

**CITY OF BALTIMORE**  
**COUNCIL BILL 10-0624**  
**(First Reader)**

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Introduced by: Councilmember Stokes

At the request of: Popham Properties, LLC c/o Seawall Development

Address: c/o Alfred W. Barry, III, 1 South Calvert Street, #1150, Baltimore, Maryland 21202

Telephone: 410-547-6900

Introduced and read first time: December 6, 2010

Assigned to: Land Use and Transportation Committee

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

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Amendment 1 –**  
3 **Greenmount West - Arts and Entertainment District**

4 FOR the purpose of approving certain amendments to the Development Plan of the Greenmount  
5 West - Arts and Entertainment District Planned Unit Development.

6 BY authority of

7 Article - Zoning

8 Title 9, Subtitles 1 and 3

9 Baltimore City Revised Code

10 (Edition 2000)

11 **Recitals**

12 By Ordinance 03-533, the Mayor and City Council (i) approved the application of Charles A.  
13 Lankford, Guilford Avenue, LLC, Industrial Roll Co., Lewis Industries, Inc., A&G, LLC, 3  
14 Square Feet, LLC, Venture Vending, Inc., and Venture Amusement Co., Inc., to have certain  
15 properties consisting of 3.92747 acres, more or less, designated as an Office-Residential Planned  
16 Unit Development and (ii) approved the Development Plan submitted by the applicant.

17 Popham Properties, LLC, the contract purchaser of the property located at 1500 Barclay  
18 Street, wishes to amend the Development Plan, as previously approved by the Mayor and City  
19 Council, to modify the uses permitted, to allow for the Board of Municipal and Zoning Appeals  
20 to allow variances for off-street parking, to specifically grant certain off-street parking variances,  
21 and to add the property located at 1500 Barclay Street to the existing Office-Residential Planned  
22 Unit Development under Title 9, Subtitles 1 and 3 of the Baltimore City Zoning Code.

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

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1 On November 24, 2010, representatives of Popham Properties, LLC, met with the  
2 Department of Planning for a preliminary conference to explain the scope and nature of the  
3 proposed amendments to the Development Plan.

4 The representatives of Popham Properties, LLC, have now applied to the Baltimore City  
5 Council for approval of these amendments, and they have submitted amendments to the  
6 Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 3 of the  
7 Baltimore City Zoning Code.

8 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
9 Mayor and City Council approves the amendments to the Development Plan submitted by the  
10 Developer, as attached to and made part of this Ordinance, including Sheet 1, "Existing  
11 Conditions", dated November 22, 2010, Sheet 2, "Site Plan", dated November 22, 2010, Sheet 3,  
12 "Landscape Plan", dated November 22, 2010, Sheet 4, "East Elevation", dated November 22,  
13 2010; Sheet 5, "West Elevation", dated November 22, 2010, "Sheet 6, "North Elevation", dated  
14 November 22, 2010, and Sheet 7, "South Elevation", dated November 22, 2010. As shown on  
15 Sheet 1, the eastern boundary of the properties along Federal Street has been extended to Barclay  
16 Street, thereby increasing the overall size of the Properties in the PUD to 5.179 acres, more or  
17 less.

18 **SECTION 2. AND BE IT FURTHER ORDAINED,** That Section 3(b) of Ordinance 03-533 is  
19 amended to read as follows:

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

23 (b) In accordance with the provisions of § 9-303 of the Zoning  
24 Code, the following B-1 and B-2 uses are allowed on the first  
25 or ground floor of the buildings within the PUD: art and school  
26 supply stores; art needlework shops; automatic teller machines;  
27 banks and savings and loan associations; barber shops; beauty  
28 shops; book stores: general; camera and photographic supply  
29 stores; candy and ice cream stores; carry-out food shops;  
30 catering establishments: food; clothes pressing establishments;  
31 dry cleaning and laundry receiving stations - processing done  
32 elsewhere; florist shops; food stores, grocery stores, meat  
33 markets, bakeries, and delicatessens; furniture stores -  
34 including upholstery when conducted as an accessory use;  
35 gift and card shops; hardware stores; laundrettes - no more  
36 than 2 employees plus 1 owner or manager on the premises;  
37 laundries: hand - no more than 2 employees plus 1 owner or  
38 manager on the premises; musical instruments: sales and  
39 repair; newsstands; office supply stores; photocopying  
40 services; recreation buildings and community centers;  
41 restaurants and lunch rooms - but not including live  
42 entertainment or dancing; shoe and hat repairs stores;  
43 shoeshine parlors; tailor or dressmaking shops: custom work or  
44 repairs; tobacco shops; travel bureaus.

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In addition, the following B-2 uses are allowed on all floors of the buildings in the PUD: antique shops; dwellings; financial institutions; offices: business, governmental and professional; photographers; physical culture and health services: gymnasiums, reducing salons, and public baths; picture framing shops - when conducted for retail trade on the premises; SCHOOLS: ELEMENTARY AND SECONDARY.

In addition, all uses conditional in the M-1, B-1, and B-2 Districts are conditionally allowed in the PUD, subject to the requirements and provisions of Title 14 of the Zoning Code.

**SECTION 3. AND BE IT FURTHER ORDAINED,** That new Sections 4 and 5 be added to Ordinance 03-533 to read as follows:

**SECTION 4. AND BE IT FURTHER ORDAINED,** THAT THE BOARD OF MUNICIPAL AND ZONING APPEALS HAS THE AUTHORITY TO GRANT VARIANCES TO OFF-STREET PARKING REQUIREMENTS WITHIN THE PUD IN ACCORDANCE WITH TITLE 15 OF THE ZONING CODE.

**SECTION 5. AND BE IT FURTHER ORDAINED,** THAT A VARIANCE IS GRANTED FOR THE PROPERTY AT 1500 BARCLAY STREET FOR THE PROPOSED SCHOOL USE TO PROVIDE A MINIMUM OF 33 OFF-STREET PARKING SPACES IN ACCORDANCE WITH TITLE 15, SECTION 101 OF THE ZONING CODE.

And, in Ordinance 03-533, renumber Sections “4”, “5”, “6”, “7”, and “8”, respectively, to be Sections “6”, “7”, “8”, “9”, and “10”, respectively.

**SECTION 4. 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 5. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the accompanying amended 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 amended Development Plan; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the amended Development Plan; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the amended 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 6. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day after the date it is enacted.