

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 17-0107

A BILL ENTITLED

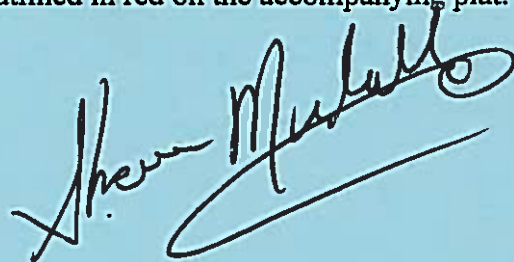
AN ORDINANCE concerning

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)



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

Agencies

_____ Baltimore City Public School System

_____ Baltimore Development Corporation

_____ City Solicitor

_____ Comptroller's Office

_____ Department of Audits

_____ Department of Finance

_____ Department of General Services

_____ Department of Housing and Community Development

_____ Department of Human Resources

_____ Department of Planning

_____ Other: _____

_____ Other: _____

_____ Other: _____

_____ Department of Public Works

_____ Department of Real Estate

_____ Department of Recreation and Parks

_____ Department of Transportation

_____ Fire Department

_____ Health Department

_____ Mayor's Office of Employment Development

_____ Mayor's Office of Human Services

_____ Mayor's Office of Information Technology

_____ Office of the Mayor

_____ Police Department

_____ Other: _____

_____ Other: _____

_____ Board of Estimates

_____ Board of Ethics

_____ Board of Municipal and Zoning Appeals

_____ Comm. for Historical and Architectural Preservation

_____ Commission on Sustainability

_____ Employees' Retirement System

_____ Other: _____

_____ Other: _____

_____ Other: _____

_____ Environmental Control Board

_____ Fire & Police Employees' Retirement System

_____ Labor Commissioner

_____ Parking Authority Board

_____ Planning Commission

_____ Wage Commission

_____ Other: _____

_____ Other: _____

_____ Other: _____

Boards and Commissions

BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION VOTING RECORD

DATE: _____

BILL#: 17-0107

BILL TITLE: Ordinance - Zoning - Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales)

MOTION BY: _____ SECONDED BY: _____

FAVORABLE

FAVORABLE WITH AMENDMENTS

UNFAVORABLE

WITHOUT RECOMMENDATION

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

CHAIRPERSON: _____

COMMITTEE STAFF: Jennifer L. Coates, Initials: _____



Rosenberg
Martin
Greenberg LLP

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.

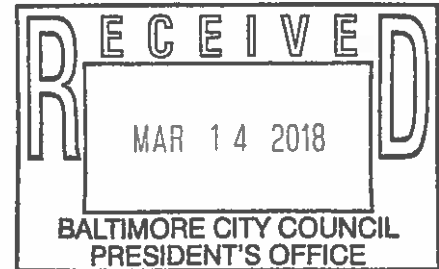
Thank you for your attention to this matter. Please let us know if you require any additional information.

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, 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


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


Caroline L. Hecker
Rosenberg, Martin, Greenberg, LLP
25 S. Charles Street, 21st 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, 4TH 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, 21st Floor
Baltimore, MD 21201
410-727-6600



Z FOOD MARKET

A+Z FOOD MARKET DISCOUNT LI

SPEED LIMIT 30

11/20/07 (12/20/07)
The State of New York has enacted a law that requires all vehicles to have a valid license plate and a valid registration. This law also requires that all vehicles have a valid title and a valid insurance policy. If you are caught without a valid license plate, registration, title, or insurance, you may be fined and your vehicle may be impounded. To avoid these penalties, please make sure that your vehicle is properly licensed, registered, titled, and insured.

11/20/07 (12/20/07)
The State of New York has enacted a law that requires all vehicles to have a valid license plate and a valid registration. This law also requires that all vehicles have a valid title and a valid insurance policy. If you are caught without a valid license plate, registration, title, or insurance, you may be fined and your vehicle may be impounded. To avoid these penalties, please make sure that your vehicle is properly licensed, registered, titled, and insured.

**NO
PARKING
ANYTIME**

LONG ISLAND
LIFE BRANCH

**ICE COLD
BEER**



D MARKET

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 17-0406
THE LAND USE AND TRANSPORTATION COMMITTEE OF THE BALTIMORE CITY COUNCIL WILL MEET ON WEDNESDAY, 11, 2017 AT 4:00 PM IN THE CITY COUNCIL CHAMBERS, 4TH FLOOR, CITY HALL, 100 N. BALTIMORE STREET TO CONSIDER A PUBLIC HEARING ON CITY COUNCIL BILL NO. 17-0406.
IF YOU HAVE ANY COMMENTS, PLEASE CALL 311-200-7229 OR VISIT THE WEBSITE: BALTIMORECITY.GOV/17-0406.
FOR THE PURPOSE OF CELEBRATING THE 200TH ANNIVERSARY OF THE BALTIMORE CITY PARK DEPARTMENT, WE ARE OFFERING TO LEASE TO THE PUBLIC THE 200TH ANNIVERSARY PARK DEPARTMENT, 15 WEST END AVENUE IN THE BALTIMORE CITY POLICE STATION, 15 WEST END AVENUE, BALTIMORE, MD 21201.
BY APPROVING LETTERS OF INTENT, THE CITY COUNCIL WILL BE AUTHORIZED TO LEASE THE 200TH ANNIVERSARY PARK DEPARTMENT TO THE BALTIMORE CITY POLICE DEPARTMENT.
BALTIMORE CITY REVISED CODE (10/1/2017)
APPLICABLE: EMPLOYMENT, FOOD AND MARKET MARKET, THE CITY COUNCIL IS SUBJECT TO APPROVAL BY THE BALTIMORE CITY COUNCIL.
FRANCOIS B. BROWN, CLERK

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 17-0407
THE LAND USE AND TRANSPORTATION COMMITTEE OF THE BALTIMORE CITY COUNCIL WILL MEET ON WEDNESDAY, 11, 2017 AT 4:00 PM IN THE CITY COUNCIL CHAMBERS, 4TH FLOOR, CITY HALL, 100 N. BALTIMORE STREET TO CONSIDER A PUBLIC HEARING ON CITY COUNCIL BILL NO. 17-0407.
IF YOU HAVE ANY COMMENTS, PLEASE CALL 311-200-7229 OR VISIT THE WEBSITE: BALTIMORECITY.GOV/17-0407.
FOR THE PURPOSE OF CELEBRATING THE 200TH ANNIVERSARY OF THE BALTIMORE CITY PARK DEPARTMENT, WE ARE OFFERING TO LEASE TO THE PUBLIC THE 200TH ANNIVERSARY PARK DEPARTMENT, 15 WEST END AVENUE IN THE BALTIMORE CITY POLICE STATION, 15 WEST END AVENUE, BALTIMORE, MD 21201.
BY APPROVING LETTERS OF INTENT, THE CITY COUNCIL WILL BE AUTHORIZED TO LEASE THE 200TH ANNIVERSARY PARK DEPARTMENT TO THE BALTIMORE CITY POLICE DEPARTMENT.
BALTIMORE CITY REVISED CODE (10/1/2017)
APPLICABLE: EMPLOYMENT, FOOD AND MARKET MARKET, THE CITY COUNCIL IS SUBJECT TO APPROVAL BY THE BALTIMORE CITY COUNCIL.
FRANCOIS B. BROWN, CLERK

**NO
DITING**
BY THE ORDER OF BALTIMORE
CITY POLICE DEPARTMENT

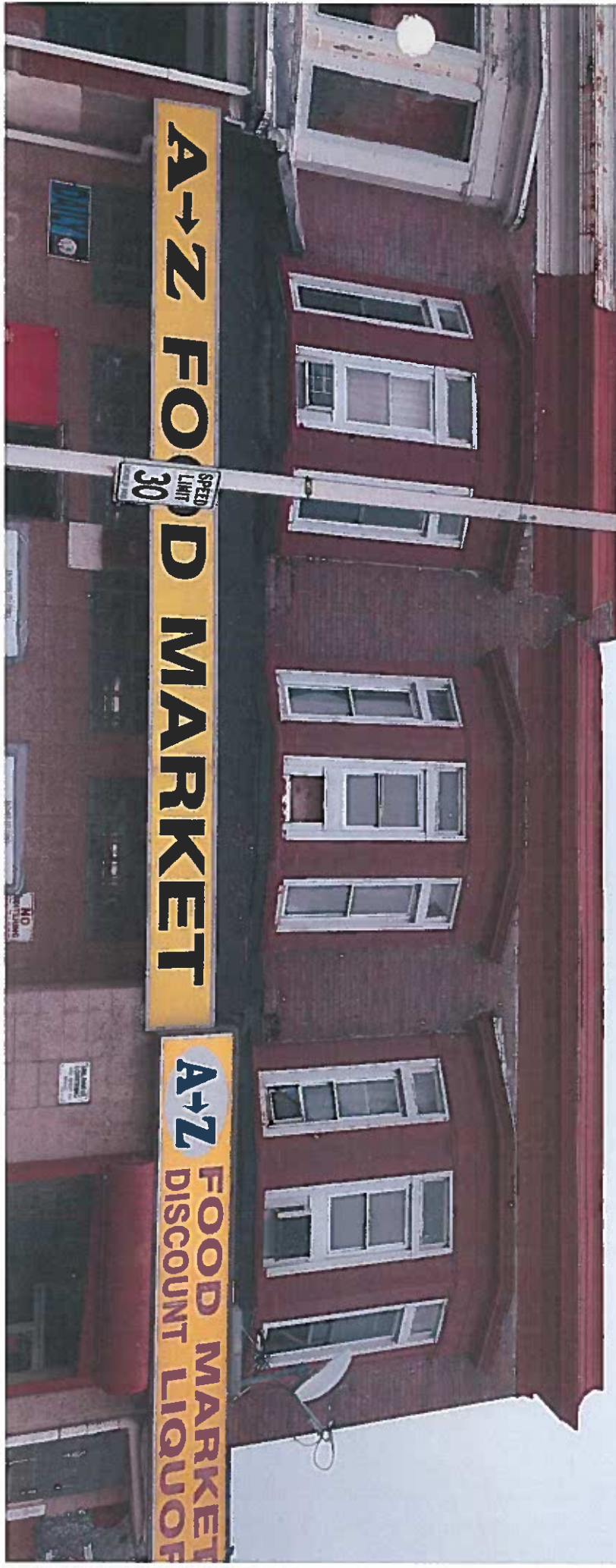




A-Z FOOD MARKET

**A-Z FOOD MARKET
DISCOUNT LIQUOR**

**SPEED LIMIT
30**





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

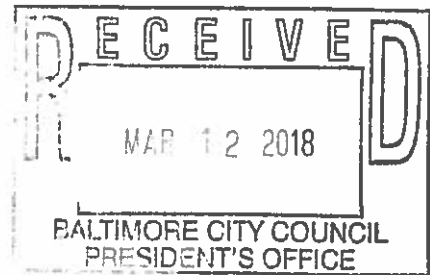
WE HEREBY CERTIFY, that the annexed advertisement of Order No 5488973

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 07, 2018

The Baltimore Sun Media Group

By S. Wilkinson

Subscribed and sworn to before me this 7 day of Legal Advertising

By Michele Elaine

Notary Public

My commission expires 10/5/19



BALTIMORE CITY COUNCIL
PUBLIC HEARING ON
BILL NO. 17-0107
The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, April 11, 2018 at 1:05 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 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 5-207(a) and Table 10-301 (C-1) 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

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 ZONING -
CONDITIONAL USE

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

Bill: City Council Bill No. 17-0107

Date: Wednesday, April 11, 2018

Time: 1:05 p.m.

Place: City Council Chambers, 4th 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 § 5-602- Major Variances; and/or Conditional Uses and Article 32. Zoning § 5-603 - Minor Variances (please reference pages 129-131):**

<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.

Wording for Sign

The information that must be advertised and posted 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, 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) ARE AS FOLLOWS, THE SIGN(S) MUST BE POSTED ON THE PROPERTY OR PROPERTIES **BY WEDNESDAY, MARCH 21, 2018**, AS OUTLINED ON THE PREVIOUS PAGE.

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 17-0107

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, April 11, 2018 at 1:05 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 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)

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

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

EDWARD REISINGER

Chair

SEND CERTIFICATION OF PUBLICATION TO:

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

SEND BILL FOR THIS ADVERTISEMENT TO:

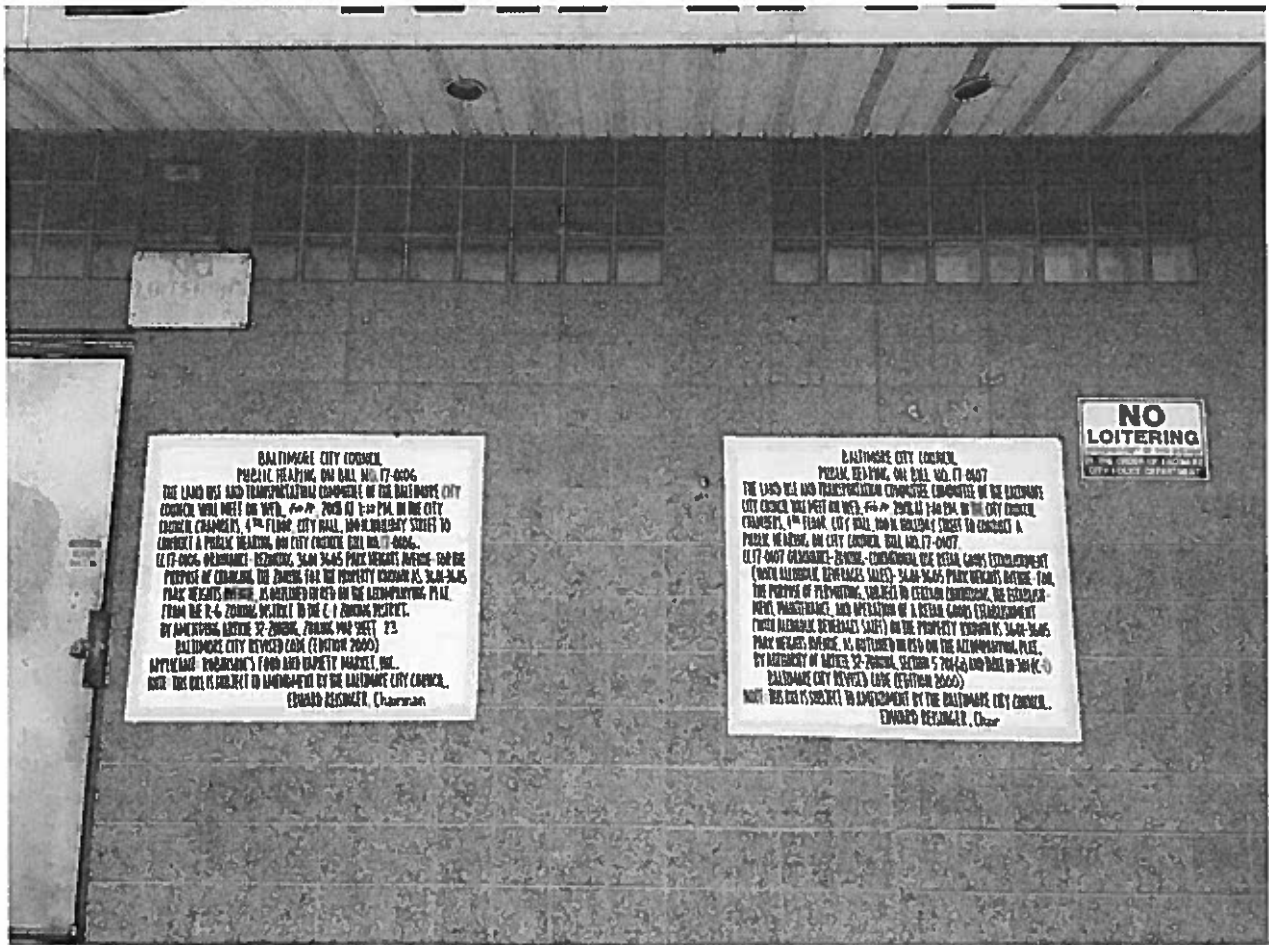
Kwan Lee
3601-3605 Park Heights Avenue
Baltimore, MD 21215
410-255-0343

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.



BALTIMORE CITY COUNCIL
PUBLIC HEARING ON CALL NO. 17-0106
THE LAND USE AND TRANSPORTATION COMMITTEE OF THE BALTIMORE CITY COUNCIL WILL MEET ON WED., JAN. 10, 2018 AT 5:00 PM IN THE CITY COUNCIL CHAMBERS, 4TH FLOOR, CITY HALL, 100 HOLLIDAY STREET TO CONDUCT A PUBLIC HEARING ON CITY COUNCIL BILL NO. 17-0106.
17-0106, ORDINANCE REGULATING 3601-3605 PARK HEIGHTS AVENUE FOR THE PURPOSE OF ESTABLISHING THE ZONING FOR THE PROPERTY KNOWN AS 3601-3605 PARK HEIGHTS AVENUE, AS APPLICABLE TO THE ZONING DISTRICT PLAT FROM THE R-6 ZONING DISTRICT TO THE C-1 ZONING DISTRICT.
BY AMENDMENT ARTICLE 32-2020B, PUBLIC PLAN SHEET 73.
BALTIMORE CITY REVISED ZONING (EFFECTIVE 2016)
APPLICABLE TO: ROBINSON'S FOOD AND MARKET MARKET, INC.
NOTE: THIS BILL IS SUBJECT TO AMENDMENT BY THE BALTIMORE CITY COUNCIL.
EDWARD DELAMATER, Chairman

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON CALL NO. 17-0107
THE LAND USE AND TRANSPORTATION COMMITTEE OF THE BALTIMORE CITY COUNCIL WILL MEET ON WED., JAN. 10, 2018 AT 5:00 PM IN THE CITY COUNCIL CHAMBERS, 4TH FLOOR, CITY HALL, 100 HOLLIDAY STREET TO CONDUCT A PUBLIC HEARING ON CITY COUNCIL BILL NO. 17-0107.
17-0107 ORDINANCE-201801- ESTABLISHING THE RETAIL CANNABIS ESTABLISHMENT (WITH ALLEGEDLY REVENUES SALES) 3601-3605 PARK HEIGHTS AVENUE FOR THE PURPOSE OF PERMITTING, SUBJECT TO CERTAIN CONDITIONS, THE ESTABLISHMENT, MAINTENANCE, AND OPERATION OF A RETAIL CANNABIS ESTABLISHMENT (WITH ALLEGEDLY REVENUES SALES) ON THE PROPERTY KNOWN AS 3601-3605 PARK HEIGHTS AVENUE, AS OUTLINED IN PD 1 ON THE ALTERNATIVE PLAN, BY AMENDMENT OF ARTICLE 32-2020B, SECTION 5 701(A) AND 701(B) (1).
BALTIMORE CITY REVISED ZONING (EFFECTIVE 2016)
NOTE: THIS BILL IS SUBJECT TO AMENDMENT BY THE BALTIMORE CITY COUNCIL.
EDWARD DELAMATER, Chair

NO LOITERING
VIOLATION IS A VIOLATION OF THE CITY OF BALTIMORE
CITY CODE ARTICLE 21-101

4842-4965-0266, v. 1

RECEIVED
JAN 16 2018
BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

Caroline L. Hecker
25 S. Charles St., 21st 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: INSTRUCTIONS FOR ADVERTISING A PUBLIC HEARING FOR ZONING -
CONDITIONAL USE

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

Bill: City Council Bill No. 17-0107
Date: Wednesday, February 14, 2018
Time: 1:15 p.m.
Place: City Council Chambers, 4th floor of City Hall, 100 N. Holliday Street.

At the expense of the applicant, notice of this public hearing:

- 1) must be posted by sign on the property involved, **21 days prior** to date of hearing. The sign is to be not less than 4 feet long and 3 feet wide with black lettering 2 inches high on a white back-ground. The sign is to be placed in a conspicuous manner not over 10 feet above the ground; and

Wording for Sign

The information that must be advertised and posted 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 on the property, 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) ARE AS FOLLOWS, A SIGN MUST BE POSTED ON THE PROPERTY **BY WEDNESDAY, JANUARY 24, 2018**, AS OUTLINED ON THE PREVIOUS PAGE.

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 17-0107

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, February 14, 2018 at 1:15 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. 17-0107.

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

SEND CERTIFICATION OF PUBLICATION TO:

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

SEND BILL FOR THIS ADVERTISEMENT TO:

Kwan Lee
3601-3605 Park Heights Avenue
Baltimore, MD 21215
410-255-0343

CERTIFICATE OF POSTING

RE: Case No. CCB 17-0107

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,

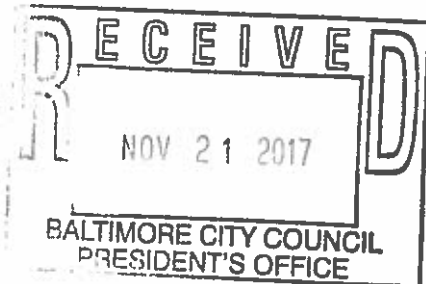
 11/13/17

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

(443) 243-7360

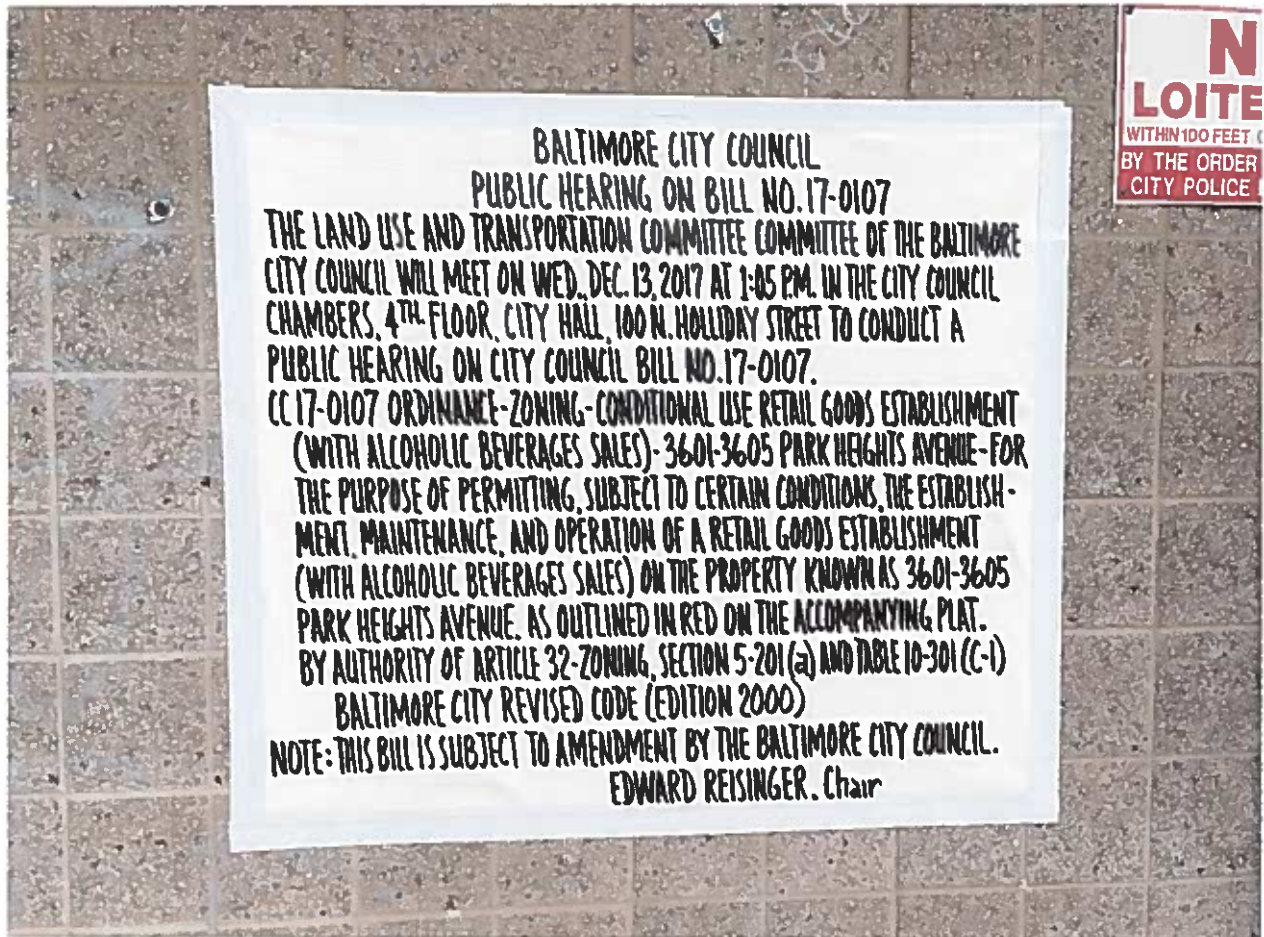


Certificate of Posting

Baltimore City Council

Land Use and Transportation Committee

City Council Bill No. 17-0107



**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. DEC. 13, 2017 AT 1:05 P.M. IN THE CITY COUNCIL CHAMBERS, 4TH FLOOR, CITY HALL, 100 N. HOLLIDAY STREET TO CONDUCT A PUBLIC HEARING ON CITY COUNCIL BILL NO. 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 11/13/17

 11/13/17

Richard E. Hoffman

904 Dellwood Drive

Fallston, Md. 21047

443-243-7360

TO: Kwan Lee, Robinson's Food and Variety Market, Inc.
FROM: Natawna B. Austin, Executive Secretary, Baltimore City Council
DATE: October 17, 2017
RE: INSTRUCTIONS FOR ADVERTISING A PUBLIC HEARING FOR ZONING -
CONDITIONAL USE

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

Bill: City Council Bill No. 17-0107

Date: Wednesday, November 15, 2017

Time: 1:00 p.m.

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

At the expense of the applicant, notice of this public hearing:

- 1) must be posted by sign on the property involved, **21 days prior** to date of hearing. The sign is to be not less than 4 feet long and 3 feet wide with black lettering 2 inches high on a white back-ground. The sign is to be placed in a conspicuous manner not over 10 feet above the ground; and

Wording for Sign

The information that must be advertised and posted 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 on the property, 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) ARE AS FOLLOWS, A SIGN MUST BE POSTED ON THE PROPERTY **BY WEDNESDAY, OCTOBER 25, 2017**, AS OUTLINED ON THE PREVIOUS PAGE.

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 17-0107

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, November 15, 2017 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. 17-0107.

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

SEND CERTIFICATION OF PUBLICATION TO:

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

SEND BILL FOR THIS ADVERTISEMENT TO:

Kwan Lee
3601-3605 Park Heights Avenue
Baltimore, MD 21215
410-255-0343

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #17-0107 / Zoning – Conditional Use Retail Goods Establishment (with Alcoholic Beverages Sales) – 3601-3605 Park Heights Avenue		

DATE:

September 29, 2017

TO

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

At its regular meeting September 28, 2017, the Planning Commission considered City Council Bill #17-0107, 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.

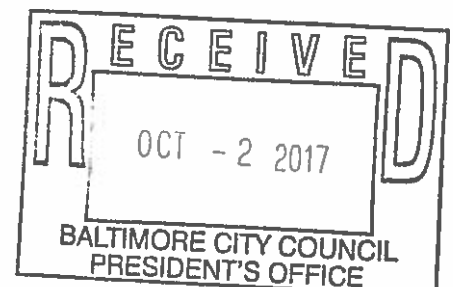
In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #17-0107. Three members voted to approve the bill and three members voted to disapprove the bill. The Planning Commission therefore is unable to recommend approval or disapproval of City Council Bill #17-0107.

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 #17-0107/ 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.

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 new 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 (§§ 6-206 through 6-209 of the former Code).

The Board of Zoning Appeals, in approving appeal no. 374-80X, noted that the liquor store: package goods license had been approved by the Liquor Board in June 1971, and thus ratified creating this nonconforming use in a B-1 zoning district that had actually included this property from April 1971 onward.

CONFORMITY TO PLANS

The proposed use does not support the goals, objectives and strategies contained in the Comprehensive Master Plan for the City of Baltimore. With respect to community character, the structure of which this property is a part is a group of houses, part of a community defined by its row-housing and semi-detached housing and the residents as residential. Use of the property in part as a liquor store (or to use the new terminology of the new Zoning Code (Article 32), a retail goods establishment with alcoholic beverages sales) makes it a site of an "alcohol outlet". One of the goals of the comprehensive rezoning process was reduction of nonconforming-alcohol outlets, particularly those in Residential zoning districts. Even if the C-1 zoning proposed separately for this location is adopted, the Park Heights Urban Renewal Plan still places this property in a land use category that excludes alcoholic beverages sales by either liquor stores (as takeout package goods) or taverns (as either takeout package goods sold over the bar, or alcoholic beverages consumed on premises).

ANALYSIS

Background: The owner intends to continue to use the property as it has been used since 1971, whether the use is considered nonconforming or not. Requested approval of conditional use as a retail goods establishment with alcoholic beverages sales is contingent upon prior enactment of City Council Bill 17-0106, which would rezone this property from the R-6 Rowhouse and Multi-Family Residential Zoning District to the C-1 Neighborhood Business Zoning District.

Conditional Use: Per §5-406 {"Approval standards"} of Article 32 – Zoning:

(a) *Limited criteria for denying.*

Neither the Board of Municipal and Zoning Appeals, nor the City Council, as the case may be, may approve a conditional use unless, after public notice and hearing and on consideration of the standards required by this subtitle, it finds that:

- (1) the establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental to or endanger the public health, safety, or welfare;
- (2) the use would not be precluded by any other law, including an applicable Urban Renewal Plan;
- (3) the authorization would not be contrary to the public interest; and
- (4) the authorization would be in harmony with the purpose and intent of this Code.

Below is the staff's review of §5-406(b) {"Required considerations"} of Article 32 – Zoning:

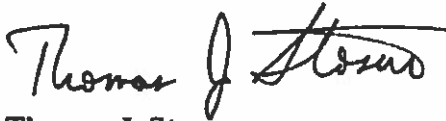
The establishment, location, maintenance and operation of the conditional use would merely continue for an indefinite period of time an existing nonconforming use. During the lengthy process of community involvement and official review of the new Zoning Code (Article 32) when it was in its development stage, a consensus was reached across Baltimore communities that continuation of nonconforming alcoholic beverages sales establishments, particularly those that had been nonconforming since 1971 (as this property had), was inimical to neighborhood revival and revitalization and therefore a definite period of time had to be designated, after which those establishments could continue as retail goods establishments without alcoholic beverages sales. Properties such as the one that is the subject of this bill would be able to continue their operations as a new land use, a Neighborhood Commercial Establishment. This concept was endorsed by the Planning Commission and adopted by the Mayor and City Council, and became effective on June 5th of this year.

To the extent that the Park Heights community and its elected officials agreed on this concept in designating this property as one on which a Neighborhood Commercial Establishment could be a reasonable land use, while continuation of a package goods liquor store would continue to be associated with neighborhood problems associated with this location, this bill does not meet the first required finding cited above.

This particular use is precluded by the Park Heights Urban Renewal Plan's Land Use provisions that designate this property as "Neighborhood Business" and then stipulate that allowed uses are limited to those permitted or conditional under the erstwhile B-1 zoning category, a category which prohibited both liquor stores: package goods, and taverns, both types of land use being alcoholic beverages sales land uses. Therefore, staff find that the proposed conditional use (Retail Goods Establishment, with Alcoholic Beverages Sales) is inconsistent with the applicable Urban Renewal Plan, and therefore does not meet the second required finding cited above.

Similarly, Planning staff could not determine that the proposed conditional use would not be contrary to the public interest, given the very recent expression of that interest in the new Zoning Code and associated zoning maps adopted recently and effective just three months ago. Likewise, as the Zoning Code provides for continuing commercial use of the property, the proposed action is not readily recognizable as in harmony with the purpose and intent of the Code, including "to promote and protect public health, welfare, and quality of life for current and future generations".

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

January 2, 2018

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

**RE: CC Ord.17-0107: Zoning – Conditional Use Retail Goods
Establishment (with alcoholic beverage sales) – 3601-3605 Park
Heights Avenue**

Ladies and Gentlemen:

City Council Bill No. 17-0107 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. 17-0107 is to permit, subject to certain conditions, the establishment, maintenance, and operation of a retail goods establishment with alcoholic beverage sales on the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat.

After review of the legislation and in consideration of the lack of a report from the Planning Commission the BMZA defers to the Planning Department's Staff Report and the expertise of the Planning Department in recommending disapproval of Bill No. 17-0107.

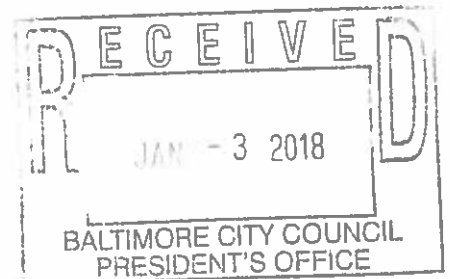
Sincerely,


David C. Tanner
Executive Director

DCT/djb

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

VF



F R O M	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE M E M O	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0107		

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 17-0107- 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.

DOT supports this bill and respectfully requests a favorable report.

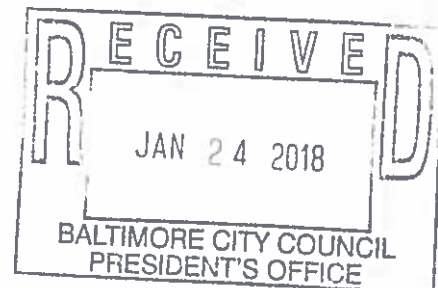
Respectfully,



Michelle Pourciau
Director

MP/lw

Cc: Kyron Banks, Mayor's Office

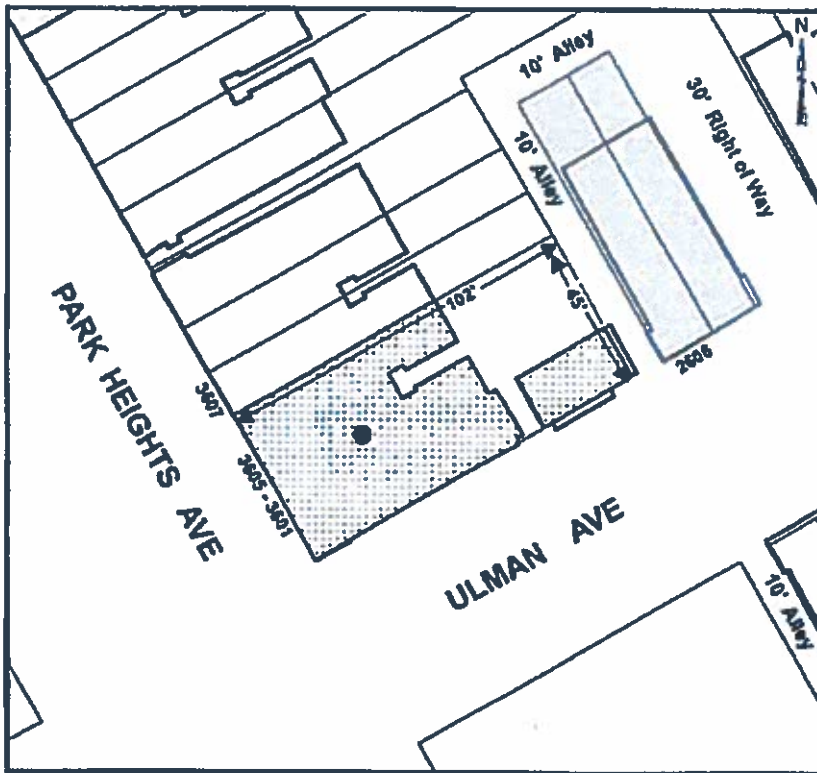


7

**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 Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales), As Outlined In Red Above. The Applicant Has Requested, By A Separate Ordinance, That The Property Be Rezoned From The R-6 Zoning District To The C-1 Zoning District.

WARD 15 SECTION 32
BLOCK 3327A LOT 1

MAYOR

PRESIDENT CITY COUNCIL

RPE 5-22-17

17-0007

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 17-0107 Zoning – Conditional Use Retail Goods Establishment
(with Alcoholic Beverage Sales) 3601–3605 Park Heights Avenue

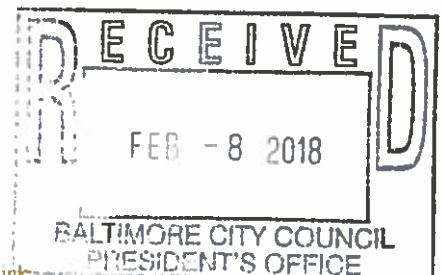
Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0107 for form and legal sufficiency. If enacted, the bill would grant permission for the establishment, maintenance and operation of a retail goods establishment (with alcoholic beverage sales) at 3601-3605 Park Heights Avenue, which is in the R-6 Zoning District. Such a use is not permitted in R-6, either by right or by this type of conditional use ordinance. Baltimore City Code, Art. 32, Tbl. 9-301. Even if the property could be legally rezoned to a district in which that use is not amortized, the use would remain non-conforming in that district and a conditional use would not be required. Baltimore City Code, Art. 32, §18-202(a); *accord Purich v. Draper Properties, Inc.*, 395 Md. 694, 708 (2006).

As the Mayor and City Council just zoned this property R-6 effective June 5, 2016 and there has been no showing of a substantial change in the neighborhood or of a mistake of fact in the selection of R-6, this property cannot legally be rezoned. Md. Code, Land Use, §10-304(b)(2); Baltimore City Code, Art. 32, §5-508(b)(1); *see also* Law Department's report on City Council Bill 17-0106, issued February 7, 2018. Even if the property could be rezoned and this ordinance enacted, Section 5-407 of Article 32 of the Baltimore City Code would void the conditional use a year after it is granted because no permit would be obtained for the use.

If the bill were enacted, any conditions it seeks to impose on the use of the property as a Retail Goods Establishment (with Alcoholic Beverage Sales) would be unenforceable. In other words, any conditions that are not land use conditions or that conflict with state law, including matters lying properly within the purview of the Liquor Board, would not be enforceable as part of a conditional use ordinance and therefore should never be in a conditional use ordinance. *See, e.g., Worton Creek Marina, LLC v. Claggett*, 381 Md. 499, 512-513 (2004); *Northwest Merchants Terminal v. O'Rourke*, 191 Md. 171 (1948).

UF



For the reasons set forth, the Law Department is unable to approve this 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
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Hilary Ruley, Chief 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 

Date: November 22, 2017

Re: **City Council Bill 17-0107 – Zoning – Conditional Use Retail Goods Establishments (With Alcoholic Beverages Sales) – 3601-3605 Park Heights Avenue**

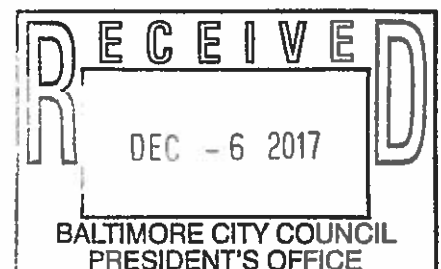
The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0107 for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a retail goods establishment (with alcoholic beverages sales) on the property known as 3601-3605 Park Heights Avenue.

If enacted, this bill, and the passage of companion City Council Bill 17-0106 (*Rezoning – 3601-3605 Park Heights Avenue*) would allow the continued operation of a liquor store in a mostly residential historic Park Heights neighborhood. The property at 3601-3605 Park Heights Avenue 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 the area, including residential property on both sides of the 3600 block, as well as 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 change is not in the public's interest because the operation of a liquor store does not support the on-going revitalization efforts of the Park Heights neighborhood and the intent of the Zoning Code, which is "to promote and protect public health, welfare, and quality of life for current and future generations". HCD does not support the passage of City Council Bill 17-0107.

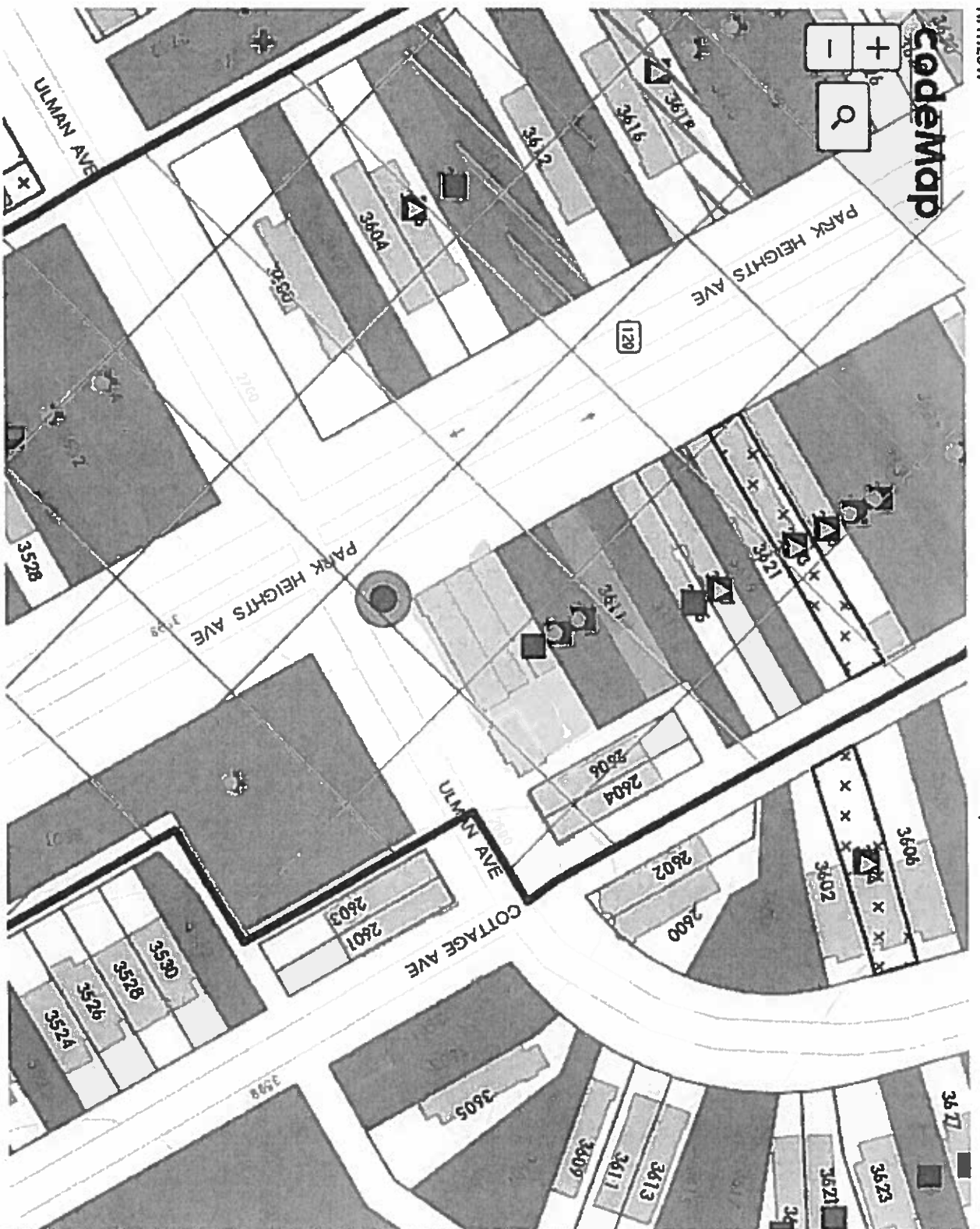
MB:sd

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



Does not support

CodeMap



Imagery

Contents

- Focus Areas
- Funded De
- Funded Dei
- Comm De
- Major Rede
- Major R
- People
- Streamline
- CE Internal
- Demolition
- Planning
- Phas
- Phas
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- Utility



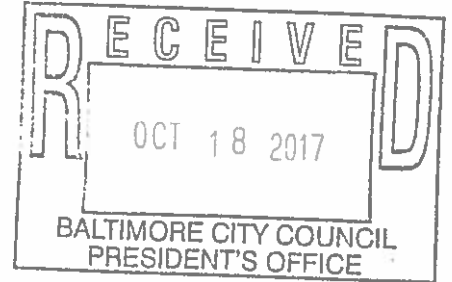
MEMORANDUM

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

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

DATE: October 5, 2017

SUBJECT: City Council Bill No. 17-0107
Zoning - Conditional Use Retail Goods Establishment (With Alcoholic Beverage Sales) - 3601-3605 Park Heights Avenue



The Baltimore Development Corporation (BDC) has been asked to comment on Council Bill 17-0107, Zoning-Conditional Use Retail Goods Establishment (With Alcoholic Beverage 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 beverage sales) on the property known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat.

The conditional use, along with an accompanying rezoning request (City Council bill No. 17-0106) has been requested to allow for the continued operation 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 17-0107 to the Planning and Law Departments.

cc: Kyron Banks

Defers to Planning? Law

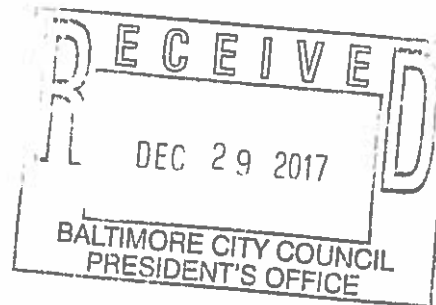
FROM	NAME & TITLE	Niles R. Ford, PhD, Chief of Fire Department <i>NRF</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Baltimore City Fire Department 401 East Fayette St. _21202		
	SUBJECT	City Council Bill #17-0107 Response to Zoning- Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales) - 3601-3605 Park Heights Avenue		

DATE: August 15, 2017

TO The Honorable Bernard C. Young, President
 And All Members of the Baltimore City Council
 City Hall, Room 408

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.

The Fire Department does not object to City Council Bill 17-0107 provided that all applicable sections of the Fire and Building codes are adhered. This may include a requirement for plans to be submitted to the Fire Department, an annual fire inspection, permit, automatic sprinkler system and fire alarm system.



No obj

TRANSMITTAL MEMO

TO: Council President Bernard "Jack" Young
FROM: Peter Little, Executive Director
DATE: August 10, 2017
RE: Council Bill 17-0107

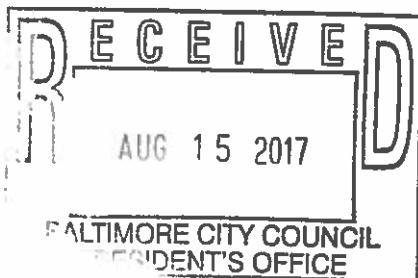


I am herein reporting on City Council Bill 17-0107 introduced by the Councilmember Middleton at the request of Robinson's Food and Variety Market, Inc.

The purpose of this bill is to establish, maintain, and operate a retail goods store with alcoholic beverage sales on the property located at Ward 15, Section 32, Block 3327A, Lot 1 as submitted by the applicant.

The Parking Authority has reviewed this bill and is aware that a rezoning (from R-6 to C-1) has been requested with City Council Bill 17-0106 for the subject property to allow the existing business to continue. Properties within the C-1 district are allowed to have retail goods stores and do not have an off-street parking requirement as referenced in §16-601(b) of the Zoning Ordinance. Provided the City Council approves City Council Bill 17-0106, the site will not be required to have off-street parking. The subject site does not contain any off-street parking. This site is not located on a block where the Parking Authority administers any on-street parking program.

Based on the comments above, the Parking Authority of Baltimore City does not oppose the passage of City Council Bill 17-0107.



Not opposed

City of Baltimore

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

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, April 11, 2018

1:05 PM

Du Burns Council Chamber, 4th floor, City Hall

17-0107

CALL TO ORDER

INTRODUCTIONS

ROLL CALL

ITEMS SCHEDULED FOR PUBLIC HEARING

17-0107

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.

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

1:05 PM

Clarence "Du" Burns Council Chambers

City Council Bill # 17-0107

Zoning - Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales) - 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

EXECUTIVE APPOINTMENTS

Robert Stokes – Chair
Kristerfer Burnett – Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac “Yitzy” Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS

John Bullock – Chair
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)



BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 17-0107

**Zoning - Conditional Use Retail Goods Establishment
(With Alcoholic Beverages Sales) – 3601-3605 Park Heights Avenue**

Sponsor: Councilmember Middleton

Introduced: July 17, 2017

Purpose:

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.

Effective: 30th day after enactment

Hearing Date/Time/Location: April 11, 2018 /1:05 p.m./Clarence "Du" Burns Chambers

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
Fire Department	No Objection
Parking Authority of Baltimore City	Not Opposed
Health Department	

Analysis

Current Law

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

Background

The property at 3601 – 3605 Park Heights Avenue lies within a predominantly residential area which has been designated as the Park Heights National Register Historic District. 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 of the site, on Violet Avenue, is a multi-story federally-subsidized multi-family development. A playground is located across the street on the southeast corner of Park Heights and Ulman Avenues.

The site is currently 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.

CC Bill 17-0107, if approved, would permit the establishment, maintenance and operation of a retail goods establishment (with alcoholic beverages sales) on the property known as 3601 – 3605 Park Heights Avenue.

The current R-6 zoning for the property does not allow liquor stores, because liquor stores are not among the Neighborhood Commercial Establishments allowed as conditional uses under Article 32, the TransForm Baltimore zoning code. 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.

There is a companion bill, *Bill 17-0106 Rezoning - 3601-3605 Park Heights Avenue*, which proposes to change the zoning for the property from the R-6 Zoning District to the C-1 Zoning District in order to allow the property to be used as a retail goods establishment with alcoholic beverage sales.

Article 32 describes a conditional use retail goods establishment – with alcoholic beverage sales as follows:

§14-336 . Retail goods establishments – With alcoholic beverage sales

(a) License required

A Retail goods establishment with alcoholic beverage sales must have a Class A or Class A-2 License from the Baltimore City Board of Liquor License Commissioners.

(b) The establishment may not be detrimental to or endanger the public health, safety, and welfare.

(c) Distance from others

(1) Except as otherwise provided in this subsection a retail goods establishment with alcoholic beverage sales must be located at least 300 feet from any other existing retail goods establishment with alcoholic beverage sales.


(2) This spacing requirement does not apply in the C-5, C-1-E , and PC Districts

(3) The Board of Municipal and Zoning Appeals may waive this spacing standard during the conditional use process if the applicant can show that there will be no negative impact to public health, safety and welfare.

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency reports

Analysis by: Jennifer L. Coates 
Analysis Date: April 6, 2018

Direct Inquiries to: (410) 396-1260

**CITY OF BALTIMORE
COUNCIL BILL 17-0107
(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: 410-255-0343

Introduced and read first time: July 17, 2017

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Fire Department, ~~Department of Public Works~~, Department of Transportation, Baltimore City Parking Authority Board, Health Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Retail Goods Establishment (With Alcoholic**
3 **Beverages Sales) – 3601-3605 Park Heights Avenue**

4 FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and
5 operation of a retail goods establishment (with alcoholic beverages sales) on the property
6 known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat.

7 BY authority of

8 Article 32 - Zoning

9 Section 5-201(a) and Table 10-301 (C-1)

10 Baltimore City Revised Code

11 (Edition 2000)

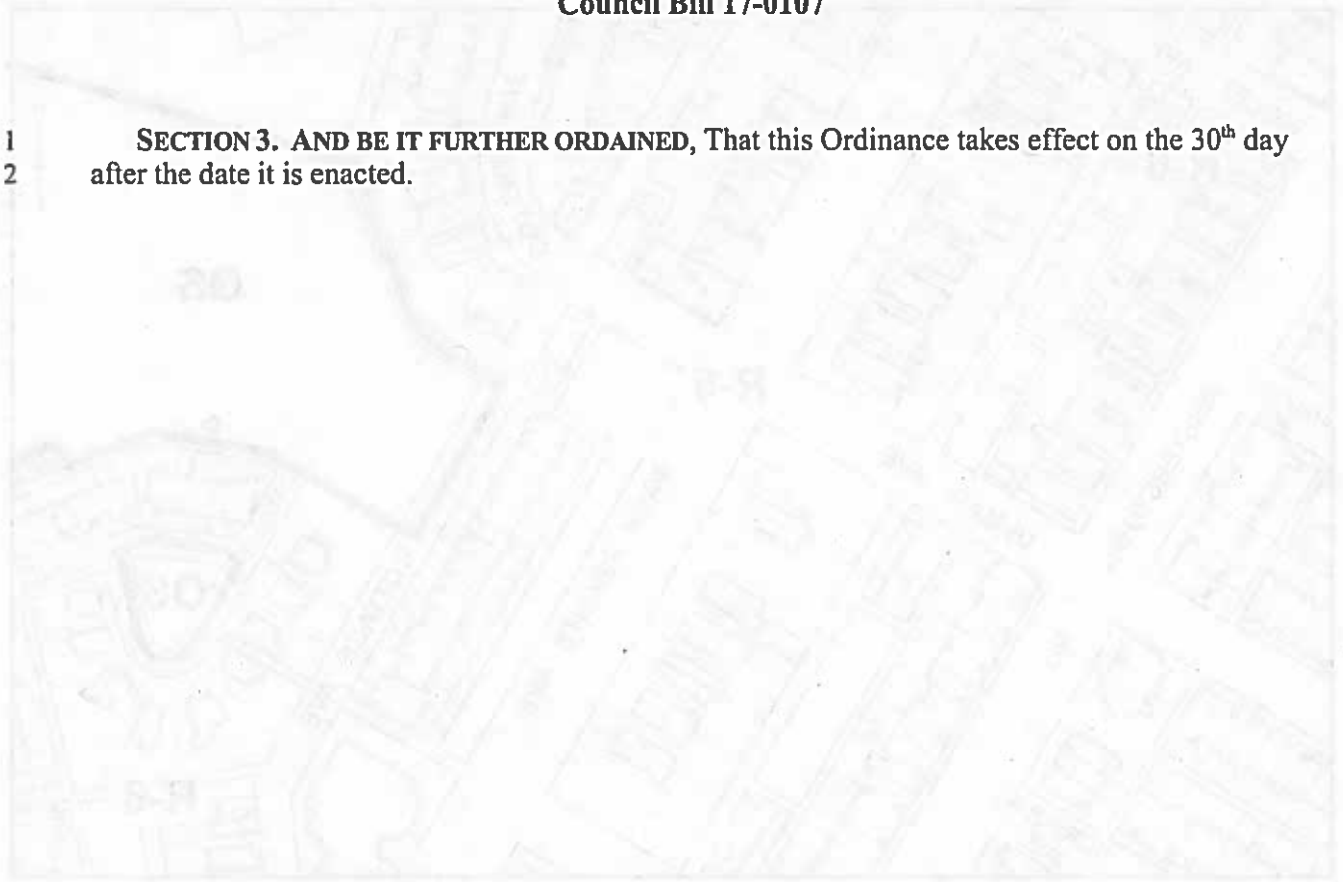
12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 permission is granted for the establishment, maintenance, and operation of a retail goods
14 establishment (with alcoholic beverages sales) on the property known as 3601-3605 Park Heights
15 Avenue, as outlined in red on the plat accompanying this Ordinance, in accordance with
16 Baltimore City Zoning Code § 5-201(a) and Table 10-301 (C-1), subject to the condition that the
17 retail goods establishment (with alcoholic beverages sales) complies with all applicable federal,
18 state, and local licensing and certification requirements.

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

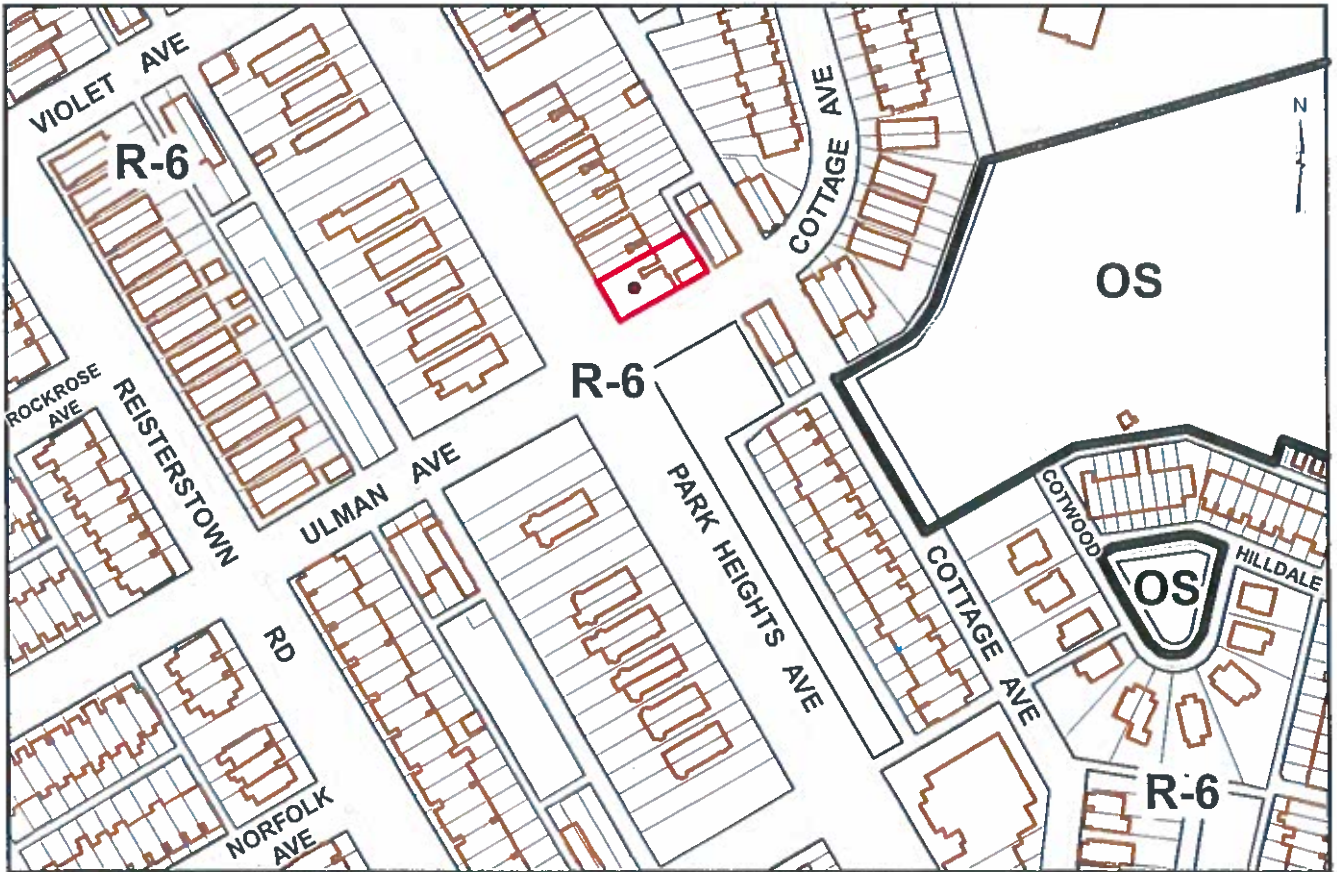
EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 17-0107

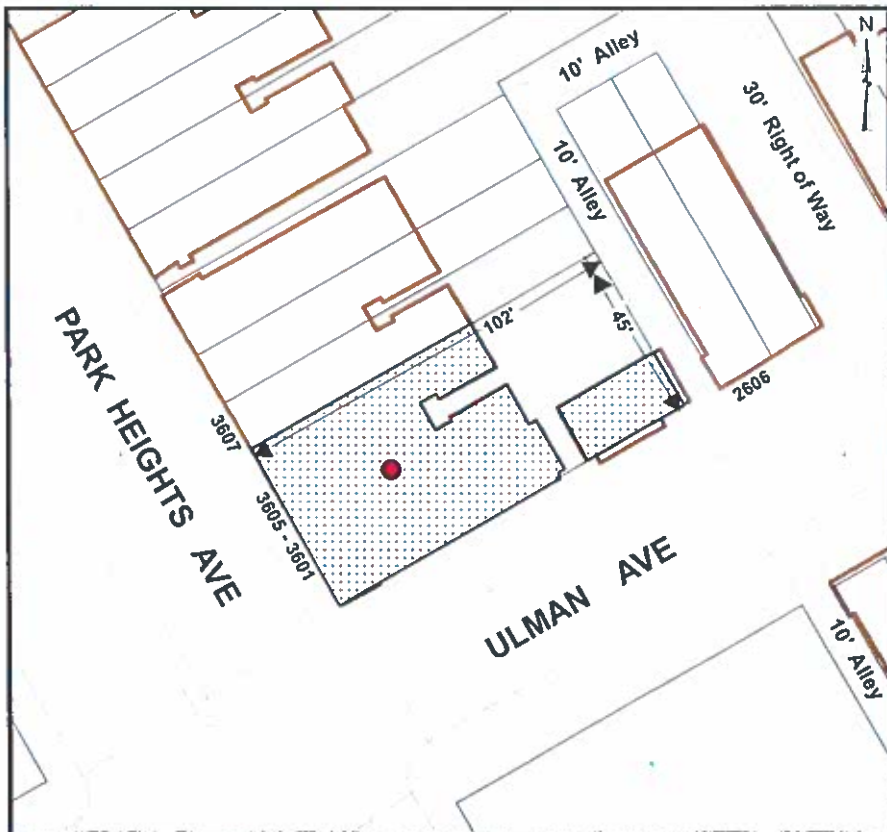
1 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
2 after the date it is enacted.



**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 Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales), As Outlined In Red Above. The Applicant Has Requested, By A Separate Ordinance, That The Property Be Rezoned From The R-6 Zoning District To The C-1 Zoning District.

WARD 15 SECTION 32

BLOCK 3327A LOT 1

MAYOR

PRESIDENT CITY COUNCIL

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



Rosenberg
Martin
Greenberg^{LLP}

MEMORANDUM

TO: LAND USE & TRANSPORTATION COMMITTEE,
BALTIMORE CITY COUNCIL

FROM: CAROLINE L. HECKER
STANLEY S. FINE

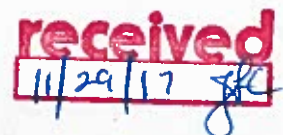
CC: PAUL KWAN-YOUNG LEE

RE: CCB # 17-0107 – ZONING – CONDITIONAL USE RETAIL GOODS
ESTABLISHMENT (WITH ALCOHOLIC BEVERAGES SALES)
PROPOSED FINDINGS OF FACT

DATE: NOVEMBER 21, 2017

The City Council should approve the conditional use of 3601-05 Park Heights Ave. (the "Property") as a retail goods establishment (with alcoholic beverages sales) based on the following findings of fact under Article 32, § 5-406(a):

- (1) **The establishment, location, construction, maintenance, or operation of the conditional use would not be detrimental or endanger the public health, safety or welfare;**
 - a. The continued operation of a retail goods establishment (with alcoholic beverages sales) at this location will not be detrimental to or endanger the public health, safety or welfare, as demonstrated by the fact that a retail goods establishment (with alcoholic beverages sales) has existed at this location for nearly a century without negative consequences or impacts. The current owner of the Property is a respected member of the community who provides an important service to residents of the area, many of whom do not drive. In particular, there are several senior housing buildings located in close proximity to the site whose residents rely upon the services provided at this location, 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 continued operation of the retail goods establishment (with alcoholic beverages sales) at this location is in the public interest.
- (2) **The use would not be precluded by any other law, including an applicable Urban Renewal Plan;**





10/10/2020

- a. The Park Heights Urban Renewal Plan designates this property for “Neighborhood Business” uses consistent with those permitted in the former B-1 Zoning District. Although a package goods store was not permitted by right in the B-1 Zoning District, the existing package goods store was a lawfully established nonconforming use, which is permitted to continue pursuant to Section A.12 of the Plan.

(3) The authorization would not be contrary to the public interest; and

- a. The authorization of the conditional use is in the public interest as demonstrated by the overwhelming community support for the application.

(4) The authorization would be in harmony with the purpose and intent of this Code.

- a. The authorization is in harmony with the purposes of the Code set forth in Art. 32, §§ 2-101(2) (“to promote and protect public health, welfare, and quality of life for current and future generations”) and 2-101(6) (“to preserve and enhance the value of structures, communities, and neighborhoods”). The existing retail goods establishment (with alcoholic beverages sales) is supported by the local community associations because it provides goods and services that are otherwise unavailable in the community. The existence of the use at this location enhances the community and is consistent with the public welfare.

In addition, the Council must consider the following factors under § 5-406(b), where appropriate:

- (1) The nature of the propose site, including its size and shape and the proposed size, shape, and arrangement of structures;
 - a. The proposed site is improved with commercial structures that have been in place since the early 20th century. No additional construction is proposed. Note, however, that an amendment is proposed to limit the portion of the Property authorized for the sale of alcoholic beverages to that portion of the Property formerly known as 3601 Park Heights Avenue for consistency with the 1980 Zoning Board approval under which the Property has operated.
- (2) The resulting traffic patterns and adequacy of proposed off-street parking and loading;
 - a. The site provides no off-street parking; however, there is ample parking available on adjacent streets. In addition, many customers are residents of the local community association who walk to this location. The proposed use will not have an impact on traffic patterns, as it is already existing.
- (3) The nature of the surrounding area and the extent to which the proposed use might impair its present and future development;
 - a. The surrounding area is largely residential, although there are many vacant structures in the immediate vicinity. As the proposed use already exists on this site, it is not anticipated to impair the present or future development of the area.

- (4) The proximity of dwellings, churches, schools, public structures, and other places of public gathering;
- a. The proximity of dwellings is one of the reasons the existing store has been so successful. Many residents in the area do not drive and, without this store, they would not have access to a grocery store within walking distance.
- (5) Accessibility of the premises for emergency vehicles;
- a. The Property is located at the intersection of Park Heights Avenue and Ulman Avenue, and has adequate access for emergency vehicles.
- (6) Accessibility of light and air to the premises and to the property in the vicinity;
- a. As no new construction is proposed, the proposed use of the Property will have no impact on accessibility of light and air to this Property or to other property in the vicinity.
- (7) The type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;
- a. The use is existing and is served by adequate utilities, roads, drainage and other facilities.
- (8) The preservation of cultural and historic landmarks and structures;
- a. Not applicable.
- (9) The character of the neighborhood;
- a. The neighborhood is largely residential in nature. As a result, this use serves a need in the community by providing goods and services that would otherwise be unavailable.
- (10) The provisions of the City's Comprehensive Master Plan;
- a. The proposed use 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. The retail use at this location serves local residents and provides an amenity to the neighborhood.
- (11) The provisions of any applicable Urban Renewal Plan.
- a. The use is consistent with the Park Heights Urban Renewal Plan, which designates this property for "Neighborhood Business" uses consistent with those permitted in the former B-1 Zoning District. Although a package goods store was not permitted by right in the B-1 Zoning District, the existing package

goods store was a lawfully established nonconforming use, which is permitted to continue pursuant to Section A.12 of the Plan

- (12) All applicable standards and requirements of this Code;
 - a. The use is consistent with the standards and requirements of § 14-336, which governs retail goods establishments (with alcoholic beverages sales).
- (13) The intent and purpose of this Code; and
 - a. The authorization is in harmony with the purposes of the Code set forth in Art. 32, §§ 2-101(2) (“to promote and protect public health, welfare, and quality of life for current and future generations”) and 2-101(6) (“to preserve and enhance the value of structures, communities, and neighborhoods”). The existing retail goods establishment (with alcoholic beverages sales) is supported by the local community associations because it provides goods and services that are otherwise unavailable in the community. The existence of the use at this location enhances the community and is consistent with the public welfare.
- (14) Any other matters considered to be in the interest of the general welfare
 - a. The proposed use is supported by the local community.

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



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

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 Plymou



"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
Web site:
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
240-463-0195

received
11-13-17

Paul Plymouth

**CITY OF BALTIMORE
COUNCIL BILL 17-0107
(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: 410-255-0343

Introduced and read first time: July 17, 2017

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning

Appeals, Planning Commission, Department of Housing and Community Development,

Baltimore Development Corporation, Fire Department

Department of Transportation, Baltimore City Parking Authority Board, Health Department

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use Retail Goods Establishment (With Alcoholic**
3 **Beverages Sales) – 3601-3605 Park Heights Avenue**

4 FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and
5 operation of a retail goods establishment (with alcoholic beverages sales) on the property
6 known as 3601-3605 Park Heights Avenue, as outlined in red on the accompanying plat.

7 BY authority of

8 Article 32 - Zoning

9 Section 5-201(a) and Table 10-301 (C-1)

10 Baltimore City Revised Code

11 (Edition 2000)

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21 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
22 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
23 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
24 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
25 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
26 the Zoning Administrator.

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

Council Bill 17-0107

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

INTRODUCTORY*
CITY OF BALTIMORE
COUNCIL BILL _____

APPROVED FOR FORM STYLE, AND TENTIAL SUFFIENCY
6-23-17
DEPT LEGISLATIVE REFERENCE

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: 410-255-0343

A BILL ENTITLED

AN ORDINANCE concerning

**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)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That permission is granted for 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 plat accompanying this Ordinance, in accordance with Baltimore City Zoning Code § 5-201(a) and Table 10-301 (C-1), subject to the condition that the retail goods establishment (with alcoholic beverages sales) complies with all applicable federal, state, and local licensing and certification requirements.

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

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

* 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: _____

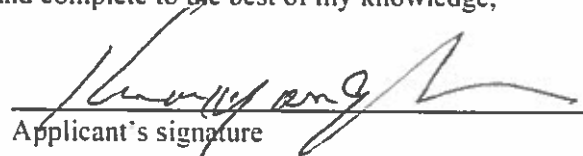
7. Agency:

(a) The applicant is _____ is not x acting as an agent for another.

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

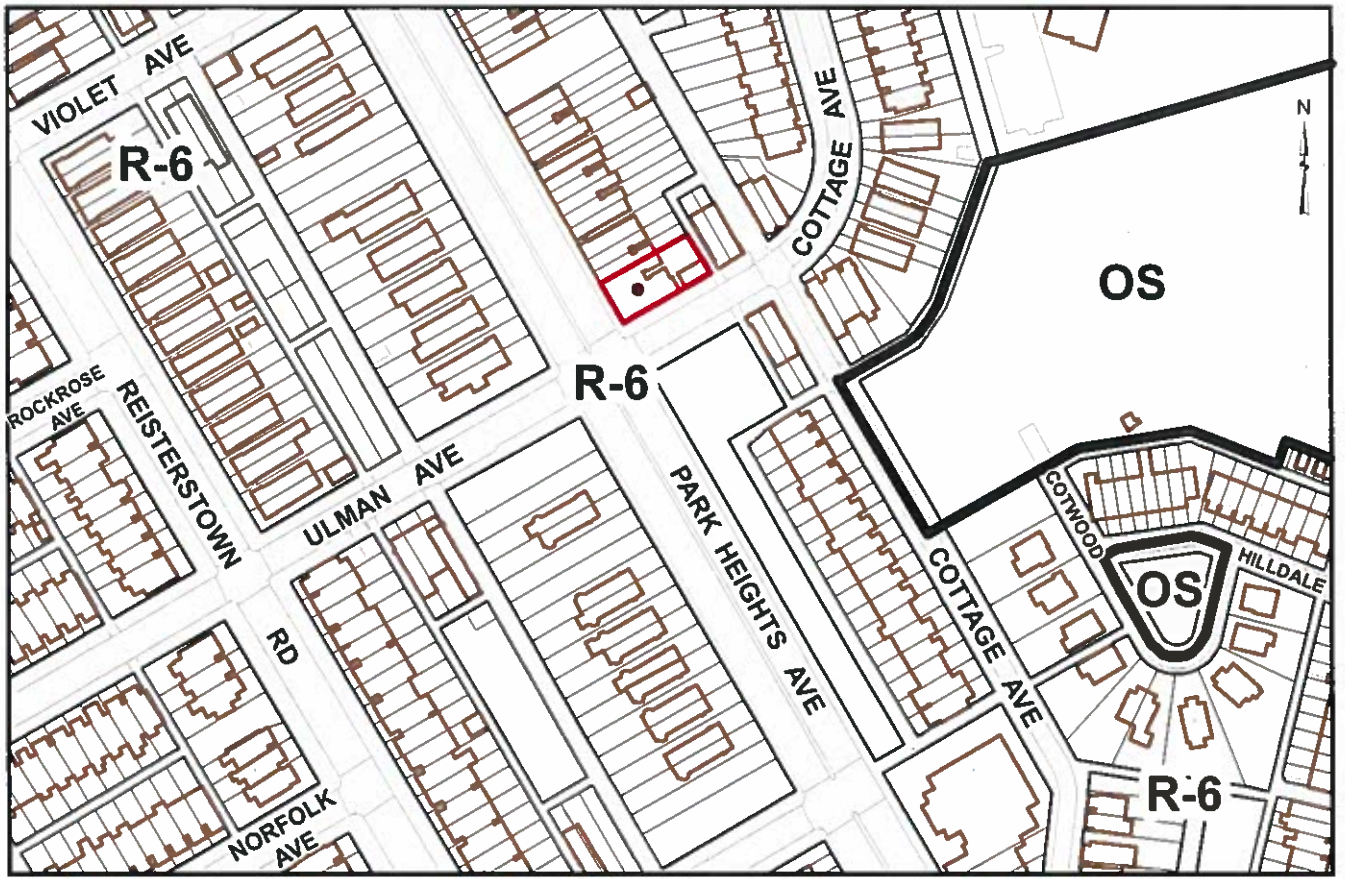
AFFIDAVIT

I, 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 Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales), As Outlined In Red Above. The Applicant Has Requested, By A Separate Ordinance, That The Property Be Rezoned From The R-6 Zoning District To The C-1 Zoning District.

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 _____ 20 _____

COMMITTEE REPORT AS OF _____ 20 _____

_____ FAVORABLE _____ UNFAVORABLE _____ FAVORABLE AS AMENDED _____ WITHOUT RECOMMENDATION

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:

_____ 20 _____

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

THIRD READING _____ 20 _____

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

THIRD READING (ENROLLED) _____ 20 _____

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

THIRD READING (RE-ENROLLED) _____ 20 _____

WITHDRAWAL _____ 20 _____

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

President

Chief Clerk