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**BALTIMORE CITY COUNCIL
WAYS AND MEANS
COMMITTEE**

Mission Statement

The Committee on Ways and Means (WM) is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello
Chairman**

PUBLIC HEARING

**TUESDAY, JULY 23, 2024
10:00 AM**

COUNCIL CHAMBERS

Council Bill #24-0550

**Zoning - Conditional Use – Retail Goods Establishment with Alcoholic
Beverage Sales – 3601 Elm Avenue**

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BILL SYNOPSIS

Committee: Ways and Means

Bill 24-0550

Zoning - Conditional Use – Retail Goods Establishment with Alcoholic Beverage Sales – 3601 Elm Avenue

Sponsor: Councilmember Ramos at the request of Wells Enterprise, LLC

Introduced: June 10, 2024

Purpose:

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a retail goods establishment with alcoholic beverage sales on property known as 3601 Elm Avenue, as outlined in red on the accompanying plat; and providing for a special effective date.

Effective: On the date it is enacted.

Agency Reports

Law Department	None as of this writing
Department of Housing & Community Development	None as of this writing
Planning Commission	Favorable
Baltimore Development Corporation	None as of this writing
Department of Transportation	None as of this writing
Fire Department	None as of this writing
Board of Municipal & Zoning Appeals	None as of this writing
Parking Authority of Baltimore City	None as of this writing

Analysis

Current Law

Article 32 – Zoning, Sections -201(a), 5-406, 5-501, 14-336, and Table 10-301 – [Baltimore City Revised Code \(Edition 2000\)](#).

To approve a conditional use, the City Council must find, based on facts presented at a hearing on the bill:

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

Background

Bill 24-0550, if approved, would permit the establishment and operation of a retail goods establishment, with alcoholic beverage sales, on the property known as 3601 Elm Avenue. A retail goods establishment sells goods, wares, or other merchandise directly to consumers.

The site is currently owned by Wells Enterprises, LLC and is located in Council District 14, in the Hampden area of Baltimore City. *See attached picture.*

Additional Information

Fiscal Note: None

Information Source(s): City Code, Bill 24-0550 and all agency reports, and correspondence received as of this writing.

Analysis by:  Marguerite M. Currin
Analysis Date: July 19, 2024

Direct Inquiries to: (443) 984-3485



Image capture: Oct 2022 © 2024 Google



**CITY OF BALTIMORE
COUNCIL BILL 24-0550
(First Reader)**

Introduced by: Councilmember Ramos
At the request of: Wells Enterprises, LLC
Address: c/o Caroline L. Hecker, Esquire
25 S. Charles Street, 21st Floor, Baltimore, Maryland 21201
Telephone: (410) 727-6600
Introduced and read first time: June 10, 2024
Assigned to: Ways and Means Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Zoning – Conditional Use – Retail Goods Establishment with Alcoholic**
3 **Beverage Sales – 3601 Elm Avenue**

4 FOR the purpose of permitting, subject to certain conditions, the establishment, maintenance, and
5 operation of a retail goods establishment with alcoholic beverage sales on the property known
6 as 3601 Elm Avenue, as outlined in red on the accompanying plat; and providing for a special
7 effective date.

8 BY authority of
9 Article - Zoning
10 Section(s) 5-201(a), 5-406, 5-501, 14-336, and Table 10-301
11 Baltimore City Revised Code
12 (Edition 2000)

13 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
14 permission is granted for the establishment, maintenance, and operation of a retail goods
15 establishment with alcoholic beverage sales on the property known as 3601 Elm Avenue, as
16 outlined in red on the plat accompanying this Ordinance, in accordance with Baltimore City
17 Zoning Code §§ 10-301 and 14-336, subject to the condition that the retail goods establishment
18 with alcoholic beverage sales complies with all applicable federal, State, and local licensing and
19 certification requirements.

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

Council Bill 24-0550


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

9 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the date it is
10 enacted.

Council Bill 24-0550

AGENCY REPORTS

See attached

FROM	NAME & TITLE	CHRIS RYER, DIRECTOR <i>Chris Ruer</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #24-0550 / ZONING - CONDITIONAL USE - RETAIL GOODS ESTABLISHMENT WITH ALCOHOLIC BEVERAGE SALES - 3601 ELM AVENUE		

TO

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

DATE: July 15, 2024

At its regular meeting of July 11, 2024, the Planning Commission considered City Council Bill #24-0550, for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a retail goods establishment with alcoholic beverage sales on the property known as 3601 Elm Avenue, as outlined in red on the accompanying plat; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended approval of City Council Bill #24-0550 and adopted the following resolutions, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #24-0550 be **approved** 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: Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Ms. Rebecca Witt, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

July 11, 2024

REQUEST: City Council Bill #24-0550/ Zoning - Conditional Use - Retail Goods Establishment with Alcoholic Beverage Sales - 3601 Elm Avenue:

For the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a retail goods establishment with alcoholic beverage sales on the property known as 3601 Elm Avenue, as outlined in red on the accompanying plat; and providing for a special effective date.

RECOMMENDATION: Approval

STAFF: Eric Tiso

PETITIONER: Wells Enterprises, LLC, c/o Caroline L. Hecker, Esq.

OWNER: Wells Enterprises, LLC

SITE/GENERAL AREA

Site Conditions: 3601 Elm Avenue is located on the northeast corner of the intersection with Berry Street. This property measures approximately 112' by 111' and is currently improved with a one-story commercial building measuring approximately 78' by 108'. This site is zoned C-1 and is located within the Hampden Business Urban Renewal Plan (URP) area.

General Area: This property is located in the Hampden neighborhood, which has a mix of residential, commercial, and institutional uses throughout the neighborhood. The Elm Street corridor has a mix of solid blockfaces of homes interspersed with commercial uses.

HISTORY

- The Hampden URP was established by Ord. #285, dated February 17, 1977.
- Amendment No. 4 is the latest amendment to the URP, approved by Ord. #19-0447, dated November 16, 2020.
- CCB #24-0221R - Approval for the Exchange of a Class B-D-7 License to a Class A-7 License for Use at 3601 Elm Avenue, was introduced into Council on June 10, 2024.

ANALYSIS

Background: While preparing to sell the business, the owner realized that the last U&O (USE2009-03034) was to "continue to use premises for a restaurant/with gourmet wine and cheese shop (liquor license converted from Class D to Class BD-7)." This was likely done to facilitate the issuance of the 7-day license. Our client intends to transfer the existing BD-7 liquor license to the purchaser as part of the sale, which will require a new use and occupancy permit.

The goal is to better align the use description on the U&O with the existing operation, which is predominately the sale of alcoholic beverages for off-premises consumption.

Use: In this Commercial zoning district, Retail Goods Establishment (With Alcoholic Beverages Sales) are listed as a conditional use requiring approval by an Ordinance (Table 10-301). In this case, the property was last authorized for use as a Taverns-A2 License - Off Premises Sales, which under the previous zoning code was a permitted use in the B-2-2 District at that time. This property is also located in the Hampden URP, in the Neighborhood Business land use area of the plan, where the uses of the C-1 District are allowed with minimal additional controls that don't apply to this particular use.

Conditional Use Approval Standards: *Limited criteria for denying.* The Board of Municipal and Zoning Appeals or the City Council, may not approve a conditional use or sign unless, after public notice and hearing and on consideration of the standards required by this subtitle, the Board or Council finds that: (1) the establishment, location, construction, maintenance, or operation of the conditional use or sign would not be detrimental to or endanger the public health, safety, or welfare; (2) the use or sign would not be precluded by any other law, including an applicable Urban Renewal Plan; (3) the authorization would not be contrary to the public interest; and (4) the authorization would be in harmony with the purpose and intent of this Code. (§5-406 (b))

Staff believes that the criteria under §5-406 above are met, as the property is of sufficient size, provides parking, doesn't impact the surrounding area any more than it would if located in any other C-1 property, and as an existing use doesn't impair future development in the area. The other criteria are addressed, as this is an existing use that has been at this location since 2009. Approval of this bill will not change the actual operations of the business in this location, so there should not be any negative impacts to the surrounding area.

Equity:

Staff believes there will be no discernible negative impacts to the surrounding community from this proposal, as the use has been in continuous operation since 2009, and is pursuing a slightly less intense liquor license through a separate Council Resolution. Staff does not anticipate any impact to staff time or resources devoted to this project beyond routine requirements of development review.

Notification: Greenmount West and the Hampden Community Council have been notified of this action.



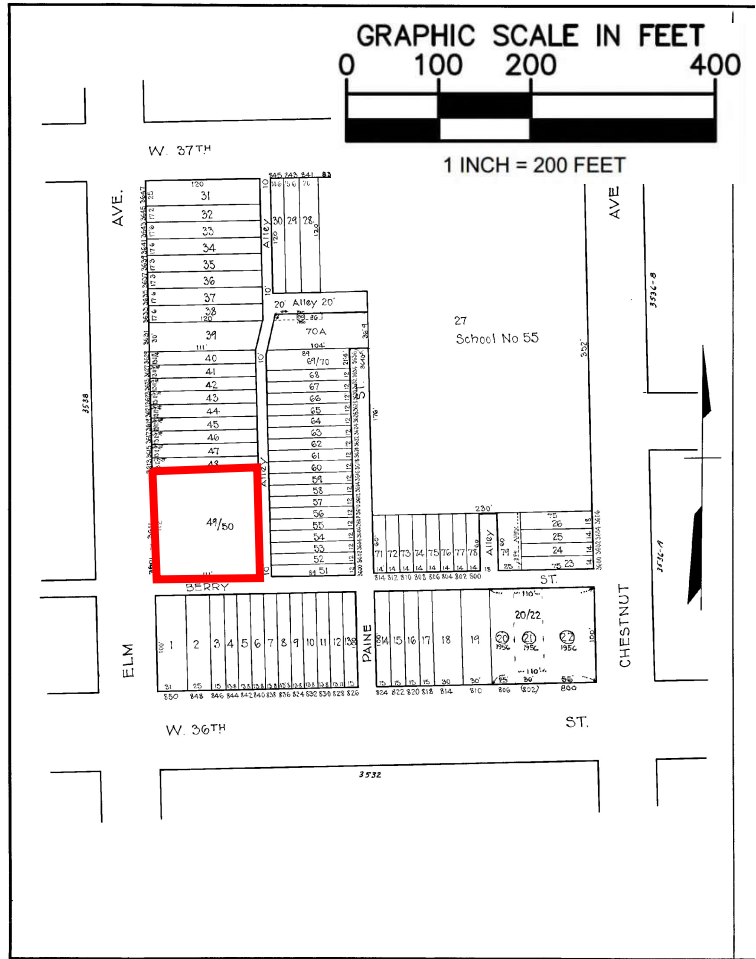
Chris Ryer
Director

Council Bill 24-0550

ADDITIONAL DOCUMENTS

See attached

Date Prepared: 4/29/2024
Preparer: DET
Applicant: Wells Enterprises, LLC
Zoning: C-1
Sheet Numbers of Zoning Maps to Be Amended: Sheet No. 25



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MAYOR

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CITY COUNCIL PRESIDENT

**STATEMENT OF INTENT
FOR**

Conditional Use – Retail Goods Establishment (With Alcoholic Beverage Sales)
3601 Elm Avenue

1. Applicant's Contact Information:

Name: Wells Enterprises, LLC , c/o Caroline L. Hecker, Rosenberg Martin Greenberg, LLP
Mailing Address: 25 S. Charles Street, 21st Floor, Baltimore, MD 21201
Telephone Number: (410) 727-6600
Email Address: checker@rosenbergmartin.com

2. All Proposed Zoning Changes for the Property: Conditional use approval to use the property as a retail goods establishment with alcoholic beverage sales

3. All Intended Uses of the property: Retail goods establishment with alcoholic beverage sales

4. Current Owner's Contact Information:

Name: Wells Enterprises, LLC
Mailing Address: 3601 Elm Avenue
Baltimore, MD 21211
Telephone Number: _____
Email Address: _____

5. Property Acquisition:

The Property was acquired via deed recorded in the Land Records of Baltimore City on February 5, 2001 in Liber FMC 01063, Folio 00212.

6. Contract Contingency:

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

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

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

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

7. Agency:

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

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

AFFIDAVIT

I, Caroline L. Hecker, 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.



Caroline L. Hecker, Authorized Agent for Applicant

April 30, 2024

Date