

Introduced by: Councilmember Bullock

At the request of: Preparation, Inc.

Address: c/o William Pak, 2300 Edmondson Avenue, Baltimore, Maryland 21223

Telephone: 443-827-3173

Prepared by: Department of Legislative Reference

Date: May 30, 2017

Referred to: LAND USE AND TRANSPORTATION Committee

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

CITY COUNCIL 17-0079

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 2300 Edmondson Avenue

FOR the purpose of changing the zoning for the property known as 2300 Edmondson Avenue, as outlined in red on the accompanying plat, from the R-7 Zoning District to the C-1 Zoning District.

BY amending

Article 32 - Zoning

Zoning Map

Sheet 53

Baltimore City Revised Code

(Edition 2000)



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

Agencies

Baltimore City Public School System

Baltimore Development Corporation

City Solicitor

Comptroller's Office

Department of Audits

Department of Finance

Department of General Services

Department of Housing and Community Development

Department of Human Resources

Department of Planning

Other: _____

Other: _____

Other: _____

Department of Public Works

Department of Real Estate

Department of Recreation and Parks

Department of Transportation

Fire Department

Health Department

Mayor's Office of Employment Development

Mayor's Office of Human Services

Mayor's Office of Information Technology

Office of the Mayor

Police Department

Other: _____

Other: _____

Boards and Commissions

Board of Estimates

Board of Ethics

Board of Municipal and Zoning Appeals

Comm. for Historical and Architectural Preservation

Commission on Sustainability

Employees' Retirement System

Other: _____

Other: _____

Other: _____

Environmental Control Board

Fire & Police Employees' Retirement System

Labor Commissioner

Parking Authority Board

Planning Commission

Wage Commission

Other: _____

Other: _____

Other: _____

CITY OF BALTIMORE
ORDINANCE 18-131
Council Bill 17-0079

Introduced by: Councilmember Bullock

At the request of: Preparation, Inc.

Address: c/o William Pak, 2300 Edmondson Avenue, Baltimore, Maryland 21223

Telephone: 443-827-3173

Introduced and read first time: June 5, 2017

Assigned to: Land Use and Transportation Committee

Committee Report: Favorable

Council action: Adopted

Read second time: March 26, 2018

AN ORDINANCE CONCERNING

Rezoning – 2300 Edmondson Avenue

FOR the purpose of changing the zoning for the property known as 2300 Edmondson Avenue, as outlined in red on the accompanying plat, from the R-7 Zoning District to the C-1 Zoning District.

BY amending

Article 32 - Zoning

Zoning Map

Sheet 53

Baltimore City Revised Code

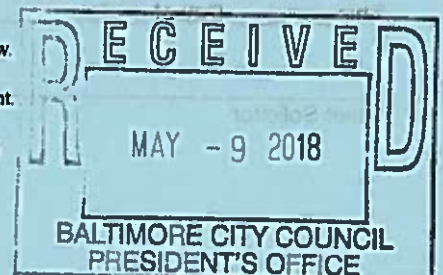
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 53 of the Zoning Map is amended by changing from the R-7 Zoning District to the C-1 Zoning District the property known as 2300 Edmondson Avenue, as outlined in red on the plat accompanying this Ordinance.

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

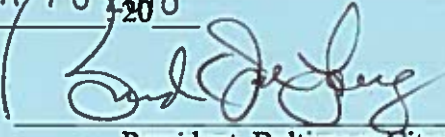
SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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



Council Bill 17-0079

Certified as duly passed this _____ day of APR 16, 2018



President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of APR 16, 2018



Chief Clerk

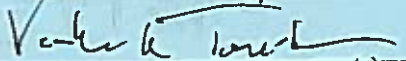
Approved this _____ day of _____, 20____

Mayor, Baltimore City

Pursuant to City Charter,
Article IV, Section 5 (c), this bill
became law on May 7, 2018,
without the Mayor's Signature.

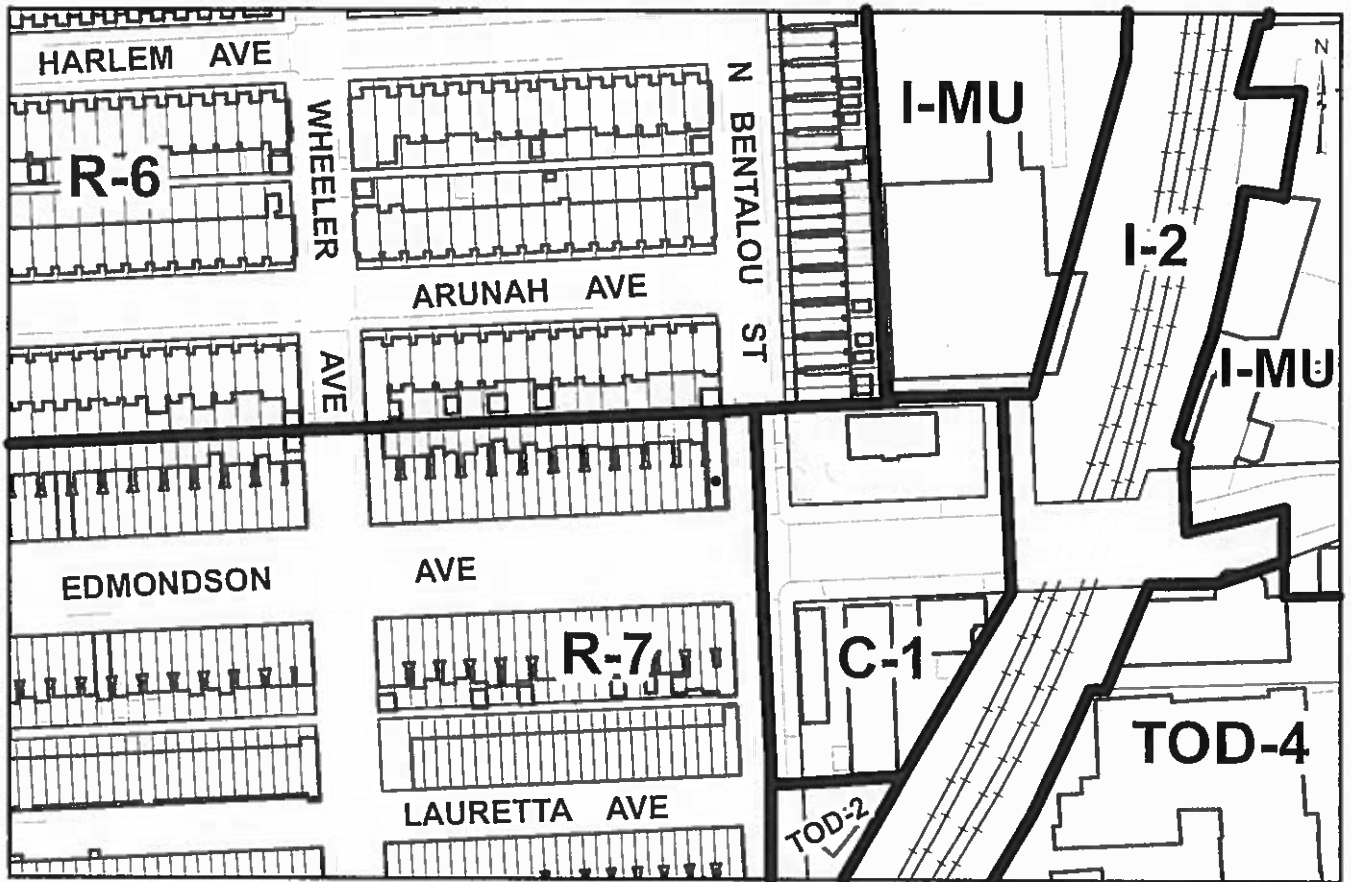
Approved For Form and Legal Sufficiency,

This 19th Day of April, 2018

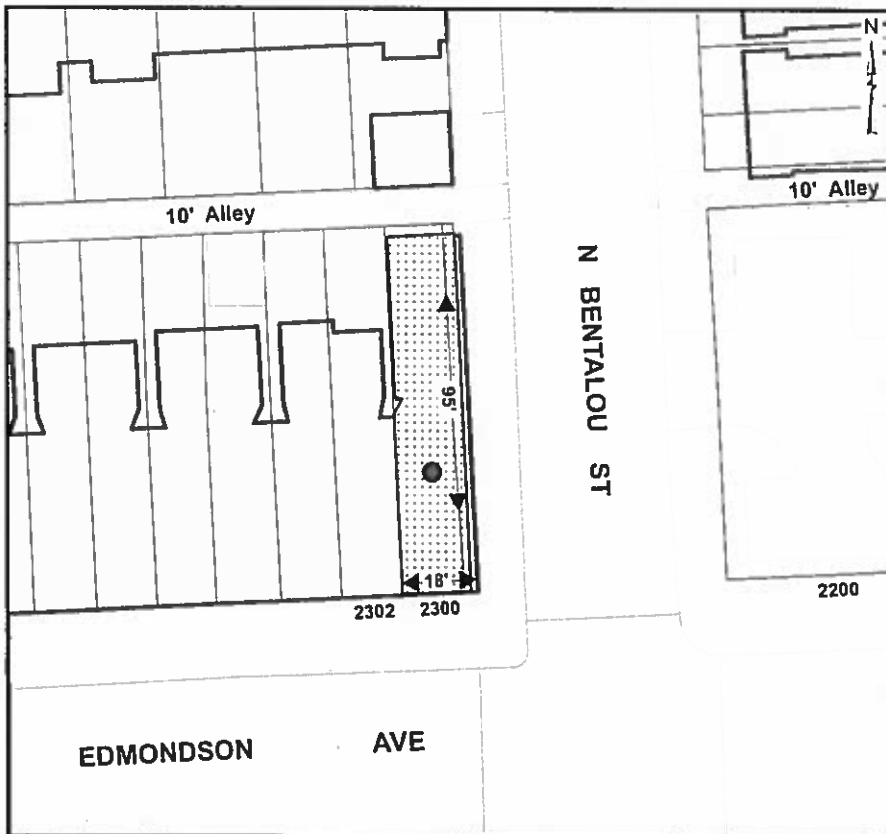


Chief Solicitor

SHEET NO. 53 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY



1" = 200'



Note:

In Connection With Property Known As No. 2300 EDMONDSON AVENUE. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From R-7 Zoning to C-1 Zoning, As Outlined In Red Above.

WARD 16 SECTION 25
BLOCK 2348 LOT 1

MAYOR
Paul D. Jones
PRESIDENT CITY COUNCIL

Scale: 1" = 50'

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO Sections 10-304 and 10-305 of the Maryland Land Use Article and Section 5-508 of the Baltimore City Code, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF:

CITY COUNCIL BILL NO: 17-0079 REZONING – 2300 EDMONSON AVENUE

Upon finding as follows with regard to:

ADOPTED

(1) Population changes;

Improvements and proposed development for the general area are expected to increase the population.

(2) The availability of public facilities;

This area is well served by public facilities and utilities, which will continue to support the existing uses of these properties, and the surrounding neighborhood for the foreseeable future.

(3) Present and future transportation patterns;

The property is roughly four tenths of a mile or an eight-minute walk from development sites at the West Baltimore MARC Transit station. The State of Maryland and Baltimore City are proposing development for the MARC Transit Station area. Also located at the MARC site is the Maryland Transportation Administration's major bus stop for West Baltimore communities, which began operation in June 2017. The American Ice Company, a former factory, just across the street from the MARC Station, is also part of a larger transit oriented development strategy which includes adding mixed uses in the area. Improvements to the site are expected to increase transportation patterns in the area.

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

Rezoning the property to C-1 and use of the property as a retail business establishment is compatible with existing and proposed development for the area. The property is located at the intersection of Bentalou Street and Edmondson Avenue, which is the southeastern edge of the Rosemont Homeowners/Tenants neighborhood and the southwestern edge of the Rosemont Urban Renewal Area. The Rosemont Urban Renewal Area Plan, which uses Bentalou Street as part of its

ADORNED

southwestern border was repealed on October 16, 2017 to allow for future economic development and improvement in the Greater Rosemont Community.

Properties to the east of Bentalou Street, on both sides of Edmondson Avenue were recently rezoned from B-3-2 to C-1 to account for the fact that the east side of the intersection of Edmondson Avenue and Bentalou Street is appropriate for community-oriented commercial use.

(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 September 8, 2017, from the Department of Planning to the President and Members of the City Council, the Planning Commission made no recommendation to the Council concerning Council Bill 17-0079.

By Memoranda dated February 26, 2018, the Board of Municipal and Zoning Appeals deferred to the Planning Department's staff report in recommending disapproval of Bill 17-0079.

By Memoranda dated December 22, 2017, the Department of Transportation supports the bill and request that the bill receive a favorable report.

By Memoranda dated June 23, 2017, the Baltimore Development Corporation had no objection to the bill and noted that the proposed zoning change will allow for the continued operation of a long time neighborhood business and is complimentary to the C-1 zoning directly across Bentalou Street."

By Memoranda dated October 11, 2017, the Baltimore City Department of Housing and Community Development does not support the passage of the bill.

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

The property is located at the intersection of Edmondson Avenue and Bentalou Street. Directly east of Bentalou Street are properties zoned C-1, which is a community-oriented level of commercial zoning that encourages redevelopment of the immediate area with community-oriented enterprises in a way that could advance the Comprehensive Master Plan's LIVE Goal 2, Objective 3, Strategy 4 of ensuring residents have better access to quality grocery stores and neighborhood services.

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

There are residential, commercial and industrial mixed-use uses within the general area of the property in question. The property is at the southeastern edge of a residential area now known as Rosemont Homeowners/Tenants that is comprised primarily of two-story attached dwellings with some non-residential uses such as churches, small retail establishments, and other commercial properties present, of which the subject property is an example.

Across Bentalou Street to the east of the property is the Amtrak Main Line railway connecting Baltimore and Washington, D.C. Along the western side of the railroad is a strip of older commercial and industrial uses which serve to buffer the residential community from the passenger and freight train traffic. This strip is within the Rosemont Urban Renewal Area which uses Bentalou Street as part of its southwestern border where it crosses Edmondson Avenue. The Rosemont Urban Renewal Area Plan was repealed on October 16, 2017 to allow for future economic development and improvement in the Greater Rosemont Community.

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

Other properties within the general area are zoned R-6, R-7, C-1 and I-MU.

The property is an end-of row attachment, distinct in its structural make-up from the adjoining residential properties. The entrance is on Bentalou Street. Directly east of the property on Bentalou Street are properties zoned C-1, which is a community-oriented level of commercial zoning, which encourages redevelopment of the immediate area with community-oriented enterprises in a way that could advance the Comprehensive Master Plan's LIVE Goal 2, Objective 3, Strategy 4 of ensuring residents have better access to quality grocery stores and neighborhood services.

According to a report by the Baltimore Development Corporation, the proposed zoning change will allow for the continued operation of a long time neighborhood business and is complimentary to the C-1 zoning directly across Bentalou Street.

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

The property is unique. Current use of the property as commercial is a non-conforming use under the existing zoning classification.

- (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;

Since June 5, 2017 the trend of development in the general area has been impacted by repeal of the Rosemont Urban Renewal Area Plan in October 2017 and phased implementation of development projects for the MARC train station, Maryland Transportation Administration's major bus stop for West Baltimore communities and American Ice Company.

- (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:

The property is near, if not in, the former Rosemont Urban Renewal Area and Plan. In 2017, after the last comprehensive rezoning, the Rosemont Urban Renewal Plan was repealed to allow for future economic development and improvement in the Greater Rosemont Community, including the American Ice Company property.

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

Rezoning the property to R-7 during the last comprehensive rezoning, which took effect on June 5, 2017, was a mistake. The prior City Council was mistaken about certain facts used in its consideration to rezone the property. The prior City Council did not consider that Bentalou Street was a major boundary line for both community-commercial uses and the existing Rosemont Urban Renewal Area Plan. The prior Council also failed to consider the phasing and implementation of economic development plans and strategies for the nearby MARC station, former American Ice Company site as well as a strategic repeal of the Rosemont Urban Renewal Area Plan to foster improvements to business and economic uses along Edmondson Avenue.

SOURCE OF FINDINGS (Check all that apply):

- Department of Planning, Memoranda dated September 8, 2017
 Testimony presented at the Committee hearing

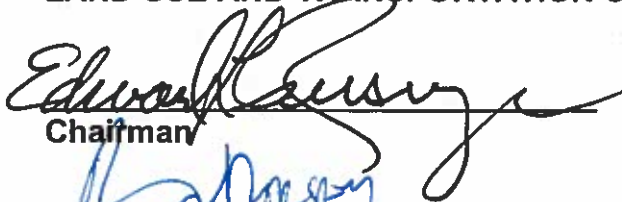
Oral – Witness Name:

- The Honorable John Bullock, 9th District
- Mr. Lisa Harris Jones, Harris Jones & Malone, LLC
- Mr. Martin French, Staff, Department of Planning
- Mr. Anthony Pressley, President, Rosemont Neighborhood/Tenant Association

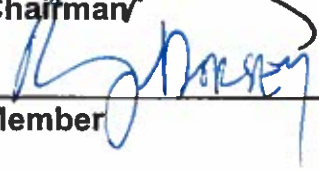
Written:

- Lisa Harris Jones, Harris Jones & Malone, LLC, Letter dated March 14, 2018


LAND USE AND TRANSPORTATION COMMITTEE:



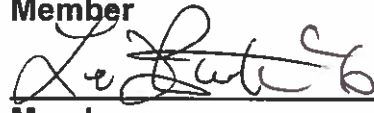
Chairman



Member



Member



Member

Member

Member

Member

Member

BALTIMORE CITY COUNCIL LAND USE AND TRANSPORTATION VOTING RECORD

DATE: March 14, 2018

BILL#: 17-0079

BILL TITLE: Rezoning - 2300 Edmondson Avenue

MOTION BY: Middleton SECONDED BY: Dorsey

- FAVORABLE FAVORABLE WITH AMENDMENTS
 UNFAVORABLE WITHOUT RECOMMENDATION

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

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>

Order #: 11499319

Case #:

Description:

Bill #17-0079 - The Land Use and Transportation Committee of the Baltimore City Council w

PUBLISHER'S AFFIDAVIT

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

2/22/2018

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore City

BALTIMORE CITY COUNCIL PUBLIC HEARING ON BILL NO. 17-0079

The Land Use and Transportation Committee of the Baltimore City Council will meet on Wednesday, March 14, 2018 at 1:00 P.M. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 17-0079.

CC 17-0079 ORDINANCE - Rezoning - 2900 Edmondson Avenue - FOR the purpose of changing the zoning for the property known as 2900 Edmondson Avenue, as outlined in red on the accompanying plat, from the R-7 Zoning District to the C-1 Zoning District.

BY amending

Article 32 - Zoning

Zoning Map

Sheet 63

Baltimore City Revised Code

(Edition 2000)

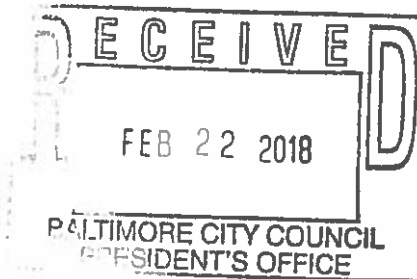
Applicant: Preparation, Inc.

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

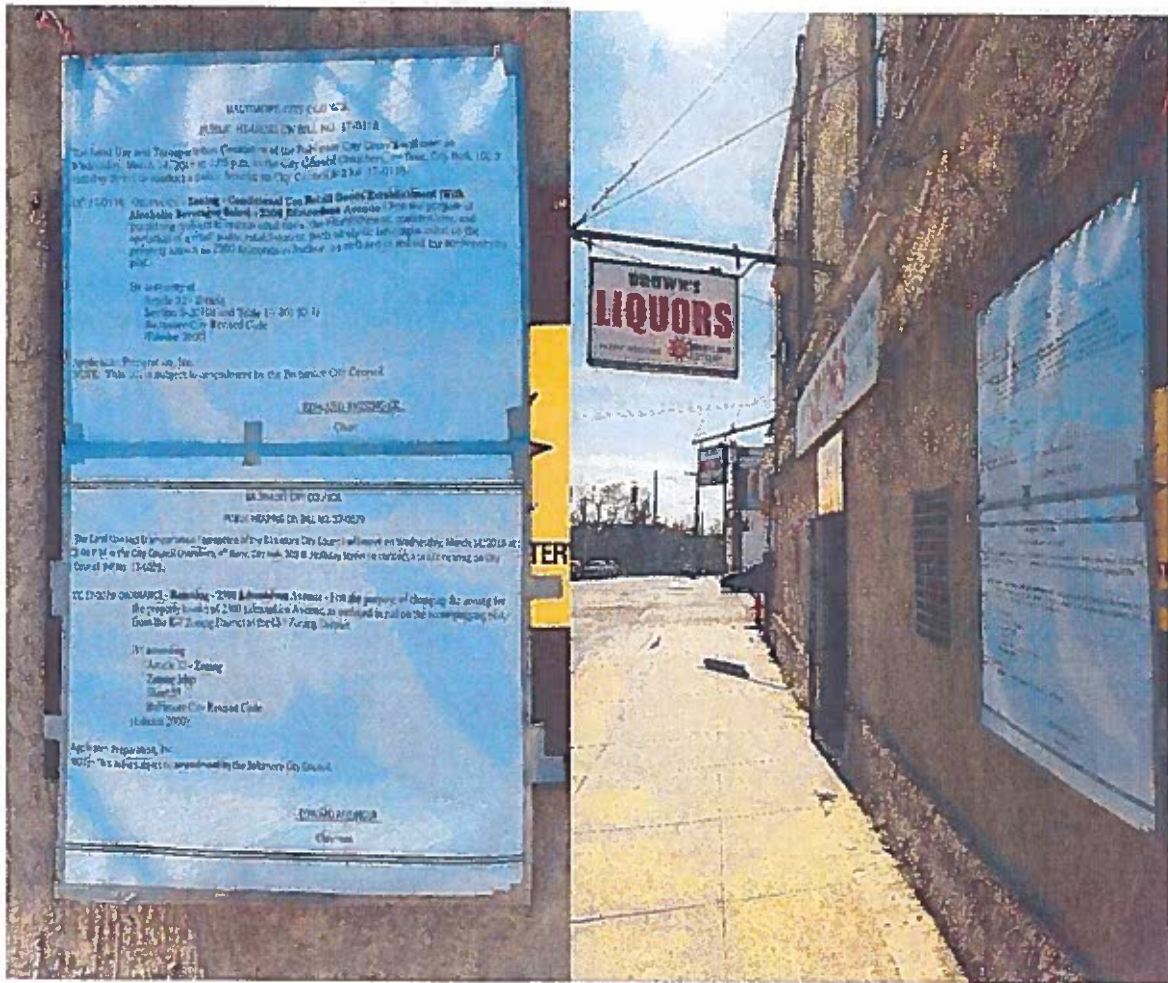
EDWARD REISINGER

Chair

122



Certificate of Posting
Land Use & Transportation Committee
Public Hearing: City Council 17-0079 and 17-0118

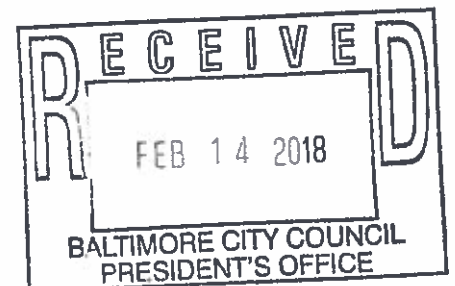


Posted 2/9/2018

Preparation Inc. t/a Brown's Liquors, c/o William S. Pak
2300 Edmondson Ave.
Baltimore, MD 21223

William S. Pak

William S. Pak
wpak86@gmail.com
(443) 827-3173



CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor

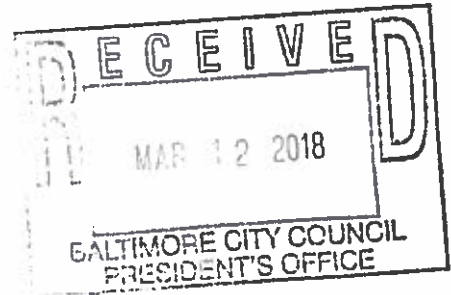


DEPARTMENT OF LAW

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

March 9, 2018

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



Re: City Council Bill 17-0079 Rezoning of 2300 Edmondson Avenue

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 17-0079 for form and legal sufficiency. If enacted, the bill would change the zoning for 2300 Edmondson Avenue from the R-7 Zoning District to the C-1 Zoning District. For the reasons set forth within, the Law Department cannot find that the bill is legally sufficient in achieving its purpose.

The City Council can only permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, §10-304(b)(2); City Code, Art. 32, §§5-508(a),(b)(1). There would appear to be no basis to believe that the neighborhood could have substantially changed between the comprehensive rezoning of the property to R-7 on June 5, 2017 and today's date. Therefore, to legally rezone the property under current law, the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as R-7 only months ago. Md. Code, Land Use §10-304(b)(2); City Code, Art. 32, §§5-508(a),(b)(1).

As "there is a strong presumption of the correctness of original zoning and of comprehensive rezoning," there must be substantial evidence "to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account." *People's Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995)(citations omitted); *Boyce v. Sembly*, 25 Md. App. 43, 52 (1975) (citations omitted). In other words, "the Council's action was premised initially on a misapprehension" making the selection of the R-7 zoning designation a "conclusion based upon a factual predicate that is incomplete or inaccurate." *People's Counsel*, 107 Md. App. at 641, 645 (1995)(citation omitted); *accord White v. Spring*, 109 Md. App. 692, 698 (1996). "[A]n allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing." *Id.* at 645.

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Without showing either facts that were not taken into account or subsequent events, “the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not ‘fairly debatable.’” *Boyce*, 25 Md. App. at 52.

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

There was not a majority of votes of the Planning Commission to approve the rezoning. The Report of the Planning Commission contains no facts to support that there was a *factual* mistake in the selection of R-7 as the zoning for 2300 Edmondson Avenue. Md. Code, Land Use, §10-304(b)(2). It appears that Planning provided the City Council with a complete set of facts when the City Council selected R-7 as the zoning for this property, including that the building was at the end of a row of over twenty residences but across the street from commercial property. The City Council knew that alcohol had been sold at this location, which made the use non-conforming in its previous zoning category, B-3-2. City Code, Zoning Article, §6-206. Rezoning the property to R-7 intentionally amortized the liquor sales and conformed the property to the intensity of the area around it; an appropriate part of comprehensive rezoning. *See, e.g., Tennison v. Shomette*, 38 Md. App. 1, 5 (1977), *cert. den.*, 282 Md. 739 (1978). There has also been no showing of any subsequently occurring events that would evidence a mistake.

Therefore, rezoning this property now to C-1 would constitute unlawful spot zoning because it would be only for the benefit of the property owner. When the City has undertaken such efforts in the past, Maryland’s highest court has invalidated the ordinance as unreasonable, discriminatory spot zoning because the rezoning had insufficient relationship to the public health, safety or general welfare. *See, e.g., Cassel v. Mayor and City Council of Baltimore*, 195 Md. 348, 354 (1950).

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

Very truly yours,



Andre M. Davis
City Solicitor

Page 3 of 3

cc: Karen Stokes, Director, Mayor's Office of Government Relations
Kyron Banks, Mayor's Legislative Liaison
Elena DiPietro, Chief Solicitor, General Counsel Division
Victor Tervalá, Chief Solicitor
Hilary Ruley, Chief Solicitor
Ashlea Brown, Assistant Solicitor
Avery Aisenstark

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET
	SUBJECT	CITY COUNCIL BILL #17-0079 / REZONING – 2300 EDMONDSON AVENUE

CITY of
BALTIMORE
MEMO



TO

DATE:

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

September 8, 2017

At its regular meeting of September 7, 2017, the Planning Commission considered City Council Bill #17-0079, for the purpose of changing the zoning for the property known as 2300 Edmondson Avenue, as outlined in red on the accompanying plat, from the R-7 Zoning District to the C-1 Zoning District.

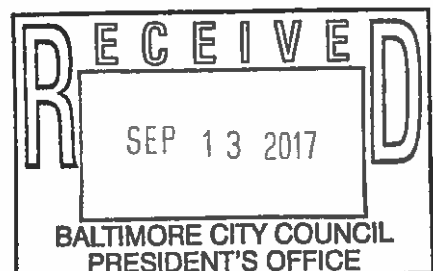
In its consideration of this Bill, the Planning Commission reviewed the attached staff report, which recommended disapproval of City Council Bill #17-0079. Upon a motion to recommend disapproval of the bill, three members voted in favor of approving the bill, and five voted against the bill. Pursuant to the Charter of Baltimore City § 72(I), the Planning Commission "may report and submit to the City Council amendments to the Baltimore City Zoning Ordinance. Any such amendment shall be submitted only by resolution, adopted by the affirmative vote of two-thirds of the entire membership of the Commission." As the Planning Commission did not have six votes in the affirmative, they are unable to make a recommendation to the Council.

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

TJS/WA

Attachment

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



UF



*Catherine E. Pugh
Mayor*

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



*Thomas J. Stosur
Director*

September 7, 2017

REQUEST: City Council Bill #17-0079/ Rezoning – 2300 Edmondson Avenue

For the purpose of changing the zoning for the property known as 2300 Edmondson Avenue, as outlined in red on the accompanying plat, from the R-7 Zoning District to the C-1 Zoning District.

RECOMMENDATION: Disapproval

STAFF: Martin French

PETITIONERS: Councilmember Bullock, at the request of Preparation, Inc. c/o William Pak

OWNERS: Hong Taepyo and Hong Young Sun

SITE/GENERAL AREA

Site Conditions: This property is located at the northwest corner of the intersection of Edmondson Avenue and Bentalou Street, measures approximately 18' by 95', and is currently improved with a two-story porch-front end-of-row residential mixed-use building covering the entire lot. This structure was built in 1925 as a single-family dwelling; by the time of the Police Survey of 1931 it was being used as a drug store and one dwelling unit. In January of 1936 the Board of Zoning Appeals approved construction of the rear addition to the store and dwelling that resulted in the complete lot coverage that now exists. In February of 1969 the drug store was converted to a liquor store. Entrance to the liquor store is on the eastern side of the building, from Bentalou Street.

General Area: This property is at the southeastern edge of a residential area now known as Rosemont Homeowners/ Tenants that is comprised primarily of two-story attached dwellings with some non-residential uses such as churches, small retail establishments, and other commercial properties present, of which the subject property is an example. Across Bentalou Street to the east of this site is the Amtrak Main Line railway connecting Baltimore and Washington, D.C. Along the western side of the railroad is a strip of older commercial and industrial uses which serve to buffer the residential community from the passenger and freight train traffic. This strip is within the Rosemont Urban Renewal Area, which uses Bentalou Street as part of its southwestern border where it crosses Edmondson Avenue.

HISTORY

There are no previous legislative or Planning Commission actions specifically regarding this site. However, it was subject to rezoning during the TransForm Baltimore process (see below).

CONFORMITY TO PLANS

The proposed rezoning action does not support the goals, objectives and strategies contained in the Comprehensive Master Plan for the City of Baltimore. One of the objectives expressed in the Master Plan for the new zoning code was consistency of zoning with existing land use, community character, City plans and projects, and City economic development goals (Master Plan, p. 15). In this regard, the structure of which this property is a part is a group of houses, and in a community defined by its row-housing and residents as residential, for which the R-7 zoning is appropriate. Use of the property in part as a liquor store makes it a site of an “alcohol outlet” which in turn means nonconforming status under the new TransForm Baltimore zoning code which rezoned the property into the R-7 Zoning District. One of the goals of the comprehensive rezoning process was reduction of nonconforming alcohol outlets, particularly those in Residential zoning districts. It appears that, in the context of a rezoning which could have the practical effect of extending operation of a liquor store at this location, the proposed action would prevent implementation of the requirement that nonconforming retail goods establishments stop selling liquor (alcoholic beverages) within two years of the June 5, 2017 effective date of the new zoning code. It would thereby also conflict to a certain extent with LIVE Goal 2, Objective 3, Strategy 4: Ensure all residents are within 1.5 miles of quality groceries and neighborhood services, in that possible conversion of this liquor store to a food store or other retail goods establishment with no alcohol sales would not be encouraged.

ANALYSIS

This property was rezoned from B-3-2 to R-7 effective June 5, 2017, reflecting the residential character of the row of houses to which this property is the row's east end and of the housing on both sides of the 2300 block (and 2400 block) of Edmondson Avenue. Across the 10' wide alley behind this property the zoning changes from R-7 to R-6, reflective of the single-family attached dwellings that predominate in this community. The Planning Commission, in developing the map for the new TransForm Baltimore zoning code, carefully studied the existing conditions of this area and concluded that this combination of R-7 zoning along Edmondson Avenue and R-6 zoning to its immediate north should remain, with the 10' wide alley continuing to define the east-to-west boundary between the two Residential Districts.

The Planning Commission further studied the non-residential areas across Bentalou Street from this property, and proposed rezoning them to I-MU (Industrial Mixed-Use) north of the above-mentioned 10' wide alley east of Bentalou Street, and C-1 (Commercial) south of that alley on both sides of Edmondson Avenue east of Bentalou Street. As C-1 is a community-oriented level of commercial zoning, it should encourage redevelopment of that immediate area with community-oriented enterprises in a way that could advance the Comprehensive Master Plan's LIVE Goal 2, Objective 3, Strategy 4 of ensuring residents have better access to quality grocery stores and neighborhood services, cited above under “Conformity to Plans”. The Mayor and City Council concurred with the Planning Commission's recommendations in adopting the new Zoning Code and its map which became effective on June 5, 2017.

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 is not in the public's interest, in that it would make the end-of-row dwelling structure and its current first floor level liquor store usable in its 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.

It has only been three months since the property was placed in its present zoning classification. There had been no significant change in this general area since the previous version of the Zoning Code was adopted in 1971, other than standard turn-over in commercial enterprises in the non-residential properties east of Bentalou Street. Residential use of this block and nearby residentially-developed blocks has remained firm. The new zoning of the subject property (R-7) that took effect on June 5, 2017 is reflective of its principal use as residential property (as also shown on State assessment records) as well as of its physical attachment to a row of dwellings.

All other parts of the row to which this end-of-row structure is attached are used residentially. Properties both north and south of this property are used residentially. The properties across Bentalou Street (east of this property) are non-residential in use, which is reflected in their C-1 zoning that became effective June 5, 2017.

Properties to the west of the subject property are zoned R-7; properties across the 10' wide alley behind the subject property are zoned R-6. Properties across Edmondson Avenue to the south of the subject property are zoned R-7. Properties to the east of Bentalou Street, on both sides of Edmondson Avenue, were just rezoned from B-3-2 to C-1 to account for the fact that the east side of the intersection of Edmondson Avenue and Bentalou Street is not appropriate for automobile-oriented commercial use, but is appropriate for community-oriented commercial use.

The R-7 zoning that became effective June 5, 2017 allows residential use, but does not allow the liquor store because liquor stores are not among the Neighborhood Commercial Establishments allowed as conditional uses under the Transform Baltimore zoning code. Because the liquor store remained in place after June 5, 2017, it is now classified as a nonconforming use by the new Zoning Code. The structure in which it is located is suitable for residential use, like the row of dwellings to which it is attached.

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission to study the proposed change 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 change (*cf.* Md. LAND USE Code Ann. 2012, §10-305). In reviewing this request, Planning staff finds that:

1. **The Plan:** This action does not advance the goals, objectives or strategies contained in the Comprehensive Master Plan also known as LIVE EARN PLAY LEARN.
2. **The needs of Baltimore City:** This action is not needed to serve either a comprehensive redevelopment strategy or a Mayoral initiative.
3. **The needs of the particular neighborhood:** This action does not help to meet the needs of the southern portion of the larger Rosemont – Evergreen Lawn – Bridgeview neighborhood, the southern part of which has been determined to be in a “food desert”.


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

1. **Population changes;** *There is not likely to be a noticeable population change between June 5, 2017 and the effective date of this proposed action.*
2. **The availability of public facilities;** *Public facilities are expected to remain unchanged.*
3. **Present and future transportation patterns;** *These are expected to remain unchanged.*
4. **Compatibility with existing and proposed development for the area;** *The proposed action would be incompatible with existing development in the area, as elaborated upon previously. There are no proposed development plans for the area that would call for this action.*
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** *For the above reasons, the Planning Department will recommend disapproval of the rezoning request to the Planning Commission. The BMZA has not yet commented on this bill.*


6. **The relation of the proposed amendment to the City's plan.** *As the rezoning to R-7 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.*

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 substantial change in neighborhood character between June 5, 2017 and the effective date of the proposed amending ordinance. The current zoning classification of R-7 was based upon the physical characteristics of the existing structure (an end-of-row dwelling with a nonconforming commercial use of one level) and of the dwellings to which it is attached, as well as the residential character of the community west of Bentalou Street. As such, there was no mistake in classifying the subject property as R-7, even though the change has made continuation of the existing liquor store use on the street level of the premises nonconforming.

Notification: The Alliance of Rosemont Community Organizations (ARCO), Rosemont Homeowners and Tenants Association, Midtown-Edmondson Avenue Improvement Association, Evergreen Protective Association, Rosemont Community Homeowners and Tenants Association, and West Baltimore Coalition have been notified of this action.



Thomas J. Stosur
Director

FROM	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0079		

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

December 22, 2017

I am herein reporting on City Council Bill 17-0079- Rezoning - 2300 Edmondson Avenue For the purpose of changing the zoning for the property known as 2300 Edmondson Avenue, as outlined in red on the accompanying plat, from the R-7 Zoning District to the C-1 Zoning District.

DOT supports this bill and respectfully requests a favorable report.

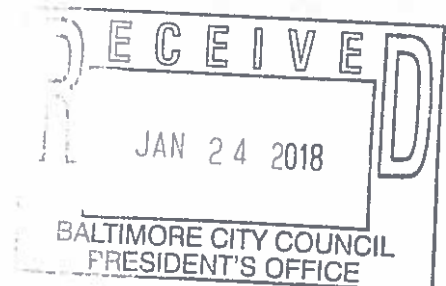
Respectfully,



Michelle Pourciau
Director

MP/lw

Cc: Kyron Banks, Mayor's Office

**CITY OF BALTIMORE
COUNCIL BILL 17-0079
(First Reader)**

Introduced by: Councilmember Bullock

At the request of: Preparation, Inc.

Address: c/o William Pak, 2300 Edmondson Avenue, Baltimore, Maryland 21223

Telephone: 443-827-3173

Introduced and read first time: June 5, 2017

Assigned to: Land Use and Transportation Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 2300 Edmondson Avenue**

3 FOR the purpose of changing the zoning for the property known as 2300 Edmondson Avenue, as
4 outlined in red on the accompanying plat, from the R-7 Zoning District to the C-1 Zoning
5 District.

6 BY amending

7 Article 32 - Zoning

8 Zoning Map

9 Sheet 53

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 53 of the Zoning Map is amended by changing from the R-7 Zoning District to the C-1**
14 **Zoning District the property known as 2300 Edmondson Avenue, as outlined in red on the plat**
15 **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 30th day**
25 **after the date it is enacted.**

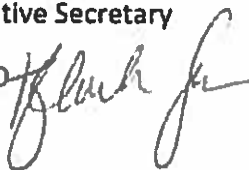
EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.



Baltimore
Development Corporation

MEMORANDUM

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

FROM: William H. Cole, President and CEO 

DATE: June 23, 2017

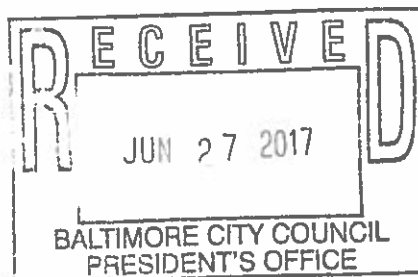
SUBJECT: City Council Bill 17-0079
Rezoning – 2300 Edmonson Avenue

The Baltimore Development Corporation (BDC) has been asked to comment on Council Bill 17-0079, for the purpose of changing the zoning for the property known as 2300 Edmondson Avenue from the R-7 zoning District to the C-1 Zoning District.

The proposed zoning changes will allow for the continued operation of a long time neighborhood business and is complimentary to the C-1 zoning directly across Bentalou Street. BDC has no objection to the proposed City Council Bill 17-0079.

cc: Kyron Banks

sandra.blake/ccbill17/17-0079



ND


HJM HARRIS JONES & MALONE, LLC

2423 MARYLAND AVENUE
SUITE 100
BALTIMORE, MARYLAND 21218

LISA HARRIS JONES
DIRECT DIAL: (410) 366-1500
FAX NUMBER: (410) 366-1501
lisa.jones@mdlobbyist.com

March 14, 2018

VIA ELECTRONIC TRANSMISSION – Edward.Reisinger@baltimorecity.gov

The Honorable Chair Edward Reisinger
Land Use & Transportation Committee
Baltimore City Council
100 N. Holliday Street, Suite 500
Baltimore, Maryland 21202

Re: Letter of Support – City Council Ordinance 17-0079, Rezoning – 2300 Edmondson Avenue, and City Council Ordinance 17-0118, Zoning- Conditional Use Retail Goods Establishment (With Alcoholic Beverage Sales) – 2300 Edmondson Avenue

Dear Mr. Chair:

This office represents Preparation, Inc. (“Preparation”) in support of City Council Ordinance 17-0079, Rezoning – 2300 Edmondson Avenue and City Council Ordinance 17-0118, Zoning – Conditional Use Retail Goods Establishment (With Alcoholic Beverage Sales) at 2300 Edmondson Avenue (the “Property”) (collectively referred to herein as the “Ordinances”).

A. Approval Standards Under the State Land Use Article.

In accordance with Article 32, §5-508(b)(2), the Baltimore City Council (the “Council”) may approve a zoning map amendment based on a finding that there was either: (1) a substantial change in the character of the neighborhood where the property is located; or (2) a mistake in the existing zoning classification. We argue that the Council can comfortably find that a zoning map amendment is proper under both grounds.

1. Substantial Change in the Character of the Neighborhood Where the Property is Located.

Over the years, the character of the neighborhood of which the Property is located has changed. In the general vicinity of the Property are the following non-residential businesses that were established over the past several years: (1) a commercial parking lot; (2) Spin Cycle, a 24-hour

received
3/14/18 JRC

The Honorable Edward Reisinger
March 14, 2018
Page 2 of 4

laundromat; (3) Wonder Enterprises, a wholesale beauty supply and general merchandise store; and (4) Pocopico, a neighborhood restaurant.

The Property is also near the former Rosemont Urban Renewal Area and Plan (the "Rosemont URA"). In 2017, the Rosemont URA was repealed to allow for future economic development and improvement in the Greater Rosemont Community. For example, the long-anticipated development of the American Ice Company property which is in close proximity to the Property is anticipated to move forward soon.

Further, the Property is roughly four tenths of a mile/eight-minute walk from the West Baltimore MARC Station (the "MARC Station"). The MARC Station has been the subject of proposed development by the State of Maryland and Baltimore City agencies and officials. Once proper funding and plans are approved, improvements to this site will increase population changes that will bolster the current use of the Property. Such, development will also alter transportation patterns that the Property's current use will support.

The non-residential businesses surrounding the Property, the repeal of the Rosemont URA, and the proposed development of the MARC Station supports a finding of substantial change in the character of the neighborhood where the Property is located. Hence, rezoning the Property to C-1 and allowing for a conditional use to operate the Property as a retail goods establishment with alcoholic beverages sales is compatible with existing and proposed development in the area.

2. A Mistake in the Existing Zoning Classification.

The Transform Baltimore rezoning classification of the Property into a R-7 Zoning District which took effect June 5, 2017, was a mistake. The placement of the Property into a R-7 Zoning District is inconsistent with the historical use of the subject property and the physical design of the unit. As determined by the Baltimore Development Corporation (the "BDC") which serves as the economic development agency of the City of Baltimore on two separate occasions and memoranda:

"The proposed zoning change will allow for the continued operation of a long time neighborhood business and is complimentary to the C-1 zoning directly across Bentalou Street."
(See Exhibit "A")

We agree with the BDC's determination. The Property is an end-of row attachment and is distinct in its structural makeup from the adjoining residential properties. Specifically, the Property's owners, venders, customers, and United States Postal Service do not use the door on Edmondson Avenue for ingress and egress, instead using a door on North Bentalou Street that is

The Honorable Edward Reisinger
March 14, 2018
Page 3 of 4

clearly marked with signage indicating the proper entrance (See Exhibit "B"). North Bentalou Street appears to have always been the Property's form of ingress and egress as illustrated in a photograph dating back to the unfortunate Baltimore Riot of 1968 (See Exhibit "C"). The door located on Edmondson Avenue is limited to the use by the owners on rare occasions for maintenance matters. As such, when determining the Property's proper zoning, its Edmondson Avenue address should not be taken into consideration. Instead, it should be found to be a North Bentalou Street business and have the same zoning as the properties directly across the street from its entrance.

There is a mistake in the existing zoning classification of the Property. As such, the Property should be rezoned from R-7 to C-1 allowing for the approval a conditional use to operate a retail goods establishment with alcoholic beverages sales, which is complimentary to the zoning directly across North Bentalou Street as noted by the BDC.

B. Additional Findings of Fact and Standards.

The findings listed in Section A of this correspondence demonstrate that the proposed zoning map amendment will support:

- (1) populations changes;
- (2) the availability of public facilities;
- (3) present and future transportation patterns (the Baltimore City Department of Transportation had no objection to City Council Ordinance 17-0118 as demonstrated in Exhibit "D");
- (4) compatibility with existing and proposed development for the area;
- (5) the recommendations of the City agencies and officials; and
- (6) the consistency with the City's Comprehensive Master Plan (the "Master Plan").

In addition, the Property's existing use is consistent with the use of those businesses located nearby and the zoning of the properties in the general area of North Bentalou Street. It would be impractical to convert the building to residential dwelling. Such a conversion would far exceed the value of the Property and arguably create another abandoned building in the City which would be contrary to the Master Plan.

C. Conclusion.

Considering the information provided herein, a favorable vote on the Ordinances by the Land Use & Transportation Committee and the Council, would advance the goals, objectives and

The Honorable Edward Reisinger
March 14, 2018
Page 4 of 4

strategies of the Master Plan. Such action is needed to serve a comprehensive redevelopment strategy in which the Property sits.

As demonstrated by neighborhood support, rezoning the Property to C-1 and allowing for a conditional use to operate the Property as a retail goods establishment with alcoholic beverages sales continues to meet the needs of the neighborhood. (See Exhibit "E")

On behalf of Preparation, I respectfully request a favorable vote on Ordinances 17-0079 and 17-0118. If you have any questions or desire any additional information, please feel free to contact me directly.

Very Truly Yours,


Lisa Harris Jones

Attachments

cc: City Councilman President Bernard C. "Jack" Young
Vice Chair, Sharon Green Middleton
Councilwoman Mary Pat Clarke
Councilman Eric Costello
Councilman Ryan Dorsey
Councilman Leon Pinkett
Councilman Robert Stokes
Jennifer Coates, Legislative Policy Analyst

HARRIS JONES & MALONE, LLC

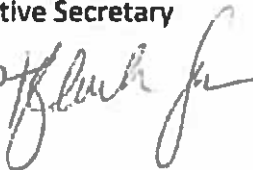
EXHIBIT "A"



Baltimore
Development Corporation

MEMORANDUM

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

FROM: William H. Cole, President and CEO 

DATE: June 23, 2017

SUBJECT: City Council Bill 17-0079
Rezoning – 2300 Edmonson Avenue

The Baltimore Development Corporation (BDC) has been asked to comment on Council Bill 17-0079, for the purpose of changing the zoning for the property known as 2300 Edmondson Avenue from the R-7 zoning District to the C-1 Zoning District.

The proposed zoning changes will allow for the continued operation of a long time neighborhood business and is complimentary to the C-1 zoning directly across Bentalou Street. BDC has no objection to the proposed City Council Bill 17-0079.


cc: Kyron Banks

sandra.blake/ccbill17/17-0079



MEMORANDUM

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

FROM: William H. Cole, President and CEO 

DATE: October 5, 2017

SUBJECT: City Council Bill No. 17-0118
Zoning – Conditional Use Retail Goods Establishment (With Alcoholic Beverage Sales) – 2300 Edmondson Avenue

The Baltimore Development Corporation (BDC) has been asked to comment on Council Bill 17-0118, Zoning-Conditional Use Retail Goods Establishment (With Alcoholic Beverage Sales) -2300 Edmondson 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 2300 Edmondson Avenue, as outlined in red on the accompanying plat.

The proposed zoning will allow for the continued operation of a long time neighborhood business and is complimentary to the C-1 zoning directly across Bentalou Street.

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

BDC has no objection to the proposed City Council Bill 17-0118.

cc: Kyron Banks

EXHIBIT "B"



LIQUORS
Patent Medicine
Lottery Ice

CUT RATE
Bottles



HARRIS JONES & MALONE, LLC


EXHIBIT "C"

Baltimore Riot 1968 – 2300 Edmondson Ave.



HARRIS JONES & MALONE, LLC

EXHIBIT "D"

F R O M	NAME & TITLE	Michelle Pourciau, Director	CITY of BALTIMORE	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 17-0118		

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

September 28, 2017

I am herein reporting on City Council Bill 17-0118 Zoning – Conditional Use Retail Goods Establishment (With Alcoholic Beverages Sales) – 2300 Edmondson Avenue for the purpose of permitting, subject to certain conditions, the establishment, maintenance, and operation of a retail goods establishment (with alcoholic beverages sales) on the property known as 2300 Edmondson Avenue, as outlined in red on the accompanying plat to the bill.

DOT has no objections to this bill.

Respectfully,



Michelle Pourciau
Director

MP/lw

Cc: Kyron Banks, Mayor's Office

EXHIBIT "E"



March 3, 2017

The Honorable John Bullock
Baltimore City Councilman
9th District
100 Holiday Street
Baltimore, Maryland 21201

Reference: Brown's Liquor Store (2800 Edmondson Avenue in Baltimore, Maryland 21223)

Dear Councilman Bullock:

Thank you for taking time out of your busy schedule to read and considers this letter. As President of the Rosemont Homeowners and Tenants Association, it is my honor to express our appreciation of Brown's Liquor Store located at 2300 Edmondson Avenue.

We are asking for your support for the continued operation of this valued business in our community. Brown's Liquor Store has never been a problem to the community. They maintain a clean, drug and loitering free environment. They also have a good reputation in the community for giving back and supporting the programs in the neighborhood.

We are concerned that the closing of the business will attract negative activity to the corner. Currently, Brown's Liquor complements the Laundry Mat, Fire Station and restaurants. People in the community see the business as an integral part of the neighborhood. We challenge the Zoning Board's decision to close the business because of the location and connection to homes on that block. The residents feel that it fits the esthetics and serves as a convenience store as well.

If the store was closed, it would add to the unaddressed blight and dilapidation. The residents have signed a petition to keep the store operating. We look forward to discussing this matter with you at our upcoming monthly meeting scheduled for Saturday, March 11, 2017 at 2:00 pm at the Perkins Square Baptist Church located at 2500 Edmondson Avenue.

Please feel free to contact me for any additional information you may need. I can be reached at 240-586-2941 or by email at apressley@druidheights.com. Thanks again for your attention and any favorable consideration you can offer Brown's Liquor Inc.

Sincerely,

Anthony Pressley, President
cc: Board of Directors



Keep Your Babies Safe

So far this year 11 babies have died while sleeping (lots is sometimes called "SIDS") according to the B more for Healthy Babies, a program of the Baltimore City Health Department. These deaths can be prevented! Babies who sleep on their stomach or share the bed with an adult or sibling are more likely to accidentally asphyxiate.

Keep babies from dying in their sleep with some Safe Sleep steps:

- Babies should always sleep on their backs. Babies are less likely to choke when on their backs.
- Babies should sleep alone. Never with anyone else.
- Babies should always sleep in a crib every night and every nap. The crib should be clean and clear. There should be no toys or blankets in the crib.
- Don't Smoke: Never smoke cigarettes or marijuana in a home with babies or young children. Smoke in the home makes it harder for babies to breathe well, so are to follow the Safe Sleep steps for babies every time.

Here are some important numbers that help Baltimore families keep their babies safe:

- Call 410-649-0900 to find out if you can get a free portable crib.
- Call 410-243-7317 to learn how to deal with a fussy baby. The 24-hour parent helpline is 100% safe and confidential.
- Call 410-433-5175 to find treatment for substance use or mental health.
- Call 1-800-784-6669 24 hours a day for help with quitting tobacco.
- Call 410-235-6633 for help in coping with a loss.

To find out more about Safe Sleep, visit B more for Healthy Babies at <http://www.healthylittlebabies.com>.

Next Meetings: Monday, Nov. 20 - Meeting Starts @ 6:30 PM
Union Memorial United Methodist Church, 2507 Harlan Ave

Membership dues can be mailed to: The Evergreen Protective Association, P.O. Box 4484, Baltimore, Md. 21214. Dues can be paid to neighborhood block captains, or at the Nov. 20 meeting. Dues for 2017 are \$10 and are used, in part, by the association to help pay the cost of printing and distributing the monthly newsletter (so for meeting space and book wholesale). In addition dues can be mailed to the Evergreen Protective Association, P.O. Box 4493 Baltimore, Md.

Stay connected with the Evergreen Protective Association, follow us on Facebook, Twitter (@Evergreen21216), and like our online community on Meetup.com.

Upcoming Meetings: Dec. 18 (Come celebrate the holiday with your neighbors!)

Evergreen Protective Association, P.O. Box 4484, Baltimore, Md.
 Evergreen21216@gmail.com
 661-4313 (3) organization

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Evergreen Protective Association, Inc.

Officer and Members proudly present this

Certificate of Appreciation

To

Yum S. Hwang

Brown's Liquors Store

Your Continued Community Support and Service

" Making Life Better for Someone Else"

Jennifer Combs, President

December 18, 2017



•
•
•

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, March 14, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

17-0079

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

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

ITEMS SCHEDULED FOR PUBLIC HEARING

17-0079

Rezoning - 2300 Edmondson Avenue

For the purpose of changing the zoning for the property known as 2300 Edmondson Avenue, as outlined in red on the accompanying plat, from the R-7 Zoning District to the C-1 Zoning District.

Sponsors: John T. Bullock

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

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

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

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

HEARING NOTES

Bill: 17-0079

Rezoning - 2300 Edmondson Avenue

Committee: Land Use and Transportation
Chaired By: Councilmember Edward Reisinger

Hearing Date: March 14, 2018
Time (Beginning): 1:00 PM
Time (Ending): 1:45 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~40
Committee Members in Attendance:
Reisinger, Edward, Chairman
Middleton, Sharon, Vice Chair
Clarke, Mary Pat
Costello, Eric
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert

Bill Synopsis in the file? [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 Middleton, Sharon, Vice Chair
Seconded by: Councilmember Dorsey, Ryan
Final Vote: Favorable

Major Speakers
(This is not an attendance record.)

- Councilman John Bullock, sponsor of the bill
 - Mr. Martin French, Department of Planning
 - Mr. Kyron Banks, Office of the Mayor/Department of Transportation/Department of Housing
 - Mr. Derrick Baumgardner, Board of Municipal Zoning Appeals
 - Ms. Hilary Ruley, Department of Law
 - Mr. David Garza, Baltimore Development Corporation
 - Ms. Lisa Harris Jones, Esq., representative for the applicant
 - Mr. Anthony Pressley, Community Resident and President of the Rosemont Community Association
-

Major Issues Discussed

1. Councilman Bullock provided information about the purpose for the rezoning. He indicated that there is community support (a petition with 600 signatures) for the rezoning.
 2. Mr. Martin French presented the Planning Commission's report of no recommendation. He indicated that the Department of Planning's staff report recommended disapproval.
 3. Ms. Ruley discussed the legal standards for review of a rezoning request.
 4. Agency representatives testified in support of their respective agency's position on the bill.
 5. Ms. Lisa Harris Jones spoke about use of the property and answered questions.
 6. Mr. Pressley indicated that there were discussions with the former City Council representative about the property remaining commercial. He also had conversations with the current City Council representative. There is a petition with 600 signatures in support of the property remaining commercial in order to provide retail services. There have never been any major problems (violence or drug trade) around the store.
 7. The committee discussed the bill.
 8. The committee approved finding of facts for the bill.
-

Further Study

Was further study requested?

Yes No

If yes, describe.

Committee Vote:

Reisinger, Edward, Chairman..... Yea
Middleton, Sharon, Vice Chair..... Yea
Clarke, Mary Pat..... Yea

Costello, Eric Yea
Dorsey, Ryan Yea
Pinkett, Leon..... Yea
Stokes, Robert:..... Yea

Jennifer L. Coates, Committee Staff
cc: Bill File
OCS Chrono File



Date: March 19, 2018



CITY OF BALTIMORE CITY COUNCIL HEARING ATTENDANCE RECORD

Committee: Land Use and Transportation Chairperson: Edward Reisinger
 Date: March 14, 2018 Time: 1:00 PM Place: Clarence "Du" Burns Chambers
 Subject: Ordinance - Rezoning - 2300 Edmondson Avenue Ostend Street CC Bill Number: 17-0079

PLEASE PRINT		WHAT IS YOUR POSITION ON THIS BILL?		LOBBYIST: ARE YOU REGISTERED IN THE CITY	
FIRST NAME	LAST NAME	ST. #	ADDRESS/ORGANIZATION NAME	ZIP	EMAIL ADDRESS
John	Doc	100	North Charles Street	21202	Johndoenbmore@yahoo.com
Margaret	Missouri		2303 Annapolis	21216	
Mena	Sookson		2303 Annapolis	21216	
Lorna	Hall		2300 Calverton	21216	
Sernd	Jupiter		2311 Harlem Ave	21216	
Somy Lee	Lee		1037 N Gilmane	21217	
Anthony	Pressley		2315 Lauretta	21217	
Anthony	Pressley		2315 Lauretta	21217	
William	PAK		2300 Edmondson Ave.	21223	
Yun	Hwang		2300 Edmondson Ave.	21223	
Sang	Hwang		2300 Edmondson Ave.	21223	

IF YOU WANT TO TESTIFY PLEASE CHECK HERE



TESTIFY

FOR	AGAINST	YES	NO
<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"/>	<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"/>

(*) NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD. REGISTRATION IS A SIMPLE PROCESS. FOR INFORMATION AND FORMS, CALL OR WRITE: BALTIMORE CITY BOARD OF ETHICS, C/O DEPARTMENT OF LEGISLATIVE REFERENCE, 626 CITY HALL, BALTIMORE, MD 21202. TEL: 410-396-4730; FAX: 410-396-8483.

City of Baltimore

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

Meeting Agenda - Final

Land Use and Transportation Committee

Wednesday, March 14, 2018

1:00 PM

Du Burns Council Chamber, 4th floor, City Hall

17-0079

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

17-0079

Rezoning - 2300 Edmondson Avenue

For the purpose of changing the zoning for the property known as 2300 Edmondson Avenue, as outlined in red on the accompanying plat, from the R-7 Zoning District to the C-1 Zoning District.

Sponsors:

John T. Bullock

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
Chairperson**

PUBLIC HEARING

Wednesday, March 14, 2018

1:00 PM

Clarence "Du" Burns Council Chambers

Bill 17-0079

Rezoning – 2300 Edmondson Avenue

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS

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

EDUCATION AND YOUTH

Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Ryan Dorsey
Staff: D'Paul Nibber

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: D'Paul Nibber

LABOR

Shannon Sneed – Chair
Robert Stokes – Vice Chair
Eric Costello
Bill Henry
Mary Pat Clarke
Staff: Marguerite Currin

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: Jennifer Coates
- Larry Greene (pension only)

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



OFFICE OF COUNCIL SERVICES

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

BILL SYNOPSIS

Committee: Land Use and Transportation

Bill 17-0079

Rezoning - 2300 Edmondson Avenue

Sponsor: Councilmember Bullock

Introduced: June 5, 2017

Purpose:

For the purpose of changing the zoning for the property known as 2300 Edmondson Avenue, as outlined in red on the accompanying plat, from the R-7 Zoning District to the C-1 Zoning District.

Effective: 30th day after enactment

Hearing Date/Time/Location: March 14, 2018 / 1:00 p.m. / Clarence "Du" Burns Chambers

Agency Reports

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

Analysis

Current Law

Article 32 – Zoning Map; Sheet 3; Baltimore City Revised Code (Edition 2000)

Background

The subject site, 2300 Edmondson Avenue, is located on the northwest corner of the intersection of Edmondson Avenue and Bentalou Street in West Baltimore. The property lies in the Rosemont neighborhood and is owned by Hong Taepyo and Hong Young Sun. The applicant is William Pak. The property is currently operating as a liquor store. Under the new zoning code, the liquor store is a nonconforming retail goods establishment that must stop selling alcoholic beverages within two years of the June 5, 2017 effective date of the new code.

CC Bill 17-0079, if approved, would rezone the property to a C-1 zoning district. Under the old zoning code the site was zoned B-3-2 (*Community & Highway Commercial*) for commercial activity of a highway oriented nature. The current and proposed zoning districts under Article 32 are described below:

Current Zoning District – R-7

§ 9-203. R-7 Mixed Residential District.

(a) Neighborhoods.

The R-7 Mixed Residential Zoning District is intended for those areas that offer a diverse range of housing types. Development in this district accommodates a transition between naturalistic and urban residential settings.

(b) Housing types.

The R-7 District is meant to accommodate a diverse range of housing types, including detached and semi-detached dwellings, rowhouse developments, and multi-family developments of a larger scale than found in the more restrictive residential districts.

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.)

Review of the applicant's request for a map amendment (rezoning) for the property must be made using certain approval standards set forth in Article 32, Section 5-508(b).

(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.

Department of Planning staff recommended disapproval of the bill. The Planning Commission voted 5 in favor and 3 against a motion to disapprove the bill. The vote did not meet the two-thirds (6) of the entire membership (9) required to adopt a recommendation. The Planning Commission, therefore, did not put forth a recommendation.

Additional Information

Fiscal Note: Not Available

Information Source(s): Agency reports

Analysis by: Jennifer L. Coates
Analysis Date: March 9, 2018



Direct Inquiries to: (410) 396-1260

CITY OF BALTIMORE
COUNCIL BILL 17-0079
(First Reader)

Introduced by: Councilmember Bullock

At the request of: Preparation, Inc.

Address: c/o William Pak, 2300 Edmondson Avenue, Baltimore, Maryland 21223

Telephone: 443-827-3173

Introduced and read first time: June 5, 2017

Assigned to: Land Use and Transportation Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 2300 Edmondson Avenue**

3 FOR the purpose of changing the zoning for the property known as 2300 Edmondson Avenue, as
4 outlined in red on the accompanying plat, from the R-7 Zoning District to the C-1 Zoning
5 District.

6 BY amending

7 Article 32 - Zoning

8 Zoning Map

9 Sheet 53

10 Baltimore City Revised Code

11 (Edition 2000)

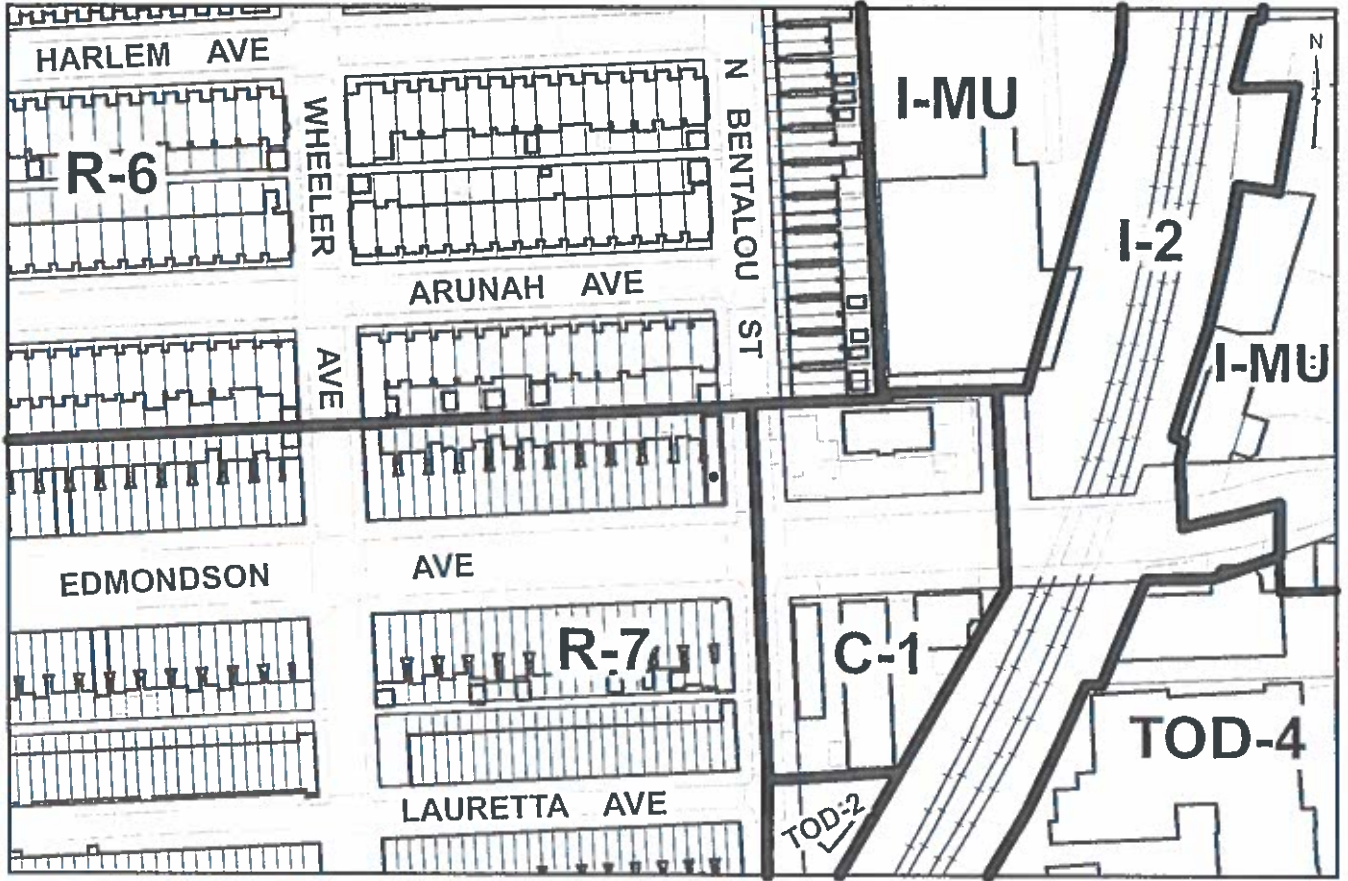
12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 53 of the Zoning Map is amended by changing from the R-7 Zoning District to the C-1
14 Zoning District the property known as 2300 Edmondson Avenue, as outlined in red on the plat
15 accompanying this Ordinance.

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.

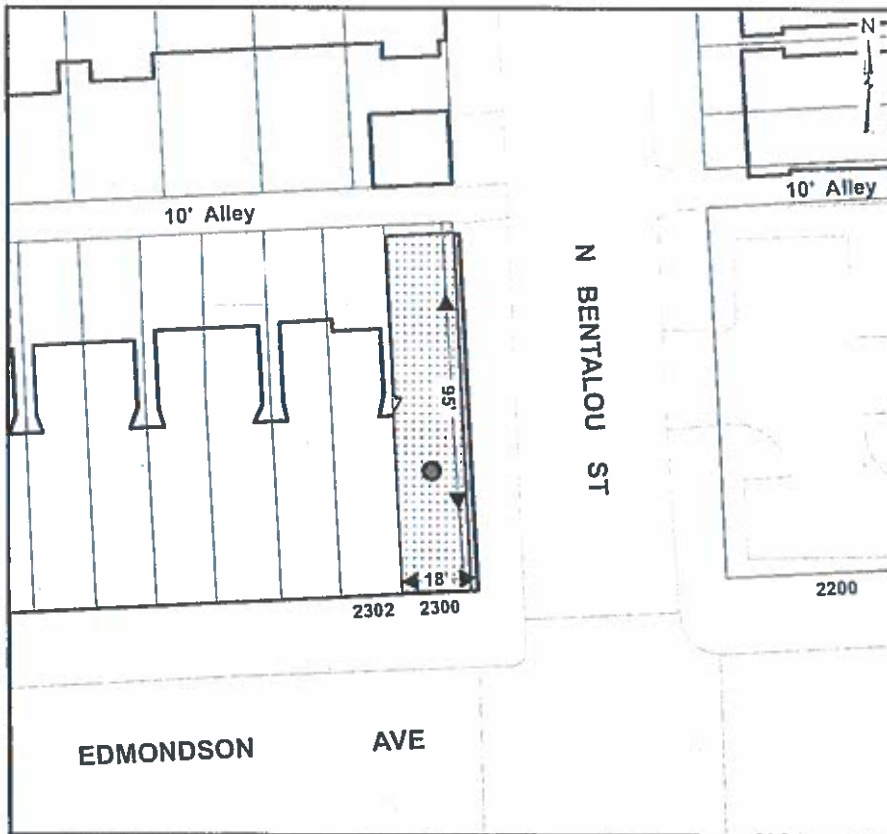
24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
25 after the date it is enacted.

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

SHEET NO. 53 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



1" = 200'



Scale: 1" = 50'

Note:

In Connection With Property Known As No. 2300 EDMONDSON AVENUE. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From R-7 Zoning To C-1 Zoning, As Outlined In Red Above.

WARD 16 SECTION 25
BLOCK 2348 LOT 1

MAYOR

PRESIDENT CITY COUNCIL

**CITY OF BALTIMORE
COUNCIL BILL 17-0079
(First Reader)**

Introduced by: Councilmember Bullock

At the request of: Preparation, Inc.

Address: c/o William Pak, 2300 Edmondson Avenue, Baltimore, Maryland 21223

Telephone: 443-827-3173

Introduced and read first time: June 5, 2017

Assigned to: Land Use and Transportation Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 2300 Edmondson Avenue**

3 FOR the purpose of changing the zoning for the property known as 2300 Edmondson Avenue, as
4 outlined in red on the accompanying plat, from the R-7 Zoning District to the C-1 Zoning
5 District.

6 BY amending

7 Article 32 - Zoning

8 Zoning Map

9 Sheet 53

10 Baltimore City Revised Code

11 (Edition 2000)

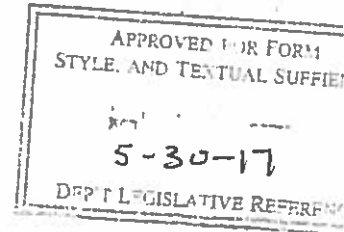
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22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

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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 Bullock
At the request of: Preparation, Inc.
Address: c/o William Pak, 2300 Edmondson Avenue, Baltimore, Maryland 21223
Telephone: 443-827-3173

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – 2300 Edmondson Avenue

FOR the purpose of changing the zoning for the property known as 2300 Edmondson Avenue, as outlined in red on the accompanying plat, from the R-7 Zoning District to the C-1 Zoning District.

BY amending

Article 32 - Zoning
Zoning Map
Sheet 53
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 53 of the Zoning Map is amended by changing from the R-7 Zoning District to the C-1 Zoning District the property known as 2300 Edmondson Avenue, as outlined in red on the plat accompanying this Ordinance.

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

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

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

STATEMENT OF INTENT
UNDER ZONING CODE § 16-202
FOR

2300 Edmondson Avenue, Baltimore MD 21223
{Address}

1. Applicant's Contact Information:

Name: Preparation Inc. t/a Brown's Liquors, c/o William S. Pak
Mailing Address: 2300 Edmondson Avenue, Baltimore, MD 21223
Telephone Number: (443) 827-3173
Email Address: wpak86@gmail.com

2. All Proposed Zoning Changes for the Property: Change zoning from R-7 to C-1

3. All Intended Uses of the Property: Commercial

4. Current Owner's Contact Information:

Name: Taepyo Hong and Young Sun Hong
Mailing Address: 2300 Edmondson Avenue, Baltimore, MD 21223
Telephone Number: (443) 860-1106
Email Address: _____

5. Property Acquisition:

The property was acquired by the current owner on June 16th, 1997 by deed recorded in the Land Records of Baltimore City in Liber 6495 Folio 296.

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

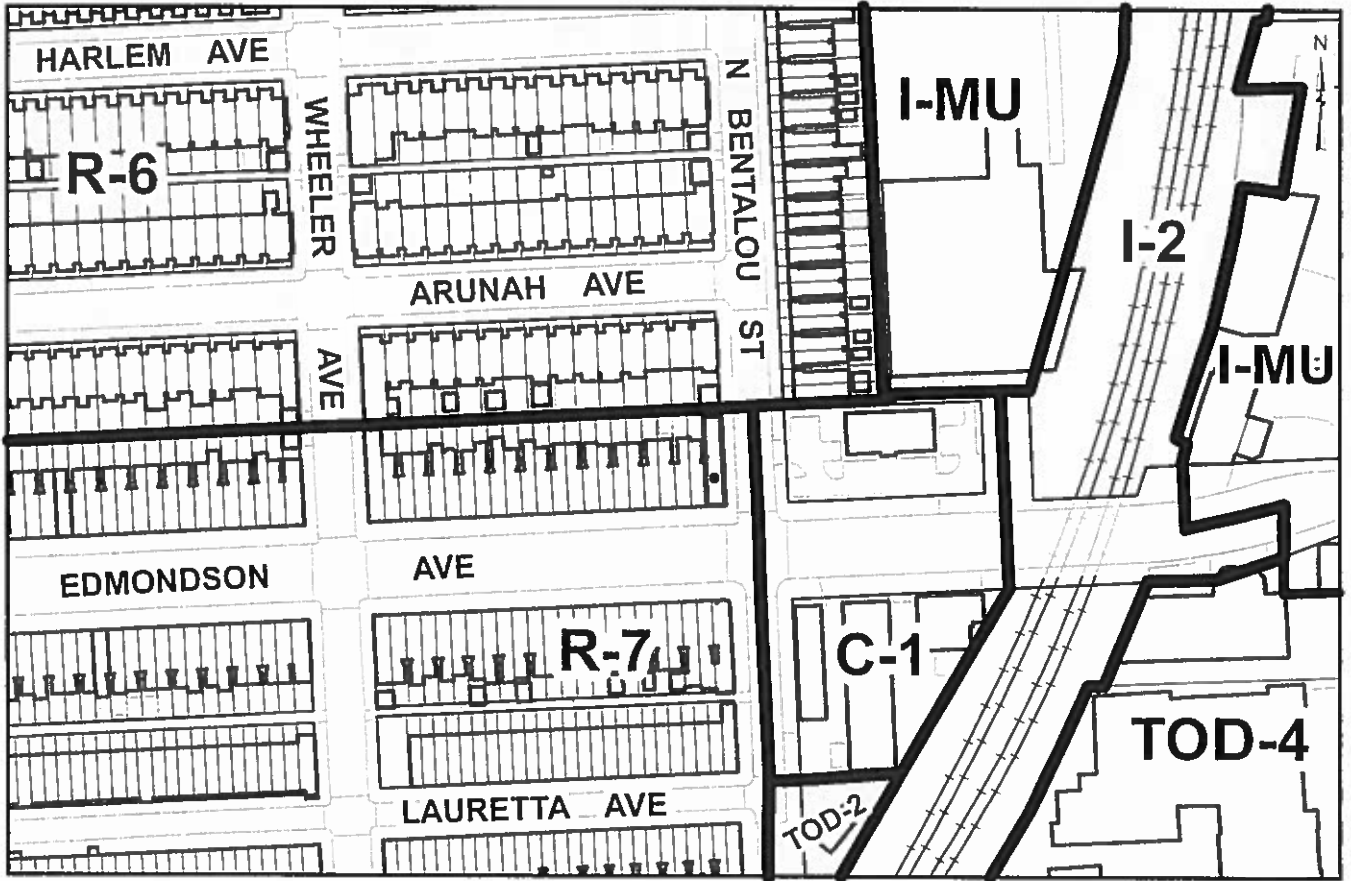


Applicant's signature

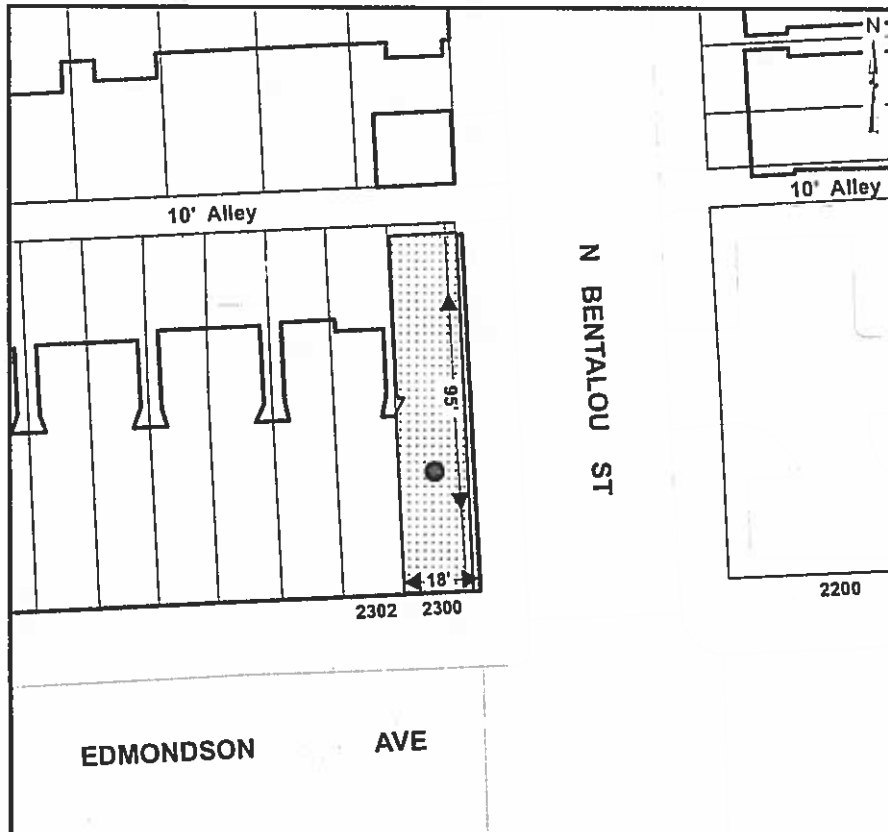
March 27, 2017

Date

SHEET NO. 53 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY



1" = 200'



Note:

In Connection With Property Known As No. 2300 EDMONDSON AVENUE. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From R-7 Zoning to C-1 Zoning, As Outlined In Red Above.

WARD 16 SECTION 25
BLOCK 2348 LOT 1

MAYOR

PRESIDENT CITY COUNCIL

Scale: 1" = 50'

STATEMENT OF INTENT
UNDER ZONING CODE § 16-202
FOR

2300 Edmondson Avenue, Baltimore MD 21223
(Address)

1. Applicant's Contact Information:

Name: Preparation Inc. /a Brown's Liquors. c/o William S. Pak
Mailing Address: 2300 Edmondson Avenue, Baltimore, MD 21223
Telephone Number: (443) 827-3173
Email Address: wpak86@email.com

2. All Proposed Zoning Changes for the Property: Change zoning from R-7 to C-1

3. All Intended Uses of the Property: Commercial

4. Current Owner's Contact Information:

Name: Taepvo Hong and Young Sun Hong
Mailing Address: 2300 Edmondson Avenue, Baltimore, MD 21223
Telephone Number: (443) 860-1106
Email Address: _____

5. Property Acquisition:

The property was acquired by the current owner on June 16th, 1997 by deed recorded in the Land Records of Baltimore City in Liber 6495 Folio 296.

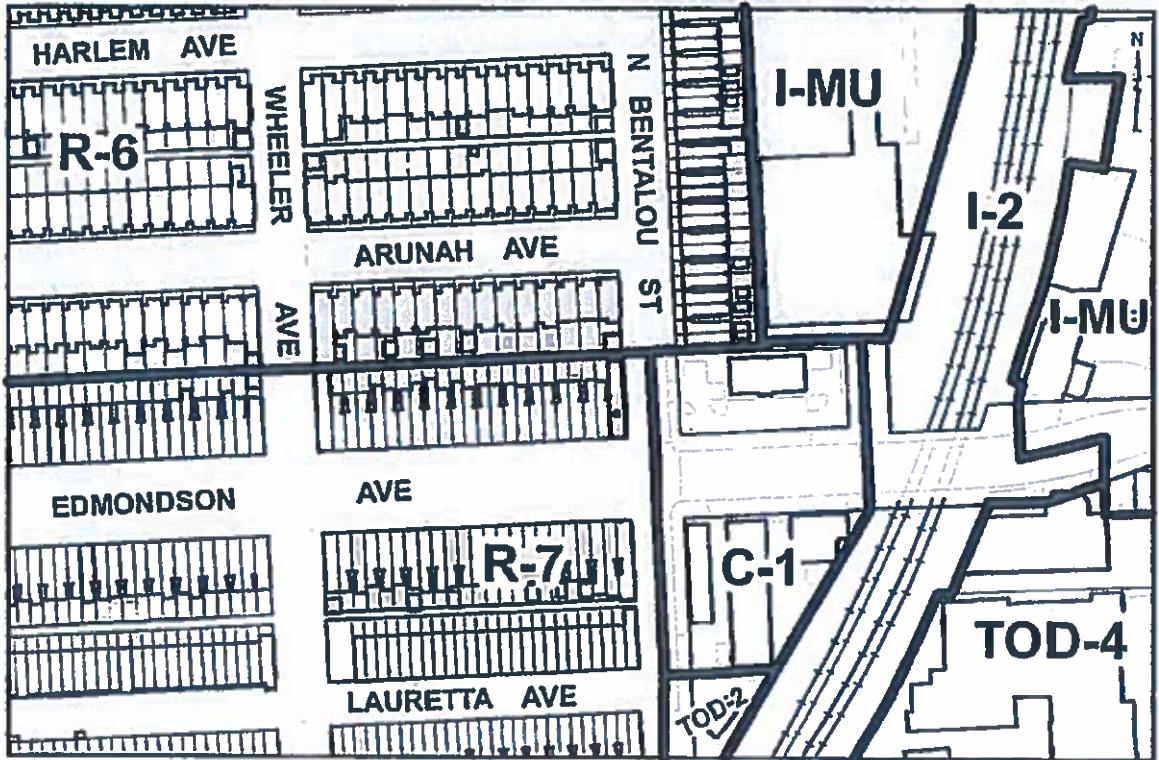
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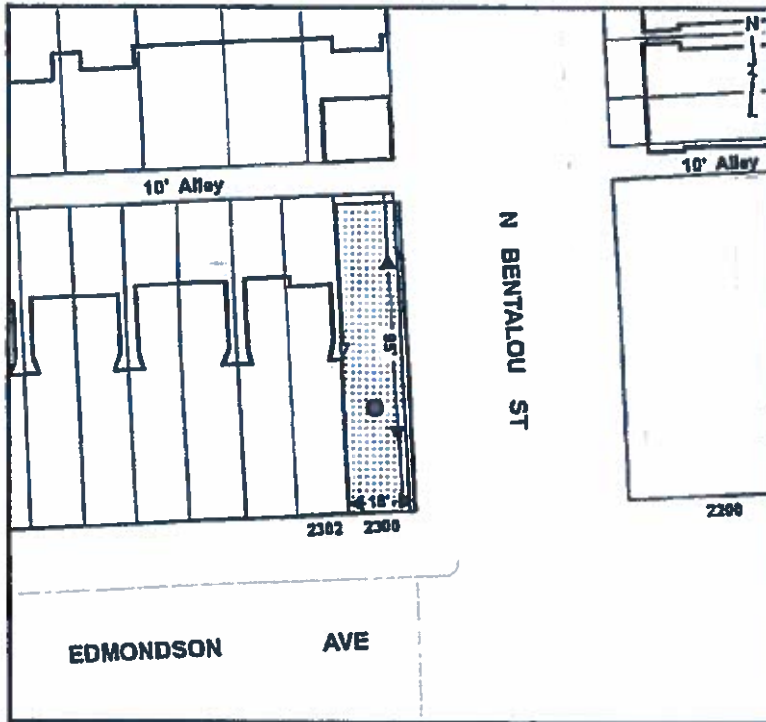
(b) If there is a contract contingent on the requested legislative authorization:

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

**SHEET NO. 53 OF THE ZONING MAP OF
THE ZONING CODE OF BALTIMORE CITY**



1" = 200'



Note:

In Connection With Property Known As No. 2300 EDMONDSON AVENUE. The Applicant Wishes To Request The Rezoning Of The Aforementioned Property From R-7 Zoning to C-1 Zoning, As Outlined In Red Above.

WARD 16 SECTION 25
BLOCK 2348 LOT 1

MAYOR

PRESIDENT CITY COUNCIL

RPE 3-24-17

Scale: 1" = 50'

719

CITY OF BALTIMORE

CATHERINE E. PUGH, Mayor



**BOARD OF MUNICIPAL AND
ZONING APPEALS**

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

February 26, 2018

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

Re: City Council Bill No. 17-0079: Rezoning – 2300 Edmondson Avenue

Ladies and Gentlemen:

City Council Bill No. 17-0079 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

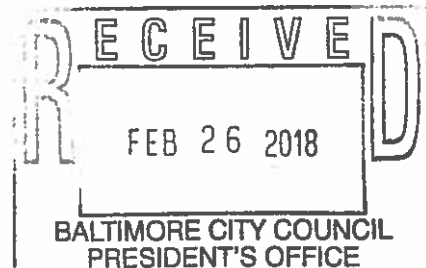
The purpose of City Council Bill No. 17-0079 is to change the zoning for the property known as 2300 Edmondson Avenue, as outlined in red on the accompanying plat, from the R-7 Zoning District (Mixed Residential) to the C-1 Zoning District (Community Commercial).

The BMZA has reviewed the legislation and defers to the expertise of the Planning Department in recommending disapproval to the passage of Bill No. 17-0079 and the companion Bill No. 17-0118.

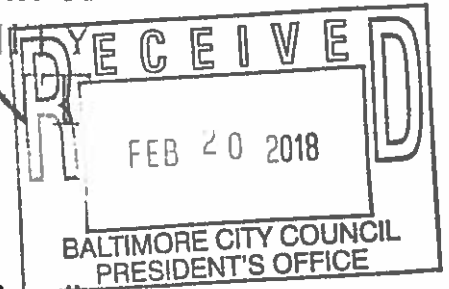
Sincerely,

Derek V. Baumgardner
Acting Executive Director

CC: Mayors Office of Council Relations
Legislative Reference



The Baltimore City Department of
HOUSING & COMMUNITY DEVELOPMENT



MEMORANDUM

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

From: Michael Braverman, Housing Commissioner

MEB

Date: October 11, 2017

Re: City Council Bill 17-0079 - Rezoning – 2300 Edmondson Avenue

The Department of Housing and Community Development (HCD) has reviewed City Council Bill 17-0079 for the purpose of changing the zoning for the property known as 2300 Edmondson Avenue from the R-7 Zoning District to the C-1 Zoning District.

If enacted, this bill would allow the rezoning of the end unit of a block of row houses on the 2300 block of Edmondson Avenue in the Rosemont Neighborhood from Residential to Commercial. Information about the property ownership and property use is below:

- The owners purchased the property at 2300 Edmondson on June 23, 2017 and while the records from the State's Department of Assessment and Taxation (SDAT) indicates this as the owners' principle residence, the mailing address is in Ellicott City, MD.
- The prior owner received a use permit for the property on November 13, 2003 and the approved use is for the first floor of the property as a liquor store, the second floor as inventory storage and the basement as vacant.
- The property was rezoned from B-3-2 to R-7 in June of 2017 as part of the new comprehensive Transform Baltimore zoning code due to the residential nature of the area around Bentalou Street.

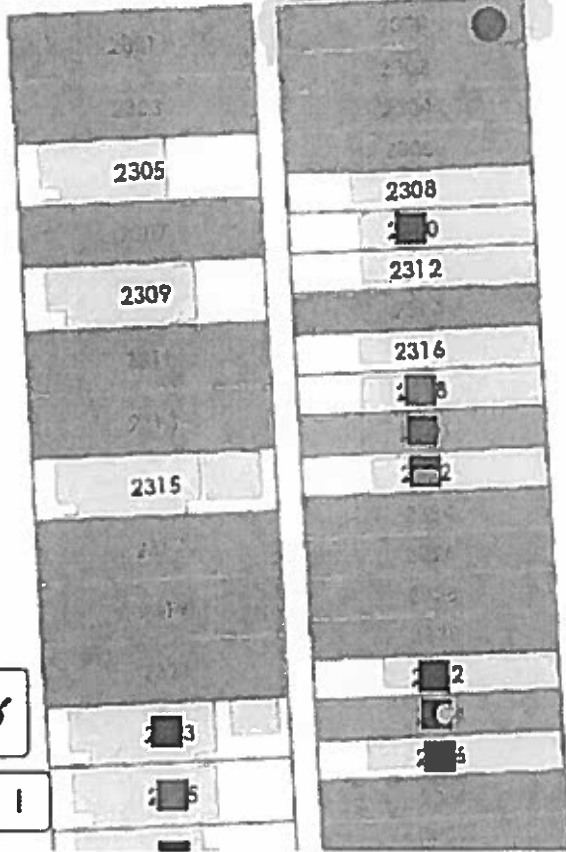
The Department of Housing and Community Development agrees with the analysis and recommendations in the Staff Report from the Department of Planning to the Planning Commission. The analysis concludes that the proposed change is not in the public's interest because it would make the end-of-row dwelling structure, which is attached to a row of 22 dwellings, unusable in its entirety as a commercial establishment and unable to separate the non-residential use from the next door residential neighbor. HCD does not support the passage of City Council Bill 17-0079.

VF

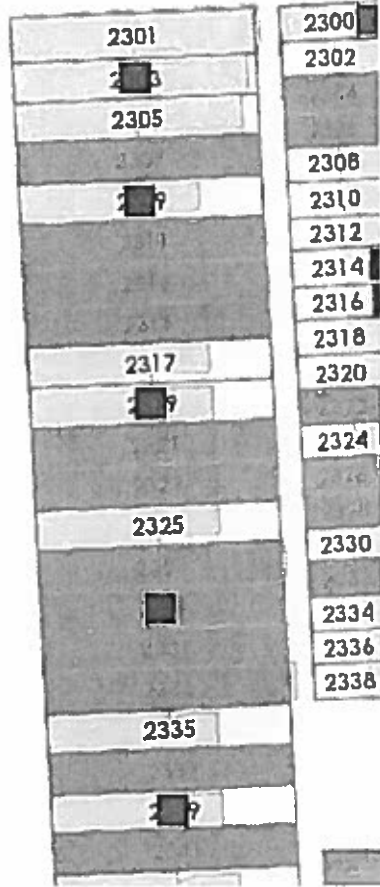
CodeMap



ARUNAH AVE

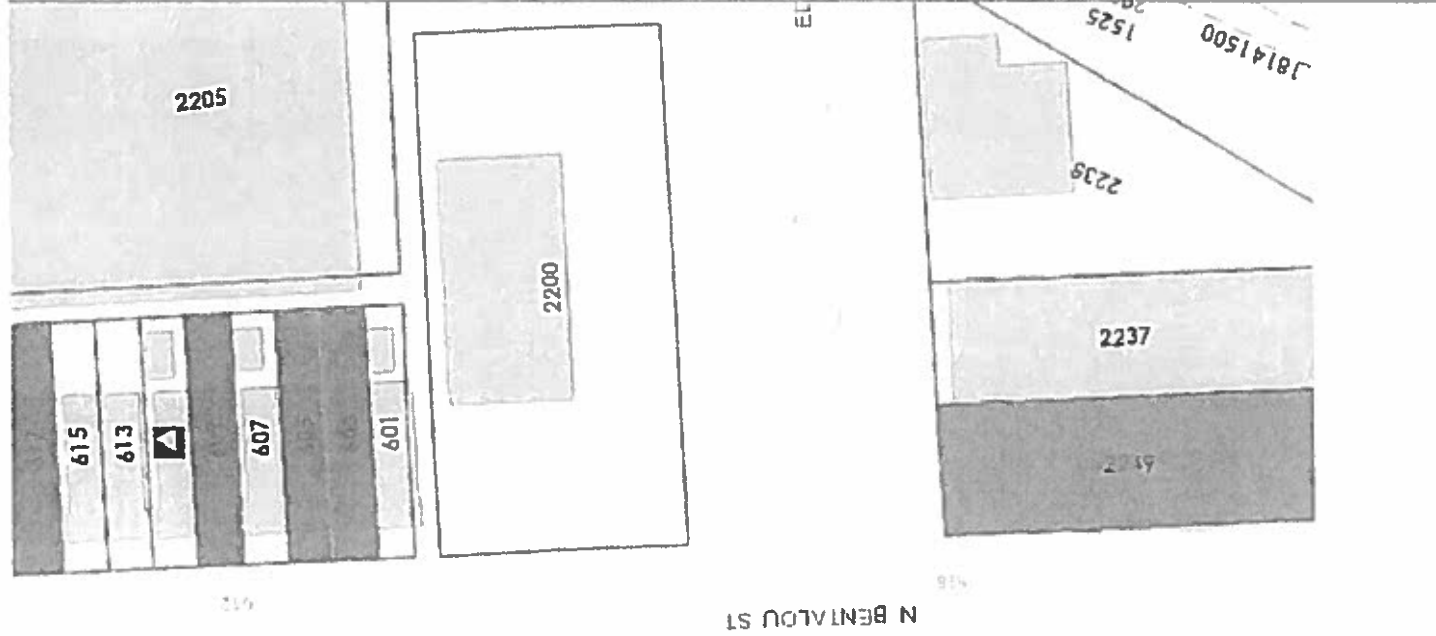


EDMONDSON AVE



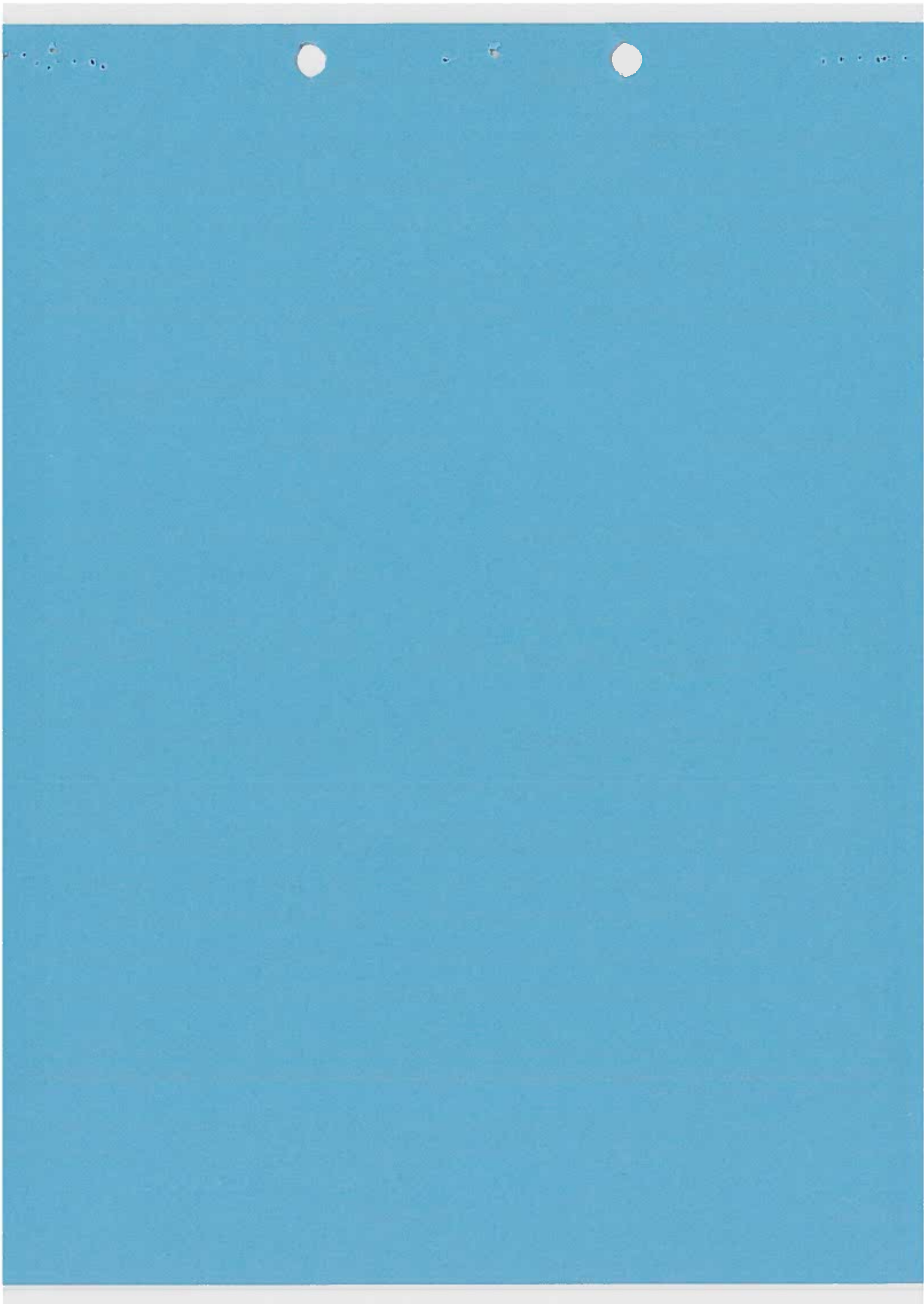
Industry

codeMap



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ACTION BY THE CITY COUNCIL

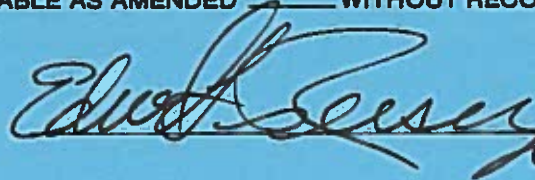
JUN 05 2017

FIRST READING (INTRODUCTION) _____ 20 _____

PUBLIC HEARING HELD ON March 14, _____ 20 18

COMMITTEE REPORT AS OF March 26, _____ 20 18

FAVORABLE UNFAVORABLE FAVORABLE AS AMENDED WITHOUT RECOMMENDATION


Chair

COMMITTEE MEMBERS:

COMMITTEE MEMBERS:

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

MAR 26 2018
20 _____

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

THIRD READING _____ APR 16 2018
20 _____

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

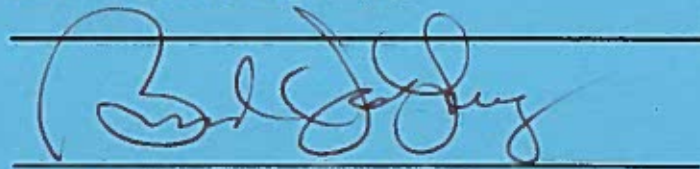
THIRD READING (ENROLLED) _____ 20 _____

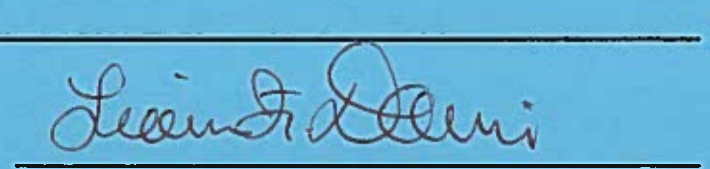
_____ Amendments were read and adopted (defeated) as indicated on the copy attached to this blue backing.

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