Introduced by: Councilmember Bullock

At the request of: The Back Yard X, LLC
Address: c/o Lara Sumerson, 131 South Schroeder Street, Baltimore, Maryland 21223
Telephone: 443-722-3238

Prepared by: Department of Legislative Reference **Date:** April 2, 2019

Referred to: LAND USE Committee

Also referred for recommendation and report to municipal agencies listed on reverse.

CITY COUNCIL 19 - 0367

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 129 and 131 South Schroeder Street

FOR the purpose of changing the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-2 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 55
Baltimore City Revised Code
(Edition 2000)

****The introduction of an Ordinance or Resolution by Councilmembers at the request of any person, firm or organization is a courtesy extended by the Councilmembers and not an indication of their position.**

Agencies

_____ Baltimore City Public School System

✓ Baltimore Development Corporation

✓ City Solicitor

_____ Comptroller's Office

_____ Department of Audits

_____ Department of Finance

_____ Department of General Services

✓ Department of Housing and Community Development

_____ Department of Human Resources

_____ Department of Planning

_____ Other:_____

_____ Other:_____

_____ Other:_____

_____ Department of Public Works

_____ Department of Real Estate

_____ Department of Recreation and Parks

✓ Department of Transportation

_____ Fire Department

_____ Health Department

_____ Mayor's Office of Employment Development

_____ Mayor's Office of Human Services

_____ Mayor's Office of Information Technology

_____ Office of the Mayor

_____ Police Department

_____ Other:_____

_____ Other:_____

Boards and Commissions

_____ Board of Estimates

_____ Board of Ethics

✓ Board of Municipal and Zoning Appeals

_____ Comm. for Historical and Architectural Preservation

_____ Commission on Sustainability

_____ Employees' Retirement System

_____ Other:_____

_____ Other:_____

_____ Other:_____

_____ Environmental Control Board

_____ Fire & Police Employees' Retirement System

_____ Labor Commissioner

_____ Parking Authority Board

✓ Planning Commission

_____ Wage Commission

_____ Other:_____

_____ Other:_____

_____ Other:_____

CITY OF BALTIMORE
ORDINANCE 19-325
Council Bill 19-0367

Introduced by: Councilmember Bullock
At the request of: The Back Yard X, LLC
Address: c/o Lara Sumerson, 131 South Schroeder Street, Baltimore, Maryland 21223
Telephone: 443-722-3238
Introduced and read first time: April 15, 2019
Assigned to: Land Use and Transportation Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: December 2, 2019

AN ORDINANCE CONCERNING

Rezoning – 129 and 131 South Schroeder Street and 934 West Pratt Street

FOR the purpose of changing the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051) and 934 West Pratt Street (Block 0252, Lot 050), as outlined in red on the accompanying revised plat, from the R-8 Zoning District to the ~~C-2~~ C-1 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 55
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 55 of the Zoning District Map is amended by changing from the R-8 Zoning District to the ~~C-2~~ C-1 Zoning District the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051) and 934 West Pratt Street (Block 0252, Lot 050), as outlined in red on the revised plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying revised plat 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 plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat 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.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.

Certified as duly passed this _____ day of DEC 05 2019, 20___

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this _____ day of DEC 05 2019, 20___

Chief Clerk

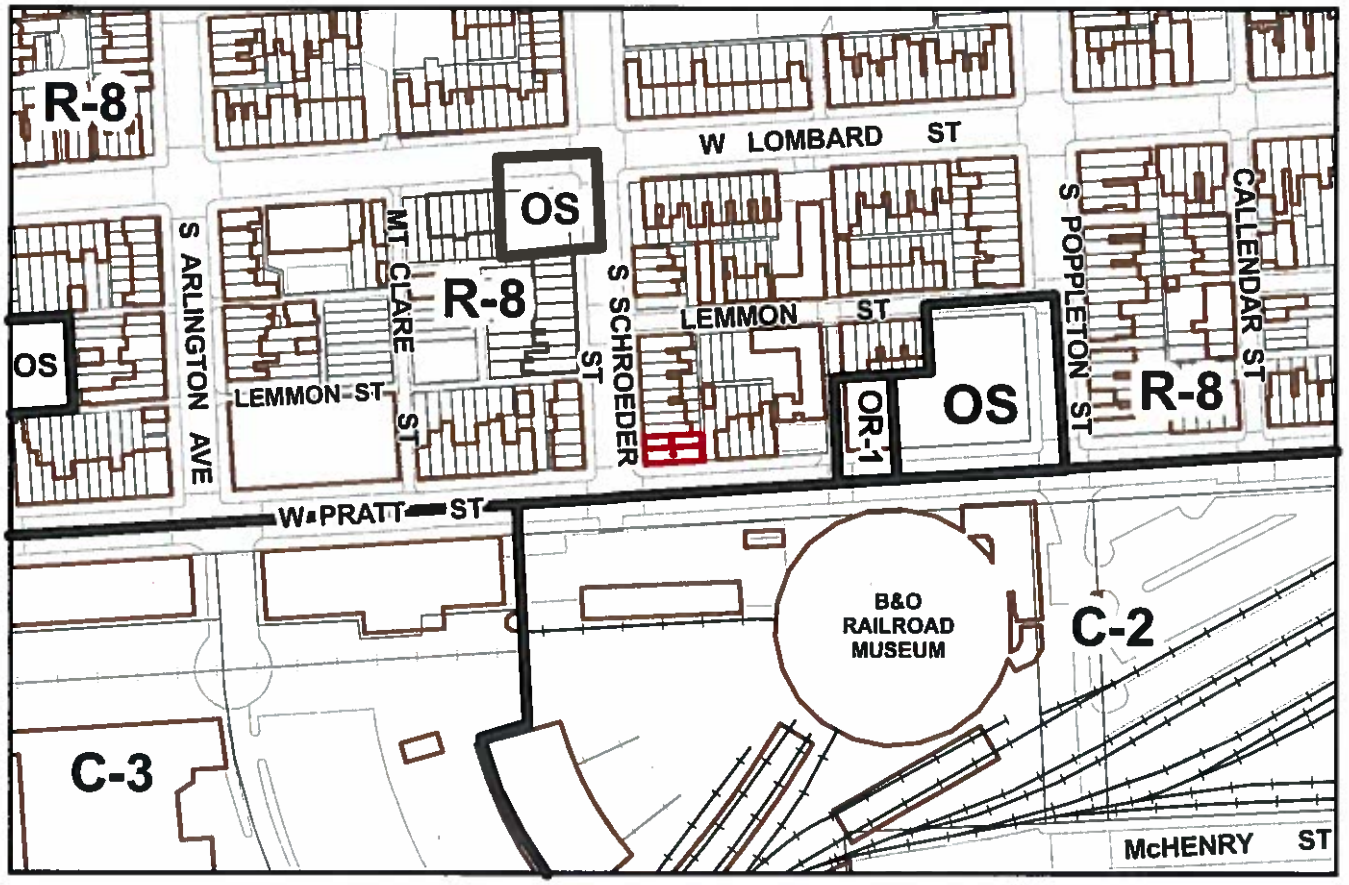
Approved this 18th day of Dec., 20 19

Mayor, Baltimore City

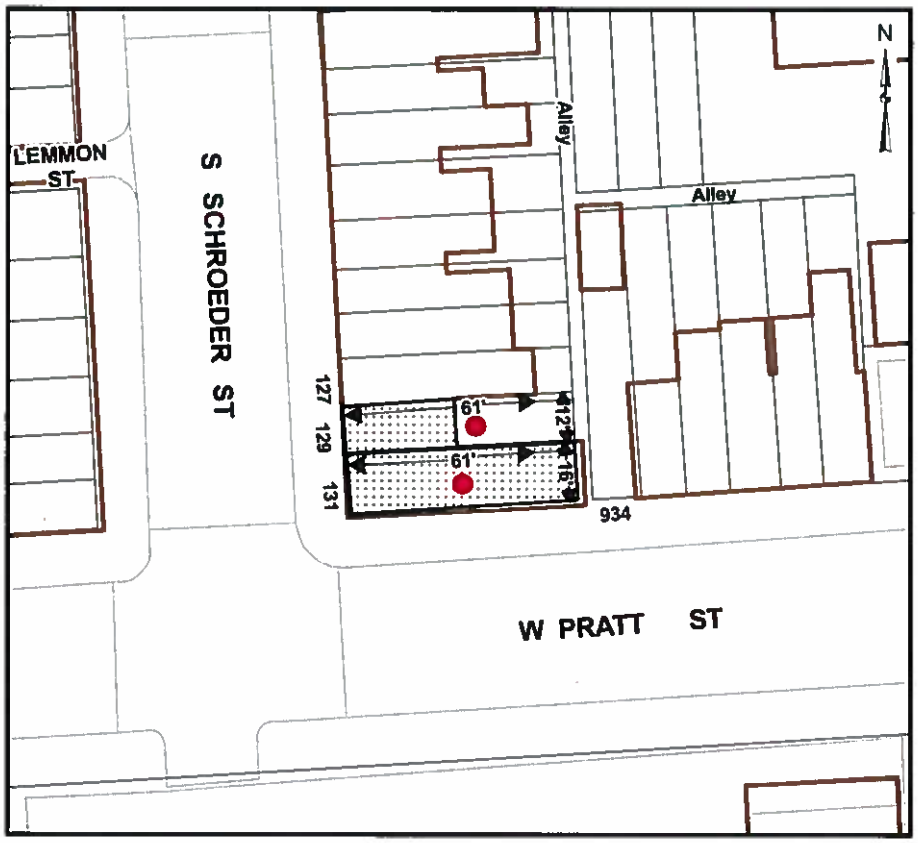
Approved For Form and Legal Sufficiency
This 12th **Day of** December 2019

Elena DiPietro
Chief Solicitor

SHEET NO. 55 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Scale: 1" = 50'

Note:

In Connection WithThe Properties Known As Nos. 129 & 131 SOUTH SCHROEDER STREET. The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From R-8 Zoning to C-2 Zoning, As Outlined In Red Above.

WARD 18 SECTION 8

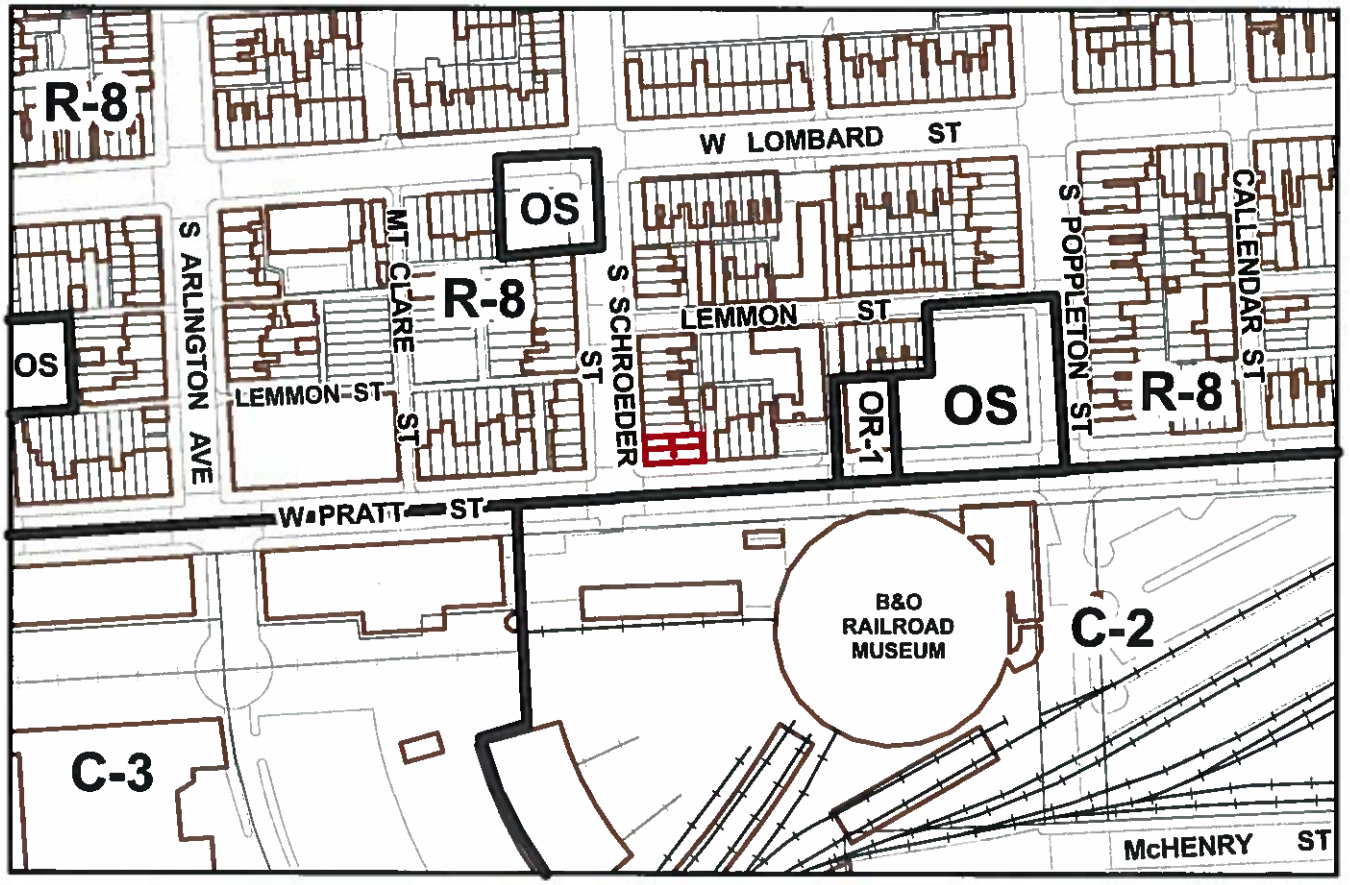
BLOCK 252 LOTS 51 & 52

MAYOR

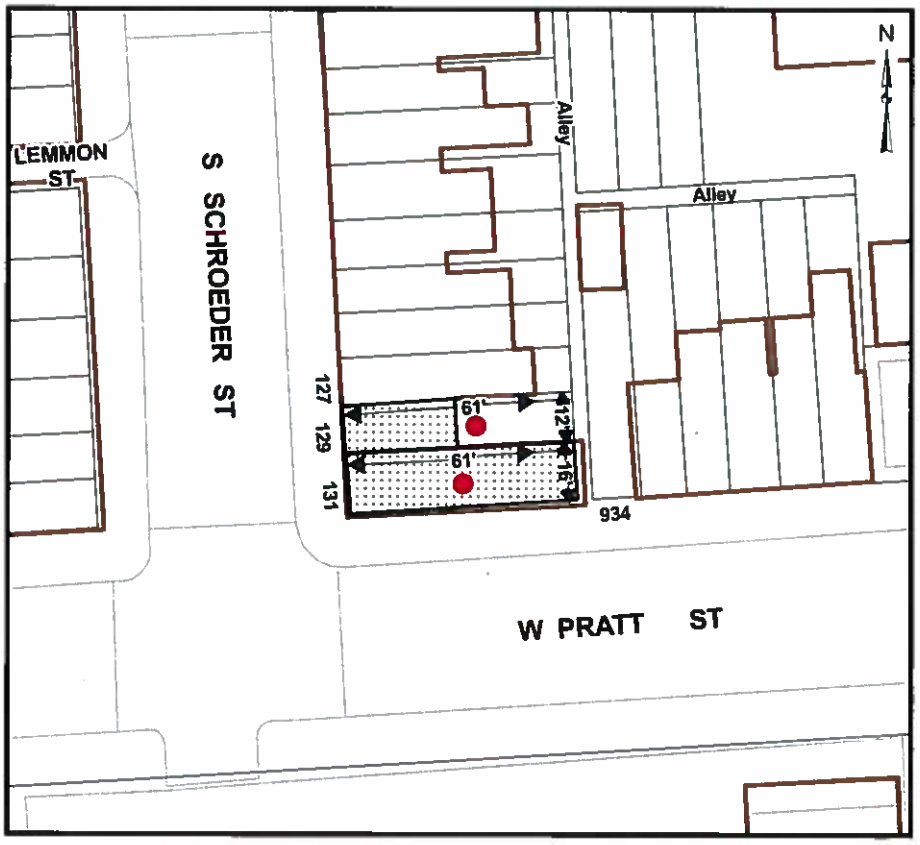
PRESIDENT CITY COUNCIL

RPE 3-25-19

SHEET NO. 55 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Scale: 1" = 50'

Note:

In Connection WithThe Properties Known As Nos. 129 & 131 SOUTH SCHROEDER STREET. The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From R-8 Zoning to C-2 Zoning, As Outlined In Red Above.

WARD 18 SECTION 8

BLOCK 252 LOTS 51 & 52

MAYOR

PRESIDENT CITY COUNCIL

RPE 3-25-19

367

APPROVED FOR FORM
STYLE AND LEGAL SUFFICIENCY
11-22-19

AMENDMENTS TO COUNCIL BILL 19-0367
(1st Reader Copy)

By: Land Use Committee

Amendment No. 1

On page 1, in line 2, after "**Street**", insert "**and 934 West Pratt Street**"; and, in lines 4 and 15, in each instance, before the comma, insert "and 934 West Pratt Street (Block 0252, Lot 050)".

Amendment No. 2

On page 1, in lines 5 and 14, in each instance, strike "C-2" and substitute "C-1".

Amendment No. 3

On page 1, in lines 5, 15, and 17, in each instance, before "plat", insert "revised".

ADOPTED

BALTIMORE CITY COUNCIL
LAND USE COMMITTEE
VOTING RECORD

DATE: November 20, 2019

BILL#: 19-0367

BILL TITLE: Rezoning - 129 and 131 South Schroeder Street

MOTION BY: Clark SECONDED BY: Dorsey

☐ FAVORABLE ☑ FAVORABLE WITH AMENDMENTS

☐ UNFAVORABLE ☐ WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward - Chair	✓			
Sneed, Shannon - Vice Chair	✓			
Clarke, Mary Pat	✓			
Costello, Eric	✓			
Dorsey, Ryan	✓			
Middleton, Sharon			✓	
Pinkett, Leon	✓			
Stokes, Robert	✓			
TOTALS	7		1	

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO SECTIONS 10-304 AND 10-305 OF THE MARYLAND LAND USE ARTICLE AND SECTION 5-508 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF:

CITY COUNCIL BILL NO: 19-0367

REZONING - 129 AND 131 SOUTH SCHROEDER STREET

Upon finding as follows with regard to:

(1) Population changes;

There is not a significant change in population since the establishment of the current Zoning Code.

(2) The availability of public facilities;

This site is served by existing utilities and public facilities, which will not be affected by the proposed change in zoning for this property.

(3) Present and future transportation patterns;

This site is accessible by City streets, in the established grid of this neighborhood, which are not proposed to be changed or impacted by this proposed action.

(4) Compatibility with existing and proposed development for the area;

According to Baltimore Development Corporation, the property is in the Hollins Market Neighborhood area. The proposed rezoning would allow for the expansion of this business, accomplishing major goals of the Southwest Partnership Vision Plan which calls for retaining and strengthening the economic viability of existing businesses.

(5) The recommendations of the City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

- According to a staff report from the Department of Planning, dated May 9, 2019 the Planning Department recommended disapproval of the rezoning request to the Planning Commission.

- According to a memorandum from Mr. Chris Ryer, dated May 17, 2019, at its regular meeting of May 9, 2019, the Planning Commission considered City Council Bill # 19-0367, for the purpose of changing the zoning for the property known as 129 and 131 South Schroeder Street (Block 0252, Lot 052 and 051), as outlined in red on the accompanying plat from the R.-8 Zoning District to the C-2 Zoning District.

  In its consideration of the bill, the Planning Commission reviewed the staff report which recommended disapproval of City Council Bill #19-0421 and adopted the following resolution eight members being present (eight in favor):

  > RESOLVED, That the Planning Commission does not concur with the recommendations of its departmental staff, instead adopts the findings offered by the applicant, and therefore recommends that City Council Bill 19-0367 should be amended and passed by the City Council, with the following amendments:
  >
  > - That 934 West Pratt Street is added to the bill, and
  > - That these properties are instead rezoned to the C-1 District.

- According to a memorandum from Mr. Derek J. Baumgardner, dated May 23, 2019, the Board of Municipal and Zoning Appeals reviewed the legislation and concurs with the report and recommendation of the Planning Commission recommending approval of CC Bill 19-0367 with the amendments currently proposed by the Planning Commission.

- According to a memorandum from Mr. Frank Murphy, dated May 3, 2019, the Department of Transportation has no objection to Bill 19-0367.

- According to a memorandum from Ms. Elena DiPietro, dated September 20, 2019, the Law Department states that the bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met and whether the rezoning amounts to spot zoning. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, including presentation of facts supporting a mistake in the 2017 comprehensive rezoning. In addition, facts must be presented that rule out spot zoning. If all these concerns are addressed appropriately, the Law Department could approve the bill for form and legal sufficiency.

- According to a memorandum from Mr. Colin Tarbert, dated June 24, 2019, the Baltimore Development Corporation supports City Council Bill 19-0367 with the amendments proposed by the Planning Commission for a C-1 zoning designation. The C-1 zone allows for Back Yard, LLC to expand and grow as a neighborhood business. It also allows for additional oversight and input from the planning staff and community respectively should there be a change of use in the future.

- According to a memorandum from Mr. Michael Braverman, dated August 9, 2019, the Department of Housing and Community Development has no objection to Bill 19-0367.

(6) The proposed amendment's relationship to and consistency with the City's Comprehensive Master Plan.

According to the Baltimore Development Corporation, the property is in the Hollins Market Neighborhood area. The proposed rezoning would allow for the expansion of this business, accomplishing major goals of the Southwest Partnership Vision Plan which calls for retaining and strengthening the economic viability of existing businesses.

(7) Existing uses of property within the general area of the property in question;

The predominant use of the properties in this neighborhood is residential in nature on the north side of West Pratt Street. The B&O Museum and the Mount Clare Shopping Center on the south side of West Pratt Street have not changed, and will remain commercially zoned.

(8) The zoning classification of other property within the general area of the property in question;

This property continued to be zoned R-8 effective June 5, 2017, reflecting the residential character of the majority of the surrounding area. Residential use of this block and nearby residentially-developed blocks has remained consistent. The zoning of the subject property (R- 8) that continued with the adoption of the current Zoning Code on June 5, 2017 is reflective of the existing pattern of residential use in this neighborhood.

The commercially-zoned land on the south side of West Pratt Street, opposite of these properties, including the B&O Museum and the Mount Clare Shopping Center (also a Planned Unit Development) have remained.

(9) The suitability of the property in question for the uses permitted under its existing zoning classification;

129 and 131 South Schroeder Street are located on the northeastern comer of the intersection with West Pratt Street, immediately north of the B&O Railroad Museum roundhouse, and are currently zoned R-8 for residential use. 129 South Schroeder Street was previously authorized for use as a single-family dwelling, and 131 South Schroeder Street was authorized for use as a single-family dwelling and a tavern without live entertainment.

The commercial use in 131 South Schroeder Street became nonconforming in 1971 and has continued to be nonconforming since that time.

(10) The trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present classification;

According to the Mr. Michael Seipp, Executive Director of Southwest Partnership, in 2015 his organization's Vision Plan for the area was approved by the Department of Planning and made part of Baltimore City's Comprehensive Master Plan. Use and expansion of the property is in line with Southwest Partnership's Vision Plan and trends of development in the area, particularly at Hollins Market.

(11) For a rezoning based on a SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD, the following facts establish the substantial change since the time of the last comprehensive rezoning:

(12) For a rezoning based on a MISTAKE in the existing zoning classification, the following facts establish that at the time of the last comprehensive zoning the Council failed to consider then existing facts, or projects or trends which were reasonably foreseeable and/or that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect:

Rezoning of the subject property was a mistake. Transform Baltimore, the comprehensive rezoning legislation for Baltimore City, was introduced to the City Council in 2012. Consideration was not given to Southwest Partnership's Vision Plan for the area, which was approved for inclusion into Baltimore City's Comprehensive Master Plan in September 2015. Southwest Partnership supports commercial and residential uses in the area. All anchor institutions in the area support the use. The current use and expansion of zoning is compatible with development trends in the area, particularly with development trends at Hollins Market. The use will increase the number of amenities and public facilities in the neighborhood.

The above facts establish that at the time of the last comprehensive zoning the Council failed to consider then existing facts, or projects or trends which were

reasonably foreseeable and/or that events occurring subsequent to the comprehensive zoning and have proven that the Council's initial premises were incorrect.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission Report - Dated May 17, 2019

[X] Testimony presented at the Committee hearing

Oral – Witness Name:

- Mr. Eric Tiso, Department of Planning
- Ms. Livhu Ndou, Board of Municipal Zoning Appeals
- Mr. Liam Davis, Department of Transportation
- Ms. Elena DiPietro, Department of Law
- Ms. Nikky Davis, Baltimore Development Corporation
- Ms. Stephanie Murdock Department of Housing and Community
- Development
- Mr. Arco Sen, Parking Authority of Baltimore City
- Mr. Michael Cavanuagh, Applicant
- Mr. Michael Seipp, Executive Director, Southwest Partnership

Written:

- Planning Commission Report – Dated 05/17/2019 and the Planning Department Staff Report – Dated 05/09/2019
- Department of Transportation, Agency Report – Dated 05/03/2019
- Board of Municipal Zoning Appeals, Agency Report – Dated 05/23/2019
- Law Department, Agency Report – Dated 9/10/2019
- Parking Authority of Baltimore City, Agency Report – Dated 08/20/2019
- Department of Housing and Community Development, Agency Report – Dated 08/09/2019
- Baltimore Development Corporation, Agency Report – Dated 06/24/2019

LAND USE AND TRANSPORTATION COMMITTEE:

Chairman

Member

Member

Member

Member

Member

Member

Member

The Daily Record
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 11811917
Case #:
Description:

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 19-0367

PUBLISHER'S AFFIDAVIT

We hereby certify that the annexed advertisement was published in **The Daily Record**, a daily newspaper published in the State of Maryland 1 times on the following dates:

11/5/2019

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore City

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 19-0367

The Land Use Committee of the Baltimore City Council will meet on Wednesday, November 20, 2019 at 1:10 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0367.

CC 19-0367 ORDINANCE - Rezoning - 129 and 131 South Schroeder Street

FOR the purpose of changing the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-2 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 55
Baltimore City Revised Code
(Edition 2000)

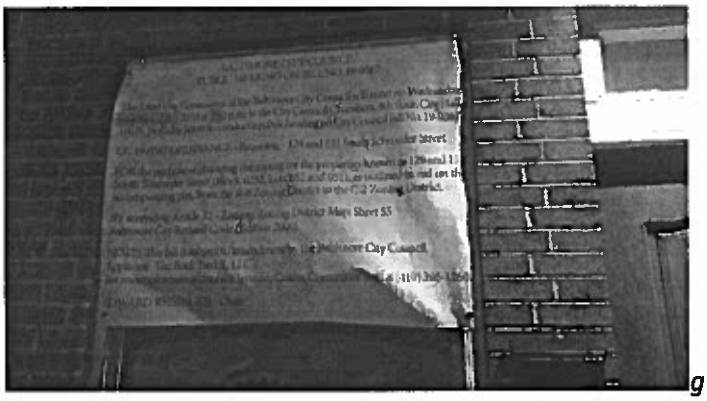
NOTE: This bill is subject to amendment by the Baltimore City Council.
Applicant: The Back Yard X, LLC
For more information contact committee staff at (410) 396-1260.

EDWARD REISINGER
Chair

n5

ATTACHMENT C

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 19-0367
Today's Date: 10/20/19



g

Address: 129 and 131 S. Schroeder Streets

Date Posted: 10/20/19

Name: Lara Sumerson
Address: 131 S. Schroeder Street, Baltimore MD 21223
Telephone: 443.722.3238

RECEIVED
OCT 2 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

- *Email to: Natawnab.Austin@baltimorecity.gov*
- *Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202*

October 22, 2019

BKC Enterprises
c/o Michael Cavanagh
131 S. Schroeder Street
Baltimore, MD 21223

To Michael Cavanagh,

Please be apprised of the following notice regarding our rezoning hearing with the Land Use Committee on September 20th:

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 19-0367

The Land Use Committee of the Baltimore City Council will meet on Wednesday, November 20, 2019 at 1:10 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0367.

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NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: The Back Yard X, LLC

For more information contact committee staff at (410) 396-1260.

EDWARD REISINGER
Chair

Regards,

Lara Sumerson
The Back Yard

RECEIVED
NOV 1 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

THE BALTIMORE SUN MEDIA GROUP

300 E. Cromwell Street
Baltimore, Maryland 21230
tel: 410/332-6000
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 6425800

Sold To:
The Back Yard- CU80061021
131 South Schroeder
Baltimore, MD 21223

Bill To:
The Back Yard- CU80061021
131 South Schroeder
Baltimore, MD 21223

Was published in "The Baltimore Sun", "Daily", a newspaper printed and published in Baltimore City on the following dates:

Sept. 01, 2019

The Baltimore Sun Media Group

By _____

Subscribed and sworn to before me this 10 day of Sept 2019.

By _____

_____
Notary Public

My commission expires _____

OFFICIAL SEAL
JAMES D MORGAN
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES 03/07/21

RECEIVED
SEP 11 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

Material for adss Order ID: 3098604

« Previous Next »

Material #1 Edit

PUBLIC HEARING ON BILL NO. 19-0367

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 19-0367

The Land Use Committee of the Baltimore City Council will meet on Wednesday, September 11, 2019 at 1:05 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0367.

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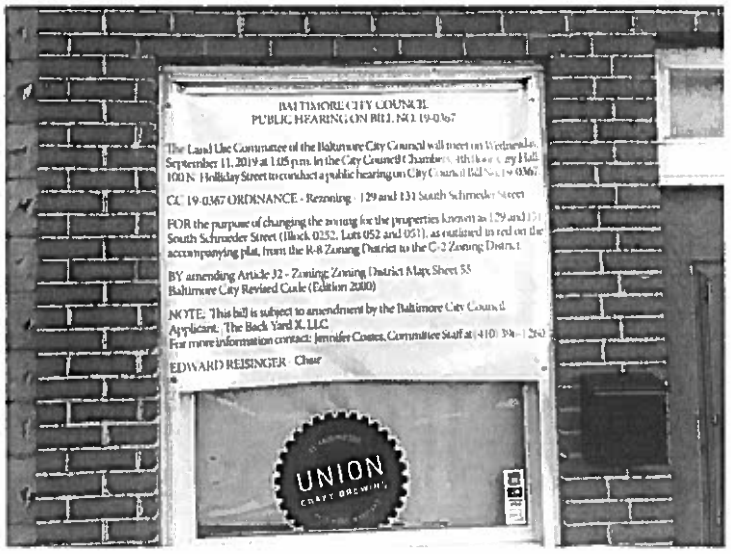
Applicant: The Back Yard X, LLC
For more information contact: Jennifer Coates, Committee Staff at (410) 396-1260.

EDWARD REISINGER
Chair

Certificate of Posting

Baltimore City Council

Hearing Notice <u>City Council Bill No. 19-0367</u>



129 and 131 S. Schroeder Street

Posted 08/10/19

Lara Sumerson and Michael Cavanagh 131 S. Schroeder Street

ATTACHMENT C

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 19-0367

Today's Date: 08/21/19

SEE ATTACHED

Address: 129 and 131 S. Schroeder Street and 934 W. Pratt Street

Date Posted: 08/10/19

Name: Lara Sumerson
Address: 131 S. Schroeder Street
Telephone: 443.722.3238

RECEIVED
AUG 21 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

- *Email to: Natawnab.Austin@baltimorecity.gov*
- *Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202*

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 19-0367

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Baltimore City Revised Code (Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.
Applicant: The Back Yard X, LLC
For more information contact: Jennifer Coates, Committee Staff at (410) 396-1260.

EDWARD REISINGER - Chair

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 19-0367

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Applicant: The Back Yard X, LLC
For more information contact: Jennifer Coates, Committee Staff at (410) 396-1260.

EDWARD REISINGER - Chair

FROM		
NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE **MEMO**
AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8TH FLOOR, 417 EAST FAYETTE STREET	
SUBJECT	CITY COUNCIL BILL #19-0367/ REZONING – 129 AND 131 SOUTH SCHROEDER STREET	DATE: May 17, 2019

TO

The Honorable President and
Members of the City Council
City Hall, Room 400
100 North Holliday Street

At its regular meeting of May 9, 2019, the Planning Commission considered City Council Bill #19-0367, for the purpose of changing the zoning for the property known as 129 and 131 South Schroeder Street (Block 0252, Lot 052 and 051), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-2 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended disapproval of City Council Bill #19-0367, and adopted the following resolution with eight members being present (eight in favor):

> RESOLVED, That the Planning Commission does not concur with the recommendations of its departmental staff, instead adopts the findings offered by the applicant, and therefore recommends that City Council Bill #19-0367 should be amended and passed by the City Council, with the following amendments:
> - That 934 West Pratt Street is added to the bill, and
> - That these properties are instead rezoned to the C-1 District.

If you have any questions, please contact Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Mr. Jeff Amoros, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to the Planning Commission
Mr. William H. Cole, IV, BDC
Mr. Derek Baumgartner, BMZA
Mr. Geoff Veale, Zoning Administrator
Ms. Sharon Daboin, DHCD
Mr. Tyrell Dixon, DHCD
Mr. Liam Davis, DOT
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Ms. Natawna Austin, Council Services
Mr. Ervin Bishop, Council Services

RECEIVED
MAY 21 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

Fav w/ Amends

Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT

Chris Ryer
Director

May 9, 2019

REQUEST: City Council Bill #19-0367/ Rezoning – 129 and 131 South Schroeder Street: For the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-2 Zoning District.

RECOMMENDATION: Disapproval

STAFF: Eric Tiso, AICP

PETITIONER: The Back Yard X, LLC

OWNER: BKC Properties, LLC, c/o Brian Cavanagh

SITE/GENERAL AREA

Site Conditions: 129 and 131 South Schroeder Street are located on the northeastern corner of the intersection with West Pratt Street, immediately north of the B&O Railroad Museum roundhouse, and are currently zoned R-8 for residential use. 129 South Schroeder Street was previously authorized for use as a single-family dwelling, and 131 South Schroeder Street was authorized for use as a single-family dwelling and a tavern without live entertainment.

General Area: These properties are located along the southern edge of the Hollins Market neighborhood, sharing a border with the Washington Village Pigtown neighborhood across West Pratt Street to the south. Additionally, this area lies within the Poppleton Urban Renewal Plan (URP) area. The Hollins Market Neighborhood is largely residential in nature, with occasional commercial or institutional uses such as the Hollins Market two blocks to the west and two blocks north. The James McHenry Elementary School is two blocks to the north, and the University of Maryland Biopark is three blocks north of this site.

HISTORY

- The Poppleton Urban Renewal Plan (URP) was established by Ordinance #75-837, dated June 30, 1975.
- Amendment #13, the latest amendment to the Poppleton URP, was enacted by Ordinance #14-299, dated June 2, 2014.

CONFORMITY TO PLANS

The proposed rezoning action does not support the goals, objectives and strategies contained in the Comprehensive Master Plan for the City of Baltimore. One of the objectives expressed in the Master Plan for the new zoning code was consistency of zoning with existing land use,

community character, City plans and projects, and City economic development goals (Master Plan, p. 15).

This rezoning will support a proposed expansion of an existing tavern in 131 South Schroeder Street (the corner property), and allow for the expansion of the business into the adjacent 129 South Schroeder Street property. Additional seating for patrons will be added, as well improvements to meet egress requirements for safety. Use of the property as a tavern without live entertainment in this residential district makes it a nonconforming use under the current (TransForm Baltimore) Zoning Code. The current Zoning Code designated the zoning of these properties as R-8 residential. The prior zoning designations had 129 and 131 South Schroeder Street residentially zoned in the R-8 and R-9 districts respectively. This proposed rezoning will have the practical effect of extending the operation of a tavern at this location as a permitted use by right in the C-2 district, as well as allowing for its expansion. It would thereby also conflict to a certain extent with LIVE Goal 2, Objective 3, Strategy 4: Ensure all residents are within 1.5 miles of quality groceries and neighborhood services, in that possible conversion of this tavern to a food store or other retail goods establishment with no alcohol sales would not be encouraged.

ANALYSIS

This property continued to be zoned R-8 effective June 5, 2017, reflecting the residential character of the majority of the surrounding area. The commercially-zoned land on the south side of West Pratt Street, opposite of these properties, including the B&O Museum and the Mount Clare Shopping Center (also a Planned Unit Development) have remained. Some reduction in extent of commercially zoned land along the West Baltimore corridor to the west of the University of Maryland Biopark has occurred following the comprehensive rezoning of the City in 2017, all of which is two blocks to the north of these properties.

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

(b) *Map amendments.*

(1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

(i) a substantial change in the character of the neighborhood where the property is located; or

(ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

(i) population changes;

(ii) the availability of public facilities;

(iii) present and future transportation patterns;

(iv) compatibility with existing and proposed development for the area;

(v) the recommendations of the City agencies and officials; and

(vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

(i) existing uses of property within the general area of the property in question;

(ii) the zoning classification of other property within the general area of the property in question;

(iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
(iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is not in the public's interest, in that it will make these corner residential mixed-use structures usable in their entirety as a commercial establishment physically attached to a row of dwellings. There would be no public street or alley to separate the non-residential use from its residential neighbor, which is part of a row of attached dwellings.

It has been less than two years since these properties were placed in their present zoning classification. There had been no significant change in this general area since the previous version of the Zoning Code was adopted in 1971. Residential use of this block and nearby residentially-developed blocks has remained consistent. The zoning of the subject property (R-8) that continued with the adoption of the current Zoning Code on June 5, 2017 is reflective of the existing pattern of residential use in this neighborhood. The commercial use in 131 South Schroeder Street became nonconforming in 1971 and has continued to be nonconforming since that time.

These properties were zoned R-8 and R-9 under the prior zoning code. The R-8 zoning that became effective June 5, 2017 allows residential usé, but does not allow the tavern because taverns are not even among the uses allowed in Neighborhood Commercial Establishments, even as conditional uses, under the current Zoning Code. That flexible use category was created to recognize that certain buildings would be more difficult to convert for solely residential use. Because the tavern remained in place after June 5, 2017, it is classified as a nonconforming use by the new Zoning Code. The structure in which it is located is suitable for residential use, like the residential dwellings to which it is attached, and its street level commercial space is suitable for use as a Neighborhood Commercial Establishment such as a restaurant, retail goods establishment, personal services establishment, or offices.

Maryland Land Use Code – Requirements for Rezoning:
The Maryland Land Use Code requires the Planning Commission to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the vicinity of the proposed changes (*cf.* Md. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

1. **The Plan:** This action does not advance the goals, objectives or strategies contained in the Comprehensive Master Plan also known as LIVE EARN PLAY LEARN.
2. **The needs of Baltimore City:** This action is not needed to serve either a comprehensive redevelopment strategy or a Mayoral initiative.
3. **The needs of the particular neighborhood:** This action does not help to meet the needs of this neighborhood, or those immediately nearby. During the last two years, the Southwest Partnership developed a comprehensive redevelopment strategy for each of its six member neighborhoods. In order for some of these initiatives to be implemented, changes in zoning will be recommended. This is especially true along West Pratt and

West Baltimore Streets and some of the adjacent properties. The Southwest Partnership believes that this zoning change being contemplated by the Planning Commission is an important component of its overall redevelopment investment strategy.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

1. **Population changes;** There is not a significant change in population since the establishment of the current Zoning Code.
2. **The availability of public facilities;** This site is served by existing utilities and public facilities, which will not be affected by the proposed change in zoning for this property.
3. **Present and future transportation patterns;** This site is accessible by City streets, in the established grid of this neighborhood, which are not proposed to be changed or impacted by this proposed action.
4. **Compatibility with existing and proposed development for the area;** The proposed action will not be compatible with the existing zoning of this block or surrounding blocks, and would be contrary to the confirmation of residential zoning that was approved for this neighborhood as part of the Citywide rezoning effort in 2017.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend disapproval of this rezoning request to the Planning Commission. The BMZA has not yet commented on this bill, but will comment separately.
6. **The relation of the proposed amendment to the City's plan.** As continuation of the R-8 zoning that became effective June 5, 2017 is consistent with the City's Comprehensive Master Plan and zoning map, which the Planning Commission previously recommended and the Mayor and City Council adopted, this action is contrary to the City's plan.

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

(i) **existing uses of property within the general area of the property in question;** The predominant use of the properties in this neighborhood is residential in nature on the north side of West Pratt Street. The B&O Museum and the Mount Clare Shopping Center on the south side of West Pratt Street have not changed, and will remain commercially zoned.

(ii) **the zoning classification of other property within the general area of the property in question;** This site is located in a R-8 residential district, which covers the area to the west, north, and east. This is a well-defined residential area, separated from the commercial district to the south.

(iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and As described above, this property is suitable for uses permitted under the R-8 zoning classification, including Neighborhood Commercial Establishment uses, in accordance with the terms of the current Zoning Code.

(iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification. This neighborhood has remained stable in its development patterns, even after the Citywide rezoning in 2017. No significant development or change in the area has occurred that would invalidate the appropriateness of the residential zoning for these properties.

Per §5-508(b)(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification.

Since the comprehensive rezoning of the City, there hasn't been a significant change in the neighborhood that would invalidate the residential zoning that has been continued for this property, and for the surrounding blocks. The choice of R-8 zoning is appropriate for this area, and reflects the physical form of the neighborhood.

Notification: Southwest Partnership and Poppleton NOW have been notified of this action.

Chris Ryer
Director

CITY OF BALTIMORE

BOARD OF MUNICIPAL AND
ZONING APPEALS

DEREK J. BAUMGARDNER, Executive Director
417 E. Fayette Street, Suite 922
Baltimore, Maryland 21202

May ~~March~~ 23, 2019

The Honorable President and
Members of the City Council
City Hall
100 N. Holliday Street
Baltimore, MD 21202

favorable with amendments

RECEIVED
MAY 29 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

RE: CC Bill #19-0367 Rezoning – 129 and 131 South Schroeder Street

Ladies and Gentlemen:

City Council Bill No. 19-0367 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 19-0367 is to change the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051) from the R-8 Zoning District to the C-2 Zoning District.

The BMZA has reviewed the legislation and concurs with the report and recommendation of the Planning Commission recommending approval of CC Bill 19-0367 with the amendments currently proposed by the Planning Commission.

Sincerely,

Derek J. Baumgardner
Executive Director

CC: Mayors Office of Council Relations
City Council President
Legislative Reference

FROM			CITY of BALTIMORE MEMO
	NAME & TITLE	Frank Murphy, Acting Director	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527	
	SUBJECT	City Council Bill 19-0367	

TO: Mayor Bernard C. "Jack" Young
TO: Land Use and Transportation Committee
FROM: Department of Transportation
POSITION: No Objection
RE: Council Bill – 19-0367

DATE: 5/3/19

INTRODUCTION – Rezoning - 129 and 131 South Schroeder Street

PURPOSE/PLANS – For the purpose of changing the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-2 Zoning District.

COMMENTS – This bill is a rezoning ordinance that proposes changing 129 and 131 South Schroeder Street from the R-8 Zoning District to the C-2 Zoning District. The bill's statement of intent indicates that the rezoning is being pursued for the purposes of the properties to operate as a restaurant / tavern. The bill as proposed should have no fiscal or operational impact on the Department of Transportation.

AGENCY/DEPARTMENT POSITION – The Department of Transportation has no objection to City Council bill 19-0367.

If you have any questions, please do not hesitate to contact Liam Davis via email at Liam.Davis@baltimorecity.gov or by phone (410) 545-3207.

Sincerely,

Frank Murphy

Frank Murphy
Acting Director

no objection

RECEIVED
MAY 14 2019
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG,
Mayor

DEPARTMENT OF LAW
ANDRE M. DAVIS, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

September 10, 2019

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 19-0367 – Rezoning – 129 and 131 South Schroeder St.

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0367 for form and legal sufficiency. The bill would change the zoning for the properties known as 129 & 131 S. Schroeder St. from the R-8 zoning district to the C-2 zoning district.

The City Council may permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, §10-304(b)(2); Baltimore City Code, Art. 32, §§5-508(a) and (b)(1). There would appear to be no basis to believe that the neighborhood has substantially changed between the comprehensive rezoning of the property on June 5, 2017 and today's date. Therefore, to legally rezone the property the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as C-2.

In determining whether to rezone on the basis of mistake, the City Council is required to make findings of fact, for each property, on the following matters:

(1) population change;
(2) the availability of public facilities;
(3) the present and future transportation patterns;
(4) compatibility with existing and proposed development;
(5) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and
(6) the relationship of the proposed amendment to the City's plan.

Md. Land Use Code Ann., §10-304(b)(1); *see also*, Baltimore City Code, Art. 32, §5-508(b)(2) (citing same factors with (v) being "the recommendations of the City agencies and officials," and (vi) being "the proposed amendment's consistency with the City's Comprehensive Master Plan.").

Fav w/comm

Article 32 of the City Code also requires Council to consider:

(i) existing uses of property within the general area of the property in question;
(ii) the zoning classification of other property within the general area of the property in question;
(iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
(iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

Baltimore City Code, Art. 32, §5-508(b)(3).

The Mayor and City Council's decision regarding a piecemeal rezoning is reviewed under the substantial evidence test, and should be upheld "if reasoning minds could reasonably reach the conclusion from facts in the record." *Cty. Council of Prince George's Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 510 (2015) (*quoting*, *Cremins v. Cnty. Comm'rs of Washington Cnty.*, 164 Md.App. 426, 438 (2005)); *see also White v. Spring*, 109 Md. App. 692, 699, *cert. denied*, 343 Md. 680 (1996) ("the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable"); *accord Floyd v. County Council of Prince George's County*, 55 Md.App. 246, 258 (1983) ("'substantial evidence' means a little more than a 'scintilla of evidence.'").

Mistake in the Current Zoning Classification

With regard to rezoning on the basis of mistake, it is "firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning." *People's Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995) (*quoting Wells v. Pierpont*, 253 Md. 554, 557 (1969)). To sustain a piecemeal change, there must be substantial evidence that "the Council failed to take into account then existing facts . . . so that the Council's action was premised . . . on a misapprehension." *White*, 109 Md. App. at 698 (citation omitted). In other words, "[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing." *Id.* "Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension[,]" [and] "by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect." *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). "Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council

could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'" *Id.* at 52.

A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry "regarding whether, and if so, how, the property is reclassified," is required. *Id.* at 709. This second conclusion is due great deference. *Id.* (after a prior mistake has been established and accepted as fact by a legislative zoning entity, that entity's decision as to whether to rezone, and if so, how to reclassify, is due the same deference the prior comprehensive rezoning was due).

In sum, the Land Use and Transportation Committee (the "Committee") is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. After weighing the evidence presented and submitted into the record before it, the Committee is required to make findings of fact for each property with regard to the factors in §§10-304 and 10-305 of the Land Use Article and § 5-508 of Article 32 of the Baltimore City Code. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met.

Here, **the Planning Commission does not agree with the Planning Staff Report that recommended disapproval of the bill. The Commission recommended approval and that the bill be amended to include 934 West Pratt St. and that all the properties be rezoned to the C-1 zoning district not C-2. The Staff Report is, therefore, not available as a source of facts upon which the City Council can base its findings. Facts to support a mistake in the current zoning, therefore, must be offered during the hearing on the bill.**

Spot Zoning

In addition to not providing facts to support mistake, the staff Report suggests that the scenario in this case amounts to spot zoning

The law with respect to spot zoning is well settled. In Tennison v. Shomette, 38 Md. App. 1, 8 (1977), the Court of Special Appeals explained that spot zoning occurs when a small area in a district is placed in a zoning classification which is different from the surrounding properties. The Tennison court reasoned that generally "spot zoning is not invalid per se", but that "its validity depends on the facts of each individual case."

It has also long been held by the courts that although spot zoning is illegal if inconsistent with an established comprehensive plan and is made solely for the "benefit of private interests",

it can also be a valid exercise of the police power where the zoning is in harmony with the comprehensive plan and bears a substantial relationship to the public health, safety, and general welfare. Cassell v. Mayor of Baltimore, 195 Md. 348 (1950). (Emphasis added.)

In the Tennison case, the court found that while the appellants argued that the rezoning at issue constituted impermissible spot zoning, they had overlooked the testimony of the property owner indicating that other properties in the immediate area had been similarly rezoned. The circumstances of Tennison are unusual, however, as prior to the enactment of a comprehensive rezoning for the entire district, the landowner had requested and received approval from both the St. Mary's County Planning Commission and the County Council for a rezoning of the property from a residential district to a commercial district which permitted motels. Not only did the landowner plan to construct a Holiday Inn motel on his property, but it was a use which the community believed was badly needed in the area. In addition, at the time that the owner's application was filed, there was no comprehensive plan then in effect in St. Mary's County. Subsequently, a comprehensive plan which precluded motels in the owner's zoning district was enacted by the County. The landowner thus argued that the requested rezoning would not amount to invalid spot zoning because the change was for the public good and it was consistent with the newly enacted comprehensive plan which permitted motels in other districts. Because of these circumstances, the Court of Special Appeals determined that there was ample evidence to demonstrate that the land was rezoned due to the community's need for a motel and not solely to benefit the landowner. In addition, there was also evidence which showed that other lots in the area had been similarly rezoned. In its analysis, the court noted that "[t]he only relevant inquiries are whether the rezoning is inconsistent with the comprehensive plan and whether it was done for the public good or private benefit". Tennison at 8.

The general rule set forward in Tennison has long been followed by the courts, and must be applied with respect to Bill 19-0345. It was cited with approval by the Court of Appeals in Mayor and City Council of Rockville v. Rylyns Enterprises, Inc., 372 Md. 514, 546-47 (2002). The court there cited both Tennison v. Shomette, supra, and Cassel v. Mayor and City Council of Baltimore, 195 Md. 348 (1949), stating that spot zoning is the "arbitrary and unreasonable devotion of a small area within a zoning district to a use which is inconsistent with the use to which the rest of the district is restricted." The court also noted that "a spot zoning ordinance which singles out a parcel of land within the limits of a use district and marks it off into a separate district for the benefit of the owner, thereby permitting a use of that parcel inconsistent with the use permitted in the rest of the district, is invalid if not in accordance with the comprehensive zoning plan and is merely for private gain." Id. (Emphasis in original.) The Rylyns court also noted that if a use is permitted in a small area and is not inconsistent with the use of the larger surrounding area even though it may be different from that use, it is not spot zoning if it does not conflict with the comprehensive plan but is in harmony with the orderly growth of a new use for the other property in that locality.

Hewitt v. County Comm'rs of Baltimore County, 220 Md. 48 (1959), is also instructive. In that case, although the Court of Appeals agreed with the rationale expressed in the above-cited

cases, it nonetheless stated that it has "consistently rejected spot zoning" and "has repeatedly referred to the statutory requirement ... that zoning shall be in accordance with a comprehensive plan. The Hewitt court thus ruled that the request of the owner there to rezone property located in a residential zoning district for commercial use constituted invalid spot zoning. The court found that such rezoning amounted to an arbitrary and unreasonable devotion of small area for a use inconsistent with the uses restricted to the rest of the district. As a result, the court concluded that the rezoning was for the sole benefit of the private interest of the property owner and was not in accordance with the comprehensive plan.

In this case, the properties are currently zoned R-8. They are surrounded by other R-8 properties. The Planning Staff report states that the rezoning does not support any of the goals, objectives and strategies in the City's Comprehensive Plan and is not consistent with the surrounding development. The bill is not in the public interest as it allows the structures to be mixed use structures that can be used in their entirety as a commercial use that would be attached to residential use properties. Planning Report Page 3. This rezoning would also allow expansion of the commercial use to the adjacent building. The existing commercial use in 131 Schroeder has been non-conforming tavern since 1971. This bill could allow for the expansion of the tavern. The facts tend to support that this is impermissible spot zoning unless there is testimony establishing that the rezoning is for the public good.

Procedural Requirements

In addition, the Baltimore City Code, Art. 32, § 5-506 states that "The Planning Commission must consider the referred bill in a public hearing. Notice of the public hearing must be given in accordance with Title 5, Subtitle 6 {"Notices"} of this Code. Except as provided in subsection (e)(2) of this section, the hearing must be concluded no more than 60 days from the Commission's receipt of the referred bill."
§ 5-506(e) states that

> "(1) If an agency fails to submit its written report and recommendations within the period specified by this section, the City Council may proceed without that report and recommendations.
> (2) However, the applicant may waive this time limit and consent to an extension of the reporting period by giving written notice of the waiver and consent to the President of the City Council, with copies to the Board of Municipal and Zoning Appeals, the Planning Commission, and the Zoning Administrator."

Finally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a "legislative authorization." Baltimore City Code, Art. 32, §5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner

of the property to be rezoned. Baltimore City Code, Art. 32, §5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Baltimore City Code, Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location, and at least one sign must be visible from each of the property's street frontages. City Code, Art., §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, §5-601(e), (f).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met and whether the rezoning amounts to spot zoning. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, including presentation of facts supporting a mistake in the 2017 comprehensive rezoning. In addition, facts must be presented that rule out spot zoning. If all these concerns are addressed appropriately, the Law Department could approve the bill for form and legal sufficiency.

Sincerely yours,

Elena R. DiPietro
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Nicholas Blendy, Mayor's Office of Government Relations
Caylin Young, President's Legislative Director
Ashlea Brown, Special Solicitor
Victor Tervala, Chief Solicitor
Hilary Ruley, Chief Solicitor
Avery Aisenstark
Natawna Austin

BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

MEMORANDUM

To: The Honorable President and Members of the Baltimore City Council
c/o Natawna B. Austin, Executive Secretary

From: Michael Braverman, Housing Commissioner MB

Date: August 9, 2019

Re: **City Council Bill 19-0367: Rezoning – 129 and 131 South Schroeder Street**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0367, for the purpose of changing the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), from the R-8 Zoning District to the C-2 Zoning District.

The applicant seeks to change the zoning of these properties to continue operating a tavern on the property. Taverns are not permitted as Neighborhood Commercial Establishments in residential districts, even as conditional uses. The Planning Department staff found that there has not been significant change in the neighborhood that would invalidate the current R-8 zoning, and that the current zoning reflects the use and physical form of the surrounding neighborhood.

The Planning Commission resolved not to concur with its Departmental staff's recommendation for an unfavorable report. Instead, the Commission recommended that the City Council include amendments adding 934 West Pratt Street to the bill and rezoning the properties to the C-1 District. The Board of Municipal and Zoning Appeals concurred with the Planning Commission resolution.

DHCD has no objection to City Council Bill 19-0367.

MB:td

Cc: Mr. Jeffrey Amoros, *Mayor's Office of Government Relations*
Mr. Nicholas Blendy, *Mayor's Office of Government Relations*
Mr. Eric Tiso, *Department of Planning*

po odp

Baltimore
Development Corporation

MEMORANDUM

DATE: June 24, 2019
TO: Land Use and Transportation Committee
FROM: Colin Tarbert, President & CEO
POSITION: Support
SUBJECT: Council Bill 19-0367-Rezoning- 129 and 131 South Schroeder Street

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INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 19-0367 introduced by Councilmember Bullock, at the request of The Back Yard X, LLC.

PURPOSE

For the purpose of changing the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052, and 051), as outlined in the red on the accompanying plat, from the R-8 Zoning District.

BRIEF HISTORY

The property is in the Hollins Market Neighborhood area. The proposed re-zoning would allow for the expansion of this business, accomplishing major goals of the Southwest Partnership Vision Plan which calls for retaining and strengthening the economic viability of existing businesses.

FISCAL IMPACT

None

AGENCY POSITION

The Baltimore Development Corporation (BDC) **Supports** City Council Bill 19-0367 with the amendments proposed by the Planning Commission for a C-1 zoning designation. The C-1 zone allows for Back Yard, LLC to expand and grow as a neighborhood business, and additional oversight and input from the planning staff and community respectively should there be a change of use in the future.

If you have any questions, please do not hesitate to contact Kim Clark at (410) 837-9305.

cc: Jeffrey Amoros

[NAD]

36 S. Charles St. Suite 2100 Baltimore, MD 21201 410.837.9305 F 410.837.6363 E BaltimoreDevelopment.com

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland 21202

Meeting Minutes - Final

Land Use Committee

Wednesday, November 20, 2019 | **1:10 PM** | **Du Burns Council Chamber, 4th floor, City Hall**

19-0367

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Edward Reisinger, Shannon Sneed, Mary Pat Clarke, Ryan Dorsey, Leon F. Pinkett III, Robert Stokes Sr., and Eric T. Costello

Absent 1 - Sharon Green Middleton

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0367 **Rezoning - 129 and 131 South Schroeder Street**

For the purpose of changing the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-2 Zoning District.

Sponsors: John T. Bullock

A motion was made by Clarke, seconded by Dorsey, that the bill be recommended favorably with amendment. The motion carried by the following vote:

Yes: 7 - Reisinger, Sneed, Clarke, Dorsey, Pinkett III, Stokes Sr., and Costello

Absent: 1 - Middleton

ADJOURNMENT

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor

OFFICE OF COUNCIL SERVICES
LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

HEARING NOTES

Bill: 19-0367

Rezoning - 129 and 131 South Schroeder Street

Committee: Land Use
Chaired By: Councilmember Edward Reisinger

Hearing Date: November 20, 2019
Time (Beginning): 1:25 PM
Time (Ending): 1:45 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~20
Committee Members in Attendance:
Reisinger, Edward - Chairman
Sneed, Shannon – Vice Chair
Clarke, Mary Pat
Costello, Eric
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert

Bill Synopsis in the file?	☒ yes	☐ no	☐ n/a
Attendance sheet in the file?	☒ yes	☐ no	☐ n/a
Agency reports read?	☒ yes	☐ no	☐ n/a
Hearing televised or audio-digitally recorded?	☒ yes	☐ no	☐ n/a
Certification of advertising/posting notices in the file?	☒ yes	☐ no	☐ n/a
Evidence of notification to property owners?	☒ yes	☐ no	☐ n/a
Final vote taken at this hearing?	☒ yes	☐ no	☐ n/a

Motioned by: Councilmember Clarke
Seconded by: Councilmember Dorsey
Final Vote: Favorable with Amendment

Major Speakers

(This is not an attendance record.)

- The Honorable John Bullock
- Mr. Eric Tiso, Department of Planning
- Ms. Livhu Ndou, Board of Municipal Zoning Appeals
- Mr. Liam Davis, Department of Transportation
- Ms. Elena DiPietro, Department of Law
- Ms. Nikky Davis, Baltimore Development Corporation
- Ms. Stephanie Murdock Department of Housing and Community Development
- Mr. Arco Sen, Parking Authority of Baltimore City
- Mr. Michael Cavanuagh, Applicant
- Mr. Michael Seipp, Executive Director, Southwest Partnership

Major Issues Discussed

1. Councilmember Reisinger read the bill's number, title, purpose and noted the public notice requirements had been met.
2. Councilmember Bullock provided background information about the purpose of the bill and testified in support of the rezoning.
3. Mr. Eric Tiso presented the Planning Commission's recommendation of favorable with amendments. He noted that the Planning Commission disagreed with the Department of Planning's staff report which disapproved the bill. The Planning Commission instead recommended that the bill be amended and passed. The amendment would rezone the property to C-1. The amendment would also rezone 934 W. Pratt Street, which is in the rear of the site to C-1.
4. Mr. Michael Cavanaugh, the applicant, testified in support of the bill and provided a brief history about the use of the property and proposed expansion to create a dining area, especially to serve B&O Museum visitors and customers from downtown.
5. Councilmember Costello testified in support of the establishment.
6. Councilmember Clarke asked about use of the property as a tavern.
7. Mr. Michael Seipp testified in support of the bill. He provided historical information about Southwest Partnership's Vision Plan for the immediate area, which was made part of Baltimore City's Comprehensive Master Plan in September of 2015. He indicated that the rezoning of the property under Transform Baltimore was a mistake. He also indicated that the initiative to keep the entire block residential was a mistake. Southwest Partnership and its anchor institutions support the use and bill. The use will increase the number of amenities and public facilities in the neighborhood. The use is compatible with development trends in the area, particularly with changes that are taking place at the Hollins Market.
8. Councilmember Dorsey commented about findings presented by Mr. Seipp and urban planning and zoning in general.
9. Councilmember Costello also noted that when Transform Baltimore was introduced in 2011, that it did not consider Southwest Partnerships Vision Plan (completed in 2015) for the area.
10. Agency representatives confirmed their agency's position on the bill.

11. The committee approved the findings of facts.
12. The committee approved amendments and voted to recommend the bill favorable as amended.
13. The hearing was adjourned.

Further Study

Was further study requested? ☐ **Yes** ☒ **No**

If yes, describe.

Committee Vote:

Reisinger, Edward, Chairman ..... **Yea**
Sneed, Shannon, Vice Chair ..... **Yea**
Clarke, Mary Pat ..... **Yea**
Costello, Eric ..... **Yea**
Dorsey, Ryan ..... **Yea**
Middleton, Sharon ..... **Absent**
Pinkett, Leon ..... **Yea**
Stokes, Robert: ..... **Yea**

Jennifer L. Coates, Committee Staff

Date: November 21, 2019

cc: Bill File
OCS Chrono File

Baltimore City Council
Committee Hearing Attendance Record

Subject: Ordinance - **Rezoning - 129 and 131 South Schroeder Street**	**Bill #:** 19-0367
Committee: Land Use	**Chair:** Edward Reisinger
Date: Wednesday, November 20, 2019	**Time:** 1:10 PM
Location: Clarence "Du" Burns Council Chamber	

PLEASE PRINT CLEARLY

CHECK HERE TO TESTIFY

First Name	Last Name	Address / Organization / Email	Testify	What is your position on this bill? For	Against	Lobbyist: Are you registered in the City?* Yes	No
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓
~~Kevin~~	~~Jenn-Fiore~~	~~2205 W. Baltimore Street~~ ~~Baltimore, MD 21223~~		✓			
Mikky	Davis	36 S. Charles St.					
Niel	Sengpp	SWP 1138 Hollins	✓	✓			
Lara	Summerson	131 S. Schroeder	✓	✓			
Michael	Cavanaugh	131 S. Schroeder	✓	✓			
Piper	Bodner	131 S. Schroeder	✓	✓			

*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: HTTPS://ETHICS.BALTIMORECITY.GOV/ OR CALL: 410-396-4730

City of Baltimore

City Council
City Hall, Room 408
100 North Holliday Street
Baltimore, Maryland
21202

Meeting Agenda - Final

Land Use Committee

Wednesday, September 11, 2019 | **1:05 PM** | **Du Burns Council Chamber, 4th floor, City Hall**

19-0367

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0367 **Rezoning - 129 and 131 South Schroeder Street**
For the purpose of changing the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-2 Zoning District.

Sponsors: John T. Bullock

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

Cancelled

BALTIMORE CITY COUNCIL
LAND USE COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use Committee is to review and support responsible development and zoning initiatives to ensure compatibility with the aim of improving the quality of life for the diverse population of Baltimore City.

The Honorable Edward Reisinger
Chairperson

PUBLIC HEARING

Wednesday, September 11, 2019
1:05 PM
Clarence "Du" Burns Council Chambers

City Council Bill # 19-0367

Rezoning - 129 and 131 South Schroeder Street

Corrected & Revised – 9/9/19

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS
Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Isaac "Yitzy" Schleifer
Shannon Sneed
Danielle McCray
Staff: Marguerite Currin

CYBERSECURITY AND EMERGENCY PREPAREDNESS
Eric Costello – Co-chair
Isaac "Yitzy" Schleifer – Co-chair
Sharon Green Middleton
Staff: Samuel Johnson

EDUCATION AND YOUTH
Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Leon Pinkett
Staff: Matthew Peters

EXECUTIVE APPOINTMENTS
Robert Stokes – Chair
Kristerfer Burnett– Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HEALTH
Kristerfer Burnett – Chair
Bill Henry - Vice Chair
Mary Pat Clarke
Edward Reisinger
Isaac "Yitzy" Schleifer
Staff: Marguerite Murray

HOUSING AND URBAN AFFAIRS
John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Zeke Cohen
Ryan Dorsey
Bill Henry
Shannon Sneed
Staff: Richard Krummerich

JUDICIARY
Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Shannon Sneed
Robert Stokes
Staff: Matthew Peters

LABOR
Shannon Sneed – Chair
Robert Stokes – Vice Chair
Mary Pat Clarke
Bill Henry
Danielle McCray
Staff: Samuel Johnson

LEGISLATIVE INVESTIGATIONS
Kristerfer Burnett – Chair
Danielle McCray – Vice Chair
Ryan Dorsey
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Matthew Peters

LAND USE
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Mary Pat Clarke
Eric Costello
Ryan Dorsey
Sharon Green Middleton
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY
Isaac "Yitzy" Schleifer – Chair
Kristerfer Burnett – Vice Chair
Zeke Cohen
Danielle McCray
Leon Pinkett
Shannon Sneed
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT
Sharon Green Middleton – Chair
Danielle McCray – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- *Larry Greene* ***(pension only)***

TRANSPORTATION
Ryan Dorsey – Chair
Leon Pinkett – Vice Chair
John Bullock
Staff: Jennifer Coates

CITY OF BALTIMORE
BERNARD C. "JACK" YOUNG, Mayor

OFFICE OF COUNCIL SERVICES
LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

BILL SYNOPSIS

Committee: Land Use

Bill 19-0367

Rezoning - 129 and 131 South Schroeder Street

Sponsor: *Councilmember Bullock*
Introduced: *April 15, 2019*

Purpose:

For the purpose of changing the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-2 Zoning District.

Effective: 30th day after the date of enactment

Hearing Date/Time/Location: September 11, 2019 / 1:05p.m./Clarence "Du" Burns Chambers

Agency Reports

Planning Commission	Favorable/Amendment
Board of Municipal Zoning Appeals	Favorable/Amendment
Department of Transportation	No Objection
City Solicitor	
Department of Housing and Community Development	
Baltimore Development Corporation	Favorable

Analysis

Current Law

Article 32 – Zoning; Zoning District Map; Sheet 55; Baltimore City Revised Code; (Edition 2000)

Background

The owner of the property is BKC Properties, LLC. The applicant is Lara Sumerson for The Back Yard X, LLC. The properties were acquired by the owner on March 9, 2018. The building at 131 South Schroeder Street is currently used as a restaurant/tavern. The commercial use became nonconforming in 1971 and has continued to be nonconforming since that time. The applicant is proposing to expand the existing tavern into the adjacent 129 South Schroeder Street property. There are no contracts contingent on passage of the legislation.

The properties are situated in the Hollins Market neighborhood and the Poppleton Urban Renewal Plan area. The properties lie near the intersection of West Pratt Street. The neighborhood is predominantly residential. There are commercial and institutional uses throughout the community. Directly across the street from the properties is the B&O Railroad Museum, along West Pratt Street, which is zoned C-2

If approved, Bill 19-0367 proposes to rezone 129 and 131 South Schroeder Street from the residential R-8 Zoning District to the C-2 Zoning District. According to the State Land Use Article, a rezoning may be approved <u>based on a finding</u> that there was:

(1) either a substantial change in the character of the neighborhood where the property is located; or
(2) a mistake in the existing zoning classification.

Proposed rezoning:

	Zoning District		
Property	**Prior to Transform**	**Current**	**Proposed**
129 South Schroeder Street	**R-8**	**R-8**	**C-2**
131 South Schroeder Street	**R-9**	**R-8**	**C-2**

Article 32 – Zoning describes the intended purposes for current and proposed zoning as follows:

Current Zoning District – R-8

§ 9-204. R-8 Rowhouse Residential District.

(a) Neighborhoods.
The R-8 Rowhouse Residential Zoning District is intended to accommodate and maintain the traditional form of urban rowhouse development typical of many of the City's inner neighborhoods, which contain continuous, block-long rowhouse development built to or only modestly set back from the street.

Current Zoning District – C-2

§ 10-204. C-2 Community Commercial District.

(a) *Areas for which intended.*

The C-2 Community Commercial Zoning District is intended for areas of small to medium scale commercial use, typically located along urban corridors, that are designed to accommodate pedestrians and, in some instances, automobiles.

(b) Standards.

The C-2 District standards are crafted to:

(1) ensure compatibility among neighboring residential, commercial, and entertainment uses;

(2) maintain the proper scale of commercial use; and

(3) maintain a balance between high traffic volume and pedestrian circulation.

(Ord. 16-581; Ord. 17-015.)

Amendment

The Planning Commission proposes amending the bill to:

- add 934 West Pratt Street, and
- rezone all of the properties to the C-1 Zoning District

Proposed Amendment - Zoning District – C-1

§ 10-201. C-1 Neighborhood Business District.

(c) *Areas for which intended.*

The C-1 Neighborhood Business Zoning District is intended for areas of commercial clusters or pedestrian-oriented corridors of commercial uses that serve the immediate neighborhood.

(d) Standards.

The C-1 District standards are crafted to:

(4) ensure compatibility between neighboring residential and commercial uses;

(5) maintain the proper scale of commercial use; and

(6) address the unique issues related to smaller commercial sites.

(Ord. 16-581)

Additional Information

Fiscal Note: Not Available

Information Source(s): Statement of Intent; Planning Commission Report; Department of Planning Staff Report; Zoning Administration Office;

Analysis by: Jennifer L. Coates
Analysis Date: September 6, 2019

Direct Inquiries to: (410) 396-1260

CITY OF BALTIMORE
COUNCIL BILL 19-0367
(First Reader)

Introduced by: Councilmember Bullock
At the request of: The Back Yard X, LLC
Address: c/o Lara Sumerson, 131 South Schroeder Street, Baltimore, Maryland 21223
Telephone: 443-722-3238
Introduced and read first time: April 15, 2019
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, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 129 and 131 South Schroeder Street

FOR the purpose of changing the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-2 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 55
Baltimore City Revised Code
(Edition 2000)

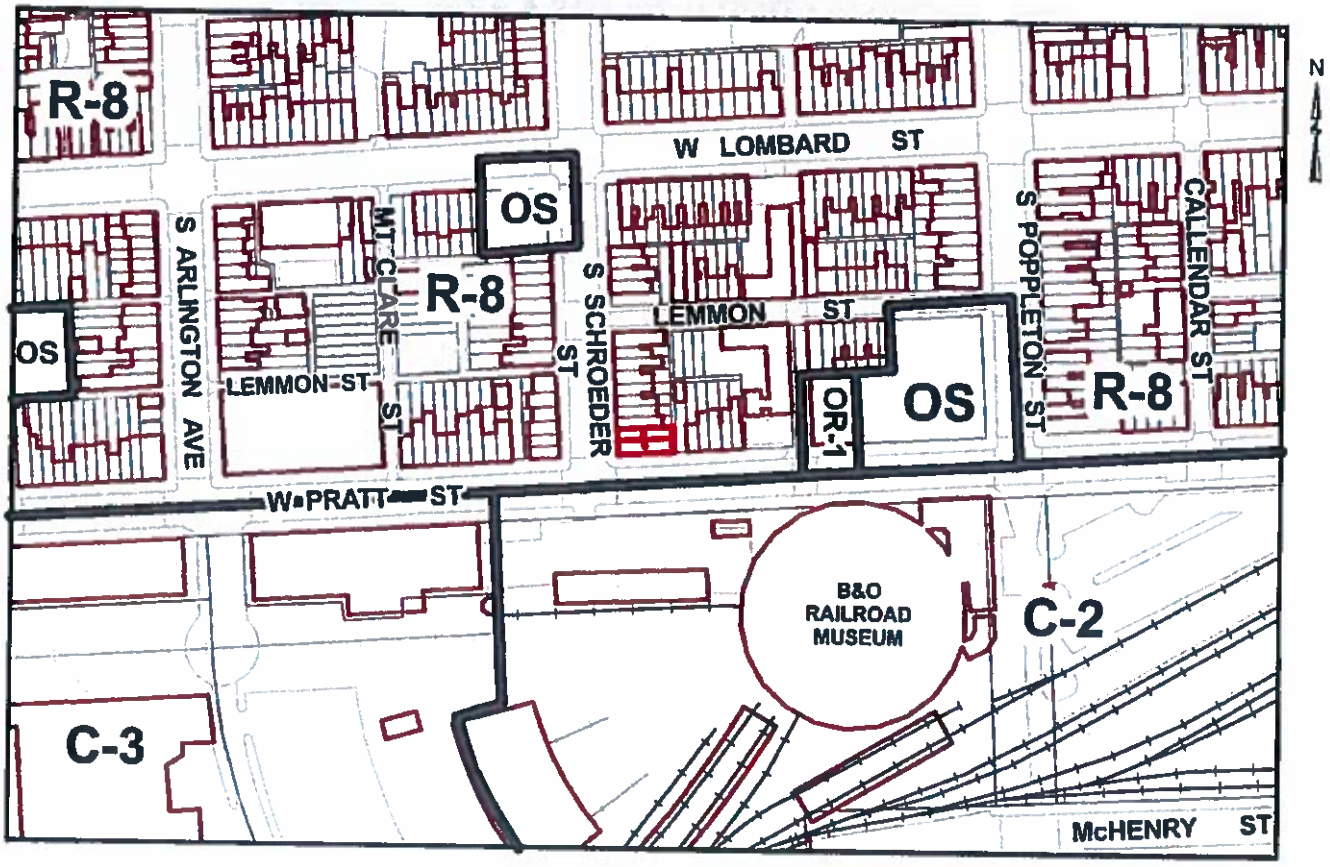
SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 55 of the Zoning District Map is amended by changing from the R-8 Zoning District to the C-2 Zoning District the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat 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 plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat 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.

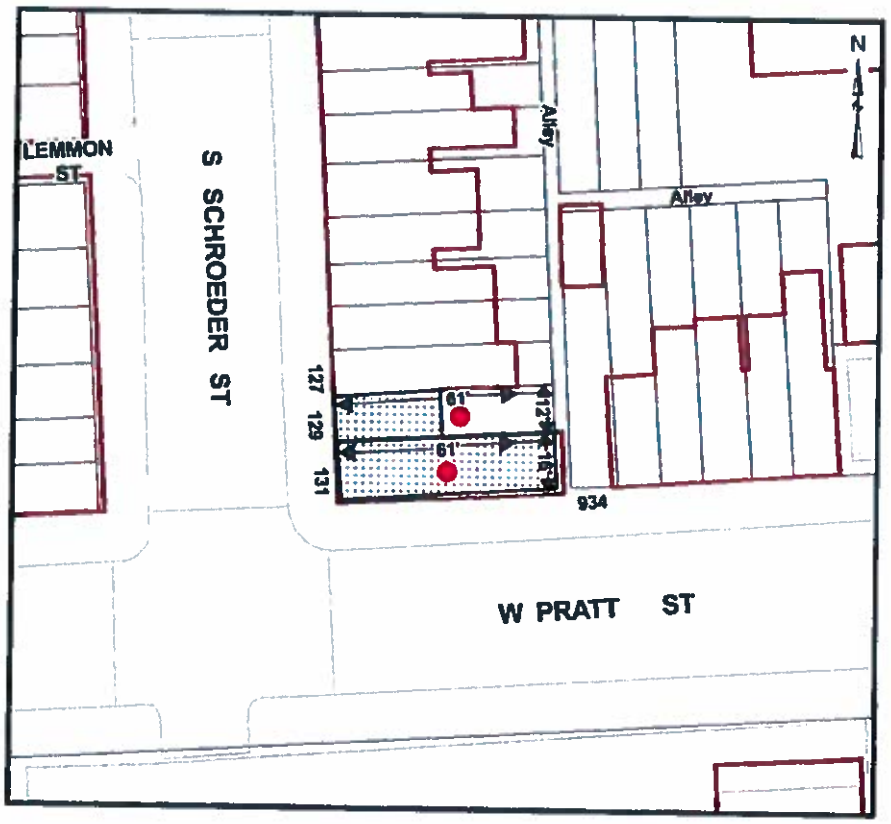
SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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

SHEET NO. 55 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Note:

In Connection WithThe Properties Known As Nos. 129 & 131 SOUTH SCHROEDER STREET. The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From R-8 Zoning to C-2 Zoning, As Outlined In Red Above.

WARD 18 SECTION 8

BLOCK 252 LOTS 51 & 52

MAYOR

PRESIDENT CITY COUNCIL

RPE 3-25-19

Scale: 1" = 50'

367

Coates, Jennifer

From:	Coates, Jennifer
Sent:	Tuesday, October 8, 2019 9:50 AM
To:	'Lara Sumerson'
Cc:	Bullock, John; Austin, Natawna B.; Reisinger, Edward; Adenekan, Adetunji; Reisinger, Edward
Subject:	Public Notice Instructions for Bill 19-0367
Attachments:	PNI - Letter - 19-0367 - RZ - 129 131 S Schroeder St for 11-20-19.docx; LU Form - Contacts for Sign Posting RZ PUD.DOCX; Sample - Certificate of Posting - Attachment C.docx; Afro American; Michele Griesbauer - Sunpaper - Advertising; Darlene Miller - Daily Record; Certificate of Mailing - Written Notice.docx

Ms. Sumerson:

Attached is the information you will need to:

- publish a newspaper ad,
- post a public hearing sign, and
- send written notice to property owners

The subject bill will be heard by the Land Use Committee on **November 20, 2019 at 1:10 p.m.** at City Hall in the City Council Chamber. I have also attached a contact list for newspaper companies, sign makers and samples of certification templates.

Thank you and feel free to call if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL.

OFFICE OF COUNCIL SERVICES

Jennifer L. Coates
Senior Legislative Policy Analyst
Office of Council Services

100 N. Holliday Street, Room 415
Baltimore, MD 21202
jennifer.coates@baltimorecity.gov

Office: (410) 396-1260
Fax: (410) 545-7596

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor

OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: The Back Yard X, LLC c/o Lara Sumerson

FROM: Jennifer L. Coates, Committee Staff, Land Use Committee, Baltimore City Council

Date: October 8, 2019

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS (REZONINGS); PLANNED UNIT DEVELOPMENTS

The Land Use Committee has scheduled the following City Council Bill for a public hearing:

Bill: **City Council Bill No. 19-0367**

Date: **Wednesday, November 20, 2019**

Time: **1:10 p.m.**

Place: **City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street**

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf

Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (***See Attachment A***); the deadline date is indicated in BOLD letters at the top of Attachment A.

Certification of Postings

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant. The deadline dates are as follows:

Sign Posting Deadline:	**October 21, 2019**
Newspaper Ad Deadline:	**November 5, 2019**
Written Notice Deadline:	**November 5, 2019**

Please note that ALL of these requirement MUST be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

ATTACHMENT A

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE **POSTED BY OCTOBER 21, 2019** AND **PUBLISHED BY NOVEMBER 5, 2019**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 19-0367

The Land Use Committee of the Baltimore City Council will meet on Wednesday, November 20, 2019 at 1:10 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0367.

CC 19-0367 ORDINANCE - Rezoning - 129 and 131 South Schroeder Street

FOR the purpose of changing the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-2 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 55
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: The Back Yard X, LLC

For more information contact committee staff at (410) 396-1260.

EDWARD REISINGER
Chair

SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS ADVERTISEMENT TO:

The Back Yard X, LLC
c/o Lara Sumerson
131 South Schroeder Street
Baltimore, MD 21223
(443) 722-3238

ATTACHMENT B

ZONING
SUBTITLE 6 – NOTICES

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

(1) the parties in interest and the general public will have an opportunity to be heard; and

(2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

(1) by publication in a newspaper of general circulation in the City;

(2) for the creation or modification of a planned unit development and for a zoning map
amendment, other than a comprehensive rezoning:

(i) by posting in a conspicuous place on the subject property; and

(ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and

(3) for a comprehensive rezoning:

(i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and

(ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

(1) the date, time, place, and purpose of the public hearing;

(2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and

(3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

(i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;

(ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;

(iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;

(iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and

(v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

(1) at least 15 days before the public hearing; or

(2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

(1) posted at least 30 days before the public hearing; and

(2) removed within 48 hours after conclusion of the public hearing.

ATTACHMENT C

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.:

Today's Date: [Insert Here]

(Place a picture of the posted sign in the space below.)

Address:

Date Posted:

Name:
Address:
Telephone:

- *Email to: Natawnab.Austin@baltimorecity.gov*
- *Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202*

THE NOTICE OF HEARING SIGN(S) MUST BE POSTED IN ACCORDANCE WITH ARTICLE 32; SECTION 5-601 *(See Attachment B)*, WHICH CAN ALSO BE OBTAINED FROM THE FOLLOWING WEBSITE:

http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf

SIGNS MAY BE OBTAINED FROM A VENDOR OF YOUR CHOICE OR ANY OF THOSE LISTED BELOW:

RICHARD HOFFMAN
904 DELLWOOD DRIVE
BALTIMORE, MARYLAND 21047
PHONE: (443) 243-7360
E-MAIL: DICK_E@COMCAST.NET

JAMES EARL REID
LA GRANDE VISION
5517 HADDON AVENUE
BALTIMORE, MARYLAND 21207
PHONE: (443) 722-2552
E-MAIL: JamesEarlReid@aol.com or JamesEarlReid@aim.com

SIGNS BY ANTHONY
ANTHONY L. GREENE
2815 TODKILL TRACE
EDGEWOOD, MD 21040
PHONE: 443-866-8717
FAX: 410-676-5446
E-MAIL: bones_malone@comcast.net

LINDA O'KEEFE
523 PENNY LANE
HUNT VALLEY, MD 21030
PHONE: 410-666-5366
CELL: 443-604-6431
E-MAIL: LUCKYLINDA1954@YAHOO.COM

This office is not associated with any of the above drafting companies, nor do we recommend any specific one.

Coates, Jennifer

From: Coates, Jennifer
Sent: Wednesday, July 24, 2019 4:32 PM
To: 'larasumerson@gmail.com'
Cc: Bullock, John; Austin, Natawna B.
Subject: Public Notice Instructions for Hearing on Bill 19-0367
Attachments: PNI - Letter - 19-0367 - RZ - 129 131 S Schroeder Street.docx; Sample - Certificate of Posting - Attachment C.docx; LU Form - Contacts for Sign Posting RZ COMPRZ PUD - Art 32.docx; Darlene Miller - Daily Record; Michele Griesbauer - Sunpaper - Advertising; Afro American

Lara Sumerson:

I have **corrected the language below** to reflect that the public notice information is for you and not the Department of Planning. I apologize for any inconvenience.

Attached is the information that **you** will need to post, publish and mail public hearing notice(s) for the subject bill to be heard by the Land Use and Transportation Committee on **September 11, 2019, 2019 at 1:05 p.m.** at City Hall in the City Council Chamber.

I have also attached a contact list for sign makers, business cards for newspaper contacts and a sample certification template.

Feel free to contact me if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL

OFFICE OF COUNCIL SERVICES

Jennifer L. Coates
Senior Legislative Policy Analyst
Office of Council Services

100 N. Holliday Street, Room 415
Baltimore, MD 21202
jennifer.coates@baltimorecity.gov

Office: (410) 396-1260
Fax: (410) 545-7596

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor

OFFICE OF COUNCIL SERVICES

LARRY E. GREENE, Director
415 City Hall, 100 N. Holliday Street
Baltimore, Maryland 21202
410-396-7215 / Fax: 410-545-7596
email: larry.greene@baltimorecity.gov

TO: The Back Yard, LLC c/o Lara Sumerson

FROM: Jennifer L. Coates, Committee Staff, Land Use Committee, Baltimore City Council

Date: July 24, 2019

RE: INSTRUCTIONS FOR NOTICE OF A PUBLIC HEARING – MAP AMENDMENTS (REZONINGS); PLANNED UNIT DEVELOPMENTS

The Land Use Committee has scheduled the following City Council Bill for a public hearing:

Bill: **City Council Bill No. 19-0367**

Date: **Wednesday, September 11, 2019**

Time: **1:05 p.m.**

Place: **City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street**

At the expense of the applicant, notice of the public hearing must be provided in accordance with:

- **Article 32. Zoning § 5-601 – Map or Text Amendments; PUDs**

For helpful information about the notice requirements under Article 32 - Zoning (pages 127 – 128) see Attachment B. You are encouraged to access and review Article 32 using the web link below:

http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf

Newspaper Advertisement

A notice of the public hearing must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing.

You may choose any of the following newspapers for advertising purposes: The Daily Record, The Baltimore Sun; or the Afro-American.

Wording for Written Notice to Property Owner(s), Sign Posting and Newspaper Advertisement

The information that must be published in a newspaper advertisement, posted on a sign and mailed to the property owner appears between the double lines on the attached page (***See Attachment A***); the deadline date is indicated in BOLD letters at the top of Attachment A.

Certification of Postings

Certification of the written notice, sign posting on the property, and publication of the newspaper advertisement, in duplicate, must be sent four (4) days prior to the hearing to:

Ms. Natawna Austin, Executive Secretary
Baltimore City Council
100 N. Holliday Street, Fourth Floor, Room 400
Baltimore, MD 21202

If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant. The deadline dates are as follows:

Sign Posting Deadline:	**August 12, 2019**
Newspaper Ad Deadline:	**August 27, 2019**
Written Notice Deadline:	**August 27, 2019**

Please note that ALL of these requirement MUST be met in order for your hearing to proceed as scheduled. If you have any questions regarding your notice requirements please contact:

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

ATTACHMENT A

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE **POSTED BY AUGUST 12, 2019** AND **PUBLISHED BY AUGUST 27, 2019**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 19-0367

The Land Use Committee of the Baltimore City Council will meet on Wednesday, September 11, 2019 at 1:05 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0367.

CC 19-0367 ORDINANCE - Rezoning - 129 and 131 South Schroeder Street

FOR the purpose of changing the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-2 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 55
Baltimore City Revised Code
(Edition 2000)

NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: The Back Yard X, LLC

For more information contact: Jennifer Coates, Committee Staff at (410) 396-1260.

EDWARD REISINGER
Chair

SEND CERTIFICATION OF PUBLICATION TO:

Baltimore City Council
c/o Natawna B. Austin
Room 409, City Hall
100 N. Holliday Street
Baltimore, MD 21202

SEND BILL FOR THIS ADVERTISEMENT TO:

The Back Yard X, LLC
c/o Lara Sumerson
131 South Schroeder Street
Baltimore, MD 21223
(443) 722-3238

ATTACHMENT B

ZONING
SUBTITLE 6 – NOTICES

ARTICLE 32, § 5-601

§ 5-601. Map or text amendments; PUDs.

(a) Hearing required.

For a bill proposing a zoning map amendment, a zoning text amendment, or the creation or modification of a planned unit development, the City Council committee to which the bill has been referred must conduct a hearing at which:

(1) the parties in interest and the general public will have an opportunity to be heard; and

(2) all agency reports will be reviewed.

(b) Notice of hearing required.

Notice of the hearing must be given by each of the following methods, as applicable:

(1) by publication in a newspaper of general circulation in the City;

(2) for the creation or modification of a planned unit development and for a zoning map
amendment, other than a comprehensive rezoning:

(i) by posting in a conspicuous place on the subject property; and

(ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and

(3) for a comprehensive rezoning:

(i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and

(ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

(1) the date, time, place, and purpose of the public hearing;

(2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and

(3) the name of the applicant.

(d) Number and manner of posted notices.

(1) For a zoning map amendment or the creation or modification of a planned unit development, the number and manner of posting is as follows:

(i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;

(ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;

(iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;

(iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and

(v) each sign must be at least 3 feet by 4 feet in size.

(2) Nothing in this subtitle prevents the voluntary posting of more notices than required by this subtitle.

(e) Timing of notices – In general.

The notice must be published, mailed, and, except as provided in subsection (f) of this section, posted:

(1) at least 15 days before the public hearing; or

(2) for a comprehensive rezoning, at least 30 days before the public hearing.

(f) Timing of notices – Posting for map amendment or PUDs.

For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

(1) posted at least 30 days before the public hearing; and

(2) removed within 48 hours after conclusion of the public hearing.

ATTACHMENT C

THE NOTICE OF HEARING SIGN(S) MUST BE POSTED IN ACCORDANCE WITH ARTICLE 32; SECTION 5-601 *(See Attachment B)*, WHICH CAN ALSO BE OBTAINED FROM THE FOLLOWING WEBSITE:

http://ca.baltimorecity.gov/codes/Art%2032%20-%20Zoning.pdf

SIGNS MAY BE OBTAINED FROM A VENDOR OF YOUR CHOICE OR ANY OF THOSE LISTED BELOW:

RICHARD HOFFMAN
904 DELLWOOD DRIVE
BALTIMORE, MARYLAND 21047
PHONE: (443) 243-7360
E-MAIL: DICK_E@COMCAST.NET

JAMES EARL REID
LA GRANDE VISION
5517 HADDON AVENUE
BALTIMORE, MARYLAND 21207
PHONE: (443) 722-2552
E-MAIL: JamesEarlReid@aol.com or JamesEarlReid@aim.com

SIGNS BY ANTHONY
ANTHONY L. GREENE
2815 TODKILL TRACE
EDGEWOOD, MD 21040
PHONE: 443-866-8717
FAX: 410-676-5446
E-MAIL: bones_malone@comcast.net

LINDA O'KEEFE
523 PENNY LANE
HUNT VALLEY, MD 21030
PHONE: 410-666-5366
CELL: 443-604-6431
E-MAIL: LUCKYLINDA1954@YAHOO.COM

This office is not associated with any of the above drafting companies, nor do we recommend any specific one.

ATTACHMENT C

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.:

Today's Date: [Insert Here]

(Place a picture of the posted sign in the space below.)

Address:

Date Posted:

Name:
Address:
Telephone:

- *Email to: Natawnab.Austin@baltimorecity.gov*
- *Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202*

Coates, Jennifer

Full Name:	Darlene Miller
Last Name:	Miller
First Name:	Darlene
Company:	Daily Record
Business Address:	443-524-8188 Direct, Line United States of America
Business Fax:	(410) 752-5469
E-mail:	legalad@thedailyrecord.com
E-mail Display As:	Darlene Miller - Daily Record (legalads@thedailyrecord.com)

Coates, Jennifer

Full Name:	Michele Griesbauer
Last Name:	Griesbauer
First Name:	Michele
Company:	Sunpaper - Advertising
Business Address:	http://ts.merlinone.com/scripts/foxisapi.dll/sur.x.go?WHkI8OI--1
Business:	(410) 332-6381
Business Fax:	(410) 783-2507
E-mail:	mgriesbauer@baltsun.com
E-mail Display As:	Sunpaper - Advertising (mgriesbauer@baltsun.com)

Monday, June 09, 2014 4:07 PM:
Michele Wharton 410-332-6522

Coates, Jennifer

Full Name:	Afro American
Last Name:	American
First Name:	Afro
Business:	(410) 554-8251
E-mail:	TRobinson@afro.com
E-mail Display As:	TRobinson@afro.com

CITY OF BALTIMORE
COUNCIL BILL 19-0367
(First Reader)

Introduced by: Councilmember Bullock
At the request of: The Back Yard X, LLC
Address: c/o Lara Sumerson, 131 South Schroeder Street, Baltimore, Maryland 21223
Telephone: 443-722-3238
Introduced and read first time: April 15, 2019
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, Baltimore Development Corporation, Department of Transportation

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 129 and 131 South Schroeder Street

FOR the purpose of changing the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-2 Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 55
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 55 of the Zoning District Map is amended by changing from the R-8 Zoning District to the C-2 Zoning District the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), as outlined in red on the plat accompanying this Ordinance.

SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the accompanying plat 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 plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat; and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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

APPROVED FOR FORM
STYLE, AND TEXTUAL SUFFIENCY
4-2-19
DEPT. LEGISLATIVE REFERENCE

INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL ____

Introduced by: Councilmember Bullock
At the request of: The Back Yard X, LLC
Address: c/o Lara Sumerson, 131 South Schroeder Street, Baltimore, Maryland 21223
Telephone: 443-722-3238

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 129 and 131 South Schroeder Street

FOR the purpose of changing the zoning for the properties known as 129 and 131 South Schroeder Street (Block 0252, Lots 052 and 051), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-2 Zoning District.

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SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

* WARNING: THIS IS AN UNOFFICIAL, INTRODUCTORY COPY OF THE BILL.
THE OFFICIAL COPY CONSIDERED BY THE CITY COUNCIL IS THE FIRST READER COPY.

STATEMENT OF INTENT

FOR

129 AND 131 SOUTH SCHROEDER
{Address}

1. **Applicant's Contact Information:**
   Name: LARA SUMERSON
   Mailing Address: 131 S. SCHROEDER STREET
   BALTIMORE, MD 21223
   Telephone Number: 443.722.3238
   Email Address: LARASUMERSON@GMAIL.COM

2. **All Proposed Zoning Changes for the Property:** REZONING OF THE PROPERTIES KNOWN AS 129 AND 131 SOUTH SCHROEDER STREET FROM THE R-8 ZONING DISTRICT TO THE C-2 ZONING DISTRICT

3. **All Intended Uses of the Property:** TO CONTINUE USE OF PROPERTIES AS A RESTAURANT / TAVERN.

4. **Current Owner's Contact Information:**
   Name: BKC ENTERPRISES c/o MICHAEL CAVANAGH
   Mailing Address: 131 S. SCHROEDER STREET
   BALTIMORE, MD 21223
   Telephone Number: 443.610.4159
   Email Address: MJCAVANAGH79@GMAIL.COM

5. **Property Acquisition:**

   The property was acquired by the current owner on MARCH 09, 2018 by deed recorded in the Land Records of Baltimore City in Liber 19978 Folio 259-264.

6. **Contract Contingency:**

   (a) There is ____ is not X a contract contingent on the requested legislative authorization.

   (b) If there is a contract contingent on the requested legislative authorization:

   (i) The names and addresses of all parties to the contract are as follows *{use additional sheet if necessary}*: ____

(ii) The purpose, nature, and effect of the contract are: _____

_____
_____
_____
_____
_____
_____

7. Agency:

(a) The applicant is ____ is not X acting as an agent for another.

(b) If the applicant is acting as an agent for another, the names of all principals on whose behalf the applicant is acting, including the names of the majority stockholders of any corporation, are as follows *{use additional sheet if necessary}*: _____

_____
_____
_____
_____
_____
_____
_____

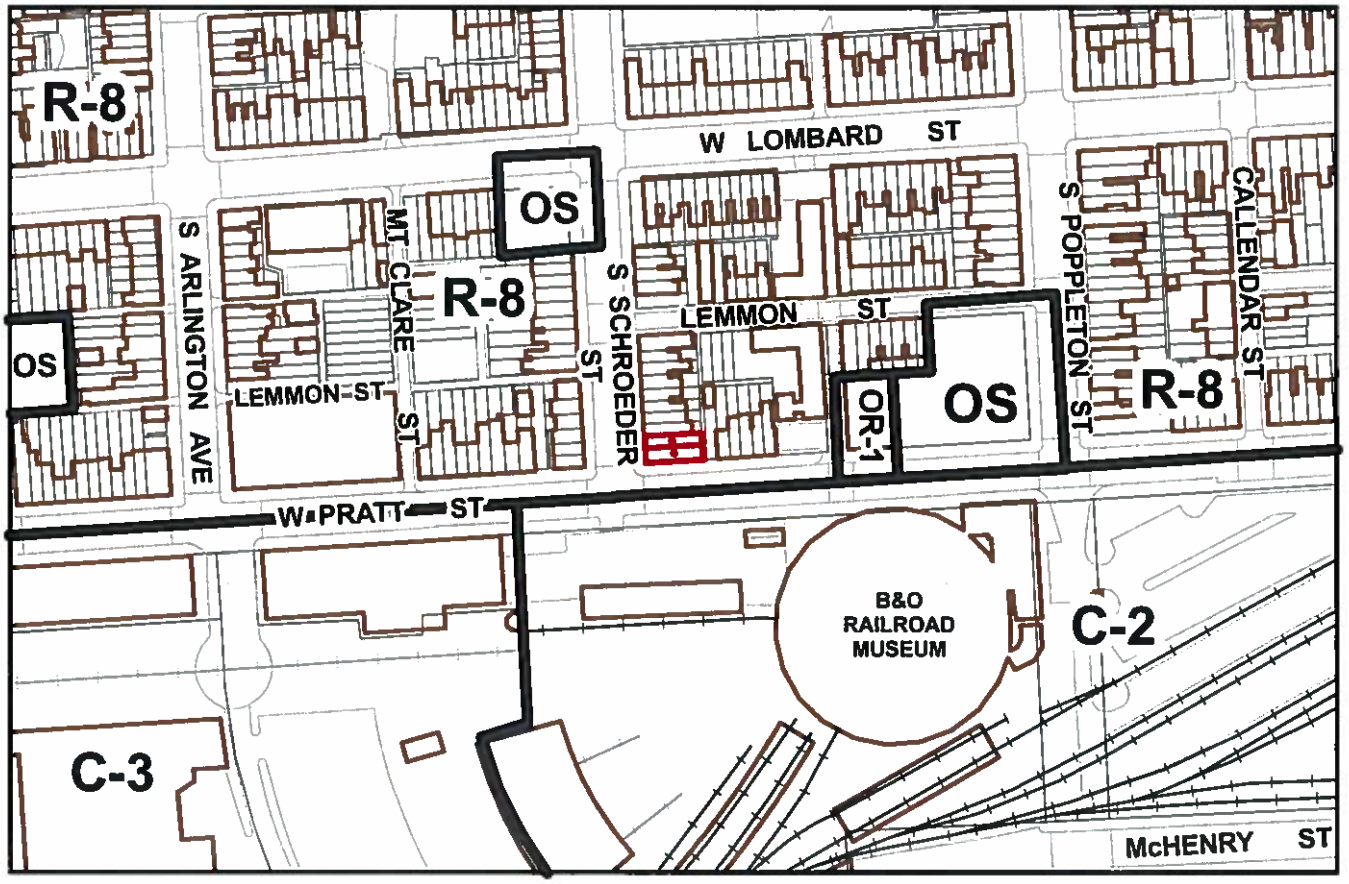
AFFIDAVIT

I, LARA SUMERSON, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

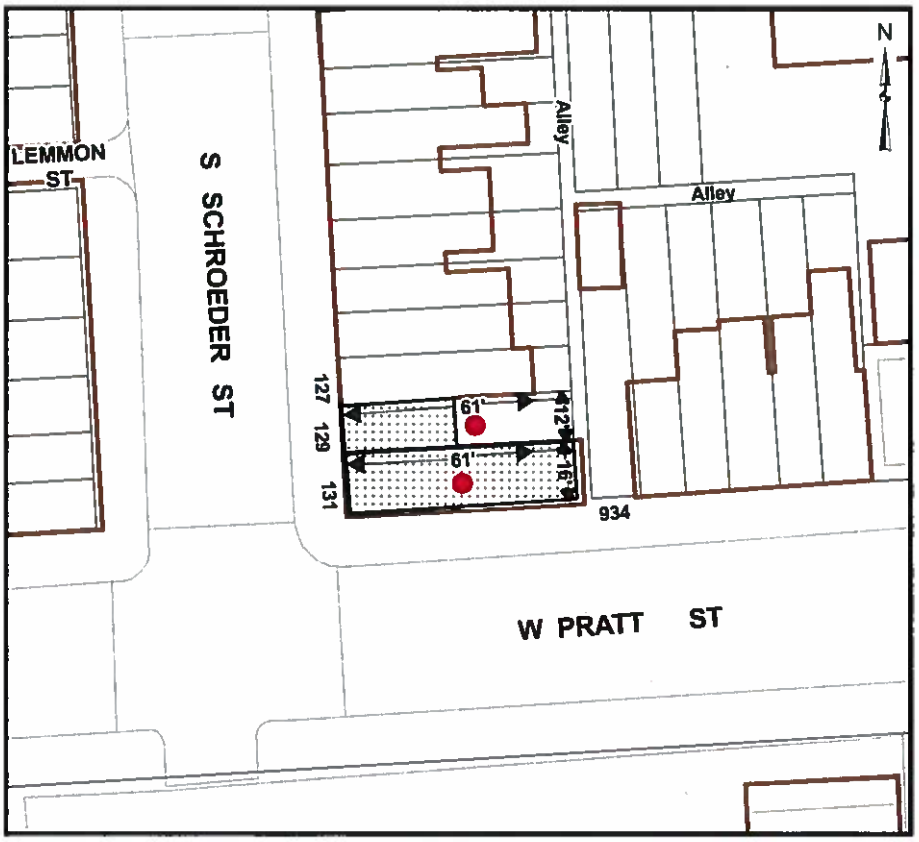
Applicant's signature

03.21.19
Date

SHEET NO. 55 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Scale: 1" = 50'

Note:

In Connection WithThe Properties Known As Nos. 129 & 131 SOUTH SCHROEDER STREET. The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From R-8 Zoning to C-2 Zoning, As Outlined In Red Above.

WARD	18	SECTION	8
BLOCK	252	LOTS	51 & 52

MAYOR

PRESIDENT CITY COUNCIL

RPE 3-25-19

ACTION BY THE CITY COUNCIL

FIRST READING (INTRODUCTION) APR 16 2019

PUBLIC HEARING HELD ON November 20, 20 19

COMMITTEE REPORT AS OF December 2, 20 19

___ FAVORABLE ___ UNFAVORABLE ✓ FAVORABLE AS AMENDED ___ WITHOUT RECOMMENDATION

Edward H Rees
Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

SECOND READING: The Council's action being favorable (unfavorable), this City Council bill was (was not) ordered printed for Third Reading on:

DEC 02 2019 20 ___

✓ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING DEC 05 2019

___ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (ENROLLED) ___ 20 ___

___ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

THIRD READING (RE-ENROLLED) ___ 20 ___

WITHDRAWAL ___ 20 ___

There being no objections to the request for withdrawal, it was so ordered that this City Council Ordinance be withdrawn from the files of the City Council.

President

Chief Clerk

1050-10-2