

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 10-0456

Introduced by: Councilmember Conaway
At the request of: Terra Nova Ventures, LLC
Address: c/o Alfred W. Barry, AB Associates, One South Calvert Street, Suite 1150,
Baltimore, Maryland 21202
Telephone: 410-547-6900
Introduced and read first time: March 22, 2010
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: September 20, 2010

AN ORDINANCE CONCERNING

Planned Unit Development – Designation – Mt. Vernon Mill

FOR the purpose of approving the application of Terra Nova Ventures, LLC, contract purchaser of certain properties located at 2980, 2981, 2990, 3000, 3030, and 3100 Falls Road, to have the properties designated an Industrial Planned Unit Development; and approving the Development Plan submitted by the applicant.

By authority of
Article - Zoning
Title 9, Subtitles 1 and 5
Baltimore City Revised Code
(Edition 2000)

Recitals

The subject properties consist of 3 separate landowners. Picker LLC, is the fee simple owner of properties located at 2980, 2981, and 2990 Falls Road, consisting of 1.5 acres, more or less, and is under contract to sell the properties to Terra Nova Ventures, LLC (“Terra Nova”). Kramer Hobbies Long Island, Inc., is the fee simple owner of properties located at 3000 and 3030 Falls Road, consisting of approximately 4.20 acres, more or less, and is under contract to sell the properties to Terra Nova. Anthony J. Correlli, Faith Mary Correlli Rottmund, and Philip J. Correlli are the fee simple owners of property located at 3100 Falls Road, consisting of .9 acres, more or less, and are under contract to sell the property to Terra Nova.

Terra Nova proposes to redevelop the properties (“the property”) identified above into a mixed-use development consisting of residential, office, and retail uses. Terra Nova plans to assign its contract to a related company.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 On October 21, 2009, representatives of Terra Nova met with the Department of Planning for
2 a preliminary conference, to explain the scope and nature of existing and proposed development
3 on the property and to institute proceedings to have the property designated an Industrial
4 Planned Unit Development.

5 The representatives of Terra Nova have now applied to the Baltimore City Council for
6 designation of the property as an Industrial Planned Unit Development, and they have submitted
7 a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1 and 5 of the
8 Baltimore City Zoning Code.

9 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
10 Mayor and City Council approves the application of Terra Nova Ventures, LLC, contract
11 purchaser of the properties located at 2980, 2981, 2990, 3000, 3030, and 3100 Falls Road,
12 consisting of 10.1 acres, more or less, including the Jones Falls streambed, as outlined on the
13 accompanying Development Plan entitled “Mt. Vernon Mill”, consisting of Sheet 1, “Existing
14 Conditions Plan”, dated March 11, 2010; Sheet 2, “Overall Site, Proposed Conditions Plan”,
15 dated March 11, 2010; Sheet 3, “Detailed Site Plans, 2981 & 3100 Falls Road”, dated March 11,
16 2010; Sheet 4, “Detailed Site Plan, 2980, 3000 & 3030 Falls Road”, dated March 11, 2010; Sheet
17 5, “Parking Garage Details Plan, 3000 Falls Road”, dated March 11, 2010; Sheet 6, “Elevations,
18 3000 Falls Road”, dated March 11, 2010; Sheet 7, “Elevations”, dated March 11, 2010; Sheet 8,
19 “Elevations”, dated March 11, 2010; Sheet 9, “Elevations”, dated March 11, 2010; Sheet 10,
20 “Landscape, 3000 Falls Road”, dated March 11, 2010; and Sheet 11, “Landscape, 3000 Falls
21 Road”, dated March 11, 2010, to designate the property an Industrial Planned Development
22 under Title 9, Subtitles 1 and 5 of the Baltimore City Zoning Code.

23 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by Terra
24 Nova Ventures, LLC, is approved.

25 **SECTION 3. AND BE IT FURTHER ORDAINED,** That in accordance with the provisions of Title
26 9, Subtitles 1 and 5 the following uses are allowed in the Planned Unit Development:

27 (a) In accordance with § 9-502 of the Zoning Code, ~~all permitted, conditional, and~~
28 ~~accessory uses in an M-1 or M-2 Zoning District~~ the following M-1 industrial uses
29 will be permitted: printing and publishing, bookbinding, computer center, coffee
30 roasting, newsstands, and recording studios.

31 (b) In accordance with § 9-503 of the Zoning Code, the following uses will be permitted:
32 multifamily residential uses in all buildings. In addition, townhouses will be allowed
33 in the building at 2981 Falls Road and at 3100 Falls Road. Overall residential density
34 will be calculated at a rate of 1,500 square feet per unit based on the overall site
35 square footage.

36 (c) In accordance with § 9-503 of the Zoning Code the following O-R uses will be
37 permitted in all buildings: offices, philanthropic and charitable institutions.

38 (d) In accordance with § 9-503 of the Zoning Code, the following B-1, B-2, and B-3 uses
39 will be allowed:

40 (1) Antique store (but not including any chemical refinishing on the premises); art
41 and school supply stores; art gallery; art needlework shops; artisans’ and craft
42 work; artists’ studios (live and work); athletic fields; automatic teller machines;

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1 bakery-including the sale of bakery products to restaurants, hotels, clubs, and
2 similar establishments; banks and savings and loan associations; barber shops;
3 beauty shops; bicycles; sales, rental, and repair - but not including any mechanical
4 painting on the premises; book store: general; business and office machines: sales,
5 rental, and service; camera photographic supply store; candy and ice cream stores;
6 carpet and rug stores; carry-out food shops; catering establishments: food; china
7 and glassware stores; clothing shops; computer centers; dance and music studio;
8 day nurseries and nursery schools; day spas; delicatessens; dry cleaning and
9 laundry receiving stations – processing done elsewhere; electrical and household
10 appliance repair stores; fabric shops; florist shops; furniture stores – including
11 upholstering when conducted as an accessory use; garden supply, tool, and seed
12 stores; gift and card shops; greenhouses; gymnasiums; hardware stores; hobby
13 shops; interior decorating; interior decorating shops - including upholstering and
14 making draperies, slip covers, and similar articles when conducted as an
15 accessory use; jewelry stores – including watch repair; leather goods and luggage
16 stores; libraries and art galleries; lunch room; ~~medical & dental clinics~~; musical
17 instruments: sales and repair; newsstands; novelty shops; opticians: sales and
18 service; paint, wallpaper, tile, and floor covering stores; photocopying service;
19 photographers; ~~physical culture & health services: gymnasiums, reducing salons,~~
20 ~~and public baths~~; picture framing shops – when conducted for retail trade on the
21 premises; printing and publishing; record, tape, cd, and sheet music stores;
22 recording studio; ~~reducing salons~~; restaurants; schools: business, dance and music
23 studios; security sales, brokerages and exchanges; sporting and athletic goods
24 stores; stationery stores; tailor or dressmaking shops: custom work or repairs;
25 tobacco shops; toy stores; wearing apparel shops; ~~and~~ woodworking, custom and
26 custom furniture-making shops; and yoga and exercise studios.

27 ~~(2) A high quality liquor store in the first floor of the building to be constructed at~~
28 ~~3100 Falls Road with a maximum of 20% of the display area utilized for hard~~
29 ~~liquor display and the remainder being used for display of wine and beer or~~
30 ~~storage. Alcohol may be sold for off-premise consumption with the following~~
31 ~~restrictions: No sales of single cans and miniatures; No sales of chemically-~~
32 ~~fortified wines; No sales of malt beverages greater than 22% alcohol by volume;~~
33 ~~and No Sunday sales other than that permitted under authority of the Baltimore~~
34 ~~City Liquor Board.~~

35 ~~(2)~~ (3) Outdoor table service when accessory to a restaurant use, subject to Planning
36 Commission approval; live entertainment as accessory to a restaurant or art
37 gallery use, provided no admission, donation or use charge is required, and such
38 entertainment is limited to non-amplified music.

39 ~~(3)~~ (4) The following retail uses shall be limited in their location to the basement
40 level or ground floor level of any building: bakery; bicycle stores; candy and ice
41 cream stores; carry-out food stores; greenhouses; tobacco shops; and wearing
42 apparel shops.

43 (e) In accordance with § 9-502 of the Zoning Code, the existing billboard on the property
44 shall be permitted to remain through 2036; the billboard must be removed, however,
45 on or before December 31, 2036. No other billboards or general advertising will be
46 permitted on the property. Signage identifying the property, buildings, and tenants is

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1 permitted. An existing sign attached to the top of the building located at 3030 Falls
2 Road will be permitted to remain and may be modified.

3 (f) Subject to the approval of the Board of Liquor License Commissioners for Baltimore
4 City, two Class B restaurant alcoholic beverage licenses shall be permitted within the
5 ~~property properties~~ located at 2980, 3000, ~~and 3030, and 3100~~ Falls Road, ~~and one~~
6 ~~Class B restaurant alcoholic beverage license shall be permitted within the property at~~
7 ~~3100 Falls Road~~, provided that all such restaurants will have at least 50% of their
8 sales in food.

9 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the existing pedestrian bridge connecting
10 the buildings on the property at 3000 and 3030 Falls Road shall be permitted to remain, and that
11 a second pedestrian bridge connecting the same two buildings is allowed to be constructed if
12 required for the issuance of a building permit, by the City.

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

17 **SECTION 6. AND BE IT FURTHER ORDAINED,** That, before final design approval, the
18 Director of Transportation, in consultation with community associations and area property
19 owners, must certify to the Director of Planning that a plan has been completed for converting
20 area streets from 2-way to 1-way as may be necessary to improve traffic safety and flow in the
21 area.

22 **SECTION 7. AND BE IT FURTHER ORDAINED,** That, as a condition precedent to the issuance
23 of the first building permit within the Planned Unit Development, the applicant must pay the
24 Department of Transportation for the cost of traffic control signs, signals, lane markings, and
25 other improvements necessary to improve traffic, pedestrian, and bicycle safety and access to
26 and from the Planned Unit Development, in an amount not to exceed \$16,500.

27 **SECTION 68. AND BE IT FURTHER ORDAINED,** That off-street parking requirements for the
28 Planned Unit Development are as follows, with the consideration that the parking will be
29 considered shared parking and used primarily by office tenants during the day and primarily by
30 residential tenants at night.

31 (a) Office use: 1 per 400 square feet of floor area in excess of 1,000 square feet.

32 (b) Residential use:

33 (1) apartments (multiple family dwellings): 1 per 1 dwelling unit.

34 (c) Retail use: 1 per 300 square feet of floor area in excess of 1,000 square feet.

35 (d) Parking can be included inside the buildings as well as surface parking on the
36 property.

37 In all events, a minimum of 159 on-site parking spaces shall be provided.

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1 **SECTION 7 9. AND BE IT FURTHER ORDAINED,** That the Planning Department may determine
2 what constitutes minor or major modifications to the plan. Minor modifications require approval
3 by the Planning Commission. Major modifications require approval by Ordinance. The owner
4 shall submit to the Hampden Community Council all proposed modifications at least 30 days
5 before their submission to the Planning Department.

6 **SECTION 8 10. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
7 accompanying Development Plan and in order to give notice to the agencies that administer the
8 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
9 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
10 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
11 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
12 Appeals, the Planning Commission, the Commissioner of Housing and Community
13 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

14 **SECTION 9 11. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
15 day after the date it is enacted.

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City