


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 / 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: October 19, 2015

### REQUEST

Please refer to the previous memorandum dated September 16, 2015.

### SITE

Please refer to the previous memorandum dated September 16, 2015.

### ANALYSIS

Please refer also to the previous memorandum of September 16, 2015, concerning Conditional Use.

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 4,166 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 21 spaces. This is because in this zoning district, restaurants and carry-out food shops require one off-street parking space per 200 square feet of floor area (§10-405.21.i). The site plan as revised by the applicant on October 5, 2015 would provide 39 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.

The site plan proposed by the applicant would place approximately 17 parking spaces in the front yard setback of the proposed replacement structure, thus violating the Zoning Code requirement that off-street parking spaces be located in the side or rear yard areas of a property (§3-209). To accommodate this, the applicant is requesting a variance of front yard setback requirements.

Comprehensive Planning: Please refer also to the previous memorandum of September 16, 2015, with regard to community concerns.

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.

Subsequent to the previous memorandum to the Board, the Department of Planning received a revised site plan dated October 5, 2015. This plan responds to some of these issues by providing that:

- the northern portion of the property would be used as part of a redesigned and re-aligned intersection of Harford Road and Glenmore Avenue;
- the eastern portion of the property would become a green-space buffer between the commercial structure and use, and the residential area to its east; and,
- the previously-proposed rear parking area and access driveway would be eliminated, thus also removing a proposed curb cut on the north side of Mary Avenue that would have allowed some motorists to by-pass the intersection of Harford Road and Mary Avenue by driving between the rear of the store structure and nearby residences.

TransForm Baltimore: Please refer to the previous memorandum of September 16, 2015.

### **RECOMMENDATION**

As discussed above, the revised plan dated October 5, 2015 represents a significant improvement to previous plans for this property by buffering the proposed use from the adjacent residential community with green space and removing excessive parking and driveways, and improving traffic safety by reworking the intersection of Harford Road and Glenmore Avenue.

Should the Board grant approval of this appeal, the Department of Planning recommends that approval be subject to the following conditions:

- Based upon the Board's initial finding that relocation of Glenmore Avenue and incidental relocation of the traffic lights will significantly increase predictability and control traffic more effectively and thus mitigate the traffic concerns at this location, that the mitigation be completed prior to issue of the permits to operate the requested use. This intersection improvement is subject to Department of Transportation approval.
- The green buffer area spanning the rear of the property from Glenmore Avenue to Mary Avenue shown on the October 5, 2015 plan, be planted with trees and other vegetation according to a landscape plan for this property approved by the Department of Planning;
- The exterior lighting and signage on the property be designed to minimize the amount of light reaching the residential area adjacent to the sides and rear of this property;
- The number of fueling pumps be limited to eight; and,
- The applicant's final site plan (based upon the plan now dated October 5, 2015) be submitted to and receive approval from the Site Plan Review Committee, as more than two years has elapsed since the original approval with comments and the applicant is proposing some beneficial changes to the plan.

TJS/wya/mf

cc: Caroline Hecker, Appellant