


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 / 2204 Frederick Avenue		

TO

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

DATE: September 18, 2014

REQUEST

The Department of Planning has received Taiwo Agbaje's Board of Municipal and Zoning Appeals (BMZA) application to use the property for an indoor paintball and recreation facility. The Zoning Administrator has determined that this is a conditional use in a B-3 Zoning District, and that a variance of off-street parking requirements is required for approval. We understand that this appeal is scheduled for hearing on September 23, 2014.

SITE

2204 Frederick Avenue is located on the northeast corner of the intersection with McPhail Street. This property measures approximately 195'8" by 90' and is currently improved with a one-story abandoned commercial building covering nearly all of the property. This site is zoned B-3-2 and is located within the Operation Reach Out Southwest (OROSW) Strategic Neighborhood Action Plan area.

ANALYSIS

Conditional Use: In this zoning district, recreational facilities: indoor, are a conditional use, requiring approval by the Board (§6-408). In this case, the property was last authorized for use as a commercial laundry, which is a permitted use in this B-3 Community Commercial District, but this use has been abandoned.

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 recreation facilities, indoor or outdoor, is 1½ space per activity station, as recommended by the Planning Department (§10-405.22.iv). The application did not include a floor plan for the proposed facility and thus the Department is unable to recommend an off-street parking amount at this time. The applicant should be required to provide both a floor plan showing the paintball facility and any other recreational facilities, and an estimated capacity of persons for each activity area.

Land Use and Urban Design: Baltimore City Code, Article 19, "Police Ordinances", states that permitting use of a gas- or air- pellet gun or paintball gun by any individual known to be, or whom the operator of a recreational paintball facility has reasonable cause to believe is, a minor, is prohibited (§59-26.b.). The applicant should be required to post appropriate notice of this Police Ordinance provision on the property at the entrance to the proposed facility.

TransForm Baltimore: This property would become part of a I-MU (Industrial Mixed-Use) District (Proposed Zoning Map Area 6-C) in which Recreation: Indoor would be a permitted use (Table 11-301). “Recreation: Indoor” means “predominantly participant recreational activities or games of skill that are conducted within a wholly enclosed building” (§1-312 (G)).

RECOMMENDATION

The Department of Planning recommends deferral of a complete hearing of this appeal to allow the applicant time to provide a floor plan and additional information concerning the number of persons expected to be using the proposed facility at any given time, and days and hours of operation. This information would allow the Department of Planning to offer the Board a recommendation concerning the amount of off-street parking that should be provided for patrons of the proposed use.

TJS/wya/mf

cc: Taiwo Agbaje, Appellant