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| 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 / 1440-1450 Key Highway | | |

TO

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

DATE: May 4, 2012

REQUEST

The Department of Planning has received Stanley Fine's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Two Farms, Inc., to continue to use the property for a gasoline service station and convenience store and construct a car wash on this site. We understand that this appeal is scheduled for hearing on May 15, 2012.

SITE

1440-1450 Key Highway is located on the southeast corner of the intersection with Lawrence Street. This property measures approximately 340' in an arc along the south side of Key Highway by approximately 200' along Lawrence Street and is currently improved with a one-story detached commercial building measuring approximately 28' by 15' and a canopy over the gasoline pump islands. This site is zoned M-3 and is located within the Key Highway South Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, gasoline service stations are a conditional use, requiring approval by the Board (§7-407). Car washes are a permitted use (§7-406). The applicant is proposing to add a permitted use to the existing conditional use. Modifications of conditional uses require the Board's approval.

Urban Renewal Plan: This property is located in the newly-enacted Key Highway South Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. The Plan includes an exhibit designating the area in which this property is located as intended for rezoning from M-3 to B-2-4 classification, but the ordinance to enact this rezoning has not been adopted by the Mayor and City Council. Thus, while the Plan designates the area as "Mixed Land Use" in which uses allowed under the B-2 category of the Zoning Code are permitted, the Board must consider the application as subject to the provisions of the M-3 Industrial District.

Land Use and Urban Design: The site plan for this property received preliminary approval with comments on February 29, 2012.

RECOMMENDATION

The Department of Planning recommends approval of this appeal, conditioned upon the applicant receiving final approval of the site plan from the Site Plan Review Committee, and upon fulfillment by the applicant of all other development approval requirements related to the proposed additional use of the property.

TJS/wya/mf

cc: Stanley Fine, Appellant

Southern