

DEVELOPMENT TEAM DRAFT – 4/08/2010

INTRODUCTORY

**CITY OF BALTIMORE
COUNCIL BILL _____**

Introduced by: _____

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

Address: c/o Jon Laria, Esq., Ballard Spahr LLP,

300 E. Lombard Street, 18th Floor, Baltimore, MD 21202

Telephone: 410-528-5506

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 20__)

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 November 23, 2009, representatives of the Applicant met with the Department of Planning for a preliminary conference, to explain the scope and nature of existing conditions and proposed development on the Property and to institute proceedings to have the Property designated a Business and Industrial Planned Unit Development.

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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 have
3 submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1, 4 and 5
4 of the Baltimore City Zoning Code.
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6 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,**
7 That the Mayor and City Council approves the application of the Applicant to designate the
8 Property a Business and Industrial Planned Unit Development under Title 9, Subtitles 1, 4 and 5
9 of the Baltimore City Zoning Code.
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11 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan entitled “25th
12 Street Station” submitted by the Applicant, consisting of Sheet 1, “Existing Conditions”, dated
13 _____, 2010; Sheet 2, “Proposed Development Master Plan A”, dated
14 _____, 2010; Sheet 3, “Proposed Development Master Plan B”, dated
15 _____, 2010; and Sheet 4, “Preliminary Forest Conservation/Landscape Plan”,
16 dated _____, 2010, is approved.
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18 **SECTION 3. AND BE IT FURTHER ORDAINED,** That the following uses are allowed
19 within the Planned Unit Development:
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21 (a) all permitted, accessory and conditional uses as allowed in the B-2 Zoning
22 District as of the date of this Ordinance, except as prohibited by paragraph (c)
23 below;
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25 (b) in addition to any uses allowed by paragraph (a) above, the following uses are
26 specifically permitted within the Planned Unit Development:
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28 Drug stores and pharmacies; drive-in (*NOT CURRENTLY PLANNED,*
29 *BUT PART OF PRIOR PLAN AND POTENTIALLY A VIABLE USE*)

30 Motor vehicles – rental (*TO ACCOMMODATE ZIP CARS, ETC., A*
31 *DESIRABLE “GREEN” USE; OTHERWISE PROHIBITED*)

32 Sale of alcoholic beverages for consumption on premises (*NOTE:*
33 *TAVERNS AND LIQUOR/PACKAGE GOOD STORES ARE*
34 *PROHIBITED – INTENT IS ONLY TO PRESERVE OPTION OF GOOD*
35 *RESTAURANT WITH ALCOHOLIC BEVERAGES LICENSE, WINE BAR,*
36 *ETC.*)
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38 Outdoor table service when accessory to a permitted use (*OTHERWISE*
39 *CONDITIONAL BY ORDINANCE*)
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Prepared foods delivery service including operations accessory to a restaurant (*OTHERWISE CONDITIONAL BY BOARD*)

Restaurants; drive-in (*OTHERWISE CONDITIONAL BY ORDINANCE; NOTE THIS DOES NOT MEAN “FAST FOOD WITH DRIVE-THRU” BUT IS A SPECIFIC DEFINITION UNDER § 1-135 OF ZONING CODE. “CARRY-OUT FOOD SHOPS” ARE PERMITTED, BUT THEY REQUIRE PRINCIPAL BUSINESS TO BE FOR OFF-PREMISES CONSUMPTION, SO SLIGHTLY BROADER DEFINITION IS REQUIRED FOR THOSE ESTABLISHMENTS WITH SEATS, SUCH AS PIZZA SHOPS, EVEN PEI WEI, NOODLES AND COMPANY, OR OTHER “ORDER AND THE COUNTER AND SIT DOWN TO EAT” PLACES. THIS DOES NOT PERMIT DRIVE-THRUS.)*

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 (*OTHERWISE PROHIBITED; INTENDED TO PERMIT LIMITED WINDOW AND POTENTIALLY DIRECT VEHICLE SERVICE FOR COFFEE SHOPS, BAKERIES, ICE CREAM SHOPS, ETC. REQUIRED AT LEAST FOR PLANNED COFFEE SHOP WITH DRIVE-THRU. 3,500 SF LIMITATION INTENDED TO PRECLUDE FULL FAST-FOOD RESTAURANTS*))

Outside storage, display, and sales areas (*OTHERWISE PROHIBITED IN B-2 BUT REQUIRED BY WALMART, LOWE’S, ETC.*)

Microwave antennas, non-free standing, if accessory to principal use (*TO ENSURE THAT RETAILER INVENTORY AND COMMUNICATION DEVICES ARE CLEARLY PERMITTED*)

[Live Entertainment Uses] (*OTHERWISE CONDITIONAL BY BOARD UNDER NEW LAW. NOTE INTENT IS NOT TO PERMIT SUBSTANTIAL LIVE ENTERTAINMENT, BUT ONLY TO PERMIT SMALL-SCALE ENTERTAINMENT SUCH AS LIVE GUITAR OR PIANO IN SUPPORT OF OTHER USES. NEED TO DISCUSS HOW TO ADDRESS SO THAT THESE MINIMAL AND DESIRABLE NEIGHBORHOOD USES DO NOT NEED TO GO THROUGH FULL CONDITIONAL USE REVIEW*)

- (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*)

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

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1 final design approval by the Planning Commission to insure that the plans are consistent with the
2 Development Plan and this Ordinance.

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

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

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18 **SECTION 11. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the
19 30th day after the date it is enacted.

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Exhibit 1

Properties to be included in the Planned Unit Development

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