


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE  <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 2 East Wells Street, 1800 & 1802 Patapsco Street		

TO

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

DATE: December 10, 2012

### REQUEST

The Department of Planning has received Stanley Fine's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Wells CRP Building LLC, to consolidate 2 East Wells Street, 1800 Patapsco Street, and 1802 Patapsco Street and erect a 4- and 5-story residential mixed-use building containing 96 efficiency units, 57 dwelling units, and 5,742 square feet of retail space, and provide an accessory off-street parking lot with 260 spaces. We understand that this appeal is scheduled for hearing on December 11, 2012.

### SITE

2 East Wells Street is located on the northwest corner of the intersection with Marshall Street. This property measures approximately 256'4" along Wells Street by 267'9" along Marshall Street and contains approximately 1.448 acre, and is currently improved with a combination of one- and two-story industrial buildings covering nearly all of the lot. 1800 Patapsco Street and 1802 Patapsco Street adjoin this property to its north, and are each 12' along Patapsco Street by 134' deep and are each improved with a two-story semi-detached residential building measuring approximately 12' by 50'. The 2 East Wells Street portion of this site is zoned R-8, and 1800 Patapsco Street and 1802 Patapsco Street are zoned M-2-2. This site, to be created by consolidation of these three lots and a 1,041 square feet portion of the right-of-way of Patapsco Street, is located within the Riverside National Register Historic District.

### ANALYSIS

Use: In the R-8 zoning district, dwellings are a permitted use, while retail uses are not listed as a permitted or conditional use, and so are not allowed (§4-1101 to §4-1104). In this case, the property known as 2 East Wells Street was last authorized for use as a warehouse and offices, which are nonconforming uses in the R-8 General Residence District. In the M-2 zoning district, new residential development is prohibited (§7-103). As long as 1800 and 1802 Patapsco Street remain in the M-2 District, their use for the proposed redevelopment of the site cannot be authorized by the Board unless their land area is not used for residential portions of the proposed structure. The only retail commercial uses that would be permitted in the M-2 portion of the site would include carry-out food shops, restaurants and taverns.

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.a). In this zoning district, multiple-family dwellings require one off-street parking space per dwelling unit or efficiency unit (§10-405.1.iv). For 57 dwelling units and 96 efficiency units, 153 parking spaces are required; 260 are proposed to be provided, but according to the applicant are proposed to be of a size that does not comply with the requirements of §10-305, which establishes a minimum parking space area of 180 square feet, exclusive of access drives or aisles. The proposed spaces would measure 9' by 18' in lieu of 9' by 20'. This

dimension is consistent with the dimension recommended in TransForm Baltimore, the draft zoning code, as part of a strategy to reduce the amount of paved area being mandated for parking serving new developments in Baltimore.

To serve the proposed 5,742 square feet of retail space, exact use of which has not been indicated by the applicant, would require anywhere from as many as 39 parking spaces if a restaurant occupied the entire space (§10-405.21.i) to as few as 12 spaces if the entire space was used for other business and commercial establishments not otherwise provided for (§10-405.17.ii). The applicant has proposed to provide 19 spaces to serve the retail uses. These spaces can be provided in the proposed parking area included in the proposed redevelopment of the site.

#### **RECOMMENDATION**

The Department of Planning recommends approval of this appeal, subject to the condition that the applicant obtain Site Plan Review Committee approval for the final site plan, including the lot layout, landscaping, signage, and the parking area included in the redevelopment proposal.

TJS/wya/mf

cc: Stanley Fine, Appellant