

Introduced by: Councilmember Sneed *Stokes, Jany*

At the request of: The Land of Kush, Inc.

Address: c/o Jason Whittington, 7464 New Ridge Road, Hanover, Maryland 21076

Telephone: 1-410-642-4836

Prepared by: Department of Legislative Reference

Date: January 28, 2019

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

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

CITY COUNCIL 19 - 0333

A BILL ENTITLED

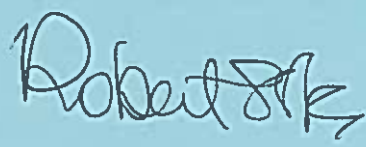
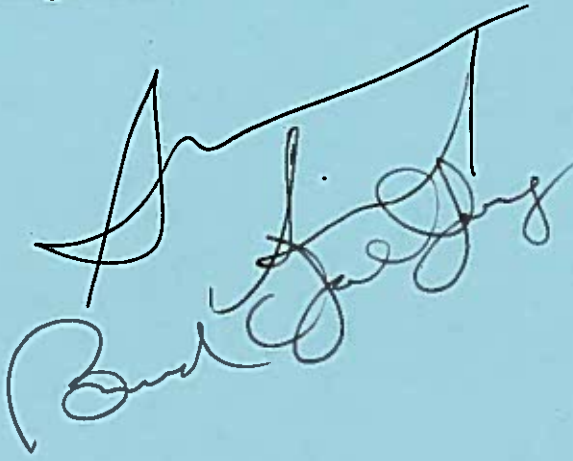
AN ORDINANCE concerning

**Rezoning – 801-803 North Chester Street**

FOR the purpose of changing the zoning for the properties known as 801-803 North Chester Street (Block 1605, Lots 001 and 002), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

BY amending

Article 32 - Zoning  
Zoning District Map  
Sheet 47  
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**

- |   |  |
|---|--|
| <input 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 checked="" type="checkbox"/> City Solicitor                                  | <input checked="" type="checkbox"/> Department of Recreation and Parks |
| <input type="checkbox"/> Comptroller's Office                                       | <input 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:  |
| <input type="checkbox"/> Board of Estimates   | <input type="checkbox"/> Environmental Control Board                   |
| <input checked="" 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:  |
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**Boards and Commissions**

- |  |   |
|--|---|
| <input type="checkbox"/> Board of Estimates                                  | <input type="checkbox"/> Environmental Control Board                |
| <input checked="" 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                            |
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| <input type="checkbox"/> Other:  | <input type="checkbox"/> Other:                                     |



CITY OF BALTIMORE  
ORDINANCE **19.280**  
Council Bill 19-0333

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Introduced by: Councilmembers Sneed, Stokes, President Young

At the request of: The Land of Kush, Inc.

Address: c/o Jason Whittington, 7464 New Ridge Road, Hanover, Maryland 21076

Telephone: 1-410-642-4836

Introduced and read first time: February 4, 2019

Assigned to: Land Use and Transportation Committee

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Committee Report: Favorable

Council action: Adopted

Read second time: June 17, 2019

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**AN ORDINANCE CONCERNING**

**Rezoning – 801-803 North Chester Street**

1  
2 FOR the purpose of changing the zoning for the properties known as 801-803 North Chester  
3 Street (Block 1605, Lots 0091 and 002), as outlined in red on the accompanying plat, from  
4 the R-8 Zoning District to the C-1 Zoning District.

5 **BY amending**

6 Article 32- Zoning

7 Zoning District Map

8 Sheet 47

9 Baltimore City Revised Code

10 (Edition 2000)

11 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That**  
12 **Sheet 47 of the Zoning District Map is amended by changing from the R-8 Zoning District to the**  
13 **C-1 Zoning District the properties known as 801-803 North Chester Street (Block 1605, Lots 001**  
14 **and 002), as outlined in red on the plat accompanying this Ordinance.**

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

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

**Council Bill 19-0333**

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

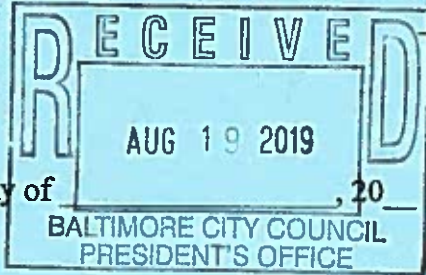
Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 2019 7 4 20\_\_


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

Certified as duly delivered to his Honor, the Mayor,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2019 7 8 20\_\_

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

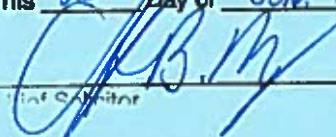
Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_



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

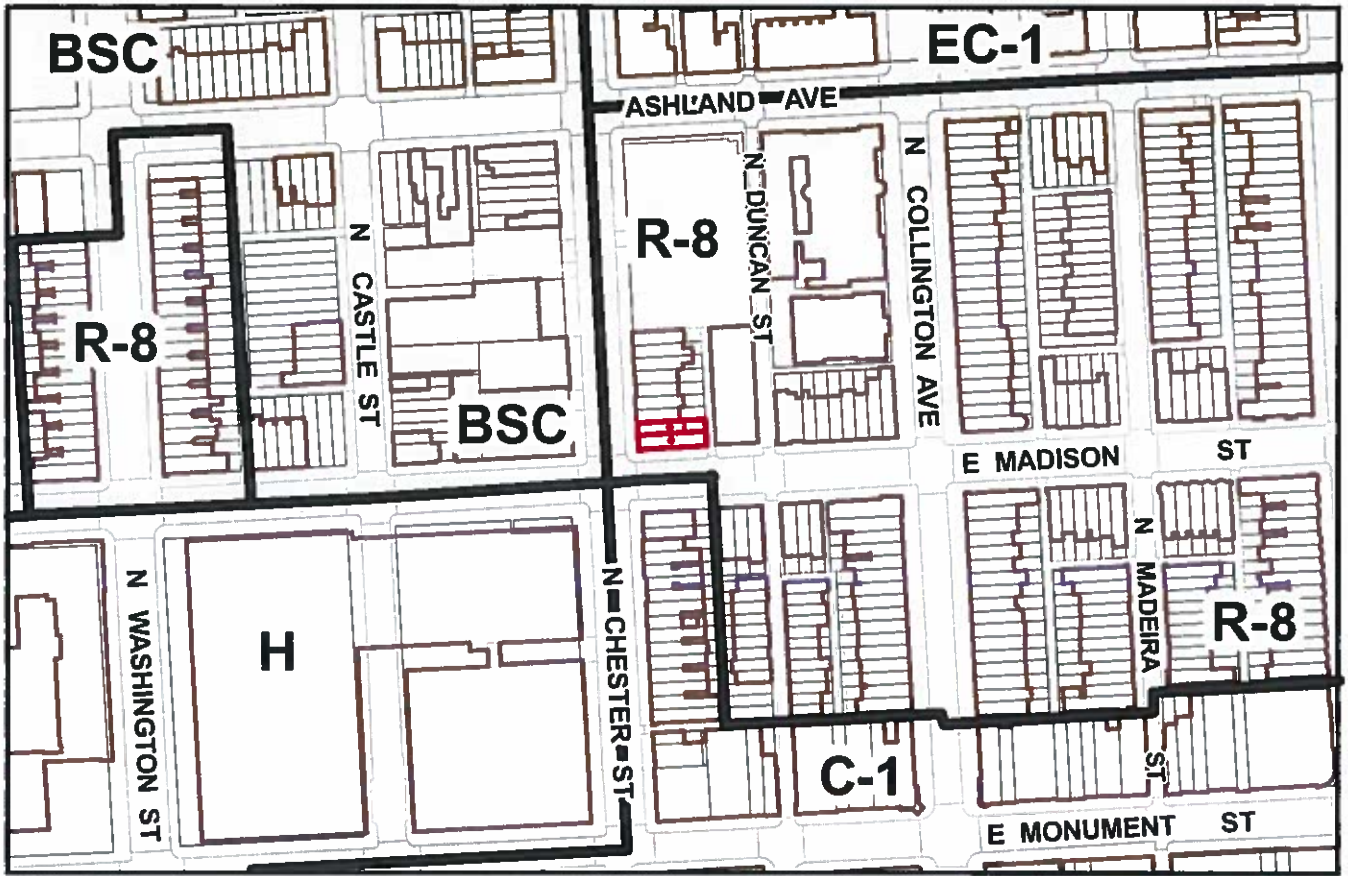
Approved For Form and Legal Sufficiency

This 25<sup>th</sup> Day of June 2019.

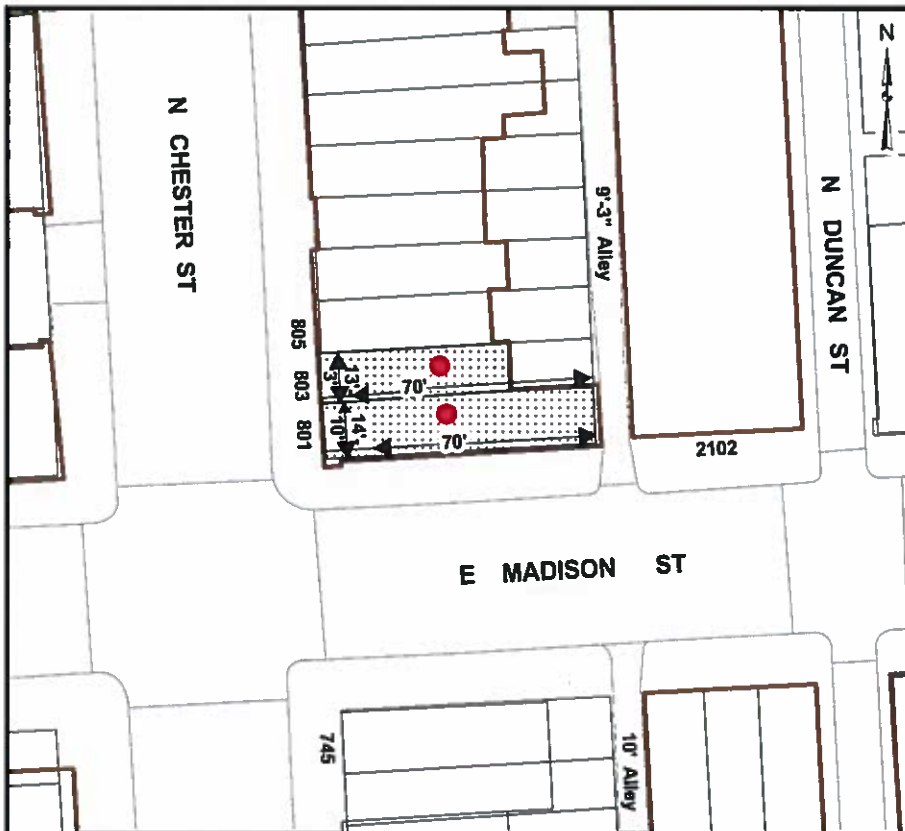
  
\_\_\_\_\_  
Clerk



**SHEET NO. 47 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'



Scale: 1" = 50'

**Note:**

In Connection With The Properties Known As No. 801 & 803 NORTH CHESTER STREET. The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From R-8 Zoning to C-1 Zoning, As Outlined In Red Above.

WARD 7 SECTION 13  
BLOCK 1605 LOTS 1 & 2

*Paul Dyson*  
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: 19-0333**

**REZONING – 801-803 NORTH CHESTER STREET**

Upon finding as follows with regard to:

(1) Population changes;

According to U.S. Census data, the census tract where the property is located (Census Tract 703) has a total population of 885 as of 2017. This is a decrease from the 2010 census count of 1,042 individuals. This census tract has 317 households and 553 housing units, of which 43% are vacant according to census data. By comparison, the 2010 Census data showed 604 total housing units in Tract 703, 275 of which were vacant, for a vacancy rate of 46%.

(2) The availability of public facilities;

The area is well-served by public utilities and services, and will remain so for the foreseeable future. The decline in population and high vacancy rate contribute to a lower current demand for public facilities.

(3) Present and future transportation patterns;

The rezoning of the property will not adversely impact present or future transportation patterns, as the neighborhood commercial use of the properties will not be an intense use that will generate significant traffic to the site.

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

The proposed C-1 zoning is consistent with existing and proposed development for the area, which is adjacent to the New East Baltimore Community and the Johns Hopkins Hospital. The properties surrounding the site are zoned BSC, H, and C-1, and the proposed C-1 zoning of this property is consistent with other uses in the area.





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

- By Memoranda dated March 8, 2019, the Planning Commission made a favorable recommendation on this bill. In its consideration of this bill, the Planning Commission reviewed the attached Department of Planning's staff report which recommended disapproval of City Council Bill #19-0333, heard additional testimony, and adopted the following resolution; eight members being present (eight in favor):

RESOLVED, That the Planning Commission does not concur with the recommendations of its Departmental staff, and instead finds that there was a mistake in the existing zoning classification of 801 North Chester Street, and a substantial change in the character of the neighborhood that warrants a map amendment with regard to 803 North Chester Street. The Commission adopts the facts presented by the applicant, and therefore recommends that City Council Bill #19-0333 be passed by the City Council.

- By Letter dated June 4, 2019, the Law Department states:

The bill is the appropriate method for the City council to review the facts and make the determination as to whether the legal standard for rezoning has been met and whether the rezoning amounts to spot zoning. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, including facts are presented at the hearing that rule out spot zoning and establish that the original zoning was based on erroneous facts, the Law Department could approve the bill for form and legal sufficiency.

- By Letter dated June 10, 2019, Mr. Derek Baumgardner, representing the Board of Municipal Zoning Appeals (BMZA), states that the BMZA recommends approval of the bill.
- By Memoranda dated February 14, 2019, the Department of Transportation has no objection to City Council Bill 19-0333.
- By Memoranda dated May 14, 2019, the Baltimore City Department of Housing and Community Development has reviewed City Council Bill 19-0333 and does not object to the passage of the bill.
- By Memoranda dated March 22, 2019, Baltimore Development Corporation supports the bill.



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

The proposed rezoning is consistent with the City's LiveEarnPlayLearn Master Plan by creating opportunities for commercial services to be developed near growing residential communities, creating amenities for City residents.

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

The other properties in the 800-block of N. Chester Street, which have been vacant for a long time, are in the process of being gutted and rehabbed for residential use. The ability to have a small commercial enterprise such as a restaurant at the end of the block will create an amenity for these new residents. Across the street are other commercial structures, and the properties on all three other corners of the intersection all have commercial uses.

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

The properties on all three other corners of the intersection are commercially zoned: the northwest corner is zoned BSC; the southwest corner is zoned H; and the southeast corner is zoned C-1. The property at 801 N. Chester Street was zoned B-2-2 before the enactment of Transform Baltimore.

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

The property at 801 N. Chester Street was constructed for a commercial purpose, as is evident in its architecture. The current R-8 zoning would not permit commercial uses, and would not permit the expansion of the prior commercial use into the adjacent building at 803 N. Chester Street. Neighborhood-scale commercial uses that support the fledgling residential area will create an amenity that will support the development of additional housing options in the area.

- (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;

The ongoing development of the nearby New East Baltimore Community continues to spark economic development in adjacent areas. The general area saw a large decline in population in the early 2000's as a result of East Baltimore Development, Inc.'s (EBDI) implementation of a new master plan for the area. In recent years, however, the area has begun to see a reversal of this trend, with





new housing options being constructed near Johns Hopkins Hospital and surrounding bio park. New neighborhood-scale commercial options to support the burgeoning residential community will help make this area attractive to new residents, and incentivize current residents to stay,

- (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:

The Planning Commission pointed out in the Planning Hearing that there was a mistake in the existing zoning classification of 801 North Chester Street, and a substantial change in the character of the neighborhood that warrants a map amendment with regard to 803 North Chester Street. The Commission adopts the facts presented by the applicant.

The prior City Council was mistaken about certain facts used in its consideration to rezone the property.

The City Council approved the findings presented at the hearing.

SOURCE OF FINDINGS (Check all that apply):

- Planning Report - Mr. Chris Ryer, Director, Planning Commission's report – Dated March 8, 2019
- Testimony presented at the Committee hearing

Oral – Witness Name:


- Mr. Martin French, Baltimore City Department of Planning
- Ms. Hilary Ruley, Baltimore City Law Department
- Mr. David Framm, Baltimore City Department of Transportation
- Mr. Derek Baumgardner, Board of Municipal Zoning Appeals
- Mr. Robert Pipik, Department of Housing and Community Development
- Ms. Christina Moore, Baltimore Development Corporation
- Ms. Caroline Hecker, Esquire, representative for the applicant
- Mr. Greg Brown, applicant, The Land of Kush



Written:

- Ms. Caroline Hecker, Esquire, Rosenberg, Martin Greenberg, LLP representing the applicant, The Land of Kush – Memorandum - Dated March 7, 2019
- Chris Ryer, Director, Department of Planning – Memorandum – Dated March 8, 2019
- Mr. Andre M. Davis, City Solicitor, Memorandum – Dated June 4, 2019
- Mr. Michael Braverman, Housing Commissioner, Memoranda – Dated May 14 2019
- Mr. William H. Cole, President and CEO, Memorandum – Dated March 22, 2019
- Ms. Michelle Pourciau, Department of Transportation, Memoranda – Dated February 14, 2019
- Mr. Derek J. Baumgardner, Executive Director, Board of Municipal Zoning Appeals – Dated June 10, 2019


**LAND USE AND TRANSPORTATION COMMITTEE:**

  
Chairman

Member

  
Member

Member

  
Member

Member

  
Member

Member





**BALTIMORE CITY COUNCIL  
LAND USE AND TRANSPORTATION  
VOTING RECORD**

DATE: June 12, 2019

BILL#: 19-0333

BILL TITLE: Rezoning - 801-803 North Chester Street

MOTION BY: Stokes SECONDED BY: Costello

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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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>	6		1	

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC



# The Daily Record

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

<http://www.thedailyrecord.com>

Page 1 of 1

## PUBLISHER'S AFFIDAVIT

Order #: 11747427  
Case #:  
Description:  
PUBLIC HEARING ON BILL NO. 19-0333

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:

5/21/2019



Darlene Miller, Public Notice Coordinator  
(Representative Signature)

### BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 19-0333

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, June 12, 2019 at 1:10 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0333.

**CC 19-0333 ORDINANCE - Rezoning - 801 - 808 North Chester Street**  
FOR the purpose of changing the zoning for the properties known as 801-803 North Chester Street (Block 1605, Lots 001 and 002), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

BY amending

Article 32 - Zoning

Zoning District Map

Sheet 47

Baltimore City Revised Code

(Edition 2000)

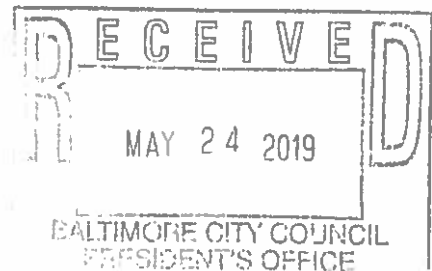
NOTE: This bill is subject to amendment by the Baltimore City Council.

Applicant: The Land of Kush, Inc.

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

EDWARD REISINGER  
Chair

my21



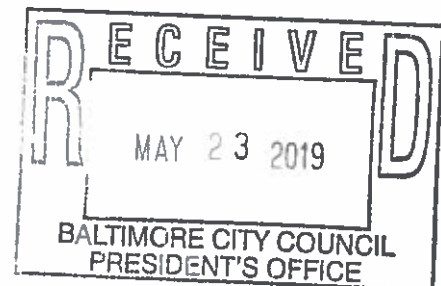




**Baltimore City Council**  
**Certificate of Posting - Public Hearing Notice**  
**City Council Bill No.: 19-0333**  
**MAY 21, 2019**

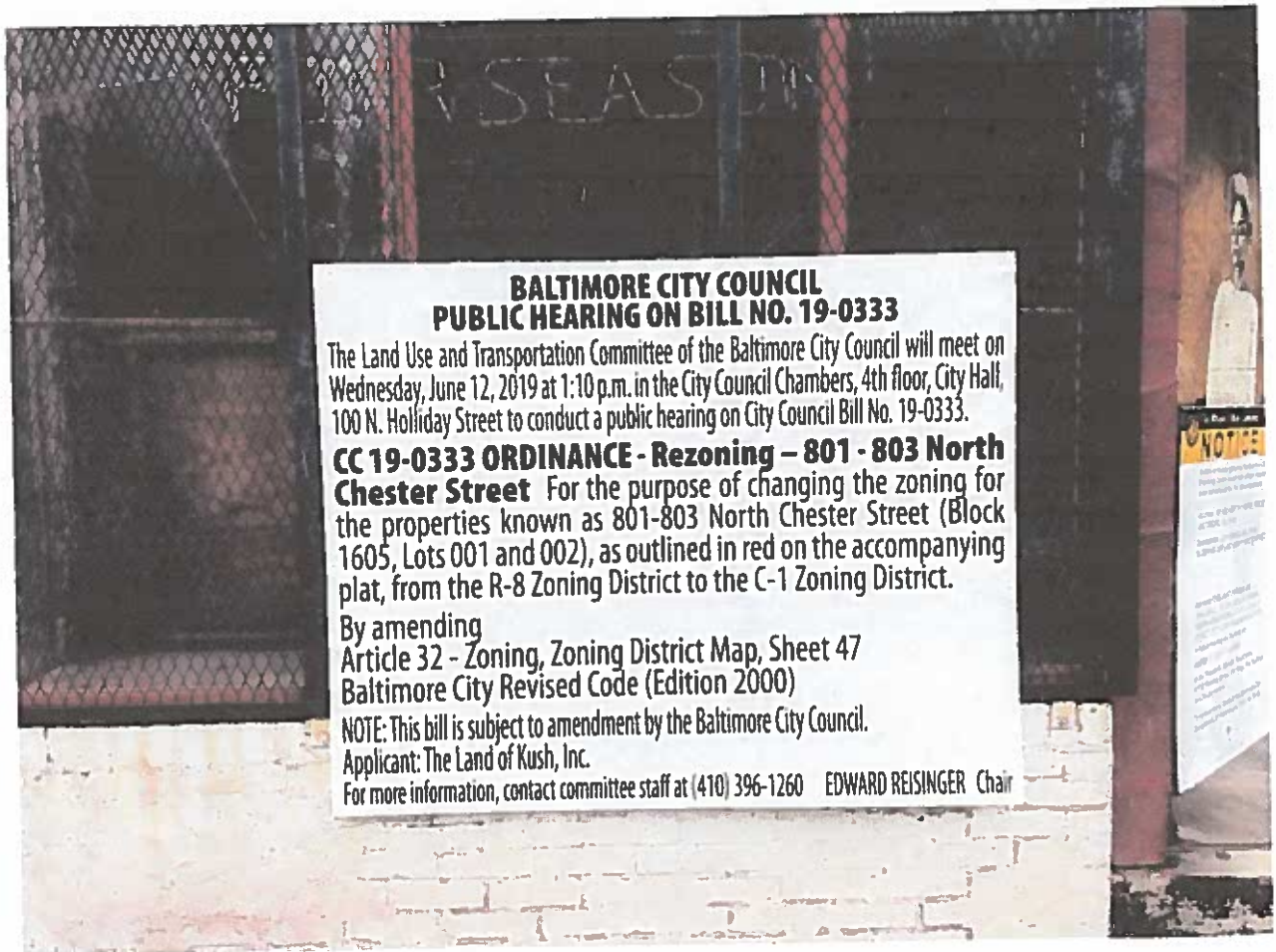


*(Place a picture of the posted sign in the picture box below.)*



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





**Address: 801 North Chester Street**

**Date Posted: May 12, 2019**

**Name: Martin Ogle**

**Address: 9912 Maidbrook Rd. 21234**

**Telephone: 443-629-3411**

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



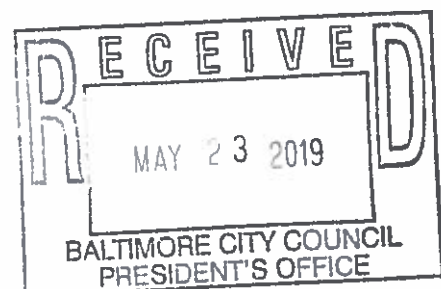


**Baltimore City Council**  
**Certificate of Posting - Public Hearing Notice**  
**City Council Bill No.: 19-0333**

MAY 21, 2019



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



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





**Address: 803 North Chester Street**

**Date Posted: May 12, 2019**

**Name: Martin Ogle**

**Address: 9912 Maidbrook Rd. 21234**

**Telephone: 443-629-3411**

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



<b>FROM</b>	NAME & TITLE	CHRIS RYER, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 <sup>TH</sup> FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #19-0333 / REZONING - 801-803 NORTH CHESTER STREET

CITY of  
BALTIMORE  
**MEMO**



DATE:

March 8, 2019

**TO**

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

At its regular meeting of March 7, 2019, the Planning Commission considered City Council Bill #19-0333, for the purpose of changing the zoning for the properties known as 801-803 North Chester Street from the R-8 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 #19-0333, heard additional testimony, and adopted the following resolution, eight members being present (eight in favor):

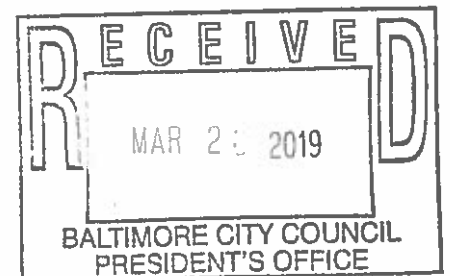
**RESOLVED**, That the Planning Commission does not concur with the recommendation of its Departmental staff, and instead finds that there was a mistake in the existing zoning classification of 801 North Chester Street, and a substantial change in the character of the neighborhood that warrants a map amendment with regard to 803 North Chester Street. The Commission adopts the facts presented by the applicant, and therefore recommends that City Council Bill #19-0333 be passed by the City Council.

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

CR/ewt

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. Jeff Amoros, Mayor's Office  
The Honorable Edward Reisinger, Council Rep. to Planning Commission  
Mr. William H. Cole IV, BDC  
Mr. Derek Baumgardner, BMZA  
Mr. Geoffrey Veale, Zoning Administration  
Ms. Sharon Daboin, DHCD  
Mr. Tyrell Dixon, DCHD  
Ms. Elena DiPietro, Law Dept.  
Mr. Francis Burnszynski, PABC  
Mr. Frank Murphy, DOT  
Ms. Eboni Wimbush, DOT  
Ms. Natawna Austin, Council Services  
Mr. Ervin Bishop, Council Services  
Ms. Caroline Hecker, esq., for Land of Kush, Inc.



*Fav w/ comments*











**Rosenberg  
Martin  
Greenberg<sup>LLP</sup>**

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

**MEMORANDUM**

**TO: BALTIMORE CITY PLANNING COMMISSION**

**FROM: CAROLINE L. HECKER**

**CC: THE LAND OF KUSH, INC.**

**RE: CCB # 19-0333 – REZONING – 801-803 N. CHESTER STREET  
PROPOSED FINDINGS OF FACT**

**DATE: MARCH 7, 2019**

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Under the State Land Use Article (§ 10-304), the City Council may approve a change in 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.” Here, the rezoning of the property known as 801 N. Chester Street to the R-8 Zoning District under Transform Baltimore was a mistake, as demonstrated by the existing structures and the prior B-2-2 zoning. Additionally, there has been a change in the character of the neighborhood due to the redevelopment of the nearby New East Baltimore Community that demonstrates that the rezoning of the adjacent property at 803 N. Chester Street to the C-1 Zoning District is proper at this time. As set forth in more detail below, the following findings of fact support the proposed rezoning of the properties known as 801 and 803 N. Chester Street (collectively, the “Property”) to the C-1 District.

In approving a zoning change, the City Council must make findings of fact that address:

**(i) Population Change**

According to U.S. Census data, the census tract where the Property is located (Census Tract 703) has a total population of 885 as of 2017. This is a decrease from the 2010 census count of 1,042 individuals. This census tract has 317 households and 553 housing units, of which 43% are vacant according to census data. By comparison, the 2010 Census data showed 604 total housing units in Tract 703, 275 of which were vacant, for a vacancy rate of 46%.

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

The area is well-served by public utilities and services, and will remain so for the foreseeable future. The decline in population and high vacancy rate contribute to a lower current demand for public facilities.



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

The rezoning of the Property will not adversely impact present or future transportation patterns, as the neighborhood commercial use of the properties will not be an intense use that will generate significant traffic to the site.

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

The proposed C-1 zoning is consistent with existing and proposed development for the area, which is adjacent to the New East Baltimore Community and the Johns Hopkins Hospital. The properties surrounding the site are zoned BSC, H, and C-1, and the proposed C-1 zoning of this Property is consistent with other uses in the area.

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

The Planning Commission is urged to make a favorable recommendation on this bill.

The Board of Municipal and Zoning Appeals has not yet commented on this bill.

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

The proposed rezoning is consistent with the City's LiveEarnPlayLearn Master Plan by creating opportunities for commercial services to be developed near growing residential communities, creating amenities for City residents.

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 other properties in the 800-block of N. Chester Street, which have been vacant for a long time, are in the process of being gutted and rehabbed for residential use. The ability to have a small commercial enterprise such as restaurant at the end of the block will create an amenity for these new residents. Across the street are other commercial structures, and the properties on all three other corners of the intersection all have commercial uses.

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

The properties on all three other corners of the intersection are commercially zoned: the northwest corner is zoned BSC; the southwest corner is zoned H; and the southeast corner is zoned C-1. The property at 801 N. Chester St. was zoned B-2-2 before the enactment of Transform Baltimore.



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

The property at 801 N. Chester Street was constructed for a commercial purpose, as is evident in its architecture. The current R-8 zoning would not permit commercial uses, and would not permit the expansion of the prior commercial use into the adjacent building at 803 N. Chester Street. Neighborhood-scale commercial uses that support the fledgling residential area will create an amenity that will support the development of additional housing options in the area.

- (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.**

The ongoing development of the nearby New East Baltimore Community continues to spark economic development in adjacent areas. The general area saw a large decline in population in the early 2000s as a result of East Baltimore Development, Inc.'s (EBDI) implementation of a new master plan for the area. In recent years, however, the area has begun to see a reversal of this trend, with new housing options being constructed near the Johns Hopkins Hospital and surrounding bio park. New neighborhood-scale commercial options to support the burgeoning residential community will help make this area attractive to new residents, and incentivize current residents to stay.











*Catherine E. Pugh  
Mayor*

## PLANNING COMMISSION

*Sean D. Davis, Chairman*

### STAFF REPORT



*Chris Ryer  
Director*

**March 7, 2019**

**REQUEST:** City Council Bill #19-0333/ Rezoning – 801-803 North Chester Street:

For the purpose of changing the zoning for the properties known as 801-803 North Chester Street (Block 1605, Lots 001 and 002), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

**RECOMMENDATION:** Disapproval

**STAFF:** Martin French

**PETITIONERS:** Councilmembers Sneed and Stokes, and Council President Young, at the request of Land of Kush, Inc.

**OWNER:** 800 Chester Street LLC

#### **SITE/ GENERAL AREA**

**Site Conditions:** 801 North Chester Street is located on the northeast corner of the intersection with Madison Street. This property measures approximately 14'10" by 70' and is currently improved with a two-story semi-detached residential mixed-use building covering the entire lot. 803 North Chester Street is located on the east side of the street, approximately 14'10" north of the intersection with Madison Street. This property measures approximately 13'9" by 70' and is currently improved with a two-story attached residential building measuring approximately 13'9" by 46'. These properties are part of a row of houses built in 1903. A 9'3" wide alley behind these properties separates them from a former parochial school building dating from 1914, and across Madison Street to the south are more row-houses. Although now under common ownership, 801 and 803 North Chester Street have never been consolidated. This site is zoned R-8 and is located within the Middle East Urban Renewal Plan area and the East Monument National Register Historic District.

**General Area:** This site is in the central portion of the Middle East community, and is representative of the "old" of it. Cater-corner to this site is one part of the "new" of the Middle East community, represented by the northeast corner of the expanded Johns Hopkins Hospital urban campus. Across Chester Street is another part of the "new" Middle East community, the hospital-related bio-science campus. One block south of this intersection is the Monument Street commercial corridor, a commercial focus for East Baltimore's shopping activity spanning over twelve blocks from Washington Street on the west to Belnord Avenue on the east. One block north of the 800 block of North Chester Street is the Education Campus Zoning District that includes the new Henderson-Hopkins School. Three blocks north, the Amtrak main line from Washington DC to Boston bisects the large R-8 zoning district covering much of East Baltimore.



## **HISTORY**

The Middle East Urban Renewal Plan was approved by Ordinance no. 1202 dated November 30, 1979. This Plan was last amended by its Amendment 13, dated May 14, 2018, approved by Ordinance no. 18-190 dated November 9, 2018. This Plan includes 801 North Chester Street and 803 North Chester Street (and the other properties known as 805 through 817 North Chester Street) on its list in its Appendix D, Properties for Acquisition and Disposition for Rehabilitation or Redevelopment. This Plan also includes the East Monument Street Business Area, which is a designated Main Street extending from Washington Street eastward to Milton Avenue. The East Monument Historic District was certified to the National Register of Historic Places on December 8, 2009.

## **CONFORMITY TO PLANS**

The scope of the proposed rezoning action partially conflicts with 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, this site is a part is a group of houses, and in part of a community defined by its row-housing and residents as residential, for which R-8 zoning is appropriate.

## **ANALYSIS**

The proposed use of the two properties, which have not been consolidated, is a restaurant (and restaurants may or may not have on-premises liquor licenses). The property known as 801 North Chester Street qualifies for approval of this use under the current R-8 zoning because the Zoning Code authorizes approval, as a conditional use, of Neighborhood Commercial Establishments in structures that were originally constructed or altered and used for non-residential use, or have a record of permitted non-residential use. 801 North Chester Street was recorded by the Police Survey of 1931 as in use for an automobile supply store with associated repairs (e.g., installation of parts) and one dwelling unit. On November 13, 1962 this was superseded by a permit for use as a clothing store and two dwelling units; on January 24, 1966, this changed to a restaurant and two dwelling units. On March 19, 1974 the restaurant use was continued and the residential use was reduced to one dwelling unit. In recognition of this continuous commercial use of the first floor level of the property, in the 1971 comprehensive rezoning of Baltimore City this property was included in a larger B-2-2 Zoning District that covered properties on the three other corners of the intersection of Chester and Madison Streets. Although the rezoning of the property to R-8 on June 5, 2017 made its use conditional rather than "by right", 801 North Chester Street is not in need of any zoning change in order for the proponents to (continue to) use it as a restaurant.

803 North Chester Street was listed in the 1931 Police Survey as a dwelling with a hat store. On its street level, unlike 801 North Chester Street, this property had not been originally constructed or altered for non-residential use. The physical appearance of the façade of this structure suggests that the hat store functioned in one or more converted downstairs front rooms of the original dwelling unit. There is no other record of any permitted commercial activity on this premises. In 1971 this property, unlike its neighbor at 801 North Chester Street, was placed in the R-8 Zoning District, where it remained when the current comprehensive rezoning became effective in June 2017. This property is the reason for this bill: It did not qualify under the terms





of the new (now current) Zoning Code definition of Neighborhood Commercial Establishment for consideration for the proposed restaurant use because of the combination of the physical character of its façade and its lack of permits for non-residential use, and the petitioner's request is based upon their need to have both properties consolidated and commercially zoned in order to provide adequate floor area for their restaurant.

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

(b) *Map amendments.*

(1) *Required findings.*

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

- (i) a substantial change in the character of the neighborhood where the property is located; or
- (ii) a mistake in the existing zoning classification.

(2) *Required findings of fact.*

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

- (i) population changes;
- (ii) the availability of public facilities;
- (iii) present and future transportation patterns;
- (iv) compatibility with existing and proposed development for the area;
- (v) the recommendations of the City agencies and officials; and
- (vi) the proposed amendment's consistency with the City's Comprehensive Master Plan.

(3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

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

Below is the staff's review of the required considerations of §5-508(3) of Article 32 – *Zoning*, where staff finds that this proposed change may not be in the public's interest, in that it would make the end-of-row residential mixed-use structure and its next-door dwelling usable in their entirety as a commercial establishment physically attached to a row of dwellings. There would be no public street or alley to separate the non-residential use from its residential neighbor, which is part of a row of dwellings. Given that the C-1 Zoning District allows a far greater variety of commercial uses than does the Neighborhood Commercial Establishment category within the R-8 Zoning District, this could present some issues for nearby residents if the future use of 801-803 North Chester Street (following consolidation) would change from a restaurant to a different use.

It has been approximately twenty months since the two properties were placed in their present zoning classification. There had been significant change in this general area since the previous version of the Zoning Code was adopted in 1971, related to redevelopment in this area. That level of change was in turn reflected in the placement of part of it in the newly-created Hospital



Campus Zoning District and the Bio-Science Campus District. Residential use of this block and nearby residentially-developed blocks of Chester Street and Madison Street has remained relatively unchanged. Similarly, commercial use of the Monument Street commercial corridor, now zoned C-1, has continued. The new zoning of 801 North Chester Street (R-8) that took effect on June 5, 2017 is reflective of its past residential mixed-use and its physical attachment to a row of dwellings, while the continuation of R-8 zoning for 803 North Chester Street reflected its continued residential use.

All other parts of the row to which this end-of-row structure is attached are used residentially. Properties across Chester Street (west of this property) are non-residential in use, which is reflected in their H (Hospital Campus) or BSC (Bio-Science Campus) zoning that became effective June 5, 2017. There has been significant residential and other redevelopment activity in the area immediately adjacent to these properties carried out under the auspices of East Baltimore Development, Inc. (EBDI), which is a working partnership of private, institutional, and non-profit entities.

**Maryland Land Use Code – Requirements for Rezoning:**

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

- 1. The Plan:** This action does not advance most goals, objectives or strategies contained in the Comprehensive Master Plan also known as LIVE EARN PLAY LEARN. It could be construed to advance the LIVE Goal 1, Objective 2: Strategically Redevelop Vacant Properties Throughout the City, to the extent that these properties would be actively re-used as a restaurant under the current proposal by the petitioner.
- 2. The needs of Baltimore City:** This action is not needed to serve either a comprehensive redevelopment strategy or a Mayoral initiative.
- 3. The needs of the particular neighborhood:** This action is not necessary to meet the needs of the portion of East Baltimore that abuts the eastern portion of the non-residential and institutional uses associated with the Johns Hopkins Hospital and Medical Institutions, given the extent of the East Monument Street commercial corridor one block south of this site.

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 may not be a noticeable population change between June 5, 2017 and the effective date of this proposed action. However, approved plans for EBDI-managed properties in this area would result in creation of 250 new rental dwelling units and 167 for-sale dwelling units within the next three years, which could bring approximately 1,000 more residents to this vicinity.*
- 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;** *There are no proposed new major development plans for the area that would call for this action. However, EBDI is working with the City's Department of Housing and Community Development to complete plans for redevelopment of the opposite side of the 800 block of North Chester Street with offices, residences, and retail space.*
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** *For the above reasons, based on the relative amounts of newly-completed redevelopment that has been reflected in zoning as of June 5, 2017 and of additional redevelopment yet to be completed, 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 rezoning to R-8 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.*

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

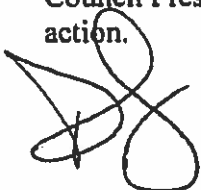
- (i) **existing uses of property within the general area of the property in question;** *On the opposite side of Chester Street in this 800 block, uses are predominantly non-residential; on this side of Chester Street, this block is predominantly residential, part of the larger predominantly residential area of East Baltimore. Immediately to the north there is a pocket of institutional use associated with redevelopment of a formerly residential area for educational use; immediately to the south, Chester Street crosses the East Monument Street commercial corridor, where low-intensity commercial uses serve primarily their surrounding residential communities. This 700 block of North Chester Street is zoned C-1 presently, as it functions as a northward extension of the Monument Street commercial corridor.*
- (ii) **the zoning classification of other property within the general area of the property in question;** *Reflective of the existing uses cited above, zoning of other property is H (Hospital Campus) southwest of this site; BSC (Bio-Science Campus) west and northwest of this site; R-8 east of this site; and C-1 in the 700 block of Chester Street that connects to the East Monument Street commercial corridor, which is zoned C-1. This proposed action would extend the C-1 zoning district across Madison Street on the east side of Chester Street.*
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification;** *As described above (please see Page 2 of this report), both properties are suitable for uses permitted under the R-8 zoning classification, in accordance with the terms of the current Zoning Code. and*



(iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification. *East Baltimore in the vicinity of the Johns Hopkins Hospital and Medical Institutions has experienced either a replacement of residential use with non-residential institutional or related commercial development, or development of new housing and rehabilitation of existing structures for housing.*

Per §5-508(1) of Article 32 – Zoning, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. There is not likely to be a relatively large additional substantial change in neighborhood character between June 5, 2017 and the effective date of the proposed amending ordinance. The current zoning classification of R-8 was based upon the physical characteristics of the existing structure (801 North Chester Street, an end-of-row dwelling with a commercial use of one level) and of the dwellings to which it is attached, including the adjoining premises known as 803 North Chester Street, as well as the residential character of the community further east of Chester Street. As such, there was no mistake in classifying the subject properties as R-8, even though the change has made limited commercial (including restaurant) use of the premises at 801 North Chester Street conditional, and now prevents use of 803 North Chester Street as part of that limited commercial use. This determination is based in part upon timing: the rezoning determination for 801 North Chester Street to be in the R-8 Zoning District, and continuation of R-8 zoning for 803 North Chester Street, was made in the autumn of 2016, prior to finalization of plans for the proposed restaurant use.

**Notification:** East Baltimore Development, Inc. (EBDI), the Care Community Association (CARE), Historic East Baltimore Community Action Coalition (HEBCAC), Monument Street Merchants Association, 800 Block of North Washington Street Beautification, Ashland Park Mews Condo II Association, Milton-Montford Improvement Association, McElderry Park Community Association, Northeast Market Merchants Association, Milton Avenue Improvement Association, Eastside Community Reinvestment Corporation, Reclaiming Our Community, and Council President Young and Councilmembers Sneed and Stokes have been notified of this action.



**Chris Ryer**  
Director





CITY OF BALTIMORE

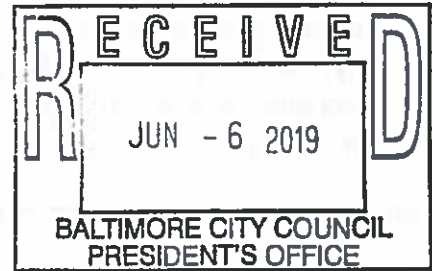
BERNARD C. "JACK" YOUNG  
Mayor



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

June 4, 2019

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



Re: City Council Bill 19-0333 – Rezoning – 801-803 North Chester Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0333 for form and legal sufficiency. The bill would change the zoning for the properties known as 801-803 North Chester Street from the R-8 zoning district to the C-1 zoning district.

The City Council may permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, §10-304(b)(2); Baltimore City Code, Art. 32, §§5-508(a) and (b)(1). There would appear to be no basis to believe that the neighborhood has substantially changed between the comprehensive rezoning of the property on June 5, 2017 and today's date. Therefore, to legally rezone the property the City Council must identify a "mistake" that led to the inappropriate zoning of the property as R-8.

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

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

Md. Land Use Code Ann., §10-304(b)(1); *see also*, Baltimore City Code, Art. 32, §5-508(b)(2) (citing same factors with (v) being "the recommendations of the City agencies and

*Fav w/ comments*

officials,” and (vi) being “the proposed amendment’s consistency with the City’s Comprehensive Master Plan.”).

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

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

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

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

#### Mistake in the Current Zoning Classification

With regard to rezoning on the basis of mistake, it is “firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning.” *People’s Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995) (quoting *Wells v. Pierpont*, 253 Md. 554, 557 (1969)). To sustain a piecemeal change, there must be substantial evidence that “the Council failed to take into account then existing facts . . . so that the Council’s action was premised . . . on a misapprehension.” *White*, 109 Md. App. at 698 (citation omitted). In other words, “[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing.” *Id.* “Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council’s action was premised initially on a misapprehension[,]” [and] “by showing that events occurring subsequent to the comprehensive zoning have proven that the Council’s initial premises were incorrect.” *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). “Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not ‘fairly debatable.’” *Id.* at 52.

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

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

Here, the Planning Commission has recommended approval of the bill based on the facts presented by the applicant. The proposed findings of fact by the applicant do not establish the requisite facts upon which to find a “mistake.” The applicant’s facts suggest that it was an error of judgment to zone the property R8 because the property at 801 was constructed for a commercial use “as evident in its architecture.” Applicant’s Findings, p. 3. While this may be, in the applicant’s opinion, a case of bad judgment, it does not establish that there was a misapprehension or that the conclusion to zone the properties to R8 was based on misinformation, as is required to support a finding of “mistake” sufficient to rezone. See, *White*, supra. The Findings submitted by the applicant, alone, cannot support a finding of mistake. Furthermore, although the applicant’s proposed findings do arguably support that the neighborhood has changed since 2010, the facts suggested to do not establish that the neighborhood has changed *substantially* since June, 2017 (nor could they). “The ‘change’ half of the ‘change-mistake’ rule requires that, in order for a piecemeal Euclidean zoning change to be approved, there must be a satisfactory showing that there has been significant and unanticipated change in a relatively well-defined area (the ‘neighborhood’) surrounding the property in question since its original or last comprehensive rezoning, whichever occurred most recently.” *Rylins*, supra (as cited in 3 Rathkopf’s The Law of Zoning and Planning § 42.6). The Staff Report recommends disapproval. The Staff Report is, therefore, not available as a source of facts upon which the City Council can base its findings. Facts to support a mistake in the current zoning, therefore, must be offered during the hearing on the bill for the bill to be legally sufficient.

### Spot Zoning

In addition to not providing facts to support mistake, this could amount to spot zoning.

The law with respect to spot zoning is well settled. In *Tennison v. Shomette*, 38 Md. App. 1, 8 (1977), the Court of Special Appeals explained that spot zoning occurs when a small area in a district is placed in a zoning classification which is different from the surrounding properties.

The *Tennison* court reasoned that generally "spot zoning is not invalid per se", but that "its validity depends on the facts of each individual case."

It has also long been held by the courts that although spot zoning is illegal if inconsistent with an established comprehensive plan and is made solely for the "benefit of private interests", it can also be a valid exercise of the police power where the zoning is in harmony with the comprehensive plan and bears a substantial relationship to the public health, safety, and general welfare. *Cassell v. Mayor of Baltimore*, 195 Md. 348 (1950). (Emphasis added.) **According to the staff report, this zoning would not be consistent with the comprehensive plan and would not be in the public's interest.** Staff Report, p. 3-4.

The general rule set forward in *Tennison* has long been followed by the courts, and must be applied with respect to Bill 19-0333. It was cited with approval by the Court of Appeals in *Mayor and City Council of Rockville v. Rylyns Enterprises, Inc.*, 372 Md. 514, 546-47 (2002). The court there cited both *Tennison* and *Cassel v. Mayor and City Council of Baltimore*, 195 Md. 348 (1949), stating that spot zoning is the "arbitrary and unreasonable devotion of a small area within a zoning district to a use which is inconsistent with the use to which the rest of the district is restricted." The court also noted that "a spot zoning ordinance which singles out a parcel of land within the limits of a use district and marks it off into a separate district for the benefit of the owner, thereby permitting a use of that parcel inconsistent with the use permitted in the rest of the district, is invalid if not in accordance with the comprehensive zoning plan and is merely for private gain." *Id.* (Emphasis in original.) The *Rylyns* court also noted that if a use is permitted in a small area and is not inconsistent with the use of the larger surrounding area even though it may be different from that use, it is not spot zoning if it does not conflict with the comprehensive plan but is in harmony with the orderly growth of a new use for the other property in that locality.

*Hewitt v. County Comm'rs of Baltimore County*, 220 Md. 48 (1959), is also instructive. In that case, although the Court of Appeals agreed with the rationale expressed in the above-cited cases, it nonetheless stated that it has "consistently rejected spot zoning" and "has repeatedly referred to the statutory requirement ... that zoning shall be in accordance with a comprehensive plan." The *Hewitt* court thus ruled that the request of the owner there to rezone property located in a residential zoning district for commercial use constituted invalid spot zoning. The court found that such rezoning amounted to an arbitrary and unreasonable devotion of small area for a use inconsistent with the uses restricted to the rest of the district. As a result, the court concluded that the rezoning was for the sole benefit of the private interest of the property owner and was not in accordance with the comprehensive plan.

**In this case, the properties are currently zoned R-8. The requested rezone, according to the Staff Report, is to expand the restaurant which can continue as a conditional use on the 801 property. Staff Report, p. 3. The facts suggest that this is impermissible spot zoning for private gain unless there is testimony establishing that the rezoning is for the public good and in accordance with the comprehensive plan.**

#### Procedural Requirements

In addition, the Baltimore City Code, Art. 32, § 5-506 states that "The Planning Commission must consider the referred bill in a public hearing. Notice of the public hearing must be given in accordance with Title 5, Subtitle 6 {"Notices"} of this Code. Except as provided in

posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, §5-601(e), (f).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met and whether the rezoning amounts to spot zoning. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, including facts are presented at the hearing that rule out spot zoning and establish that the original zoning was based on erroneous facts, the Law Department could approve the bill for form and legal sufficiency.


Sincerely yours,



Ashlea H. Brown  
Assistant Solicitor

cc: Andre M. Davis, City Solicitor  
Jeff Amoros, Mayor's Legislative Liaison  
Elena DiPietro, Chief Solicitor  
Victor Tervalá, Chief Solicitor  
Hilary Ruley, Chief Solicitor



FROM	NAME & TITLE	Michelle Pourciau, Director <i>MP</i>	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 19-0333	MEMO	

TO: Mayor Catherine E. Pugh  
TO: Land Use and Transportation Committee  
FROM: Department of Transportation  
POSITION: No objection  
RE: Council Bill – 19-0333

DATE: 2/14/19

**INTRODUCTION** – Rezoning – 801-803 North Chester Street

**PURPOSE/PLANS** – For the purpose of changing the zoning for the properties known as 801-803 North Chester Street (Block 1605, Lots 001 and 002), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

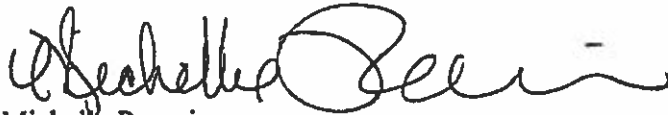
**COMMENTS** – No comments.

**AGENCY/DEPARTMENT POSITION** –

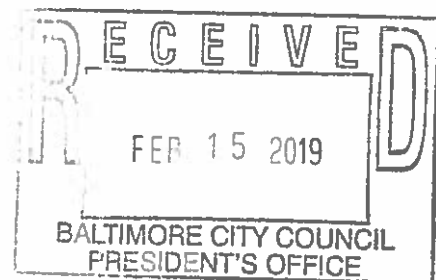
The Department of Transportation has No Objection to City Council bill 19-0333.

If you have any questions, please do not hesitate to contact Michael Castagnola at Michael.Castagnola@baltimorecity.gov, 410-396-6802.

Sincerely,



Michelle Pourciau  
Director



*No obj*





CITY OF BALTIMORE



BOARD OF MUNICIPAL AND  
ZONING APPEALS

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

June 10, 2019

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

Re: **CC Bill #19-0333 Rezoning – 801-803 North Chester Street**

Ladies and Gentlemen:

City Council Bill No. 19-0333 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

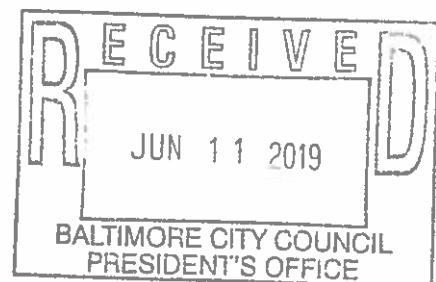
The purpose of City Council Bill No. 19-0333 is to change the zoning for the properties known as 801-803 North Chester Street (Block 1605, Lots 001 and 002) from the R-8 Zoning District to the C-1 Zoning District.

The BMZA has reviewed the legislation and recommends approval of City Council Bill No. 19-0333.

Sincerely,

Derek J. Baumgardner  
Executive Director

CC: Mayor's Office of Council Relations  
City Council President  
Legislative Reference

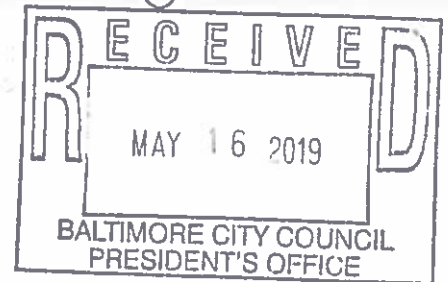






BALTIMORE CITY  
DEPARTMENT OF HOUSING &  
COMMUNITY DEVELOPMENT

no objection



## MEMORANDUM

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

From: Michael Braverman, Housing Commissioner *MB*

Date: May 14, 2019

Re: City Council Bill 19-0333, Rezoning – 801-803 North Chester Street

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0333, for the purpose of changing the zoning for the properties known as 801-803 North Chester Street from the R-8 Zoning District to the C-1 Zoning District.

If enacted, this bill will allow The Land of Kush, Inc. to consolidate 801 and 803 North Chester Street and operate the ground level of the property as a restaurant while using the top floor as a rental property. The property at 801 North Chester Street has a conditional use permit that allows the property to be used as a restaurant and is not in need of any zoning change. 803 North Chester Street, however, is in the R-8 Zoning District and would need to be commercially zoned for the petitioner to consolidate the properties for their restaurant.

The Department of Planning Staff recommended disapproval of the bill. The property has been used residentially since at least 1971, and in their opinion, it was appropriately placed in the R-8 Zoning District during the comprehensive rezoning in 2017. The Planning Commission voted not to concur with the departmental staff's recommendation, and instead determined that there has been a substantial change in the character of the neighborhood that warrants a map amendment regarding 803 North Street Chester.

DHCD has reviewed City Council Bill 19-0333 and does not object to the passage of the bill.

MB:td

cc: Mr. Jeffrey Amoros, Mayor's Office of Government Relations





**MEMORANDUM**

DATE: March 22, 2019  
 TO: Land Use and Transportation Committee  
 FROM: William H. Cole, President and CEO *William H. Cole*  
 POSITION: Support  
 SUBJECT: City Council Bill 19-0333 – Rezoning – 801-803 North Chester Street

INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 19-0333 introduced by Councilmembers Sneed, Stokes and Council President Young.

PURPOSE

The purpose of this Bill is to change the zoning for the properties known as 801-803 North Chester Street from the R-8 Zoning District to the C-1 Zoning District.

BRIEF HISTORY

The Land of Kush is a restaurant seeking to operate within 801 and 803 North Chester Street; both properties are currently zoned R-8. Within a Residential Zoning District, the current Zoning Code permits with Board approval, the reuse of existing buildings that were originally constructed and used for non-residential use as a Neighborhood Commercial Establishment (Zoning Code §14-328). Allowed uses for Neighborhood Commercial Establishments include restaurants. 801 North Chester was constructed as a commercial property and therefore, can support a Neighborhood Commercial Establishment; however, the property does not meet the qualifications of a Neighborhood Commercial Establishment.

801 North Chester Street has a floor area of approximately 1,038 square feet. This limited space does not support the operational requirements of the applicant since it needs both properties to be a viable restaurant. BDC supports the rezoning of these properties from the R-8 to a C-1.

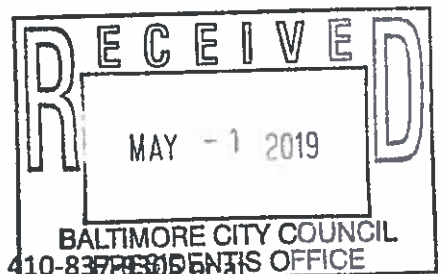
FISCAL IMPACT

NONE

*Favorable*

AGENCY POSITION

BDC is in support of City Council Bill 19-0333.



If you have any questions, please do not hesitate to contact Kim Clark at [kclark@baltimoredevelopment.com](mailto:kclark@baltimoredevelopment.com).

cc: Jeffrey Amoros

[CM]



# City of Baltimore

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

## Meeting Minutes - Final

### Land Use and Transportation Committee

---

Wednesday, June 12, 2019

1:10 PM

Du Burns Council Chamber, 4th floor, City Hall

---

19-0333

Rescheduled from 5-22-19

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

**Present** 6 - Member Edward Reisinger, Member Sharon Green Middleton, Member Mary Pat Clarke, Member Eric T. Costello, Member Leon F. Pinkett III, and Member Robert Stokes Sr.

**Absent** 1 - Member Ryan Dorsey

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

##### 19-0333

##### **Rezoning - 801-803 North Chester Street**

For the purpose of changing the zoning for the properties known as 801-803 North Chester Street (Block 1605, Lots 001 and 002), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

**Sponsors:** Shannon Sneed, Robert Stokes, Sr., President Young

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

**Yes:** 6 - Member Reisinger, Member Middleton, Member Clarke, Member Costello, Member Pinkett III, and Member Stokes Sr.

**Absent:** 1 - Member Dorsey

#### **ADJOURNMENT**





CITY OF BALTIMORE

CATHIE RINE 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

HEARING NOTES

Bill: 19-0333

Rezoning – 801-803 North Chester Street

Committee: Land Use and Transportation

Chaired By: Councilmember Edward Reisinger

Hearing Date: June 12, 2019
Time (Beginning): 1:10 p.m.
Time (Ending): 1:20 p.m.
Location: Clarence "Du" Burns Chambers
Total Attendance: ~15
Committee Members in Attendance:
Edward Reisinger, Chairperson
Middleton, Sharon, Vice Chairperson
Mary Pat Clarke
Eric Costello
Leon Pinkett
Robert Stokes

Bill Synopsis in the file? [X] YES [ ] NO [ ] N/A
Attendance sheet in the file? [X] YES [ ] NO [ ] N/A
Agency reports read? [X] YES [ ] NO [ ] N/A
Hearing televised or audio-digitally recorded? [X] YES [ ] NO [ ] N/A
Certification of advertising/posting notices in the file? [X] YES [ ] NO [ ] N/A
Evidence of notification to property owners? [X] YES [ ] NO [ ] N/A
Final vote taken at this hearing? [X] YES [ ] NO [ ] N/A
Motioned by: Councilmember Stokes
Seconded by: Councilmember Costello
Final Vote: Favorable





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

Committee: Land Use and Transportation      Chairperson: Edward Reisinger

Date: June 12, 2019      Time: 1:10 PM      Place: Clarence "Du" Burns Chambers

Subject: Ordinance - Rezoning - 801-803 North Chester Street      CC Bill Number: 19-0333

**PLEASE PRINT**

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



FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS	TESTIFY	FOR	AGAINST	YES	NO	WHAT IS YOUR POSITION ON THIS BILL?	LOBBYIST: ARE YOU REGISTERED IN THE CITY
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"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Martin	French		Planning			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
	Caroline		Realty		cherkcar@verizon.net	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
	Chaihu		BOC			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
	Areeq		The Land of Kush			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
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						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input 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.

**Major Speakers**  
(*This is not an attendance record.*)

- Martin French, Department of Planning
  - Hilary Ruley, Law Department
  - Derek Baumgardner, Board of Municipal Zoning Appeals (BMZA)
  - David Framm, Department of Transportation (DOT)
  - Robert Pipik Department of Housing and Community Development (DHCD)
  - Christina Moore, Baltimore Development Corporation (BDC)
  - Ms. Caroline Hecker, Esquire, representative for the applicant
  - Mr. Greg Brown, applicant, The Land of Kush
- 

**Major Issues Discussed**

1. Councilman Reisinger introduced committee members and read the bill and public notice information into the record.
  2. Martin French – Read the Planning Commission’s and Department of Planning’s reports into the record. Community associations were notified by the Planning Department and some testified at the Planning Commission’s hearing.
  3. Councilmember Clarke asked about consolidation of the properties and whether the use would be considered non-conforming. Mr. French testified that the properties would be consolidated in the future and the use would not be non-conforming.
  4. Derek Baumgardner – Testified that BMZA supports passage of the bill.
  5. Hilary Ruley – Read the Law Department’s report into the record.
  6. Christina Moore – Read BDC’s report into the record.
  7. Robert Pipik – Read DHCD’s report into the record.
  8. David Framm – Read the Department of Transportation’s report into the record.
  9. Ms. Caroline Hecker testified on behalf of the applicant in support of the bill.
  10. Mr. Greg Brown, applicant, testified in support of the bill. He indicated that he would use the property to operate a restaurant.
  11. The committee voted on the bill and the hearing was adjourned.
- 

**Further Study**

Was further study requested?

Yes     No

If yes, describe. N/A

---

**Committee Vote:**

E. Reisinger: .....Yea  
S. Middleton: .....Yea  
M. Clarke .....Yea  
E. Costello: .....Yea

---



R. Dorsey .....Absent  
L. Pinkett: .....Yea  
R. Stokes:.....Yea

---

Jennifer L. Coates, Committee Staff



Date: June 12 2019

cc: Bill File  
OCS Chrono File









# 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, June 12, 2019

1:10 PM

Du Burns Council Chamber, 4th floor, City Hall

---

19-0333

Rescheduled from 5-22-19

#### **CALL TO ORDER**

#### **INTRODUCTIONS**

#### **ATTENDANCE**

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

19-0333

##### **Rezoning - 801-803 North Chester Street**

For the purpose of changing the zoning for the properties known as 801-803 North Chester Street (Block 1605, Lots 001 and 002), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

##### Sponsors:

Shannon Sneed, Robert Stokes, Sr., President Young

#### **ADJOURNMENT**

**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  
Chairman**

**PUBLIC HEARING**

**Wednesday, June 12, 2019**

**1:10 PM**

**CLARENCE "DU" BURNS COUNCIL CHAMBERS**

***Council Bill 19-0333***

***Rezoning - 801-803 North Chester Street***

## 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: Matthew Peters*

### 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: Matthew Peters*

### 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**

BERNARD C. "JACK" YOUNG,  
Ex Officio 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 19-0333**

---

**Rezoning - 801-803 North Chester Street**

---

**Sponsor:** Councilmember Sneed

**Introduced:** February 4, 2019

**Purpose:**

For the purpose of changing the zoning for the properties known as 801-803 North Chester Street (Block 1605, Lots 001 and 002), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

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

**Hearing Date/Time/Location:** June 12, 2019 / 1:10 p.m./Clarence "Du" Burns Chambers

---

**Agency Reports**

Planning Commission	Favorable/Comments
Board of Municipal and Zoning Appeals	
Department of Transportation	No Objection
Department of Law	
Department of Housing and Community Development	No Objection
Baltimore Development Corporation	Favorable

## Analysis

### Current Law

Article 32 - Zoning  
Zoning District Map  
Sheet 47  
Baltimore City Revised Code  
(Edition 2000)

### Background

If approved, Bill 19-0333 proposes to rezone 801-803 North Chester Street from the R-8 Zoning District to the C-1 Zoning District. Current zoning districts in the general area of the property are shown in the attached plat.

According to the State Land Use Article, a rezoning may be approved based on a finding that there was:

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

The applicant and owner of the property is 800 Chester Street LLC. The property is situated in the Middle East community, Middle East Urban Renewal Plan area and the East Monument National Register Historic District. The building is situated on the northeast corner of the intersection of Chester and Madison Streets. On the southwest corner of the intersection is part of the Johns Hopkins Hospital campus. One block south of the site is the Monument Street commercial area.

Built in 1903, the 13'9" x 70' property is improved with a two-story, attached, residential building. The 13'9" x 46' building is situated at the end of a row of houses. The building is currently vacant, but has a record of permitted non-residential use. The owner intends to use the building as a restaurant.

Prior to the approval of the new Article 32 – Zoning Code, which became effective June 5, 2017, the property was included in a larger B-2-2 Business Zoning District. Under the new Zoning Code the properties were rezoned to R-8. Bill 19-0333 proposes to change the zoning to C-1.

If approved, Bill 19-0333 proposes to rezone the property as follows:



Property	Zoning		
	Prior to Transform	Current	Proposed
801-803 North Chester Street	B-2-2	R-8	C-1

The intended purposes for the current and proposed zoning districts, as described in Article 32, are below:

**Current Zoning District – R-8**

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

(a) Neighborhoods.

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

**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.

(Ord. 16-581)

---

**Additional Information**

**Fiscal Note:** Not Available

**Information Source(s):** Agency Reports

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**Analysis by:** Jennifer L. Coates  
**Analysis Date:** June 5, 2019



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

**CITY OF BALTIMORE  
COUNCIL BILL 19-0333  
(First Reader)**

---

Introduced by: Councilmembers Sneed, Stokes, President Young

At the request of: The Land of Kush, Inc.

Address: c/o Jason Whittington, 7464 New Ridge Road, Hanover, Maryland 21076

Telephone: 1-410-642-4836

Introduced and read first time: February 4, 2019

Assigned to: Land Use and Transportation Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 801-803 North Chester Street**

3 FOR the purpose of changing the zoning for the properties known as 801-803 North Chester  
4 Street (Block 1605, Lots 001 and 002), as outlined in red on the accompanying plat, from the  
5 R-8 Zoning District to the C-1 Zoning District.

6 BY amending

7 Article 32 - Zoning

8 Zoning District Map

9 Sheet 47

10 Baltimore City Revised Code

11 (Edition 2000)

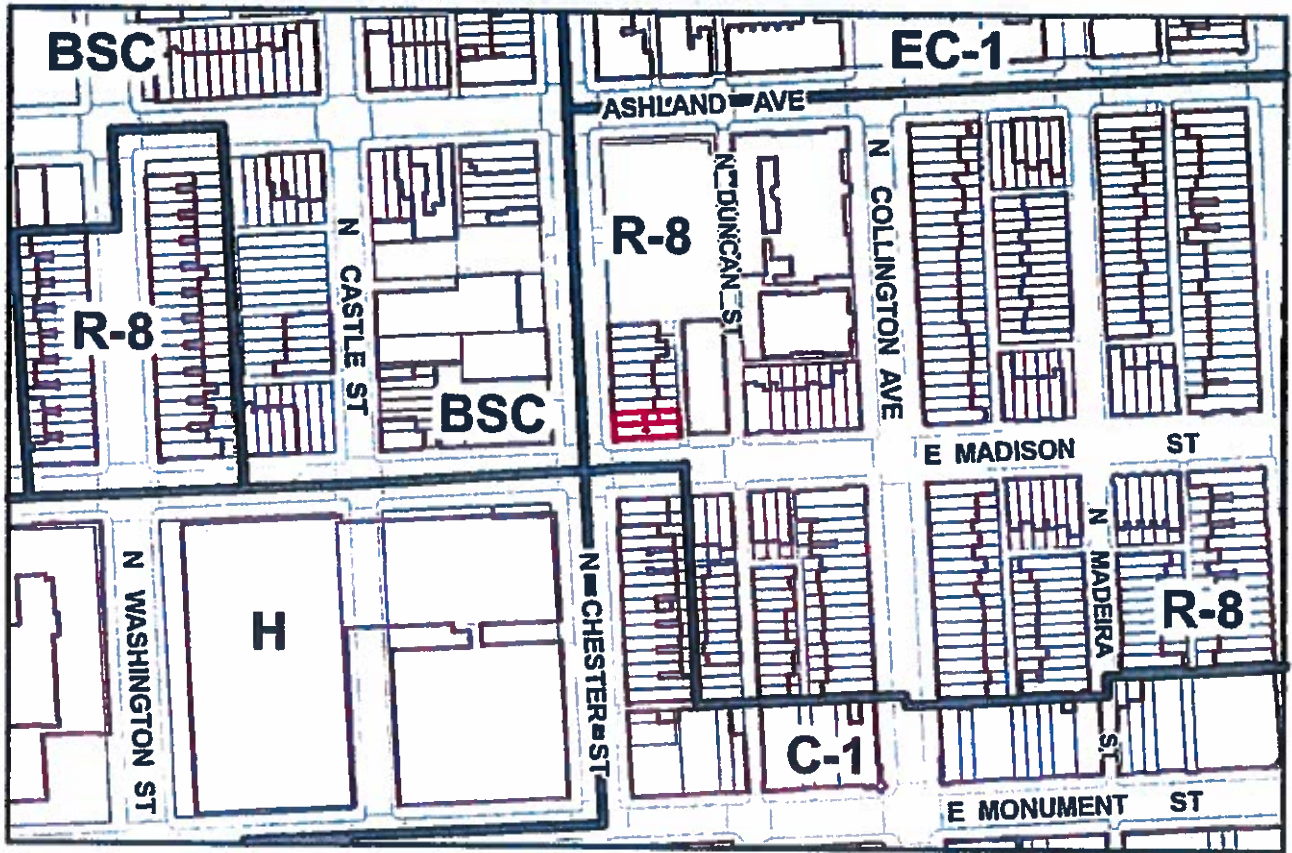
12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE**, That  
13 Sheet 47 of the Zoning District Map is amended by changing from the R-8 Zoning District to the  
14 C-1 Zoning District the properties known as 801-803 North Chester Street (Block 1605, Lots 001  
15 and 002), as outlined in red on the 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.

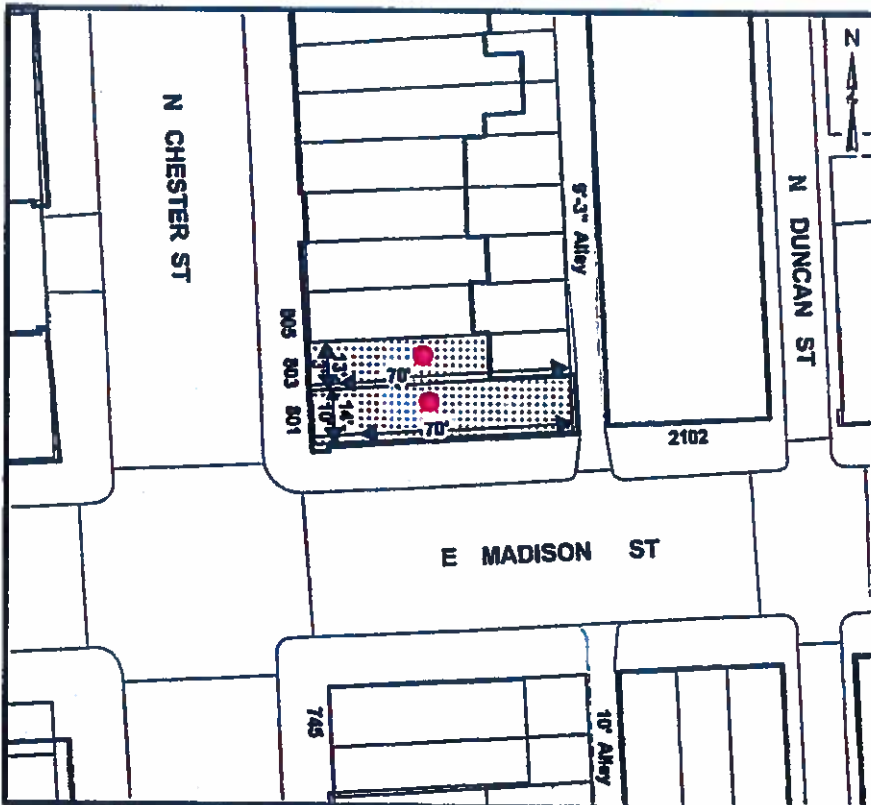
24 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30<sup>th</sup> day  
25 after the date it is enacted.

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

**SHEET NO. 47 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'



Scale: 1" = 50'

**Note:**

In Connection With The Properties Known As No. 801 & 803 NORTH CHESTER STREET, The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From R-8 Zoning to C-1 Zoning, As Outlined In Red Above.

WARD 7 SECTION 13  
BLOCK 1605 LOTS 1 & 2

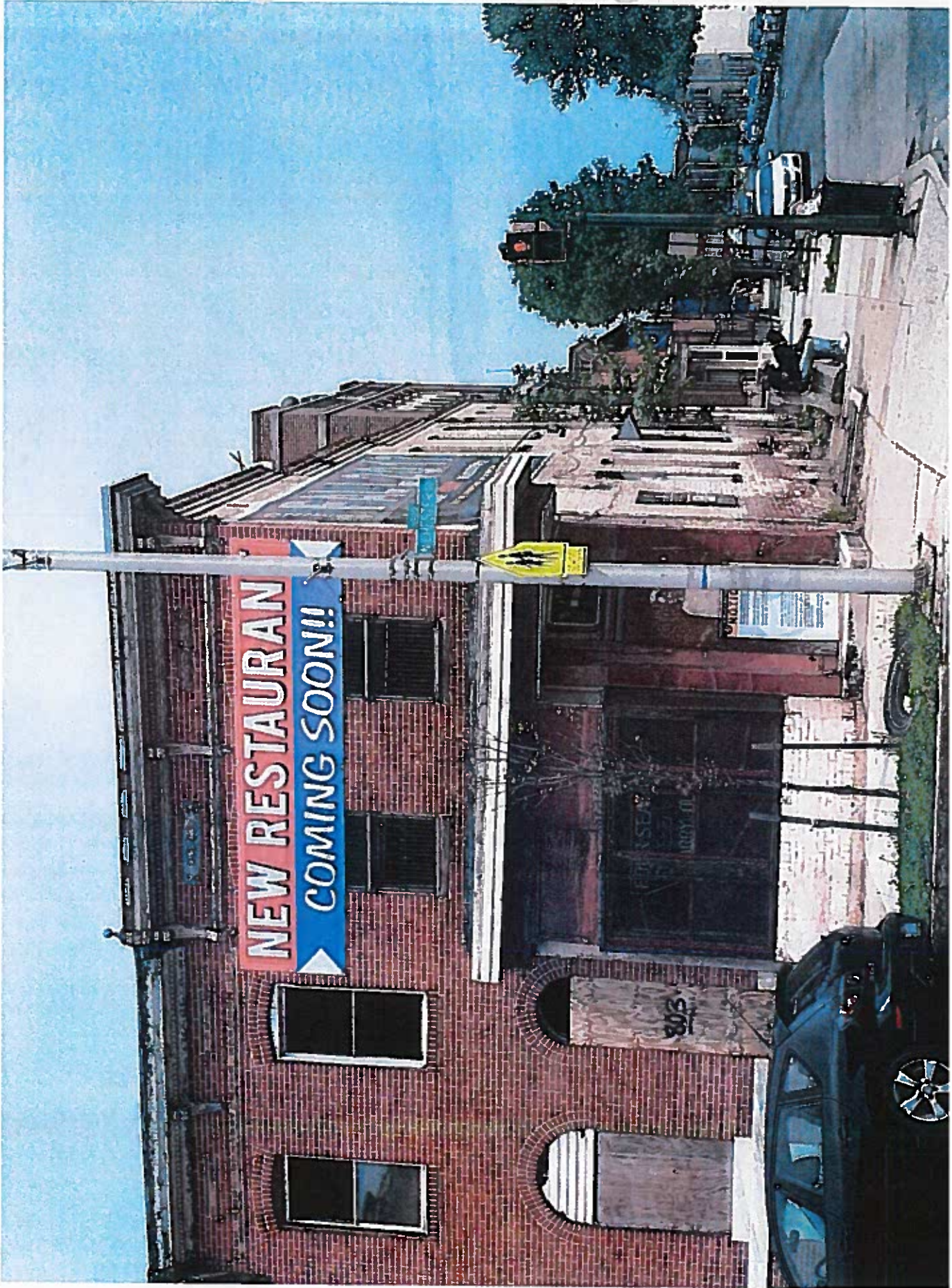
\_\_\_\_\_

MAYOR

\_\_\_\_\_

PRESIDENT CITY COUNCIL









19-0333



# OFFICE OF COUNCIL SERVICES

CITY HALL, ROOM 415  
100 NORTH HOLLIDAY STREET  
BALTIMORE, MARYLAND 21202  
(410) 545-7596 (FAX)

## FACSIMILE TRANSMITTAL SHEET

TO: *Caroline Hecker, Esquire* FROM: *Jennifer L. Coates*

TITLE/COMPANY: *ROSENBERG MARTIN  
Greenberg, LLP* DATE: *5-16-19*

FAX NUMBER: *410-727-1115* TOTAL NO. OF PAGES (INCLUDING COVER): *12*

PHONE NUMBER: *410-727-6600* PHONE NUMBER: *410-396-1260*

RE: *BILL 19-0333*

URGENT  FOR REVIEW  PLEASE COMMENT  PLEASE REPLY  PLEASE RECYCLE

### NOTES/COMMENTS:

*PLEASE ACKNOWLEDGE RECEIPT*

*JENNIFER.COATES@CS@baltimore.gov*

PLEASE NOTE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS PRIVILEGED AND CONFIDENTIAL AND IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE AND OTHERS WHO HAVE BEEN SPECIFICALLY AUTHORIZED TO RECEIVE IT. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.





CITY OF BALTIMORE


BERNARD C. "JACK" YOUNG,  
Ex Officio Mayor



OFFICE OF COUNCIL SERVICES

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

TO: The Land of Kush, Inc. c/o Caroline Hecker, Esquire

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

Date: May 16, 2019

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

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

Bill: City Council Bill No. 19-0333

Date: Wednesday, June 12, 2019

Time: 1:10 p.m.

Place: City Council Chambers, 4<sup>th</sup> floor, City Hall, 100 N. Holliday Street

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

**Article 32. Zoning Section 5-601 – Map or Text amendments: PUDs**

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

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

**Disclaimer.** The City makes no claims as to the quality, completeness accuracy, timeliness, or content of any data contained herein or on this site. All such items and materials are provided on an "as is" basis, and you are fully and solely responsible for your use of them and for any results or consequences of your use. They have been compiled from a variety of sources, including sources beyond the control of the City, and are subject to change without notice from the City. The data is subject to change as modifications and updates are complete. It is understood that the information contained in the site is being used at one's own risk. In no event shall the City or its elected/appointed officials, municipal agencies and departments, employees, agents, or volunteers be liable for any direct, indirect, special, punitive, incidental, exemplary or consequential damages arising your accessing or using the site, or otherwise arising from this site or from anything contained in or displayed on this site. Nothing contained in or displayed on this site constitutes or is intended to constitute legal advice by the City or any of its elected/appointed officials, municipal agencies and department, employees, agents and volunteers.



## Newspaper Advertisement

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

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

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

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

## Certification of Postings

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

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

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

<b><i>Newspaper Ad Must Be Published By:</i></b>	<b><i>May 28, 2019</i></b>
<b><i>Sign Must Be Posted By:</i></b>	<b><i>May 13, 2019</i></b>
<b><i>Written Notice to Property Owners By:</i></b>	<b><i>May 28, 2019</i></b>

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 notice requirements, please contact:

Ms. Jennifer L. Coates, Committee Staff  
Baltimore City Council  
Land Use and Transportation Committee  
410-396-1260  
[Jennifer.CoatesOCS@gmail.com](mailto:Jennifer.CoatesOCS@gmail.com)



THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE POSTED BY MAY 13, 2019 AND PUBLISHED BY MAY 28, 2019, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

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**BALTIMORE CITY COUNCIL**

**PUBLIC HEARING ON BILL 19-0333**

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, June 12, 2019 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 19-0333.

**CC 19-0333    ORDINANCE – Rezoning 8 801-803 North Chester Street**

FOR the purpose of changing the zoning for the properties known as 801-803 North Chester Street (Block 1605, Lots 001 and 002), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

By amending

Article 32 – Zoning  
Zoning District Map  
Sheet 47  
Baltimore City Revised Code  
(Edition 2000)

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

Applicant: The Land of Kush, Inc.

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

**EDWARD REISINGER**

Chair

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**CORRECTION**

**5-16-19**

**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:**

Mr. Jason Whittington  
c/o Ms. Caroline Hecker Esquire  
Rosenberg, Martin, Greenberg, LLP  
25 South Charles Street Ste. 21<sup>st</sup> Floor  
Baltimore, MD 21201  
410-727-6600





**ZONING  
SUBTITLE 6 - NOTICES**

**ARTICLE 32, § 5-601**

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

(a) Hearing required.

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

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

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

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
  - (i) by posting in a conspicuous place on the subject property; and
  - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and
- (3) for a comprehensive rezoning:
  - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
  - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.



The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
- (3) the name of the applicant.

(d) Number and manner of posted notices.

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

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

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

(e) Timing of notices – In general.

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

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

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

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



- (1) posted at least 30 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.



**Baltimore City Council**  
**Certificate of Posting - Public Hearing Notice**

**City Council Bill No.:**

*Today's Date: [Insert Here]*

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

**Address:**

**Date Posted:**

---

**Name:**

**Address:**

**Telephone:**

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





THE NOTICE OF HEARING SIGN(S) MUST BE MADE IN ACCORDANCE WITH THE RULES OF THE BALTIMORE CITY BOARD OF MUNICIPAL AND ZONING APPEALS AND ARTICLE 32 – ZONING, SECTION 5-602 (SEE ATTACHMENT B) WHICH CAN BE OBTAINED FROM THE FOLLOWING WEBSITES:

<https://zoning.baltimorecity.gov/>

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

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

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

---

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

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SIGNS BY ANTHONY  
ANTHONY L. GREENE  
2815 TODKILL TRACE  
EDGEWOOD, MD 21040  
PHONE: 443-866-8717  
FAX: 410-676-5446  
E-MAIL: [bones\\_malone@comcast.net](mailto:bones_malone@comcast.net)

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

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

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**Coates, Jennifer**

---

**Full Name:** Darlene Miller  
**Last Name:** Miller  
**First Name:** Darlene  
**Company:** Daily Record

**Business Address:** 443-524-8188 Direct, Line  
United States of America

**Business Fax:** (410) 752-5469

**E-mail:** legalad@thedailyrecord.com  
**E-mail Display As:** Darlene Miller - Daily Record (legalads@thedailyrecord.com)



**Coates, Jennifer**

---

**Full Name:** Michele Griesbauer  
**Last Name:** Griesbauer  
**First Name:** Michele  
**Company:** Sunpaper - Advertising

**Business Address:** <http://ts.merlinone.com/scripts/foxisapi.dll/sur.x.go?WHk8OI--1>

**Business:** (410) 332-6381  
**Business Fax:** (410) 783-2507

**E-mail:** [mgriesbauer@baltsun.com](mailto:mgriesbauer@baltsun.com)  
**E-mail Display As:** Sunpaper - Advertising ([mgriesbauer@baltsun.com](mailto:mgriesbauer@baltsun.com))

Michele Wharton 410-332-6522



**Coates, Jennifer**

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**Full Name:** Afro American  
**Last Name:** American  
**First Name:** Afro

**Business:** (410) 554-8251

**E-mail:** TRobinson@afro.com  
**E-mail Display As:** TRobinson@afro.com





## Coates, Jennifer

---

**From:** Coates, Jennifer  
**Sent:** Tuesday, April 16, 2019 11:20 AM  
**To:** 'gbrown@thelandofkush.com'  
**Cc:** Sneed, Shannon; Stuart-Sikowitz, Gabriel; Austin, Natawna B.  
**Subject:** Public Notice Instruction for Upcoming Hearing - Bill 19-0333  
**Attachments:** PNI - Letter - 19-0333- RZ - 801-803 N Chester Street.docx; LU Form - Contacts for Sign Posting RZ COMPRZ PUD - Art 32.docx; Afro American; Michele Griesbauer - Sunpaper - Advertising; Darlene Miller; Form - Certificate of Posting.docx

Mr. Jason Whittington:

Attached is the information you will need to post, publish and mail public hearing notice(s) for the subject bill to be heard by the Land Use and Transportation Committee on **May 22, 2019 at 1:05 p.m.** at City Hall in the City Council Chamber.

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

Feel free to contact me if you need more information.

**PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL**



**Jennifer L. Coates**  
*Senior Legislative Policy Analyst*  
*Office of Council Services*  
100 N. Holliday Street, Room 415  
Baltimore, MD 21202  
[jennifer.coates@baltimorecity.gov](mailto:jennifer.coates@baltimorecity.gov)

OFFICE OF COUNCIL SERVICES

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

### Confidentiality Notice:

This e-mail, including any attachment(s), is intended for receipt and use by the intended addressee(s), and may contain legal or other confidential and privileged information. If you are not an intended recipient of this e-mail, you are hereby notified that any unauthorized use or distribution of this e-mail is strictly prohibited, and requested to delete this communication and its attachment(s) without making any copies thereof and to contact the sender of this e-mail immediately. Nothing contained in the body and/or header of this e-mail is intended as a signature or intended to bind the addressor or any person represented by the addressor to the terms of any agreement that may be the subject of this e-mail or its attachment(s), except where such intent is expressly indicated.



**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

**TO:** The Land of Kush, Inc. c/o Jason Whittington

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

**Date:** April 16, 2019

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

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

**Bill:** City Council Bill No. 19-0333

**Date:** Wednesday, May 22, 2019

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

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

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

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

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

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

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## Newspaper Advertisement

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

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

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

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

## Certification of Postings

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

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

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

***Newspaper Ad Must Be Published By:***

***May 7, 2019***

***Sign Must Be Posted By:***

***April 22, 2019***

***Written Notice to Property Owners By:***

***May 7, 2019***

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

Ms. Jennifer L. Coates, Committee Staff  
Baltimore City Council,  
Land Use and Transportation Committee  
410-396-1260  
[Jennifer.Coates@baltimorecity.gov](mailto:Jennifer.Coates@baltimorecity.gov).

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE  
**POSTED BY APRIL 22, 2019 AND PUBLISHED BY MAY 7, 2019**, AS DISCUSSED  
ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

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**BALTIMORE CITY COUNCIL**  
**PUBLIC HEARING ON BILL NO. 19-0333**

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, May 22, 2019 at 1:05 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. 19-0333.

**CC 19-0333 ORDINANCE - Rezoning – 801 - 803 North Chester Street**

FOR the purpose of changing the zoning for the properties known as 801-803 North Chester Street (Block 1605, Lots 001 and 002), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

BY amending

Article 32 - Zoning  
Zoning District Map  
Sheet 47  
Baltimore City Revised Code  
(Edition 2000)

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

Applicant: The Land of Kush, Inc.

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

EDWARD REISINGER

Chair

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**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:**

Mr. Jason Whittington  
7464 New Ridge Road, #5  
Hanover, Maryland 21076  
1-410-642-4836

**ZONING  
SUBTITLE 6 – NOTICES**

**ARTICLE 32, § 5-601**

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

(a) Hearing required.

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

- (1) the parties in interest and the general public will have an opportunity to be heard; and
- (2) all agency reports will be reviewed.

(b) Notice of hearing required.

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

- (1) by publication in a newspaper of general circulation in the City;
- (2) for the creation or modification of a planned unit development and for a zoning map amendment, other than a comprehensive rezoning:
  - (i) by posting in a conspicuous place on the subject property; and
  - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and
- (3) for a comprehensive rezoning:
  - (i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and
  - (ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

**(c) Contents of notice.**

The notice must include:

- (1) the date, time, place, and purpose of the public hearing;
- (2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and
- (3) the name of the applicant.

**(d) Number and manner of posted notices.**

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

- (i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;
- (ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;
- (iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;
- (iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and
- (v) each sign must be at least 3 feet by 4 feet in size.

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

**(e) Timing of notices – In general.**

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

- (1) at least 15 days before the public hearing; or
- (2) for a comprehensive rezoning, at least 30 days before the public hearing.

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

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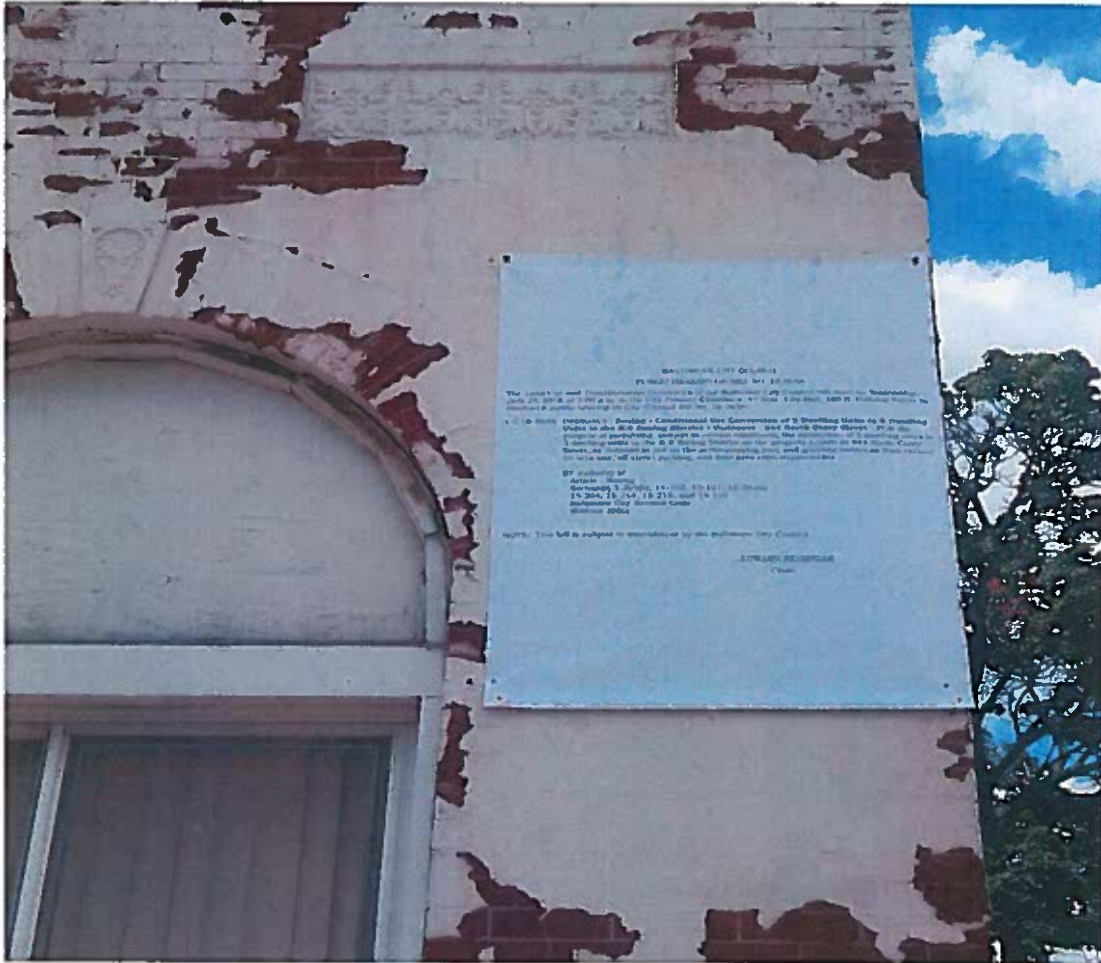
For a zoning map amendment or the creation or modification of a planned unit development, the posted notice must be:

- (1) posted at least 30 days before the public hearing; and
- (2) removed within 48 hours after conclusion of the public hearing.



**Baltimore City Council - Certificate of Posting  
Public Hearing Notice  
City Council Bill No. 16-0656**

**844 North Carey Street, Baltimore, MD, 21217**



**Posted 7/5/16**

---

**Rodney Hasan**  
**2748 Baker Street; Baltimore, MD 21216**  
**443-839-3803**



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

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

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

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

---

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

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

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

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## Coates, Jennifer

---

**Full Name:** Afro American  
**Last Name:** American  
**First Name:** Afro

**Business:** (410) 554-8251

**E-mail:** TRobinson@afro.com  
**E-mail Display As:** TRobinson@afro.com



## Coates, Jennifer

---

**Full Name:** Michele Griesbauer  
**Last Name:** Griesbauer  
**First Name:** Michele  
**Company:** Sunpaper - Advertising

**Business Address:** <http://ts.merlinone.com/scripts/foxisapi.dll/sur.x.go?WHkI8OI--1>

**Business:** (410) 332-6381  
**Business Fax:** (410) 783-2507

**E-mail:** mgriesbauer@baltsun.com  
**E-mail Display As:** Sunpaper - Advertising (mgriesbauer@baltsun.com)

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

---





## Coates, Jennifer

---

**Full Name:** Darlene Miller  
**Last Name:** Miller  
**First Name:** Darlene  
**Company:** Daily Record

**Business Address:** 443-524-8188 Direct, Line  
United States of America

**Business Fax:** (410) 752-5469

**E-mail:** legalad@thedailyrecord.com  
**E-mail Display As:** Darlene Miller - Daily Record (legalads@thedailyrecord.com)



**CITY OF BALTIMORE  
COUNCIL BILL 19-0333  
(First Reader)**

---

Introduced by: Councilmembers Sneed, Stokes, President Young

At the request of: The Land of Kush, Inc.

Address: c/o Jason Whittington, 7464 New Ridge Road, Hanover, Maryland 21076

Telephone: 1-410-642-4836

Introduced and read first time: February 4, 2019

Assigned to: Land Use and Transportation Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Board of Municipal and Zoning Appeals, Planning Commission, Department of Housing and Community Development, Baltimore Development Corporation, Department of Transportation

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 801-803 North Chester Street**

3 FOR the purpose of changing the zoning for the properties known as 801-803 North Chester  
4 Street (Block 1605, Lots 001 and 002), as outlined in red on the accompanying plat, from the  
5 R-8 Zoning District to the C-1 Zoning District.

6 BY amending

7 Article 32 - Zoning

8 Zoning District Map

9 Sheet 47

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 47 of the Zoning District Map is amended by changing from the R-8 Zoning District to the  
14 C-1 Zoning District the properties known as 801-803 North Chester Street (Block 1605, Lots 001  
15 and 002), as outlined in red on the plat accompanying this Ordinance.

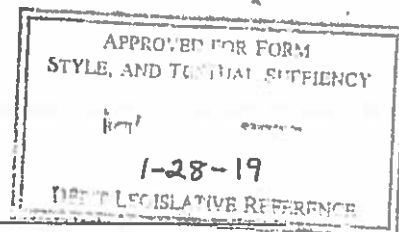
16 **SECTION 2. AND BE IT FURTHER ORDAINED**, That as evidence of the authenticity of the  
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning  
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council  
19 shall sign 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 Sneed  
At the request of: The Land of Kush, Inc.  
Address: c/o Jason Whittington, 7464 New Ridge Road, Hanover, Maryland 21076  
Telephone: 1-410-642-4836

---

A BILL ENTITLED

AN ORDINANCE concerning

**Rezoning – 801-803 North Chester Street**

FOR the purpose of changing the zoning for the properties known as 801-803 North Chester Street (Block 1605, Lots 001 and 002), as outlined in red on the accompanying plat, from the R-8 Zoning District to the C-1 Zoning District.

BY amending

Article 32 - Zoning  
Zoning District Map  
Sheet 47  
Baltimore City Revised Code  
(Edition 2000)

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That Sheet 47 of the Zoning District Map is amended by changing from the R-8 Zoning District to the C-1 Zoning District the properties known as 801-803 North Chester Street (Block 1605, Lots 001 and 002), 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

801 & 803 N. Chester St.  
{Address}

1. Applicant's Contact Information:

Name: Gregory Brown  
Mailing Address: 810 N. Ewald St.  
Baltimore, MD 21201  
Telephone Number: 410-207-1486  
Email Address: gbrown@thelandofkush.com

2. All Proposed Zoning Changes for the Property: For the two properties we  
are proposing to change both properties from Residential  
to Commercially Zoned From R8-C1

3. All Intended Uses of the Property: The bottom floor will be used as  
a restaurant. The top floor will be used as Rental property.  
We wish to combine

4. Current Owner's Contact Information:

Name: 800 Chester Street LLC  
Mailing Address: 7464 New Road RD #5  
Hamover, MD 21076  
Telephone Number: 410-692-4830  
Email Address: \_\_\_\_\_

5. Property Acquisition:

The property was acquired by the current owner on 6/30/2016 by deed recorded in the  
Land Records of Baltimore City in Liber 11791 Folio 318-324.

6. Contract Contingency:

- (a) There is \_\_\_\_\_ is not \_\_\_\_\_ 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 \_\_\_\_\_ 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, Gregory Brown, 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.

Gregory Brown  
Applicant's signature

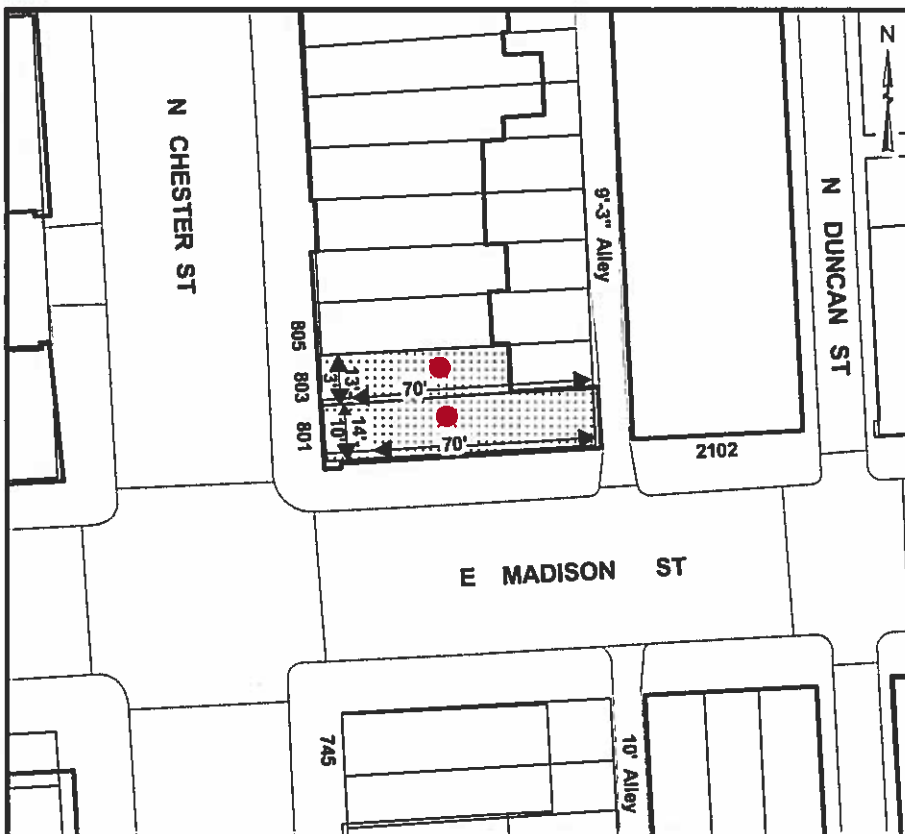
1-22-19  
Date



**SHEET NO. 47 OF THE ZONING MAP OF  
THE ZONING CODE OF BALTIMORE CITY**



Scale: 1" = 200'



Scale: 1" = 50'

**Note:**

In Connection With The Properties Known As No. 801 & 803 NORTH CHESTER STREET. The Applicant Wishes To Request The Rezoning Of The Aforementioned Properties From R-8 Zoning to C-1 Zoning, As Outlined In Red Above.

WARD 7                      SECTION 13  
BLOCK 1605                      LOTS 1 & 2

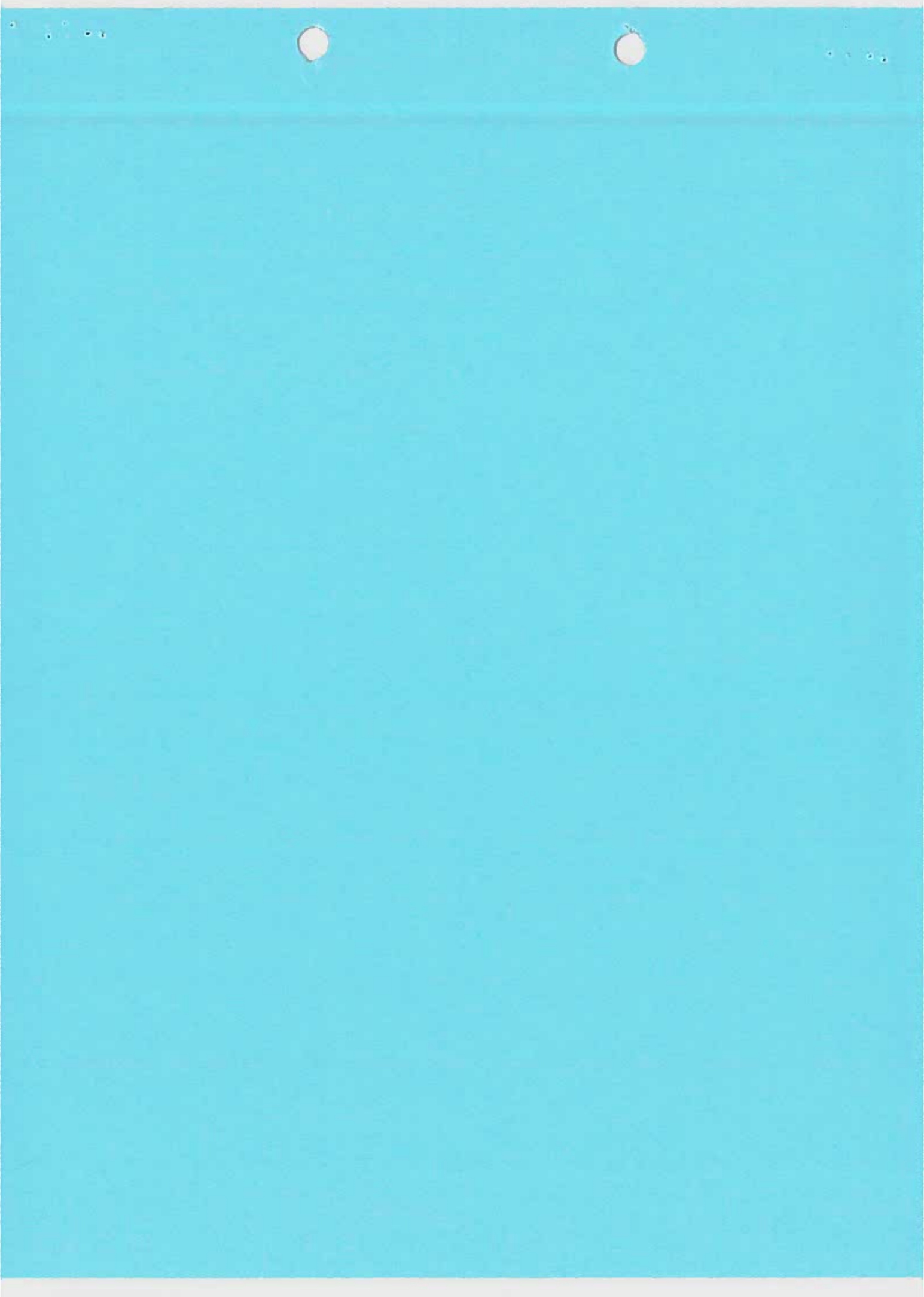
\_\_\_\_\_

MAYOR

\_\_\_\_\_

PRESIDENT CITY COUNCIL





**ACTION BY THE CITY COUNCIL**

FEB 04 2019

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

PUBLIC HEARING HELD ON \_\_\_\_\_ June 12, \_\_\_\_\_ 20 19

COMMITTEE REPORT AS OF \_\_\_\_\_ June 17 \_\_\_\_\_ 20 19

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

*Edward Reese*  
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:

JUN 17 2019

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

JUN 24 2019

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