

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR
	SUBJECT	BMZA / 711 West 40 th Street

CITY of
BALTIMORE

MEMO



TO

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

DATE: November 27, 2015

REQUEST

The Department of Planning has received Nate Pretl's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Grande Rotunda LLC, to use a portion of the premises as a movie theater with 660 seats. The Zoning Administrator has determined that this is a conditional use in a B-2 zoning district. We understand that this appeal is scheduled for hearing on December 1, 2015.

SITE

711 West 40th is located on the southeast corner of the intersection with Elm Avenue. This property measures approximately 529'9" by 951'4" and is currently improved with a four-story detached historic office building and newly-constructed residential mixed-use buildings. This site is zoned B-2-2.

ANALYSIS

Conditional Use: In this zoning district, theaters are a conditional use, requiring approval by the Board (§6-308). In this case, the property was last authorized for use as offices, which is a permitted use in this B-2 Community Business District.

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 theater, auditorium, or concert hall is one parking space per 10 persons of rated capacity (§10-405.22.i). In this case, for 660 seats capacity, 66 off-street parking spaces are required; that many are provided through the site's parking-sharing arrangements among multiple commercial tenants.

TransForm Baltimore: This property would become part of the C-2 District (Proposed Zoning Map Area 2-D) in which Indoor Entertainment would be a permitted use (Table 10-301).

RECOMMENDATION

The Department of Planning recommends approval of this appeal subject to the condition that the applicant provides documentation of parking spaces designated for the proposed use that meet Zoning Code requirements.

TJS/wya/mf

cc: Nate Pretl, Appellant

North