


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 / 3401 Mannasota Avenue		

TO

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

DATE: September 30, 2013

### REQUEST

The Department of Planning has received Shantel Rouzer's Board of Municipal and Zoning Appeals (BMZA) conditional use application to increase the capacity of the existing day care center from 40 children to 60 children, with "24/ 7" hours of operation. The Zoning Administrator has determined that this is a conditional use in a R-7 District, and that a variance of Zoning Code off-street parking requirements is needed for approval of this application. We understand that this appeal is scheduled for hearing on October 1, 2013.

### SITE

3401 Mannasota Avenue is located on the eastern corner of the intersection with Brehms Lane. This irregular property measures approximately 167'11" along Mannasota Avenue by 66'9" along Mayfield Avenue and 201'7" along Brehms Lane, and is currently improved with a one-story church. This site is zoned R-7.

### ANALYSIS

Conditional Use: In this zoning district, day care centers are a conditional use, requiring approval by the Board (§4-1003). In this case, the appellant would like to increase the capacity of a day care center, which is a modification of an existing conditional use. By the Board's decision in appeal no. 246-08X (April 15, 2008) this property was approved for use for a day care center for 18 children (pursuant to which a Use and Occupancy permit was issued to a different day care center operator on June 19, 2008). In that interim, on May 2, 2008, a Use and Occupancy permit for a day care center for up to 40 children, operating from 6 a.m. to 12 midnight, was issued to this applicant. The current application does not indicate how the approved capacity of this applicant's day care center was established.

In previous cases where a day care center is seeking to expand, Planning has supported a modest increase in capacity. However, since this is a residential area comprised of attached structures, twenty-four hour operations all week long could be detrimental to surrounding residential property. There are also two day care centers now authorized on this property, under two different operators, for a total of 58 children. For these reasons, Planning is recommending no increase of the number of children, and no increase of hours of operation.

Drop-off / Pick-up area: There is not a location suitable for the drop-off or pick-up of children on this site. If 60 (or 58) parents were to all drive to this site attempting to drop off or pick up their children within the same short timeframe, it could not likely be done in a safe and orderly manner. The applicant should work with the church, the other day care center operator, and the Baltimore City Department of Transportation to determine if there could be site changes or improvements made that would create a safe drop-off and pick-up area, or if a passenger loading zone could be safely established on one side of the existing building.

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). 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 required for a day care center is one parking space per two staff members (§10-405.27.iii). In this case, for six staff members, three parking spaces are required; none are provided.

Off-Street Parking Variance: ... the Board may grant a variance to reduce by no more than 75% the number of off-street parking spaces otherwise required by the applicable regulation (§15-208.b). In this case the reduction proposed is 100%, which is greater than the variable amount the Board may authorize. As there may be nearby properties that could provide off-street parking resources to support this proposed use, the applicant should obtain lease(s) for at least three parking spaces meeting Zoning Code requirements. (The applicant cannot receive a credit for parking attributable to the church, as that use is continuing.)

TransForm Baltimore: This property would remain part of the R-7 District (Proposed Zoning Map Area 8-A) in which day care centers would be conditional uses (Table 9-301). Day care centers would have off-street parking requirements of 1 space per 4 employees on maximum shift (Table 16-406A).

## **RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because there are two day care center operators currently holding Use and Occupancy permits for a total of 58 children at this location, and approval of this one operator's application would result in an increase to 78 in the number of children using the day care facilities at this location, which has no off-street parking or off-street drop-off and pick-up area for children, and which is bordered by well-trafficked streets. The Department would have no objection to approval of a total of 60 children in the two day care centers authorized at this location, as this would be a modest increase from the total of 58 already authorized. For this applicant, this would constitute an approved increase to 42 children. The Department recommends disapproval of the "24/ 7" proposed hours of operation, as this could lead to safety conflicts with religious observances at this same location, and recommends that the applicant revise the hours of operation proposed in order to avoid such conflicts, particularly over drop-off and pick-up use of the curb lanes of the streets bordering this property.

TJS/wya/mf

cc: Shantel Rouzer, Appellant