


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 3013 Chelsea Terrace		

TO

Mr. David Tanner, Executive Director
Board of Municipal and Zoning Appeals
417 East Fayette Street, 14th Floor

DATE: January 22, 2014

REQUEST

The Department of Planning has received Brenda Boyd's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Tut's Inc. doing business as Tuttie's Place, to use the premises as a day care and learning center for 120 children, operating 24 hours daily; a workforce development site operating from 8:00 a.m. to 8:00 p.m. weekly; and a commercial kitchen. The Zoning Administrator has determined that the day care center is a conditional use in a R-6 District. We understand that this appeal is scheduled for hearing on January 28, 2014.

SITE

3013 Chelsea Terrace is located on the east side of the street, approximately 231' south of the intersection with Bonner Road. This property measures approximately 100' by 220' and is currently improved with a two-story-plus-attic detached residential building measuring approximately 35' by 104'. This site is zoned R-6 and is located within the Greater Northwest Community Coalition Strategic Neighborhood Action Plan area.

ANALYSIS

Conditional Use: In this zoning district, day nurseries and nursery schools, and multi-purpose neighborhood centers, are conditional uses, requiring approval by the Board (§4-903). In this case, the property was last authorized for use as a foster home for more than six children, which is also a conditional use in this R-6 General Residence District. In previous cases where a day care center seeks to locate in a residential neighborhood, Planning has supported modest initial capacities. Due to the potential impacts of serving 120 children on this site, a lower initial capacity would be appropriate. For this reason, a lower capacity of 65 children is recommended, consistent with the applicant's plans for opening this center.

Change in Conditional Use: Any change to that use, including any expansion, relocation, or structural alteration, is subject to the procedures and requirements imposed by this article on conditional uses (§3-306.b.2). The applicant is requesting approval to convert the premises from a group home for 16 children to a 24-hours-per-day day care and learning facility, and to a "workforce development site" operating from "8:00 a.m. to 8:00 p.m. weekly". The application did not include any floor plans to show what portion of the existing structure would be used for each type of conditional use.

Use: In this zoning district, commercial kitchens are not listed as a permitted or conditional use, and so are not allowed (§4-901 to §4-904). In this case, the property was last authorized for use as a group home for 16 children, which is a conditional use in this R-6 General Residence District. Approval of a commercial kitchen or any other commercial use would require creation of a new nonconforming use, which the Zoning Code does not authorize.

Off-Street Parking: The amount of off-street parking required for a day care center is one parking space per two staff members (§10-405.27.iii). In this case, for up to 10 staff members, 5 parking spaces are required; 5 are provided.

Drop-off / Pick-up area: There is not a location suitable for the drop-off or pick-up of children on this site. If 120 parents were to all drive to this site attempting to drop off or pick up their children within the same short timeframe, it could not likely be done in a safe and orderly manner. The property does have a driveway and parking area, but there is insufficient depth on the lot to prevent stacking or queuing of vehicles on Chelsea Terrace, which would lead to blockage of one or both travel lanes by such a large number of vehicles. The applicant has indicated that Parking Authority of Baltimore City staff have visited this property and determined that vehicles serving up to 65 children could be accommodated.

TransForm Baltimore: This property would remain part of the R-6 District (Proposed Zoning Map Area 5-B) in which day-care centers, community centers, and neighborhood commercial establishments would be conditional uses (Table 9-301).

RECOMMENDATION

The Department has no objection to establishment of a day care center for up to 65 children provided that the applicant assigns staff to assist parents with the drop-off and pick-up of their children in the parking lot that now exists on the property. The Department has no objection to establishment of a "workforce development site" as a form of multi-purpose neighborhood center if the applicant provides a description of its operation demonstrating its non-interference with the proposed day care center and creates and designates additional parking spaces on the property for use by staff of the "workforce development site". The Department of Planning recommends disapproval of the portion of this appeal relating to a commercial kitchen, as this would be a nonconforming use in a Residential District, and the Zoning Code does not authorize creation of new nonconforming uses. The Department would have no objection to an accessory commercial kitchen on the property if it served the child care center, workforce development purposes, or both, if the applicant amends the application accordingly to stipulate that the commercial kitchen will not be or become a separate enterprise or establishment.

TJS/wya/mf

cc: Brenda Boyd, Appellant