


<b>FROM</b>	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 / 5901-5921 Harford Road		

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

DATE: September 16, 2015

### REQUEST

The Department of Planning has received Caroline Hecker's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Two Farms Inc., to construct a one-story gasoline service station and convenience store. The Zoning Administrator has determined that this is a conditional use in a B-3 zoning district. We understand that a rehearing of this appeal is scheduled for October 20, 2015. This memorandum supersedes the memorandum dated April 2, 2013, concerning the previous appeal for this property.

### 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- and two-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 larger portion of Block 5681, Lot 15A, which is unimproved and 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. Both properties are currently owned by Harford 5901 LLC.

### 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 a beauty shop and there was also office use of the structure on site.

Comprehensive Planning: This site is midway between two commercial nodes identified in the Harford Road Corridor Study (2008): Hamilton and Northern Harford [Road], for which the Study notes that "curb appeal and other place-related issues" are significant to efforts to revitalize the corridor. Given the relative narrowness of the corridor and its surrounding large and economically stable residential communities, the Study recommended focus on attracting business that would enhance a pedestrian experience and encourage nearby residents to shop and dine along the corridor. The essence of a "gas-and-go" service station, even with a convenience store component, would be contradictory to this goal.

The immediate neighboring area is concerned about possible light pollution, noise, litter and trash, and increased traffic cutting through the nearby residential streets, as a consequence of 24-hour operation of the use. The intersection nearest this property, at Glenmore Avenue, is considered prone to vehicular accidents and in need of substantial redesign and resignalization

prior to the proposed use becoming operational. There was testimony concerning this at the previous hearing of this appeal in 2013. 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 an automobile-oriented appearance of the immediate area that is incompatible with neighborhood plans for redefinition of the Harford Road corridor.

The Zoning Code requires that the Board make specific findings when considering a proposed conditional use. Among these is "... the establishment, location, construction, maintenance, and operation of the conditional use will not be detrimental to or endanger the public health, security, general welfare, or morals" (§14-204). This particular site happens to be located at what has been admitted to be an already hazardous intersection of Harford Road with, on the site's side, Glenmore Avenue, and on the side opposite this site, Old Harford Road and a short extension of Glenmore Avenue. The largest part of Glenmore Avenue, which forms the northern boundary of this site, is a well-trafficked connector between Harford Road and Walther Avenue and Belair Road, which lie to the east, and Old Harford Road extends northward to the west of Harford Road into Baltimore County. Use of the site by an automobile-oriented business dependent upon high-volume and frequent in-and-out motor vehicle trips thus would aggravate existing hazardous conditions for vehicular traffic in this block of Harford Road. While zoning of this property for numerous automobile-oriented, commercial uses may have been appropriate when the current zoning was adopted in 1971, the particular problems present at this intersection merit careful consideration of the factors cited in §14-204. In this case, absent mitigating improvement of the intersection of Glenmore Avenue with Harford Road, staff finds that approval of the proposed use would be detrimental to public health or general welfare due to increased probability of automobile collision-related injuries or deaths created by the additional traffic movement associated with the customers of the "gas-and-go" and convenience store use.

### **RECOMMENDATION**

The Department of Planning recommends disapproval of this appeal, because establishment, location, construction, maintenance, and operation of the proposed use would be detrimental to or endanger the public health and general welfare, by creating enhanced likelihood of vehicular accidents, including those involving personal injury or death, at the intersection of Harford Road and Glenmore Avenue caused by increased in and out turning of customers' vehicles visiting the "gas-and-go" fuel stations or the convenience store, or both.

TJS/wya/mf

cc: Caroline Hecker, Appellant