


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 / 5901-5921 Harford Road		

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

DATE: April 2, 2013

REQUEST

The Department of Planning has received Stanley Fine's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Two Farms Inc., to construct a gasoline service station and a convenience store. The Zoning Administrator has determined that this is a conditional use in a B-3 District. We understand that this appeal is scheduled for hearing on April 2, 2013.

SITE

5901-5921 Harford Road is located on the northeast corner of the intersection with Mary Avenue. This property measures approximately 300' 10" along Harford Road by 291' 8" along Mary Avenue and contains approximately 1.485 acre, and is currently improved with a one-story detached commercial building measuring approximately 222' by 128'. This site is zoned B-3-1. This property is to be consolidated with the southern half of Block 5681, Lot 15A, which contains at present approximately 0.267 acre, in order to give the proposed use a frontage on the east side of Harford Road from Mary Avenue to Glenmore Avenue, and to provide additional access options for patrons' vehicles using Glenmore Avenue.

ANALYSIS

Conditional Use: In this zoning district, gasoline service stations are a conditional use, requiring approval by the Board (§6-408). There is no Zoning Code provision for "convenience stores" but grocery stores, delicatessens, bakeries, carry-out food shops, and variety stores are all permitted uses in a B-3 District (§6-406). In this case, the property was last authorized for use as a gasoline service station and a beauty shop.

Off-Street Parking: ... if the intensity in use of a structure or premises is increased through the addition of dwelling, efficiency, or rooming units, floor area, seating capacity, or other units of measurement, off-street parking facilities must be provided for that increased intensity, as required by this title (§10-202.a). The existing structure is to be razed, and the new structure would have less than one-third the floor area of the existing structure. There is thus no increase in intensity of use of a structure or premises. The proposed structure would contain approximately 4,100 square feet, and if the entire structure would be considered a carry-out food shop for purposes of determining the amount of off-street parking needed, would require 10 spaces. This is because in this zoning district, restaurants and carry-out food shops require one off-street parking space per 400 square feet of floor area (§10-405.21.i). The site plan as revised by the applicant would provide over 30 spaces, thus meeting this requirement. The Zoning Code requires two parking spaces per service bay for gasoline service stations, but this proposed "gas and go" station would have no service bays, and thus no parking requirement.

TransForm Baltimore: This property is part of the Harford Road commercial corridor that is proposed to be rezoned as a C-2 Community Commercial District (Proposed Zoning Map Area 4-A), in which carry-out food shops and gas stations would be conditional uses, while retail goods establishments without alcohol sales would be permitted uses (Table 10-301). The Planning Commission has recommended that gas stations in C-2 Districts be limited to eight pumps per site.

Comprehensive Planning: There have been concerns expressed that the scale of this proposed use would create some inconsistencies with community redevelopment and revitalization plans for the Harford Road commercial corridor, as well as concerns about localized impacts. The immediate neighboring area is concerned about possible light pollution, noise, and increased traffic cutting through the nearest residential streets, as a consequence of 24-hour operation of the use. The intersections nearest this property, particularly the one at Glenmore Avenue, are considered prone to vehicular accidents and in need of substantial redesign and resignalization prior to the proposed use becoming operational. As the Harford Road commercial corridor already counts several gas stations, and other automobile-related uses are not thriving there, there is concern that this proposed use could result in eventual abandonment of some competing sites while maintaining an automobile-oriented appearance of the area that is incompatible with neighborhood plans for redefinition of the Harford Road corridor.

RECOMMENDATION

While the Department of Planning has no objection to this appeal, in commercial areas that are predominantly surrounded by residential areas, the Department would prefer fewer gas pumps and increased pedestrian access to the site.

TJS/wya/mf

cc: Stanley Fine, Appellant