

**VERSION INCORPORATES 7/12/10 PROPOSED AMENDMENTS TO FIRST READER**

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

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, 18<sup>th</sup> Floor,  
Baltimore, Maryland 21202

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Introduced and read first time: April 19, 2010

Assigned to: Land Use and Transportation Committee

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

**A BILL ENTITLED**

1 AN ORDINANCE concerning

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

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

10  
11 BY authority of

12 Article - Zoning

13 Title 9, Subtitles 1, 4, and 5

14 Baltimore City Revised Code

15 (Edition 2000)

16  
17 **Recitals**

18  
19 The Applicant is the contract purchaser of the Property, consisting of 11.518 acres, more or  
20 less. The Applicant and/or its affiliates intend to develop the Property into a mixed-use  
21 development including principally retail and residential uses.

22  
23 On April 13, 2010, representatives of the Applicant met with the Department of Planning for  
24 a preliminary conference, to explain the scope and nature of existing and proposed development  
25 on the Property and to institute proceedings to have the Property designated a Business and  
26 Industrial Planned Unit Development.

27  
28 The representatives of the Applicant have now applied to the Baltimore City Council for  
29 designation of the Property as a Business and Industrial Planned Unit Development, and they  
30 have submitted a Development Plan intended to satisfy the requirements of Title 9, Subtitles 1, 4,

1 and 5 of the Baltimore City Zoning Code.  
2

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

12 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Development Plan submitted by the  
13 Applicant, consisting of Sheet 1, “Existing Conditions”, dated April 15, 2010; Sheet 2,  
14 “Development Plan A”, dated April 15, 2010; Sheet 3, “Development Plan B”, dated April 15,  
15 2010; Sheet 4, “Development Plan C”, dated April 15, 2010; Sheet 5, “Development Plan D”,  
16 dated April 15, 2010; Sheet 6, “Preliminary Forest Conservation/Landscape Plan”, dated April  
17 15, 2010; Sheet 7, “Exterior Elevations - Site I Large Retail, dated April 15, 2010; Sheet 8,  
18 “Exterior Elevations - Site I Additional”, dated April 15, 2010; and Sheet 9, “Exterior Elevations  
19 - Site II, dated April 15, 2010, is approved. EXPECT REVISED DATES AS DRAWINGS ARE  
20 REVISED; AS NOTED ON ORIGINAL SHEETS, SOME SHEETS WILL BE CONVERTED  
21 TO FINAL DESIGN REVIEW DOCUMENTS AND NOT INCLUDED IN PUD ORDINANCE  
22

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

- 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 paragraphs (c), (d),  
28 and (e) below;  
29
- 30 (b) in addition to any uses allowed by paragraph (a) above, the following uses are  
31 specifically permitted within the Planned Unit Development:  
32
- 33 (1) Drug stores and pharmacies: drive-in;
  - 34
  - 35 (2) Motor vehicles – rental, with no more than 20 parking spaces for rental vehicles  
36 located on the Property;
  - 37
  - 38 (3) Outdoor table service when accessory to a permitted use;
  - 39
  - 40 (4) Prepared foods delivery service, including operations accessory to a restaurant;
  - 41
  - 42 (5) Restaurants: drive-in;
  - 43
  - 44 (6) Restaurants: drive-in, including pick-up drives with window service, as well as  
45 direct customer service to automobiles, if enclosed portion of business is less than  
46 3,500 square feet;
  - 47
  - 48 (7) Outside display, and sales areas, limited to the area in front of the principal façade  
49 of each building and the length of such façade, leaving no less than 5 feet of  
50 unimpeded sidewalk area for pedestrian passage;  
51

1 (8) Outside storage areas, limited to the area labeled as such on the Development Plan  
2 **NOTE – ADD LABEL TO DEVELOPMENT PLAN BEHIND LOWE’S;**  
3

4 (8) Microwave antennas, non-free standing, if accessory to principal use;  
5

6 (9) On-premises installation services limited to installation in vehicles, when  
7 accessory to an otherwise allowed use;  
8

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

13 (11) Liquor stores, with a maximum of 20% of the display area dedicated to hard  
14 liquor, no sales of single cans or miniatures, no sales of chemically-fortified  
15 wines, no sales of malt beverages exceeding 22% alcohol by volume, and no sales  
16 on Sunday except as permitted by the Baltimore City Liquor Board or other  
17 governing authority.  
18

19 (c) in addition to any uses allowed by paragraph (a) above, the following uses are  
20 conditional within the Planned Unit Development, subject to approval of the Board of  
21 Municipal and Zoning Appeals according to standards provided in the Zoning Code:  
22

23 (1) Live entertainment;  
24

25 (2) Second hand stores, except the sale of sporting equipment and accessories, which  
26 shall be permitted; and  
27

28 (3) Tobacco shops.  
29

30 (d) Notwithstanding the provisions of paragraphs (a), (b) and (c) above, the following  
31 uses are specifically prohibited within the Planned Unit Development:  
32

- 33 Ammunition and firearm sales
- 34 Amusement arcades
- 35 Animal hospitals
- 36 Auction rooms
- 37 Auditoriums
- 38 Automobile accessory stores
- 39 Bail bondsmen
- 40 Banquet halls
- 41 Bed and breakfast establishments
- 42 Bingo halls
- 43 Blood donor centers
- 44 Bowling establishments
- 45 Check cashing stores, other than as an accessory use
- 46 Clubs and lodges, private
- 47 Community corrections centers
- 48 Concert halls
- 49 Convalescent, nursing, and rest homes
- 50 Convents, monasteries, and seminaries
- 51 Dance halls
- 52 Dry cleaning establishments: drive-in only

- 1 Dog and cat kennels
- 2 Feed stores
- 3 Fraternity and sorority houses
- 4 Garages for the repair and servicing of motor vehicles
- 5 Gasoline service stations
- 6 Helistops
- 7 Homes for non-bedridden alcoholics or homeless persons
- 8 Hospitals
- 9 Hotels and motels
- 10 Laundrettes and Laundromats
- 11 Liquor stores or package goods stores, except as provided herein
- 12 Marinas
- 13 Parking facilities, other than accessory
- 14 Parole and probation field offices
- 15 Pawnshops
- 16 Pool halls and billiard parlors
- 17 Poultry and rabbit killing establishments
- 18 Rooming houses
- 19 Sewerage pumping stations
- 20 Swimming pools
- 21 Taverns
- 22 Theaters
- 23 Travel trailers, RVs & similar camping equipment; parking and storage
- 24 Undertaking establishments
- 25 Union halls
- 26 Video lottery facility
- 27 Water filtration plants, reservoirs, and pumping stations (except in accordance
- 28 with paragraph (e) below)
- 29

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

35  
36 (e) “Green Technologies” (as defined herein) shall also specifically be allowed and  
37 authorized as permitted uses within the Planned Unit Development, as determined by  
38 the Director of Planning. A “Green Technology” shall mean any use or method,  
39 which is not specifically defined or prescribed by the Zoning Code but is consistent  
40 with the spirit and intent of the Zoning Code – which provides efficiencies in  
41 sustainable sites and development, utilizes “green” building principles, enhances  
42 energy, waste management, or environmental indoor and outdoor quality - the  
43 implementation of which is consistent with the requirement of Baltimore City law or  
44 regulations governing sustainability and/or Green Buildings and technologies. Green  
45 Technologies may include, by way of example, but not limitation:

- 46 Innovative energy generation and distribution technologies
- 47 Innovative wastewater technologies (but excluding “blackwater” recycling)
- 48 On-site wastewater treatment systems – utilizing a localized treatment system to
- 49 transport, store, treat and dispose some or all wastewater volumes generated
- 50 on the project site
- 51 Gray water systems – wastewater discharged from lavatories, bathtubs, showers,
- 52

1 clothes washers, and laundry sinks, that is filtered and reused for irrigation or  
2 other non-potable water uses  
3 Storm water reuse facilities  
4

5 **SECTION 4. AND BE IT FURTHER ORDAINED**, That the business establishments within the  
6 Planned Unit Development may be open to the public for business only during the hours of 6:00  
7 AM to Midnight, with the exception of Urgent Care Centers and such other uses as may from  
8 time to time be allowed by the Board of Municipal and Zoning Appeals pursuant to the standards  
9 of the Code for a Conditional Use.

10  
11 **SECTION 5. AND BE IT FURTHER ORDAINED**, That the Property designated as part of the  
12 Planned Unit Development under this Ordinance shall not be regulated by this Ordinance until  
13 the Applicant or its successors and assigns has acquired title to the properties.  
14

15 **SECTION 6. AND BE IT FURTHER ORDAINED**, That exterior signage within the Planned Unit  
16 Development shall be subject to final design approval by the Planning Commission.  
17

18 **SECTION 7. AND BE IT FURTHER ORDAINED**, That parking shall be provided in accordance  
19 with the Zoning Code for the underlying district and as shown on the Development Plan,  
20 calculated without regard to any lot lines and instead in the aggregate for the entire Planned Unit  
21 Development.  
22

23 **SECTION 8. 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

28 **SECTION 9. AND BE IT FURTHER ORDAINED**, That all plans for the construction of permanent  
29 improvements on the Property are subject to final design approval by the Planning Commission  
30 to insure that the plans are consistent with the Development Plan and this Ordinance.  
31

32 **SECTION 10. AND BE IT FURTHER ORDAINED**, That there is hereby recognized a 25<sup>th</sup> Street  
33 Station PUD Design Review Committee, (the "Committee") which is composed of (1) the  
34 Greater Remington Improvement Association, represented by the President of the organization or  
35 his/her designee; (2) the Charles Village Civic Association, represented by the President of the  
36 organization or his/her designee; (3) the Old Goucher Community Association, represented by  
37 the President of the organization or his/her designee; (4) the Remington Neighborhood Alliance,  
38 represented by the President of the organization or his/her designee; and (5) the Historic Fawcett  
39 Community Association, represented by the President of the organization or his/her designee.  
40 Each organization shall use its best efforts to designate a representative with professional design  
41 and/or planning experience. It shall be the responsibility of each organization represented on the  
42 Committee to maintain on file with the Department of Planning, or its successor agency, current  
43 contact information including at least the full name of the Committee representative, a mailing  
44 address, telephone number, and email address. If any of the organizations become defunct, the  
45 Planning Department may, but shall not be required to, designate an appropriate successor to be  
46 represented on the Committee. All plans for improvements at the Property requiring Planning  
47 Commission final design approval pursuant to this Ordinance shall be submitted to the  
48 Committee by the Department of Planning prior to action by the Planning Commission. The  
49 Department shall submit the request to the Committee, in writing, within five (5) days of initial  
50 submission of plans to the Department for review, using the contact information on file with the  
51 Department. The Committee shall have fifteen (15) days from the request to submit comments

1 and recommendations to the Department, in writing, which shall be advisory to the Department  
2 and the Planning Commission in their respective review of such plans.  
3

4 **SECTION 11. AND BE IT FURTHER ORDAINED,** That the Planning Commission may determine  
5 what constitutes minor or major modifications to the Development Plan. Minor modifications  
6 require approval by the Planning Commission. Major modifications require approval by  
7 Ordinance.  
8

9 **SECTION 12. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
10 accompanying Development Plan and in order to give notice to the agencies that administer the  
11 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 then shall 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.  
17

18 **SECTION 13. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup>  
19 day after the date it is enacted.

**EXHIBIT 1**

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

101-15 West 25<sup>th</sup> Street

204 West Ware Street

2438 North Howard Street

2500 Huntingdon Avenue

300 West 24<sup>th</sup> Street

330 West 24<sup>th</sup> Street

400 West 24<sup>th</sup> 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