



Legislation Text

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Conaway

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

Address: c/o Jon Laria, Esquire, Ballard Spahr LLP, 300 East Lombard Street, 18th Floor,
Baltimore, Maryland 21202

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A BILL ENTITLED

AN ORDINANCE concerning

Planned Unit Development - Designation - 25th Street Station

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

BY authority of

Article - Zoning

Title 9, Subtitles 1, 4, and 5

Baltimore City Revised Code

(Edition 2000)

Recitals

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

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

The representatives of the Applicant have now applied to the Baltimore City Council for designation of the Property as a Business and Industrial Planned Unit Development, and they have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1, 4, and 5 of the Baltimore City Zoning Code.

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

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

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

(a) All permitted, accessory, and conditional uses as allowed in the B-2 Zoning District, as of the date of this Ordinance, except as prohibited by paragraph (c) below;

(b) in addition to any uses allowed by paragraph (a) above, the following uses are specifically permitted within the Planned Unit Development:

- (1) Drug stores and pharmacies: drive-in;
- (2) Motor vehicles - rental;
- (3) Sale of alcoholic beverages for consumption on premises;
- (4) Outdoor table service when accessory to a permitted use;
- (5) Prepared foods delivery service, including operations accessory to a restaurant;
- (6) Restaurants: drive-in;
- (7) Restaurants: drive-in, including pick-up drives with window service, as well as direct customer service to automobiles, if enclosed portion of business is less than 3,500 square feet;
- (8) Outside storage, display, and sales areas;
- (9) Microwave antennas, non-free standing, if accessory to principal use;
- (10) Live entertainment, so long as accessory to a restaurant, coffee shop, or other permitted use.

(c) Notwithstanding the provisions of paragraphs (a) and (b) above, the following uses are specifically prohibited within the Planned Unit Development: (otherwise either permitted or conditional in B-2)

Ammunition and firearm sales
Amusement arcades
Animal hospitals
Auction rooms
Auditoriums
Auto accessory stores - including repair and installation, except that installation of audio and other electronic components is permitted
Banquet halls
Bed and breakfast establishments
Bingo halls
Blood donor centers
Bowling establishments
Check cashing stores, other than accessory
Concert halls
Dance halls
Dog and cat kennels
Feed stores
Fraternity and sorority houses
Garages for the repair and servicing of motor vehicles
Gasoline service stations
Helistops
Homes for non-bedridden alcoholics or homeless persons
Hospitals
Hotels and motels
Liquor stores or package goods stores
Marinas
Parking facilities, other than accessory
Parole and probation field offices
Pawnshops
Pool halls and billiard parlors
Poultry and rabbit killing establishments
Rooming houses
Sewerage pumping stations
Swimming pools
Taverns
Theaters
Travel trailers, RVs & similar camping equipment; parking and storage
Union halls
Video lottery facility
Water filtration plants, reservoirs, and pumping stations (except in accordance with paragraph (d) below)

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

management, or environmental indoor and outdoor quality - the implementation of which should reasonably lead to the acquisition of credits toward certification from the United States Green Building Counsel's Leadership in Energy and Environmental Design (LEED) Green Building Rating System®, or its functional or generally accepted equivalent. Green uses may include, by way of example, but not limitation:

Innovative energy generation and distribution technologies

Innovative wastewater technologies

On-site wastewater treatment systems - utilizing a localized treatment system to transport, store, treat and dispose some or all wastewater volumes generated on the project site

Gray water systems - wastewater discharged from lavatories, bathtubs, showers, clothes washers, and laundry sinks, that is filtered and reused for irrigation or other non-potable water uses

Storm water reuse facilities

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

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

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

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

SECTION 8. 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 9. AND BE IT FURTHER ORDAINED, That the Planning Commission may determine what constitutes minor or major modifications to the Development Plan. Minor modifications require approval by the Planning Commission. Major modifications require approval by Ordinance.

SECTION 10. 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 11. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

EXHIBIT 1

Properties to be included in the Planned Unit Development

101-15 West 25th Street

204 West Ware Street

2438 North Howard Street

2500 Huntingdon Avenue

300 West 24th Street

330 West 24th Street

400 West 24th Street

Portion of Ward 12, Section 5, Block 3626C, Lot 5, as shown on Development Plan

Portion of existing Hampden Avenue, to be closed, as shown on Development Plan

Portion of existing Ware Street, to be closed, as shown on Development Plan

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