


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 / 4110-4120 West Garrison Avenue		

TO

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

DATE: January 17, 2012

### REQUEST

The Department of Planning has received Clayton Gayle and Pamela Gentles' Board of Municipal and Zoning Appeals (BMZA) application to use the first floor front area for storage and the first floor rear area as a multi-purpose neighborhood center. We understand that this appeal was scheduled for hearing on January 10, 2012, but has been postponed.

### SITE

4110-4120 West Garrison Avenue is located on the west side of the street, approximately 100' southwest of the intersection with Reisterstown Road. This property measures approximately 128'9" along Garrison Avenue by 467'7" along the right-of-way of the Western Maryland Railroad and includes a 28'9" frontage on Reisterstown Road and a 158'7" frontage on Belvedere Avenue, and is currently improved with 3 one-story detached commercial buildings measuring approximately 32' by 65' (fronting on Garrison Avenue), 50' by 96' and 24' by 125' (both fronting on Belvedere Avenue, which nearly parallels Garrison Avenue at this location). The building fronting on Garrison Avenue is the one proposed for use by this applicant. This site is split-zoned B-3-2 and M-2-1, divided by a line formed by Eleanora Avenue extended that is nearly parallel to Reisterstown Road, and is located within the Park Heights Urban Renewal Plan area.

### ANALYSIS

Use: In this zoning district, multi-purpose neighborhood centers are a permitted use, and so are allowed (§6-406). In this case, the property was last authorized for use as a contractor's shop and yard, which is also a permitted use in this B-3 Community Commercial District.

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. For this reason, the Board must consider the requirements of the Park Heights Urban Renewal Plan, which does not allow the proposed multi-purpose neighborhood center use in this district. The Urban Renewal Plan designates this property as part of a General Industrial land use area in its Exhibit 1, Land Use Plan, and states, "In the area designated as General Industrial on the Land Use Plan, uses shall be limited to those uses permitted and conditional under the M-2 category of the Zoning Code of Baltimore City." (B. Land Use Plan, 8. General Industrial)

Multi-purpose neighborhood centers are not among the uses listed as permitted or conditional in M-2 Districts in the Zoning Code (§7-306 to 7-308).

**Land Use and Urban Design:** The applicant provided both a sketch site plan for the property, showing all existing structures and the portion of the property reserved for the contractor's shop and yard, and showing the parking area and spaces for use by patrons and staff of the proposed multi-purpose neighborhood center, and a description of the proposed multiple uses of the building identified by the applicant to become the recreation building and community center/ multi-purpose neighborhood center. The applicant would paint stripes on the existing paved yard to create 10' by 20' parking spaces in two groups, a group of 5 beside the building and a group of 16 behind the building, each with at least 20' wide drive/ access aisles. This proposed parking layout is approvable, provided that the applicant erects a fence to separate it from the remainder of the property that is still in use for other purposes.

**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). If the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). The amount of off-street parking for a recreation building and community center or for a multi-purpose neighborhood center will be as required by the Board after considering written recommendations by the Department of Public Works (§10-405.22.iii). The applicant is proposing to provide up to 21 spaces.

#### **RECOMMENDATION**

The Department of Planning has no objection to approval of an appeal for a recreation building and community center in the specific portion of the property fronting on Garrison Avenue, subject to the condition that the applicant create a parking area of 21 spaces consistent with the plan presented to this Department and that this proposed use and its parking area be separated from the remainder of the property by a fence.

TJS/wya/mf

cc: Clayton Gayle and Pamela Gentles, Appellants