

**CITY OF BALTIMORE  
COUNCIL BILL 10-0488  
(First Reader)**

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Introduced by: Councilmember Conaway

At the request of: WV Baltimore-24/Sisson LLC and WV Baltimore H 25 LLC

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Telephone: 410-528-5506

Introduced and read first time: April 19, 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, Commission on Sustainability

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Planned Unit Development – Designation – 25<sup>th</sup> Street Station**

3 FOR the purpose of approving the application of WV Baltimore-24/Sisson LLC and WV  
4 Baltimore H 25 LLC (collectively, the “Applicant”), contract purchaser(s) and/or potential  
5 owner(s) of certain properties listed on Exhibit 1, attached to and made part of this Ordinance  
6 (collectively, the “Property”), to have the Property designated a Business and Industrial  
7 Planned Unit Development; and approving the Development Plan submitted by the applicant.

8 BY authority of

9 Article - Zoning

10 Title 9, Subtitles 1, 4, and 5

11 Baltimore City Revised Code

12 (Edition 2000)

13 **Recitals**

14 The Applicant is the contract purchaser of the Property, consisting of 11.518 acres, more or  
15 less. The Applicant and/or its affiliates intend to develop the Property into a mixed-use  
16 development including principally retail and residential uses.

17 On April 13, 2010, representatives of the Applicant met with the Department of Planning for  
18 a preliminary conference, to explain the scope and nature of existing and proposed development  
19 on the Property and to institute proceedings to have the Property designated a Business and  
20 Industrial Planned Unit Development.

21 The representatives of the Applicant have now applied to the Baltimore City Council for  
22 designation of the Property as a Business and Industrial Planned Unit Development, and they

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

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1 have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1, 4,  
2 and 5 of the Baltimore City Zoning Code.

3 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
4 Mayor and City Council approves the application of WV Baltimore-24/Sisson LLC and WV  
5 Baltimore H 25 LLC (collectively, the “Applicant”), contract purchaser(s) and/or potential  
6 owner(s) of certain properties listed on Exhibit 1, attached to and made part of this Ordinance  
7 (collectively, the “Property”), consisting of 11.518 acres, more or less, as outlined on the  
8 accompanying Development Plan entitled “25<sup>th</sup> Street Station”, dated April 15, 2010, to  
9 designate the Property a Business and Industrial Planned Development under Title 9, Subtitles 1,  
10 4, and 5 of the Baltimore City Zoning Code.

11 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by the  
12 Applicant, consisting of Sheet 1, “Existing Conditions”, dated April 15, 2010; Sheet 2,  
13 “Development Plan A”, dated April 15, 2010; Sheet 3, “Development Plan B”, dated April 15,  
14 2010; Sheet 4, “Development Plan C”, dated April 15, 2010; Sheet 5, “Development Plan D”,  
15 dated April 15, 2010; Sheet 6, “Preliminary Forest Conservation/Landscape Plan”, dated April  
16 15, 2010; Sheet 7, “Exterior Elevations - Site I Large Retail, dated April 15, 2010; Sheet 8,  
17 “Exterior Elevations - Site I Additional”, dated April 15, 2010; and Sheet 9, “Exterior Elevations  
18 - Site II, dated April 15, 2010, is approved.

19 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the following uses are allowed within the  
20 Planned Unit Development:

- 21 (a) All permitted, accessory, and conditional uses as allowed in the B-2 Zoning District,  
22 as of the date of this Ordinance, except as limited or prohibited by paragraph (c)  
23 below;
- 24 (b) in addition to any uses allowed by paragraph (a) above, the following uses are  
25 specifically permitted within the Planned Unit Development:
- 26 (1) Drug stores and pharmacies: drive-in;
- 27 (2) Motor vehicles - rental;
- 28 (3) Outdoor table service when accessory to a permitted use;
- 29 (4) Prepared foods delivery service, including operations accessory to a restaurant;
- 30 (5) Restaurants: drive-in;
- 31 (6) Restaurants: drive-in, including pick-up drives with window service, as well as  
32 direct customer service to automobiles, if enclosed portion of business is less than  
33 3,500 square feet;
- 34 (7) Outside storage, display, and sales areas;
- 35 (8) Microwave antennas, non-free standing, if accessory to principal use;
- 36 (9) Live entertainment, so long as accessory to a restaurant, coffee shop, or other  
37 permitted use.

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1 (c) Notwithstanding the provisions of paragraphs (a) and (b) above, the following uses  
2 are specifically prohibited within the Planned Unit Development:

3 Ammunition and firearm sales  
4 Amusement arcades  
5 Animal hospitals  
6 Auction rooms  
7 Auditoriums  
8 Auto accessory stores – including repair and installation, except that installation  
9 of audio and other electronic components is permitted  
10 Banquet halls  
11 Bed and breakfast establishments  
12 Bingo halls  
13 Blood donor centers  
14 Bowling establishments  
15 Check cashing stores, other than accessory  
16 Concert halls  
17 Dance halls  
18 Dog and cat kennels  
19 Feed stores  
20 Fraternity and sorority houses  
21 Garages for the repair and servicing of motor vehicles  
22 Gasoline service stations  
23 Helistops  
24 Homes for non-bedridden alcoholics or homeless persons  
25 Hospitals  
26 Hotels and motels  
27 Liquor stores or package goods stores  
28 Marinas  
29 Parking facilities, other than accessory  
30 Parole and probation field offices  
31 Pawnshops  
32 Pool halls and billiard parlors  
33 Poultry and rabbit killing establishments  
34 Rooming houses  
35 Sewerage pumping stations  
36 Swimming pools  
37 Taverns  
38 Theaters  
39 Travel trailers, RVs & similar camping equipment; parking and storage  
40 Union halls  
41 Video lottery facility  
42 Water filtration plants, reservoirs, and pumping stations (except in accordance  
43 with paragraph (d) below)

44 (d) Green Uses” (as defined herein) shall also specifically be allowed and authorized as  
45 permitted uses within the Planned Unit Development, as determined by the Director  
46 of Planning. A “Green Use” shall mean any use or method, which is not specifically  
47 defined or prescribed by the Zoning Code but is consistent with the spirit and intent  
48 of the Zoning Code – which provides efficiencies in sustainable sites and  
49 development, utilizes “green” building principles, enhances energy, waste

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1 management, or environmental indoor and outdoor quality - the implementation of  
2 which is consistent with the requirement of Baltimore City law or regulations  
3 governing sustainability and/or Green Buildings and technologies. Green uses may  
4 include, by way of example, but not limitation:

- 5 Innovative energy generation and distribution technologies
- 6 Innovative wastewater technologies
- 7 On-site wastewater treatment systems – utilizing a localized treatment system to  
8 transport, store, treat and dispose some or all wastewater volumes generated  
9 on the project site
- 10 Gray water systems – wastewater discharged from lavatories, bathtubs, showers,  
11 clothes washers, and laundry sinks, that is filtered and reused for irrigation or  
12 other non-potable water uses
- 13 Storm water reuse facilities

14 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the Property designated as part of the  
15 Planned Unit Development under this Ordinance shall not be regulated by this Ordinance until  
16 the Applicant or its successors and assigns has acquired title to the properties.

17 **SECTION 5. AND BE IT FURTHER ORDAINED,** That exterior signage within the Planned Unit  
18 Development shall be subject to final design approval by the Planning Commission.

19 **SECTION 6. AND BE IT FURTHER ORDAINED,** That parking shall be provided in accordance  
20 with the Zoning Code for the underlying district and as shown on the Development Plan,  
21 calculated without regard to any lot lines and instead in the aggregate for the entire Planned Unit  
22 Development.

23 **SECTION 7. AND BE IT FURTHER ORDAINED,** That before any building permit may be issued  
24 for any part of this Planned Unit Development, the Applicant must comply with the requirements  
25 of Zoning Code § 2-305 and Building Code § 105.3.2 for a traffic-impact study of the overall  
26 Planned Unit Development and for the mitigation of adverse traffic impacts.

27 **SECTION 8. AND BE IT FURTHER ORDAINED,** That all plans for the construction of  
28 permanent improvements on the Property are subject to final design approval by the Planning  
29 Commission to insure that the plans are consistent with the Development Plan and this  
30 Ordinance.

31 **SECTION 9. AND BE IT FURTHER ORDAINED,** That the Planning Commission may determine  
32 what constitutes minor or major modifications to the Development Plan. Minor modifications  
33 require approval by the Planning Commission. Major modifications require approval by  
34 Ordinance.

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

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1       **SECTION 11. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup>  
2       day after the date it is enacted.

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**EXHIBIT 1**

**Properties to be included in the Planned Unit Development**

- 1
- 2
- 3 101-15 West 25<sup>th</sup> Street
- 4 204 West Ware Street
- 5 2438 North Howard Street
- 6 2500 Huntingdon Avenue
- 7 300 West 24<sup>th</sup> Street
- 8 330 West 24<sup>th</sup> Street
- 9 400 West 24<sup>th</sup> Street
- 10 Portion of Ward 12, Section 5, Block 3626C, Lot 5, as shown on Development Plan
- 11 Portion of existing Hampden Avenue, to be closed, as shown on Development Plan
- 12 Portion of existing Ware Street, to be closed, as shown on Development Plan