addition, the PUD is subject to the conditional use standards in Section 5-406, which means that the City Council may not approve the PUD unless it finds:

- (1) the establishment, location, construction, maintenance, or operation of the PUD would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

Baltimore City Code, Art. 32, §§5-406, 13-203(a)(1). The following additional factors must also be considered:

- (i) whether the planned unit development is in general conformance with all elements of the Comprehensive Master Plan, and the character and nature of existing and contemplated development in the vicinity of the proposed planned unit development;
- (ii) whether the planned unit development will preserve unusual topographic or natural features of the land, and the design of the planned unit development will best utilize and be compatible with the topography of the land;
- (iii) whether the physical characteristics of the planned unit development will not adversely affect future development or the value of undeveloped neighboring areas, or the use, maintenance, or value of neighboring areas already developed;
- (iv) whether the planned unit development will provide the same protection as the basic district regulations in regard to fire, health hazards, and other dangers;
- (v) whether the planned unit development will encourage innovative design features or adaptive reuse of structures that would not be possible by application of the basic district regulations; and
- (vi) whether the planned unit development is compatible with any nearby industrial district.

Baltimore City Code, Art. 32, §13-203(a)(2).

The Planning Commission Report (Report) finds all the facts necessary to support this Planned Unit Development. Therefore, the City Council may rely on the Report to make the above required findings of fact.

Approval of the Master Plan

The Mayor and City Council's enactment of the ordinance is a legislative approval of the PUD Master Plan, which must include thirteen separate components. Baltimore City Code, Art. 32, §13-304(a), (b). There are no required findings or reviews for this Master Plan by the City Council, but the Planning Commission must include in its bill report to the City Council its final determination on the proposed PUD Master Plan. Baltimore City Code, Art. 32, §13-304(d). **Thus, it is imperative that in Section 3, the Planning Commission and City Council are satisfied that they have received the correct Exhibits that make up this Master Plan.**

Conditions Imposed

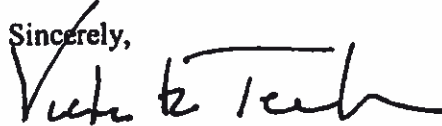
Conditions may be imposed on the PUD in accordance with Section 5-405(a). Baltimore City Code, Art. 32, §13-203(a)(1). These can only be conditions that protect the public interest and are "reasonably related and roughly proportional to the expected impact" of the PUD. Baltimore City Code, Art. 32, §5-405(a). Such conditions are proposed in Section 4 of the Bill. Specifically Section 4(b)(1) allows for live entertainment "provided no admission, donation or use charge is required; and the live entertainment is limited to indoor non-amplified music." Section 4(b)(2) lists four conditions involving the operation of banquet halls. Furthermore, Section 4(d) allows for certain alcoholic beverage licenses to be permitted, "provided that each restaurant must have at least 50% of its sales in food." **The Planning Report does not address the required findings for these conditions. Therefore, the City Council must take care to make these findings for these two conditions.**

Procedural Requirements

Certain procedural requirements apply to this bill beyond those discussed above because the enactment of a Planned Unit Development is deemed a "legislative authorization." BCC, Art. 32, §5-501(2)(iii). This includes referral to certain agencies, including the Planning Commission. Baltimore City Code, Art. 32, §§5-504, 5-506. Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property. Baltimore City Code, Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Baltimore City Code, Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location that is visible to passing pedestrians, and at least one sign must be visible from each of the property's street frontages. City Code, Art., §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, §5-601(e), (f).

The bill is the appropriate method to review the facts and make the determination as to whether the legal standards for PUD have been met. The Law Department can approve the amended bill for form and legal sufficiency if the required findings are made at the hearing, and all procedural requirements are satisfied.

Sincerely,

A handwritten signature in black ink, appearing to read "Victor K. Tervala". The signature is fluid and cursive, with a prominent initial "V" and a long, sweeping horizontal stroke at the end.

Victor K. Tervala
Chief Solicitor

cc: **Andre M. Davis, City Solicitor**
Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor

The Baltimore City Department of
HOUSING & COMMUNITY
DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner 

Date: November 19, 2018

Re: City Council Bill 18-0289, Planned Unit Development – Designation – Mt. Vernon Mill

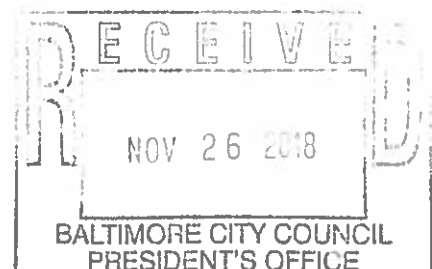
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 18-0289, for the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and providing for a special effective date.

If enacted, this bill will repeal and replace the existing Development Plan for the Mt. Vernon Mill Planned Unit Development. The new Development Plan will retain many of the same uses as the original plan and will also add one banquet hall to be established within 2890 Falls Road.

The Department of Housing and Community Development does not object to the passage of City Council Bill 18-0289.

MB:sd

cc: Mr. Kyron Banks, *Mayor's Office of Government Relations*



Does not obj.



MEMORANDUM

TO: Honorable President and Members of the City Council
Attention: Natawna B. Austin, Executive Secretary

FROM: William H. Cole, President and CEO *WHC*

DATE: October 16, 2018

SUBJECT: City Council Bill No. 18-0289
Planned Unit Development – Designation – Mt. Vernon Mill

The Baltimore Development Corporation (BDC) has been asked to comment on City Council Bill No. 18-0289 for the purpose of repealing and replacing the existing development plan for the Mt. Vernon Mill Planned Unit Development (PUD).

BDC supports Bill No. 18-0289. The repealing and replacing of the development plan will allow for a new permitted use at Mt. Vernon Mill that is compatible with the existing uses, making the project more attractive to tenants and open to a wider variety of guests, events, and promotions.

BDC respectfully requests that favorable consideration be given by the City Council.

cc: Kyron Banks



TRANSMITTAL MEMO

TO: Bernard C. "Jack" Young, President City Council
FROM: Peter Little, Executive Director
DATE: October 24, 2018
RE: City Council Bill 18-0289



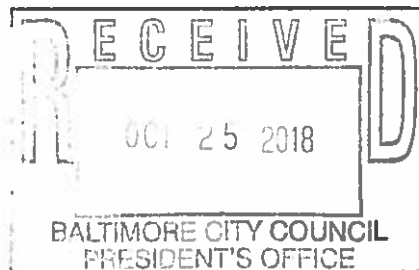
I am herein reporting on City Council Bill 18-0289 introduced by Councilmembers Clarke and Pinkett at the request of Mt. Vernon Mill, LLC.

The purpose of this bill is to repeal the existing Development Plan and approve a new Development Plan for the Mt. Vernon Mill Planned Unit Development (PUD). The Development Plan for the Mt. Vernon Mill PUD was originally approved by Ordinance 10-374 and last amended by Ordinance 11-538. Mt. Vernon Mill, LLC wishes to replace the existing PUD with a new one.


The Parking Authority of Baltimore City (PABC) reviewed the proposed legislation. PABC has determined there would be no impact to any parking programs for on-street parking activity and/or City-owned off-street parking facilities. Based on information provided that the valet will be conducted on-site, it is not subject to PABC oversight.

The Baltimore City Parking Authority will continue to work with City agencies and developers to ensure that existing off-street parking spaces as proscribed by the bill are maintained, with the understanding that off-street parking is subject to final design approval by the Planning Commission to ensure that the plans are consistent with the Development Plan.

PABC does not oppose the passage of City Council Bill 18-0289.

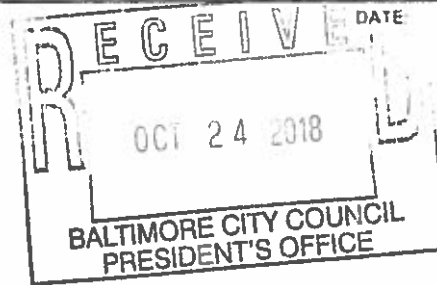


Not opposed

FROM	NAME & TITLE	Rudolph S. Chow, P.E., Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Public Works 600 Abel Wolman Municipal Building		
	SUBJECT	City Council Bill 18-0289		

TO DATE **October 18, 2018**

The Honorable President and Members
of the Baltimore City Council
c/o Natawna Austin
Room 400 – City Hall



I am herein reporting on City Council Bill 18-0289 introduced by the Council Members Clarke and Pinkett on behalf of Mt. Vernon Mill, LLC.

The purpose of the Bill is to repeal the existing Development Plan for the Mt. Vernon Mill Planned Unit Development (PUD) and approve a new Development Plan for the PUD.

Ordinance 10-374 designated the properties known as 2980, 2981, 2990, 3000, 3030, and 3100 Falls Road, as an Industrial Planned Unit Development and approved a Development Plan. The PUD, to be known as Mt. Vernon Mills, is approximately 10 acres in size and includes the six properties listed above, located on both sides of Falls Road and roughly between Wyman Park Drive and the I-83 Ramp to Falls Road (Exit 8). The Jones Falls and its attendant 100-year flood plain meanders through the site. The approved Development Plan was designed to create a mixed use development with residential, office and retail uses as well as the allowable uses under the then M-1 or M-2 Zoning District. The intent of the PUD was to preserve and renovate the historic mill buildings and adapt them to new uses.

Due to the passage of Transform Baltimore, City Council Bill 18-0289 is needed to repeal and replace the existing PUD as required under the new Article 32 – Zoning, Title 13. The PUD properties are now designated as being within an I-MU zoning district which allows for the creation of a PUD. The adaptive reuse of the existing buildings has already occurred under the current PUD, and these uses will continue under the newly proposed PUD. The proposed uses in the legislation are allowed under the I-MU district, with some specific uses carried over from the original PUD: outdoor table service (accessory to a restaurant), a limit of two liquor licenses as authorized by the Board of Liquor License Commissioners, an existing general advertising sign (to be removed by 12/31/36), and an existing rooftop sign that may be modified. The new PUD would also allow for a banquet hall to be established within 2980 Falls Road, subject to certain conditions and to an MOU recorded between Mt. Vernon Mills, LLC and the Hamden Community Council.

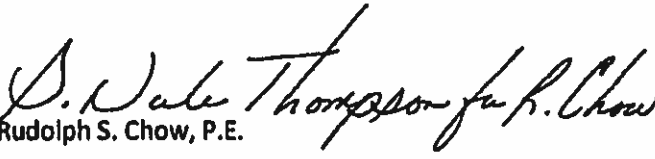
In reviewing the legislation, the originating Ordinance 10-374 was noted as being last amended by Ordinance 11-538, and that the approval of City Council Bill 18-0289 would repeal both ordinances. Research conducted by this Department did not discover any amending ordinances for the Mt. Vernon Mills PUD. Ordinance 11-0538 amends the Urban Renewal Plan for Mt. Vernon (Amendment No. 1) therefore, we believe inclusion of this Ordinance was in error. The Department recommends that references to Ordinance 11-538 be struck from line 12 on page 1 and from line 4 on page 2, as proposed in the attached amendment sheet.

Fav w/ Amends



The Honorable President and Members
Of the Baltimore City Council
October 18, 2018
Page 2

Based on these findings, the Department of Public Works has no objection to the passage of City Council Bill 18-0289 provided the recommended amendments are adopted.


Rudolph S. Chow, P.E.
Director

RSC/MMC

Attachment



DLR DRAFT I 12OCT18

DLR DRAFT I 12OCT18


**AMENDMENTS TO COUNCIL BILL 18-0289
(1" Reader Copy)**

**By: Department of Public Works
{To be offered to the Land Use and Transportation Committee}**

Amendment No. 1

On page 1, in line 12, strike "as last amended by Ordinance 11-538,"; and, on page 2, in line 4, strike "and Ordinance 11-538 are" and substitute "is".



FROM	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>NRF</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. _21202		
	SUBJECT	City Council Bill #18-0289 Response: Planned Unit Development – Designation – Mt. Vernon Mill		

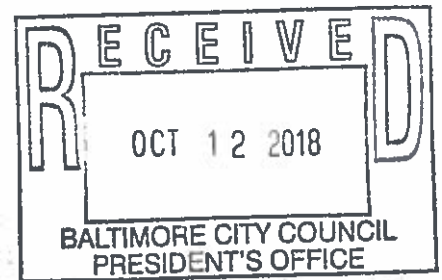
TO The Honorable Bernard C. Young, President
And All Members of the Baltimore City Council
City Hall, Room 408

DATE: **October 9, 2018**

For the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and providing for a special effective date.

The Fire Department does not object to City Council Bill 18-0289 provided that all applicable sections of the Fire and Building codes are adhered. This may include a requirement for plans to be submitted to the Fire Department, site review meeting, an annual Fire Inspection, permit, automatic sprinkler system, and Fire Alarm system.

no objection



City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Minutes - Final

Land Use and Transportation Committee

Wednesday, November 28, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0289

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

- Present** 6 - Member Sharon Green Middleton, Member Mary Pat Clarke, Member Eric T. Costello, Member Ryan Dorsey, Member Leon F. Pinkett III, and Member Robert Stokes Sr.
- Absent** 1 - Member Edward Reisinger

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0289

Planned Unit Development - Designation - Mt. Vernon Mill

For the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and providing for a special effective date.

Sponsors: Mary Pat Clarke, Leon F. Pinkett, III

A motion was made by Member Clarke, seconded by Member Pinkett, III, that the bill be recommended favorably with amendment. The motion carried by the following vote:

- Yes:** 6 - Member Middleton, Member Clarke, Member Costello, Member Dorsey, Member Pinkett III, and Member Stokes Sr.
- Absent:** 1 - Member Reisinger

ADJOURNMENT



HEARING NOTES

Bill: 18-0289

Planned Unit Development - Designation - Mt. Vernon Mill

Committee: Land Use and Transportation
Chaired By: Councilmember Sharon Green Middleton

Hearing Date: November 28, 2018
Time (Beginning): 1:00 PM
Time (Ending): 1:20 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~20
Committee Members in Attendance:
Middleton, Sharon, Vice Chair
Clarke, Mary Pat
Costello, Eric
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert

Bill Synopsis in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Attendance sheet in the file?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Agency reports read?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Hearing televised or <u>audio-digitally</u> recorded?.....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Certification of advertising/posting notices in the file?.....	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Evidence of notification to property owners?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Final vote taken at this hearing?	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	<input type="checkbox"/> n/a
Motioned by:	Councilmember Clarke, Mary Pat		
Seconded by.....	Councilmember Pinkett, III Leon		
Final Vote:	Favorable/Amend		

Major Speakers

(This is not an attendance record.)

- Ms. Eric Tiso, Department of Planning
 - Mr. Josh Taylor, Department of Transportation
 - Mr. Kyron Banks, Office of the Mayor
 - Ms. Victor Tervalo, Department of Law
 - Ms. Tyrell Dixon, Department of Housing and Community Development
 - Mr. Raven Thompson., Baltimore Development Corporation
 - Ms. Kristen Oldendorf, Department of Public Works
 - Mr. Al Barry, representative for the applicant
-

Major Issues Discussed

1. Councilwoman Middleton introduced committee members and read the bill's title, purpose and public notice certification report.
 2. Councilwoman Clarke provided background information about the request for the Planned Unit Development (PUD). The property lies in the 7th and 14th City Council districts. Councilman Pinkett is a co-sponsor. Councilmember Clarke has met with community groups (including the Hampden Community Council) about the PUD. A Memorandum of Understanding between the owner and the community is being developed. She also provided information about parking in the area. The owner has made arrangements with a nearby parking lot owner to provide additional parking.
 3. Mr. Eric Tiso presented the Planning Commission's findings and recommendations and provided information from the Department of Planning's staff report. He provided background information about the original PUD. He explained that a banquet hall use would be added to the PUD site. He provided findings. He confirmed that the Existing Conditions Plan dated July 30, 2018 is the most current for the site. He also provided recommendations for the additional conditions.
 4. Ms. Kristen Oldendorf provided the Department of Public Work's report and offered an amendment to delete reference to an erroneously cited ordinance in the language of the bill.
 5. Agency representatives testified in support of their respective agency's position on the bill.
 6. Mr. Al Barry provided general information about the development project for the site and answered general questions. He also indicated that there is a desire in the future to offer amendments to Article 32 to make it more flexible in allowing for certain amendments to PUDs.
 7. The committee voted to accept the findings and to amend the bill.
 8. The committee voted to recommend the bill favorable with amendments.
 9. The hearing was adjourned.
-

Further Study

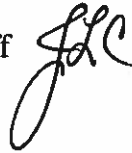
Was further study requested?
If yes, describe.

Yes No

Committee Vote:

Reisinger, Edward, Chairman.....**Absent**
Middleton, Sharon, Vice Chair.....**Yea**
Clarke, Mary Pat.....**Yea**
Costello, Eric.....**Yea**
Dorsey, Ryan.....**Yea**
Pinkett, Leon.....**Yea**
Stokes, Robert:.....**Yea**

Jennifer L. Coates, Committee Staff



Date: November 28, 2018

cc: Bill File
OCS Chrono File





**CITY OF BALTIMORE
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Land Use and Transportation Chairperson: Edward Reisinger
 Date: November 28, 2018 Time: 1:00 PM Place: Clarence "Du" Burns Chambers
 Subject: Ordinance - Planned Unit Development - Designation - Mt. Vernon Mill CC Bill Number: 18-0289

PLEASE PRINT

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
RL	Braney		201 E. Souths	21202	AbigailT@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
JST	C S Taylor		DST			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Millie	C S Taylor		DST			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kristyn	Oldendorf		DPW			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PAVEN	THOMPSON		BDC			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(* NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, November 28, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

18-0289

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

18-0289

Planned Unit Development - Designation - Mt. Vernon Mill

For the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and providing for a special effective date.

Sponsors:

Mary Pat Clarke, Leon F. Pinkett, III

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC



**BALTIMORE CITY COUNCIL
LAND USE AND TRANSPORTATION COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

**The Honorable Edward Reisinger
Chairperson**

PUBLIC HEARING

Wednesday, November 28, 2018

1:00 PM

Clarence "Du" Burns Council Chambers

City Council Bill # 18-0289

Planned Unit Development - Designation -Mt. Vernon Mill

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Brandon M. Scott
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Marguerite Currin

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: Matthew Peters

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Bill Henry
Shannon Sneed
Zeke Cohen
Ryan Dorsey
Staff: Richard Krummerich

JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Brandon Scott
Robert Stokes
Staff: Matthew Peters

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Samuel Johnson

LAND USE AND TRANSPORTATION

Edward Reisinger – Chair
Sharon Green Middleton – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY

Brandon Scott – Chair
Ryan Dorsey – Vice Chair
Kristerfer Burnett
Shannon Sneed
Zeke Cohen
Leon Pinkett
Isaac "Yitzy" Schleifer
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair
Leon Pinkett – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- Larry Greene (*pension only*)



BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 18-0289

Planned Unit Development - Designation - Mt. Vernon Mill

Sponsor: *Councilmember Clarke at the request of Mt. Vernon Mill, LLC*

Introduced: *September 17, 2018*

Purpose:

For the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and providing for a special effective date.

Effective: Date of Enactment

Hearing Date/Time/Location: November 28, 2018/1:00 p.m./Clarence "Du" Burns Chambers

Agency Reports

Planning Commission	Favorable
Board of Municipal and Zoning Appeals	Favorable
Department of Transportation	Favorable
Department of Law	
Department of Housing and Community Development	
Baltimore Development Corporation	Favorable
Department of Public Works	Favorable/Amend
Fire Department	No Objection
Parking Authority of Baltimore City	Not Opposed

Analysis

Current Law

Article 32 – Zoning; Sections 5-201(a) and Title 13; Baltimore City Revised Code (Edition 2000)

Background

The property is located in the Hampden neighborhood. It is situated on the south side of Falls Road between Wyman Park Drive on the southeast and Falls Road ramp from I-83 (Exit 8) to the northwest. Immediately to the north is the Stone Hill historic community. Buildings on the site were previously used for mill operations and date back to the late 19th century. The properties are zoned I-MU Industrial Mixed Use Zoning District.

The site is owned by Mt. Vernon Mill, LLC, the applicant for the PUD. The new development plan proposes to create a new mixed use development.

CC Bill 18-0289, if approved, would repeal the existing development plan for Mt. Vernon Mill Planned Unit Development (PUD). Major changes proposed by the bill would:

- repeal the existing authorization for a PUD at the site (Sec. 1))
- replace the existing PUD with a new one for the properties located at 2980, 2990, 3000, 3030, and 3100 Falls Road (consisting of 9.78 acres including an easement for the Jones Falls streambed) (Sec. 2)
- approve a new Development Plan for the site (Sec. 3)
- allow in accordance with Title 13 - Planned Unit Developments; Subtitle 2 – Requirements; Approval Standards; Exceptions all permitted, conditional, and accessory uses as allowed in the I-MU Zoning District, in accordance with Table 11-301: Industrial Districts – Permitted and Conditional Uses (see Table 11-301 attached) (Sec. 4)
- allow for an additional use: 1 banquet hall with certain conditions (Sec. 4)
- subject all plans for the construction of permanent improvements to final design approval by the Planning Commission (Sec. 5)
- specify that the existing number of off-street parking spaces shown on the Development Plan shall continue to be permitted (Sec. 6)
- require that any new development plans in the PUD are considered to be major amendments which would require an ordinance (Sec 7)

- require that the owner submit to the Hampden Community Council all proposed modifications at least 30 days before submitting to the Planning Department (Sec. 7)
- require that the Mt. Vernon Mill, LLC record the Memorandum of Understanding between the developer and the Hampden Community Council in the land records of the PUD property) (Sec. 8)

Proposed amendments from the Department of Public Works are attached. The Department of Public Works (DPW) proposes to amend the bill to correct an erroneous reference to Ordinance 11-538 which amended an Urban Renewal Plan for Mt. Vernon and not the Mt. Vernon Mill PUD. DPW's amendment is as follows:

Amendment #1 - Page 1, Lines 12, strike "as last amended by Ordinance 11-538,"; and, on page 2, in line 4, strike "and Ordinance 11-538 are" and substitute "is".

Additional Information

Fiscal Note: Not Available
Information Source(s): Agency Reports

Analysis by: Jennifer L. Coates *JLC* Direct Inquiries to: (410) 396-1260
Analysis Date: November 16, 2018

**CITY OF BALTIMORE
COUNCIL BILL 18-0289
(First Reader)**

Introduced by: Councilmembers Clarke, Pinkett

At the request of: Mt. Vernon Mill, LLC

Address: c/o Alfred W. Barry, AB Associates, 201 East Baltimore Street, Suite 1150,
Baltimore, Maryland 21202

Telephone: 410-547-6900

Introduced and read first time: September 17, 2018

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, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

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

3 FOR the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned
4 Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned
5 Unit Development; and providing for a special effective date.

6 BY authority of

7 Article 32 - Zoning
8 Section 5-201(a) and Title 13
9 Baltimore City Revised Code
10 (Edition 2000)

11 **Recitals**

12 By Ordinance 10-374, as last amended by Ordinance 11-538, the Mayor and City Council of
13 Baltimore approved the application to have certain properties located at 2980, 2990, 3000, 3030,
14 and 3100 Falls Road designated an Industrial Planned Unit Development and approved the
15 Development Plan as submitted by the applicant.

16 The applicant wants to replace the existing Planned Unit Development with a new one.

17 On February 21, 2018, representatives of Mt. Vernon Mill, LLC, met with the Department of
18 Planning for a preliminary conference, to explain the scope and nature of existing and proposed
19 development on the property and to institute proceedings to have the property designated a
20 Planned Unit Development.

21 The representatives of Mt. Vernon Mill have now applied to the Baltimore City Council for
22 designation of the property as a Planned Unit Development, and they have submitted a

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

Council Bill 18-0289

1 Development Plan intended to satisfy the requirements of Baltimore City Zoning Code Section 5-
2 201(a) and Title 13.

3 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
4 Ordinance 10-374 and Ordinance 11-538 are repealed.

5 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the
6 application of Mt. Vernon Mill, LLC,, owner of the properties located at 2980, 2990, 3000, 3030,
7 and 3100 Falls Road , consisting of 9.78 acres, including the Jones Falls streambed, more or less,
8 as outlined on the accompanying Development Plan entitled "Mt. Vernon Mill", to designate the
9 property a Planned Development under Title 13 of the Baltimore City Zoning Code.

10 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
11 approves the replacement of the Planned Unit Development and approves the new Development
12 Plan submitted by the applicant, as attached to and made part of this Ordinance, including:

13 Sheet 1, "Existing and Proposed Conditions Plan", dated July 30, 2018.

14 **SECTION 4. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title
15 13, Subtitle 2, the following uses are allowed in the Planned Unit Development:

16 (a) In accordance with Title 13, all permitted, conditional, and accessory uses are as allowed
17 in the I-MU Zoning District, in accordance with Table 11-301: Industrial Districts -
18 Permitted and Conditional Uses, of Article 32 - Zoning.

19 (b) The following additional use will be allowed: 1 banquet hall.

20 (1) Outdoor table service when accessory to a restaurant use, subject to Planning
21 Commission approval; live entertainment as an accessory to a restaurant or art
22 gallery use, provided no admission, donation, or use charge is required; and the
23 live entertainment is limited to indoor non-amplified music.

24 (2) The banquet hall will be limited to 2980 Falls Road and will be operated with the
25 following conditions:

26 (i) All contract users, such as weddings, will be required to use the owner's
27 dedicated valet parking company that shall be the same as for the
28 restaurant use;

29 (ii) The owner shall contract with the owner of a property in close proximity
30 to the property for the parking of cars; and

31 (iii) The owner shall engage a manager for coordination of events at the
32 banquet hall, including having a person on-site during the time of the
33 event.

34 (iv) Any additional, more specific provisions required by the MOU between
35 the Hampden Community Council and the owner, Mt. Vernon Mills, LLC.

Council Bill 18-0289

1 (c) In accordance with Title 13 of the Zoning Code, the existing billboard on the property
2 must be removed on or before December 31, 2036. No other billboards or general
3 advertising will be permitted on the property. Signage identifying the property, buildings,
4 and tenants is allowed. An existing sign attached to the top of the building located at
5 3030 Falls Road will be permitted to remain and may be modified.

6 (d) Subject to the approval of the Board of Liquor Licenses Commissioners for Baltimore
7 City, 2 Class B restaurant alcoholic beverage licenses shall be permitted within the
8 properties located at 2980, 3000, 3030, and 3100 Falls Road, provided that each
9 restaurant must have at least 50% of its sales in food.

10 (e) Subject to the approval of the Board of Liquor Licenses Commissioners for Baltimore
11 City, catering and events shall be permitted within the property known as 2980 Falls
12 Road.

13 (f) No more than a total of 2 liquor licenses are permitted within the Planned Unit
14 Development.

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

18 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the existing number of off-street parking
19 spaces provided, as shown on the Development Plan, shall continue to be permitted.

20 **SECTION 7. AND BE IT FURTHER ORDAINED,** That notwithstanding the provisions of Article
21 32, § 13-402, which provide that the Planning Department may determine what constitutes minor
22 or major modifications to the Plan, any new development plans in this Planned Unit
23 Development are considered to be major amendments and must be approved by Ordinance. The
24 owner shall submit to the Hampden Community Council all proposed modifications at least 30
25 days before their submission to the Planning Department.

26 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the Mt. Vernon Mill, LLC, will record the
27 Memorandum of Understanding between the Developer and the Hampden Community Council
28 in the land records of the Planned Unit Development property.

29 **SECTION 9. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
30 accompanying Development Plan and in order to give notice to the agencies that administer the
31 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
32 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
33 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
34 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
35 Appeals, the Planning Commission, the Commissioner of Housing and Community
36 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

37 **SECTION 10. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
38 is enacted.

Coates, Jennifer

From: Coates, Jennifer
Sent: Tuesday, October 16, 2018 5:19 PM
To: 'AB Associates'
Cc: Austin, Natawna B.; Clarke, Mary Pat; Murdock, Stephanie
Subject: Hearing for City Council Bill 18-0289
Attachments: PNI - Letter - 18-0289 - Planned Unit Development - Designation -Mt Vernon Mill.docx; Afro American; Michele Griesbauer - Sunpaper - Advertising; Darlene Miller - Daily Record; Sign Posting Contacts.pdf

Good Afternoon Mr. Barry:

Attached is the information you will need to post a public hearing sign for the subject bill to be heard by the Land Use and Transportation Committee on **November 28, 2018 at 1:00 p.m.** at City Hall in the City Council Chamber. I have also attached a contact list for sign makers and a sample certification template.

Please review the attachments.

Feel free to contact me if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL.



Jennifer L. Coates
Senior Legislative Policy Analyst
Office of Council Services

100 N. Holliday Street, Room 415
Baltimore, MD 21202
jennifer.coates@baltimorecity.gov

OFFICE OF COUNCIL SERVICES

Office: (410) 396-1260
Fax: (410) 545-7596

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CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: Mount Vernon Mill, LLC c/o AB Associates

FROM: Jennifer L. Coates, Committee Staff, Land Use and Transportation Committee,
Baltimore City Council

Date: October 16, 2018

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS
(REZONINGS); TEXT AMENDMENTS AND PLANNED UNIT DEVELOPMENTS

The Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

Bill: City Council Bill No. 18-0289

Date: Wednesday, November 28, 2018

Time: 1:00 p.m.

Place: City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

<http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf>

Disclaimer. The City makes no claims as to the quality, completeness, accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising from your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and departments, employees, agents, and volunteers



Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (*See Attachment A*); the deadline date(s) are indicated in BOLD letters at the top of Attachment A.

Certification of Postings

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant. **Deadline dates are as follows:**

Sign Posting:	October 29, 2018
Newspaper Advertisement:	November 13, 2018
Written Notice to Property Owners:	November 13, 2018

Please note that **ALL** of these requirement **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use and Transportation Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

ATTACHMENT A

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE POSTED BY **OCTOBER 29, 2018** AND PUBLISHED **BY NOVEMBER 13, 2018**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 18-0289

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, November 28, 2018 at 1:00 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 18-0289.

CC 18-0289 ORDINANCE - Planned Unit Development - Designation – Mount Vernon Mill
- FOR the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and providing for a special effective date.

By authority of
Article 32 - Zoning
Section 5-201(a) and Title 13
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: Mount Vernon Mill, LLC c/o AB Associates

For more information contact: Jennifer Coates, Committee Staff at (410) 396-1260.

EDWARD REISINGER

Chair

SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS ADVERTISEMENT TO:

Mount Vernon Mill, LLC c/o AB Associates
201 E. Baltimore Street, #1150
Baltimore, MD 21202
410-547-6900

**ZONING
SUBTITLE 6 – NOTICES**

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
 - (i) by posting in a conspicuous place on the subject property; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and
- (2) for a comprehensive rezoning:
 - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
 - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
- (3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

- (1) posted at least 30 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.

Coates, Jennifer

Full Name: Darlene Miller
Last Name: Miller
First Name: Darlene
Company: Daily Record

Business Address: 443-524-8188 Direct, Line
United States of America

Business: (410) 752-3849
Business Fax: (410) 752-5469

E-mail: legalad@thedailyrecord.com
E-mail Display As: Darlene Miller - Daily Record (legalad@thedailyrecord.com)

Coates, Jennifer

Full Name: Michele Griesbauer
Last Name: Griesbauer
First Name: Michele
Company: Sunpaper - Advertising

Business Address: <http://ts.merlinone.com/scripts/foxisapi.dll/sur.x.go?WHkI8OI--1>

Business: (410) 332-6381

Business Fax: (410) 783-2507

E-mail: mgriesbauer@baltsun.com

E-mail Display As: Sunpaper - Advertising (mgriesbauer@baltsun.com)

Monday, June 09, 2014 4:07 PM:
Michele Wharton 410-332-6522

Coates, Jennifer

Full Name: Afro American
Last Name: American
First Name: Afro

Business: (410) 554-8251

E-mail: TRobinson@afro.com
E-mail Display As: TRobinson@afro.com

ADVERTISING SIGNS MAY BE OBTAINED FROM THE FOLLOWING:

RICHARD HOFFMAN
AMERICAN DRAFTING SERVICE
904 DELLWOOD DRIVE
BALTIMORE, MARYLAND 21047

PHONE: (410) 879-3122
E-MAIL: DICK_E@COMCAST.NET

LA GRANDE VISION
JAMES EARL REID
408 E. EAGER STREET
BALTIMORE, MARYLAND 21202

PHONE: (410) 448-4913 or (410) ~~783-1555~~

FAX (410) 783-1559

SIGNS BY ANTHONY
ANTHONY L. GREENE
2815 TODKILL TRACE
EDGEWOOD, MD 21040

PHONE: 443-866-8717
FAX: 410-676-5446
E-MAIL: bones_malone@comcast.net

LINDA O'KEEFE
523 PENNY LANE
HUNT VALLEY, MD 21030
PHONE: 410-666-5366
CELL: 443-604-6431
E-MAIL: LUCKYLINDA1954@YAHOO.COM

OR ANY OTHER COMPANY OF YOUR CHOICE. THE SIGNS MUST BE MADE IN ACCORDANCE WITH THE RULES OF THE BOARD OF MUNICIPAL AND ZONING APPEALS.

THIS OFFICE IS NOT ASSOCIATED WITH ANY OF THE ABOVE DRAFTING COMPANIES, NOR DO WE RECOMMEND ANY SPECIFIC ONE.

Baltimore City Council
Certificate of Posting - Public Hearing Notice

City Council Bill No.:

Today's Date: [Insert Here]

(Place a picture of the posted sign in the space below.)

Address:

Date Posted:

Name:

Address:

Telephone:

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

**CITY OF BALTIMORE
COUNCIL BILL 18-0289
(First Reader)**

Introduced by: Councilmembers Clarke, Pinkett

At the request of: Mt. Vernon Mill, LLC

Address: c/o Alfred W. Barry, AB Associates, 201 East Baltimore Street, Suite 1150,
Baltimore, Maryland 21202

Telephone: 410-547-6900

Introduced and read first time: September 17, 2018

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, Fire Department, Baltimore Development Corporation, Baltimore City Parking Authority Board, Department of Transportation

A BILL ENTITLED

1 AN ORDINANCE concerning

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

3 FOR the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned
4 Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned
5 Unit Development; and providing for a special effective date.

6 BY authority of

7 Article 32 - Zoning
8 Section 5-201(a) and Title 13
9 Baltimore City Revised Code
10 (Edition 2000)

11 **Recitals**

12 By Ordinance 10-374, as last amended by Ordinance 11-538, the Mayor and City Council of
13 Baltimore approved the application to have certain properties located at 2980, 2990, 3000, 3030,
14 and 3100 Falls Road designated an Industrial Planned Unit Development and approved the
15 Development Plan as submitted by the applicant.

16 The applicant wants to replace the existing Planned Unit Development with a new one.

17 On February 21, 2018, representatives of Mt. Vernon Mill, LLC, met with the Department of
18 Planning for a preliminary conference, to explain the scope and nature of existing and proposed
19 development on the property and to institute proceedings to have the property designated a
20 Planned Unit Development.

21 The representatives of Mt. Vernon Mill have now applied to the Baltimore City Council for
22 designation of the property as a Planned Unit Development, and they have submitted a

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

Council Bill 18-0289

1 Development Plan intended to satisfy the requirements of Baltimore City Zoning Code Section 5-
2 201(a) and Title 13.

3 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
4 Ordinance 10-374 and Ordinance 11-538 are repealed.

5 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council approves the
6 application of Mt. Vernon Mill, LLC,, owner of the properties located at 2980, 2990, 3000, 3030,
7 and 3100 Falls Road , consisting of 9.78 acres, including the Jones Falls streambed, more or less,
8 as outlined on the accompanying Development Plan entitled "Mt. Vernon Mill", to designate the
9 property a Planned Development under Title 13 of the Baltimore City Zoning Code.

10 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the Mayor and City Council of Baltimore
11 approves the replacement of the Planned Unit Development and approves the new Development
12 Plan submitted by the applicant, as attached to and made part of this Ordinance, including:

13 Sheet 1, "Existing and Proposed Conditions Plan", dated July 30, 2018.

14 **SECTION 4. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title
15 13, Subtitle 2, the following uses are allowed in the Planned Unit Development:

16 (a) In accordance with Title 13, all permitted, conditional, and accessory uses are as allowed
17 in the I-MU Zoning District, in accordance with Table 11-301: Industrial Districts -
18 Permitted and Conditional Uses, of Article 32 - Zoning.

19 (b) The following additional use will be allowed: 1 banquet hall.

20 (1) Outdoor table service when accessory to a restaurant use, subject to Planning
21 Commission approval; live entertainment as an accessory to a restaurant or art
22 gallery use, provided no admission, donation, or use charge is required; and the
23 live entertainment is limited to indoor non-amplified music.

24 (2) The banquet hall will be limited to 2980 Falls Road and will be operated with the
25 following conditions:

26 (i) All contract users, such as weddings, will be required to use the owner's
27 dedicated valet parking company that shall be the same as for the
28 restaurant use;

29 (ii) The owner shall contract with the owner of a property in close proximity
30 to the property for the parking of cars; and

31 (iii) The owner shall engage a manager for coordination of events at the
32 banquet hall, including having a person on-site during the time of the
33 event.

34 (iv) Any additional, more specific provisions required by the MOU between
35 the Hampden Community Council and the owner, Mt. Vernon Mills, LLC.

Council Bill 18-0289

1 (c) In accordance with Title 13 of the Zoning Code, the existing billboard on the property
2 must be removed on or before December 31, 2036. No other billboards or general
3 advertising will be permitted on the property. Signage identifying the property, buildings,
4 and tenants is allowed. An existing sign attached to the top of the building located at
5 3030 Falls Road will be permitted to remain and may be modified.

6 (d) Subject to the approval of the Board of Liquor Licenses Commissioners for Baltimore
7 City, 2 Class B restaurant alcoholic beverage licenses shall be permitted within the
8 properties located at 2980, 3000, 3030, and 3100 Falls Road, provided that each
9 restaurant must have at least 50% of its sales in food.

10 (e) Subject to the approval of the Board of Liquor Licenses Commissioners for Baltimore
11 City, catering and events shall be permitted within the property known as 2980 Falls
12 Road.

13 (f) No more than a total of 2 liquor licenses are permitted within the Planned Unit
14 Development.

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

18 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the existing number of off-street parking
19 spaces provided, as shown on the Development Plan, shall continue to be permitted.

20 **SECTION 7. AND BE IT FURTHER ORDAINED,** That notwithstanding the provisions of Article
21 32, § 13-402, which provide that the Planning Department may determine what constitutes minor
22 or major modifications to the Plan, any new development plans in this Planned Unit
23 Development are considered to be major amendments and must be approved by Ordinance. The
24 owner shall submit to the Hampden Community Council all proposed modifications at least 30
25 days before their submission to the Planning Department.

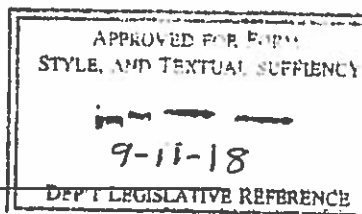
26 **SECTION 8. AND BE IT FURTHER ORDAINED,** That the Mt. Vernon Mill, LLC, will record the
27 Memorandum of Understanding between the Developer and the Hampden Community Council
28 in the land records of the Planned Unit Development property.

29 **SECTION 9. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
30 accompanying Development Plan and in order to give notice to the agencies that administer the
31 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
32 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
33 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
34 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
35 Appeals, the Planning Commission, the Commissioner of Housing and Community
36 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

37 **SECTION 10. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the date it
38 is enacted.



INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____



Introduced by: Councilmembers Clarke, Pinkett
At the request of: Mt. Vernon Mill, LLC
Address: c/o Alfred W. Barry, AB Associates, 201 East Baltimore Street, Suite 1150,
Baltimore, Maryland 21202
Telephone: 410-547-6900

A BILL ENTITLED

AN ORDINANCE concerning

Planned Unit Development – Designation – Mt. Vernon Mill

FOR the purpose of repealing the existing Development Plan for the Mt. Vernon Mill Planned Unit Development; approving a new Development Plan for the Mt. Vernon Mill Planned Unit Development; and providing for a special effective date.

By authority of
Article 32 - Zoning
Section 5-201(a) and Title 13
Baltimore City Revised Code
(Edition 2000)

Recitals

By Ordinance 10-374, as last amended by Ordinance 11-538, the Mayor and City Council of Baltimore approved the application to have certain properties located at 2980, 2990, 3000, 3030, and 3100 Falls Road designated an Industrial Planned Unit Development and approved the Development Plan as submitted by the applicant.

The applicant wants to replace the existing Planned Unit Development with a new one.

On February 21, 2018, representatives of Mt. Vernon Mill, LLC, 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 Planned Unit Development.

The representatives of Mt. Vernon Mill have now applied to the Baltimore City Council for designation of the property as a Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Baltimore City Zoning Code Section 5-201(a) and Title 13.

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Ordinance 10-374 and Ordinance 11-538 are repealed.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

SECTION 2. AND BE IT FURTHER ORDAINED, That the Mayor and City Council approves the application of Mt. Vernon Mill, LLC., owner of the properties located at 2980, 2990, 3000, 3030, and 3100 Falls Road, consisting of 9.78 acres, including the Jones Falls streambed, more or less, as outlined on the accompanying Development Plan entitled "Mt. Vernon Mill", to designate the property a Planned Development under Title 13 of the Baltimore City Zoning Code.

SECTION 3. AND BE IT FURTHER ORDAINED, That the Mayor and City Council of Baltimore approves the replacement of the Planned Unit Development and approves the new Development Plan submitted by the applicant, as attached to and made part of this Ordinance, including:

Sheet 1, "Existing and Proposed Conditions Plan", dated July 30, 2018.

SECTION 4. AND BE IT FURTHER ORDAINED, That in accordance with the provisions of Title 13, Subtitle 2, the following uses are allowed in the Planned Unit Development:

- (a) In accordance with Title 13, all permitted, conditional, and accessory uses are as allowed in the I-MU Zoning District, in accordance with Table 11-301: Industrial Districts - Permitted and Conditional Uses, of Article 32 - Zoning.
- (b) The following additional use will be allowed: 1 banquet hall.
 - (1) Outdoor table service when accessory to a restaurant use, subject to Planning Commission approval; live entertainment as an accessory to a restaurant or art gallery use, provided no admission, donation, or use charge is required; and the live entertainment is limited to indoor non-amplified music.
 - (2) The banquet hall will be limited to 2980 Falls Road and will be operated with the following conditions:
 - (i) All contract users, such as weddings, will be required to use the owner's dedicated valet parking company that shall be the same as for the restaurant use;
 - (ii) The owner shall contract with the owner of a property in close proximity to the property for the parking of cars; and
 - (iii) The owner shall engage a manager for coordination of events at the banquet hall, including having a person on-site during the time of the event.
 - (iv) Any additional, more specific provisions required by the MOU between the Hampden Community Council and the owner, Mt. Vernon Mills, LLC.
- (c) In accordance with Title 13 of the Zoning Code, the existing billboard on the property must be removed on or before December 31, 2036. No other billboards or general advertising will be permitted on the property. Signage identifying the property, buildings, and tenants is allowed. An existing sign attached to the top of the building located at 3030 Falls Road will be permitted to remain and may be modified.
- (d) Subject to the approval of the Board of Liquor Licenses Commissioners for Baltimore City, 2 Class B restaurant alcoholic beverage licenses shall be permitted within the properties located at 2980, 3000, 3030, and 3100 Falls Road, provided that each restaurant must have at least 50% of its sales in food.

(e) Subject to the approval of the Board of Liquor Licenses Commissioners for Baltimore City, catering and events shall be permitted within the property known as 2980 Falls Road.

(f) No more than a total of 2 liquor licenses are permitted within the Planned Unit Development.

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

SECTION 6. AND BE IT FURTHER ORDAINED, That the existing number of off-street parking spaces provided, as shown on the Development Plan, shall continue to be permitted.

SECTION 7. AND BE IT FURTHER ORDAINED, That notwithstanding the provisions of Article 32, § 13-402, which provide that the Planning Department may determine what constitutes minor or major modifications to the Plan, any new development plans in this Planned Unit Development are considered to be major amendments and must be approved by Ordinance. The owner shall submit to the Hampden Community Council all proposed modifications at least 30 days before their submission to the Planning Department.

SECTION 8. AND BE IT FURTHER ORDAINED, That the Mt. Vernon Mill, LLC, will record the Memorandum of Understanding between the Developer and the Hampden Community Council in the land records of the Planned Unit Development property.

SECTION 9. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying Development Plan and in order to give notice to the agencies that administer the City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of Housing and Community Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

SECTION 10. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the date it is enacted.

STATEMENT OF INTENT

FOR

2980, 2990, 3000, 3030 and 3100 Falls Rd

{Address}

1. Applicant's Contact Information:

Name: Mt. Vernon Mill, LLC c/o Alfred W. Barry
Mailing Address: AB Associates
201 E. Baltimore St., #1150 Baltimore, MD 21202
Telephone Number: (410) 547-6900
Email Address: ababalt@yahoo.com

2. All Proposed Zoning Changes for the Property: _____

Repeal existing Planned Unit Development (PUD) enacted under Ord. 10-374 and replace with a new PUD. Add a "banquet hall" as a permitted use.

3. All Intended Uses of the Property: _____

residential, commercial, office

4. Current Owner's Contact Information:

Name: Mt. Vernon Mill, LLC (2980, 2990, 3000 and 3030 Falls Rd - see attached
Mailing Address: 1817 Thames St sheet for 3100 Falls Rd
Baltimore, MD 21231
Telephone Number: (410) 327-3200
Email Address: _____

5. Property Acquisition:

The property was acquired by the current owner on 1/3/12 by deed recorded in the
Land Records of Baltimore City in Liber 13966 Folio 0040. (3000 Falls - see attached
sheet for other properties)

6. Contract Contingency:

(a) There is _____ is not X a contract contingent on the requested legislative authorization.

(b) If there is a contract contingent on the requested legislative authorization:

(i) The names and addresses of all parties to the contract are as follows *{use additional sheet if necessary}*: _____

(ii) The purpose, nature, and effect of the contract are: _____

7. Agency:

(a) The applicant is _____ is not acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows {use additional sheet if necessary}: _____

AFFIDAVIT

I, Alfred W. Barry III, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.



Applicant's signature

9/10/18

Date

Statement of Intent
For

2980, 2990, 3000, 3030, and 3100 Falls Road

Supplemental Information:

4. Current Owner's Contact Information:

3100 Falls Rd - Jones Falls Overlook, LLC
1817 Thames Street
Baltimore, MD 21231
(410) 327-3200

5. Property Acquisition:

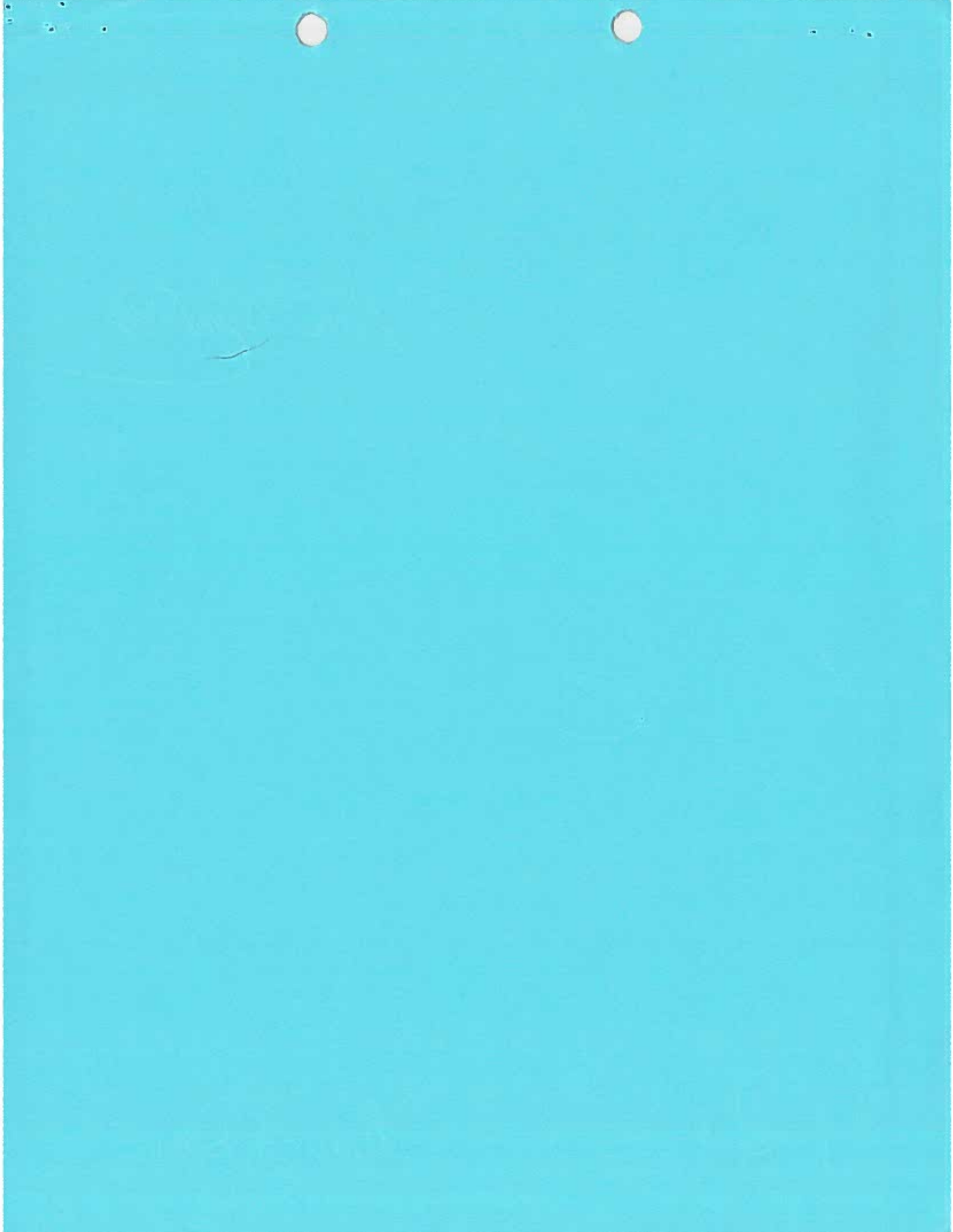
2980 Falls Rd - Acquired on 1/3/12. Liber 13966, Folio 0029

2990 Falls Rd - Acquired on 1/3/12. Liber 13966, Folio 0029

3030 Falls Rd - Acquired on 1/3/12. Liber 13966, Folio 0040

3100 Falls Rd - Acquired on 2/17/12. Liber 14073, Folio 0096





ACTION BY THE CITY COUN

SEP 17 2018
20

FIRST READING (INTRODUCTION) _____

PUBLIC HEARING HELD ON November 28, 2018

COMMITTEE REPORT AS OF December 3, 2018

_____ FAVORABLE _____ UNFAVORABLE FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

Shm [Signature]
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

DEC 03 2018
20

Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING _____ DEC 06 2018
20

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) _____ 20

_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) _____ 20

WITHDRAWAL _____ 20

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

[Signature]
President

[Signature]
Chief Clerk