


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 / 2300-2302 Boston Street		

TO

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

DATE: March 18, 2013

REQUEST

The Department of Planning has received Melvin Kodenski's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Shine Holdings LLC, to continue to use the property as a tavern – including live entertainment and dancing. The Zoning Administrator has determined that this is a conditional use in a B-2 District. We understand that this appeal is scheduled for hearing on March 19, 2013.

SITE

2300-2302 Boston Street is located on the northeast corner of the intersection with Leakin Street. This property measures approximately 34'6" by 63'10" and is currently improved with a three-story semi-detached commercial building covering the entire lot. This site is zoned B-2-2 and is located within the Canton Waterfront Urban Renewal Plan area and the Canton National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, taverns – including live entertainment and dancing, are a conditional use, requiring approval by the Board (§6-308). The premises has been approved for up to 108 persons capacity without furniture on the first floor and up to 140 persons without furniture on the second floor. The applicant is proposing amplified acoustic music and disc jockeys as live entertainment, with dancing included.

Urban Renewal Plan: This property is located in the Canton Waterfront Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district.

Required Findings - Live Entertainment or Dancing: For a restaurant or tavern operating with live entertainment or dancing as an accessory use, the Board must consider imposing conditions, as appropriate, concerning:

- (1) days and hours of operation;
- (2) use of amplification, noise levels, and need for noise proofing;
- (3) limits on the size of the establishment or on the size, location, or configuration of the entertainment or dancing venue within the establishment;
- (4) number of live entertainers;
- (5) number of seats proposed for outdoor table service;
- (6) exterior lighting;
- (7) whether to limit the accessory use to live entertainment only or dancing only; and
- (8) the establishment and maintenance of:
 - (i) a traffic and parking management plan; and
 - (ii) an indoor and outdoor security plan. (§14-309)

The application includes a description of these items, with live entertainment lasting from 2 p.m. to 1:30 a.m. daily, provided by up to 4 entertainers with sound levels not exceeding 80 decibels at 10' distant from the structure.

The parking plan contained in this application is indefinite concerning location of off-street parking to which patrons' vehicles would be taken by a valet service. This application should only be approved after the applicant has identified for the Board the location and amount of off-street parking that meets Zoning Code criteria.

TransForm Baltimore: This property would be part of a C-1 Neighborhood Commercial District (Proposed Zoning Map Area 7-D) in which indoor live entertainment would be a conditional use (Table 10-301).

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to these conditions in addition to any conditions which the Board may impose:

- Operation of a valet parking service between the property and one or more specific lawfully established off-street parking lots on which the applicant has secured a long-term lease meeting Zoning Code requirements;
- A copy of the use and occupancy permit for the premises must be kept on the premises and available for inspection by representatives of Baltimore City at all times;
- A copy of the written approval by the Board of Municipal and Zoning Appeals of the live entertainment provided on the premises, including details of any restrictions or limitations on the live entertainment provided, must be kept on the premises and available for inspection by representatives of Baltimore City at all times;
- A copy of all other permits and licenses required pursuant to the written approval of the Board of Municipal and Zoning Appeals must be kept on the premises and available for inspection by representatives of Baltimore City at all times.

TJS/wya/mf

cc: Melvin Kodenski, Appellant