Introduced by: Councilmember Henry

Prepared by: Department of Legislative Reference **Date:** July 17, 2019

Referred to: LAND USE AND Committee

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

CITY COUNCIL 19-0421

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – Rear Portions of 6240 and 6242 Bellona Avenue

FOR the purpose of changing the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A), as outlined in red on the accompanying plat, from the C-1-VC Zoning District to the R-1-E Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 5
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 19-327
Council Bill 19-0421

Introduced by: Councilmember Henry
Introduced and read first time: July 22, 2019
Assigned to: Land Use Committee
Committee Report: Favorable
Council action: Adopted
Read second time: December 2, 2019

AN ORDINANCE CONCERNING

Rezoning – Rear Portions of 6240 and 6242 Bellona Avenue

FOR the purpose of changing the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A), as outlined in red on the accompanying plat, from the C-1-VC Zoning District to the R-1-E Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 5
Baltimore City Revised Code
(Edition 2000)

SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 5 of the Zoning District Map is amended by changing from the C-1-VC Zoning District to the R-1-E Zoning District the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A), 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 19-0421

Certified as duly passed this DEC 05 2019 day of _____, 20___

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this DEC 05 2019 day of _____, 20___

Chief Clerk

Approved this 18 day of Dec., 2019

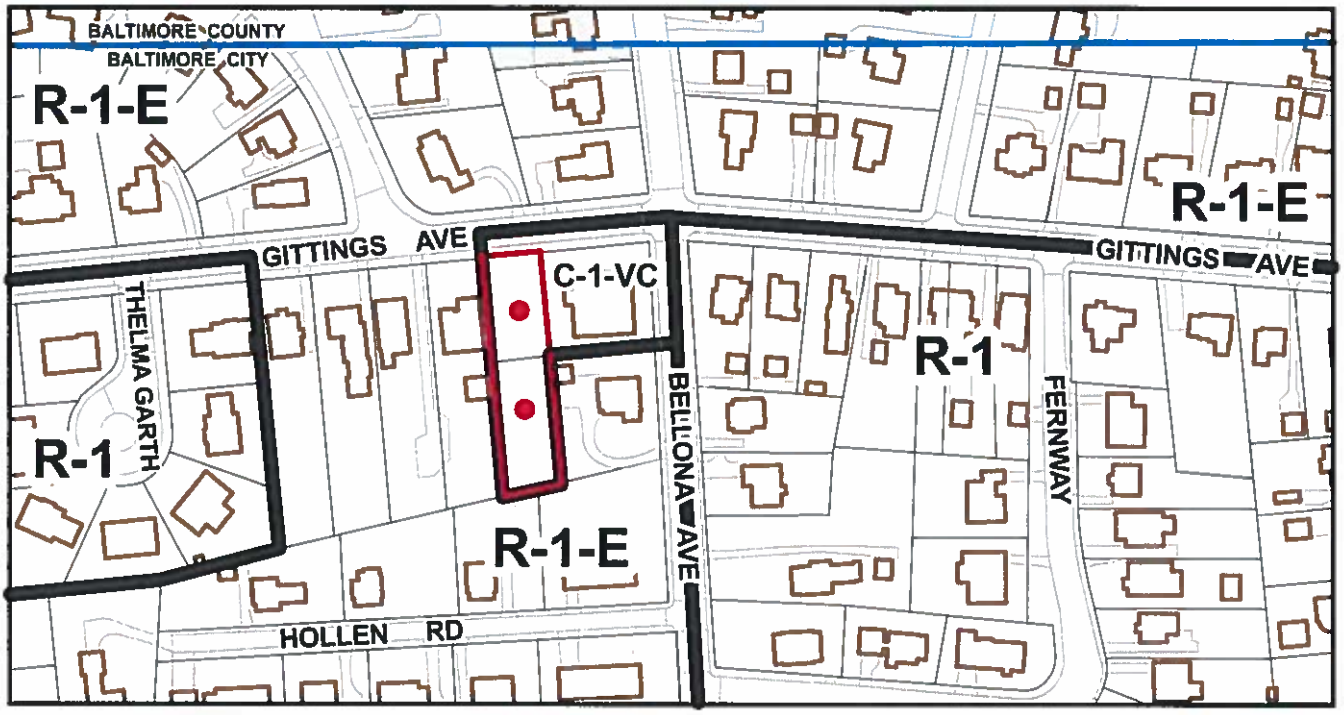
Mayor, Baltimore City

Approved For Form and Legal Sufficiency
This 12th Day of December 2019

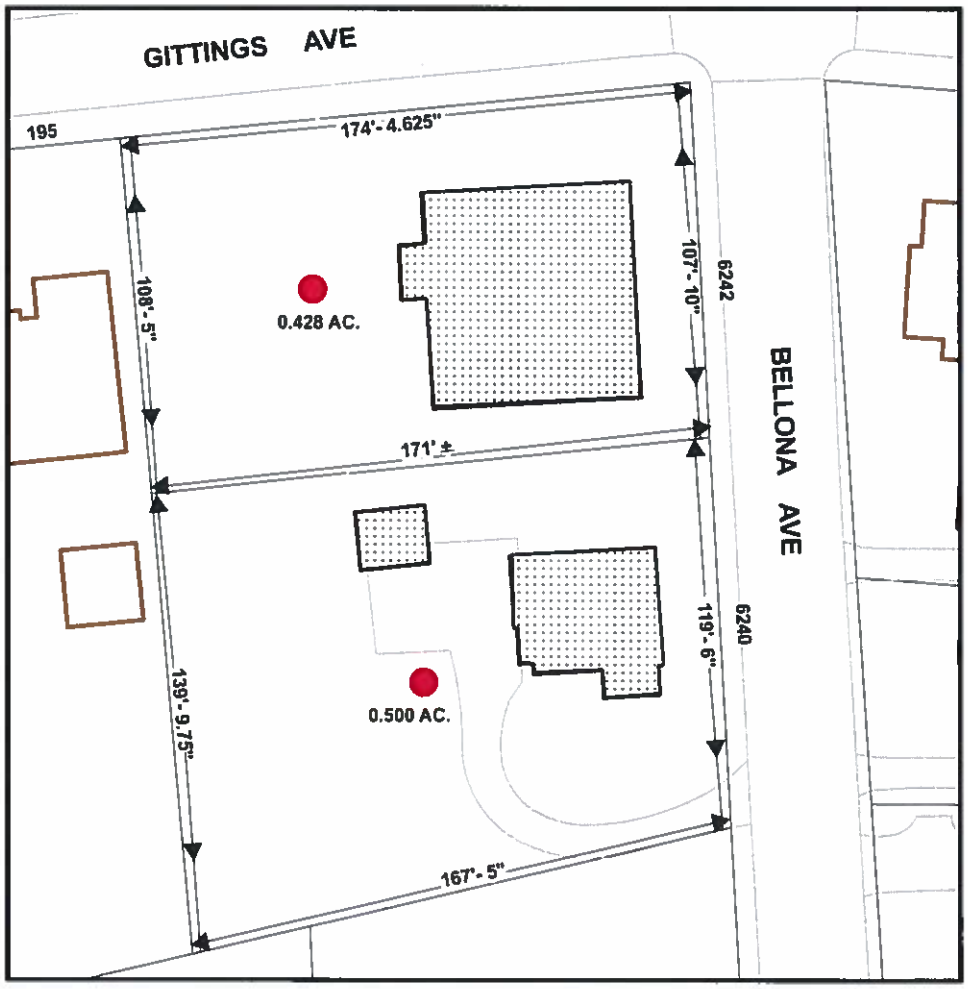
Chief Solicitor

dlr19-0991(2)-3rd/26Nov19
rezone cb19-0421-3rd nbr

SHEET NO. 5 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Scale: 1" = 60'

Note:

In Connection WithThe Properties Known As Nos. 6240 & 6242 BELLONA AVENUE. The Applicant Wishes To Request The Rezoning Of The Afforementioned Properties From C-1-VC Zoning to R-1-E Zoning As Outlined In Red Above.

WARD 27 SECTION 68

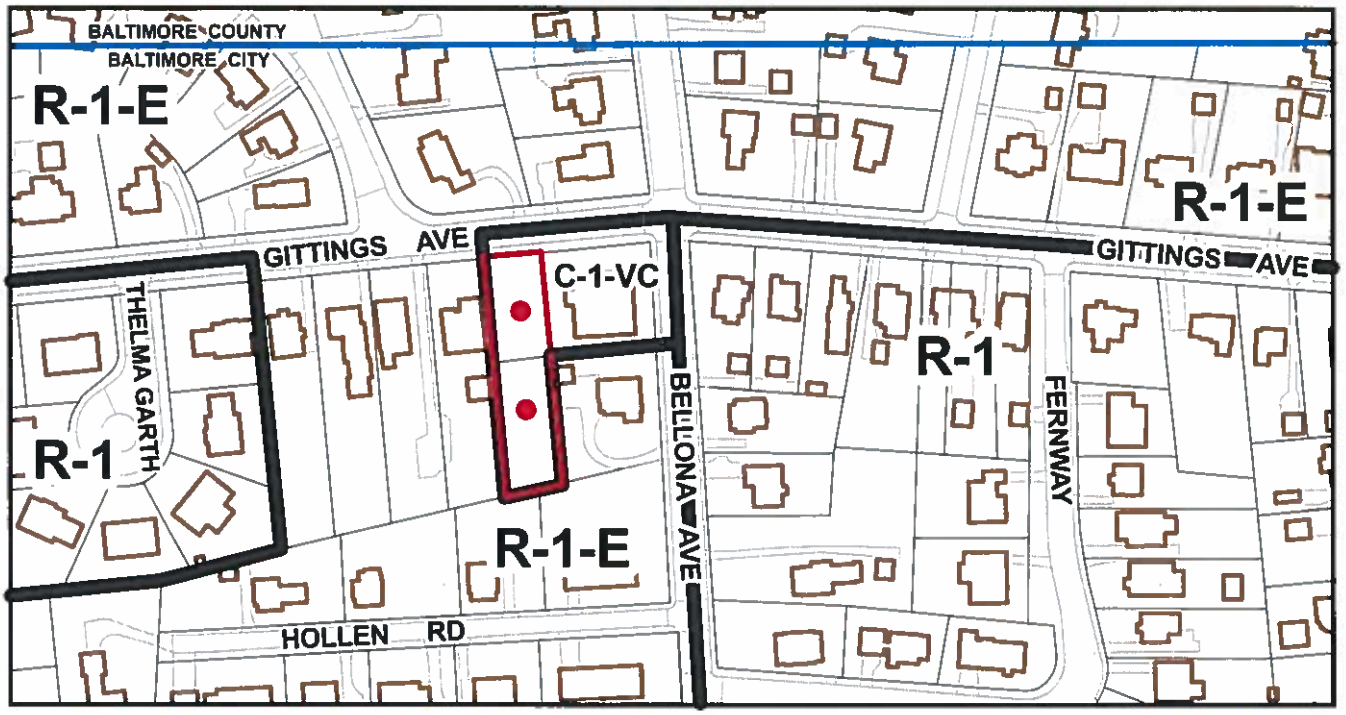
BLOCK 4976 LOTS 11 & 11A

MAYOR

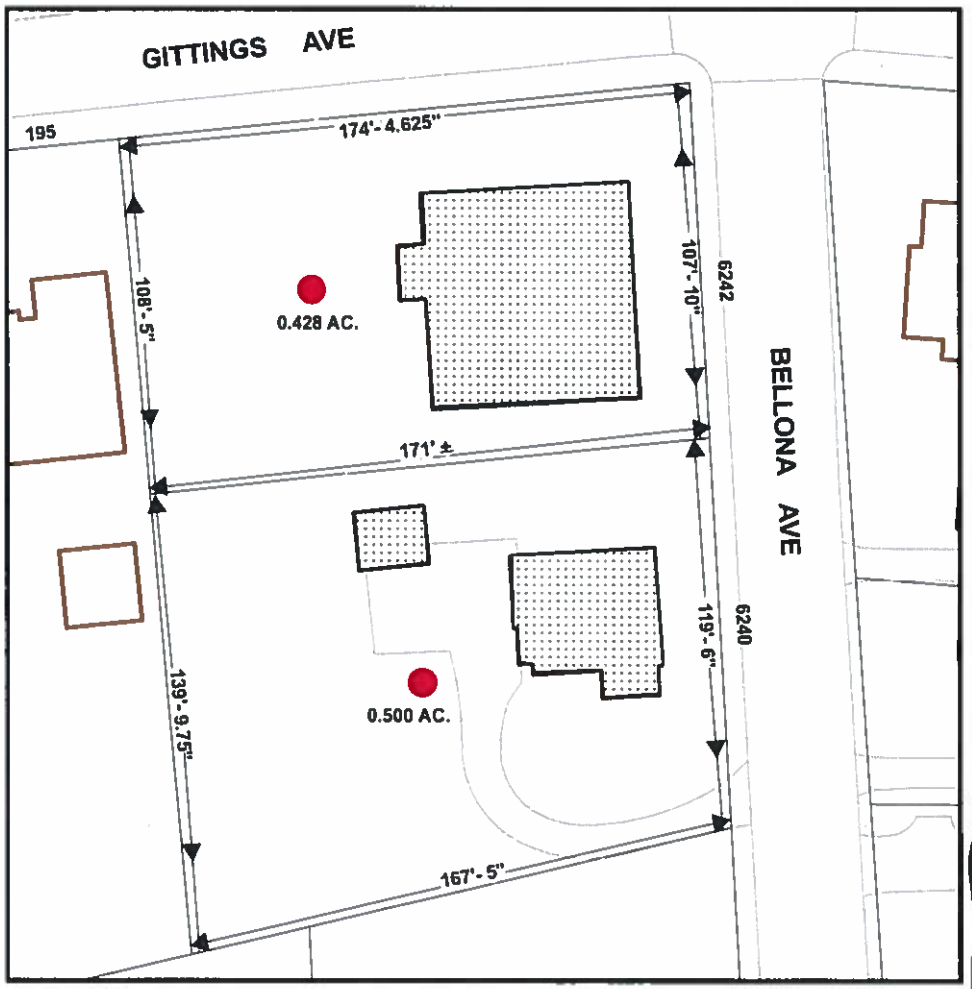
PRESIDENT CITY COUNCIL

RPE 7-11-19

SHEET NO. 5 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Note:

In Connection WithThe Properties Known As Nos. 6240 & 6242 BELLONA AVENUE. The Applicant Wishes To Request The Rezoning Of The Afforementioned Properties From C-1-VC Zoning to R-1-E Zoning As Outlined In Red Above.

WARD 27 SECTION 68

BLOCK 4976 LOTS 11 & 11A

MAYOR

PRESIDENT CITY COUNCIL

RPE 7-11-19

Scale: 1" = 60'

BALTIMORE CITY COUNCIL
LAND USE COMMITTEE
VOTING RECORD

DATE: November 20, 2019

BILL#: 19-0421

BILL TITLE: Rezoning - Rear Portions of 6240 and 6242 Bellona Avenue

MOTION BY: Dorsey SECONDED BY: Clark

☑ FAVORABLE ☐ FAVORABLE WITH AMENDMENTS

☐ UNFAVORABLE ☐ WITHOUT RECOMMENDATION

NAME	YEAS	NAYS	ABSENT	ABSTAIN
Reisinger, Edward - Chair	✓			
Sneed, Shannon - Vice Chair	✓			
Clarke, Mary Pat	✓			
Costello, Eric	✓			
Dorsey, Ryan	✓			
Middleton, Sharon			✓	
Pinkett, Leon	✓			
Stokes, Robert	✓			
TOTALS	7		1	

CHAIRPERSON: Edward Reisinger

COMMITTEE STAFF: Jennifer L. Coates, Initials: JLC

LAND USE AND TRANSPORTATION COMMITTEE

FINDINGS OF FACT

MOTION OF THE CHAIR OF THE LAND USE AND TRANSPORTATION COMMITTEE, AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO SECTIONS 10-304 AND 10-305 OF THE MARYLAND LAND USE ARTICLE AND SECTION 5-508 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF:

CITY COUNCIL BILL NO: 19-0421

REZONING - REAR PORTIONS OF 6240 AND 6242 BELLONA AVENUE

Upon finding as follows with regard to:

(1) Population changes;

There are no significant changes which have occurred since adoption of the current zoning map or Zoning Code.

(2) The availability of public facilities;

Public facilities are now and expected to remain adequate for current and future uses of the subject property.

(3) Present and future transportation patterns;

No changes are expected in transportation patterns in the immediate vicinity of the subject property.

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

The rezoning correctly rezones the rear portion of the residential property. The rezoning supports the use of the rear of the commercial property to maintain a parking lot for its patrons.

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

For the above reason, the Planning Department recommended approval of the rezoning request to the Planning Commission.

- According to a memorandum from Mr. Chris Ryer, dated August 23, 2019, the Planning Commission, at its regular meeting of August 23, 2019, considered City Council Bill # 19-0421, for the purpose of changing the zoning for the property known as 6240 and 6242 Bellona Avenue, from the C-1-VC Zoning District to the R-1-E Zoning District.

  In its consideration of this Bill, the Planning Commission reviewed the staff report which recommended approval of City Council Bill #19-0421 and adopted the following resolution six members being present (six in favor):

  > RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill # 19-0421 be passed by the City Council.

- According to a Department of Planning staff report dated August 22, 2019, the department recommends disapproval of this bill.

- According to a memorandum from Mr. Derek J. Baumgardner, dated October 25, 2019, the Board of Municipal and Zoning Appeals reviewed the legislation and recommends disapproval of City Council Bill No. 19-0421 as it applies to 6242 Bellona Avenue. The result of this rezoning bill would be to split-zone 6242 Bellona Avenue such that a portion of the lot would retain a C-1-VC zoning designation on the eastern portion (front) of the lot and an R-1-E zoning designation on the western (rear) portion of the lot. Split zoning is not a best practice and can complicate the application of zoning standards for future uses and construction. Moreover, the proposed rezoning creates a nonconforming impervious surface (40% maximum) and nonconforming use as the existing surface parking lot is not permitted in an R-1-E zoning district. Every effort should be made to create contiguous and consistent zoning districts in which entire parcels have the same zoning designations and to avoid creating nonconformities.

  BMZA does not object to the rezoning of the property 6240 Bellona A venue from the C-1-VC Zoning District to the R-1-E Zoning District, however, as this was plainly a mapping error. The proposed rezoning of 6240 Bellona A venue would cure that mapping error and would result in the entire lot conforming to its existing and intended residential use.

- According to a memorandum from Mr. Steve Sharkey, dated September 9, 2019, the Department of Transportation has no objection to City Council Bill 19-0421.

- According to a memorandum from Mr. Michael Braverman, dated November 5, 2019, the Department of Housing and Community Development has no objection to passage of the bill.

- According to a memorandum from Peter Little, dated August 20, 2019, the Parking Authority of Baltimore City Baltimore (PABC) the legislation is legitimizing an existing use and is not expected to affect parking. This site is not located in an area where the Parking Authority administers any on-street parking programs.

  Based on the comments above, the P ABC does not oppose the passage of City Council Bill 19-0421.

- According to a memorandum from Mr. Colin Tarbert, dated August 30, 2019, Baltimore Development Corporation has no objection to the bill.

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

This rezoning is compatible with the general policy of supporting commercial uses, and preventing split zoned residential properties.

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

Residential uses are the most predominant uses in the Bellona-Gittings area.

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

The zoning to the north is R-1-E consisting of residential properties Residential zoning dominates the surrounding area.

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

The residential site is consistent with the zoning classification of R-1-E.

(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;

There have been no changes in the site or the surrounding area for over 20 years.

(11) For a rezoning based on a SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD, the following facts establish the substantial change since the time of the last comprehensive rezoning:

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

The subdivision of 6240 Bellona Avenue occurred during the midst of the City's comprehensive rezoning. The subdivision was overlooked during the map amendments and the zoning was not corrected at that time. Therefore, Planning staff supports finding that an error was made in neglecting to correct the proposed zoning map for these properties.

SOURCE OF FINDINGS (Check all that apply):

[X] Planning Commission Report - Dated August 23, 2019

[X] Testimony presented at the Committee hearing

Oral – Witness Name:

- Agency Representatives

Written:

- The findings listed above have been transferred from the Baltimore City Planning Commission Report – Dated 08/23/2019 and the Planning Department Staff Report – Dated 08/22/2019
- Department of Transportation, Agency Report – Dated 09/09/2019
- Board of Municipal Zoning Appeals, Agency Report – Dated 10/25/2019
- Parking Authority of Baltimore City, Agency Report – Dated 08/20/2019
- Department of Housing and Community Development, Agency Report – Dated 11/5/2019
- Baltimore Development Corporation, Agency Report – Dated 08/30/2019

LAND USE AND TRANSPORTATION COMMITTEE:

Chairman

Member

Member

Member

Member

Member

Member

Member

The Daily Record
200 St. Paul Place Suite 2480
Baltimore, Maryland 21202
1 (443) 524-8100
www.thedailyrecord.com

Order #: 11809278
Case #:
Description:
PUBLIC HEARING ON BILL NO. 19-0421

PUBLISHER'S AFFIDAVIT

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

11/4/2019

Darlene Miller

Darlene Miller, Public Notice Coordinator
(Representative Signature)

Baltimore City

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO 19-0421

The Land Use Committee of the Baltimore City Council will meet on Wednesday, November 20, 2019 at 1:05 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0421.

CC 19-0421 ORDINANCE - Rezoning - Rear Portions of 6240 and 6242 Bellona Avenue

FOR the purpose of changing the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4970, Lots 11 and 11A), as outlined in red on the accompanying plat, from the C-1-VC Zoning District to the R-1-E Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 5
Baltimore City Revised Code
(Edition 2000)

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

Applicant: The Honorable Bill Henry

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

EDWARD REISINGER
Chair

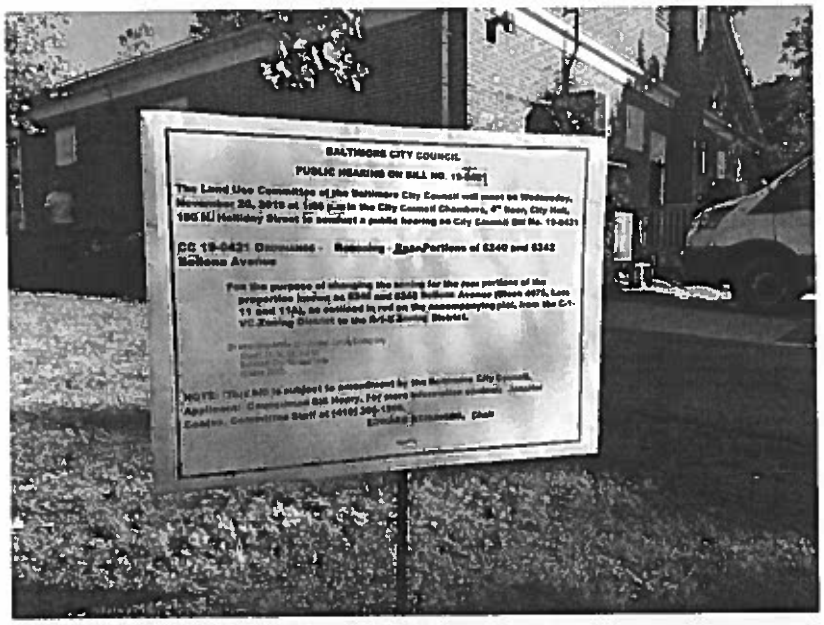
n4

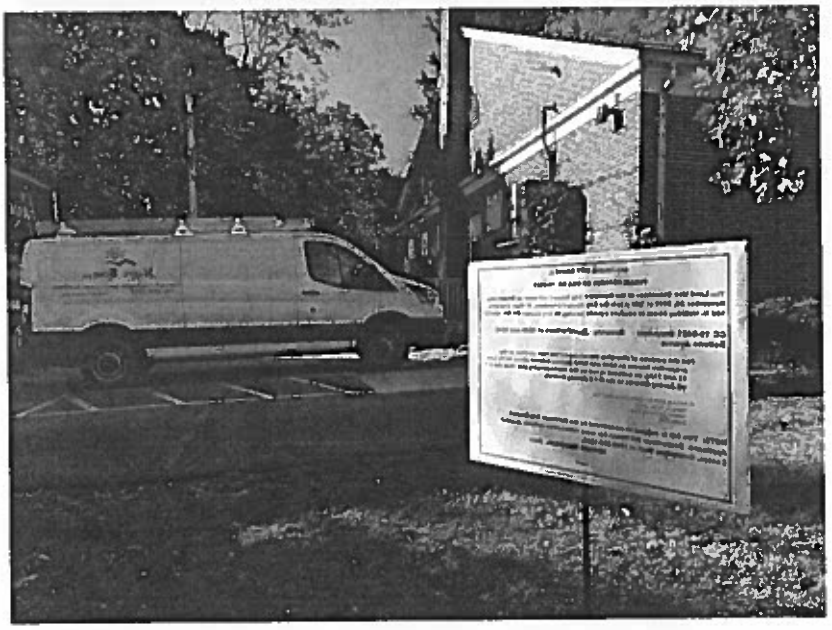
ATTACHMENT C

Baltimore City Council
Certificate of Posting - Public Hearing Notice
City Council Bill No.: 19-0421

Today's Date: October 21, 2019

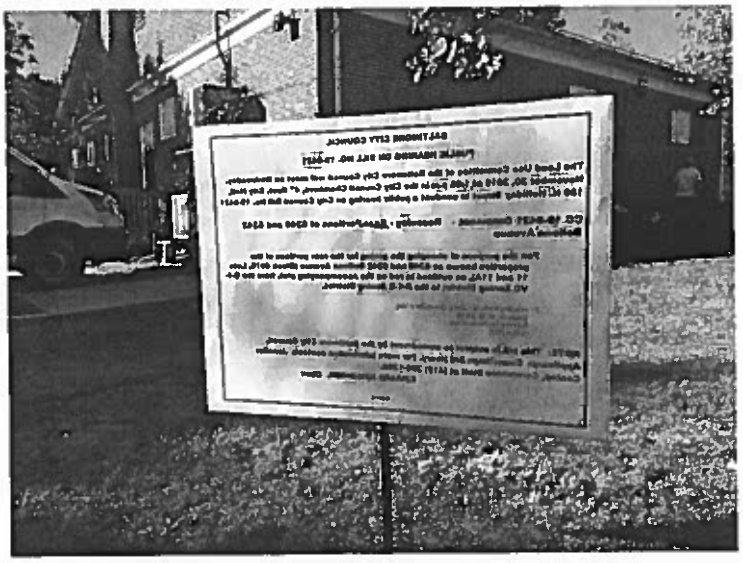
(Place a picture of the posted sign in the space below.)





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

ATTACHMENT C



Address: 6240 and 6242 Bellona avenue

Date Posted: 10/18/2019

Name: Laurie Feinberg

Address: Dept. of Planning 417 East Fayette Street

Telephone: 410-396-1275

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

FROM			CITY of BALTIMORE MEMO
	NAME & TITLE	CHRIS RYER, DIRECTOR	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8TH FLOOR, 417 EAST FAYETTE STREET	
	SUBJECT	CITY COUNCIL BILL #19-0421/ REZONING 6240 AND 6242 BELLONA AVENUE	

TO

DATE: August 23, 2019

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

At its regular meeting of August 23, 2019, the Planning Commission considered City Council Bill #19-0421, for the purpose of changing the zoning for the property known as 6240 and 6242 Bellona Avenue, from the C-1-VC Zoning District to the R-1-E Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #19-0421 and adopted the following resolution six members being present (six in favor):

> RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #19-0421 be passed by the City Council.

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

CR/ewt

attachment

cc: Mr. Nicholas Blendy, Mayor's Office
The Honorable Edward Reisinger, Council Rep. to Planning Commission
Mr. Colin Tarbert, BDC
Mr. Derek Baumgardner, BMZA
Mr. Geoffrey Veale, Zoning Administration
Mr. Bob Pipik, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Dominic McAlily, Council Services
Mr. Philip Bender, Applicant

Favorable

Bernard C. "Jack" Young
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT

Chris Ryer
Director

August 22, 2019

REQUEST: City Council Bill #19-0421/ Rezoning Rear Portions of 6240 and 6242 Bellona Avenue For the purpose of changing the zoning for the rear portions of properties known as 6240 and 6424 Bellona Avenue (Block 4976, Lots 11 and 11A), as outlined in red on the accompanying plat, from the C-1-VC Zoning District to the R-1-E Zoning District.

RECOMMENDATION: Approval

STAFF: Ivor A. Quashie

PETITIONER: Councilmember Bill Henry

OWNERS: 6240 Bellona Avenue - Philip D. Bender and Cara E. Guerin,
6242 Bellona Avenue - SSW, LLC

SITE/GENERAL AREA

Site Conditions:
The properties are on the northwest corner of Bellona and Gittings Avenues. 6240 Bellona Avenue is improved by a 2 story residential building. 6242 Bellona Avenue is improved by a one-story commercial building with two commercial uses.

General Area:
The two parcels 6240 Avenue and 6242 Bellona Avenue are located in the northeast corner of the Bellona-Gittings neighborhood. The surrounding area is populated by single-family detached homes with a few apartment complexes about ¼ mile to the south.

HISTORY

The Planning Commission approved a subdivision of the rear of 6240 Bellona Avenue, a residential property into 2 lots on October 5, 2015. A portion of the subdivided lot was consolidated with 6242 Bellona as a parking lot for the commercial businesses.

ANALYSIS

Prior to the 2016 comprehensive zoning the subject parcels had residential zoning. During the public review process for the new zoning code and maps the commercial property owner requested his property be commercially zoned, C-1-VC (neighborhood commercial village center). The community supported that request subject to the rear of 6242, the parking lot remain residentially zoned. This allowed the parking lot to remain as a legally established residential use, but it prohibits further commercial expansion.

The City Council supported the zoning request but mistakenly included the parking lot in the commercial zone because at the time the subdivision was not completed.

The Planning Department received a request to subdivide a descriptive parcel at the rear of 6240 and 6242 Bellona Avenue. The property was previously divided by deed not by subdivision. The Planning Commission approved the subdivision of 6240 Bellona Avenue on October 8, 2015. The subdivision 6240 Bellona Avenue occurred during the comprehensive rezoning of the city of Baltimore. There was a mapping mistake in that the zoning request was not updated to the new lot lines.

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(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public's interest, in that it will rezone the rear of a residential property that was commercially zoned in a subdivision in 2015 and the parking lot adjacent.

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

1. **The Plan:** The rezoning of the former vacant property behind the commercial establishment at 6242 Bellona Avenue supports the parking needs for that property. The rezoning of the parcel behind the residential property at 6240 Bellona Avenue prevents the residential property from being split zoned.
2. **The needs of Baltimore City:** This rezoning will conform the zoning of the parcels to the residential parcels in the surrounding area.
3. **The needs of the particular neighborhood:** The rezoning will allow the residential property to have the backyard of that property appropriately zoned to residential.

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 are no significant changes which have occurred since adoption of the current zoning map or Zoning Code.
2. **The availability of public facilities;** Public facilities are now and are expected to remain adequate for current and future uses of the subject property.
3. **Present and future transportation patterns;** No changes are expected in transportation patterns in the immediate vicinity of the subject property.
4. **Compatibility with existing and proposed development for the area;** The rezoning correctly rezones the rear portion of the residential property. The rezoning supports the use of the rear of the commercial property to maintain a parking lot for its patrons.
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 approval 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.** This rezoning is compatible with the general policy of supporting commercial uses, and preventing split zoned residential properties.

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

(i) **existing uses of property within the general area of the property in question;** Residential uses are the most predominant uses in the Bellona-Gittings area.

(ii) **the zoning classification of other property within the general area of the property in question;** The zoning to the north is R-1-E consisting of residential properties. Residential zoning dominates the surrounding area.

(iii) **the suitability of the property in question for the uses permitted under its existing zoning classification;** The residential site is consistent with the zoning classification of R-1-E.

(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. There have been no changes in the site or the surrounding area for over 20 years.

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.

The subdivision of 6240 Bellona Avenue occurred during the midst of the city's comprehensive rezoning. The subdivision was overlooked during the map amendments and the zoning was not corrected at that time. Therefore, Planning staff supports finding that an error was made in neglecting to correct the proposed zoning map for these properties.

Notification: The impacted property owners, Bellona-Gittings Community Association, Cedarcroft Maintenance Corporation, the Bellona-Gittings Community Association and Councilmember Bill Henry have been notified of this action.

Chris Ryer
Director

FROM			CITY of BALTIMORE MEMO
	NAME & TITLE	Steve Sharkey, Director	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527	
	SUBJECT	City Council Bill 19-0421	

TO: Mayor Bernard C. "Jack" Young
TO: Land Use Committee
FROM: Department of Transportation
POSITION: No Objection
RE: Council Bill – 19-0421

DATE: 9/9/19

INTRODUCTION – Rezoning - Rear Portions of 6240 and 6242 Bellona Avenue

PURPOSE/PLANS – For the purpose of changing the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A), as outlined in red on the accompanying plat, from the C-1-VC Zoning District to the R-1-E Zoning District.

COMMENTS – Council Bill 19-0421 looks to convert the rear portions of 6240 and 6242 Bellona Avenue from the C-1-VC (Neighborhood Commercial Village Center) Zoning District to the R-1-E Zoning District, which allows for detached residential dwelling units. The Department of Transportation does not foresee any direct fiscal or operational impacts as a result of the passage of Council Bill 19-0421.

AGENCY/DEPARTMENT POSITION – The Department of Transportation has **no objection** to City Council Bill 19-0421.

If you have any questions, please do not hesitate to contact Liam Davis via email at Liam.Davis@baltimorecity.gov or by phone (410) 545-3207.

Sincerely,

Steve Sharkey
Director

No obj.

CITY OF BALTIMORE

BERNARD C "JACK" YOUNG, Mayor

BOARD OF MUNICIPAL AND ZONING APPEALS

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

October 25, 2019

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

Re: CC Bill #19-0421 Rezoning – Rear Portions of 6240 and 6242 Bellona Avenue

Ladies and Gentlemen:

City Council Bill No. 19-0421 has been referred by your Honorable Body to the Board of Municipal and Zoning Appeals for study and report.

The purpose of City Council Bill No. 19-0421 is to change the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A) from the C-1-VC Zoning District to the R-1-E Zoning District.

The BMZA has reviewed the legislation and recommends disapproval of City Council Bill No. 19-0421 *as it applies to 6242 Bellona Avenue*. The result of this rezoning bill would be to split-zone 6242 Bellona Avenue such that a portion of the lot would retain a C-1-VC zoning designation on the eastern portion (front) of the lot and an R-1-E zoning designation on the western (rear) portion of the lot. Split zoning is not a best practice and can complicate the application of zoning standards for future uses and construction. Moreover, the proposed rezoning creates a nonconforming impervious surface (40% maximum) and nonconforming use as the existing surface parking lot is not permitted in an R-1-E zoning district. Every effort should be made to create contiguous and consistent zoning districts in which entire parcels have the same zoning designations and to avoid creating nonconformities.

BMZA does not object to the rezoning of the property 6240 Bellona Avenue from the C-1-VC Zoning District to the R-1-E Zoning District, however, as this was plainly a mapping error. The proposed rezoning of 6240 Bellona Avenue would cure that mapping error and would result in the entire lot conforming to its existing and intended residential use.

UF

Sincerely,

Derek J. Baumgardner
Executive Director

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

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG
Mayor

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

November 20, 2019

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

Re: City Council Bill 19-0421 – Rezoning - 6240 and 6242 Bellona Ave.

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 19-0421 for form and legal sufficiency. The bill would change the zoning for the rear of the properties known as 6240 and 6242 Bellona Ave from the C-1-VC Zoning District to the R-1-E Zoning District.
The Planning staff report explains that prior to the 2016 comprehensive rezoning the subject parcels were zoned residential. During the public review process for the new zoning code and maps, the commercial property owner requested his property commercially zoned, C-1-VC (neighborhood commercial village center). The community supported the request subject to the rear of 6242, the parking lot, remaining residentially zoned. This allowed the parking lot to remain as a legally established use, but it prohibited further commercial expansion. The City Council supported the zoning request but mistakenly included the parking lot in the commercial zone because at the time the subdivision was not completed. During the subsequent subdivision of 6240 around the time of the City's comprehensive rezoning, there was a mapping mistake in that the zoning request was not updated to the new lot lines.

The City Council may permit this rezoning if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Code, Land Use, §10-304(b)(2); Baltimore City Code, Art. 32, §§5-508(a) and (b)(1). The Planning Commission report states that there was a mistake in the last rezoning and these properties were not rezoned at that time. Therefore, to legally rezone the property the City Council must identify a "mistake" that lead to the inappropriate zoning of the property as R-8.

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

(1) population change;
(2) the availability of public facilities;

Fav w/Amends

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

Md. Land Use Code Ann., §10-304(b)(1); *see also*, Baltimore City Code, Art. 32, §5-508(b)(2) (citing same factors with (v) being "the recommendations of the City agencies and officials," and (vi) being "the proposed amendment's consistency with the City's Comprehensive Master Plan.").

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

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

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

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

With regard to rezoning on the basis of mistake, it is "firmly established that there is a strong presumption of the correctness of original zoning and of comprehensive rezoning." *People's Counsel v. Beachwood I Ltd. Partnership*, 107 Md. App. 627, 641 (1995) (*quoting Wells v. Pierpont*, 253 Md. 554, 557 (1969)). To sustain a piecemeal change, there must be substantial evidence that "the Council failed to take into account then existing facts . . . so that the Council's action was premised . . . on a misapprehension." *White*, 109 Md. App. at 698 (citation omitted). In other words, "[a] conclusion based upon a factual predicate that is incomplete or inaccurate may be deemed in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment,

which is immunized from second-guessing." *Id.* "Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension[,]" [and] "by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect." *Boyce v. Sembly,* 25 Md. App. 43, 51 (1975) (citations omitted). "Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity accorded to comprehensive zoning is not overcome and the question of error is not 'fairly debatable.'" *Id.* at 52.

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

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

Here, the Planning Department Report supports a finding that the City Council failed to take into account existing facts so that its action was taken based on a mis-apprehension and the proper zoning was not applied to the property.

Finally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a "legislative authorization." Baltimore City Code, Art. 32, §5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Baltimore City Code, Art. 32, §5-601(b). The notice of the City

Council hearing must include the date, time, place and purpose of the hearing, as well as the address of the property and the name of the applicant. Baltimore City Code, Art. 32, §5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location, and at least one sign must be visible from each of the property's street frontages. City Code, Art., §5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, §5-601(e), (f).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning has been met. Assuming the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Very truly yours,

Elena R. DiPietro

Elena R. DiPietro
Chief Solicitor

cc: Andre M. Davis, City Solicitor
Matthew Stegman, Mayor's Legislative Liaison
Ashlea Brown, Assistant Solicitor
Victor Tervala, Chief Solicitor
Hilary Ruley, Chief Solicitor
Avery Aisenstark

TRANSMITTAL MEMO

TO: Council President Brandon M. Scott

FROM: Peter Little, Executive Director

DATE: August 20, 2019

RE: City Council Bill 19-0421

PARKING OF BALTIMORE CITY AUTHORITY

I am herein reporting on City Council Bill 19-0421 introduced by Councilmember Henry.

The purpose of this bill is to change the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A) from the Neighborhood Business (C-1-VC) Zoning District to the Detached Residential (R-1E) Zoning District.

The Parking Authority of Baltimore City reviewed the proposed legislation. The legislation is legitimizing an existing use and is not expected to affect parking. This site is not located in an area where the Parking Authority administers any on-street parking programs.

Based on the comments above, the PABC does not oppose the passage of City Council Bill 19-0421.

RECEIVED
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BALTIMORE CITY COUNCIL
PRESIDENT'S OFFICE

Does not oppose

200 W. LOMBARD STREET • SUITE B • BALTIMORE • MD 21201 • P: 443.573.2800 • F: 410.685.1557

BALTIMORE CITY
DEPARTMENT OF HOUSING &
COMMUNITY DEVELOPMENT

MEMORANDUM

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

From: Michael Braverman, Housing Commissioner

Date: November 5, 2019

Re: **City Council Bill 19-0421 Rezoning - Rear Portions of 6240 and 6242 Bellona Avenue**

The Department of Housing and Community Development (DHCD) has reviewed City Council Bill 19-0421 for the purpose of changing the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A), as outlined in red on the accompanying plat, from the C-1-VC Zoning District to the R-1-E Zoning District.

If enacted, this Bill would change the zoning of the rear portions of the properties and allow for use as a parking lot for the commercial businesses. At its regular meeting of August 23, 2019, the Planning Commission concurred with the Department of Planning Staff recommendation of approval of this Bill.

Planning departmental staff determined that this change is in the public's interest, in that it will rezone the rear of a residential property that was commercially zoned in a subdivision in 2015 and the parking lot adjacent. The subdivision of 6240 Bellona Ave. occurred during the city's comprehensive rezoning and was overlooked during the map amendments in that it was not corrected at that time. DHCD does not foresee any direct fiscal or operational impacts as a result of the passage of Council Bill 19-0421.

DHCD has reviewed City Council Bill 19-0421 and has **no objection** to the passage of the Bill.

MB:sm

cc: Mr. Nicholas Blendy, *Mayor's Office of Government Relations*

No obj.

Baltimore
Development Corporation

MEMORANDUM

DATE: August 30, 2019
TO: Land Use and Transportation Committee
FROM: Colin Tarbert, President and CEO
POSITION: No Objection
RE: City Council Bill 19-0421 – Rezoning – Rear Portions of 6240 and 6242 Bellona Avenue

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INTRODUCTION
The Baltimore Development Corporation (BDC) has been asked to review and respond to City Council Bill 19-0421 introduced by Councilmember Henry.

PURPOSE
The purpose of this Bill is to change the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue from the C-1-VC Zoning District to the R-1-E Zoning District.

BRIEF HISTORY
6240 Bellona Avenue is a single family residential property adjacent to 6242 Bellona Avenue, a commercial property comprising of three businesses and a parking lot. Prior to TransForm Baltimore, both addresses and the parking lot were zoned R-1. During the Zoning Code update, the commercial property and adjacent parking were consolidated and subsequently rezoned C-1-VC, along with a portion of 6240 Bellona Avenue.

This Bill will restore the residential zoning classification to the entirety of the lot addressed 6240 Bellona Avenue, and will revert the parking lot portion of 6242 to a residential zoning classification.

FISCAL IMPACT
None

AGENCY POSITION
BDC finds **no objection** to City Council Bill #19-0421

If you have any questions, please do not hesitate to contact Kimberly Clark at 410-837-9305 or at kclark@baltimoredevelopment.com.

cc: Nicholas Blendy

[cm]

No obj.

Nancy P. Maronick
5911 Charlesmead Road
Baltimore, Maryland 21212
Nov. 18, 2019

Edward Reisinger, Chairman
Baltimore City Council
Land Use Committee
100 N. Holliday Street
Baltimore, MD 21202

Re: Bill 19-0421

Dear Honorable Reisinger:

I was president of the Bellona-Gittings Community Association (BGCA) during the Baltimore City Zoning Rewrite. I am writing this letter to inform you of the many efforts that our community made during the Rewrite process to ensure that the parking lot at 6242 Bellona Ave. would retain its residential zoning of R-1-E.

The BGCA made it known to both the Dept. of Planning and to Councilman Bill Henry of our commitment to retaining the residential zoning of the parking lot behind the Pinehurst Wine Shoppe. During the information/education period of the Rewrite we were told that the Pinehurst Wine Shoppe would have to be rezoned to the C1VC zoning code or go out of business in one year. As we were not trying to put them out of business, we agreed to the zoning change, with the assurance that the parking lot would remain zoned residential. I attended a number of meetings including one at the War Memorial where I spoke on behalf of keeping our community's residential properties zoned residential. I also spoke with Councilman Henry and with the Northern District planner numerous times to assure that the residential lots in our community that are located adjacent to commercially zoned lots would retain their residential zoning.

In addition to those efforts, the BGCA also signed an MOU agreement with the Pinehurst Wine Shoppe. As a result of run-off from the parking lot during wet weather, the BGCA agreed to support the paving of the wine shop's parking lot. The wine shop agreed to support the retention of the R-1-E residential zoning of the parking lot. I have enclosed copies of both the MOU agreement and the Planning Dept.'s recommendation for the property at 6242 Bellona Ave. showing that the parking lot was recommended to remain zoned R-1-E.

You can imagine my utter amazement and disappointment to fine that the zoning of the parking lot had been change to C1VC. After much inquiry as to how this could have happened I was told it was a mistake, along with a number of others throughout the City that were made during the Zoning Rewrite and that those mistakes would be addressed. It has only recently

received
11-19-19 JRC

come to my attention that not only was the zoning of the parking lot mistakenly changed, but the zoning of the residential lot at 6240 Bellona Ave. was changed to C1VC as well.

The results of those two mistakes were zoning changes of two properties in the Bellona-Gittings Community from residential to commercial zoning that the community does not support, nor would have supported had we been aware of any potential zoning changes. We are very committed to maintaining Bellona-Gitting as a residential community and oppose the domino effect brought on by commercial sprawl. I am writing to request that you support the correction of those mistakes by supporting the passage of Bill 19-0421 which will change the zoning of the lots back to their previous R-1-E zoning code.

Thank you for your consideration of this matter.

Yours truly,

Nancy P. Maronick

eliminary list of Staff response to testimony and requests as of 3/6/2013

ID	Date	Property Address	Comment/Request/Concern	Chapter	Category	Preliminary Staff Recommendations	Concur w/ Request	Notes
86	2/27/2013	101 Gorman Ave	Change from IMU to R-8		M	Recommend change to R-8, consistent with current uses and surroundings	Y	
87	2/27/2013	block lot 2164002	Change from C-2 to R-8		M	Recommend change to R-8, consistent with current uses and surroundings	Y	
88	2/27/2013	block lot 2164003	Change from C-2 to R-8		M	Recommend change to R-8, consistent with current uses and surroundings	Y	
89	2/27/2013	block lot 2164003B	Change from C-2 to R-8		M	Recommend change to R-8, consistent with current uses and surroundings	Y	
90	2/27/2013	906 Poplar Grove	Change from R-6 to R-8		M	Recommend change to R-8, consistent with current uses and surroundings	Y	
91	2/27/2013	21 North Calverton Road	Change from C-2 to R-8		M	Recommend change to R-8, consistent with current uses and surroundings	Y	
92	2/27/2013	Block Lot 4976 010A	wants the parking lot of the pharmacy/wine shop to be residential (btwn 195 Gittings and 6242 Bellona)		M	Business lot remains C-1-VC, parking lot R-1-E	Y	
93	2/28/2013	500 N Central	Change recommended R-8 to R-10		M	Change is consistent with goals of master plan	Y	
94	2/28/2013	704/706 Ensor	Change recommended C-1 to IMU		M	Change is consistent with goals of master plan	Y	
95	3/1/2013	3200 block of N. Calvert	Change westside of 3200 block of N. Calvert back to R-6 from R-8.		M	ok with change	Y	
96	3/1/2013	6210 York Road	Keep zoned R-5 - it is deed-restricted residential		M	Change back to R-5 per deed restriction	Y	
97	3/1/2013	2530 N Charles St	Bank of America should be C-2, currently n/c as OR zone		M	ok to Change to C-2	Y	
98	3/4/2013	Cardinal Gibbons	H instead if EC		M	Ok with Hospital Zone but believe OR-2 might be more appropriate	Y	
99	3/4/2013	100 blk E 25th	Requesting R-8 for block bounded by Hargrove Alley, Ware St, Calvert St and E 25th - all residential props with large setback, no offices/commercial		M	Change block bounded by Hargrove Alley, Ware St, Calvert St and E 25th to R-8 - consistent with props immediately adjacent to the south	Y	
100	3/5/2013	Various bio-park want BSC	811-33 West Fayette, MLK Gateway properties, 901-05 and 915-21 West Baltimore, 8-14 Poppleton745 West Fayettet and 5-23 N. Fremont change to BSC consitent with PUD and area		M	This change is consistent with area plan and existing PUD	Y	
101	3/5/2013	5600 Lombard stret	Bayview -TOD should have TOD 4		M	Agree, this is the Redline and MARC station area	Y	
102	3/5/2013	2701 West franklin	should be I-1 since it will be used for maintenance yard		M	Yes, change from TOD to I-1	Y	
103	3/5/2013	300-408 N. Franklintown road	Currently B-1 though mostly residential, recommended for TOD should be R-8		M	Recommend this area change to R-8 consistent with existing area	Y	
104	3/5/2013	2100-2200 Edmondson and 2245-49	recommend changing from TOD to C-1		M	C-1 is consistent with West. Balto MARC plan	Y	
105	3/5/2013	parcels around new amtrak station	Change from TOD-2 to TOD -4		M	Ambitious but ok	Y	
106	3/5/2013	1110-1112 Race Street	Request change from I-MU to OR-2 to retain residential density		M	ok with OR-2 given area as a transition	Y	

Category: M=Map, T=Text

AGREEMENT
between the owner and operator of

Pinehurst Wine Shoppe, 6242 Bellona Avenue
and
The Bellona-Gittings Community Association

This Agreement, dated this ____ day of _____, 2016, is between **Bob Schindler and Gordon McNamara**, operating the liquor establishment at 6242 Bellona Avenue (all aforementioned parties collectively referred to as "Licensee") and the **Bellona-Gittings Community Association**, a community association within the boundaries of which the licensed premise is located.

In consideration of the mutual promises contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

A. **RESPONSIBILITIES OF PARTIES**

1. **LICENSEE, PINEHURST WINE SHOPPE, AGREES TO THE FOLLOWING:**

   a. Licensees shall operate their establishment in such a manner as to avoid disturbing the peace, safety, health, quiet, and general welfare of the community.

   b. Licensee shall make every effort to ensure that the exterior and interior of the establishment look tasteful, clean, and inviting to both customers and the surrounding community. The exterior appearance of the building and the grounds should reflect the standards of the residential community in which the licensee operates.

   c. The establishment will remain in compliance with all applicable state and local laws and regulations and shall not allow on-site consumption of alcohol by a minor at any time.

   d. The Licensee shall refrain from posting any advertisements for tobacco or alcohol in a manner that would make such advertisements visible from the outside of the establishment and violate any existing laws and regulations regarding signage.

e. Licensee shall adhere to prohibition against use of moving or flashing signs in residential districts, as outlined in the Baltimore City Zoning Code.

f. No drug paraphernalia, cigarette rolling papers, or any other product commonly used in the creation of marijuana cigarettes shall be sold.

g. No "forties" (40-ounce beers) or liquor-soaked tobacco items shall be sold.

h. No vending machines on the exterior of the building, including beverage vending machines, movie rental vending machines, or newspaper/real estate ad dispensing machines shall be allowed, with the exception of the one newspaper dispensing machine currently located in front of 6242 Bellona Avenue.

i. No signs of any kind, other than identification signs, and signs designating entrances, exits, and conditions of use shall be maintained on any off-street parking lot.

j. All exterior lighting will be maintained in proper working order. Burnt out bulbs will be replaced and malfunctioning or misaligned light fixtures will be repaired within 72 hours of notice to Licensee. Exterior lighting must be positioned so as not to disturb residents in their homes or yards.

k. Licensee will keep the property, including the parking lot, sidewalks, and gutters along Gittings and Bellona Avenues, free of litter, debris, trash, discarded bottles, etc.

l. Licensee is responsible for maintaining the sidewalks surrounding the property in a safe condition, including the removal of snow, in accordance with the requirements of Baltimore City.

m. The parking lot must be screened and landscaped in accordance with the Baltimore City Landscape Manual. All landscaping must be maintained in a healthy, growing condition.

n. Licensee is responsible for ensuring that the public sidewalk along Gittings Avenue is brought up to code, coincident with the construction of an accessory parking lot in the rear of the property and subject to the cooperation of Baltimore City government.

o. Licensee shall identify at least one contact person to receive communications from the community. At the time of this Agreement, this contact person shall be Bob Schindler. He can be contacted via telephone at (410) 435-5200 and by

email at winewiz47@aol.com. The Bellona-Gittings Association shall be notified within 24 hours of any changes to the identity of the contact person, his/her telephone number, or email address, by email or written letter.

p. Licensee shall make every effort to ensure that the establishment performs as a positive member of the community. Upon receipt of formal, written notice of community concerns, including but not limited to noise, littering, loitering, illegal activity, etc., Licensee and its designees shall make any needed repairs, adjustments, and/or contact the Baltimore City Police Department for assistance.

2. The Bellona-Gittings Community Association **AGREES TO THE FOLLOWING:**

a. The Bellona-Gittings Association shall appoint up to two contact persons for communication with the Licensee, and shall design a system for community members to funnel information through the contact persons to report concerns or complaints to Licensee. At the time of this Agreement, the community contact people shall be Nancy P. Maronick, who may be reached at 5911 Charlesmead Rd., and Stephany Harper, who may be reached at 410-377-8460. The Licensee's contact shall be notified within 24 hours of any changes to the identity of the community's contact person(s), telephone number(s), or email address(es).

b. Bellona-Gittings' contact persons shall report all concerns directly to Licensee's contact person in writing. Email is acceptable.

c. The Bellona-Gittings Association shall be supportive of the Licensee's efforts to create a legally-sufficient accessory parking lot in the rear of the property, which will remain zoned residential, and to have the currently-improved front part of the property only rezoned as C-1-VC as part of the City's comprehensive rezoning.

B. PUBLIC RECORD

This Agreement will be maintained in the public file at the office for the Board of Liquor License Commissioners for Baltimore City.

C. BREACH

Uncorrected disputes will be submitted to the Board of Liquor License Commissioners for a public hearing. Any matter remaining unresolved following a conference with the Board of Liquor License Commissioners, or failure to abide by decisions reached in such conferences, shall constitute a material breach of this Agreement and may lead to a civil court action for breach of contract.

D. REPRESENTATIONS

The Bellona-Gittings Community Association and The Pinehurst Wine Shoppe at 6242 Bellona Avenue respectively represent and covenant as follows:

1. Each represents that it is authorized to enter into this Agreement;

2. Each party has the duty to implement this Agreement in good faith;

3. Each party shall notify promptly the other parties if the notifying party has decided to terminate its operations; and

4. Each shall rely on the others' representations made in this Agreement.

F. TERMINATION OF THE AGREEMENT

1. All parties agree that either party may terminate the Agreement based on one or more of the following grounds:

   a. The Non-Terminating Party has committed a material breach of this Agreement; or

   b. The Non-Terminating Party has engaged in fraud or a material misrepresentation of fact against the Terminating Party.

2. Both parties agree to give a minimum of 15 days written notice to the other party if either party desires to terminate the Agreement based on the grounds set forth above.

G. GOVERNING LAW

This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Maryland.

H. SEVERABILITY AND INDEPENDENT COVENANTS

If any covenant or provision of this Agreement shall be held by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the remaining covenants and provisions shall continue in full force and effect. No covenant or provision shall be deemed dependent upon any other covenant or provision unless so expressed. Nothing in this Agreement shall be construed to require any party to violate any federal or state law, statute, or regulation.

I. ASSIGNMENT

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~~No party may assign, transfer, or otherwise dispose of this Agreement to any other person, firm, organization, corporation, governmental body or any other entity, absent the written Agreement of all parties to this Agreement.~~

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J. AMENDMENT

This Agreement may not be modified or amended except in writing and if signed by both parties hereto.

K. ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement between the parties with respect to this subject matter. This Agreement supersedes all prior Agreements, arrangements, and communication between the parties, whether oral or written.

This Agreement is intended to be an integrated writing and any prior oral or written Agreements between the parties are merged into this Agreement and extinguished.

L. JOINTLY DRAFTED

This Agreement shall be deemed to have been drafted by all parties while under the representation of legal counsel and, in the event of a dispute, shall not be construed against either party.

M. NOTICES

All notices regarding this Agreement shall be delivered to the other parties by United States certified mail with return receipt requested at the addresses set forth below:

Nancy Maronick
Bellona-Gittings Community Association
5911 Charlesmeade Ave, 21212
Baltimore, MD 21212

Bob Schindler
———Pinehurst Wine Shoppe
6242 Bellona Avenue
Baltimore, MD 21212

Date: _____ Date: _____

IN WITNESS WHEREOF, the parties to this Agreement have affixed their signatures below:

Robert I. Schindler

Date: 6/15/16

Gerrard F. McNamara III

Date: _____

Nancy P. Gramuck

Date: June 15, 2016

Robert J. Schneider

Date: 6/15/16

Gordon E. McNaughton

Date: 6/15/16

IN WITNESS WHEREOF, the parties to this Agreement have affixed their signatures below:

Robert J. Schneider

Date: 6/15/16

Date:

Nancy P. Mavronik

Date: June 15, 2016

Docs Supporting Bill 19-0421 - Rezone Rear Portions of 6242 Bellona

1) 2013 - Final Staff Recommendation as Amended & Approved to keep parking lot R-1-E.

2) 2015 – Proposed Zoning Map with Amendments for 4th Council District showing parking lot zoned R-1-E.

3) 2016 – Planning Map Amendments for 4th Council District listing parking lot R-1E.

4) 2016 – Adopted Amendments to Council Bill 12-0125 (see pg 4 of doc) included split-zoned property with parking lot zoned R-1-E.

5) 2016 – Copy of MOU (see pg 3 of MOU) agreeing to keep parking lot residentially zoned.

6) 2019 – Supportive letters from neighbors asking for passage of Bill without amendments.

CITY COUNCIL BILL #12-0152/TRANSFORM BALTIMORE COMPREHENSIVE ZONING
FINAL STAFF RECOMMENDATIONS AS AMENDED AND APPROVED BY PLANNING COMMISSION ON 3/21/:

PLANNING STAFF RECS APPROVED 2013

03/20/13

ID	Date	Property Address	Comment/Request/Concern		anning oncur with quest	PC Action	Council District
3	11/6/2012	426 S. Bouldin St	S Bouldin St questions prefer R-8		Y	Approve Staff recommendation	1
4	11/6/2012	4623 O'Donnell Street and 1655-57 Highland Ave	request to change from MI to I-2	Change to I-2	Y	Approve Staff recommendation	1
8	11/14/2012	Butchers hill	104 S Duncan St. change to OS	Change to OS	Y	Approve Staff recommendation	1
21	12/13/2012	Esther Street Garages (3200-3300 blks)	concern about Esther street garages being C-4	Based on site review, proximity to residential recommend C-1	Y	Approve Staff recommendation	1
23	1/4/2013	1713 and 1727 E Pratt	It had a commercial use and would prefer C-1	Recommend Change to C-1	Y	Approve Staff recommendation	1
48	2/12/2013	3401 Pulaski Highway	Recommended for I-2	Change to C-2	Y	Approve Staff recommendation	1
105	3/5/2013	5600 Lombard stret	Bayview -TOD should have TOD 4	Agree, this is the Redline and MARC station area	Y	Approve Staff recommendation	1
125	3/8/2013	1401 Eastern Ave	garage, should not be I-MU	Yes, change to C-2	Y	Approve Staff recommendation	1
126	3/8/2013	515 to 529 South Caroline Street	vacant lots should not be I-MU	Yes, Change from I-MU to R-8	Y	Approve Staff recommendation	1
15	12/12/2012	3801 Pinewood	should be R-4	Change to R-4	Y	Approve Staff recommendation	2
18	12/12/2012	4428 Hamilton	should be R-5 (SF-D 4500 sqft. of lot area)	Change to R-5	Y	Approve Staff recommendation	2
19	12/12/2012	5001 and 5005 Benton Heights Ave	should be R-5 (Two houses completely surrounded by R-5)	Change to R-5	Y	Approve Staff recommendation	2
58	2/24/2013	3800 Pulaski Hwy	Would like C-4 rather than I-2	Yes, ok with change to C-4 consistent with corridor	Y	Approve Staff recommendation	2
11	11/29/2012	2800 blk. of Harview, Clearview and Glendale	MF (2-unit) semi-detached; should stay R-5	Yes, keep 2800 block of 2800 blk. of Harview, Clearview and Glendale as R-5. They are all multi-family, semi-detached	Y	Approve Staff recommendation	3
14	12/12/2012	2700 block of Shirey Ave (21214)	should keep as R-4 (2705-2715 are all SF-SD)	Change to R-4	Y	Approve Staff	3
30	1/17/2013	4111 and 4115 Marx Ave (applies to all of 4100 blk. of Marx Ave, odd side)	MF (2-unit) detached; should stay R-5	Cha S to r			3
53	2/21/2013	4511-17 and 4529 Harford Road	requests C-2 for large development parcels in Laurelville	Cha			3
121	3/7/2013	3615 Harford Road	R-3 (Existing) to R-3 (Proposed) would like R-5 or R-6	Yes, Che			3
20	12/12/2012	Block Lot 5128 130	should be R-6 (mapping error)	Cha			4
49	2/20/2013	320 Saint Dunstan	wants R-1, not R-3 (Is disputing our records for her lot size, and will be non-conforming)	Cha			4
65	2/26/2013	408 gittings (refers to the rear of 6300 York Rd)	wants 408 gittings to stay residential	yes alon fron			4
85	2/27/2013	Block Lot 4976 010A	wants the parking lot of the pharmacy/wine shop to be residential (btwn 195 Gittings and 6242 Bellona)	Yes, lot R			4
96	3/1/2013	6210 York Road	Keep zoned R-5 - it is deed-restricted residential	Yes, restr			4

1

1

2015
MAP Amendments
Approved

8

Change from C-1-VC to R-1
Change from R-1-E to R-1-E
Change from OR-1 to R-5
Change from R-3 to R-5
Change from R-4 to R-3
Change from R-5 to R-4
Change from R-1 to R-3
Change from R-3 to R-1
Change from R-3 to R-1
Change from R-3 to C-1
Change from EC-2 to R-1-E
Change from R-5 to C-1

Amendments Proposed at Council as of 9/25/15
Planning Commission Proposed Amendments

Overlay			
R-MU	C-1	OR-1	R-2
	C-1-VC	OR-2	R-3
	C-2	OS	R-4
	C-3	R-1	R-5
	EC-1	R-1-A	R-6
	EC-2	R-1-B	R-7
	H	R-1-C	R-8
	I-1	R-1-D	R-9
	I-MU	R-1-E	R-10

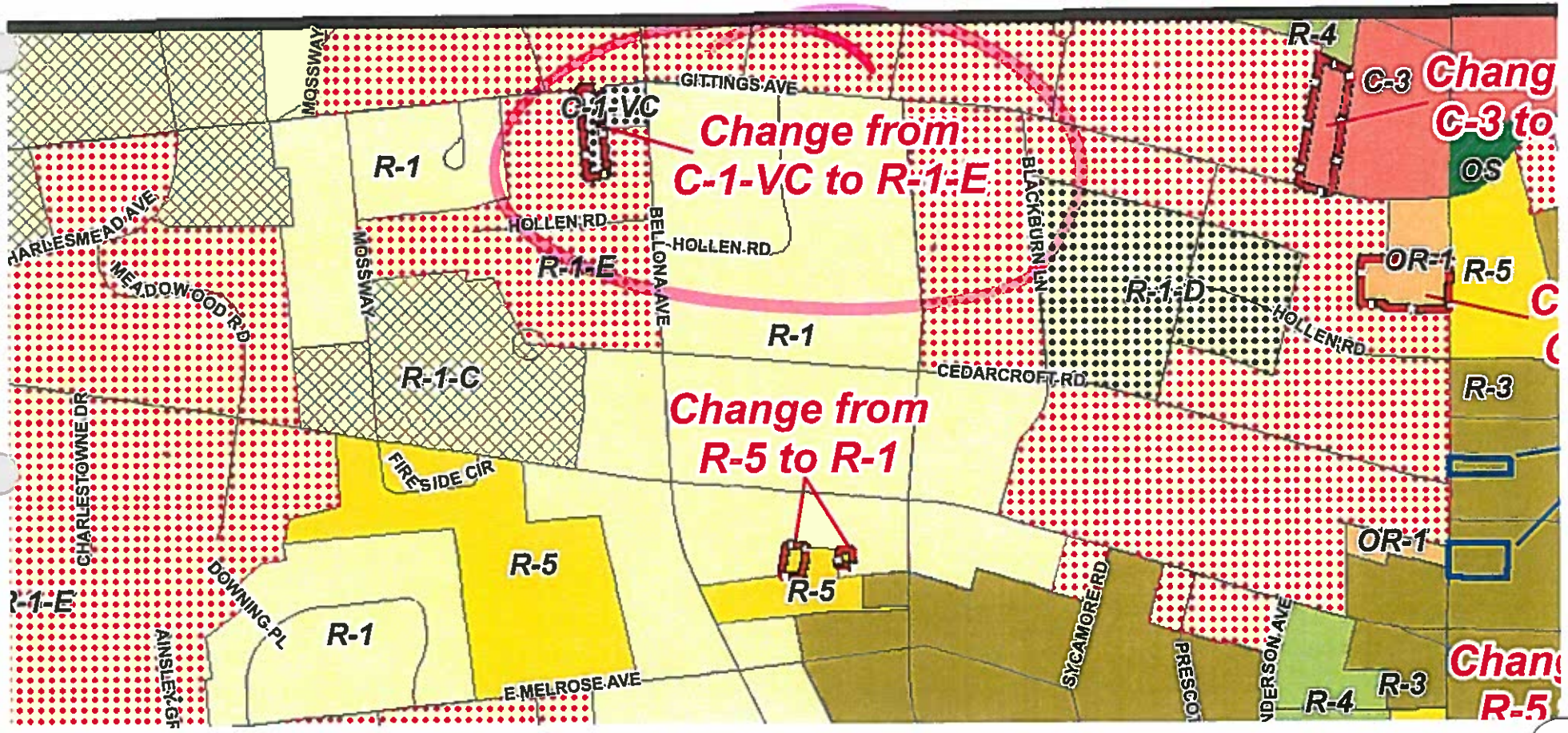
Baltimore City *4th Council District*
Proposed Zoning Map with Amendments

Stephanie Rawlings-Blake
Mayor
Thomas J. Stosur
Director of Planning

September 25, 2015

2015
APPROVED
MAP AMENDMENTS

7/25/15



2
Blown-up

Transform Baltimore - Map Amendments

4th Council District

10/5/2016

MAP AMENDMENTS 2016

id	no	Amendment Offered by	Street Number	Street Address	Block and Lot Number	Council District	Current Zo			Notes
M182	182	Amendment since Planning Commission Approval	6001-03	BELLONA AVE		4	R-1			
M183	183	Amendment since Planning Commission Approval	707	CEDARCROFT ROAD		4	split zone	unspecified	R-3	
M184	184	Nancy B. Ray	320	Saint Dunstans Road		4	R-3		R-1	
M185	185	Councilman Henry	3801	York Road		4	Unspecified		C-1	
M186	186	Herbert Burgunder III	6107	York Road		4	R-3		R-5	
M187	187	Herbert Burgunder III	6109	York Road		4	R-3		R-5	
M188	188	Herbert Burgunder III	6205	York Road		4	R-3		R-5	
M189	189	Amendment since Planning Commission Approval	701-03	CEDARCROFT ROAD		4	split zone	unspecified	R-3	
M190	190	Lisa Stachura	501 ½	East 43rd Street		4	B-3-2	R-6	OR-1	allows for density of proposed site
M191	191	Amendment since Planning Commission Approval	301	HOMELAND AVE		4	EC-2	unspecified	R-1-E	
M192	192	Councilman Henry	728	McCabe Ave		4	R-6	R-6	OR-1	
M193	193	Caroline L. Hecker on behalf of Rosenberg Martin Greenberg, LLP	4501	The Alameda		4	R-6	R-5	C-2	Permits successful redevelopment of the property that is compatible with the adjacent commercial properties
M194	194	Lisa Stachura	4225	York Road		4	B-3-2	R-6	OR-1	allows for density of proposed site
M195	195	Lisa Stachura	4227	York Road		4	B-3-2	R-6	OR-1	allows for density of proposed site
M196	196	Lisa Stachura	4201-4223	York Road		4	B-3-2	R-6	OR-1	allows for density of proposed site
M197	197	Lisa Stachura			Block 5202, Lot 19A	4	B-3-2	R-6	OR-1	allows for density of proposed site
M198	198	Amendment since Planning Commission Approval			Block 5128 Lot 131	4	R-6	unspecified	R-	
M683	683	DPW	225/4428	E Cold Spring Lane/ Underwood Rd		4	R-1	R-1-C		
M709	709	Daniel Kamenetz	500	E 42nd St		4		R-6		
		Planning Commission - March 2013			Block 5128 Lot 130	4				
		Planning Commission - March 2013	408	Gittings Ave		4				
		Planning Commission - March 2013			Block 4976 Lot 010A	4				
		Planning Commission - March 2013	6210	York Rd		4				
		Planning Commission - March 2013	5500	York Rd		4	B-2	R-3		
		Planning Commission - March 2013			Block 5088 Lot 051 Block 5088 Lot 036	4		R-5		

3

See page 4
Amendment #15
M 4003

AMENDMENTS TO COUNCIL BILL 12-015
(First Reader Copy)

4

By: Land Use and Transportation Committee

MAP AMENDMENTS

FOR

COUNCIL DISTRICTS 2, 3, 4, 5, 6, 7, 8, 10, 11

ADOPTED

701 Cedarcroft Road (Block 5128, Lot 012)
703 Cedarcroft Road (Block 5128, Lot 013)

See page 4

amendment # 15
M 4003

c12-0152(4th)-1st/2016-10-24

10-24-16

AMENDMENTS TO COUNCIL BILL 12-0152
(First Reader Copy)

By: Land Use and Transportation Committee

320 Saint Dunstans Road **MAP AMENDMENTS** (Block 5004, Lot 027)

Amendment No. 4 {M189} **City Council District 4**

Amendment No. 1 {M182}

For the following properties, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District R-6/R-3 to Zoning District R-1:

6001 Bellona Avenue (Block 5089, Lot 001)
6003 Bellona Avenue (Block 5089, Lot 001A)

Amendment No. 2 {M183}

For the following property, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District R-6/R-3 to Zoning District R-3:

707 Cedarcroft Road (Block 5128, Lot 015)

Amendment No. 3 {M184}

For the following property, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District R-3 to Zoning District R-1:

320 Saint Dunstans Road (Block 5004, Lot 027)

Amendment No. 4 {M189}

For the following properties, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District R-6/R-3 to Zoning District R-3:

701 Cedarcroft Road (Block 5128, Lot 012)
703 Cedarcroft Road (Block 5128, Lot 013)

Amendment No. 5 {M190}

For the following property, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District R-6 to Zoning District OR-1:

501½ East 43rd Street (Block 5202, Lot 008)

Amendment No. 6 {M191} FAILED Eileen M. Dorsey, Chief Clerk 10/24/16

For the following property, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District EC-2 to Zoning District R-1E:

301 Homeland Avenue (Block 5027, Lot 008)

Amendment No. 7 {M192}

For the following property, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District R-6 to Zoning District OR-1:

728 McCabe Avenue (Block 5165D, Lot 051)

Amendment No. 8 {M193}

For the following property, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District R-5 to Zoning District C-2:

4501 The Alameda (Block 5267, Lot 009)

Amendment No. 9 {M194, M195, M196, M197}

For the following properties, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District R-6 to Zoning District OR-1:

4225 York Road (Block 5202, Lot 003)
4227 York Road (Block 5202, Lot 004)
4201-4223 York Road (Block 5202, Lot 001)
Block 5202, Lot 19A

Amendment No. 10 {M198}

For the following property, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District R-6 to Zoning District R-3:

Block 5128, Lot 131

Amendment No. 11 {M683}

For the following property, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District R-1C to Zoning District OS:

4428 Underwood Road (Block 5069C, Lot 019)

Amendment No. 12 {M709}

For the following property, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District R-6 to Zoning District OR-1:

500 East 42nd Street (Block 5202, Lot 019)

Amendment No. 13 {M4001}

For the following property, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District R-5 to Zoning District R-6:

Block 5128, Lot 130

Amendment No. 14 {M4002}

For the following property, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District C-3 to Zoning District C-3/R-1E (front lot/back lot):

408 Gittings Avenue (Block 5076C, Lot 015)

Amendment No. 15 {M4003}

For the following property, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District C-1-VC to Zoning District C-1-VC/R-1E:

Block 4976, Lot 010A

Amendment No. 16 {M4004}

For the following property, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District OR-1 to Zoning District R-5:

6210 York Road (Block 5083, Lot 013)

Amendment No. 17 {M4006}

For the following properties, the Comprehensive Zoning Map accompanying Council Bill 12-0152 is amended by changing the zoning from proposed Zoning District R-5 to Zoning District R-1:

Block 5088, Lot 051
Block 5088, Lot 036

MOU Between BGCA
+
Pinehurst

pg 3 Parking LOB stays residential

AGREEMENT

between the owner and operator of

Pinehurst Wine Shoppe, 6242 Bellona Avenue
and
The Bellona-Gittings Community Association

This Agreement, dated this ____ day of _____, 2016, is between **Bob Schindler** and **Gordon McNamara**, operating the liquor establishment at 6242 Bellona Avenue (all aforementioned parties collectively referred to as "Licensee") and the **Bellona-Gittings Community Association**, a community association within the boundaries of which the licensed premise is located.

In consideration of the mutual promises contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

A RESPONSIBILITIES OF PARTIES

1. LICENSEE, PINEHURST WINE SHOPPE, AGREES TO THE FOLLOWING:

a. Licensees shall operate their establishment in such a manner as to avoid disturbing the peace, safety, health, quiet, and general welfare of the community.

b. Licensee shall make every effort to ensure that the exterior and interior of the establishment look tasteful, clean, and inviting to both customers and the surrounding community. The exterior appearance of the building and the grounds should reflect the standards of the residential community in which the licensee operates.

c. The establishment will remain in compliance with all applicable state and local laws and regulations and shall not allow on-site consumption of alcohol by a minor at any time.

d. The Licensee shall refrain from posting any advertisements for tobacco or alcohol in a manner that would make such advertisements visible from the outside of the establishment and violate any existing laws and regulations regarding signage.

e. Licensee shall adhere to prohibition against use of moving or flashing signs in residential districts, as outlined in the Baltimore City Zoning Code.

f. No drug paraphernalia, cigarette rolling papers, or any other product commonly used in the creation of marijuana cigarettes shall be sold.

g. No "forties" (40-ounce beers) or liquor-soaked tobacco items shall be sold.

h. No vending machines on the exterior of the building, including beverage vending machines, movie rental vending machines, or newspaper/real estate ad dispensing machines shall be allowed, with the exception of the one newspaper dispensing machine currently located in front of 6242 Bellona Avenue.

i. No signs of any kind, other than identification signs, and signs designating entrances, exits, and conditions of use shall be maintained on any off-street parking lot.

j. All exterior lighting will be maintained in proper working order. Burnt out bulbs will be replaced and malfunctioning or misaligned light fixtures will be repaired within 72 hours of notice to Licensee. Exterior lighting must be positioned so as not to disturb residents in their homes or yards.

k. Licensee will keep the property, including the parking lot, sidewalks, and gutters along Gittings and Bellona Avenues, free of litter, debris, trash, discarded bottles, etc.

l. Licensee is responsible for maintaining the sidewalks surrounding the property in a safe condition, including the removal of snow, in accordance with the requirements of Baltimore City.

m. The parking lot must be screened and landscaped in accordance with the Baltimore City Landscape Manual. All landscaping must be maintained in a healthy, growing condition.

n. Licensee is responsible for ensuring that the public sidewalk along Gittings Avenue is brought up to code, coincident with the construction of an accessory parking lot in the rear of the property and subject to the cooperation of Baltimore City government.

o. Licensee shall identify at least one contact person to receive communications from the community. At the time of this Agreement, this contact person shall be Bob Schindler. He can be contacted via telephone at (410) 435-5200 and by

email at winewiz47@aol.com. The Bellona-Gittings Association shall be notified within 24 hours of any changes to the identity of the contact person, his/her telephone number, or email address, by email or written letter.

p. Licensee shall make every effort to ensure that the establishment performs as a positive member of the community. Upon receipt of formal, written notice of community concerns, including but not limited to noise, littering, loitering, illegal activity, etc., Licensee and its designees shall make any needed repairs, adjustments, and/or contact the Baltimore City Police Department for assistance.

2. The Bellona-Gittings Community Association **AGREES TO THE FOLLOWING:**

a. The Bellona-Gittings Association shall appoint up to two contact persons for communication with the Licensee, and shall design a system for community members to funnel information through the contact persons to report concerns or complaints to Licensee. At the time of this Agreement, the community contact people shall be Nancy P. Maronick, who may be reached at 5911 Charlesmead Rd., and Stephany Harper, who may be reached at 410-377-8460. The Licensee's contact shall be notified within 24 hours of any changes to the identity of the community's contact person(s), telephone number(s), or email address(es).

b. Bellona-Gittings' contact persons shall report all concerns directly to Licensee's contact person in writing. Email is acceptable.

c. The Bellona-Gittings Association shall be supportive of the Licensee's efforts to create a legally-sufficient accessory parking lot in the rear of the property, which will remain zoned residential, and to have the currently-improved front part of the property only rezoned as C-1-VC as part of the City's comprehensive rezoning.

B. **PUBLIC RECORD**

This Agreement will be maintained in the public file at the office for the Board of Liquor License Commissioners for Baltimore City.

C. **BREACH**

Uncorrected disputes will be submitted to the Board of Liquor License Commissioners for a public hearing. Any matter remaining unresolved following a conference with the Board of Liquor License Commissioners, or failure to abide by decisions reached in such conferences, shall constitute a material breach of this Agreement and may lead to a civil court action for breach of contract.

D. REPRESENTATIONS

The Bellona-Gittings Community Association and The Pinehurst Wine Shoppe at 6242 Bellona Avenue respectively represent and covenant as follows:

1. Each represents that it is authorized to enter into this Agreement;

2. Each party has the duty to implement this Agreement in good faith;

3. Each party shall notify promptly the other parties if the notifying party has decided to terminate its operations; and

4. Each shall rely on the others' representations made in this Agreement.

E. TERMINATION OF THE AGREEMENT

1. All parties agree that either party may terminate the Agreement based on one or more of the following grounds:

   a. The Non-Terminating Party has committed a material breach of this Agreement; or

   b. The Non-Terminating Party has engaged in fraud or a material misrepresentation of fact against the Terminating Party.

2. Both parties agree to give a minimum of 15 days written notice to the other party if either party desires to terminate the Agreement based on the grounds set forth above.

G. GOVERNING LAW

This Agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Maryland.

H. SEVERABILITY AND INDEPENDENT COVENANTS

If any covenant or provision of this Agreement shall be held by a court of competent jurisdiction to be illegal, invalid, or unenforceable, the remaining covenants and provisions shall continue in full force and effect. No covenant or provision shall be deemed dependent upon any other covenant or provision unless so expressed. Nothing in this Agreement shall be construed to require any party to violate any federal or state law, statute, or regulation.

I. ASSIGNMENT

No party may assign, transfer or otherwise dispose of this Agreement to any other person, firm, organization, corporation, governmental body or any other entity, absent the written Agreement of all parties to this Agreement.

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J. AMENDMENT

This Agreement may not be modified or amended except in writing and if signed by both parties hereto.

K. ENTIRE AGREEMENT

This Agreement constitutes the entire Agreement between the parties with respect to this subject matter. This Agreement supersedes all prior Agreements, arrangements, and communication between the parties, whether oral or written.

This Agreement is intended to be an integrated writing and any prior oral or written Agreements between the parties are merged into this Agreement and extinguished.

L. JOINTLY DRAFTED

This Agreement shall be deemed to have been drafted by all parties while under the representation of legal counsel and, in the event of a dispute, shall not be construed against either party.

M. NOTICES

All notices regarding this Agreement shall be delivered to the other parties by United States certified mail with return receipt requested at the addresses set forth below:

Nancy Maronick
Bellona-Gittings Community Association
5911 Charlesmeade Ave, 21212
Baltimore, MD 21212

Bob Schindler
Pinehurst Wine Shoppe
6242 Bellona Avenue
Baltimore, MD 21212

Date: _____ Date: _____

IN WITNESS WHEREOF, the parties to this Agreement have affixed their signatures below:

Robert T. Schneider

Date: 6/15/16

Gordon McNamara

Date: _____

Nancy P. Mannix

Date: June 15, 2016

Robert J. Schneller

Date: 6/15/16

Donald E. McNamara III

Date: 6/15/16

IN WITNESS WHEREOF, the parties to this Agreement have affixed their signatures below.

Robert J. Schneller

Date: 6/15/16

Date:

Larry P. Marvin

Date: June 15, 2016

6

Linda Bauer
188 Hollen Road
Baltimore, MD 21212

November 18, 2019

Edward Reisinger, Chair
Land Use Committee, City Hall
100 Holliday St.
Baltimore, MD 21202

RE: TESTIMONY IN SUPPORT OF BILL 19-0421

Dear Chairman Reisinger and Members of the Committee:

I am writing you in support of City Council Bill 19- 0421 to Rezone Rear Portions of 6242 and 6240 Bellona Avenue.

I reside at 188 Hollen Road, which I own. This is my grandparent's house, where I have lived since 1986. I have known this neighborhood throughout my lifetime. My family owned F.C.Bauer Florist at 181 Gittings Ave. It was a friendly, family-owned business that the neighborhood knew for years. As a child, I remember making my first purchase ever at the old grocery store that used to be at 6242 Bellona Ave. I have long enjoyed the quiet simplicity of this residential neighborhood, and am in shock that there is now commercially zoned property out my back door.

My property is adjacent to the Pinehurst Wine Shoppe's parking lot, which is the subject of this bill. I am supportive of returning the parking lot and rear portion of 6242 and 6240 Bellona Ave to its correct and original designation as residential land. These lots were never meant to be Commercial. This is a quiet, residential neighborhood, and additional commercial zoning has no place here.

Furthermore, I would like the parking lot to be returned to residential zoning to:

1) create a buffer for neighbors like me, lessening the impact of commercial activity at the Pinehurst Wine Shoppe.

2) honor the binding Memorandum of Understanding the Pinehurst Wine Shoppe signed with this neighborhood to keep the rear portion of their lot residentially zoned.

3) return it to the residential designation compatible with the Bellona-Gittings neighborhood.

Our Councilman Bill Henry assured us that the parking lot would stay residentially zoned and that the rezoning of the rear portion of the lot was a mistake that he would fix.

I support Bill 19-0421 and encourage the committee to pass it without amendment.

Sincerely,

Linda Bauer

Linda Bauer

November 17, 20

Chairman
Land Use Committee
City of Baltimore

Dear Mr. Chairman & Committee members:

We are writing in support of City Council Bill #19-0421 to re-zone portions of 6242 and 6240 Bellona Ave we live close by and we in favor of re-zoning the parking lot back to Residential because it will keep in conformation with the neighborhood and it should have never been changed to CTVC in the first plac It is our hope you will pass this bi

Respectfully,
Gene & Christine Gremenick
104 Gittings Avenue
Baltimore, 21212

November 17, 2019

To the Chair and Members of the Land Use Committee:

Members of the City Council ,

I am writing in support of Council Bill 19-0421, restoring residential zoning to the parking area behind the building at 6242 Bellona Avenue.

My husband and I own our home at 203 Gittings Avenue, the second house from the corner of Bellona and Gittings. We can see the building at 6242 Bellona, as well as part of the parking lot from our front porch. We have lived at this address for over 25 years, and would prefer to see the residential character of the neighborhood preserved.

Therefore, I support the Council Bill and would like to see it enacted without amendments..

Thank you.

Robin W. Tress

Robin W. Tress

203 Gittings Avenue, Baltimore Maryland 21212

(410-433-1058)

November 17, 2019

To the Chair and Members of the Land Use Committee:

Councilmembers,

I am writing in support of Council Bill 19-0421, restoring residential zoning to the parking area behind the building at 6242 Bellona Avenue.

My wife and I own our home at 203 Gittings Avenue, the second house from the corner of Bellona and Gittings. We can see the building at 6242 Bellona, as well as part of the parking lot from our front porch. We have lived at this address for over 25 years, and would prefer to see the residential character of the neighborhood preserved.

Therefor, I support the Council Bill and would like to see it enacted without amendments..

Thank you.

Wilbert D. Tress

203 Gittings Avenue, Baltimore Maryland 21212

(410-433-1058)

Edward Reisinger, Chair
Land Use Committee, City Council
City Hall
100 Holliday Street
Baltimore, MD 21202

11/17/2019

Dear Chairman Reisinger and Members of the Committee:

I am writing you in support of City Council Bill 19- 0421 to Rezone Rear Portions of 6242 and 6240 Bellona Avenue.

I reside at 194 Hollen Road which I co-own with my wife (Donna Simonetta), where we have lived for 18 years. Our property is one house away from the Pinehurst Wine Shoppe's parking lot which is the subject of this Bill. I am supportive of this Bill and hope it will be passed without amendments. Reasons I would like the parking lot to be zoned residential include the following:

1) A residentially zoned parking lot creates a buffer with us and minimizes the impact of commercial activity at the Pinehurst Wine Shoppe.

2) The Pinehurst Wine Shoppe agreed to keep the parking lot residential and signed an agreement with the neighborhood to this effect. This was in return for getting C1VC zoning and being allowed to stay in business after Transform Baltimore took effect.

3) The parking lot has been zoned residentially for many years, keeping it so will maintain compatibility with Bellona-Gittings, which is overwhelmingly Residential. Residential zoning for the parking lot is consistent with existing for the area.

4) Our City Councilman, Bill Henry, assured us the parking lot would stay residentially zoned and that the rezoning of the rear portion of the lot was a mistake that he would fix.

I hope you will pass Bill 19-0421 without amendments.

Sincerely,

Leo Simonetta Donna Simonetta

Leo Simonetta
Donna Simonetta

Will Marbury & Robi Rawl
192 Hollen Road
Baltimore, MD 21212

November 18, 2019

Edward Reisinger, Chairman
Land Use Committee, City Council
100 Holliday St.
Baltimore, MD 21202

TESTIMONY IN SUPPORT OF BILL 19-0421

Dear Chairman Reisinger and Members of the Committee,

We are writing you in support of City Council Bill 19- 0421 to Rezone Rear Portions of 6242 and 6240 Bellona Avenue.

We live at 192 Hollen Road, which we own, and which directly abuts the properties in question. We bought this home nearly ten years ago, before we had any of our three children. This home is our dream. We were so excited when we found it: a century home full of character in a quiet neighborhood, right around the corner from a simple wine shoppe and soda fountain. We purposely purchased a home inside the city. It is important to us to support the rebuilding of Baltimore, and so we send our children to city schools, and work in professions that contribute to the rebirth of this city. We plan to be here for the long haul.

Imagine our surprise when we learned that two properties adjoining ours were suddenly zoned Commercial. Our peaceful neighborhood, our dream, is now zoned to have a business within feet of our children's Little Tikes playhouse.

We were just as relieved when we learned from Councilman Henry that it was a mistake to commercially rezone the rear portions of 6240 and 6242 Bellona Ave. We urge the committee to recognize this mistake and return these lots to their original, long-standing residential zoning. Bellona-Gittings is defined by its residential character. It is not a commercial center.

We urge you to keep the integrity of our children's home and our neighborhood. We urge you to support Bill 19-0421 without amendment.

Sincerely,

Will Marbury & Robi Rawl

November 17, 2019

Land Use Committee
Baltimore City Council
Baltimore, MD

Dear Land Use Committee Chair and Members:

I am reaching out to you to express my support of Baltimore City Council Bill 19-0421 to rezone rear portions of 6242 and 6240 Bellona Ave., Baltimore, MD 21212.
A long-term and concerned Baltimore City homeowner, I have resided at 6303 Boxwood Road, Baltimore, MD 21212 for 22+ years in a house I co-own with my husband, Donald Struke. Our property is around the corner from 6242 Bellona Ave. We can see it from our yard and can hear the voices of those who get a bit outspoken when they are there.

There are a few key reasons why my husband and I want the parking lot to be zoned back to a residential status: 1) This is a residential neighborhood with families that have babies, children and pets - return to a residentially-zoned parking lot would at least afford a minimal buffer with neighbors and serve to lessen the effect of the ONLY commercial lot in our neighborhood. 2) Such residential zoning would also be consistent with the rest of our Bellona-Gittings neighborhood which is almost entirely residential. The lot had been zoned as residential for many years. 3) Councilman Bill Henry had assured our community that the lot would stay residentially-zoned and agreed that the rezoning to "commercial" was a mistake that would be corrected. Please honor that commitment.

My husband and I hope you will pass City Council Bill 19-0421 without amendments.

Sincerely,

Martina Martin
6303 Boxwood Road, Baltimore, MD 21212

November 17, 2019

Land Use Committee
Baltimore City Council
Baltimore, MD

Dear Land Use Committee Chair and Members:

I am reaching out to you to express my support of Baltimore City Council Bill 19-0421 to rezone rear portions of 6242 and 6240 Bellona Ave., Baltimore, MD 21212.
A long-term and concerned Baltimore City homeowner, I have resided at 6303 Boxwood Road, Baltimore, MD 21212 for 22+ years in a house I co-own with my wife, Martina Martin. Our property is around the corner from 6242 Bellona Ave. We can see it from our yard and can hear the voices of those who get a bit outspoken when they are there.

There are a few key reasons why my wife and I want the parking lot to be zoned back to a residential status: 1) This is a residential neighborhood with families that have babies, children and pets - return to a residentially-zoned parking lot would at least afford a minimal buffer with neighbors and serve to lessen the effect of the ONLY commercial lot in our neighborhood. 2) Such residential zoning would also be consistent with the rest of our Bellona-Gittings neighborhood which is *entirely* residential except for the two businesses on that corner . The lot had been zoned as residential for many years. 3) Councilman Bill Henry had assured our community that the lot would stay residentially-zoned and agreed that the rezoning to "commercial" was a mistake that would be corrected. Please honor that commitment.

My wife and I hope you will pass City Council Bill 19-0421 without amendments.

Sincerely,

Donald Struke
6303 Boxwood Road, Baltimore, MD 21212

Louisa Murphy
102 Gittings Avenue
Baltimore, Maryland 21212

November 16th, 2019

Dear Land Use Committee Chair and Members,

I write in support of City Council Bill 19-0421 to Rezone Rear Portions of 6242 and 6240 Bellona Avenue. I hope that this Bill will be approved without amendment. For many years, my husband, Kevin Murphy, and I have lived at 102 Gittings Avenue, about 5 houses away from this property. The rear lots in question should be rezoned back to Residential in order to maintain uniformity and compatibility with the neighborhood and to attenuate the impact of commercial activity taking place on the front of the lot. The split-zoning of this property was an agreement between the property owners of 6242 Bellona and the Bellona-Gittings Community Association, with the help of City Councilman, Bill Henry. After discovery of the mistake in zoning to the rear lots of both 6242 and 6240 Bellona, Bill Henry agreed to help with the correction.

I certainly hope that this Bill will carry out the promised correction and pass without amendment.

Sincerely,

Louisa W. Murphy

LOUISA MURPHY

Kevin Murphy
102 Gittings Avenue
Baltimore, Maryland 21212

November 16th, 2019

Dear Land Use Committee Chair and Members,

I write in support of City Council Bill 19-0421 to Rezone Rear Portions of 6242 and 6240 Bellona Avenue. I hope that this Bill will be approved without amendment. I have lived at 102 Gittings Avenue since 1992 and hope that the zoning mistake will be corrected with this Bill. The lots should be Residentially zoned in order to maintain uniformity and compatibility with the neighborhood and to attenuate the impact of commercial activity taking place on the front of the lot. The split-zoning of this property was an agreement between the property owners of 6242 Bellona and the Bellona-Gittings Community Association, with the help of City Councilman, Bill Henry. After discovery of the mistake in zoning to the rear lots of both 6242 and 6240 Bellona, Bill Henry agreed to help with the correction.

I certainly hope that this Bill will carry out the promised correction and pass without amendment.

Sincerely,

KEVIN MURPHY

Tracy Swindell
6003 North Charles Street
Baltimore, Maryland 21212

November 17, 2019

Dear Land Use Committee,

Regarding Bill #19-0421, Rezoning of Rear Portions of 6240 and 6242 Bellona Avenue.

I respectfully request that you approve. This bill seeks a long-promised correction to an admitted mistake made by Baltimore City. As a resident of the Bellona Gittings Community Association, I expect that your committee will correct this zoning mistake as requested in this bill, as a demonstration of your commitment to your professional and ethical responsibilities. Failure to correct this mistake but rather allow it to stand, even in part, would represent a manipulation of public trust – of our trust in you. There is, as you may know, controversy associated with this parking lot and the mistake that was made. To do anything other than to correct it, in full, would be a misuse of your powers, in my humble opinion. Together with my husband, I live in and own 6003 North Charles Street.

Respectfully,

Tracy Swindell

FOLLINE MORRIS CULLEN
6305 BOXWOOD ROAD, BALTIMORE, MD 21212
410-377-5735 FOLLINE@COMCAST.NET

Dear Land Use Committee Chair and Members,

I am writing you in support of City Council Bill 19- 04212 to Rezone Rear Portions of 6242 and 6240 Bellona Avenue.

My husband, Tom Cullen, and I co-own our home where we have lived at this residence for 23 years. Our property is very close, approximately 200 yards, to the Pinehurst Wine Shoppe. I am supportive of this Bill and hope it will be passed without amendments for a couple of reasons:

1) Bellona-Gittings is almost entirely Residential, so rezoning the parking lot back to Residential is in keeping with the surrounding area. This preserves the security for our families, keeping the attractiveness of "true" residential living harmonizing near to existing/thriving commercial areas (i.e. York Road).

2) Bill Henry led the effort to pave the parking lot and assured the neighborhood that it would remain Residentially zoned if the neighborhood agreed to commercial zoning for the Wine Shoppe.

I hope you will make every effort to support the wishes of our community and pass Bill 19-0421 without amendments.

Sincerely,

Folline Cullen

FOLLINE MORRIS CULLEN
6305 BOXWOOD ROAD, BALTIMORE, MD 21212
410-377-5735 FOLLINE@COMCAST.NET

Dear Land Use Committee Chair and Members,

I am writing you in support of City Council Bill 19- 04212 to Rezone Rear Portions of 6242 and 6240 Bellona Avenue.

My husband, Tom Cullen, and I co-own our home where we have lived at this residence for 23 years. Our property is very close, approximately 200 yards, to the Pinehurst Wine Shoppe. I am supportive of this Bill and hope it will be passed without amendments for a couple of reasons:

1) Bellona-Gittings is almost entirely Residential, so rezoning the parking lot back to Residential is in keeping with the surrounding area. This preserves the security for our families, keeping the attractiveness of "true" residential living harmonizing near to existing/thriving commercial areas (i.e. York Road).

2) Bill Henry led the effort to pave the parking lot and assured the neighborhood that it would remain Residentially zoned if the neighborhood agreed to commercial zoning for the Wine Shoppe.

I hope you will make every effort to support the wishes of our community and pass Bill 19-0421 without amendments.

Sincerely,

Folline Cullen

Thomas W. Cullen
6305 Boxwood Road
Baltimore, MD 21212
November 17, 2019

Dear Land Use Committee Chair and Members:

I am writing you in support of City Council Bill 19- 04212 to Rezone Rear Portions of 6242 and 6240 Bellona Avenue.

I reside at 6305 Boxwood Road, which I co-own with my wife (Folline Cullen), where we have lived for 23 years. Our property is extremely close to the Pinehurst Wine Shoppe. I am supportive of this Bill and hope it will be passed without amendments for a couple of reasons:

1) A residentially zoned parking lot creates a needed barrier with the rest of Bellona-Gittings, which is all Residentially zoned.

2) Clearly, the parking lot was mistakenly zoned C1VC during Transform Baltimore.

I hope you will make every effort to support the wishes of our community and pass Bill 19-0421 without amendments.

Sincerely,

Thomas W. Cullen

Dear Land Use Committee Chair and Members,

I am writing you in support of City Council Bill 19- 04212 to Rezone Rear Portions of 6242 and 6240 Bellona Avenue.

I reside at (193 Gittings Avenue) which I co-own with my wife, Julianna Byrd, where we have lived for 4 years. Our property is very close to the Pinehurst Wine Shoppe's parking lot which is the subject of this Bill. I am supportive of this Bill and hope it will be passed without amendments. I would like the parking lot to be zoned residential as per over 80 years of Baltimore City zoning code precedence until a clerical error was made during Transform Baltimore. My reasons are as follows:

1) The parking lot was been zoned residential from inception when it was originally sub-divided from Lot 10 (193 Gittings Ave). It was sold by the Ports family to be used to build a residence for the storeowner's family. This lot was never intended to be part of commercial zoning and was sold for the express purpose to create a residential buffer between the store and the immediate neighbors on Gittings Ave.

2) A residentially zoned parking lot creates a buffer with us, the immediately impacted neighbors, and minimizes the impact of commercial activity at the Pinehurst Wine Shoppe.

3) The Pinehurst Wine Shoppe agreed to keep the parking lot residential and signed an agreement with the neighborhood to this effect. This was in return for getting C1VC zoning and being allowed to stay in business after Transform Baltimore took effect.

4) Keeping the lot residential will maintain compatibility with Bellona-Gittings, which is overwhelmingly residential (other than the Pinehurst Wine Shoppe and Charlesmeade Pharmacy). Residential zoning for the parking lot is consistent with existing and proposed development for the area.

5) Our City Councilman, Bill Henry, assured us the parking lot would stay residentially zoned and that the rezoning of the rear portion of the lot was a mistake that he would fix.

I hope you will pass Bill 19-0421 without any changes to it.

Sincerely,

Todd M Byrd

November 19, 2019

To: Land Use Committee Chair and Members

Re: Support for City Council Bill 19-0421

From: Barbara Hanson
6301 Boxwood Road 21212

Subject: The parking lot behind 6242 Bellona Avenue. This lot was rezoned by error to allow for it to be surfaced for parking.

This parcel was always a residentially zoned lot consistent with a high quality residential area where City Taxes reflect this high quality neighborhood.

I am a lifelong resident and my driveway faces the exit from this lot on Gillings Ave

Thank you!
Barbara Hanson

Dear Land Use Committee Chair and Members,

I am writing to you in support of City Council Bill 19-04212 to Rezone Rear Portions of 6242 and 6240 Bellona Avenue. I reside at 195 Gittings Avenue which I co-own with my wife, Bertha Ndje, where we have lived for 11 years. Our property is right next door to the Pinehurst Wine and directly adjacent to the Shoppe's parking lot which is the subject of this Bill. I am supportive of this Bill and hope it will be passed without amendments. Reasons I would like the parking lot to be zoned residential include the following:

1) A residentially zoned parking lot creates a buffer with us, the next-door neighbors, and minimizes the impact of commercial activity at the Pinehurst Wine Shoppe.

2) The Pinehurst Wine Shoppe agreed to keep the parking lot residential and signed an agreement with the neighborhood to this effect. This was in return for getting C1VC zoning and being allowed to stay in business after Transform Baltimore took effect.

3) The parking lot has been zoned residentially for many years and keeping it so will maintain compatibility with Bellona-Gittings, which is overwhelmingly Residential (other than the Pinehurst Wine Shoppe).

4) Our City Councilman, Bill Henry, assured us the parking lot would stay residentially zoned and that the rezoning of the rear portion of the lot was ***a mistake*** that he would fix.

5) Residential zoning for the parking lot is consistent with existing and proposed development for the area.

I hope you will pass Bill 19-0421 without any changes to it.

Sincerely,

Theodore Ndje

11/17/19

Bertha Ndje

Bertha Ndje

11/17/19

November 17, 2019

Re: Support for CC Bill #19-0421 rezoning—rear portions of 6240 and 6242 Bellona Avenue.

Dear Land Use Committee Chair and members,

I am president of the Bellona-Gittings Community Association (BGCA). My family and I have lived in Bellona-Gittings since 1991.

Our neighborhood is entirely residential, with the exception of the two small businesses which share the building at 6242 Bellona Avenue, Charlesmeade Pharmacy and the Pinehurst Wine Shoppe (PWS). BGCA supported the 2017 Transform Baltimore rezoning of 6242 Bellona Avenue from Residential Non-Conforming to Commercial-1-Village Center (C1-VC). We were told that this was the best way forward to ensure that PWS stay in business. At that time the owners of PWS and BGCA signed a Memorandum of Understanding, which specifically included the agreement that the rear portion of the lot (the parking lot) was to remain zoned Residential.

We only recently discovered that the zoning maps drawn up at that time changed the parking lot to C1-VC, as well as the residential back yard of the neighbors at 6240. In every meeting since that discovery, Bill Henry and his staff and representatives of the Planning Board have all confirmed that this change was **a mistake**. Councilman Henry introduced the City Council Bill #19-0421 in August of this year to correct this error.

In order to protect the interests of the neighborhood, and the adjacent neighbors in particular, on behalf of the Board of the Bellona-Gittings Community Association we ask that you support the bill in its entirety, and correct the mistake that was made.

Sincerely,
Darlene Townsend
Darlene Townsend

Dear Land Use Committee Chair and Members,

I am writing to prevail upon you to **PASS City Council Bill #19-0421** to Rezone Rear Portions of 6242 and 6240 Bellona Avenue.

I am a homeowner in the Bellona Gittings neighborhood where 6242 and 6420 Bellona Avenue are located. I am supportive of this Bill and hope it will be passed without amendments for many reasons, including:

A) The parking lot had been zoned Residential until 2017, when a mistake was made in the map outlining a rezoning. Returning it to Residential status will maintain compatibility with Bellona-Gittings, which is overwhelmingly Residential (325 residences and only two commercial businesses, both of which are located at 6242 Bellona Avenue).

B) 6242 Bellona Avenue agreed to keep the parking lot residential and signed an agreement with the neighborhood to make sure this occurred.

C) We were assured by many authorities that the parking lot would stay residentially zoned and that the mistaken rezoning would definitely be fixed.

D) A residentially-zoned parking lot makes a nice barrier between 6242 Bellona Avenue and neighboring residences to lessen the impact to them from commercial activity.

I hope you will pass Bill 19-0421 without any amendments to it.

Sincerely,

Wendy Pantle
107 Midhurst Road,
Baltimore, MD 21212

City of Baltimore

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

Meeting Minutes - Final

Land Use Committee

Wednesday, November 20, 2019 | **1:05 PM** | **Du Burns Council Chamber, 4th floor, City Hall**

19-0421

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

Present 7 - Edward Reisinger, Shannon Sneed, Mary Pat Clarke, Ryan Dorsey, Leon F. Pinkett III, Robert Stokes Sr., and Eric T. Costello

Absent 1 - Sharon Green Middleton

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0421 **Rezoning - Rear Portions of 6240 and 6242 Bellona Avenue**

For the purpose of changing the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A), as outlined in red on the accompanying plat, from the C-1-VC Zoning District to the R-1-E Zoning District.

Sponsors: Bill Henry

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

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

Absent: 1 - Middleton

ADJOURNMENT

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG,

Ex Officio Mayor

OFFICE OF COUNCIL SERVICES

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

HEARING NOTES

Bill: 19-0421

Rezoning - Rear Portions of 6240 and 6242 Bellona Avenue

Committee: Land Use
Chaired By: Councilmember Edward Reisinger

Hearing Date: November 20, 2019
Time (Beginning): 1:10 PM
Time (Ending): 1:24 PM
Location: Clarence "Du" Burns Chamber
Total Attendance: ~25
Committee Members in Attendance:
Reisinger, Edward - Chairman
Sneed, Shannon – Vice Chair
Clarke, Mary Pat
Costello, Eric
Dorsey, Ryan
Pinkett, Leon
Stokes, Robert

Bill Synopsis in the file? ..... ☒ yes ☐ no ☐ n/a
Attendance sheet in the file? ..... ☒ yes ☐ no ☐ n/a
Agency reports read? ..... ☒ yes ☐ no ☐ n/a
Hearing televised (Charm TV) or audio-digitally recorded? ..... ☒ yes ☐ no ☐ n/a
Certification of advertising/posting notices in the file? ..... ☒ yes ☐ no ☐ n/a
Evidence of notification to property owners? ..... ☒ yes ☐ no ☐ n/a
Final vote taken at this hearing? ..... ☒ yes ☐ no ☐ n/a
Motioned by: ..... **Councilmember Dorsey**
Seconded by: ..... **Councilmember Clarke**
Final Vote: ..... **Favorable**

Major Speakers

(This is not an attendance record.)

- The Honorable Bill Henry
- Mr. Ivor Quashie, Department of Planning
- Mr. Liam Davis, Department of Transportation
- Ms. Livhu Ndou, Board of Municipal Zoning Appeals
- Ms. Eleana DiPietro, Department of Law
- Ms. Stephanie Murdock, Department of Housing and Community Development
- Mr. Mica Fetz, Baltimore Development Corporation
- Mr. Arco Sen, Parking Authority for Baltimore City
- Ms. Robi Raul, Community Resident
- Ms. Louisa Murphy, Community Resident
- Ms. Nancy Maronick, Community Resident
- Ms. Barbara Hanson, Community Resident

Major Issues Discussed

1. Councilmember Reisinger chaired the hearing. He read the bill's number, title and purpose.
2. Councilmember Henry provided background information and comments in support of the bill. He explained that Bill 19-0421 corrects a mistake of rezoning the property during the Transform Baltimore comprehensive rezoning process.
3. Mr. Ivor Quashie presented the Planning Commission's favorable recommendation.
4. The committee listened to public testimony.
5. Agency representatives confirmed their respective agency's position on the bill.
6. The committee discussed the rezoning and related issues.
7. The committee approved findings of fact and a favorable recommendation for the bill.

Further Study

Was further study requested? ☐ **Yes** ☒ **No**

If yes, describe.

Committee Vote:

Reisinger, Edward, Chairman ..... **Yea**
Sneed, Shannon, Vice Chair ..... **Yea**
Clarke, Mary Pat ..... **Yea**
Costello, Eric ..... **Yea**
Dorsey, Ryan ..... **Yea**
Middleton, Sharon ..... **Absent**

Pinkett, Leon.....**Yea**
Stokes, Robert:.....**Yea**

Jennifer L. Coates, Committee Staff JLC Date: November 21, 2019

cc: Bill File;
OCS Chrono File

Baltimore City Council
Committee Hearing Attendance Record

Subject: Ordinance - Rezoning - Rear Portions of 6240 and 6242 Bellona Avenue	**Bill #:** 19-0421
Committee: Land Use	**Chair:** Edward Reisinger
Date: Wednesday, November 20, 2019	**Time:** 1:05 PM
Location: Clarence "Du" Burns Council Chamber	

PLEASE PRINT CLEARLY

CHECK HERE TO TESTIFY

First Name	Last Name	Address / Organization / Email	Testify	What is your position on this bill? For	Against	Lobbyist: Are you registered in the City* Yes	No
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓
Bruce	Townsend	Benson-Gittings Community Association		✓			✓
Robi	Raul	192 Hollen Road Baltimore, MD 21212	✓	✓			✓
Louisa	Murphy	102 Gittings Ave Baltimore, MD 21212	✓	✓			✓
Nancy	Maronick	5911 Charlesmead Rd Baltimore, 21212 Bellona-Gittings Comm.	✓	✓			✓
Barbara	Hanson	6301 Boxwood Rd Balto 21212	✓	✓			✓
Mica	Fetz	BDC mfetz@baltimoredevelopment.com					

*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 as a lobbyist. Registration can be done online and is a simple process. For information visit: https://ethics.baltimorecity.gov/ or call: 410-396-4730

Page No. ____

City of Baltimore

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

Meeting Agenda - Final

Land Use Committee

Wednesday, November 20, 2019 | **1:05 PM** | **Du Burns Council Chamber, 4th floor, City Hall**

19-0421

CALL TO ORDER

INTRODUCTIONS

ATTENDANCE

ITEMS SCHEDULED FOR PUBLIC HEARING

19-0421 **Rezoning - Rear Portions of 6240 and 6242 Bellona Avenue**
For the purpose of changing the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A), as outlined in red on the accompanying plat, from the C-1-VC Zoning District to the R-1-E Zoning District.

Sponsors: Bill Henry

ADJOURNMENT

THIS MEETING IS OPEN TO THE PUBLIC

BALTIMORE CITY COUNCIL
LAND USE COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the mission of the Land Use 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, November 20, 2019
1:05 PM
Clarence "Du" Burns Council Chambers

City Council Bill # 19-0421
Rezoning - Rear Portions of 6240 and 6242 Bellona Avenue

CITY COUNCIL COMMITTEES

BUDGET AND APPROPRIATIONS
Eric Costello – Chair
Leon Pinkett – Vice Chair
Bill Henry
Sharon Green Middleton
Isaac "Yitzy" Schleifer
Shannon Sneed
Danielle McCray
Staff: Marguerite Currin

CYBERSECURITY AND EMERGENCY PREPAREDNESS
Eric Costello – Co-chair
Isaac "Yitzy" Schleifer – Co-chair
Sharon Green Middleton
Staff: Samuel Johnson

EDUCATION AND YOUTH
Zeke Cohen – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Kristerfer Burnett
Leon Pinkett
Staff: Matthew Peters

EXECUTIVE APPOINTMENTS
Robert Stokes – Chair
Kristerfer Burnett– Vice Chair
Mary Pat Clarke
Zeke Cohen
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HEALTH
Kristerfer Burnett – Chair
Bill Henry - Vice Chair
Mary Pat Clarke
Edward Reisinger
Isaac "Yitzy" Schleifer
Staff: Marguerite Currin

HOUSING AND URBAN AFFAIRS
John Bullock – Chair
Isaac "Yitzy" Schleifer – Vice Chair
Kristerfer Burnett
Zeke Cohen
Ryan Dorsey
Bill Henry
Shannon Sneed
Staff: Richard Krummerich

JUDICIARY
Eric Costello – Chair
Mary Pat Clarke – Vice Chair
John Bullock
Leon Pinkett
Edward Reisinger
Shannon Sneed
Robert Stokes
Staff: Matthew Peters

LABOR
Shannon Sneed – Chair
Robert Stokes – Vice Chair
Mary Pat Clarke
Bill Henry
Danielle McCray
Staff: Samuel Johnson

LEGISLATIVE INVESTIGATIONS
Kristerfer Burnett – Chair
Danielle McCray – Vice Chair
Ryan Dorsey
Isaac "Yitzy" Schleifer
Shannon Sneed
Staff: Matthew Peters

LAND USE
Edward Reisinger - Chair
Shannon Sneed – Vice Chair
Mary Pat Clarke
Eric Costello
Ryan Dorsey
Sharon Green Middleton
Leon Pinkett
Robert Stokes
Staff: Jennifer Coates

PUBLIC SAFETY
Isaac "Yitzy" Schleifer – Chair
Kristerfer Burnett – Vice Chair
Zeke Cohen
Danielle McCray
Leon Pinkett
Shannon Sneed
Staff: Richard Krummerich

TAXATION, FINANCE AND ECONOMIC DEVELOPMENT
Sharon Green Middleton – Chair
Danielle McCray – Vice Chair
Eric Costello
Edward Reisinger
Robert Stokes
Staff: Samuel Johnson
- Larry Greene (pension only)

TRANSPORTATION
Ryan Dorsey – Chair
Leon Pinkett – Vice Chair
John Bullock
Staff: Jennifer Coates

Rev. 10.25.2019

CITY OF BALTIMORE
BERNARD C. "JACK" YOUNG, 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

Bill 19-0421

Rezoning - Rear Portions of 6240 and 6242 Bellona Avenue

Sponsor: *Councilmember Henry*
Introduced: *July 22, 2019*

Purpose:

For the purpose of changing the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A), as outlined in red on the accompanying plat, from the C-1-VC Zoning District to the R-1-E Zoning District.

Effective: 30th day after the date of enactment

Hearing Date/Time/Location: November 20, 2019 / 1:05 p.m./Clarence "Du" Burns Chambers

Agency Reports

Planning Commission	Favorable
Board of Municipal Zoning Appeals	Unfavorable
Department of Transportation	No Objection
City Solicitor	
Department of Housing and Community Development	
Baltimore Development Corporation	
Parking Authority of Baltimore City	Does Not Oppose

Analysis

Current Law

Article 32 – Zoning; Zoning District Map; Sheet 5; Baltimore City Revised Code; (Edition 2000)

Background

The owners of the property are: 6240 Bellona – Philip Bender and Cara Guerin; and 6242 Bellona Avenue – SSW, LLC. The applicant is Councilmember Bill Henry. The properties were acquired by the owner on March 22, 1993. There are two commercial uses in the two-story, residential buildings. The properties are situated in the Bellona-Gittings neighborhood. The properties lie near the intersection of Belllona Avenue and Gittings Avenue. The neighborhood is predominantly residential

If approved, Bill 19-0421 proposes to rezone the rear portions of 6240 and 6242 Bellona Avenue to the residential R-1-E Zoning District. The proposed rezoning of the rear of 6242 Bellona Avenue will create a split zoned property consisting of C-1-VC for the front portion and R-1-E for the rear portion.

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

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

Proposed rezoning:

	Zoning District		
Property	**Prior to Transform**	**Current**	**Proposed**
6240 Bellona Avenue (Front Portion)	**R-1**	**R-1-E**	**R-1-E**
6240 Bellona Avenue (Rear Portion)	**R-1**	**C-1-VC**	**R-1-E**
6242 Bellona Avenue (Front Portion)	**R-1**	**C-1-VC**	**C-1-VC**
6242 Bellona Avenue (Rear Portion)	**R-1**	**C-1-VC**	**R-1-E**

Article 32 – Zoning describes the intended purposes for current and proposed zoning as follows:

<u>Current Zoning District – C-1-VC</u>

§ 10-203. C-1-VC Neighborhood Business District (Village Center).

(a) Areas for which intended.

The C-1-VC Neighborhood Business Zoning District (village Center) is intended for areas of commercial clusters or pedestrian-oriented corridors of commercial uses that serve the immediate neighborhood in a low scale and with a mix of attached and detached structures.

(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 small commercial sites.

Proposed Zoning District – R-1-E

§ 8-206. R-1-E Detached Residential District.

The R-1-E Detached Residential Zoning District is intended for neighborhoods of detached dwellings located on lots of at least 9,000 square feet.

(Ord. 16-581)

Additional Information

Fiscal Note: Not Available

Information Source(s): Statement of Intent; Planning Commission Report; Department of Planning Staff Report; Zoning Administration Office

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Analysis by: Jennifer L. Coates Direct Inquiries to: (410) 396-1260

Analysis Date: November 8, 2019

CITY OF BALTIMORE
COUNCIL BILL 19-0421
(First Reader)

Introduced by: Councilmember Henry
Introduced and read first time: July 22, 2019
Assigned to: Land Use 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, Baltimore City Parking Authority Board

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – Rear Portions of 6240 and 6242 Bellona Avenue

FOR the purpose of changing the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A), as outlined in red on the accompanying plat, from the C-1-VC Zoning District to the R-1-E Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 5
Baltimore City Revised Code
(Edition 2000)

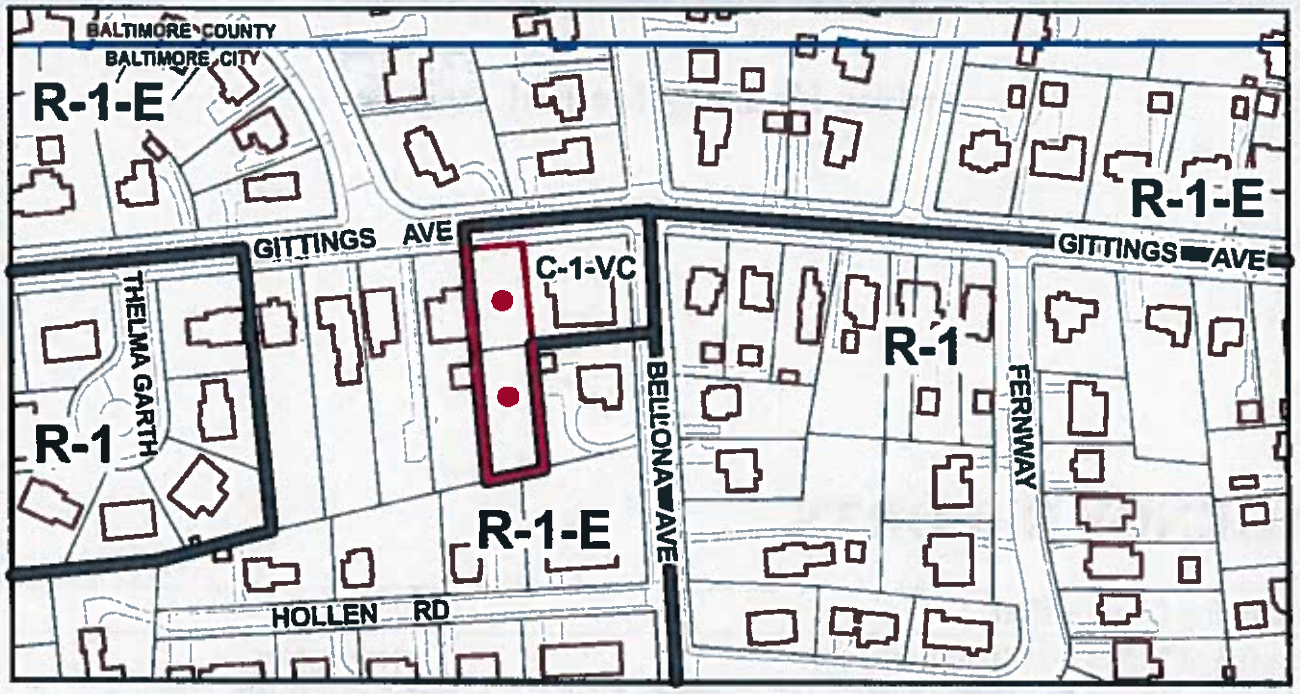
SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That Sheet 5 of the Zoning District Map is amended by changing from the C-1-VC Zoning District to the R-1-E Zoning District the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A), as 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.

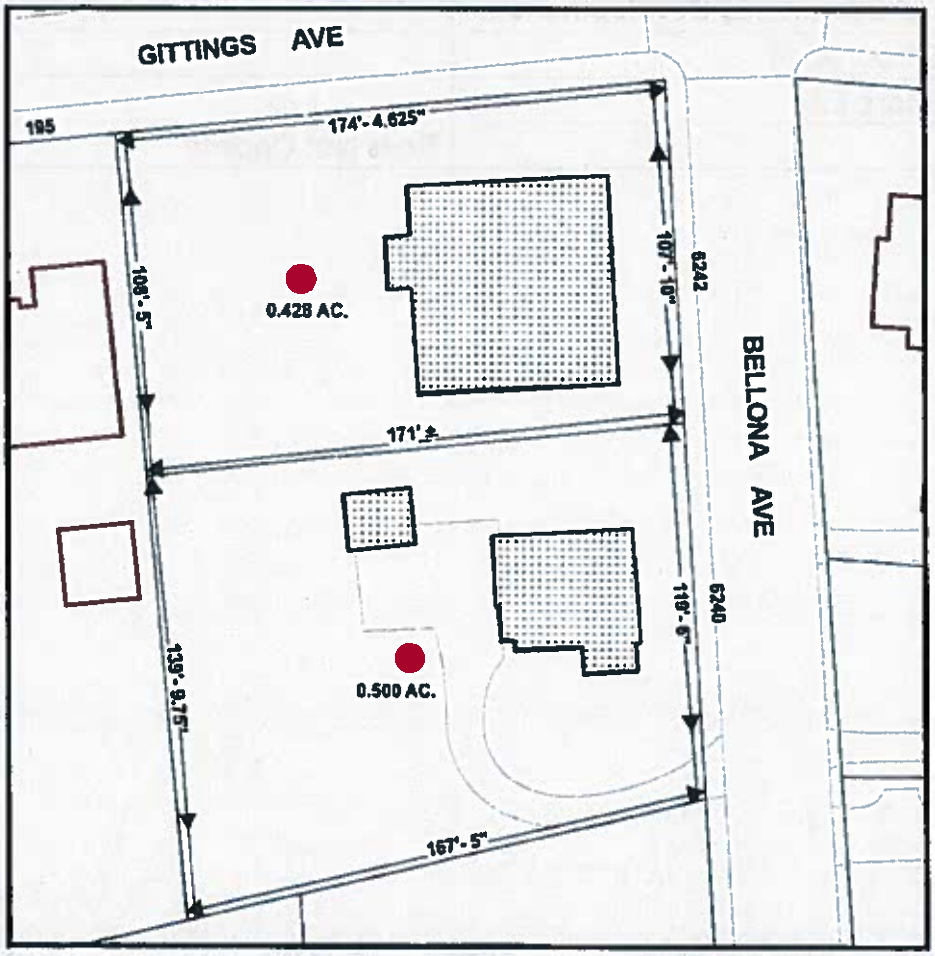
SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on the 30th day after the date it is enacted.

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

SHEET NO. 5 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Scale: 1" = 60'

Note:

In Connection WithThe Properties Known As Nos. 6240 & 6242 BELLONA AVENUE. The Applicant Wishes To Request The Rezoning Of The Afforementioned Properties From C-1-VC Zoning to R-1-E Zoning As Outlined In Red Above.

WARD 27 SECTION 68

BLOCK 4976 LOTS 11 & 11A

MAYOR

PRESIDENT CITY COUNCIL

RPE 7-11-19

421

LAND USE COMMITTEE

Public Hearing for Bill 19-0421

AGENCY REPORTS

Planning Commission	Favorable
Board of Municipal Zoning Appeals	Unfavorable
Department of Transportation	No Objection
Department of Law	
Department of Housing and Community Development	
Baltimore Development Corporation	
Parking Authority of Baltimore City	
Fire Department	Does Not Oppose

Coates, Jennifer

From: Coates, Jennifer
Sent: Tuesday, October 8, 2019 9:50 AM
To: Henry, Bill (email)
Cc: Kelleher, Kathleen; Austin, Natawna B.
Subject: Public Notice Instructions for Bill 19-0421
Attachments: PNI - Letter - 19-0421 - RZ - 6240 Bellona Avenue.docx; LU Form - Contacts for Sign Posting RZ PUD.DOCX; Sample - Certificate of Posting - Attachment C.DOCX; Certificate of Mailing - Written Notice.docx; Afro American; Michele Griesbauer - Sunpaper - Advertising; Darlene Miller - Daily Record

Councilmember Henry:

Attached is the information you will need to:

- publish a newspaper ad,
- post a public hearing sign, and
- send written notice to property owners

The subject bill will be heard by the Land Use Committee on **November 20, 2019 at 1:05 p.m.** at City Hall in the City Council Chamber. I have also attached a contact list for newspaper companies, sign makers and samples of certification templates.

Thank you and feel free to call if you need more information.

PLEASE ACKNOWLEDGE RECEIPT OF THIS EMAIL.

OFFICE OF COUNCIL SERVICES

Jennifer L. Coates
Senior Legislative Policy Analyst
Office of Council Services

100 N. Holliday Street, Room 415
Baltimore, MD 21202
jennifer.coates@baltimorecity.gov

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

CITY OF BALTIMORE

BERNARD C. "JACK" YOUNG, Mayor

OFFICE OF COUNCIL SERVICES

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

TO: The Honorable Bill Henry

FROM: Jennifer L. Coates, Committee Staff, Land Use Committee of the Baltimore City Council

Date: October 8, 2019

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

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

Bill: **City Council Bill No. 19-0421**

Date: **Wednesday, November 20, 2019**

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

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

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

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

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

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

Newspaper Advertisement

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

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

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

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

Certification of Postings

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

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

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

Sign Posting Deadline:	**October 21, 2019**
Newspaper Ad Deadline:	**November 5, 2019**
Written Notice Deadline:	**November 5, 2019**

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

Ms. Jennifer L. Coates, Committee Staff
Baltimore City Council,
Land Use Committee
410-396-1260
Jennifer.Coates@baltimorecity.gov.

ATTACHMENT A

THE INFORMATION BETWEEN THE DOUBLE LINES (SEE BELOW) MUST BE **POSTED BY OCTOBER 21, 2019** AND **PUBLISHED BY NOVEMBER 5, 2019**, AS DISCUSSED ON THE PREVIOUS PAGE AND OUTLINED ON ATTACHMENT B.

BALTIMORE CITY COUNCIL

PUBLIC HEARING ON BILL NO. 19-0421

The Land Use Committee of the Baltimore City Council will meet on Wednesday, November 20, 2019 at 1:05 p.m. in the City Council Chambers, 4th floor, City Hall, 100 N. Holliday Street to conduct a public hearing on City Council Bill No. 19-0421.

CC 19-0421 ORDINANCE - Rezoning - Rear Portions of 6240 and 6242 Bellona Avenue

FOR the purpose of changing the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A), as outlined in red on the accompanying plat, from the C-1-VC Zoning District to the R-1-E Zoning District.

BY amending
Article 32 - Zoning
Zoning District Map
Sheet 5
Baltimore City Revised Code
(Edition 2000)

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

Applicant: The Honorable Bill Henry

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

EDWARD REISINGER
Chair

SEND CERTIFICATION OF PUBLICATION TO:

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

SEND BILL FOR THIS ADVERTISEMENT TO:

The Honorable Bill Henry
100 N. Holliday Street
Baltimore, MD 21202
410-396-4830

ATTACHMENT B

ZONING
SUBTITLE 6 – NOTICES

ARTICLE 32, § 5-601

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

(a) Hearing required.

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

(1) the parties in interest and the general public will have an opportunity to be heard; and

(2) all agency reports will be reviewed.

(b) Notice of hearing required.

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

(1) by publication in a newspaper of general circulation in the City;

(2) for the creation or modification of a planned unit development and for a zoning map
amendment, other than a comprehensive rezoning:

(i) by posting in a conspicuous place on the subject property; and

(ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned; and

(3) for a comprehensive rezoning:

(i) by posting in conspicuous places within and around the perimeter of the subject area or district, as the Department of Planning designates; and

(ii) by first-class mailing of a written notice, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of property within the subject area or district.

(c) Contents of notice.

The notice must include:

(1) the date, time, place, and purpose of the public hearing;

(2) the address of the subject property or a drawing or description of the boundaries of the area affected by the proposed rezoning; and

(3) the name of the applicant.

(d) Number and manner of posted notices.

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

(i) for an individual property, at least 1 sign must be visible from each of the property's street frontages;

(ii) for a comprehensive rezoning, a change in the boundaries of a zoning district, or the creation or modification of a planned unit development, at least 2 or more signs are required, as the Department of Planning designates;

(iii) each sign must be posted at a prominent location, near the sidewalk or public right-of-way, so that it is visible to passing pedestrians and motorists;

(iv) a window-mounted sign must be mounted inside the window glass and placed so that it is clearly visible to passing pedestrians and motorists; and

(v) each sign must be at least 3 feet by 4 feet in size.

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

(e) Timing of notices – In general.

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

(1) at least 15 days before the public hearing; or

(2) for a comprehensive rezoning, at least 30 days before the public hearing.

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

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

(1) posted at least 30 days before the public hearing; and

(2) removed within 48 hours after conclusion of the public hearing.

ATTACHMENT C

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

Today's Date: [Insert Here]

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

Address:

Date Posted:

Name:
Address:
Telephone:

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

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

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

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

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

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

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

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

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

CITY OF BALTIMORE
COUNCIL BILL 19-0421
(First Reader)

Introduced by: Councilmember Henry
Introduced and read first time: July 22, 2019
Assigned to: Land Use 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, Baltimore City Parking Authority Board

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – Rear Portions of 6240 and 6242 Bellona Avenue

FOR the purpose of changing the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A), as outlined in red on the accompanying plat, from the C-1-VC Zoning District to the R-1-E Zoning District.

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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.

APPROVED FOR FORM, STYLE, AND TEXTUAL SUFFIENCY

7-17-19

DEPUTY LEGISLATIVE REFERENCE

INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL ____

Introduced by: Councilmember Henry

A BILL ENTITLED

AN ORDINANCE concerning

Rezoning – Rear Portions of 6240 and 6242 Bellona Avenue

FOR the purpose of changing the zoning for the rear portions of the properties known as 6240 and 6242 Bellona Avenue (Block 4976, Lots 11 and 11A), as outlined in red on the accompanying plat, from the C-1-VC Zoning District to the R-1-E Zoning District.

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

STATEMENT OF INTENT

FOR

6240 Bellona Ave
{Address}

1. **Applicant's Contact Information:**
   Name: Bill Henry (Councilman)
   Mailing Address: 100 N. Holliday Street
   Baltimore
   Telephone Number: 410 396 4830
   Email Address: billhenry@baltimorecity.gove

2. **All Proposed Zoning Changes for the Property:** Re-zone 6240 Bellona to R-1-E.

3. **All Intended Uses of the Property:** Maintain residential uses

4. **Current Owner's Contact Information:**
   Name: Philip Bender, Cora Guerin
   Mailing Address: 6240 Bellona Ave. Baltimore MD 21212
   Telephone Number: 410-752-1581
   Email Address:

5. **Property Acquisition:**

   The property was acquired by the current owner on 7/14/2004 by deed recorded in the Land Records of Baltimore City in Liber 2944 Folio 524-528

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, Bill Henry, 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

7/17/19
Date

STATEMENT OF INTENT

FOR

6242 Bellona Ave
{Address}

1. **Applicant's Contact Information:**
   Name: Bill Henry
   Mailing Address: 100 N. Holliday Street
   Baltimore MD 21202
   Telephone Number: 410 396 4830
   Email Address: bill.henry@baltimorecity.gov

2. **All Proposed Zoning Changes for the Property:** Re-zone back of 6242 Bellona Ave to R-1-E.

3. **All Intended Uses of the Property:** Maintain residential uses.

4. **Current Owner's Contact Information:**
   Name: SSW LLC
   Mailing Address: 6242 Bellona Ave
   Baltimore MD 21212
   Telephone Number: 410 435 5200
   Email Address:

5. **Property Acquisition:**

   The property was acquired by the current owner on 3/22/1993 by deed recorded in the Land Records of Baltimore City in Liber 2944 Folio 524-528

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}*: _____

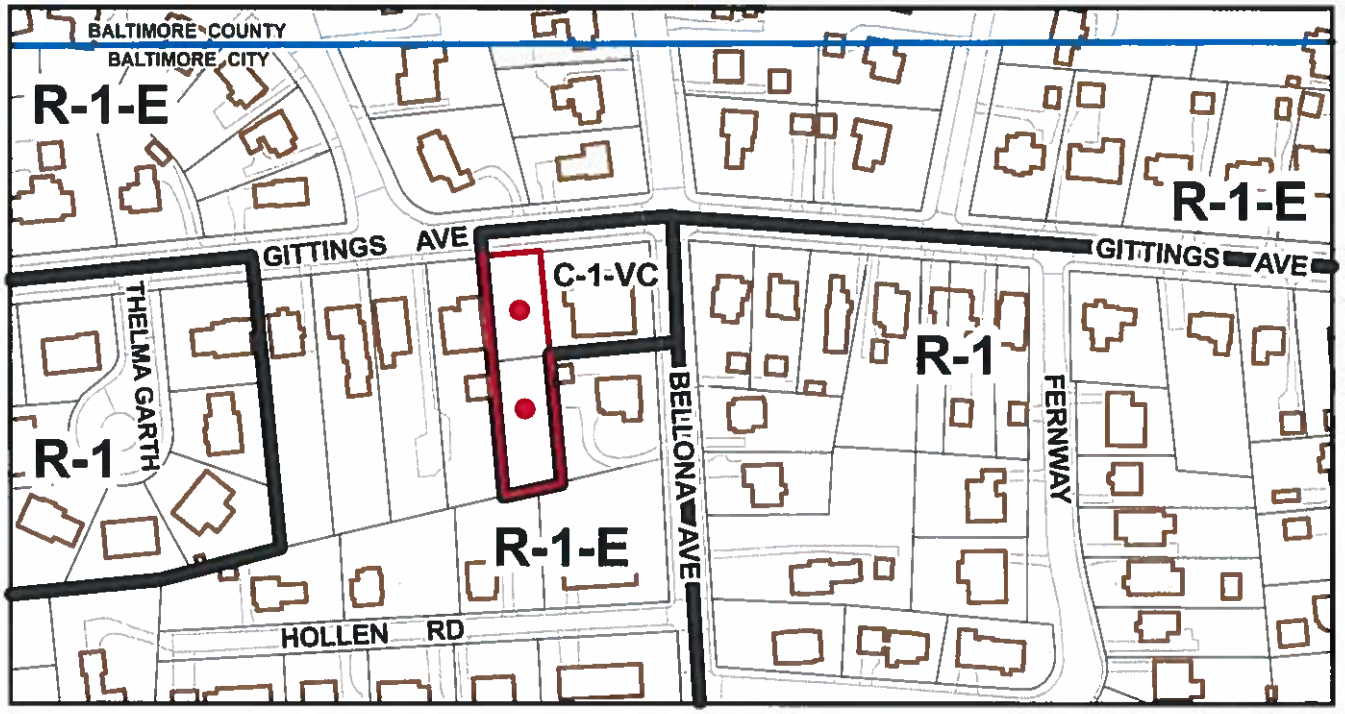
AFFIDAVIT

I, Bill Henry, 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.

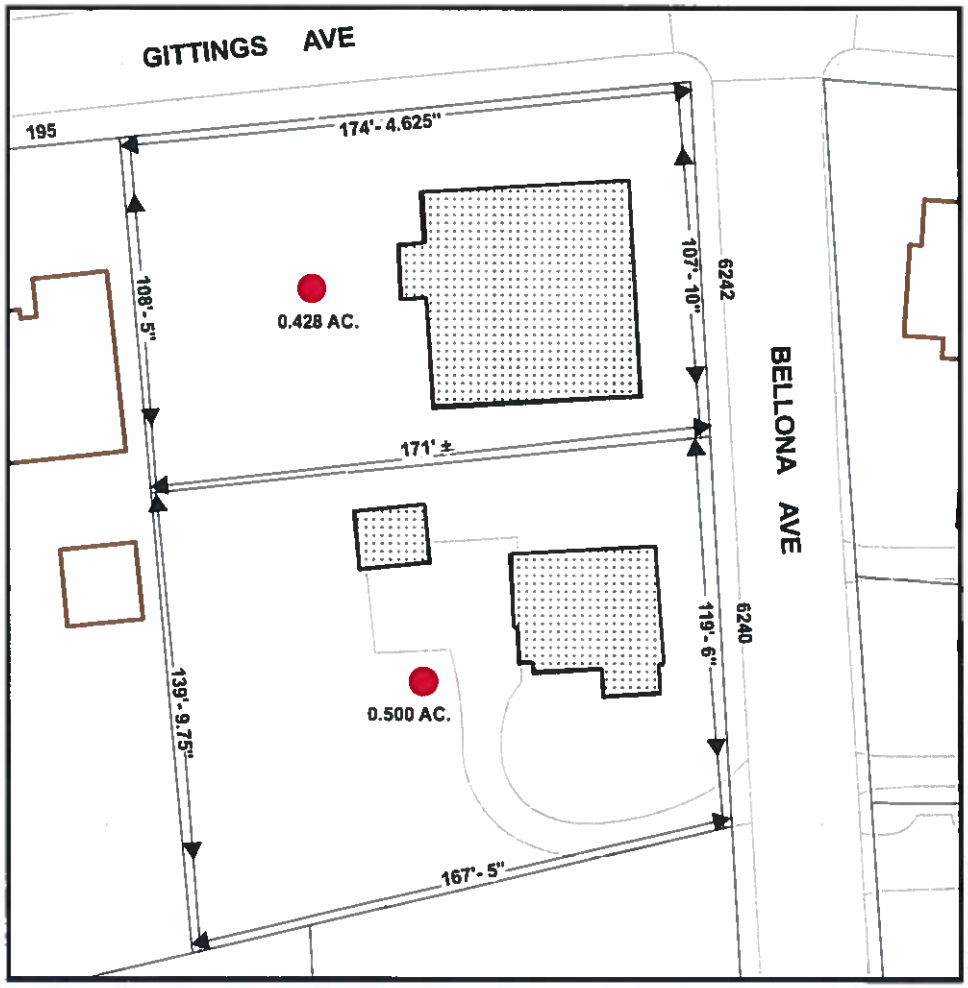
Applicant's signature

7/17/19
Date

SHEET NO. 5 OF THE ZONING MAP OF THE ZONING CODE OF BALTIMORE CITY



Scale: 1" = 200'



Note:

In Connection WithThe Properties Known As Nos. 6240 & 6242 BELLONA AVENUE. The Applicant Wishes To Request The Rezoning Of The Afforementioned Properties From C-1-VC Zoning to R-1-E Zoning As Outlined In Red Above.

WARD 27 SECTION 68

BLOCK 4976 LOTS 11 & 11A

MAYOR

PRESIDENT CITY COUNCIL

RPE 7-11-19

Scale: 1" = 60'

ACTION BY THE CITY COUNCIL

JUL 22 2019

FIRST READING (INTRODUCTION) _____ 20 ____

PUBLIC HEARING HELD ON November 20, 20 19

COMMITTEE REPORT AS OF December 2, 20 19

____ FAVORABLE ✓ UNFAVORABLE ____ FAVORABLE AS AMENDED ____ WITHOUT RECOMMENDATION

Edward K. Rose
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:

DEC 02 20 20

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

DEC 05 2019

THIRD READING _____ 20 ____

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

THIRD READING (ENROLLED) _____ 20 ____

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

THIRD READING (RE-ENROLLED) _____ 20 ____

WITHDRAWAL _____ 20 ____

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

President

Chief Clerk

1050-10-2