

**Introduced by:** Councilmember Middleton

**At the request of:** Robinson's Food and Variety Market, Inc.

Address: c/o Kwan Lee, 3601-3605 Park Heights Avenue, Baltimore, Maryland 21215

Telephone: 443-255-0343

**Prepared by:** Department of Legislative Reference

**Date:** June 23, 2017

**Referred to:** **LAND USE AND TRANSPORTATION** Committee

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

CITY COUNCIL 17-0106

A BILL ENTITLED

AN ORDINANCE concerning

**Rezoning – 3601-3605 Park Heights Avenue**

FOR the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

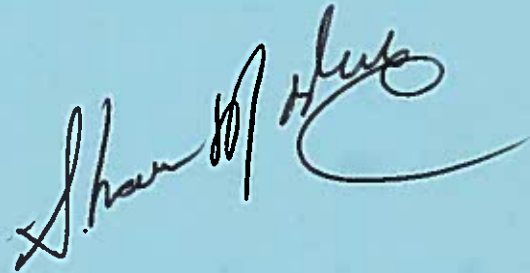
BY amending

Article 32 - Zoning

Zoning Map

Sheet 23

Baltimore City Revised Code  
(Edition 2000)



NO.

\_\_\_\_\_

**\*\*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**

<input checked="" type="checkbox"/> Baltimore City Public School System	<input type="checkbox"/> Department of Public Works
<input checked="" type="checkbox"/> Baltimore Development Corporation	<input type="checkbox"/> Department of Real Estate
<input type="checkbox"/> City Solicitor	<input type="checkbox"/> Department of Recreation and Parks
<input type="checkbox"/> Comptroller's Office	<input checked="" type="checkbox"/> Department of Transportation
<input type="checkbox"/> Department of Audits	<input type="checkbox"/> Fire Department
<input type="checkbox"/> Department of Finance	<input type="checkbox"/> Health Department
<input type="checkbox"/> Department of General Services	<input type="checkbox"/> Mayor's Office of Employment Development
<input checked="" type="checkbox"/> Department of Housing and Community Development	<input type="checkbox"/> Mayor's Office of Human Services
<input type="checkbox"/> Department of Human Resources	<input type="checkbox"/> Mayor's Office of Information Technology
<input type="checkbox"/> Department of Planning	<input type="checkbox"/> Office of the Mayor
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Police Department
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

**Boards and Commissions**

<input checked="" type="checkbox"/> Board of Estimates	<input type="checkbox"/> Environmental Control Board
<input type="checkbox"/> Board of Ethics	<input type="checkbox"/> Fire & Police Employees' Retirement System
<input checked="" type="checkbox"/> Board of Municipal and Zoning Appeals	<input type="checkbox"/> Labor Commissioner
<input type="checkbox"/> Comm. for Historical and Architectural Preservation	<input type="checkbox"/> Parking Authority Board
<input type="checkbox"/> Commission on Sustainability	<input checked="" type="checkbox"/> Planning Commission
<input type="checkbox"/> Employees' Retirement System	<input type="checkbox"/> Wage Commission
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____



CITY OF BALTIMORE  
ORDINANCE **18-134**  
Council Bill 17-0106

Introduced by: Councilmember Middleton

At the request of: Robinson's Food and Variety Market, Inc.

Address: c/o Kwan Lee, 3601-3605 Park Heights Avenue, Baltimore, Maryland 21215

Telephone: 443-255-0343

Introduced and read first time: July 17, 2017

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable

Council action: Adopted

Read second time: April 16, 2018

AN ORDINANCE CONCERNING

Rezoning – 3601-3605 Park Heights Avenue

FOR the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

BY amending

Article 32 - Zoning

Zoning Map

Sheet 23

Baltimore City Revised Code

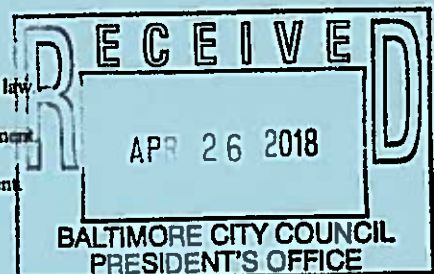
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 23 of the Zoning Map is amended by changing from the R-6 Zoning District to the C-1 Zoning District the property known as 3601-3605 Park Heights Avenue, 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 30<sup>th</sup> day after the date it is enacted.

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.



**Council Bill 17-0106**

Certified as duly passed this \_\_\_\_\_ day of APR 23 2018

  
\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,

this \_\_\_\_\_ day of APR 23 2018

  
\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Mayor, Baltimore City

Pursuant to City Charter Article IV, Section 5 (c),

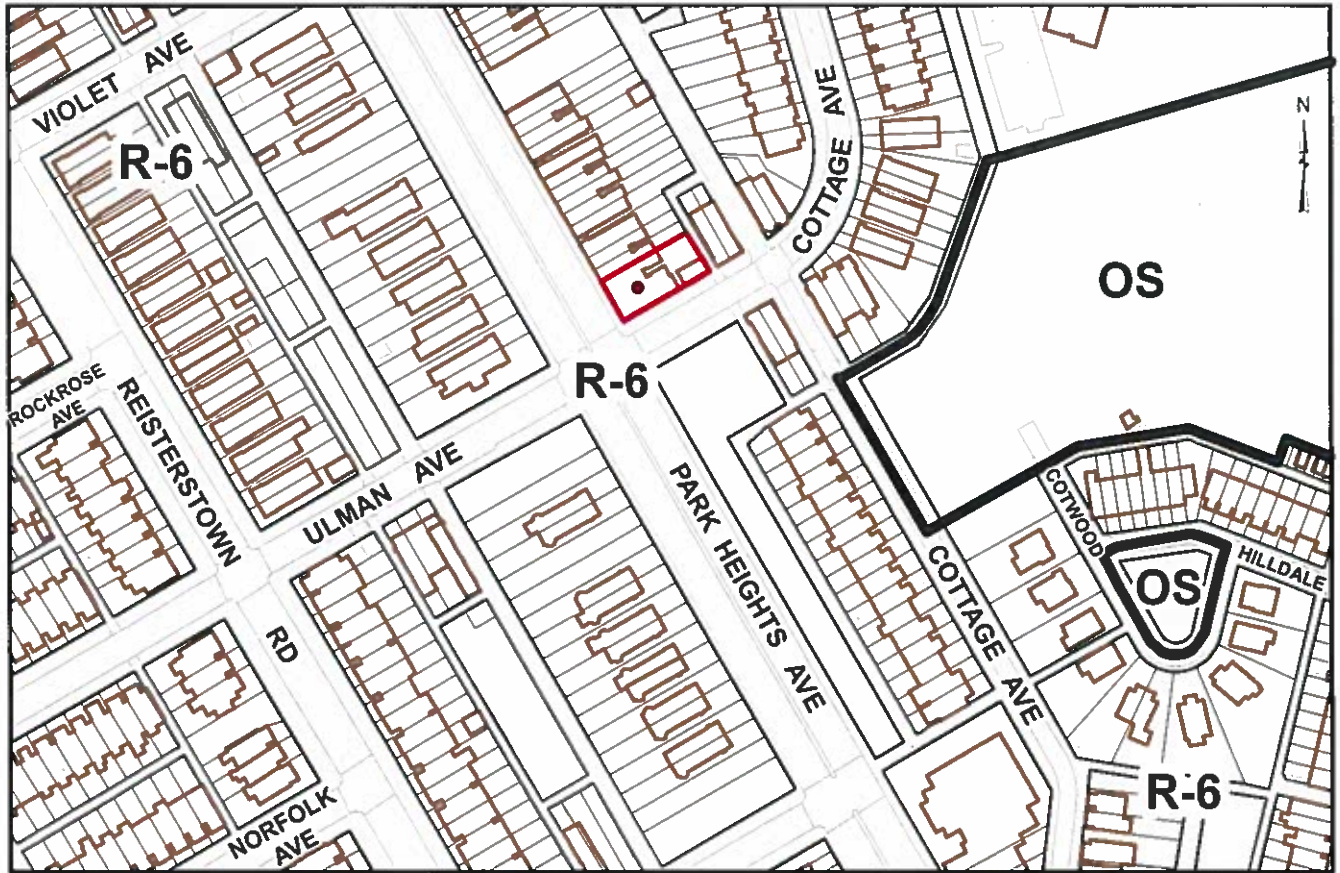
this bill became law on May 14, 2018,

without the Mayor's Signature.

Not Approved For Form or Legal Sufficiency -  
Law Dept 4/24/18



**SHEET NO. 23 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY**



1" = 200'



Scale: 1" = 50'

**Note:**

In Connection With Property Known As No. 3601-3605 PARK HEIGHTS AVENUE. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From R-6 Zoning to C-1 Zoning, As Outlined In Red Above.

WARD 15                      SECTION 32  
BLOCK 3327A                      LOT 1

MAYOR  
*[Signature]*  
PRESIDENT CITY COUNCIL



# 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: 17-0106 REZONING – 3601 – 3605 PARK HEIGHTS AVENUE

Upon finding as follows with regard to:

**ADOPTED**

(1) Population changes;

The census tract that includes the Properties is estimated to have increased its population from 4,215 in 2010 to 4,820 in 2015, according to estimates of the U.S. Census Bureau. This 14.35% increase in residential population drives a demand for commercial uses to serve the residents, such as the grocery store located at the Property.

(2) The availability of public facilities;

The area is adequately served by public utilities and services. The proposed rezoning of the Property simply will permit the existing use to remain and will not have an impact on the demand for public facilities or services.

(3) Present and future transportation patterns;

The rezoning of the Property will not adversely impact present or future transportation patterns, as the Property is located along the highly trafficked Park Heights corridor. As the Property is already used for commercial purposes, the change in zoning will not increase the number of trips generated. The Baltimore City Department of Transportation supports the rezoning.

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

The property is in a predominantly residential area comprised primarily of two-story attached and semi-detached dwellings with some non-residential uses such as churches and small retail establishments present, of which the subject property is an example. The rezoning of the Property to the C-1 District is





consistent with the Park Heights Urban Renewal Plan, which designates the Property for "Neighborhood Business" uses.

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

The Planning Commission was unable to make a recommendation on this bill, as three members voted in favor of the bill and three members voted against.

In July of 1980, the Board of Zoning appeals approved consolidation of three dwellings at 3601, 3603 and 3605 (appeal no. 374-8X), subject to the condition that the liquor store authorized (Robinson's) was limited in floor area to the floor area of 3601 (a pharmacy and drug store) that it replaced. More recently, the Board of Municipal and Zoning Appeals issued an unfavorable recommendation for Bill 17-0106 to rezone the properties.

On January 20, 2017, the Baltimore City Health Department entered into a Memorandum of Understanding with Robinson's Food & Variety Market, Inc. at the 3601 property to become a Baltimore Healthy Corner Store which focuses on improving the health and wellness of Baltimore City residents by using food access and food justice as strategies for health promotion land community transformation. The initiative has support from local community organizations, houses of worship, local schools and community gate-keepers.

The Department of Transportation supports the rezoning request.

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

The proposed amendment is consistent with the City's LiveEarnPlayLearn Master Plan by meeting Live Goal 1: Build Human and Social Capital By Strengthening Neighborhoods. Neighborhoods need access to retail and commercial services to serve their residents. In the area surrounding the Property, many residents do not drive, making it difficult for them to access other grocery options. There are several senior housing buildings located in close proximity to this site, including Monte Verde Apartments at 2501 Violet Avenue (0.1 miles from the Property), SOS Care Services at 2901 Druid Park Drive (0.4 miles from the site), and Renaissance Gardens at 4311 Pimlico Road (0.6 miles from the Property). The retail use at this location serves local residents and provides an amenity to the neighborhood.



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

The property is in a predominantly residential area comprised primarily of two-story attached and semi-detached dwellings with some scattered non-residential uses such as churches and small retail establishments. The Property is located along a heavily trafficked corridor and is the only grocery store in the area. As a result, it provides a necessary service to nearby residents, many of whom rely on the grocery for their food shopping needs. The nearest grocery store, Food City, is 0.4 miles away from this site. Beyond that a Sav-A-Lot and a Shoppers are each 0.91 miles away from the site.

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

The Property is located in the middle of a residentially zoned area. Prior to the effective date of the new Zoning Code, however, the Property was zoned B-1-2, which permitted the existing package good store to operate as a nonconforming use.

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

The Property is not suited for the uses permitted under the R-6 zoning classification. The surrounding blocks of Park Heights Avenue are occupied by many vacant structures, demonstrating that there is little residential demand in this area. In addition, because the existing structure has been used for commercial purposes since the early 20th century, it is not feasible to convert it to residential use.

(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;

Very little development has occurred in the general area of the Property in recent times, especially since the most recent rezoning to the R-6 District. The Property is not likely to see any significant investment under its present zoning classification as the nonconforming use regulations mandate the termination of the alcoholic beverages sales use within two years.

(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:

There was a mistake in the 2017 comprehensive rezoning of the property known as 3601-05 Park Heights Avenue (the "Property") from the B-1-2 District to the R-6 District as the City Council did not consider the existing commercial use of the Property, which has been in place since the early 20th century. Unlike many other retail goods establishments with alcoholic beverages sales, the Property historically has been operated in a manner that serves the local community by providing groceries and convenience items that are otherwise unavailable in the neighborhood. The City Council rezoned the Property to the R-6 District based on a general desire to eliminate nonconforming retail goods establishments with alcoholic beverages sales without considering the specific impact that would occur here. As a result, it was a mistake to rezone the Property to R-6, and the Property should now be rezoned to C-1 to correct the error. The Property originally consisted of three separate lots known as 3601, 3603, and 3605 Park Heights Avenue, which were consolidated into one lot known as 3601 Park Heights Avenue in 1980. The Property was formerly zoned B-1-2 and, according to the City's zoning records, all three lots historically were used for commercial purposes. The property formerly known as 3601 Park Heights Avenue originally was used as a pharmacy and variety store, and held a liquor license dating back to 1935. On July 8, 1980, the Board of Municipal and Zoning Appeals ("BMZA") approved the consolidation of the lots and rehabilitation of the structures, provided that the existing nonconforming package goods store be limited to its existing location and not expanded to the remainder of the Property. As a result, the retail goods establishment that has been in place since that time has offered alcoholic beverage sales only in the portion of the Property that was formerly known as 3601 Park Heights Avenue, while the remainder of the Property is used as a grocery. When the Property was rezoned to the R-6 District, the existing package goods component became nonconforming and, due to the new regulations imposed on nonconforming retail goods establishments with alcoholic beverages sales, the package goods component must be discontinued by June 4, 2019. Art. 32, § 18-701(a)(1). It was a mistake for the City Council not to consider the important services provided by a commercial use at this location when it rezoned the Property to R-6, and the Council should correct the mistake by rezoning the property to C-1.

SOURCE OF FINDINGS (Check all that apply):



[ X ] Department of Planning Memoranda Dated: October 20, 2017

[ X ] Testimony presented at the Committee hearing

Oral – Witness Name:

- The Honorable Mary Pat Clarke, 14<sup>th</sup> District
- Ms. Caroline L. Hecker, Attorney for the Applicant

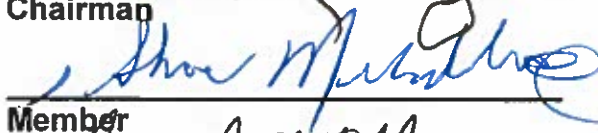
Written – Submitted by: (Include documents that have relevant facts only)

- Memorandum dated November 21, 2017 from Caroline L. Hecker and Stanley S. Fine (Rosenberg, Martin, Greenberg LLP), attorneys for the applicant.
- Handout Package date stamped April 11, 2018 presented by Ms. Caroline Hecker
- Baltimore City Agency reports for Bill 17-0106

**LAND USE AND TRANSPORTATION COMMITTEE:**

  
Chairman

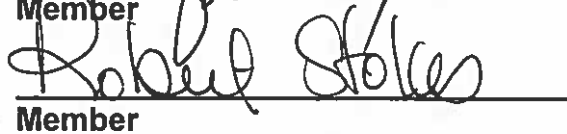
Member

  
Member

Member

  
Member

Member

  
Member

Member

DATE: 11/11/2011

TIME: 10:00 AM

LOCATION: 1000 10th St

OFFICER: [Name]

VEHICLE: [Make/Model]

PLATE: [Plate Number]

DESCRIPTION: [Description]

REMARKS: [Remarks]

SIGNATURE: [Signature]

DATE/TIME: [Date/Time]

*[Handwritten notes and signatures]*



# BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION VOTING RECORD

DATE: April 11, 2018

BILL#: 17-0106

BILL TITLE: Ordinance - Rezoning - 3601-3605 Park Heights Avenue

MOTION BY: Clark      SECONDED BY: Maddala

- FAVORABLE                       FAVORABLE WITH AMENDMENTS  
 UNFAVORABLE                       WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Middleton, Sharon, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Clarke, Mary Pat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costello, Eric	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dorsey, Ryan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pinkett, Leon	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stokes, Robert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>TOTALS</b>	<u>7</u>			

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC





501 N. Calvert St., P.O. Box 1377  
Baltimore, Maryland 21278-0001  
tel: 410/332-6000  
800/829-8000

WE HEREBY CERTIFY, that the annexed advertisement of Order No 5505221

**Sold To:**

Kwan Lee - CU00642149  
3601-3605 Park Heights Avenue  
Baltimore, MD 21215

**Bill To:**

Kwan Lee - CU00642149  
3601-3605 Park Heights Avenue  
Baltimore, MD 21215

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

Mar 13, 2018

The Baltimore Sun Media Group

By S. Wilkinson

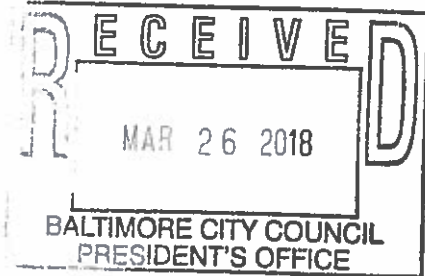
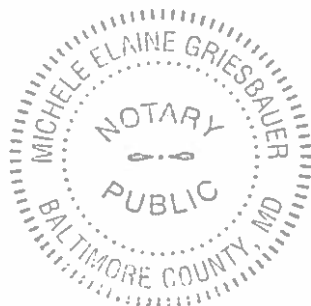
Subscribed and sworn to before me this 13 day of March Advertising

By \_\_\_\_\_

Michele Elaine

Notary Public

My commission expires 10/5/19



BALTIMORE CITY COUNCIL  
PUBLIC HEARING ON  
BILL NO. 17-0106  
The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, April 11, 2018 at 1:00 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. 17-0106.  
CC 17-0106 ORDINANCE -  
Zoning - Rezoning 3601-3605 Park Heights Avenue - For the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.  
BY amending  
Article 32 - Zoning  
Zoning Map Sheet 23  
Baltimore City Revised Code (Edition 2000)  
Applicant: Robinson's Food and Variety Market, Inc.  
NOTE: This bill is subject to amendment by the Baltimore City Council.  
EDWARD REISINGER  
Chair

Advertisement





# The Daily Record

11 East Saratoga Street  
Baltimore, MD 21202-2199  
(443) 524-8100

<http://www.thedailyrecord.com>

Order #: 11514009

Case #:

Description:

CC 17-0106 ORDINANCE - Rezoning - 3601-3605 Park Heights Avenue.

## 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:

3/20/2018

Darlene Miller, Public Notice Coordinator  
(Representative Signature)

### BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 17-0106

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, April 11, 2018 at 1:00 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. 17-0106.

CC 17-0106 ORDINANCE - Rezoning - 3601-3605 Park Heights Avenue - FOR the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

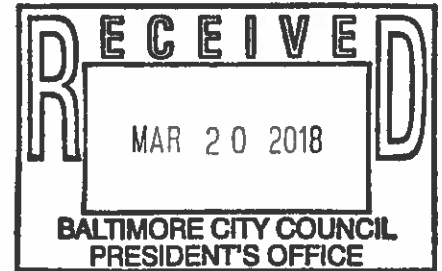
BY amending  
Article 32 - Zoning  
Zoning Map  
Sheet 23  
Baltimore City Revised Code  
(Edition 2000)

Applicant: Robinson's Foodland Variety Market, Inc.

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

**EDWARD REISINGE,**  
Chairman

mh20







Rosenberg  
Martin  
Greenberg<sup>LLP</sup>

Caroline L. Hecker  
Direct Dial: (410) 727-6676  
checker@rosenbergmartin.com

March 14, 2018

**VIA HAND DELIVERY**

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

Re: City Council Bill 17-0106 & 17-0107  
Hearing Date: April 11, 2018

Dear Ms. Austin:

This letter is to certify that the necessary signs were posted conspicuously on the property located at 3601-3605 Park Heights Avenue on March 6, 2018. I have attached two Certificates of Posting with photographs of the signs, for your records.

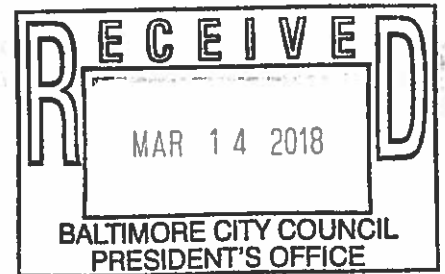
Thank you for your attention to this matter. Please let us know if you require any additional information.

Sincerely,

Caroline L. Hecker

CLH/mag  
Enclosures

cc: Mr. Paul Kwan-Young Lee (via electronic mail)

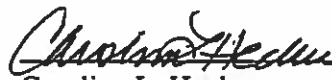




CERTIFICATE OF POSTING  
Baltimore City Council  
Land Use and Transportation Committee  
City Council Bill 17-0106

BALTIMORE CITY COUNCIL  
PUBLIC HEARING ON BILL NO. 17-0106  
THE LAND USE AND TRANSPORTATION COMMITTEE OF THE BALTIMORE CITY  
COUNCIL WILL MEET ON WED., APRIL 11, 2018 AT 1:00 P.M. IN THE CITY  
COUNCIL CHAMBERS, 4<sup>TH</sup> FLOOR, CITY HALL, 100 N. HOLIDAY STREET TO  
CONDUCT A PUBLIC HEARING ON CITY COUNCIL BILL NO. 17-0106.  
CC. 17-0106 ORDINANCE-REZONING 3601-3605 PARK HEIGHTS AVENUE-FOR THE  
PURPOSE OF CHANGING THE ZONING FOR THE PROPERTY KNOWN AS 3601-3605  
PARK HEIGHTS AVENUE, AS OUTLINED IN RED ON THE ACCOMPANYING PLAT,  
FROM THE R-6 ZONING DISTRICT TO THE C-1 ZONING DISTRICT.  
BY AMENDING ARTICLE 32-ZONING, ZONING MAP SHEET 23  
BALTIMORE CITY REVISED CODE (EDITION 2000)  
APPLICANT: ROBINSON'S FOOD AND VARIETY MARKET, INC.  
NOTE: THIS BILL IS SUBJECT TO AMENDMENT BY THE BALTIMORE CITY COUNCIL.  
EDWARD REISINGER, Chairman

3601-3605 Park Heights Ave.  
Posted 03/06/2018

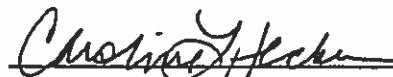
  
Caroline L. Hecker  
Rosenberg, Martin, Greenberg, LLP  
25 S. Charles Street, 21<sup>st</sup> Floor  
Baltimore, MD 21201  
410-727-6600



**CERTIFICATE OF POSTING**  
**Baltimore City Council**  
**Land Use and Transportation Committee**  
**City Council Bill 17-0107**

**BALTIMORE CITY COUNCIL**  
**PUBLIC HEARING ON BILL NO. 17-0107**  
THE LAND USE AND TRANSPORTATION COMMITTEE OF THE BALTIMORE CITY COUNCIL WILL MEET ON WED. APRIL 11, 2018 AT 1:05 PM IN THE CITY COUNCIL CHAMBERS, 4<sup>TH</sup> FLOOR, CITY HALL, 100 N. HOLIDAY STREET TO CONDUCT A PUBLIC HEARING ON CITY COUNCIL BILL NO. 17-0107.  
CC 17-0107 ORDINANCE-ZONING-CONDITIONAL USE RETAIL GOODS ESTABLISHMENT (WITH ALCOHOLIC BEVERAGES SALES)-3601-3605 PARK HEIGHTS AVENUE-FOR THE PURPOSE OF PERMITTING, SUBJECT TO CERTAIN CONDITIONS, THE ESTABLISHMENT, MAINTENANCE, AND OPERATION OF A RETAIL GOODS ESTABLISHMENT (WITH ALCOHOLIC BEVERAGES SALES) ON THE PROPERTY KNOWN AS 3601-3605 PARK HEIGHTS AVENUE, AS OUTLINED IN RED ON THE ACCOMPANYING PLAT. BY AUTHORITY OF ARTICLE 32-ZONING, SECTION 5-201(a) AND TABLE 10-301 (C-1) BALTIMORE CITY REVISED CODE (EDITION 2000)  
NOTE: THIS BILL IS SUBJECT TO AMENDMENT BY THE BALTIMORE CITY COUNCIL.  
EDWARD REISINGER, Chair

**3601-3605 Park Heights Ave.**  
**Posted 03/06/2018**



Caroline L. Hecker  
Rosenberg, Martin, Greenberg, LLP  
25 S. Charles Street, 21<sup>st</sup> Floor  
Baltimore, MD 21201  
410-727-6600





**A-Z FOOD MARKET**

**SPEED LIMIT 30**

**A-Z FOOD MARKET DISCOUNT LIQUOR**

**ICE COLD BEER**

NOTICE: The following items are not for sale in this store: Alcohol, Tobacco, Firearms, Explosives, Hazardous Materials, Prescription Drugs, Medical Devices, and any other items prohibited by law. For more information, please contact the store manager.

NOTICE: The following items are not for sale in this store: Alcohol, Tobacco, Firearms, Explosives, Hazardous Materials, Prescription Drugs, Medical Devices, and any other items prohibited by law. For more information, please contact the store manager.

**ICE COLD BEER**





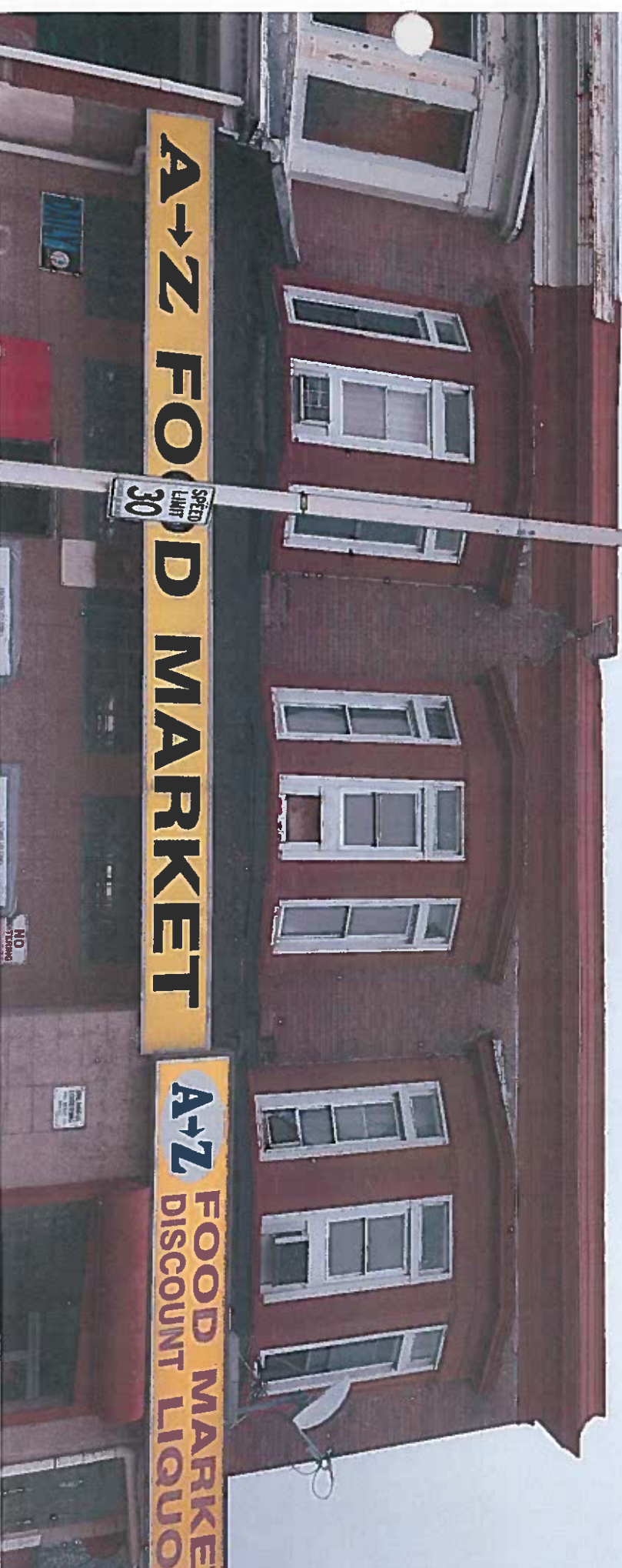


**A-Z FOOD MARKET**

**A-Z FOOD MARKET  
DISCOUNT LIQUOR**

**SPEED LIMIT 30**

**NO**







# Z FOOD MARKET

# A-Z FOOD MARKET DISCOUNT

SPEED LIMIT 30

PLEASE READ THE FOLLOWING INFORMATION CAREFULLY. THIS IS A PUBLIC NOTICE. THE CITY OF BOSTON HAS ADOPTED A NEW ZONING ORDINANCE. THE NEW ZONING ORDINANCE WILL BE IN EFFECT ON JANUARY 1, 2004. THE NEW ZONING ORDINANCE WILL REQUIRE THAT ALL NEW BUILDINGS BE CONFORMANT WITH THE NEW ZONING ORDINANCE. THE NEW ZONING ORDINANCE WILL REQUIRE THAT ALL NEW BUILDINGS BE CONFORMANT WITH THE NEW ZONING ORDINANCE. THE NEW ZONING ORDINANCE WILL REQUIRE THAT ALL NEW BUILDINGS BE CONFORMANT WITH THE NEW ZONING ORDINANCE.

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# D MARKET

BALTIMORE CITY COUNCIL  
PUBLIC HEARING ON THE 11-17-06  
THE LAND USE AND TRANSPORTATION COMMITTEE OF THE BALTIMORE CITY COUNCIL WILL MEET ON WEDNESDAY, 11/17/06 AT 1:00 PM IN THE CITY CHAMBERS, 4TH FLOOR, CITY HALL, 100 BALTIMORE STREET TO CONSIDER A PUBLIC HEARING ON CITY COUNCIL BILL NO. 17-066.  
CITY COUNCIL MEMBERS: BERNARD, SCAR, 3645 PARK HEIGHTS BLVD FOR THE PURPOSE OF CHANGING THE ZONING FROM THE PRESENT (R-6) TO R-6 PARK HEIGHTS BLVD. IS TO BE HELD IN THE CITY CHAMBERS, 4TH FLOOR, CITY HALL, 100 BALTIMORE STREET FROM 1:00 PM TO 2:00 PM. THE PUBLIC HEARING WILL BE HELD IN THE CITY CHAMBERS, 4TH FLOOR, CITY HALL, 100 BALTIMORE STREET, ROOM 223.  
BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS, 100 BALTIMORE STREET, 223  
APPLICANT: EXPANSE'S EDNA AND HARVEY MARKET, INC.  
NOTE: THE DATE IS SUBJECT TO AMENDMENT BY THE BALTIMORE CITY COUNCIL.  
EDNA AND HARVEY MARKET, INC.

BALTIMORE CITY COUNCIL  
PUBLIC HEARING ON THE 11-17-07  
THE LAND USE AND TRANSPORTATION COMMITTEE OF THE BALTIMORE CITY COUNCIL WILL MEET ON WEDNESDAY, 11/28/07 AT 1:00 PM IN THE CITY CHAMBERS, 4TH FLOOR, CITY HALL, 100 BALTIMORE STREET TO CONSIDER A PUBLIC HEARING ON CITY COUNCIL BILL NO. 17-067.  
CITY COUNCIL MEMBERS: BERNARD, SCAR, 3645 PARK HEIGHTS BLVD FOR THE PURPOSE OF CHANGING THE ZONING FROM THE PRESENT (R-6) TO R-6 PARK HEIGHTS BLVD. IS TO BE HELD IN THE CITY CHAMBERS, 4TH FLOOR, CITY HALL, 100 BALTIMORE STREET FROM 1:00 PM TO 2:00 PM. THE PUBLIC HEARING WILL BE HELD IN THE CITY CHAMBERS, 4TH FLOOR, CITY HALL, 100 BALTIMORE STREET, ROOM 223.  
BALTIMORE CITY DEPARTMENT OF PUBLIC WORKS, 100 BALTIMORE STREET, 223  
APPLICANT: EXPANSE'S EDNA AND HARVEY MARKET, INC.  
NOTE: THE DATE IS SUBJECT TO AMENDMENT BY THE BALTIMORE CITY COUNCIL.

**NO  
DITERING**  
IF THE OWNER OF THIS SIGN  
OR THE CITY DEPARTMENT

ICE  
BE



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



BOARD OF MUNICIPAL AND  
ZONING APPEALS

DAVID C. TANNER, Executive Director  
417 E. Fayette Street, Room 1432  
Baltimore, Maryland 21202

March 5, 2018

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

**RE: CC Bill #17-0106: Rezoning - 3601-3605 Park Heights Avenue -  
Rezoning 3601-3605 Park Heights Avenue from the R-6 Zoning  
District to the C-1 Zoning District**

Ladies and Gentlemen:

City Council Bill No. 17-0106 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. 17-0106 is to rezone the subject property known as 3601-3605 Park Heights Avenue, as outlined in red on the plat submitted, from the R-6 Zoning District ("Garden Rowhouse Residential District") to the C-1 Zoning District ("Neighborhood Business District").

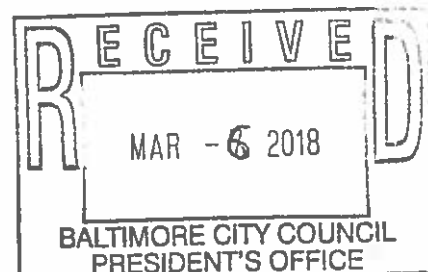
After review of the legislation BMZA defers to the expertise of the Planning Department in recommending disapproval of Bill No. 17-0106.

Sincerely,

Derek J. Baumgardner  
Acting Executive Director

CC: Mr. Kyron Banks, Mayors Office of Council Relations  
Ms. Natawna Austin, Office of the City Council President  
Mr. Geoffrey Veale, Zoning Administrator

UF





TO: Kwan Lee, Robinson's Food and Variety Market, Inc.  
FROM: Natawna B. Austin, Executive Secretary, Baltimore City Council  
DATE: February 27, 2018  
RE: INSTRUCTIONS FOR ADVERTISING A PUBLIC HEARING FOR MAP AND TEXT AMENDMENTS  
(REZONINGS); PUDs

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

**Bill:** City Council Bill No. 17-0106  
**Date:** Wednesday, April 11, 2018  
**Time:** 1:00 P.M.  
**Place:** City Council Chambers, 4<sup>th</sup> floor of City Hall, 100 N. Holliday Street.

At the expense of the applicant, notice of this public hearing must be provided in accordance with Article 32. Zoning § 5-601 (please reference pages 127-129):

<http://legislative.reference.baltimorecity.gov/sites/default/files/Art%2032%20-%20Zoning%20%28As%20Enacted%29%20%282%29.pdf>

Please note that **ALL** of these requirements **MUST** be met in order for your hearing to proceed as scheduled. If you have any questions regarding your advertisement requirements, please contact the Baltimore City Council Executive Secretary, Natawna B. Austin at 410-396-1697 or by email at [Natawnab.Austin@baltimorecity.gov](mailto:Natawnab.Austin@baltimorecity.gov).

#### **Newspaper Advertisement**

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

#### **Wording for Sign and Newspaper Advertisement**

The information that must be advertised appears between the double lines on the attached page; the deadline date is indicated at the top of the page.

#### **Certification of Postings**

Certification of the sign posting(s) on the property or properties and publication of the newspaper advertisement(s), in duplicate, must be sent to the Executive Secretary, four (4) days prior to the hearing.

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



THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE ADVERTISED IN A NEWSPAPER AND DOCUMENTS SHOULD BE PROVIDED TO PROPERTY OWNERS BY Tuesday, March 27, 2018 AND THE SIGN(S) MUST BE POSTED ON THE PROPERTY OR PROPERTIES BY Monday, March 12, 2018 AS OUTLINED ON THE PREVIOUS PAGE.

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BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 17-0106

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, April 11, 2018 at 1:00 P.M in the City Council Chambers, 4<sup>th</sup> floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0106.

**CC 17-0106 ORDINANCE - Rezoning - 3601-3605 Park Heights Avenue** - FOR the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

BY amending  
Article 32 - Zoning  
Zoning Map  
Sheet 23  
Baltimore City Revised Code  
(Edition 2000)

Applicant: Robinson's Food and Variety Market, Inc.

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

EDWARD REISINGER

Chairman

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SEND CERTIFICATION OF PUBLICATION TO:

Natawna B. Austin  
Baltimore City Council  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, MD 21202  
410-396-1697

SEND BILL FOR THIS ADVERTISEMENT TO:

Kwan Lee  
3601-3605 Park Heights Avenue  
Baltimore, MD 21215  
443-255-0343



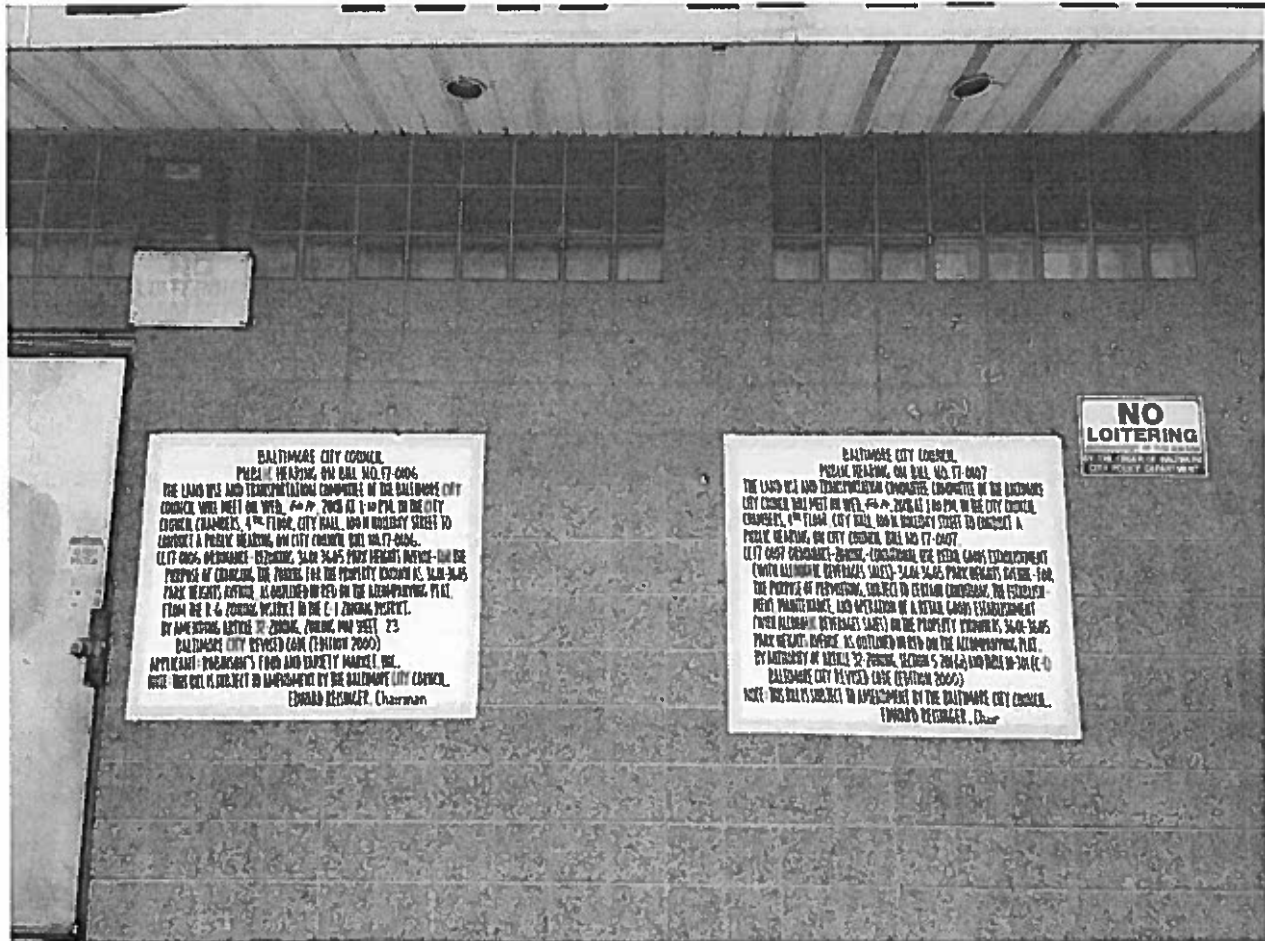


**Certificate of Posting**

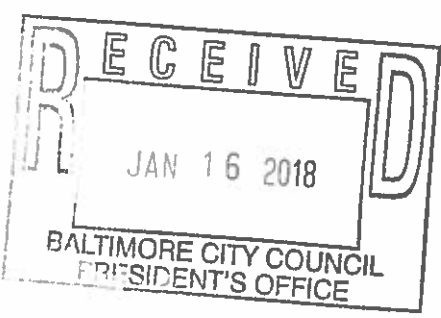
Baltimore City Council  
100 N. Holliday Street  
Baltimore, MD 21202

Re: CCB # 17-0106 & 17-0107

This is to certify that the necessary signs were posted conspicuously on the property known as 3601 Park Heights Avenue on January 10, 2018.



Caroline L. Hecker  
25 S. Charles St., 21<sup>st</sup> Floor  
Baltimore, MD 21201





TO: Kwan Lee, Robinson's Food and Variety Market, Inc.  
FROM: Natawna B. Austin, Executive Secretary, Baltimore City Council  
DATE: January 9, 2018  
RE: NOTICE TO APPLICANT AND INSTRUCTIONS FOR ADVERTISING A PUBLIC HEARING FOR MAP AND TEXT AMENDMENTS; PUDs

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You are hereby notified that the Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

**Bill:** City Council Bill No. 17-0106  
**Date:** Wednesday, February 14, 2018  
**Time:** 1:10 P.M.  
**Place:** City Council Chambers, 4<sup>th</sup> floor of City Hall, 100 N. Holliday Street.

At the expense of the applicant, notice of this public hearing must be provided in accordance with Article 32. Zoning § 5-601:

- 1) Notice must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing, in accordance with Article 32. Zoning § 5-601.
- 2) Notice of map amendments and PUD's must be posted on the property or properties involved 30 days prior to date of hearing in accordance with Article 32. Zoning § 5-601.
- 3) Notice of map amendments and PUD's must be provided by first-class mailing of a written notice to each person who appears on the tax records of the City as an owner of the property to be rezoned 15 days prior to the date of the hearing, in accordance with Article 32. Zoning § 5-601. This letter serves as notice to the applicant/property owner. If the applicant is not the property owner, the applicant must provide the required notice to the property owner(s).

Please note that ALL of these requirements MUST be met in order for your hearing to proceed as scheduled.

**Newspaper Advertisement**

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

**Wording for Sign, Newspaper Advertisement, and Written Notice:**

The information that must be advertised appears between the double lines on the attached page; the deadline date is indicated at the top of the page.

**Certification of Postings**

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

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



THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE ADVERTISED IN A NEWSPAPER AND PROVIDED TO PROPERTY OWNERS ON Tuesday, January 30, 2018 AND A SIGN MUST BE POSTED ON THE PROPERTY ON Monday, January 15, 2018 AS OUTLINED ON THE PREVIOUS PAGE.

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BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 17-0106

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, February 14, 2018 at 1:10 P.M in the City Council Chambers, 4<sup>th</sup> floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0106.

CC 17-0106 ORDINANCE - **Rezoning - 3601-3605 Park Heights Avenue** - FOR the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

BY amending  
Article 32 - Zoning  
Zoning Map  
Sheet 23  
Baltimore City Revised Code  
(Edition 2000)

Applicant: Robinson's Food and Variety Market, Inc.

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

EDWARD REISINGER

Chairman

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SEND CERTIFICATION OF PUBLICATION TO:

Natawna B. Austin  
Baltimore City Council  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, MD 21202  
410-396-1697

SEND BILL FOR THIS ADVERTISEMENT TO:

Kwan Lee  
3601-3605 Park Heights Avenue  
Baltimore, MD 21215  
443-255-0343





**CERTIFICATE OF POSTING**

RE: Case No. CCB 17-0106

Date of Hearing 12/13/17

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

**This letter is to certify that the necessary sign(s) were posted conspicuously  
on the property located at \_\_\_\_\_**

**3601-3605 Park Heights Avenue**

**on 11/13/17**

**Sincerely,**

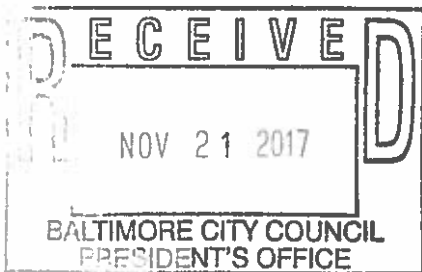
 11/13/17

**Richard E. Hoffman**

**904 Dellwood Drive**

**Fallston, Md. 21047**

**(443) 243-7360**



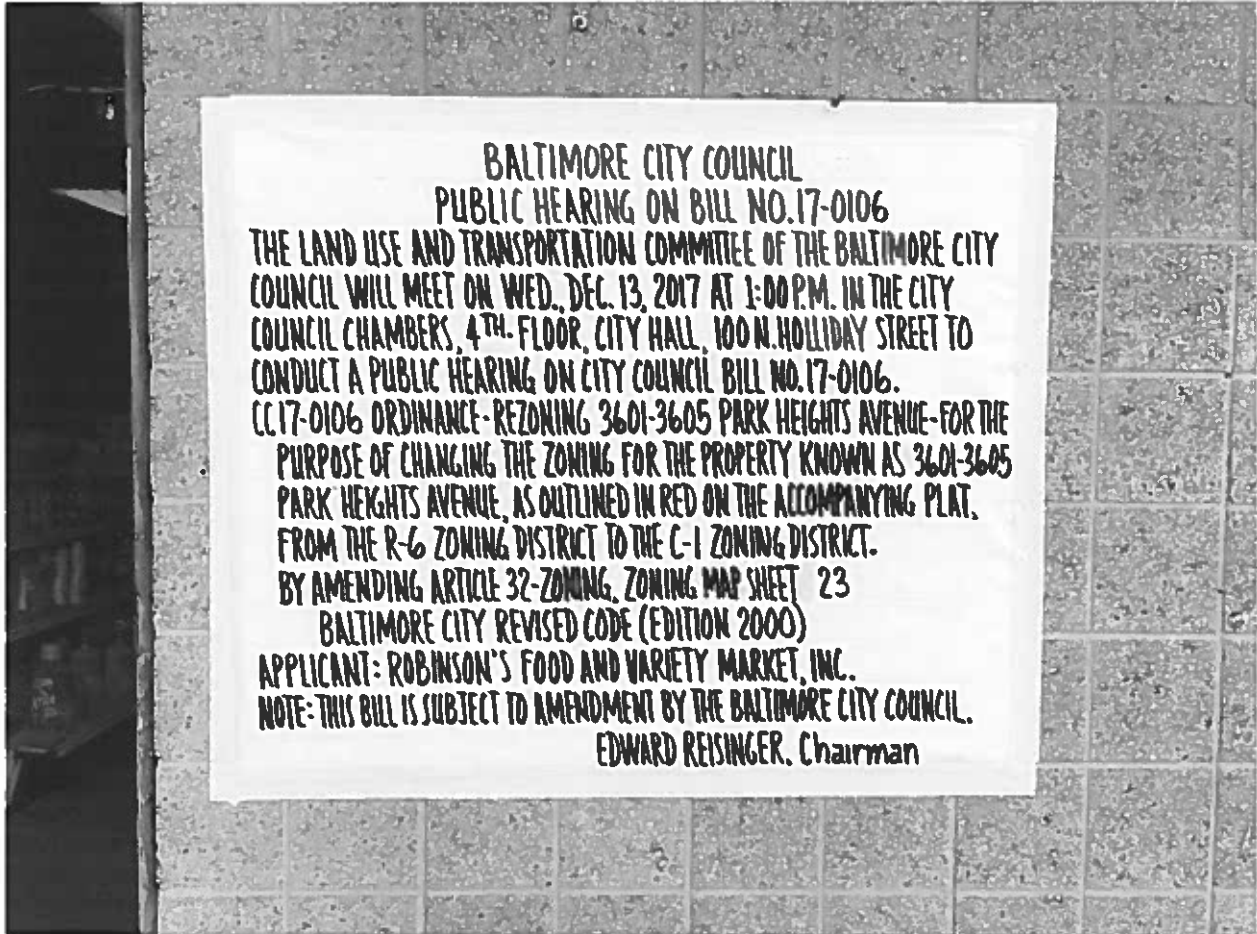


**Certificate of Posting**

**Baltimore City Council**


**Land Use and Transportation Committee**

**City Council Bill No. 17-0106**



**3601-3605 Park Heights Ave.**

**Posted 11/13/17**

 11/13/17

**Richard E. Hoffman**

**904 Dellwood Drive**

**Fallston, Md. 21047**

**443-243-7360**



# The Daily Record

11 East Saratoga Street  
Baltimore, MD 21202-2199  
(443) 524-8100

http://www.thedailyrecord.com

Order #: 11438881

Case #: 17-0106

Description:

Bill No. 17-0106 The Land Use and Transportation Committee of the Baltimore City Council w

## 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:

11/21/2017

Darlene Miller, Public Notice Coordinator  
(Representative Signature)

### BALTIMORE CITY COUNCIL

#### PUBLIC HEARING ON BILL NO. 17-0106

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, December 13, 2017 at 1:00 PM in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0106.

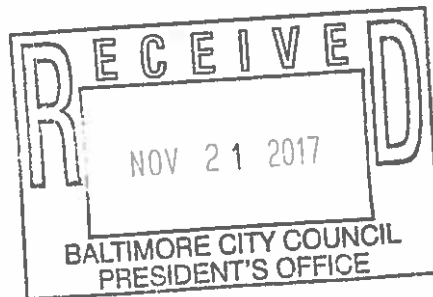
CC 17-0106 ORDINANCE - Rezoning - 3601-3605 Park Heights Avenue - FOR the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

BY amending  
Article 32 - Zoning  
Zoning Map  
Sheet 23  
Baltimore City Revised Code  
(Edition 2000)

Applicant: Robinson's Food and Variety Market, Inc.

NOTE: This bill is subject to amendment by the Baltimore City Council  
**EDWARD REISINGER**,  
Chairman

n21





TO: Kwan Lee, Robinson's Food and Variety Market, Inc.  
FROM: Natawna B. Austin, Executive Secretary, Baltimore City Council  
DATE: October 31, 2017  
RE: NOTICE TO APPLICANT AND INSTRUCTIONS FOR ADVERTISING A PUBLIC HEARING FOR MAP AND TEXT AMENDMENTS; PUDs

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You are hereby notified that the Land Use and Transportation Committee has scheduled the following City Council Bill for a public hearing:

**Bill:** City Council Bill No. 17-0106  
**Date:** Wednesday, December 13, 2017  
**Time:** 1:00 P.M.  
**Place:** City Council Chambers, 4<sup>th</sup> floor of City Hall, 100 N. Holliday Street.

At the expense of the applicant, notice of this public hearing must be provided in accordance with **Article 32. Zoning § 5-601:**

- 1) Notice must be published in one (1) newspaper of general circulation, 15 days prior to the date of the hearing, in accordance with Article 32. Zoning § 5-601.
- 2) Notice of map amendments and PUD's must be posted on the property or properties involved 30 days prior to date of hearing in accordance with Article 32. Zoning § 5-601.
- 3) Notice of map amendments and PUD's must be provided by first-class mailing of a written notice to each person who appears on the tax records of the City as an owner of the property to be rezoned 15 days prior to the date of the hearing, in accordance with Article 32. Zoning § 5-601. This letter serves as notice to the applicant/property owner. If the applicant is not the property owner, the applicant must provide the required notice to the property owner(s).

Please note that **ALL** of these requirements **MUST** be met in order for your hearing to proceed as scheduled.

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**Wording for Sign, Newspaper Advertisement, and Written Notice:**

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**If the required certifications are not received as specified above, the public hearing will be cancelled without notice to the applicant.**





THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE ADVERTISED IN A NEWSPAPER AND PROVIDED TO PROPERTY OWNERS ON Tuesday, November 28, 2017 AND A SIGN MUST BE POSTED ON THE PROPERTY ON Monday, November 13th, 2017 AS OUTLINED ON THE PREVIOUS PAGE.

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BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 17-0106

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, December 13, 2017 at 1:00 P.M in the City Council Chambers, 4<sup>th</sup> floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0106.

CC 17-0106 ORDINANCE - **Rezoning - 3601-3605 Park Heights Avenue** - FOR the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

BY amending  
Article 32 - Zoning  
Zoning Map  
Sheet 23  
Baltimore City Revised Code  
(Edition 2000)

Applicant: Robinson's Food and Variety Market, Inc.

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

EDWARD REISINGER

Chairman

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SEND CERTIFICATION OF PUBLICATION TO:


Natawna B. Austin  
Baltimore City Council  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, MD 21202  
410-396-1697

SEND BILL FOR THIS ADVERTISEMENT TO:

Kwan Lee  
3601-3605 Park Heights Avenue  
Baltimore, MD 21215  
443-255-0343



TJA

<b>FROM</b>	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0106 / REZONING - 3601-3605 PARK HEIGHTS AVENUE		

DATE:

TO

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

September 29, 2017

At its regular meeting of September 28, 2017, the Planning Commission considered City Council Bill #17-0106, for the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

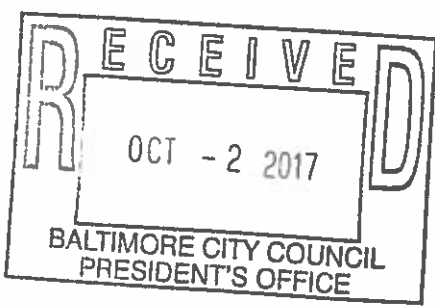
In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #17-0106. Upon a motion to recommend disapproval of the bill, three members voted in favor of approving the bill, and three voted against the bill. Pursuant to the Charter of Baltimore City § 72(I), the Planning Commission "may report and submit to the City Council amendments to the Baltimore City Zoning Ordinance. Any such amendment shall be submitted only by resolution, adopted by the affirmative vote of two-thirds of the entire membership of the Commission." As the Planning Commission did not have six votes in the affirmative, they are unable to make a recommendation to the Council.

If you have any questions, please contact Mr. Wolde Ararsa, Division Chief, Land Use and Urban Design Division at 410-396-4488.

TJS/WA

Attachment

- cc: Mr. Pete Hammen, Chief Operating Officer  
 Mr. Jim Smith, Chief of Strategic Alliances  
 Ms. Karen Stokes, Mayor's Office  
 Mr. Colin Tarbert, Mayor's Office  
 Mr. Kyron Banks, Mayor's Office  
 The Honorable Edward Reisinger, Council Rep. to Planning Commission  
 Mr. David Tanner, BMZA  
 Mr. Geoffrey Veale, Zoning Administration  
 Ms. Sharon Daboin, DHCD  
 Ms. Lindsay Wines, DOT  
 Ms. Elena DiPietro, Law Dept.  
 Ms. Natawna Austin, Council Services  
 Mr. Paul Plymouth, Council President's Office  
 Mr. Francis Burnszynski, PABC  
 Mr. Kwan Lee



No recommendation





*Catherine E. Pugh  
Mayor*

**PLANNING COMMISSION**

*Wilbur E. "Bill" Cunningham, Chairman*

**STAFF REPORT**



*Thomas J. Stosur  
Director*

**September 28, 2017**

**REQUEST:** City Council Bill #17-0106/ Rezoning – 3601-3605 Park Heights Avenue

For the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

**RECOMMENDATION:** Disapproval

**STAFF:** Martin French

**PETITIONERS:** Councilmember Middleton, at the request of Robinson's Food and Variety Market, Inc. c/o Kwan Lee

**OWNERS:** Kwan Young Lee and Jeong Sug Lee

**SITE/GENERAL AREA**

**Site Conditions:** This property is located at the northeast corner of the intersection of Park Heights Avenue and Ulman Avenue, measures approximately 45' by 102', and is currently improved with a two-story formerly porch-front middle-and-end-of-row residential mixed-use building covering approximately 75% of the consolidated lot. This structure was built in 1915 as three single-family dwellings; by the mid-1930s, with the porches enclosed, no. 3601 was being used as a pharmacy and drug store and one dwelling unit; no. 3603 was being used as a tailor's shop and one dwelling unit; and no. 3605 was being used as a delicatessen and lunchroom and one dwelling unit. In July of 1980 the Board of Zoning Appeals approved consolidation of the stores and three dwellings (appeal no. 374-80X), subject to the condition that the liquor store authorized (Robinson's) was limited in floor area to the floor area of the pharmacy and drug store that it replaced. Entrance to the liquor store is on the corner of the building, from both Park Heights Avenue and Ulman Avenue; the other two storefront entrances (now closed) are on Park Heights Avenue.

**General Area:** This property is in the southern portion of a predominantly residential area known as Park Heights that is comprised primarily of two-story attached and semi-detached dwellings with some non-residential uses such as churches and small retail establishments present, of which the subject property is an example. This southern portion of the larger Park Heights area developed from 1915 onward as an in-city suburban-style neighborhood made possible by an electric street-car line on Park Heights Avenue, and has been designated as the Park Heights National Register Historic District. Two blocks northeast of this property is a large multi-story Federally-subsidized multi-family development for senior citizens built



in 1979. Across Ulman Avenue, on the southeast corner of Park Heights and Ulman Avenues, is a new playground for children.

### **HISTORY**

The original Urban Renewal Plan for Park Heights was approved by Ordinance no. 304 dated April 16, 1973. By Ordinance no. 113 dated June 30, 1976, the second amendment to that Plan added 3601, 3603, 3605, and all other properties on the east side of the 3600 block of Park Heights Avenue to the list of properties to be acquired by purchase or condemnation. The property that is subject of this bill was never actually acquired under this Plan. Over thirty years later, a replacement Urban Renewal Plan for Park Heights was approved by Ordinance no. 08-93 dated December 11, 2008. This Plan was last amended by Ordinance no. 14-297 dated October 1, 2014. The replacement Urban Renewal Plan, although containing lists of many properties to be acquired and disposed of, does not list any properties on the east side of the 3600 block of Park Heights Avenue other than 3633 Park Heights Avenue, reflecting the focus of the Plan on commercial and mixed-use revitalization in portions of Park Heights north of this property. The Plan's Exhibit 1E, Land Use Plan map, designates this property as "Neighborhood Business" – surrounded by blocks and properties designated as "Medium Density Residential". The Plan's text states: "In the area designated as Neighborhood Business on the Land Use Plan, uses shall be limited to those uses permitted and conditional under the B-1 category of the Zoning Code of Baltimore City" (Plan, Land Use Plan, Permitted Uses, B.4.). The B-1 zoning district formerly covering this property did not permit either liquor stores: package goods, or taverns, although it did permit drug stores and pharmacies (subsections 6-206 through 6-209 of the former Code).

Additionally, this property was subject to rezoning during the TransForm Baltimore process (see below).

### **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). In this regard, the structure of which this property is a part is a group of houses, and in a community defined by its row-housing and semi-detached housing and the residents as residential, for which the existing R-6 zoning is appropriate. Use of the property in part as a liquor store makes it a site of an "alcohol outlet" which in turn means nonconforming status under the new TransForm Baltimore zoning code which rezoned the property into the R-6 Zoning District. One of the goals of the comprehensive rezoning process was reduction of nonconforming alcohol outlets, particularly those in Residential zoning districts. It appears that, in the context of a rezoning which could have the practical effect of extending operation of a liquor store at this location, the proposed action would prevent implementation of the requirement that nonconforming retail goods establishments stop selling liquor (alcoholic beverages) within two years of the June 5, 2017 effective date of the new zoning code. 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 liquor store to a food store or other retail goods establishment with no alcohol sales would not be encouraged.





## **ANALYSIS**

In April 1971, under the previous Zoning Code, this property was zoned B-1-2, a district which allowed continuation of the pharmacy, tailor shop and shoe-shine parlor, and delicatessen and variety store, that occupied the street levels of 3601, 3603, and 3605 Park Heights Avenue. The surrounding area was all part of the R-6 zoning district, a classification which has been continued according to the replacement Zoning Code (Article 32) that became effective on June 5, 2017.

This particular property was rezoned from B-1-2 to R-6 effective June 5, 2017, reflecting the residential character of the row of houses to which this property is the row's south end, and of the housing on both sides of the 3600 block (and 3400, 3500, 3700 and 3800 blocks) of Park Heights Avenue. Across the 10' wide alley behind this property the zoning is also R-6, reflective of the single-family attached and semi-detached dwellings that predominate in this part of the community. The Planning Commission, in developing the map for the new TransForm Baltimore zoning code, carefully studied the existing conditions of this area and concluded that this R-6 zoning along both sides of Park Heights Avenue and R-6 zoning to its immediate east should remain with the 10' wide alley and a party wall no longer defining a boundary between an island of C-1 (successor to B-1) commercial zoning and the R-6 Residential Districts.

The Planning Commission further studied the non-residential uses that should be included as Neighborhood Commercial Establishments in residential zoning districts. As a Neighborhood Commercial Establishment includes commercial zoning land uses with low impact upon, but desirability to, residents of established neighborhoods, as an option available to the property owner it should encourage use of the property with community-oriented enterprises in a way that could advance the Comprehensive Master Plan's LIVE Goal 2, Objective 3, Strategy 4 of ensuring residents have better access to quality grocery stores and neighborhood services, cited above under "Conformity to Plans". The Mayor and City Council concurred with the Planning Commission's recommendations in adopting the new Zoning Code and its map which became effective on June 5, 2017.

*Introduction to the rationale for rezoning.* Following is the staff's review of the required considerations of §16-305 of the Zoning Code, on the basis of which staff finds that this change is not in the public's interest, in that it would make the existing structure and its current first floor level liquor store usable in its entirety as a commercial establishment physically attached to a row of dwellings. The bill would void the restriction on liquor store floor area that has been in effect since 1980, thus also expanding what is otherwise a nonconforming use. There would be no public street or alley to separate the non-residential use from its residential neighbor at 3607 Park Heights Avenue, which is part of a row of dwellings.

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*Under §16-305(c) of the Zoning Code, the Planning Commission must consider the following matters:*

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

All other parts of the row to which this end-of-row structure is attached are used residentially. Properties north, south, east and west of this property were built as housing, and are zoned and used residentially.

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



Properties to all points of the compass surrounding this property are zoned R-6 and have been so zoned since 1971 and remained so zoned after June 5, 2017.

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

The R-6 zoning that became effective June 5, 2017 allows residential use. Given some past alterations to the original structures now consolidated as 3601-3605 Park Heights Avenue, the property may be appropriate for community-oriented commercial use under the classification of Neighborhood Commercial Establishment. The current R-6 zoning does not allow the liquor store, because liquor stores are not among the Neighborhood Commercial Establishments allowed as conditional uses under the TransForm Baltimore zoning code. Because the liquor store remained in place after June 5, 2017, it is now classified as a nonconforming use by the new Zoning Code. According to §18-701 of the Code, an establishment with alcoholic beverage sales that existed as a lawful nonconforming use before June 5, 2017 must end alcoholic beverage sales no later than June 4, 2019, notwithstanding any issuance of a prior use permit as a nonconforming package goods liquor store.

*(4) 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.*

It has only been three months since the property was placed in its present zoning classification. Residential use of this block and nearby residentially-developed blocks has remained. The new zoning of the subject property (R-6) that took effect on June 5, 2017 is reflective of its physical attachment to a row of dwellings and to its location in a larger area of residential use that has also been designated as historic. This southern portion of the greater Park Heights community has been historically viewed as the Park Heights Gateway area, with the two major routes emanating northward from Park Circle (Park Heights Avenue and Reisterstown Road) leading to major commercial nodes further north of this property. The City of Baltimore is undertaking an initiative to improve the residential character and curb appeal of this residential portion of Park Heights as part of a Mayoral priority to revitalize this area as part of realizing the goals and objectives of the Park Heights Area Master Plan (which was approved as the forerunner to the new Park Heights Urban Renewal Plan adopted in 2008). The Urban Renewal Plan's first objective is: "To establish a positive and identifiable image for the Park Heights area" and retaining this property's non-residential use as a liquor store is inconsistent with it.

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**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, Planning 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. In fact, as noted above, it may actually conflict with a Mayoral initiative. It is also contradictory to the City's policy, represented in the new Zoning Code, of reducing alcohol outlet density. This policy, which is supported by many community members and associations, recognizes relationships that have been studied showing correlated higher rates of crime near liquor outlets, particularly sellers of alcohol for off-premises consumption, and showing correlated poorer health outcomes, including shorter life expectancy.
3. **The needs of the particular neighborhood:** This action does not help to meet the needs of the southern portion of the larger Park Heights neighborhood, the southern part of which has been determined to be in a "food desert". To the extent that this particular neighborhood will benefit from the improvement initiatives focussed on the Park Heights Gateway area, enabling continuation of an establishment with alcoholic beverages sales at this location is inconsistent with those initiatives.

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 likely to be a noticeable population change between June 5, 2017 and the effective date of this proposed action.*
2. **The availability of public facilities;** *Public facilities are expected to remain unchanged.*
3. **Present and future transportation patterns;** *These are expected to remain unchanged.*
4. **Compatibility with existing and proposed development for the area;** *The proposed action would be incompatible with existing development in the area, as elaborated upon previously. There are no proposed development plans for the area that would call for this action. Retail development in general is intended by the Park Heights Urban Renewal Plan to be concentrated north of this residential area.*
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 the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.*
6. ~~**The relation of the proposed amendment to the City's plan.** *As the R-6 zoning that became effective June 5, 2017 is consistent with the City's Comprehensive Master Plan, which the Planning Commission previously determined in recommending the new zoning districts map to the Mayor and City Council, there is no obvious relationship of this proposed amendment to the City's plan.*~~

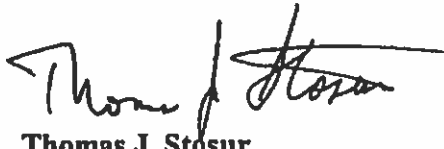
The City Council may grant the amendment to change the zoning classification based on a finding that there was: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. There is not likely to be substantial change in neighborhood character between June 5, 2017 and the effective date of the proposed amending ordinance. The current zoning classification of R-6 was based upon the





physical characteristics of the existing structure (an end-of-row dwelling group with a nonconforming commercial use of its street level) and of the dwellings to which it is attached, as well as the residential character of the surrounding community. As such, there was no mistake in classifying the subject property as R-6, even though the change has made continuation of the existing liquor store use on the street level of the premises nonconforming.

**Notification:** Planning staff notified the Cottage/ Park Heights/ Violet/ Springhill/ Ulman Avenues Non-Profit Association, Development Corporation of Northwest Baltimore, Fellowship Outreach Corporation, Inc., Northwest Zoning Committee, Northwest District Police-Community Relations Council, Park Heights Community Council, and Park Heights Renaissance, Inc. of this matter.



**Thomas J. Stosur**  
**Director**



**CITY OF BALTIMORE**

CATHERINE E. PUGH, Mayor



**BOARD OF MUNICIPAL AND  
ZONING APPEALS**

DAVID C. TANNER, Executive Director  
417 E. Fayette Street, Room 1432  
Baltimore, Maryland 21202

March 5, 2018

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

**RE: CC Bill #17-0106: Rezoning - 3601-3605 Park Heights Avenue -  
Rezoning 3601-3605 Park Heights Avenue from the R-6 Zoning  
District to the C-1 Zoning District**

Ladies and Gentlemen:

City Council Bill No. 17-0106 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. 17-0106 is to rezone the subject property known as 3601-3605 Park Heights Avenue, as outlined in red on the plat submitted, from the R-6 Zoning District ("Garden Rowhouse Residential District") to the C-1 Zoning District ("Neighborhood Business District").


After review of the legislation BMZA defers to the expertise of the Planning Department in recommending disapproval of Bill No. 17-0106.

Sincerely,

Derek J. Baumgardner  
Acting Executive Director

CC: Mr. Kyron Banks, Mayors Office of Council Relations  
Ms. Natawna Austin, Office of the City Council President  
Mr. Geoffrey Veale, Zoning Administrator



FROM	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE  MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0106		

TO The Honorable President and  
Members of the City Council  
c/o Natawna Austin  
Room 400 City Hall

December 22, 2017

I am herein reporting on City Council Bill 17-0106- Rezoning - 3601-3605 Park Heights Avenue For the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

DOT supports this bill and respectfully requests a favorable report.

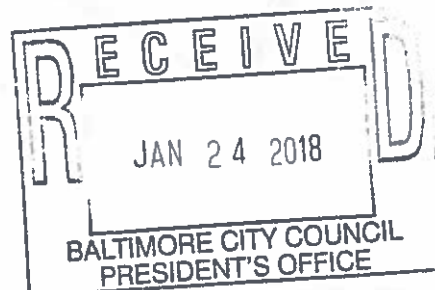
Respectfully,



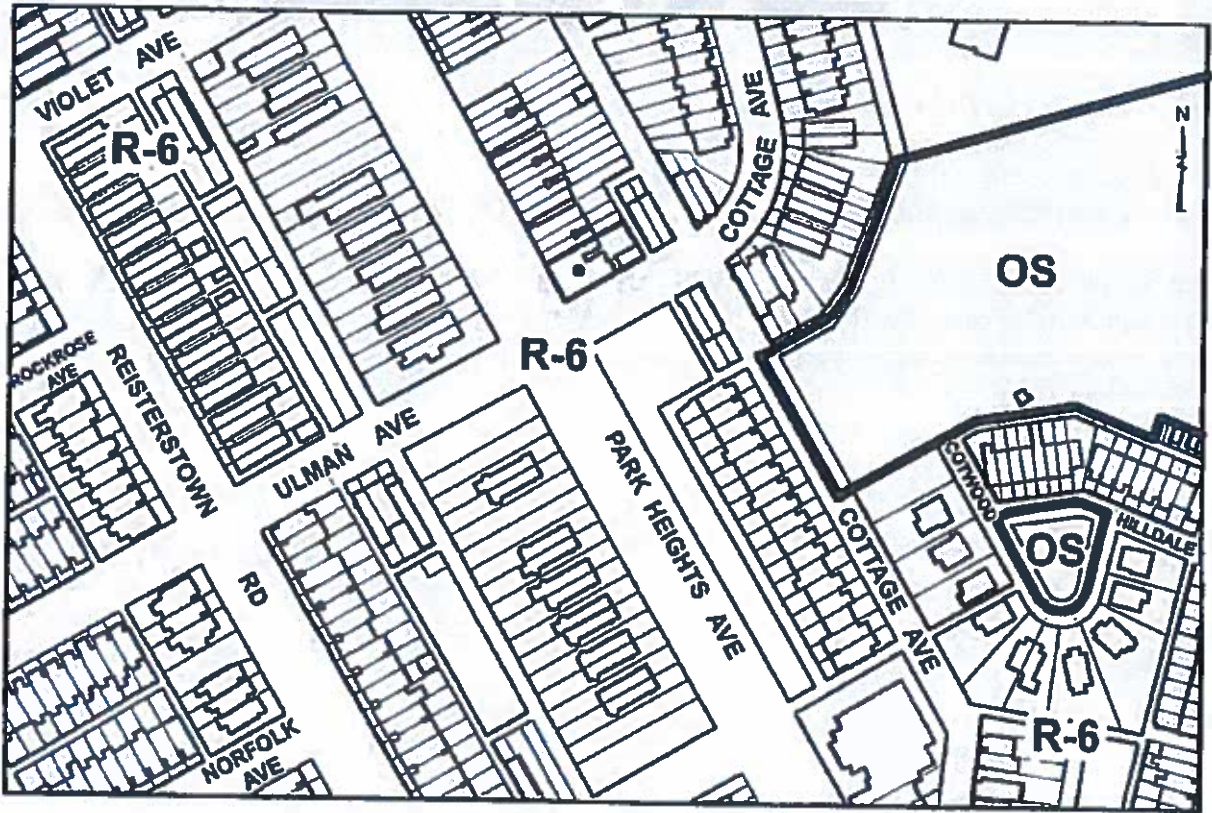
Michelle Pourciau  
Director

MP/lw

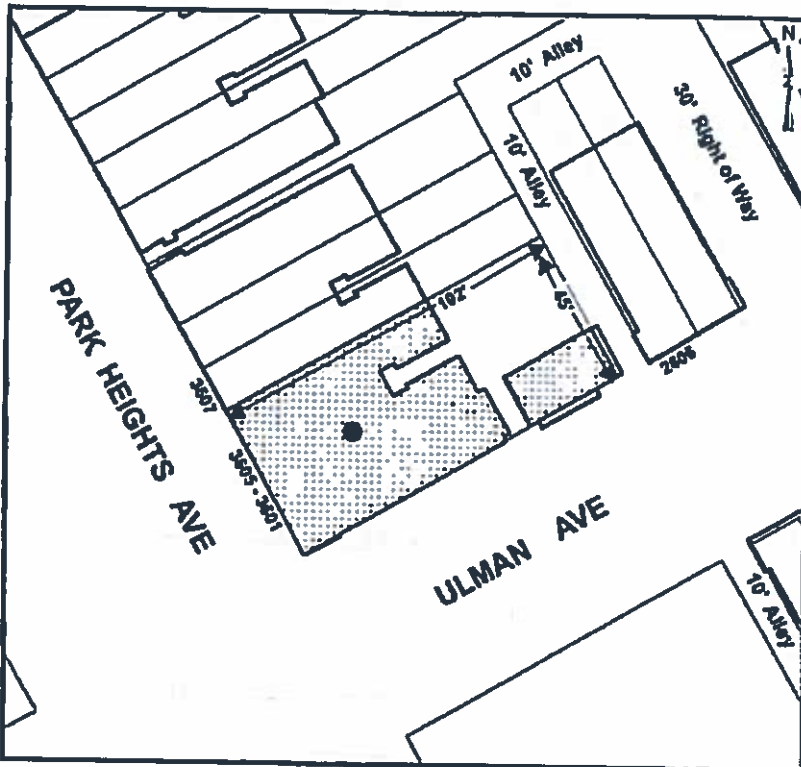
Cc: Kyron Banks, Mayor's Office




**SHEET NO. 23 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY**



1" = 200'



Scale: 1" = 50'

**Note:**

In Connection With Property Known As No. 3601-3605 PARK HEIGHTS AVENUE. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From R-6 Zoning to C-1 Zoning, As Outlined In Red Above.

WARD 15                      SECTION 32  
BLOCK 3327A                LOT 1

MAYOR

PRESIDENT CITY COUNCIL

RPE 6-22-17

17 0102

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



DEPARTMENT OF LAW

ANDRE M. DAVIS, CITY SOLICITOR  
100 N. Holliday Street  
Suite 101, City Hall  
Baltimore, Maryland 21202

February 7, 2018

The Honorable President and Members  
of the Baltimore City Council

Attn: Executive Secretary  
Room 409, City Hall  
100 N. Holliday Street  
Baltimore, Maryland 21202

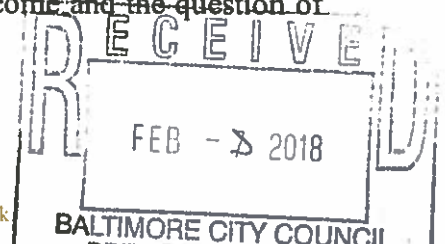
Re: City Council Bill 17-0106 Rezoning of 3601 – 3605 Park Heights Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0106 for form and legal sufficiency. If enacted, the bill would change the zoning for 3601–3605 Park Heights Avenue from the R-6 Zoning District to the C-1 Zoning District. For the reasons set forth within, the Law Department cannot find that the bill is legally sufficient in achieving its purpose.

The City Council can only 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); City Code, Art. 32, §§5-508(a),(b)(1). There would appear to be no basis to believe that the neighborhood could have substantially changed between the comprehensive rezoning of the property to R-6 on June 5, 2017 and today's date. Therefore, to legally rezone the property under current law, the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as R-6 a mere eight months ago. Md. Code, Land Use §10-304(b)(2); City Code, Art. 32, §§5-508(a),(b)(1).

As "there is a strong presumption of the correctness of original zoning and of comprehensive rezoning," there must be substantial 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." *People's Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995)(citations omitted); *Boyce v. Sembly*, 25 Md. App. 43, 52 (1975) (citations omitted). In other words, "the Council's action was premised initially on a misapprehension" making the selection of the R-6 zoning designation a "conclusion based upon a factual predicate that is incomplete or inaccurate." *People's Counsel*, 107 Md. App. at 641, 645 (1995)(citation omitted); *accord White v. Spring*, 109 Md. App. 692, 698 (1996). "[A]n 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.* at 645. Without showing either facts that were not taken into account or subsequent events, "the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'" *Boyce*, 25 Md. App. at 52.







To be sure, if evidence of a factual mistake sufficient to justify a rezoning is revealed, then courts will accord deference to the legislative judgment to rezone. *Cty. Council of Prince George's Cty. v. Zimmer Dev. Co.*, 444 Md. 490, 509-510 (2015); *accord White*, 109 Md. App. at 699 (“the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable”); *Floyd v. County Council of Prince George's County*, 55 Md. App. 246, 258 (1983) (“Substantial evidence, we have noted, ‘means a little more than a “scintilla of evidence.””).

The Law Department has not been provided with any such evidence. Moreover, we note that there was not a majority of votes of the Planning Commission to approve the rezoning. More important, still, the Report of the Planning Commission contains no facts to support that there was a *factual* mistake in the selection of R-6 as the zoning for 3601–3605 Park Heights Avenue. Md. Code, Land Use, §10-304(b)(2). Rather, it is clear in this case that City Council had a complete set of material facts about the property and chose to zone it R-6 as part of its comprehensive rezoning process, “Transform”.

Specifically, the City Council knew that the decades of alcohol sales at this location made it a non-conforming use in its previous zoning category, B-1, because that category permitted drugstores, pharmacies, ice cream shops and other grocery stores without alcohol sales. City Code, Zoning Article, §6-206. Rezoning a property to conform it to the intensity of the area around it is appropriate in comprehensive rezoning. *See, e.g., Tennison v. Shomette*, 38 Md. App. 1, 5 (1977), *cert. den.*, 282 Md. 739 (1978). Thus, the City Council appropriately rezoned the property R-6 to require the alcohol sales to cease within two years of the date of the rezoning and thereby conform the property to the appropriate level of commercial intensity for the neighborhood. To go backwards by undoing this comprehensive rezoning would constitute unlawful spot zoning because it would be increasing the intensity allowed in this neighborhood only for the benefit of the property owner. When the City has undertaken such efforts in the past, Maryland’s highest court has invalidated the ordinance as unreasonable, discriminatory spot zoning because the rezoning had insufficient relationship to the public health, safety or general welfare. *See, e.g., Cassel v. Mayor and City Council of Baltimore*, 195 Md. 348, 354 (1950).

On the present record, it cannot be shown that the City Council had a misapprehension about these facts. Accordingly, the legal standard for rezoning cannot be met and the Law Department cannot approve the bill for legal sufficiency.

Very truly yours,



Andre M. Davis  
City Solicitor

cc: Karen Stokes, Director, Mayor’s Office of Government Relations  
Kyron Banks, Mayor’s Legislative Liaison



**The Honorable President and Members  
of the Baltimore City Council  
Page 3 of 3**

**Elena DiPietro, Chief Solicitor, General Counsel Division  
Victor Tervalá, Chief Solicitor  
Hilary Ruley, Chief Solicitor  
Jennifer Landis, Assistant Solicitor**



The Baltimore City Department of  
HOUSING & COMMUNITY  
DEVELOPMENT

MEMORANDUM

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

From: Michael Braverman, Housing Commissioner (MER)

Date: November 22, 2017

Re: City Council Bill 17-0106 - Rezoning – 3601-3605 Park Heights Avenue

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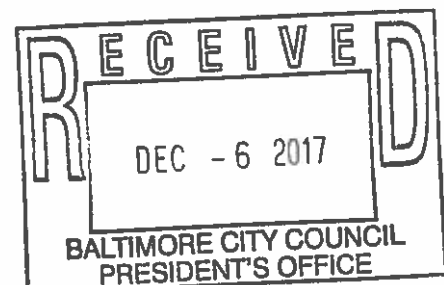
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0106 for the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue from the R-6 Zoning District to the C-1 Zoning District.

If enacted, this bill, a companion bill to City Council Bill 17-0107 (*Zoning – Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales) – 3601-3605 Park Heights Avenue*) would allow the rezoning of property to support the continued operation of a liquor store in a mostly residential historic Park Heights neighborhood. The property was rezoned from B-1-2 to R-6 in June 2017 as part of the new zoning code to be consistent with the residential character of the row of houses on both sides of the 3600 block, as well as the residential housing on both sides of the 3400, 3500, 3700 and 3800 blocks of Park Heights Avenue.

The Department of Housing and Community Development agrees with the analysis and recommendations in the Staff Report from the Department of Planning to the Planning Commission, dated September 28, 2017. The analysis concludes that the proposed rezoning of the property to allow the continued operation of a non-conforming liquor store is not in the public's interest because it does not support the on-going revitalization efforts of the Park Heights neighborhood through improving the areas residential character and curb appeal. HCD does not support the passage of City Council Bill 17-0106.

MB:sd

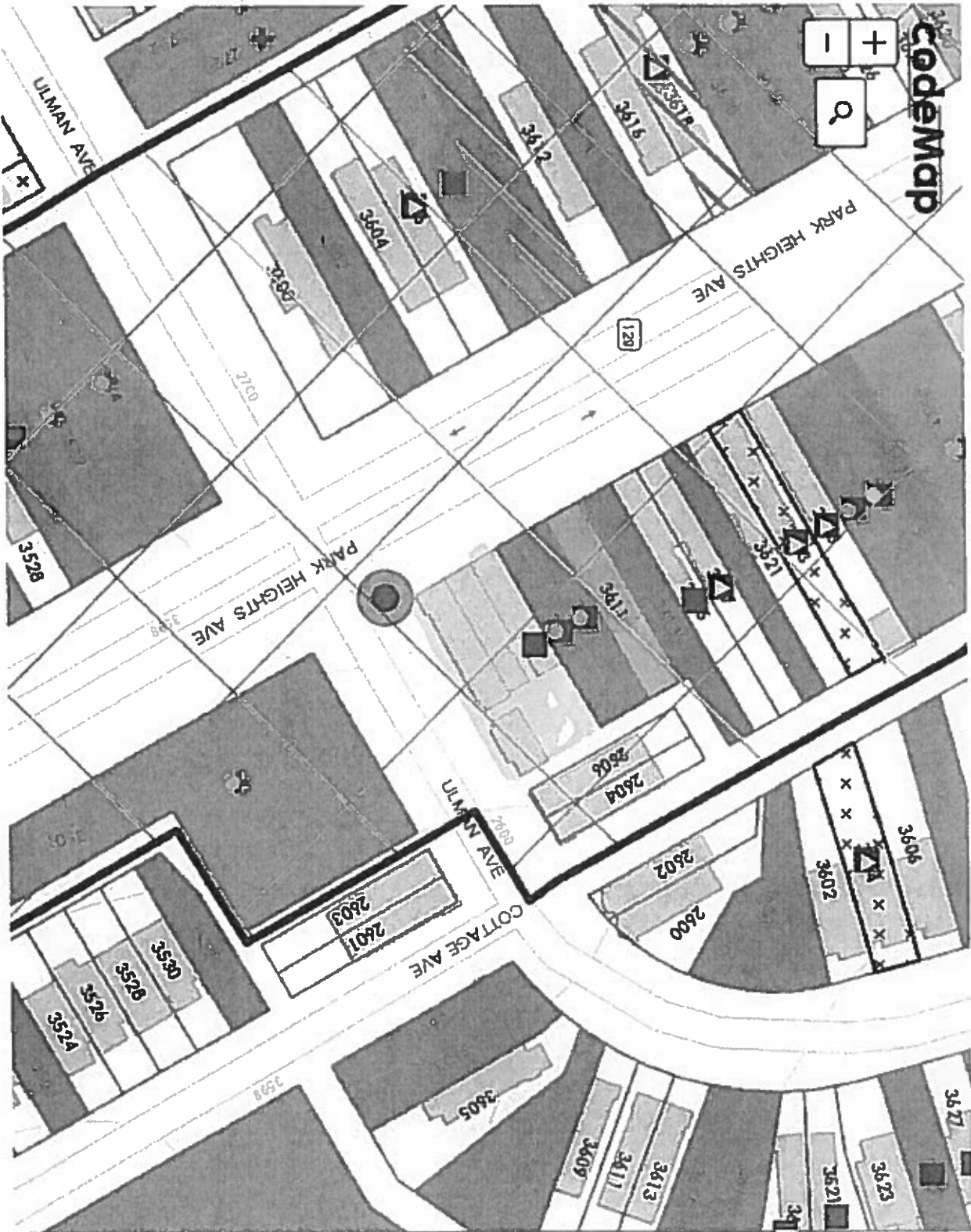
cc: Ms. Karen Stokes, *Mayor's Office of Government Relations*  
Mr. Kyron Banks, *Mayor's Office of Government Relations*



Does not support



codemap



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- Focus Areas
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- Streamline
- CE Internal
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- Legal I
- Acqu
- HABC
- Land I
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- Remex
- Utilty







**MEMORANDUM**

**TO:** Honorable President and Members of the City Council  
Attention: Natawna Austin, Executive Secretary

**FROM:** William H. Cole, President and CEO *W.H. Cole*

**DATE:** October 5, 2017

**SUBJECT:** City Council Bill No. 17-0106  
Rezoning - 3601-3605 Park Heights Avenue

---

The Baltimore Development Corporation (BDC) has been asked to comment on Council Bill 17-0106, Rezoning for the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

The proposed rezoning has been requested to allow for the continued operations of a Retail Goods Establishment with Alcohol Beverage Sales. The property is located in the middle of an R-6 Zoning district across the street from a community playground, and is not a part of, or adjacent to, a commercial district.

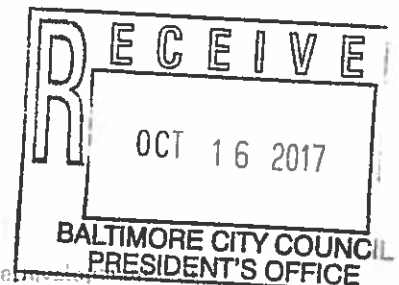
BDC defers to the Department of Planning regarding the appropriateness of rezoning in this case, and to the Baltimore City Law Department regarding the legal implications of this rezoning in light of the recent approval of a city-wide comprehensive rezoning.

As the economic development extension of the City of Baltimore, the BDC is readily available and willing to assist any business in relocating to properties within the City that will afford the appropriate zoning and allow a business to be classified as a conforming establishment, if the current location will not afford that opportunity.

BDC defers its position on City Council Bill 17-0106 to the Planning and Law Departments.

cc: Kyron Banks

*Defers to Planning  
&  
Law*





**Testimony before the Land Use and Transportation Committee  
April 11, 2018**

**Opposition to 17-0106 (Rezoning -3601-3605 Park Heights Ave) and  
Opposition to 17-0107 (Zoning – Conditional Use Retail Goods  
Establishment (With Alcoholic Beverages Sales) – 3601-3605 Park  
Heights Avenue**

The following is my recollection of testimony made before the Committee on April 11, 2018:

Good afternoon Mr. Chairman and Committee members. I am Barbara Valeri, a resident of Baltimore City living in the Otterbein area. I am testifying today in opposition to 17-0106 and 17-0107. I am speaking to you as an individual resident, but I am also a member of the Baltimore Good Neighbor's Coalition.

Mr. Chairman, in December of 2017, I sent you an email that detailed my reasons for opposing the rezoning of this property from R6 to C1. I would like to read my email as part of my testimony.

"Dear Councilman Reisinger,

I am writing to you in your capacity as Chair of the Land Use and Transportation Committee. I recently became aware that the subject draft ordinance (I was referring to 17-0107) was making its way through your committee. My interest in the actions/decisions of your committee stem from my knowledge of and support for the provisions contained in TransForm Baltimore that impact certain alcohol outlets. Under TransForm Baltimore, the license for the establishment at 3601-3605 Park Heights Avenue, which is currently in a residential zone (R6) would be amortized as of June 5, 2019 (unless a hardship extension was sought and granted).

I have reviewed all of the material available on this matter that is posted on the Baltimore City Council website and find no rationale for this proposed change. Mr. Lee's Statement of Intent/Application contains nothing to support this request nor is there anything in the ordinance itself or in the file that explains the reason for the rezoning of this single property from R6 to C1. The 1<sup>st</sup> reader of the ordinance does not address this matter and certainly does not place any special conditions on this property for this significant departure from the provisions of TransForm Baltimore which, as you are very much aware, took years to complete. The responses from the Departments and Agencies that have commented thus far should raise a red flag about the potential consequences of the action that your committee is about to take on Mr. Lee's behalf. While the Planning Commission does not approve or

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disapprove the proposed rezoning action based on a split vote, the Planning staff's analysis of this action makes a compelling argument for its disapproval. HDC does not support this rezoning. The BDC defers to Planning and to the Baltimore City Law Department "regarding legal implications". Parking does not oppose.

Without a very specific, compelling reason for rezoning this particular property, it is not readily apparent why the request should be supported by the Council or the City's Departments and Agencies. In my mind, the very real potential consequence of the approval of this rezoning is the undermining of TransForm Baltimore with significant resulting harm to our City. I would hope that the Baltimore City Law Department provides a full analysis of the potential impact."

(This concluded the email reading.)

In February of 2018, the Law Department submitted its opinion on the proposed rezoning. The Law Department concluded that "this property cannot be legally rezoned" and stated that "for the reasons set forth, the Law Department is unable to approve this bill for legal sufficiency".

My comments are not directed at Mr. Lee – they are directed at the Committee and the City Council. You spent a number of years crafting the new zoning code (TransForm Baltimore). You collected and considered a significant amount of information; you consulted with experts in many fields, to include those in the areas of public health and safety; and, you held many open meetings to discuss your proposals with city residents and to obtain their input. In the end, you made some tough zoning policy decisions that were expected to benefit this City and the vast majority of its residents. I believe the proposed ordinances, if passed by you and the City Council, would weaken significantly the policies adopted to reduce the overconcentration of liquor stores in residential neighborhoods and to improve the quality of life for their residents. I also believe that these ordinances are not the proper mechanism to address this matter as has been strongly and overwhelmingly suggested by the various Departments and Agencies providing input on this matter.

Barbara Valeri  
bhvaleri@yahoo.com  
410-547-1296



25.  $\frac{1}{x^2} = x^{-2}$   
 $\frac{d}{dx} x^{-2} = -2x^{-3} = -\frac{2}{x^3}$

26.  $\frac{d}{dx} \ln x = \frac{1}{x}$

27.  $\frac{d}{dx} e^x = e^x$

28.  $\frac{d}{dx} \sin x = \cos x$

29.  $\frac{d}{dx} \cos x = -\sin x$

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31.  $\frac{d}{dx} \cot x = -\csc^2 x$

32.  $\frac{d}{dx} \sec x = \sec x \tan x$

33.  $\frac{d}{dx} \csc x = -\csc x \cot x$

34.  $\frac{d}{dx} \arcsin x = \frac{1}{\sqrt{1-x^2}}$

35.  $\frac{d}{dx} \arccos x = -\frac{1}{\sqrt{1-x^2}}$

36.  $\frac{d}{dx} \arctan x = \frac{1}{1+x^2}$

37.  $\frac{d}{dx} \operatorname{arccot} x = -\frac{1}{1+x^2}$

38.  $\frac{d}{dx} \operatorname{arcsec} x = \frac{1}{x\sqrt{1-x^2}}$

**Coates, Jennifer**

---

**From:** H&B Valeri <bhvaleri@yahoo.com>  
**Sent:** Tuesday, April 17, 2018 12:24 PM  
**To:** Coates, Jennifer  
**Subject:** Testimony before the Land Use and Transportation Committee - April 11, 2018  
**Attachments:** Testimony before the Land Use and Transportation Committee.docx

Ms. Coates,

Please see the attached. Thank you,

Barbara Valeri



Handwritten text at the top right, possibly a date or page number.

Main body of the page containing extremely faint, illegible text. The text appears to be organized into columns and rows, possibly representing a table or a list of entries. The content is too light to be transcribed accurately.



# City of Baltimore

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

## Meeting Minutes - Final

### Land Use and Transportation Committee

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Wednesday, April 11, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

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17-0106

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

**Present** 7 - Member Edward Reisinger, Member Sharon Green Middleton, Member Mary Pat Clarke, Member Eric T. Costello, Member Ryan Dorsey, Member Leon F. Pinkett III, and Member Robert Stokes Sr.

#### **ITEMS SCHEDULED FOR PUBLIC HEARING**

17-0106

##### **Rezoning - 3601-3605 Park Heights Avenue**

For the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

**Sponsors:** Sharon Green Middleton

**A motion was made by Member Clarke, seconded by Member Middleton, that the bill be recommended favorably. The motion carried by the following vote:**

**Yes:** 7 - Member Reisinger, Member Middleton, Member Clarke, Member Costello, Member Dorsey, Member Pinkett III, and Member Stokes Sr.

**THIS MEETING IS OPEN TO THE PUBLIC**





**HEARING NOTES**

**Bill: 17-0106**

**Rezoning - 3601-3605 Park Heights Avenue**

**Committee:** Land Use and Transportation

**Chaired By:** Councilmember Edward Reisinger

**Hearing Date:** April 11, 2018

**Time (Beginning):** 1:00 PM

**Time (Ending):** 1:25 PM

**Location:** Clarence "Du" Burns Chamber

**Total Attendance:** ~50

**Committee Members in Attendance:**

Reisinger, Edward, Chairman

Middleton, Sharon, 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 b.....** Councilmember Middleton

**Final Vote: .....** Favorable



## Major Speakers

*(This is not an attendance record.)*

- The Honorable Mary Pat Clarke
  - Mr. Martin French, Department of Planning
  - Ms. Hilary Ruley, Law Department
  - Mr. Derrick Baumgardner, Board of Municipal Zoning Appeals
  - Ms. Katelyn McCauley, Department of Transportation
  - Ms. Sharon DaBoin, Department of Housing and Community Development
  - Mr. Gaylord Dutton, Baltimore Development Corporation
  - Ms. Caroline Hecker, representative for the applicant
  - Ms. Barbara Valeri, City resident
  - Mr. George Mitchell, Neighborhood United
- 

## Major Issues Discussed

1. Councilman Reisinger introduced councilmembers and read the title and purpose of the bill. The applicant met the public notice requirements for the hearing. He also read the positions of certain organizations that submitted correspondence as follows:
  - The New Park Heights Community Development Corporation – Supports
  - Baltimore City Police Department – Northwestern District – Supports
  - Neighborhoods United – Support/Comments
2. Mr. Martin French testified that although the Planning Department disapproved of the bill the Planning Commission made no recommendation in response to the agency referral from the City Council.
3. All agency representatives testified in support of their respective agencies' written position.
4. Ms. Caroline Hecker testified on behalf of the applicant in support of the bill. She presented oral and written testimony about the history of zoning for the property. She also presented written testimony and testified about how the City made a mistake in rezoning the property to R-6 during the last comprehensive rezoning (Transform Baltimore). She presented oral and written findings of facts, a Memorandum of Understanding between the City and the owner of the property, letters of support, a signed petition, (see handout) in support of the rezoning. Councilman Reisinger asked questions about the change in population in the area and partial use of the property for the sale of fresh fruits, vegetables and groceries.
5. Ms. Barbara Valeri, a community resident, read testimony in opposition to the bill. She indicated that the Planning staff made a compelling argument for disapproval of the bill. She believes that the request for rezoning should go before a court of law.
6. Mr. George Mitchell, representing Neighborhoods United, testified in support of the bill. He testified about the owner's partnership with the community and willingness to use property to provide groceries for the community.
7. Councilwoman Clarke indicated that during the last comprehensive rezoning process the City made a mistake in rezoning the property to R-6. She testified that although a process was used to curtail non-conforming uses with retail alcoholic beverage sales, the Council did not consider all the relevant facts for the property in question.



8. There was a motion to approve the findings presented at the hearing. The motion passed. There was a motion to recommend a favorable report on the bill. The motion was approved.

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**Further Study**

Was further study requested?

Yes  No

If yes, describe.

---

**Committee Vote:**

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

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Jennifer L. Coates, Committee Staff

Date: April 11, 2018

cc: Bill File  
OCS Chrono File







**CITY OF BALTIMORE  
CITY COUNCIL HEARING ATTENDANCE RECORD**

Committee: Land Use and Transportation      Chairperson: Edward Reisinger  
 Date: April 11, 2018      Time: 1:00 PM      Place: Clarence "Du" Burns Chambers  
 Subject: Ordinance - Rezoning - 3601-3605 Park Heights Avenue      CC Bill Number: 17-0106

**PLEASE PRINT**

**IF YOU WANT TO TESTIFY PLEASE CHECK HERE**



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		LOBBYIST: ARE YOU REGISTERED IN THE CITY	
						FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
BARBARA Justina	Valeri Williams	10 25	EAST LEE STREET S. Charles St., 21st Fl	21202 21201	brvderia@yahoo.com jwilliams@rosenbergmarin.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Caroline Sharon	Hucker Dobson	25	" HEA	"	check@rosenbergmarin.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(\*) 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. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.



# CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation

Chairperson: Edward Reisinger

Date: April 11, 2018

Time: 1:00 PM

Place: Clarence "Du" Burns Chambers

Subject: Ordinance - Rezoning - 3601-3605 Park Heights Avenue

CC Bill Number: 17-0106

**PLEASE PRINT**

**IF YOU WANT TO TESTIFY PLEASE CHECK HERE**



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	WHAT IS YOUR POSITION ON THIS BILL?		(*) LOBBYIST: ARE YOU REGISTERED IN THE CITY	
						FOR	AGAINST	YES	NO
John	Doe	100	North Charles Street	21202	Johndoenbmore@yahoo.com	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>George</i>	<i>McChesney</i>		<i>Neighborhood Umbrella</i>	<i>21215</i>	<i>Ge-McChesney@umbrella.org</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

(\*) 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. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

# City of Baltimore

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

## Meeting Minutes - Final

### Land Use and Transportation Committee

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Wednesday, April 11, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

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17-0106

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

**Present** 7 - Member Edward Reisinger, Member Sharon Green Middleton, Member Mary Pat Clarke, Member Eric T. Costello, Member Ryan Dorsey, Member Leon F. Pinkett III, and Member Robert Stokes Sr.

#### **ITEMS SCHEDULED FOR PUBLIC HEARING**

17-0106

##### **Rezoning - 3601-3605 Park Heights Avenue**

For the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

**Sponsors:** Sharon Green Middleton

**A motion was made by Member Clarke, seconded by Member Middleton, that the bill be recommended favorably. The motion carried by the following vote:**

**Yes:** 7 - Member Reisinger, Member Middleton, Member Clarke, Member Costello, Member Dorsey, Member Pinkett III, and Member Stokes Sr.

**THIS MEETING IS OPEN TO THE PUBLIC**





# ROSENBERG | MARTIN | GREENBERG, LLP

25 South Charles Street, Suite 2115 Baltimore, Maryland 21201-3305 410-727-6600

## LAND USE & TRANSPORTATION COMMITTEE HEARING

CCB# 17-0106 & 17-0107

3601 PARK HEIGHTS AVENUE

APRIL 11, 2018

### EXHIBITS

1. Google Earth Image – 3601 Park Heights Avenue
2. Google Earth Images Showing Proximity of Residential Uses
3. Google Earth Images Showing Proximity of Nearby Food Stores
4. Baltimore City Health Department Letter & MOU – Baltimarket Healthy Corner Store
5. Letters of Support
  - a. The New Park Heights Community Development Corporation
  - b. Neighborhoods United
  - c. Northwestern District Police Department
6. Petition in Support (271 signatures)
7. Proposed Findings of Fact

*From: Caroline Hecke*





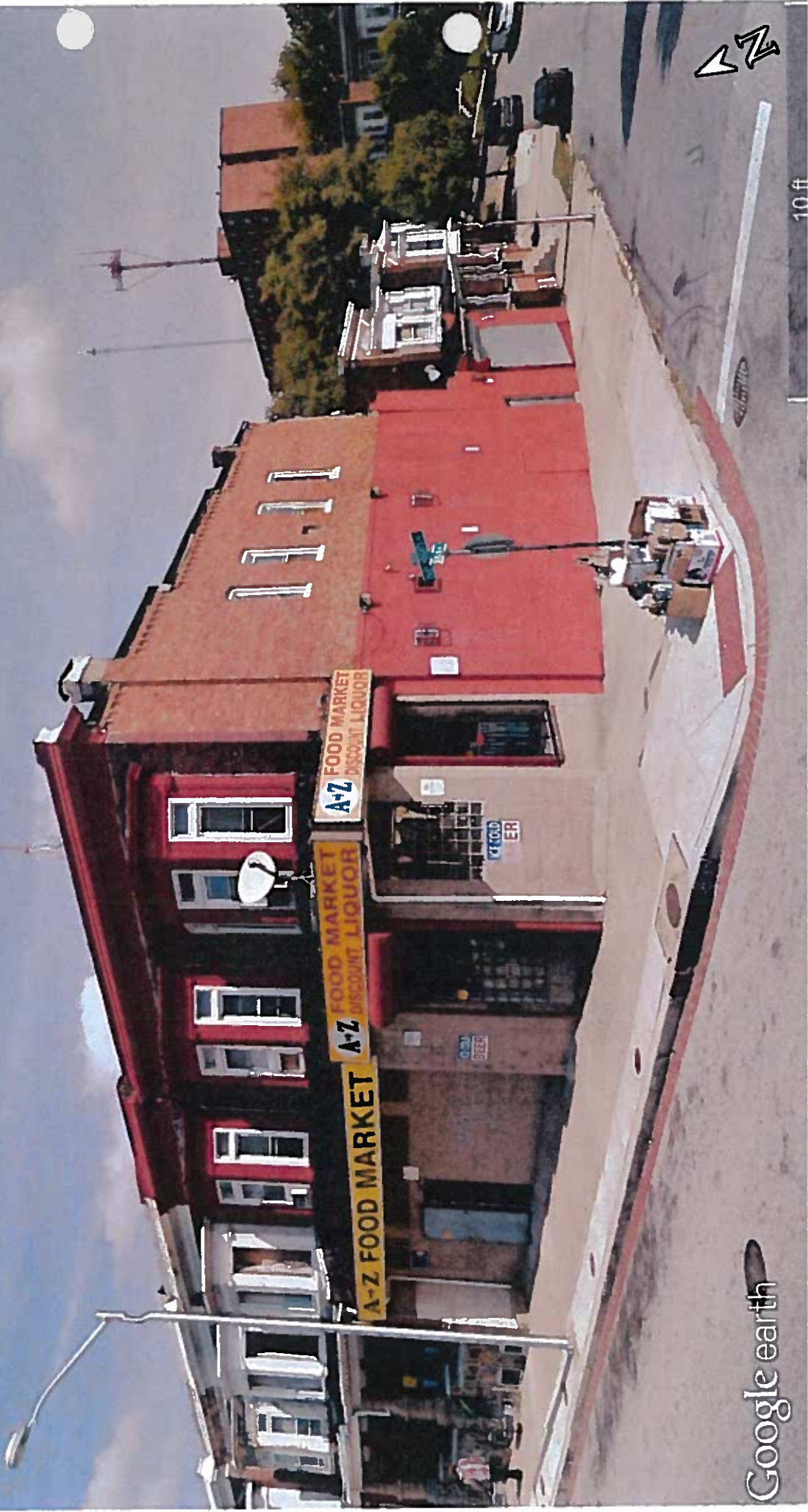
Lowman



**3601 Park Heights Ave.**

**Legend**

 **3601 Park Heights Ave**







# Housing for the Elderly

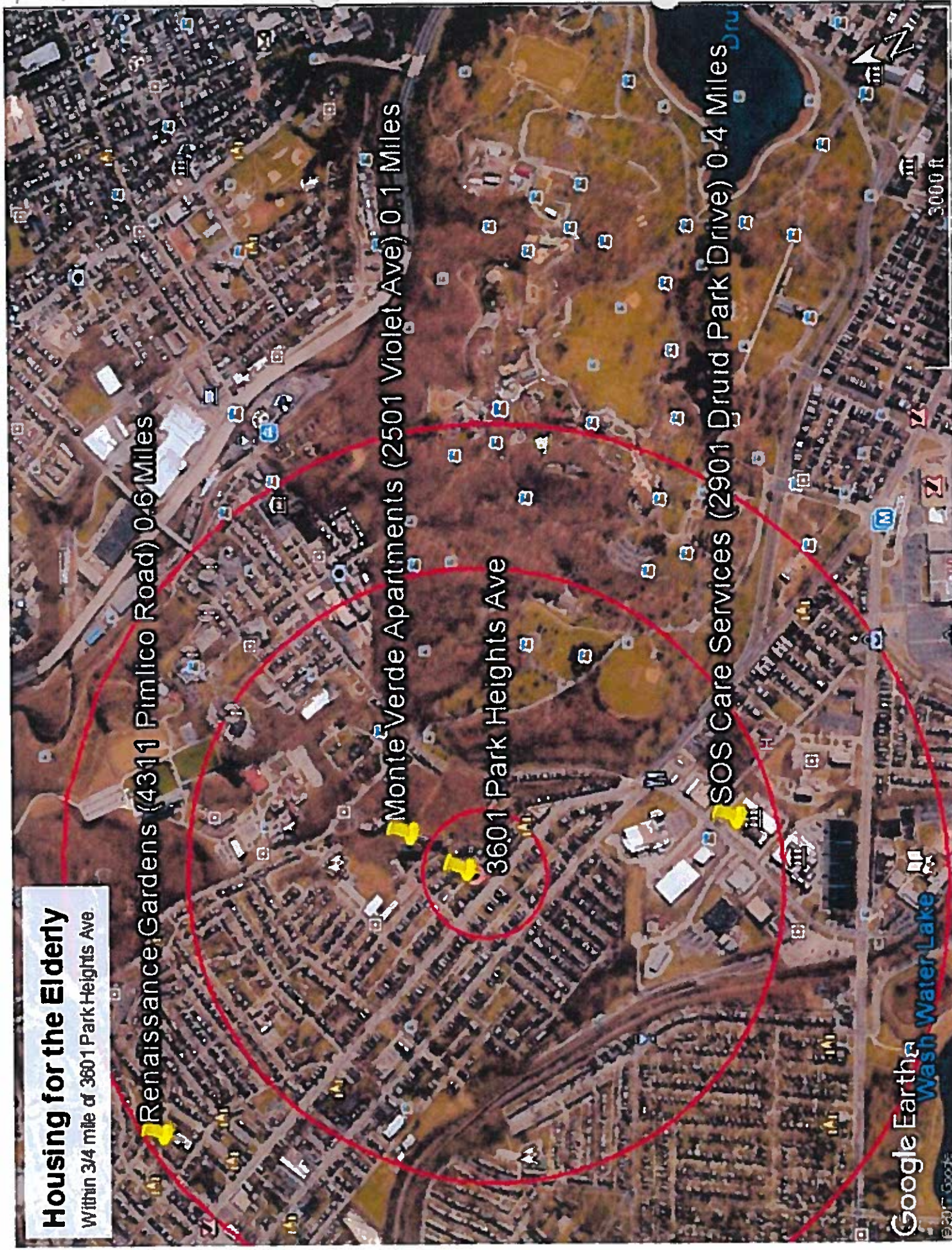
Within 3/4 mile of 3601 Park Heights Ave.

Renaissance Gardens (4311 Pimlico Road) 0.6 Miles

Monte Verde Apartments (2501 Violet Ave) 0.1 Miles

3601 Park Heights Ave

SOS Care Services (2901 Druid Park Drive) 0.4 Miles









# Food Establishments

1 Mile Radius

Save-A-Lot (0.91 miles)

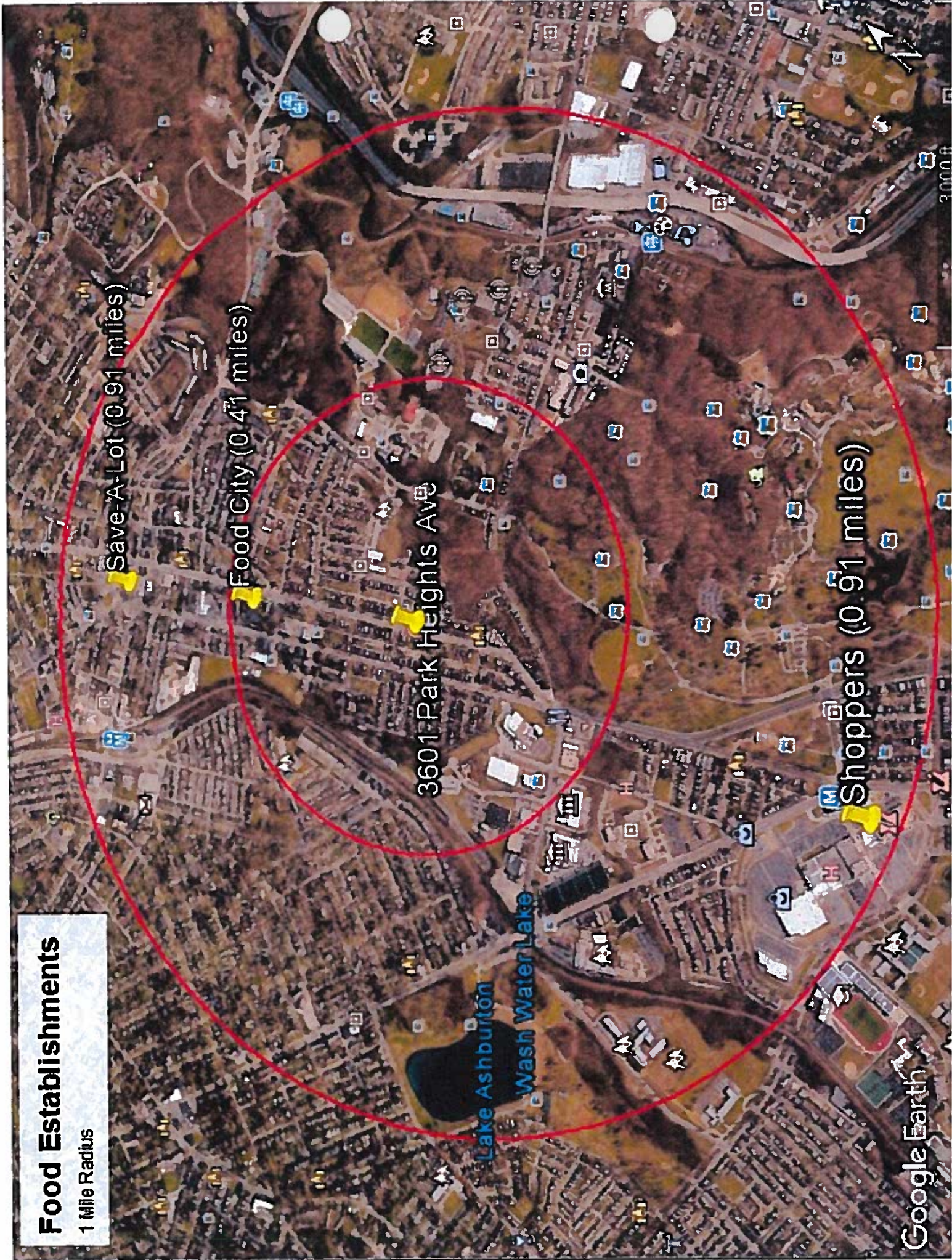
Food City (0.41 miles)

3601 Park Heights Ave

Shoppers (0.91 miles)

Lake Ashburton

Wash Water Lake









**Every Day Healthy**

visit [www.baltimarket.org](http://www.baltimarket.org)

December 15, 2016

To Whom It May Concern:

Please be advised that Robinson's Food and Variety Market located at 3601 Park Heights Ave. Baltimore, Maryland 21215 is in the process of becoming a Baltimore City Health Department Baltimarket Healthy Corner Store. Baltimarket is a suite of community-based food access and food justice programs through the Baltimore City Health Department. Baltimarket's mission is to improve the health and wellness of Baltimore City residents by using food access and food justice as strategies for health promotion and community transformation. The Healthy Stores program aims to reduce childhood obesity through a multi-level, community-based program that transforms the retail food environment in Baltimore's food deserts, engaging corner stores, youth, grocery stores, and caregivers to increase supply of and demand for healthy foods.

The program has three elements: Corner Store, Youth Neighborhood Food Advocate, and Grocery Store-based nutrition education. In corner stores, the program provides owners with technical assistance, customer education, marketing, start-up incentives and infrastructure to enable small stores to stock and sell healthier foods. Participating stores are required to carry at least two varieties of healthy foods in six categories with perishable food in at least three categories. Categories include whole grains, vegetables, fruits, low-fat dairy, healthy snacks, and healthy beverages.

The Youth Neighborhood Food Advocates Program engages young people in conversations around health disparities, teaches practical nutrition information, and develops young people as community leaders. The curriculum culminates in planning and implementing projects to complement the corner store improvements.

Baltimarket's in-store nutrition education is a program that educates and demonstrates healthy eating and cooking in West Baltimore grocery stores.

Prior to accepting any corner store into the program, Baltimarket engages local community organizations, houses of worship, local schools and community gate-keepers to identify those businesses which have the support of area residents.

Best Regards,



**Laura Flamm**

Director of Healthy Eating and Active Living  
Baltimore City Health Department  
7 E. Redwood Street, Room 203  
Baltimore, Maryland 21202  
(410) 545-7544



**Baltimarket**



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



HEALTH DEPARTMENT

Leana Wen, M.D., M.Sc.  
Commissioner of Health  
1001 E. Fayette Street  
Baltimore, Maryland 21202

January 10, 2017

Kwan Young Lee  
Owner  
Robinson's Food & Variety Market, Inc.  
9601 Park Heights Avenue  
Baltimore, MD 21215

Re: Memorandum of Understanding (MOU)  
Baltimore City Health Department - Baltimarket Healthy Stores Program

Dear Kwan Young Lee,

Enclosed is the fully executed MOU for the Baltimarket Healthy Stores Program. If you have any questions please contact Jasina Wise, Healthy Stores Manager at 410-396-8951 or [jasina.wise@baltimorecit.gov](mailto:jasina.wise@baltimorecit.gov).

Sincerely,



Michelle Wilson-Mayzek  
Contract Processing Supervisor

Enclosures

Copy: Jasina Wise  
[Jasina.Wise@baltimorecity.gov](mailto:Jasina.Wise@baltimorecity.gov)  
Healthy Stores Manager  
Baltimarket Program  
Baltimore City Health Department  
7 E. Redwood Street, Room 203  
Baltimore, MD 21202  
Office: (410) 396-8951





**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
THE MAYOR AND CITY COUNCIL OF BALTIMORE  
AND  
ROBINSON'S FOOD & VARIETY MARKET, INC.**

**THIS MEMORANDUM OF UNDERSTANDING (“MOU”)**, made this \_\_\_\_ day of ~~JAN 10 2017~~ 2017 by and between the Mayor and City Council of Baltimore acting by and through its Baltimore City Health Department’s Baltimarket program (the “Department”) and ROBINSON'S FOOD & VARIETY MARKET, INC. located at 3601 Park Heights Ave. Baltimore, MD 21215 (the “Retailer”).

**WHEREAS**, one of the goals of Baltimarket is to support store retailers in making fresh produce and healthy foods more visible, affordable, and attractive to neighborhood residents; and,

**WHEREAS** the Department and the Retailer mutually seek to reduce or eliminate the difficulties in stocking and carrying fresh produce and healthy foods.

**WHEREAS**, the Retailer recognizes the potential for benefits to the community and to the Retailer’s business by stocking and carrying fresh produce and healthy foods; and,

**WHEREAS**, incentivizing local and community grocery stores to carry fresh produce and healthy foods has been shown to promote healthy food choices by members of the community.

**NOW THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties hereby understand and agree as follows:

**I. TERM:**

The Term of this MOU shall begin on the date first written above, and shall end one (1) year thereafter (the “Initial Term”), unless terminated earlier in accordance with the terms of this MOU. This MOU shall automatically renew for successive one-year terms (each one-year period a “Renewal Term”) unless terminated pursuant to Section VI of this Agreement.

**II. PURPOSE:**

The purpose of this MOU is to memorialize the collaboration between the Department and the Retailer and increase the availability and visibility of healthy and fresh food options in corner grocery stores in Baltimore.



### **III. RESPONSIBILITIES OF RETAILER:**

A. The Department and the Retailer agree to collaborate on the development and implementation of a plan for the Retailer to stock and carry additional fresh produce and healthy foods at the Store, which plan may include, without limitation:

1. Stocking produce and healthier food options including fresh fruits and vegetables, whole grains and/or low-fat dairy options;
2. More prominent display of current healthy food items by creating shelf space for healthy items near the front of the store and hanging posters and/or other promotional materials advocating healthy food options;
3. Labeling and promoting healthy items; and
4. Any other in-store change or promotion that promotes healthy food choices.

B. The Retailer will obtain and maintain, at his own expense, any necessary licensure, training, or accreditation in order to carry and market fresh produce and healthy foods. The Retailer will also observe all applicable health code and food handling regulations. The Retailer's breach of this provision shall be grounds to terminate this MOU for cause, pursuant to Section VI of this MOU.

C. The Retailer agrees to prominently display Baltimarket promotional materials at the Store.

### **IV. INDEMNIFICATION:**

The Retailer agrees to indemnify, defend and hold harmless the Mayor and City Council of Baltimore, its elected/appointed officials, its employees, agents and representatives against and from any and all claims, demands, suits or actions of every nature and description, including attorney's fees and court costs connected therewith, brought against the Mayor and City Council of Baltimore, its elected/appointed officials, its employees, agents and representatives arising from or in connection with any willful or negligent act or omission of the Retailer, its employees, agents, representatives, assigns or successors in the performance of this MOU.

### **V. ADDITIONAL INCENTIVES:**

The Retailer qualifies for the additional incentives as set forth in **Attachment A**, which is attached hereto and made a part hereof. In the event this Agreement is terminated for any reason, the Department shall not be obligated to provide any of the incentives offered to the Retailer after the effective date of termination. Further, the Retailer agrees to return to the Department any promotional materials received under this Agreement and to cease using the Baltimarket name in connection with its store upon termination of this Agreement.



**VI. TERMINATION:**

A. For Convenience. This MOU may be terminated by either party, for convenience, upon thirty (30) days written notice.

B. For Cause. If the Retailer fails to fulfill its obligations under this MOU properly and on time, or otherwise violates any provision of this MOU, the Department shall have the right to terminate the MOU upon written notice thereof and specifying an effective date of termination. The Department may, in its sole discretion, allow the Retailer a specified time period in which to cure a breach and/or otherwise correct and/or improve its performance to the Department's satisfaction. The parties agree that they shall make good faith efforts in the performance of this MOU.

**VII. NOTICE:**

Any notices required or permitted under this MOU shall be in writing and mailed, postage prepaid, to the other party by certified mail, return receipt requested, or hand delivered, with receipt obtained therefore, to the following:

For the CITY:

Laura Flamm  
Director of Healthy Eating & Active Living

Baltimore City Health Department  
7 E. Redwood Street, Room 203  
Baltimore, Maryland 21202

For the RETAILER:

Kwan Young Lee  
ROBINSON'S FOOD & VARIETY MARKET,  
INC.

9601 Park Heights Ave. Baltimore, MD 21215

**VIII. AMENDMENTS:**

The parties may amend this MOU only by written amendment, signed by both parties.

**IX. APPLICABLE LAW:**

This MOU shall be construed under and governed by the laws of the State of Maryland. Furthermore, the parties hereto agree that any suits or actions brought by either party against the other shall be brought in a court of competent jurisdiction in Baltimore City.

**X. ENTIRE AGREEMENT:**

This MOU constitutes the entire, full and final understanding between the parties hereto and neither party shall be bound by any representation, statement, promise or agreement not expressly set forth herein. No other agreement or understanding verbal or otherwise exists between the parties.



**XI. MISCELLANEOUS PROVISIONS:**

A. Counterparts. This MOU may be executed in any number of copies and each such copy shall be deemed an original.

B. Assignability. The Retailer shall not assign this MOU, or subcontract any obligations hereunder except in writing and with the prior written approval of the Department, which approval shall be subject to such conditions and provisions, as the Department may deem necessary.

C. Severability. Each provision of this MOU shall be deemed to be a separate, severable, and independently enforceable provision. The invalidity or breach of any provision shall not cause the invalidity or breach of the remaining provisions or of this MOU, which shall remain in full force and effect.

D. Headings and Recitals. Any heading of the paragraphs in this MOU is inserted for convenience and reference only, and shall be disregarded in construing and/or interpreting this MOU. The recitals are hereby made a part of this MOU.

E. No Waiver. The waiver of any term of this MOU, or the failure of the Department to insist on strict compliance and prompt performance of any term of this MOU, followed by the acceptance of such performance thereafter, shall not constitute or be construed as a waiver or relinquishment of any right by the Department to enforce all terms strictly in the event of a continuous or subsequent breach of this MOU.

F. Ambiguities. In the event of any question regarding the meaning of any of the provisions of this MOU, the interpretation placed thereon by the Department shall be final and binding on the parties hereto, provided that any such interpretation shall not be unreasonable.

G. Authority. The persons executing this MOU have the capacity and are authorized to execute this MOU as the representatives of their respective party, and to bind their respective party to the terms of this MOU.

[SIGNATURE PAGE FOLLOWS]





IN WITNESS WHEREOF, the parties hereby evidence their agreement to the above terms and conditions by having executed this MOU.

WITNESS

MAYOR AND CITY COUNCIL OF BALTIMORE

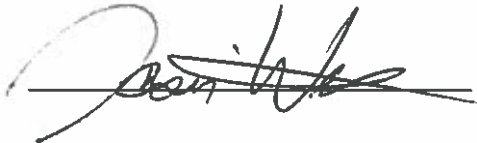


Michelle A. Pappalardo

BY Leana Wen  
Leana Wen, M.D., M.Sc.  
Commissioner of Health

WITNESS

ROBINSON'S FOOD & VARIETY MARKET, INC.



Jean W. Lee

BY: Kwan Young Lee  
Kwan Young Lee

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY



Assistant City Solicitor



## **ATTACHMENT A - INCENTIVES**

The following incentives will be offered by the Department pursuant to the Agreement:

1. **Baltimarket Marketing Materials:**
  - a. Shelf Talkers (healthy advertisements attached to the product shelf),
  - b. Freezer and Refrigerator Stickers ( front of door healthy advertisements to be place on front glass display door),
  - c. Shelf Banners and Nutrition education Posters (30" by 40" posters that will be placed on the exterior of the store and 11" by 17" posters to be placed inside the store).
2. **In-Store Nutrition Education.** This will consist of nutrition education and healthy food tastings. Each session will last approximately 3 hours, and the Retailer may receive up to 4 sessions per year.
3. **Business Trainings.** The trainings will focus on different topics of healthy food retail. Each session will be conducted in-store and will last approximately 10 to 15 minutes each.
4. **Store Credit.** The Department will provide the Retailer with \$500.00 in store credit to be issued in ten separate distributions for the purchase of healthy foods at B. Green & Co., Inc.





3719 Reisterstown Road  
Baltimore, Maryland 21215

Phone 443-550-1232

Email  
parkheightscdc@gmail.com

Website:  
www.parkheightscdc.com

**Board of Directors**

**Will J. Hanna, II**  
Chairman/CEO

**Pamela Curtis Massey**  
Vice-Chairperson

**Melvin Willingham**  
Board Member

**Ken Crowder**  
Board Member

**Joseph Aston**  
Treasurer  
Board Member

**Gledstone Erwing**  
Board Member

**Danelle Austin-Pinder**  
Board Member

**Derrick Chase**  
Board Member

**Tessa Hill-Aston**  
Board Member

**Officers**

**Will J. Hanna, II**  
CEO

**LaVen Magruder**  
Secretary

**Dr. Tina Stevenson**  
Director of Economic &  
Community Development

**Wayne T. Smith**  
Director of Human &  
Community Services

**Stacie J. Whitaker-Harris**  
Sr. Executive Assistant

**The New Park Heights  
Community Development Corporation, Inc.**

*"Together We CAN Make A Difference"*

**MEMORANDUM FOR RECORD**

Office of the Chairman & CEO  
Will J. Hanna, II  
3719 Reisterstown Road  
Baltimore, Maryland 21215

Sharon Green Middleton  
Baltimore City Council  
6th Councilmatic District  
200 Holliday Street  
Baltimore, Maryland 21201

RE: Letter of Support for Business Establishment

Honorable Councilwoman Middleton, et al:

The New Park Heights Community Development Corporation, Inc., in association with Neighborhoods United and the Park Circle Improvement Association, stand firmly in support of A-Z Convenient Store located at 3601 Park Heights Avenue. It is our understanding that this business has come up on the non-conforming list in accordance with Baltimore City's newly proposed zoning changes and recommendations.

The business located at 3601 Park Heights Avenue is the ONLY location in the Park Circle community where several residents including hundreds of seniors from Monteverde Senior Housing and community residents get food and household items. It serves a community of over 3,000 residents and has worked with our organization over the past 5 years in providing scholarships to students within the Park Heights neighborhood of Park Circle.

The New Park Heights CDC, Inc. is a non-profit community-based organization in existence and serving the Park Heights community since 1999 and is currently the longest standing organization in Park Heights. We are the organizers of The Park Heights Merchants Association. In that, we support an exception being made for A-Z Convenient Store located at 3601 Park Heights Avenue to be removed from the non conforming list and be allowed to continue operations.

Sincerely,

*Will J. Hanna*

Will J. Hanna, II  
Chairman & CEO

received  
11-13-17

Rec'd from Paul Plymouth



**POLICE DEPARTMENT**

**Baltimore, Maryland**

**December 13, 2016**

**To: Councilwoman Sharon Middleton**

**From: Captain Jason Yerg  
Northwestern District**

**Subject: A-Z Liquor Zone Change Request**

Ma'am,

With regard to A-Z Liquor located in the 3600 block of Park Heights Avenue, I have found this establishment to be both proactive and interactive in the community. The crime in and around this establishment has been minimal and the owner has sought to assist in the Police Department's efforts to thwart crime in the area as well as to positively influence the surrounding neighborhood.

Additionally, I am aware that Neighborhoods United is in full support of this locations zoning change request and that the City Liquor Board Staff has indicated that there are no violations with the store.

For all of the above listed reasons, I support A-Z Liquor being removed from the "Non-conforming" list and for their zoning to be changed to a C1. Should you need anything further or have any additional requests don't hesitate to call me at (410)396-2466.

Respectfully,

*Jason A. Yerg*

Jason A. Yerg

Captain

Northwestern District

**received**

11-13-17

*Rec'd from Paul Plymouth*







"Bringing Pride To Our Neighborhoods"

**THE BOARD**

**President**  
**George E. Mitchell**

**Members**

**Cherring Spence**

**Christopher Crockett**

**Eddie Brooks**

**Gladys Stewart**

**Israel "Izzy" Patoka**

**Matthew Minson**

**Maxine Mabry**

**Minerva Eaton**

**Pearl Clark**

**R. Anthony Mills**

**Shannon Morgan**

**Shymaine Davis**

**Valarie Matthews**

Neighborhoods United, LLC  
P.O. Box 2501  
Baltimore, Maryland 21215-2501

Phone: 443-416-1443  
Fax: 410-947-2133  
E-mail: [Neighborhoodsunitednw@gmail.com](mailto:Neighborhoodsunitednw@gmail.com)  
Web site: [Neighborhoodsunitednw.com](http://Neighborhoodsunitednw.com)  
Twitter: @NeighborhoodsU

December, 2016

Dear President Jack Young and Councilwoman Sharon Middleton,

Last week we had the pleasure of meeting Paul, the owner of A-Z groceries at 3601 Park Heights Avenue. I was impressed with the operation of his store and what he brings to the community. I was really impressed at how he has, over the years, donated scholarships to the local students.

The need for this store is obvious there in southern Park Heights. It serves the community well.

Our association will help them expand the fresh foods they already offer. There is a desperate need to eliminate the food desert in this area. This store is helping to eliminate that problem. I find the owner to be very pleasant and genuinely interested in the community. According to one online review, "This store is the cleanest grocery store I have ever been in."

Therefore, as the premier neighborhood association in Park Heights, we support letting this operation stay as is just as long as he continues to sell fresh foods and groceries and continues to be an asset to the community.

Any questions please contact me. Thanking you in advance

Sincerely,

*George E. Mitchell*  
President, Neighborhoods United  
[Gem14gem14@gmail.com](mailto:Gem14gem14@gmail.com)  
240-463-0195

received  
11-13-17

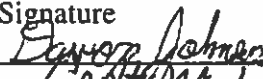
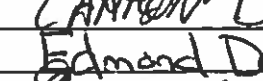


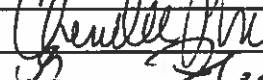

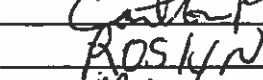
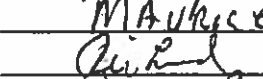
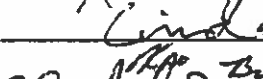
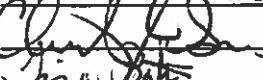
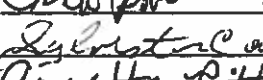
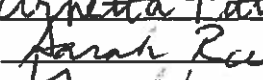
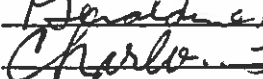




Paul Plymouth



**PETITION**

To: Baltimore City Board of Municipal & Zoning Appeals

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Signature	Printed Name	Address
	DAVON JOHNSON	3226 Park Heights Ave
	Edmond David	11
	TORQUIDA MCCRAW	2911 Violet Ave.
	TORQUIDA MCCRAW	3326 Brighton & Park Heights
	Charles Green	Washington Village
	Charles Green	Cabnoch Road
	Robert Smith	2501 Violet Ave
	Robert Smith	2501 Violet 1002-N
	ROSLYN GREEN	2501 Violet Ave
	MAURICE BARKSDALE	3914 Park Heights Ave 21218
	Richard Wright	2501 Violet Ave apt 303-N
	Linda Wright	2503 Violet Ave
	Clinton Jenkins	2503 Violet Ave
	Tina Batous	2503 Violet Ave 21215
	ARNETTA PITTS	2501 VIOLET AVE.
	Sarah Reed	2503 Violet Ave. 21215
	Geraldine	2503 Violet Ave 21215
	Charles Taylor	2501 Violet Ave apt #1211-N



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Signature	Printed Name	Address
<i>[Signature]</i>	Tanya Know	
<i>[Signature]</i>	Edward Singletary	Edward Singletary 702
<i>[Signature]</i>	Nya Beverest	6098 2503 Violet Ave
<i>[Signature]</i>	Pauline Hearn	406 2503 Violet 6098
<i>[Signature]</i>	Christine Stevens	906N 2501 Violet Ave.
<i>[Signature]</i>	Thomas Walker	
<i>[Signature]</i>	Beverly J. Miles	2503 Violet Ave. apt 5115
<i>[Signature]</i>	Antonia Dunbar	2501 VIOLET AVE apt. 507
<i>[Signature]</i>	Loreia Woodbridge	2503 Violet Ave 4115
<i>[Signature]</i>	Chonae Lee	2503 Violet Ave 4015
<i>[Signature]</i>	Samuel Davis	2501 Violet Ave 905
<i>[Signature]</i>	Joe Be Richards	2501 N 303 N
<i>[Signature]</i>	Mary Houston	2501 Violet Ave 1209 N
<i>[Signature]</i>	Ronald Houston	2501 Violet Ave 1209 N
<i>[Signature]</i>	Spurly Page	2501 Violet 501 N
<i>[Signature]</i>	Boyd Mansueti	2501 Violet Ave 1404 N
<i>[Signature]</i>	Yvonne Harrison	2501 Violet Ave Apt 502-11
<i>[Signature]</i>	Valeria Forest	2503 - Violet Ave 21216 Apt 205 st. 1
<i>[Signature]</i>	Denise Rivers	2501 Violet Ave 21215 Balto MD
<i>[Signature]</i>	Mick Rom	" " 707-11
<i>[Signature]</i>	Michelle Butts	2501 Violet Ave 21215
<i>[Signature]</i>	Lyce Wade	2503 Violet Ave 6053



**PETITION**

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Signature	Printed Name	Address
<i>Anthony L...</i>	Anthony L	2501 Violet Ave 812 N
<i>L...</i>		2501 Violet Ave 901 N
<i>Beverly...</i>	BEVERLY	3113 Sumter Ave
<i>RAYMOND...</i>	RAYMOND	2501 VIOLET AVE
<i>Rodney Smith</i>		2501 Violet Ave
<i>B...</i>		2501 Violet Ave
<i>...</i>		2503 Violet Ave 510
<i>...</i>		2501 Violet Ave
<i>DORTHY DIXON</i>	DORTHY DIXON	2501 Violet Ave. 1312 N
<i>E. D. GOR</i>		2503 Violet Ave. 1412 S
<i>James McClellan</i>		2503 Violet Ave 1713 S
<i>Clarence...</i>		2527...
<i>Willie McKibitt</i>		2503 Violet 306 S
<i>Clarence Jones</i>		2503 Violet 504 S
<i>Tamela Webb</i>		3459 Cott gsc Ave
<i>Cheryl Hughes</i>		2503 Violet Ave
<i>Dannid...</i>		2502 Violet Ave
<i>Tom Waddell</i>		2502 Violet Ave
<i>Virginia...</i>		2503 Violet 702 S
<i>Jane...</i>		2501 Violet Ave
<i>Delores...</i>		2503 Violet Ave
<i>...</i>		1203 Violet Ave
<i>...</i>		1203 Violet
<i>Dannie Alant</i>		1404 S
<i>Suanita Yancey</i>		11





PETITION

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Signature                      Printed Name                      Address

<i>Joyce Carney</i>	Joyce Carney	3602 Park Hgts Ave 21215
<i>Cynthia Gisha</i>	Cynthia Graham	3632 Parkheights
<i>Tambra Taylor</i>	Tambra Taylor	3508 cottage Ave 21215
<i>Joe Diamond</i>	Joe Diamond	3508 cottage Ave 21215
<i>Bernice Byrd</i>	Bernice Byrd	3632 Parkheights Ave.
<i>Karen Smith</i>	Karen Smith	3524 Cottage Ave 21215
<i>Frederic Jones</i>	Frederic Jones	443-4698191 2902 Ulman Ave
<i>Julia Cherry</i>	Julia Cherry	2501 Violet Ave APT 1208 MORTON
<i>Harve O'Leary</i>	Harve O'Leary	3610 Cottage Ave 21215
<i>Barry O'Leary</i>	Barry O'Leary	3610 Cottage Ave 21215
<i>Marjorie Brown</i>	Marjorie Brown	2905 Ulman Avenue
<i>Anthony Woods</i>	Anthony Daniels	2501 Violet Ave
<i>Richard Jones</i>	Richard Jones	3443 Park Heights Ave
<i>Oliver Alexander</i>	Oliver Alexander	3408 Park Heights Ave 21215
<i>Willis Keyworth</i>	Willis Keyworth	2902 Taron Willis Keyworth Ave
<i>Brenda Watt</i>	Brenda Watt	2501 Violet Ave
<i>Jamar Hairston</i>	Jamar Hairston	2607 Springhill Ave 21215
<i>Greg Vonneger</i>	Greg Vonneger	3817 Parkheight Ave 21215
<i>Kenneth Jones</i>	Kenneth Jones	3601 Cottage Avenue 21215
<i>Martina Washington</i>	Martina Washington	3404 Parkheights 21215
<i>Lucy Jones</i>	Lucy Jones	3704 Cottage Ave 21215

*regrid Brown*



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Signature	Printed Name	Address
<i>[Signature]</i>	NewSome	2501 Violet Ave 313-N
<i>[Signature]</i>	Jackson	2581 Violet 404-N
<i>[Signature]</i>	Richard Lewis	2501 Violet Ave 502 North
<i>[Signature]</i>	<del>Blacky Hall</del>	2501 violet ave 162-N
<i>[Signature]</i>	Northy Dwyer	2501 Violet ave 513-N
<i>[Signature]</i>	Kashya Carl	2503 Violet Ave 405-N
<i>[Signature]</i>	James Carlson	2503 Violet Ave 405-N
<i>[Signature]</i>	Joe Nym	2503 Violet Ave 309
<i>[Signature]</i>	Thom M Thomas	2503 Violet Ave Apt 1005 S
<i>[Signature]</i>	Cheryl Allen	
<i>[Signature]</i>	Yarquetta Campbell	
<i>[Signature]</i>	Darlyn Wynn	2503 VIOLET AVE Apt 602-North
<i>[Signature]</i>	Cherice Cepitha	2501 Violet Ave Apt 1051
<i>[Signature]</i>	William Adams	2501 Violet Ave
<i>[Signature]</i>	HELEN	2501 Violet Ave
<i>[Signature]</i>	E. D. SON	1112 South
<i>[Signature]</i>	Maryanne Warren	911-N violet ave
<i>[Signature]</i>	Louis [unclear]	411 S Violet Ave
<i>[Signature]</i>	Wynona [unclear]	811 S Violet Ave
<i>[Signature]</i>	Maryl [unclear]	4105 Violet Ave
<i>[Signature]</i>	Yvette [unclear]	4105 Violet Ave

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**PETITION**

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Signature	Printed Name	Address
<i>[Signature]</i>	Latoré Savage	2503 Violet Ave
<i>[Signature]</i>	DeLonte Gamble	2622 Violet Ave
<i>[Signature]</i>	Champagne B	3701 Cottage Ave
<i>[Signature]</i>	Von Hugo Coon	2501 Violet Ave
<i>[Signature]</i>	Richard [unclear]	2501 Violet Ave
<i>[Signature]</i>	Ernie Bush	2808 Violet Ave
<i>[Signature]</i>	Chadley [unclear]	3614 Cottage Ave
<i>[Signature]</i>	[unclear]	443-797-8767
<i>[Signature]</i>	[unclear]	443-278-2028
<i>[Signature]</i>	[unclear]	(443) 271-2560
<i>[Signature]</i>	[unclear]	(443) 704-6619
<i>[Signature]</i>	[unclear]	(443) 916-3242
<i>[Signature]</i>	Ronald Means	443 570 0337
<i>[Signature]</i>	AUGUST HOPE August Hope	3630 PARKHEIGHTS AVE
<i>[Signature]</i>	Jana Cherry	2501 VIOLET AVE Apt 1208 NORTH
<i>[Signature]</i>	Malhaquel Jones	2501 Violet Ave Apt 1109N
<i>[Signature]</i>	[unclear]	2501 Violet Ave 408-2052
<i>[Signature]</i>	Carl [unclear]	2501 Violet Ave
<i>[Signature]</i>	Devin Yech	3615 Park Heights
<i>[Signature]</i>	Michael Trupline	2817 Calmen Ave
<i>[Signature]</i>	LAWRENCE CURRY Sr	2908 VIOLET AVE
<i>[Signature]</i>	WILLIE ROBERTS	



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Signature	Printed Name	Address
<i>Janina</i>	TONIA	633 Aisquith St.
<i>R. Baldwin</i>	Robert Baldwin	1413 VIOLET AVE
<i>Roxanne London</i>		610 N.
<i>Mrs. Juan Roberts Allen</i>		2501 Violet Ave apt 700
<i>Bonnie Jones</i>		2501 V.iolet Ave.
<i>Barbara Coonan</i>		2501 Violet Ave
<i>Ethel Coonan</i>		2501 Violet Ave
<i>Keith Coonan</i>		2501 Violet Ave
<i>Keith William</i>		2501 Violet Ave
<i>Michael D. O'Neil</i>		2501 Violet Ave
<i>ANTHONY COOPER</i>		2501 Violet Ave.
<i>Mandy Johnson</i>		2503 Violet
<i>Beverly Smith</i>		2503 Violet
<i>Doris Baxsett</i>		2509 Violet Ave
<i>JAMES MICHAELS</i>		3659 cottage
<i>Phyllis</i>		2601 Cottage
<i>Christine King</i>		2816 H. Wade Ave.
<i>Belinda Lee</i>		3621 Park Heights Rd.
<i>Vernon Lee</i>		3621 Park Heights Rd.
<i>Alma Lee</i>		3621 Park Heights Rd.
<i>Rachel Lee</i>		
<i>Tracy Lee</i>		





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Signature	Printed Name	Address
<i>[Signature]</i>	Seokias	518 E 27 St
<i>[Signature]</i>	Jewel Price	3659 Cottage St
<i>[Signature]</i>	Am Jones	2501 Violet Ave
<i>[Signature]</i>	Victoria A. Bickley	2503 Violet Ave
<i>[Signature]</i>	M. Natanush	2501 Violet Ave
<i>[Signature]</i>	N. Mimc	2400 Boaceman
<i>[Signature]</i>	Z. Wildua	2501 Violet Ave
<i>[Signature]</i>	M. Scott	3812 Oak Ave
<i>[Signature]</i>	Thomas Scott	
<i>[Signature]</i>	Thomas Scott	
<i>[Signature]</i>	Thomas Scott	
<i>[Signature]</i>	Wanda Bell	2430 Shirley Avenue
<i>[Signature]</i>	Zane Bell	2430 Shirley Avenue
<i>[Signature]</i>	Robert Baldwin	2501 Violet Ave Apt 1413N
<i>[Signature]</i>	Gary McPherson	3420 Hilldale Pl.
<i>[Signature]</i>	Constance McPherson	3420 Hilldale Pl.
<i>[Signature]</i>	Rosa Wiggins	3420 Hilldale Pl.
<i>[Signature]</i>	Dannu Johnson	3529 Reisterstown
<i>[Signature]</i>	Rosvelt F Johnson	3529 Reisterstown



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Signature	Printed Name	Address
<i>[Signature]</i>	TERRY, William	2501 VIOLET LANE
<i>[Signature]</i>	Robinson Pottis	5 N. MONASTERY AVE BALTIMORE, MD
<i>[Signature]</i>	Kevine Campbell	3639 Park Heights
<i>[Signature]</i>	ANTOINETTE KING JR	443-804-2006 2809 ROCKROSE AVE
<i>[Signature]</i>	Hannah	2503 VIOLET AVE
<i>[Signature]</i>	Samuel Shellington	2511 Violet Ave - 443-415-2344
<i>[Signature]</i>	Eric Beard	2817 Violet Ave 410-542-053
<i>[Signature]</i>	VERNON LEE	3021 REISTERSTOWN RD
<i>[Signature]</i>	WENDELL BAUSE	3471 REISTERSTOWN RD.
<i>[Signature]</i>	Martina Washington	3404 Park Heights
<i>[Signature]</i>	Genard Belle	3406 Park Heights
<i>[Signature]</i>	Maima Hill	3701 Cottage AVE 443-769-0610
<i>[Signature]</i>	Dennell Williams	2916 ULMAN AVE
<i>[Signature]</i>	Darlene Coleman	3417 Reisterstown Rd. 662-212-72
<i>[Signature]</i>	Candy Lewis	2606 Ulman AVE
<i>[Signature]</i>	Terez Lewis	2606 Ulman AVE
<i>[Signature]</i>	Amy Jackson	2606 Ulman AVE
<i>[Signature]</i>	Deane Macklin	2606 Ulman AVE
<i>[Signature]</i>	Chenna Johnson	3623 Cottage Ave, 21215
<i>[Signature]</i>	Dominic Jenkins	3623 Cottage Ave, 21215
<i>[Signature]</i>	Julie Jones	3723 Cottage Ave, 21215
<i>[Signature]</i>	Bennie Mackay	3707 Overview Rd 443-500-9410



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Signature	Printed Name	Address
<i>Erica Robinson</i>	ERICKA ROBINSON	3804 PARK HEIGHTS AVENUE
<i>Thomas Aiston</i>	THOMAS AISTON	2000 VIOLET AVENUE
<i>Marys Roberts</i>		3414 Cottage Ave
<i>Kim Brown</i>	Kim Brown	3615 Cottage Ave
<i>Dominic Daniel</i>	Dominic Daniel	3613 Cottage Ave
<i>Martin York</i>	Martin York	5117 Yellowwood Ave
<i>Shanaea Bryan</i>	Shanaea Bryan	2600 ULMAN AVE
<i>Shanaea Bryan</i>		2602 ULMAN AVE
<i>Maurice Trice</i>		3918 VIOLET AVE
<i>James Jones</i>		3600 GOGHE AVE
<i>Nyda Nikco</i>		3906 H. HADALE RD
<i>Forrest Crockett</i>		2911 NORFOLK AVE
<i>Edmond David</i>		3420 Park HIS AVE 21215
<i>Jeanette Watkins</i>	Jeanette Watkins	2920 Rockrose Ave 21215
<i>Debra Russell</i>		3300
<i>Amia Williams</i>		2501 Violet Ave 302N 21215
<i>Debra Williams</i>	Debra Williams	2501 Violet Ave 311-N
<i>Deane W. Williams</i>		2916 ULMAN AVE
<i>Carolee Freeman</i>		2811 Hilldale
<i>Carolee Freeman</i>		2501 Violet Ave
<i>Juday Williams</i>		3706 Park Heights Ave
<i>Susan Wright</i>		3600 Cedarvale Rd
<i>Jean Gilliam</i>		3612 Cedarvale Rd



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Signature	Printed Name	Address
<i>Wendell Wright</i>	Wendell Wright	3600 Cedarvale Rd
<i>Teri Gilliam</i>	Terri Gilliam	3600 Cedarvale Rd
<i>Lamont Talley</i>	Lamont Talley	3600 Cedarvale Rd
<i>Mrsula Brown</i>		2503 Violet Ave
<i>James Greene</i>	James Greene	3428 Park Height Av





**PETITION**

To: Baltimore City Board of Municipal & Zoning Appeals

We, the undersigned residents and/or business persons and/or property owners and/or prospective customers in the area surrounding 3601 Park Heights Avenue, Baltimore, MD 21215, by names submitted on this Petition, do hereby request the Baltimore City Board of Municipal & Zoning Appeals to grant a change in current zoning of B-1-2 to C-1 of said property. The property license to Kwon Young Lee and Jeong Sug Lee d/b/a Robinson's Food and Variety Market, Inc. t/a Robinson's Food and Variety Market for their use at 3601 Park Heights Avenue, Baltimore, MD 21215, as need, public accommodation and convenience would serve by granting new C-1 zoning, and to attract new business and development to multiple vacant properties next to same. By granting of C-1 zoning, it would not pose a hazard to health, safety, and welfare of the residents in the area and would be beneficial to same.

Signature

Printed Name

Address

MARGORIE WALKER  
Geraldine Jones

Geraldine GERALDINE SIMMONS 2503 Violet Ave.  
Dorothy Brown

E.D. EREWIA DYSON 2503 VIOLET AVE  
Dore Cutler

ENGLEWOOD  
Calvin Hughes CALVIN HUGHES 2503 VIOLET AVE BALTO MD  
JACQUELINE A. HUEL 2501 VIOLET AVE APT. #206N BALTO. MD 21215

HANARA TAYLOR 443-670-2402  
Cathy New 1201 VIOLET AVE

Dorothy Smith 250 Violet Ave  
Bonnie Cooper

Salma Simmons  
Delores Barber

Dorothy Brown 2503 Violet Ave 1203 N

James McClennen 2503 Violet Ave  
Cathy James 2503 Violet Ave

Louis Woodridge 2503 Violet Ave  
IVAN CHARLES 2503 Violet Ave



**PETITION**

To: Baltimore City Board of Municipal & Zoning Appeals

We, the undersigned residents and/or business persons and/or property owners and/or prospective customers in the area surrounding 3601 Park Heights Avenue, Baltimore, MD 21215, by names submitted on this Petition, do hereby request the Baltimore City Board of Municipal & Zoning Appeals to grant a change in current zoning of B-1-2 to C-1 of said property. The property license to Kwon Young Lee and Jeong Sug Lee d/b/a Robinson's Food and Variety Market, Inc. t/a Robinson's Food and Variety Market for their use at 3601 Park Heights Avenue, Baltimore, MD 21215, as need, public accommodation and convenience would serve by granting new C-1 zoning, and to attract new business and development to multiple vacant properties next to same. By granting of C-1 zoning, it would not pose a hazard to health, safety, and welfare of the residents in the area and would be beneficial to same.

Signature	Printed Name	Address
<i>[Handwritten Signature]</i>		2503 Violet
<i>[Handwritten Signature]</i>	DORIS HAZELWOOD	2501 VIOLET AVE
<i>[Handwritten Signature]</i>	Richard Wright	2503 Violet Ave. Apt. 303-S
<i>[Handwritten Signature]</i>	Charles Sumner	2603 VIOLET AVE
<i>[Handwritten Signature]</i>	Eve Hayman	2561 Violet ave
<i>[Handwritten Signature]</i>	MATTHIAS THOMAS	" "
<i>[Handwritten Signature]</i>	Virginia Brown	2501 Violet Ave
<i>[Handwritten Signature]</i>	ALEXANDER SHERMAN	2507 DINDY
<i>[Handwritten Signature]</i>	Charles Williams	2501 Violet Ave
<i>[Handwritten Signature]</i>	Della Allen	2511 Violet Ave
<i>[Handwritten Signature]</i>	WILLIE KENT	
<i>[Handwritten Signature]</i>	Lydia Jones	
<i>[Handwritten Signature]</i>	Harold	911-S Viole Ave
<i>[Handwritten Signature]</i>	Dwight M. Cooper	6085
<i>[Handwritten Signature]</i>	Frederick Brown	
<i>[Handwritten Signature]</i>	Samuel Shelington	1208 Apt, Violet ave
<i>[Handwritten Signature]</i>	Sharon Deha	204 Napt Violet AVE
<i>[Handwritten Signature]</i>	Sharon M. Powell	2503 Violet Ave 21215
<i>[Handwritten Signature]</i>	Sun Lee	250.3 Violet AVE 21215
<i>[Handwritten Signature]</i>	Odessa Wakin	" " " "
<i>[Handwritten Signature]</i>	Robert Hillman	2503 Violet Ave, 21215
<i>[Handwritten Signature]</i>	Jacklyn M. Wynn	2503 VIOLET AVE 21215



Caroline L. Hecker  
25 South Charles Street, 21<sup>st</sup> Floor  
Baltimore, Maryland 21201  
P: (410) 727-6600/F: (410) 727-1115  
checker@rosenbergmartin.com



Rosenberg  
Martin  
Greenberg<sup>LLP</sup>

## MEMORANDUM

TO: LAND USE & TRANSPORTATION COMMITTEE,  
BALTIMORE CITY COUNCIL

FROM: CAROLINE L. HECKER  
STANLEY S. FINE

CC: PAUL KWAN-YOUNG LEE

RE: CCB # 17-0106 – REZONING – 3601-05 PARK HEIGHTS AVENUE  
PROPOSED FINDINGS OF FACT

DATE: NOVEMBER 21, 2017

---

The City Council has the authority to change the zoning classification of a property as part of a comprehensive rezoning process or upon a finding that there was either 1) a substantial change in the character of the neighborhood where the property is located, or 2) a mistake in the existing zoning classification. MD. CODE ANN., Land Use § 10-304(b)(2); Baltimore City Code, Article 32 – Zoning § 5-508(b)(1). Here, there was a mistake in the 2017 comprehensive rezoning of the property known as 3601-05 Park Heights Avenue (the “Property”) from the B-1-2 District to the R-6 District as the City Council did not consider the existing commercial use of the Property, which has been in place since the early 20<sup>th</sup> century. Unlike many other retail goods establishments with alcoholic beverages sales, the Property historically has been operated in a manner that serves the local community by providing groceries and convenience items that are otherwise unavailable in the neighborhood. The City Council rezoned the Property to the R-6 District based on a general desire to eliminate nonconforming retail goods establishments with alcoholic beverages sales without considering the specific impact that would occur here. As a result, it was a mistake to rezone the Property to R-6, and the Property should now be rezoned to C-1 to correct the error.

The Property originally consisted of three separate lots known as 3601, 3603, and 3605 Park Heights Avenue, which were consolidated into one lot known as 3601 Park Heights Avenue in 1980. The Property was formerly zoned B-1-2 and, according to the City’s zoning records, all three lots historically were used for commercial purposes. The property formerly known as 3601 Park Heights Avenue originally was used as a pharmacy and variety store, and held a liquor license dating back to 1935. On July 8, 1980, the Board of Municipal and Zoning Appeals (“BMZA”) approved the consolidation of the lots and rehabilitation of the structures, provided that the existing nonconforming package goods store be limited to its existing location and not expanded to the remainder of the Property. As a result, the retail goods establishment that has been in place since that time has offered alcoholic beverage sales only in the portion of the Property that was formerly known as 3601 Park Heights Avenue, while the remainder of the Property is used as a grocery. When the Property was rezoned to the R-6 District, the existing package goods component became nonconforming and, due to the new regulations imposed on nonconforming retail goods



establishments with alcoholic beverages sales, the package goods component must be discontinued by June 4, 2019. Art. 32, § 18-701(a)(1). It was a mistake for the City Council not to consider the important services provided by a commercial use at this location when it rezoned the Property to R-6, and the Council should correct the mistake by rezoning the property to C-1.

In connection with the finding that there was a mistake in the existing zoning classification that justifies the rezoning of the Property, both Section 5-508(b) of the Zoning Code and Section 10-304 of the Maryland Land Use Article require the City Council to make findings of fact that address:

**(i) Population Change**

- The census tract that includes the Properties is estimated to have increased its population from 4,215 in 2010 to 4,820 in 2015, according to estimates of the U.S. Census Bureau. This 14.35% increase in residential population drives a demand for commercial uses to serve the residents, such as the grocery store located at the Property.

**(ii) The availability of public facilities;**

- The area is adequately served by public utilities and services. The proposed rezoning of the Property simply will permit the existing use to remain and will not have an impact on the demand for public facilities or services.

**(iii) Present and future transportation patterns;**

- The rezoning of the Property will not adversely impact present or future transportation patterns, as the Property is located along the highly trafficked Park Heights corridor. As the Property is already used for commercial purposes, the change in zoning will not increase the number of trips generated.

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

- The rezoning of the Property to the C-1 District is consistent with the Park Heights Urban Renewal Plan, which designates the Property for “Neighborhood Business” uses.

**(v) The recommendations of the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;**

- The Planning Commission was unable to make a recommendation on this bill, as three members voted in favor of the bill and three members voted against.
- The Board of Municipal and Zoning Appeals has not yet commented on this bill, and will do so separately.





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

- The proposed amendment is consistent with the City's LiveEarnPlayLearn Master Plan by meeting Live Goal 1: Build Human and Social Capital By Strengthening Neighborhoods. Neighborhoods need access to retail and commercial services to serve their residents. In the area surrounding the Property, many residents do not drive, making it difficult for them to access other grocery options. There are several senior housing buildings located in close proximity to this site, including Monte Verde Apartments at 2501 Violet Avenue (0.1 miles from the Property), SOS Care Services at 2901 Druid Park Drive (0.4 miles from the site), and Renaissance Gardens at 4311 Pimlico Road (0.6 miles from the Property). The retail use at this location serves local residents and provides an amenity to the neighborhood.

Section 5-508(b)(3) of the Zoning Code also mandates that the following additional standards be considered for map amendments:

- (i) Existing uses of property within the general area of the property in question;**
- The Property is located along a heavily trafficked corridor and is the only commercial use in the area. As a result, it provides a necessary service to nearby residents, many of whom rely on the grocery for their food shopping needs. The nearest grocery store, Food City, is 0.4 miles away from this site. Beyond that, a Sav-A-Lot and a Shoppers are each 0.91 miles away from the site.
- (ii) The zoning classification of other property within the general area of the property in question;**
- The Property is located in the middle of a residentially zoned area. Prior to the effective date of the new Zoning Code, however, the Property was zoned B-1-2, which permitted the existing package good store to operate as a nonconforming use.
- (iii) The suitability of the property in question for the uses permitted under its existing zoning classification; and**
- The Property is not suited for the uses permitted under the R-6 zoning classification. The surrounding blocks of Park Heights Avenue are occupied by many vacant structures, demonstrating that there is little residential demand in this area. In addition, because the existing structure has been used for commercial purposes since the early 20<sup>th</sup> century, it is not feasible to convert it to residential use.
- (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.**



- **Very little development has occurred in the general area of the Property in recent times, especially since the most recent rezoning to the R-6 District. The Property is not likely to see any significant investment under its present zoning classification as the nonconforming use regulations mandate the termination of the alcoholic beverages sales use within two years.**

4824-2072-1237, v. 1



# City of Baltimore

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

## Meeting Agenda - Final

### Land Use and Transportation Committee

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Wednesday, April 11, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

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17-0106

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

#### **ITEMS SCHEDULED FOR PUBLIC HEARING**

17-0106

##### **Rezoning - 3601-3605 Park Heights Avenue**

For the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

Sponsors:

Sharon Green Middleton

**THIS MEETING IS OPEN TO THE PUBLIC**





**BALTIMORE CITY COUNCIL  
LAND USE AND TRANSPORTATION COMMITTEE**

*Mission Statement*

*On behalf of the Citizens of Baltimore City, the mission of the Land Use and Transportation 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, April 11, 2018**

**1:00 PM**

**Clarence "Du" Burns Council Chambers**

***City Council Bill # 17-0106***

***Rezoning - 3601-3605 Park Heights Avenue***

## CITY COUNCIL COMMITTEES

### BUDGET AND APPROPRIATIONS

Eric Costello – Chair  
Leon Pinkett – Vice Chair  
Bill Henry  
Sharon Green Middleton  
Brandon M. Scott  
Isaac "Yitzy" Schleifer  
Shannon Sneed  
*Staff: Marguerite Currin*

### EDUCATION AND YOUTH

Zeke Cohen – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Kristerfer Burnett  
Ryan Dorsey  
*Staff: Larry Greene*

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Robert Stokes – Chair  
Kristerfer Burnett – Vice Chair  
Mary Pat Clarke  
Zeke Cohen  
Isaac "Yitzy" Schleifer  
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Isaac "Yitzy" Schleifer – Vice Chair  
Kristerfer Burnett  
Bill Henry  
Shannon Sneed  
Zeke Cohen  
Ryan Dorsey  
*Staff: Richard Krummerich*

### JUDICIARY AND LEGISLATIVE INVESTIGATIONS

Eric Costello – Chair  
Mary Pat Clarke – Vice Chair  
John Bullock  
Leon Pinkett  
Edward Reisinger  
Brandon Scott  
Robert Stokes  
*Staff: Marguerite Currin*

### LABOR

Shannon Sneed – Chair  
Robert Stokes – Vice Chair  
Eric Costello  
Bill Henry  
Mary Pat Clarke  
*Staff: Samuel Johnson*

### LAND USE AND TRANSPORTATION

Edward Reisinger – Chair  
Sharon Green Middleton – Vice Chair  
Mary Pat Clarke  
Eric Costello  
Ryan Dorsey  
Leon Pinkett  
Robert Stokes  
*Staff: Jennifer Coates*

### PUBLIC SAFETY

Brandon Scott – Chair  
Ryan Dorsey – Vice Chair  
Kristerfer Burnett  
Shannon Sneed  
Zeke Cohen  
Leon Pinkett  
Isaac "Yitzy" Schleifer  
*Staff: Richard Krummerich*

### TAXATION, FINANCE AND ECONOMIC DEVELOPMENT

Sharon Green Middleton – Chair  
Leon Pinkett – Vice Chair  
Eric Costello  
Edward Reisinger  
Robert Stokes  
*Staff: Samuel Johnson*  
- *Larry Greene (pension only)*



**CITY OF BALTIMORE**

CATHERINE E. PUGH, 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 and Transportation**

**Bill 17-0106**

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**Rezoning - 3601-3605 Park Heights Avenue**

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**Sponsor:** Councilmember Middleton

**Introduced:** July 17, 2017

**Purpose:**

For the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

**Effective:** 30<sup>th</sup> day after enactment

**Hearing Date/Time/Location:** April 11, 2018 /1:00 p.m./Clarence "Du" Burns Chambers

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**Agency Reports**

Planning Commission	No Recommendation
Board of Municipal and Zoning Appeals	Unfavorable
Department of Transportation	Favorable
Department of Law	Unfavorable
Department of Housing and Community Development	Does Not Support
Baltimore Development Corporation	Defers to Planning and Law

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## Analysis

### Current Law

Article 32 – Zoning; Zoning Map; Sheet 23; Baltimore City Revised Code (Edition 2000).

### Background

If approved, CC Bill 17-0106, would change the property known as 3601 – 3605 Park Heights Avenue from the R-6 Zoning District to the C-1 Zoning District.

Current and proposed zoning districts as outlined in Article 32 are described below:

### Current Zoning District – R-6

#### § 9-202. R-6 Garden Rowhouse Residential District

##### (a) Neighborhoods.

The R-6 Garden Rowhouse Residential Zoning District is intended for primarily low density rowhouse neighborhoods that reflect a naturalistic environment typified by open and landscaped front yards of buildings that are set back and that contain stoops and porches oriented to those yards.

##### (b) Housing types.

The R-6 District is meant to accommodate single-family units in both detached and semi-detached dwellings, rowhouse developments, and multi-family developments of a moderate density.

### Proposed Zoning District – C-1

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

##### (a) 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.

(b) Standards.

The C-1 District standards are crafted to:

- (1) Ensure compatibility between neighboring residential and commercial uses;
- (2) Maintain the proper scale of commercial use; and
- (3) Address the unique issues related to smaller commercial sites.

The current R-6 zoning assigned to the property does not allow liquor stores. According to Article 32, the new TransForm Baltimore zoning code, liquor stores are not among the Neighborhood Commercial Establishments allowed as conditional uses. Prior to being rezoned under TransForm Baltimore, the site was zoned B-1 which did not permit either liquor stores, package goods, or taverns. The liquor store is now classified as a non-conforming use under the R-6 zoning designation and must end alcoholic beverage sales no later than June 4, 2019, unless authorized.

Situated on the northeast corner of the intersection of Park Heights Avenue and Ulman Avenue, the 45' by 102' site is improved with a two-story middle and end of row residential mixed-use building. Just northeast, is a multi-story federally-subsidized multi-family development for senior citizens. A playground is located across the street on the southeast corner of Park Heights and Ulman Avenues. The predominantly residential area has been designated as the Park Heights National Register Historic District.

The subject site is owned by Kwan Young Lee dba Robinson's Food & Variety Market, Inc. The owner currently operates a grocery and nonconforming package goods store on part of the first floor level of 3601 Park Heights Avenue. The entrance is on the corner of Park Heights and Ulman Avenue. Entrances for the properties located at 3603 and 3605 Park Heights Avenue are closed.

The property was formerly used as a pharmacy and variety store, and has held a liquor license dating back to 1935. On July 8, 1980, the Board of Municipal and Zoning Appeals approved the consolidation of the 3601, 3603 and 3605 Park Heights Avenue properties and rehabilitation of the structures, provided that the existing nonconforming package goods store be limited to its existing location and not expanded to the remainder of the property. The resulting retail goods establishment has offered alcoholic beverage sales only in the 3601 portion of the site, while the remainder of the site is used as a grocery.

A companion bill, *Bill 17-0107 Zoning - Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales) - 3601-3605 Park Heights Avenue*, would permit, under certain

conditions, the establishment, maintenance and operation of a retail goods establishment (with alcoholic beverages sales) on the property.

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**Additional Information**

**Fiscal Note:** Not Available

**Information Source(s):** Agency reports; Memo from Rosenberg, Martin and Greenberg, LLP dated November 21, 2017

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**Analysis by:**  
**Analysis Date:**

Jennifer L. Coates  
April 6, 2018



**Direct Inquiries to:** (410) 396-1260

**CITY OF BALTIMORE  
COUNCIL BILL 17-0106  
(First Reader)**

---

Introduced by: Councilmember Middleton

At the request of: Robinson's Food and Variety Market, Inc.

Address: c/o Kwan Lee, 3601-3605 Park Heights Avenue, Baltimore, Maryland 21215

Telephone: 443-255-0343

Introduced and read first time: July 17, 2017

Assigned to: Land Use and Transportation Committee

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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

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A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 3601-3605 Park Heights Avenue**

3 FOR the purpose of changing the zoning for the property known as 3601-3605 Park Heights  
4 Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1  
5 Zoning District.

6 BY amending

7 Article 32 - Zoning

8 Zoning Map

9 Sheet 23

10 Baltimore City Revised Code

11 (Edition 2000)

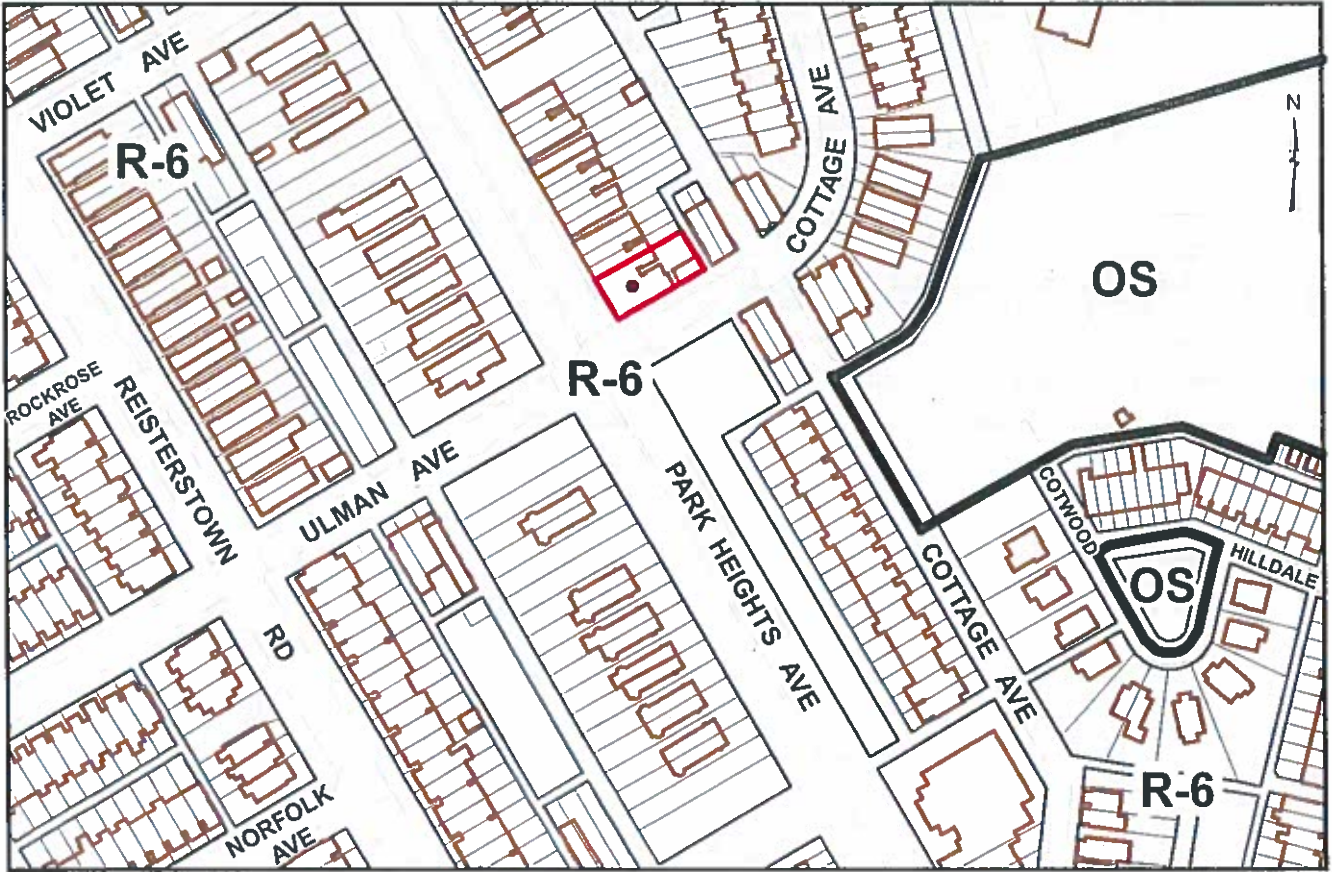
12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That  
13 Sheet 23 of the Zoning Map is amended by changing from the R-6 Zoning District to the C-1  
14 Zoning District the property known as 3601-3605 Park Heights Avenue, as outlined in red on the  
15 plat accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the  
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning  
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council  
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;  
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the  
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of  
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and  
23 the Zoning Administrator.

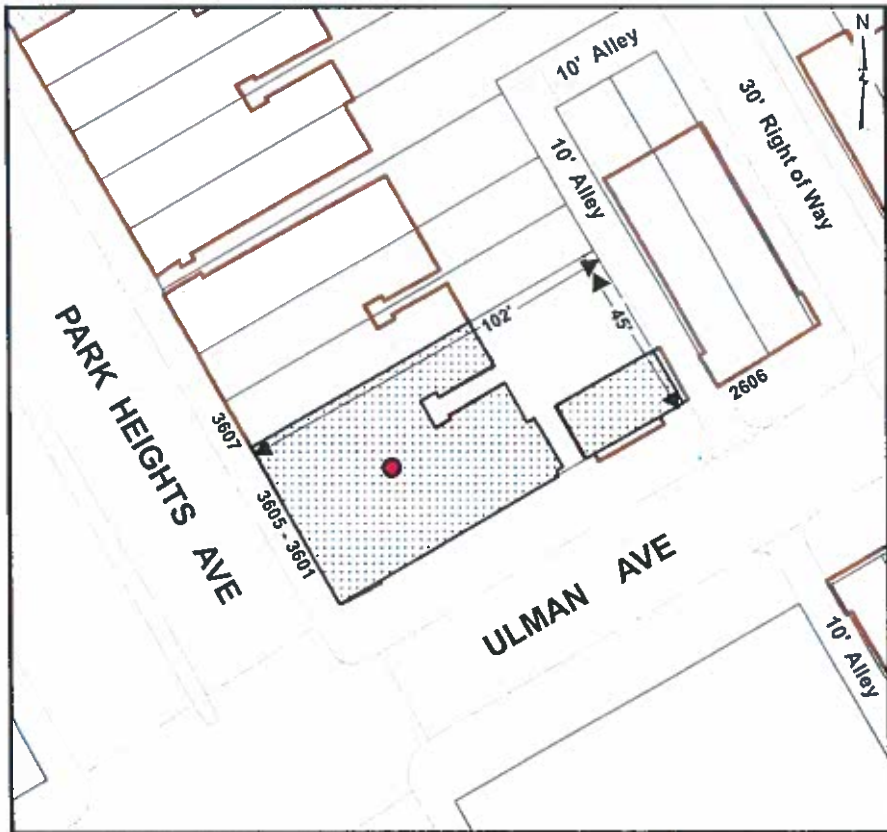
24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
25 after the date it is enacted.

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

**SHEET NO. 23 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY**



1" = 200'



Scale: 1" = 50'

**Note:**

In Connection With Property Known As No. 3601-3605 PARK HEIGHTS AVENUE. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From R-6 Zoning to C-1 Zoning, As Outlined In Red Above.

WARD 15                      SECTION 32  
BLOCK 3327A                      LOT 1

\_\_\_\_\_

MAYOR

\_\_\_\_\_

PRESIDENT CITY COUNCIL





3719 Reisterstown Road  
Baltimore, Maryland 21215

Phone: 443-550-1232

Email  
parkheightscdc@gmail.com

Website:  
www.parkheightscdc.com

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Board of Directors

**Will. J. Hanna, II**  
Chairman/CEO

**Pamela Curtis Massey**  
Vice-Chairperson

**Melvin Willingham**  
Board Member

**Kea Crowder**  
Board Member

**Joseph Aston**  
Treasurer  
Board Member

**Gladstone Ewing**  
Board Member

**Danelle Austin-Pinder**  
Board Member

**Derrick Chase**  
Board Member

**Tessa Hill-Aston**  
Board Member

---

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**Will. J. Hanna, II**  
CEO

**LaVon Magruder**  
Secretary

**Dr. Tina Stevenson**  
Director of Economic &  
Community Development

**Wayne T. Smith**  
Director of Human &  
Community Services

**Stacie J. Whitaker-Harris**  
Sr. Executive Assistant

## The New Park Heights Community Development Corporation, Inc.

"Together We CAN Make A Difference"

### MEMORANDUM FOR RECORD

Office of the Chairman & CEO  
Will. J. Hanna, II  
3719 Reisterstown Road  
Baltimore, Maryland 21215

Sharon Green Middleton  
Baltimore City Council  
6th Councilmatic District  
200 Holliday Street  
Baltimore, Maryland 21201

RE: Letter of Support for Business Establishment

Honorable Councilwoman Middleton, et al:

The New Park Heights Community Development Corporation, Inc., in association with Neighborhoods United and the Park Circle Improvement Association, stand firmly in support of A-Z Convenient Store located at 3601 Park Heights Avenue. It is our understanding that this business has come up on the non-conforming list in accordance with Baltimore City's newly proposed zoning changes and recommendations.

The business located at 3601 Park Heights Avenue is the ONLY location in the Park Circle community where several residents including hundreds of seniors from Monteverde Senior Housing and community residents get food and household items. It serves a community of over 3,000 residents and has worked with our organization over the past 5 years in providing scholarships to students within the Park Heights neighborhood of Park Circle.

The New Park Heights CDC, Inc. is a non-profit community-based organization in existence and serving the Park Heights community since 1999 and is currently the longest standing organization in Park Heights. We are the organizers of The Park Heights Merchants Association. In that, we support an exception being made for A-Z Convenient Store located at 3601 Park Heights Avenue to be removed from the non conforming list and be allowed to continue operations.

Sincerely,

*Will J Hanna*

Will. J. Hanna, II  
Chairman & CEO

received

11-13-17

Rec'd from Paul Plymo.



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ampun



**POLICE DEPARTMENT**

**Baltimore, Maryland**

December 13, 2016

To: Councilwoman Sharon Middleton

From: Captain Jason Yerg  
Northwestern District

Subject: A-Z Liquor Zone Change Request

Ma'am,

With regard to A-Z Liquor located in the 3600 block of Park Heights Avenue, I have found this establishment to be both proactive and interactive in the community. The crime in and around this establishment has been minimal and the owner has sought to assist in the Police Department's efforts to thwart crime in the area as well as to positively influence the surrounding neighborhood.

Additionally, I am aware that Neighborhoods United is in full support of this locations zoning change request and that the City Liquor Board Staff has indicated that there are no violations with the store.

For all of the above listed reasons, I support A-Z Liquor being removed from the "Non-conforming" list and for their zoning to be changed to a C1. Should you need anything further or have any additional requests don't hesitate to call me at (410)396-2466.

Respectfully,

*Jason A. Yerg*

Jason A. Yerg

Captain

Northwestern District

**received**  
11-13-17

*Rec'd from Paul Plymou*



1998

1998

1998



"Bringing Pride To Our Neighborhoods"

**THE BOARD**

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**George E. Mitchell**

**Members**

**Cherring Spence**

**Christopher Crockett**

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**Gladys Stewart**

**Israel "Izzy" Patoka**

**Matthew Minson**

**Maxine Mabry**

**Minerva Eaton**

**Pearl Clark**

**R. Anthony Mills**

**Shannon Morgan**

**Shymaine Davis**

**Valarie Matthews**

Neighborhoods United, LLC  
P.O. Box 2501  
Baltimore, Maryland 21215-2501

Phone: 443-416-1443  
Fax: 410-947-2133  
E-mail: [NeighborhoodsUnitedNW@gmail.com](mailto:NeighborhoodsUnitedNW@gmail.com)  
Web site: [NeighborhoodsUnitedNW.com](http://NeighborhoodsUnitedNW.com)  
Twitter: @NeighborhoodsU

December, 2016

Dear President Jack Young and Councilwoman Sharon Middleton,

Last week we had the pleasure of meeting Paul, the owner of A-Z groceries at 3601 Park Heights Avenue. I was impressed with the operation of his store and what he brings to the community. I was really impressed at how he has, over the years, donated scholarships to the local students.

The need for this store is obvious there in southern Park Heights. It serves the community well.

Our association will help them expand the fresh foods they already offer. There is a desperate need to eliminate the food desert in this area. This store is helping to eliminate that problem. I find the owner to be very pleasant and genuinely interested in the community. According to one online review, "This store is the cleanest grocery store I have ever been in."

Therefore, as the premier neighborhood association in Park Heights, we support letting this operation stay as is just as long as he continues to sell fresh foods and groceries and continues to be an asset to the community.

Any questions please contact me. Thanking you in advance

Sincerely,

*George E. Mitchell*

President, Neighborhoods United

[Gem14gem14@gmail.com](mailto:Gem14gem14@gmail.com)

240-463-0195

**received**  
11-13-17  
*Paul Plymouth*

and the other side of the mountain range.

There is a large amount of timber in the mountains and the hills. The timber is mostly oak, pine, and maple. The mountains are very high and the hills are very low.

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'JACK" . YOUNG  
DAY AVENUE  
MD 21202

Caroline L. Hecker  
25 South Charles Street, 21<sup>st</sup> Floor  
Baltimore, Maryland 21201  
P: (410) 727-6600/F: (410) 727-1115  
checker@rosenbergmartin.com



Rosenberg  
Martin  
Greenberg<sub>LLP</sub>

MEMORANDUM

TO: LAND USE & TRANSPORTATION COMMITTEE,  
BALTIMORE CITY COUNCIL

FROM: CAROLINE L. HECKER  
STANLEY S. FINE

CC: PAUL KWAN-YOUNG LEE

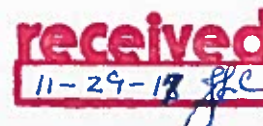
RE: CCB # 17-0106 – REZONING – 3601-05 PARK HEIGHTS AVENUE  
PROPOSED FINDINGS OF FACT

DATE: NOVEMBER 21, 2017

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The City Council has the authority to change the zoning classification of a property as part of a comprehensive rezoning process or upon a finding that there was either 1) a substantial change in the character of the neighborhood where the property is located, or 2) a mistake in the existing zoning classification. MD. CODE ANN., Land Use § 10-304(b)(2); Baltimore City Code, Article 32 – Zoning § 5-508(b)(1). Here, there was a mistake in the 2017 comprehensive rezoning of the property known as 3601-05 Park Heights Avenue (the “Property”) from the B-1-2 District to the R-6 District as the City Council did not consider the existing commercial use of the Property, which has been in place since the early 20<sup>th</sup> century. Unlike many other retail goods establishments with alcoholic beverages sales, the Property historically has been operated in a manner that serves the local community by providing groceries and convenience items that are otherwise unavailable in the neighborhood. The City Council rezoned the Property to the R-6 District based on a general desire to eliminate nonconforming retail goods establishments with alcoholic beverages sales without considering the specific impact that would occur here. As a result, it was a mistake to rezone the Property to R-6, and the Property should now be rezoned to C-1 to correct the error.

The Property originally consisted of three separate lots known as 3601, 3603, and 3605 Park Heights Avenue, which were consolidated into one lot known as 3601 Park Heights Avenue in 1980. The Property was formerly zoned B-1-2 and, according to the City’s zoning records, all three lots historically were used for commercial purposes. The property formerly known as 3601 Park Heights Avenue originally was used as a pharmacy and variety store, and held a liquor license dating back to 1935. On July 8, 1980, the Board of Municipal and Zoning Appeals (“BMZA”) approved the consolidation of the lots and rehabilitation of the structures, provided that the existing nonconforming package goods store be limited to its existing location and not expanded to the remainder of the Property. As a result, the retail goods establishment that has been in place since that time has offered alcoholic beverage sales only in the portion of the Property that was formerly known as 3601 Park Heights Avenue, while the remainder of the Property is used as a grocery. When the Property was rezoned to the R-6 District, the existing package goods component became nonconforming and, due to the new regulations imposed on nonconforming retail goods





**beriberi**



establishments with alcoholic beverages sales, the package goods component must be discontinued by June 4, 2019. Art. 32, § 18-701(a)(1). It was a mistake for the City Council not to consider the important services provided by a commercial use at this location when it rezoned the Property to R-6, and the Council should correct the mistake by rezoning the property to C-1.

In connection with the finding that there was a mistake in the existing zoning classification that justifies the rezoning of the Property, both Section 5-508(b) of the Zoning Code and Section 10-304 of the Maryland Land Use Article require the City Council to make findings of fact that address:

**(i) Population Change**

- The census tract that includes the Properties is estimated to have increased its population from 4,215 in 2010 to 4,820 in 2015, according to estimates of the U.S. Census Bureau. This 14.35% increase in residential population drives a demand for commercial uses to serve the residents, such as the grocery store located at the Property.

**(ii) The availability of public facilities;**

- The area is adequately served by public utilities and services. The proposed rezoning of the Property simply will permit the existing use to remain and will not have an impact on the demand for public facilities or services.

**(iii) Present and future transportation patterns;**

- The rezoning of the Property will not adversely impact present or future transportation patterns, as the Property is located along the highly trafficked Park Heights corridor. As the Property is already used for commercial purposes, the change in zoning will not increase the number of trips generated.

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

- The rezoning of the Property to the C-1 District is consistent with the Park Heights Urban Renewal Plan, which designates the Property for "Neighborhood Business" uses.

**(v) The recommendations of the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;**

- The Planning Commission was unable to make a recommendation on this bill, as three members voted in favor of the bill and three members voted against.
- The Board of Municipal and Zoning Appeals has not yet commented on this bill, and will do so separately.





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

- The proposed amendment is consistent with the City's LiveEarnPlayLearn Master Plan by meeting Live Goal 1: Build Human and Social Capital By Strengthening Neighborhoods. Neighborhoods need access to retail and commercial services to serve their residents. In the area surrounding the Property, many residents do not drive, making it difficult for them to access other grocery options. There are several senior housing buildings located in close proximity to this site, including Monte Verde Apartments at 2501 Violet Avenue (0.1 miles from the Property), SOS Care Services at 2901 Druid Park Drive (0.4 miles from the site), and Renaissance Gardens at 4311 Pimlico Road (0.6 miles from the Property). The retail use at this location serves local residents and provides an amenity to the neighborhood.

Section 5-508(b)(3) of the Zoning Code also mandates that the following additional standards be considered for map amendments:

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

- The Property is located along a heavily trafficked corridor and is the only commercial use in the area. As a result, it provides a necessary service to nearby residents, many of whom rely on the grocery for their food shopping needs. The nearest grocery store, Food City, is 0.4 miles away from this site. Beyond that, a Sav-A-Lot and a Shoppers are each 0.91 miles away from the site.

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

- The Property is located in the middle of a residentially zoned area. Prior to the effective date of the new Zoning Code, however, the Property was zoned B-1-2, which permitted the existing package good store to operate as a nonconforming use.

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

- The Property is not suited for the uses permitted under the R-6 zoning classification. The surrounding blocks of Park Heights Avenue are occupied by many vacant structures, demonstrating that there is little residential demand in this area. In addition, because the existing structure has been used for commercial purposes since the early 20<sup>th</sup> century, it is not feasible to convert it to residential use.

**(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.**

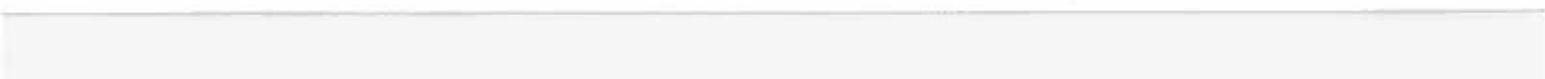


- Very little development has occurred in the general area of the Property in recent times, especially since the most recent rezoning to the R-6 District. The Property is not likely to see any significant investment under its present zoning classification as the nonconforming use regulations mandate the termination of the alcoholic beverages sales use within two years.

4824-2072-1237, v. 1



100-100-100



**CITY OF BALTIMORE  
COUNCIL BILL 17-0106  
(First Reader)**

---

Introduced by: Councilmember Middleton

At the request of: Robinson's Food and Variety Market, Inc.

Address: c/o Kwan Lee, 3601-3605 Park Heights Avenue, Baltimore, Maryland 21215

Telephone: 443-255-0343

Introduced and read first time: July 17, 2017

Assigned to: Land Use and Transportation Committee

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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

1 AN ORDINANCE concerning

2 Rezoning – 3601-3605 Park Heights Avenue

3 FOR the purpose of changing the zoning for the property known as 3601-3605 Park Heights  
4 Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1  
5 Zoning District.

6 BY amending

7 Article 32 - Zoning

8 Zoning Map

9 Sheet 23

10 Baltimore City Revised Code

11 (Edition 2000)

12 SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That  
13 Sheet 23 of the Zoning Map is amended by changing from the R-6 Zoning District to the C-1  
14 Zoning District the property known as 3601-3605 Park Heights Avenue, as outlined in red on the  
15 plat accompanying this Ordinance.

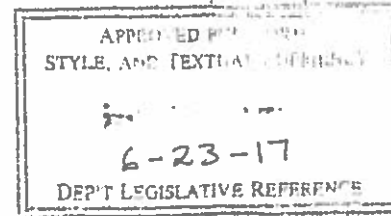
16 SECTION 2. AND BE IT FURTHER ORDAINED, That as evidence of the authenticity of the  
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning  
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council  
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;  
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the  
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of  
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and  
23 the Zoning Administrator.

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

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



**INTRODUCTORY\***  
**CITY OF BALTIMORE**  
**COUNCIL BILL \_\_\_\_\_**



---

Introduced by: Councilmember Middleton  
At the request of: Robinson's Food and Variety Market, Inc.  
Address: c/o Kwan Lee, 3601-3605 Park Heights Avenue, Baltimore, Maryland 21215  
Telephone: 443-255-0343

---

A BILL ENTITLED

AN ORDINANCE concerning

**Rezoning – 3601-3605 Park Heights Avenue**

FOR the purpose of changing the zoning for the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat, from the R-6 Zoning District to the C-1 Zoning District.

BY amending

Article 32 - Zoning  
Zoning Map  
Sheet 23  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 23 of the Zoning Map is amended by changing from the R-6 Zoning District to the C-1 Zoning District the property known as 3601-3605 Park Heights Avenue, 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 30<sup>th</sup> 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

3601 Park Heights Ave, Baltimore Md 21215  
{Address}

1. Applicant's Contact Information:

Name: Robinson's Food & Variety Market Inc.

Mailing Address: 3601 Park Heights Ave  
Baltimore Md 21215

Telephone Number: 443-255-0343

Email Address: Klee517214@gmail.com

2. All Proposed Zoning Changes for the Property: Rezoned from the R-6  
Zoning District to C-1 zoning district

3. All Intended Uses of the Property: Retail Goods establishment  
with alcoholic beverage sales

4. Current Owner's Contact Information:

Name: Kwan Young Lee

Mailing Address: 3601 Park Heights Ave  
Baltimore Md 21215

Telephone Number: 443-255-0343

Email Address: Klee517214@gmail.com

5. Property Acquisition:

The property was acquired by the current owner on 4-29-2011 by deed recorded in the  
Land Records of Baltimore City in Liber 13464 Folio 338-342.

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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

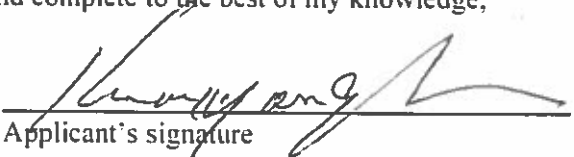
**7. Agency:**

(a) The applicant is \_\_\_\_\_ is not  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}: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

**AFFIDAVIT**

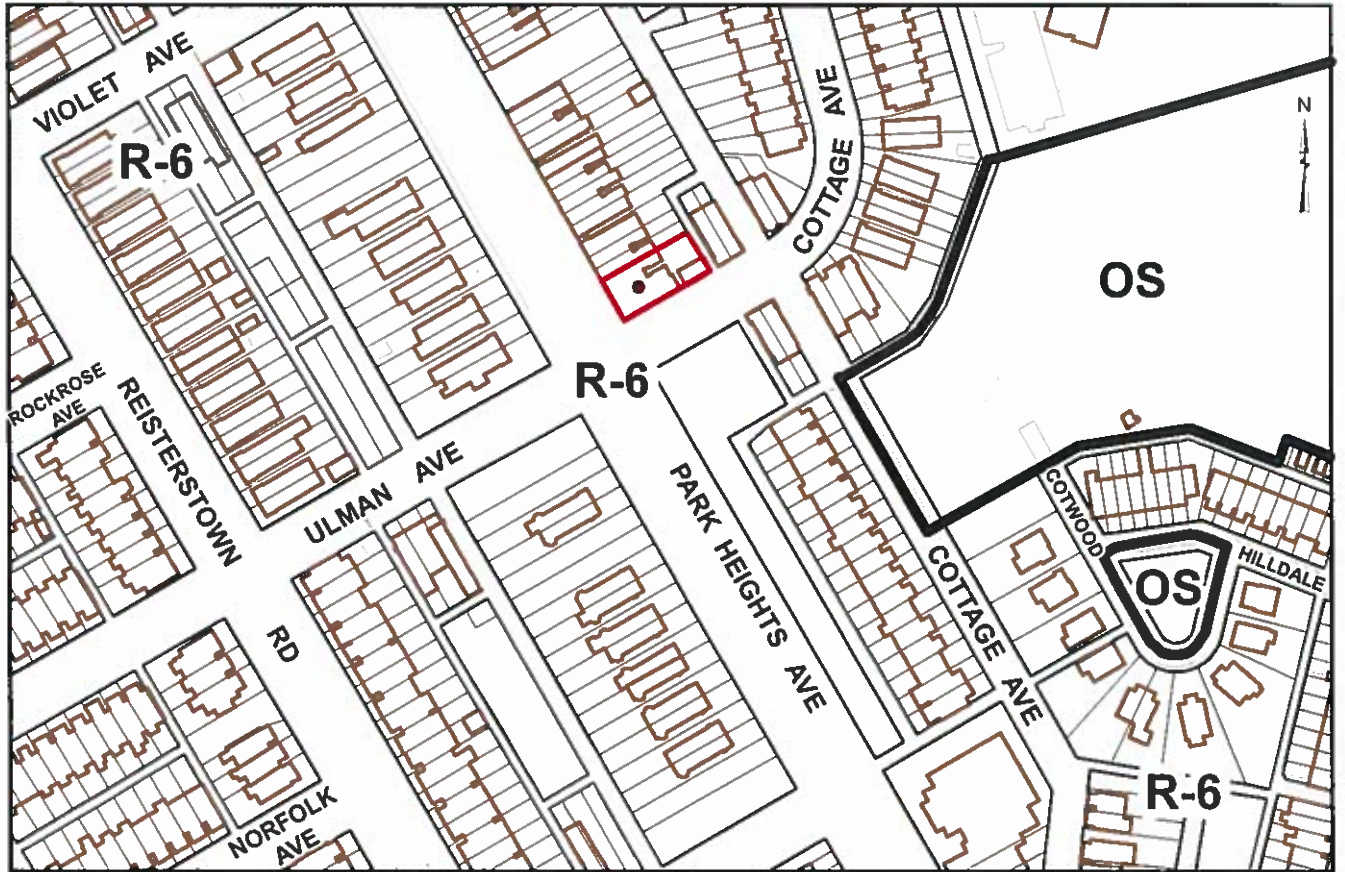
I, Kwan Young Lee, solemnly affirm under the penalties of perjury that the information given in this Statement of Intent is true and complete to the best of my knowledge, information, and belief.

  
Applicant's signature

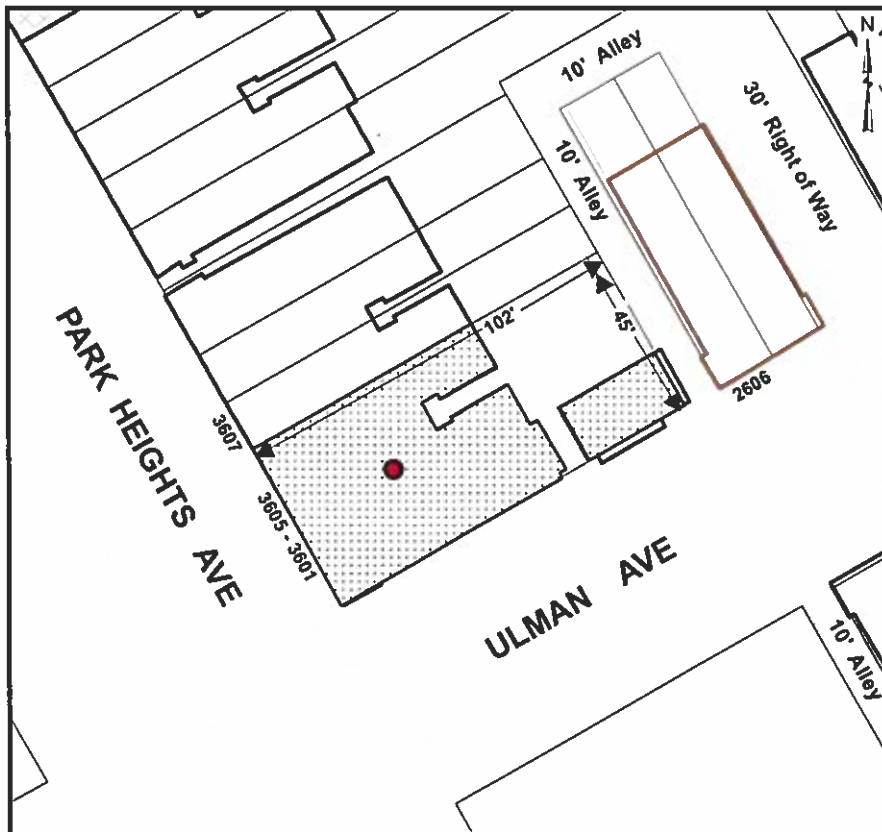
6-21-2017  
Date



**SHEET NO. 23 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY**



1" = 200'



Scale: 1" = 50'

**Note:**

In Connection With Property Known As No. 3601-3605 PARK HEIGHTS AVENUE. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From R-6 Zoning to C-1 Zoning, As Outlined In Red Above.

WARD 15                      SECTION 32  
BLOCK 3327A                      LOT 1

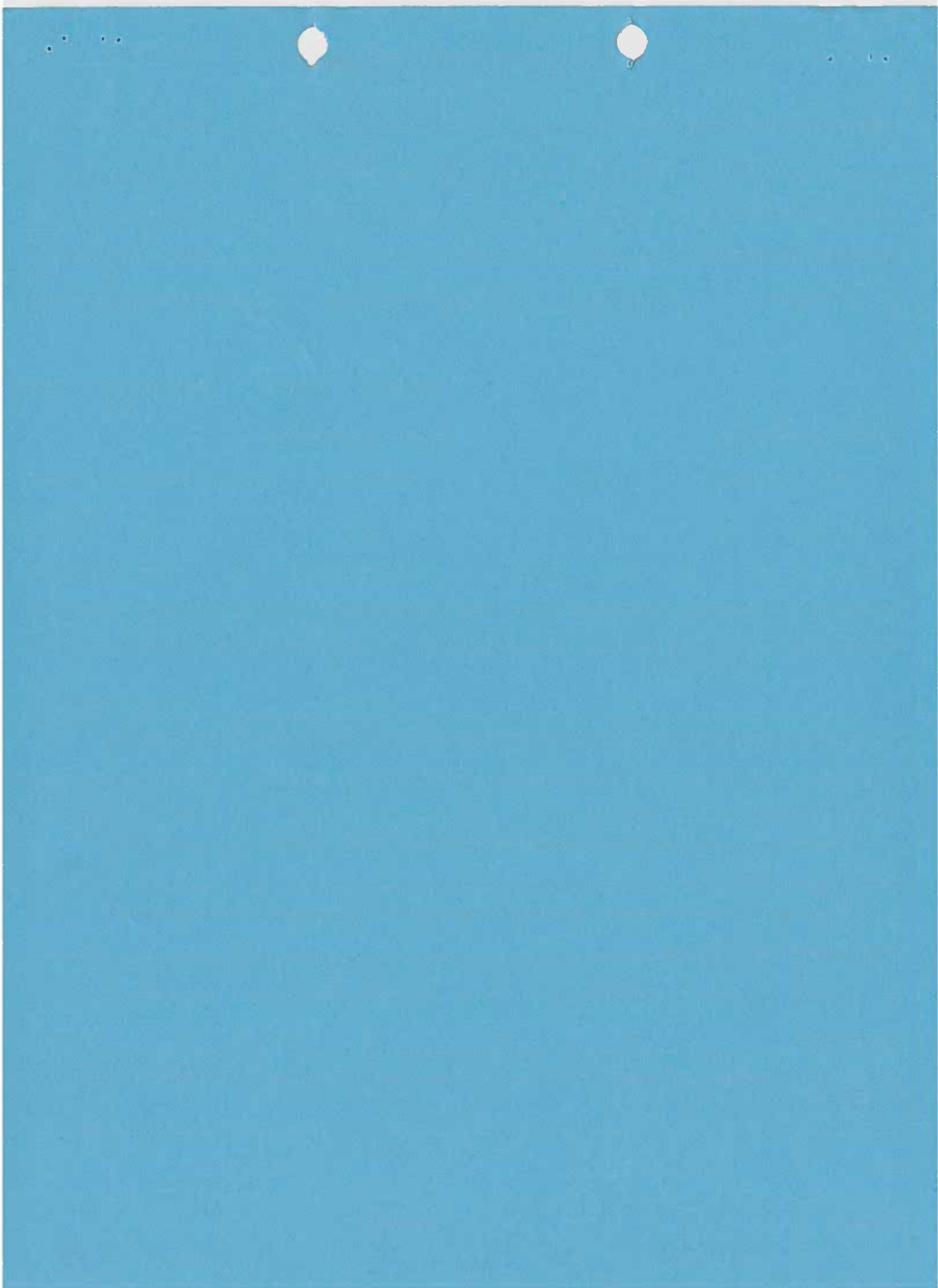
\_\_\_\_\_

MAYOR

\_\_\_\_\_

PRESIDENT CITY COUNCIL







ACTION BY THE CITY COUNCIL

JUL 17 2017

FIRST READING (INTRODUCTION) \_\_\_\_\_ 20 \_\_\_\_\_

PUBLIC HEARING HELD ON April 11, \_\_\_\_\_ 20 18

COMMITTEE REPORT AS OF April 16, \_\_\_\_\_ 20 18

FAVORABLE \_\_\_\_\_ UNFAVORABLE \_\_\_\_\_ FAVORABLE AS AMENDED \_\_\_\_\_ WITHOUT RECOMMENDATION

*Edward K. Kelley*  
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:

APR 16 2018

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

THIRD READING \_\_\_\_\_ 20 APR 23 2018

\_\_\_\_\_ 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.

*[Signature]*  
President

*Liam J. Deen*  
Chief Clerk