

Council Bill 10-0488

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

5 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
6 Mayor and City Council approves the application of WV Baltimore-24/Sisson LLC and WV
7 Baltimore H 25 LLC (collectively, the “Applicant”), contract purchaser(s) and/or potential
8 owner(s) of certain properties listed on Exhibit 1, attached to and made part of this Ordinance
9 (collectively, the “Property”), consisting of 11.518 acres, more or less, as outlined on the
10 accompanying Development Plan entitled “25th Street Station”, dated April 15, 2010, to
11 designate the Property a Business and Industrial Planned Development under Title 9, Subtitles 1,
12 4, and 5 of the Baltimore City Zoning Code.

13 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by the
14 Applicant, consisting of Sheet 1, “Existing Conditions”, dated ~~April 15, 2010~~; Sheet 2,
15 ~~“Development Plan A”, dated April 15, 2010~~; Sheet 3, ~~“Development Plan B”, dated April 15,~~
16 ~~2010~~; Sheet 4, ~~“Development Plan C”, dated April 15, 2010~~; Sheet 5, ~~“Development Plan D”,~~
17 ~~dated April 15, 2010~~; Sheet 6, ~~“Preliminary Forest Conservation/Landscape Plan”, dated April~~
18 ~~15, 2010~~; Sheet 7, ~~“Exterior Elevations - Site I Large Retail, dated April 15, 2010~~; Sheet 8,
19 ~~“Exterior Elevations - Site I Additional”, dated April 15, 2010~~; and Sheet 9, ~~“Exterior Elevations~~
20 ~~- Site H, dated April 15 July 29, 2010~~; Sheet 2, “Development Plan A”, dated July 29, 2010;
21 Sheet 3, “Development Plan B”, dated July 29, 2010; Sheet 4, “Development Plan C”, dated July
22 29, 2010; Sheet 5, “Development Plan D”, dated July 29, 2010; and Sheet 6, “Preliminary Forest
23 Conservation/Landscape Plan”, dated July 29, 2010, is approved.

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

- 26 (a) All permitted, accessory, and conditional uses as allowed in the B-2 Zoning District,
27 as of the date of this Ordinance, except as limited or prohibited by ~~paragraph (c)~~
28 paragraphs (c), (d), (e), and (f) below;
- 29 (b) in addition to any uses allowed by paragraph (a) above, the following uses are
30 specifically permitted within the Planned Unit Development:
- 31 (1) Drug stores and pharmacies: drive-in;
- 32 (2) Motor vehicles - rental, with no more than 20 parking spaces for rental vehicles
33 located on the Property;
- 34 (3) Outdoor table service when accessory to a permitted use;
- 35 (4) Prepared foods delivery service, including operations accessory to a restaurant;
- 36 (5) Restaurants: drive-in;
- 37 (6) Restaurants: drive-in, including pick-up drives with window service, as well as
38 direct customer service to automobiles, if enclosed portion of business is less than
39 3,500 square feet;

Council Bill 10-0488

1 (7) ~~Outside storage, display, and sales areas, limited to the area in front of the~~
2 ~~principal facade of each building and the length of the facade, leaving no less than~~
3 ~~5 feet of unimpeded sidewalk area for pedestrian passage;~~

4 (8) Microwave antennas, non-free standing, if accessory to principal use;

5 ~~(9) Live entertainment, so long as accessory to a restaurant, coffee shop, or other~~
6 ~~permitted use.~~

7 (9) Outside storage areas, limited to the area labeled as such on the Development
8 Plan;

9 (10) On-premises installation services limited to installation in vehicles, when
10 accessory to an allowed use; and

11 (11) Urgent care centers, defined as facilities providing medical treatment without
12 appointment to patients needing immediate care but without a life-threatening
13 condition warranting a hospital emergency room visit.

14 (c) in addition to any use allowed by paragraphs (a) and (b) above, the following uses are
15 conditional within the Planned Unit Development, subject to approval by the Board
16 of Municipal and Zoning Appeals in accordance with the provisions of the Zoning
17 Code of Baltimore City:

18 (1) Live entertainment;

19 (2) Second hand stores, except the sale of sporting equipment and accessories, which
20 shall be permitted; and

21 (3) Tobacco shops.

22 (d) ~~(e)~~ Notwithstanding the provisions of paragraphs ~~(a) and (b)~~ (a), (b), and (c) above,
23 the following uses are specifically prohibited within the Planned Unit
24 Development:

25 Ammunition and firearm sales

26 Amusement arcades

27 Animal hospitals

28 Auction rooms

29 Auditoriums

30 ~~Auto accessory stores – including repair and installation, except that installation~~
31 ~~of audio and other electronic components is permitted~~

32 Automobile accessory stores

33 Bail bondsmen

34 Banquet halls

35 Bed and breakfast establishments

36 Bingo halls

37 Blood donor centers

38 Bowling establishments

39 Check cashing stores, other than as an accessory use

40 Clubs and lodges, private

Council Bill 10-0488

- 1 Community corrections centers
- 2 Concert halls
- 3 Convalescent, nursing and rest homes
- 4 Convents, monasteries, and seminaries
- 5 Dance halls
- 6 Dog and cat kennels
- 7 Dry-cleaning establishments: drive-in only
- 8 Feed stores
- 9 Fraternity and sorority houses
- 10 Garages for the repair and servicing of motor vehicles
- 11 Gasoline service stations
- 12 Helistops
- 13 ~~Homes for non-bedridden alcoholics or homeless persons~~
- 14 Hospitals
- 15 Hotels and motels
- 16 Laundrettes and laundromats
- 17 Liquor stores or package goods stores
- 18 Marinas
- 19 Parking facilities, other than accessory
- 20 Parole and probation field offices
- 21 Pawnshops
- 22 Pool halls and billiard parlors
- 23 Poultry and rabbit killing establishments
- 24 Rooming houses
- 25 Sewerage pumping stations
- 26 Swimming pools
- 27 Taverns
- 28 Theaters
- 29 Travel trailers, RVs & similar camping equipment; parking and storage
- 30 Undertaking establishments
- 31 Union halls
- 32 Video lottery facility
- 33 Water filtration plants, reservoirs, and pumping stations (except in accordance
- 34 with paragraph ~~(d)~~ (f) below)

35 (e) Notwithstanding the provisions of paragraphs (a), (b), (c), and (d) above, the sale of
36 hunting knives (i.e., knives designed and marketed specifically for use by animal
37 hunters or for hunting purposes) and the possession of “paintball” guns (i.e., air-
38 charged guns that fire paint pellets in connection with the game of paintball) shall be
39 prohibited within the Planned Unit Development.

40 (f) “Green Technology” ~~(d) Green Uses~~ (as defined herein) shall also specifically be
41 allowed and authorized as permitted uses within the Planned Unit Development, as
42 determined by the Director of Planning. A “Green ~~Use~~ Technology” shall mean any
43 use or method, which is not specifically defined or prescribed by the Zoning Code but
44 is consistent with the spirit and intent of the ~~Zoning Code~~ Master Plan – which
45 provides efficiencies in sustainable sites and development, utilizes “green” building
46 principles, enhances energy, waste management, or environmental indoor and
47 outdoor quality - the implementation of which is consistent with the requirement of
48 Baltimore City law or regulations governing sustainability and/or Green Buildings

Council Bill 10-0488

1 and technologies. Green ~~uses~~ technologies may include, by way of example, but not
2 limitation:

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

12 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the business establishments within the
13 Planned Unit Development may be open to the public for business only during the hours of 6:00
14 a.m. to midnight, with the exception of Urgent Care Centers and such other uses as may from
15 time to time be allowed by the Board of Municipal and Zoning Appeals, pursuant to the Code for
16 a Conditional Use. Up to 5 days in each calendar year, businesses within the Planned Unit
17 Development may remain open up to 24 hours in a given day for special shopping opportunities
18 if those businesses have other locations in the Baltimore metropolitan area that are then open for
19 extended hours, but only to the extent and for the hours that those other locations are open.

20 **SECTION 4 5. AND BE IT FURTHER ORDAINED,** That the Property designated as part of the
21 Planned Unit Development under this Ordinance shall not be regulated by this Ordinance until
22 the Applicant or its successors and assigns has acquired title to the properties.

23 **SECTION 6. AND BE IT FURTHER ORDAINED,** That the Applicant, and its successors
24 and assigns, agrees to the following:

25 (a) Before the issuance of construction permits, the Director of Public Works must report
26 in writing to the Baltimore City Council on the stormwater management plan required
27 for the 25th Street Station Planned Unit Development.

28 (b) Before the issuance of construction permits, the Director of Housing must report in
29 writing to the Baltimore City Council on the Green Building requirements for the 25th
30 Street Station Planned Unit Development, either silver LEED or Baltimore City
31 Green Building Standards (BCGBS).

32 **SECTION 7. AND BE IT FURTHER ORDAINED,** That the Applicant and its successors
33 and assigns must annually submit a written report to the Baltimore City Council that details the
34 compliance with the requirements of the Planned Unit Development.

35 **SECTION 5 8. AND BE IT FURTHER ORDAINED,** That exterior signage within the Planned Unit
36 Development shall be subject to final design approval by the Planning Commission.

37 **SECTION 6 9. AND BE IT FURTHER ORDAINED,** That parking shall be provided in accordance
38 with the Zoning Code for the underlying district and as shown on the Development Plan,
39 calculated without regard to any lot lines and instead in the aggregate for the entire Planned Unit
40 Development.

Council Bill 10-0488

1 **SECTION 7 10. AND BE IT FURTHER ORDAINED,** That before any building permit may be
2 issued for any part of this Planned Unit Development, the Applicant must comply with the
3 requirements of Zoning Code § 2-305 and Building Code § 105.3.2 for a traffic-impact study of
4 the overall Planned Unit Development and for the mitigation of adverse traffic impacts.

5 **SECTION 11. AND BE IT FURTHER ORDAINED,** That this Ordinance and its approval of the
6 Planned Unit Development and Development Plan are conditioned on compliance with the
7 following traffic mitigation agreement reached in accordance with the requirements of Zoning
8 Code §§ 2-305 and 16-301(b) and Building Code § 105.3.2, as follows:

9 (a) In a Developer’s Agreement submitted to the Department of General Services for
10 construction within the Planned Unit Development, the Applicant shall, at the
11 Applicant’s expense and pursuant to plans and specifications approved by the
12 Department of Transportation:

13 (1) mill and repave the roadway of the 2400 block of North Howard Street and
14 the portion of 25th Street from the 25th/Huntingdon entrance to the Planned
15 Unit Development to the intersection of 25th Street and Howard Street;

16 (2) re-stripe the North Howard Street lanes between 24th Street and 25th Street to
17 provide a dedicated left turn lane from northbound Howard Street onto 25th
18 Street and modify the signal at that intersection to provide for a dedicated left
19 turn; and

20 (3) install bumpouts and bollards at the northern end of Hampden Avenue where
21 it meets 24th Street, at a cost not to exceed \$10,000, the balance (if any) to be
22 funded by the Department of Transportation.

23 (b) Within 90 days after the issuance of its first building permit within the Planned Unit
24 Development, and as a condition for issuing any occupancy permit, the Applicant
25 shall make a payment in the amount of \$160,000 to the Department of Transportation
26 for the cost of traffic calming devices, signs, lane markings, and other improvements
27 necessary to reduce cut-through traffic and improve pedestrian and bicycle safety and
28 access to and from the Planned Unit Development. Funds received by the
29 Department under this paragraph:

30 (1) must only be used in the area generally bounded by Sisson Street to the west,
31 29th Street to the north, Calvert Street to the east, and 22nd Street to the south;
32 and

33 (2) must be developed in consultation with community organizations and other
34 stakeholders within the boundaries described above.

35 (c) Within 90 days after the issuance of its first building permit within the Planned Unit
36 Development, and as a condition for issuing any occupancy permit, the Applicant
37 shall make a payment in the amount of \$100,000 to the Department of Transportation
38 for traffic signal timing optimization and intelligent transportation system
39 improvements. Funds received by the Department under this paragraph:

40 (1) must only be used in the area generally bounded by the Jones Falls
41 Expressway to the west, 29th Street to the north, Greenmount Avenue to the

Council Bill 10-0488

1 east, and North Avenue to the south, except to the extent that the Director of
2 Transportation determines that a broader travelshed area is required in order
3 to balance the overall transportation network;

4 (2) must be used in a manner that balances the needs of vehicular, pedestrian, and
5 bicycle traffic, including local and through trips; and

6 (3) must be used to review the impact of traffic generated from the Planned Unit
7 Development not less than 18 months after the issuance of an occupancy
8 permit for the largest retail site within the Planned Unit Development.

9 (d) At the discretion of the Director of Transportation, funding in excess of that which is
10 needed for the work described in paragraph (b) or (c) may be transferred to work
11 under the other paragraph and may also be used for the reasonable administrative
12 expenses of carrying out this Section.

13 (e) Any funds not expended within 36 months after the issuance of the occupancy permit
14 for the largest retail site shall be refunded to the Applicant.

15 **SECTION 12. AND BE IT FURTHER ORDAINED,** That the Applicant shall construct a screening
16 wall that will provide both sound and light mitigation on the southwest edge of the Planned Unit
17 Development as shown on the Development Plan, to be constructed to the maximum extent
18 practicable from stone reclaimed from the former Royer’s Chapel building now existing on the
19 Property. Design of the wall is subject to final design approval by the Planning Commission.

20 **SECTION 8 13. AND BE IT FURTHER ORDAINED,** That all plans for the construction of
21 permanent improvements on the Property are subject to final design approval by the Planning
22 Commission to insure that the plans are consistent with the Development Plan and this
23 Ordinance.

24 (a) That for the 5 years following the first issuance of building permits, the Director of
25 Transportation must annually submit a written report to the Baltimore City Council
26 on the cumulative costs to the developer and to the City of traffic mitigation related to
27 the 25th Street Station Planned Unit Development.

28 (b) To the extent consistent with applicable law, the Department of Transportation will
29 include in its traffic mitigation improvements the posting of I-83 signage that directs
30 25th Street Station traffic to use I-83 Exit 6 (North Avenue) for access to this PUD
31 location, such postings to include signs at the North Avenue exit directing traffic to
32 Howard Street.

33 (c) By the time of the first issuance of building permits, the Director of Transportation
34 must submit a written report to the Baltimore City Council on the status and specifics
35 of posting I-83 signage that directs 25th Street Station traffic to I-83 Exit 6 (North
36 Avenue) for access.

37 **SECTION 9 14. AND BE IT FURTHER ORDAINED,** That the Planning Commission may
38 determine what constitutes minor or major modifications to the Development Plan. Minor
39 modifications require approval by the Planning Commission. Major modifications require
40 approval by Ordinance.

Council Bill 10-0488

1 **SECTION 15. AND BE IT FURTHER ORDAINED,** That there is hereby recognized a 25th Street
2 Station PUD Design Review Committee (the “Committee”) that is composed of:

3 (1) the Greater Remington Improvement Association, represented by the President of the
4 organization or the President’s designee;

5 (2) the Charles Village Civic Association, represented by the President of the
6 organization or the President’s designee;

7 (3) the Old Goucher Community Association, represented by the President of the
8 organization or the President’s designee;

9 (4) the Remington Neighborhood Alliance, represented by the President of the
10 organization or the President’s designee; and

11 (5) the Historic Fawcett Community Association, represented by the President of the
12 organization or the President’s designee.

13 Each organization shall use its best efforts to designate a representative with professional
14 design and/or planning experience. It shall be the responsibility of each organization represented
15 on the Committee to maintain on file with the Department of Planning, or its successor agency,
16 current contact information including at least the full name of the Committee representative, a
17 mailing address, telephone number, and email address. If any of the organizations become
18 defunct, the Planning Department may, but shall not be required to, designate an appropriate
19 successor to be represented on the Committee. All plans for improvements at the Property
20 requiring Planning Commission final design approval pursuant to this Ordinance shall be
21 submitted to the Committee by the Department of Planning prior to action by the Planning
22 Commission. The Department shall submit the request to the Committee, in writing, within 5
23 days of initial submission of plans to the Department for review, using the contact information
24 on file with the Department. The Committee shall have 30 days from the request to submit
25 comments and recommendations to the Department, in writing, which shall be advisory to the
26 Department and the Planning Commission in their respective review of the plans.

27 **SECTION 16. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
28 accompanying Development Plan and in order to give notice to the agencies that administer the
29 City Zoning Ordinance: (i) when the City Council passes this Ordinance, the President of the
30 City Council shall sign the Development Plan; (ii) when the Mayor approves this Ordinance, the
31 Mayor shall sign the Development Plan; and (iii) the Director of Finance then shall transmit a
32 copy of this Ordinance and the Development Plan to the Board of Municipal and Zoning
33 Appeals, the Planning Commission, the Commissioner of Housing and Community
34 Development, the Supervisor of Assessments for Baltimore City, and the Zoning Administrator.

35 **SECTION 17. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th
36 day after the date it is enacted.

Council Bill 10-0488

EXHIBIT 1

Properties to be included in the Planned Unit Development

- 1
- 2
- 3 101-15 West 25th Street
- 4 204 West Ware Street
- 5 2438 North Howard Street
- 6 2500 Huntingdon Avenue
- 7 300 West 24th Street
- 8 330 West 24th Street
- 9 400 West 24th 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

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