


TJA

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 / 306 North Howard Street		

TO

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

DATE: March 22, 2013

REQUEST

The Department of Planning has received Derek Cassadine's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of FX Fitness LLC, to use the entire first floor of the premises for a private club promoting fitness, social networking, and community services. The club would include a gym and related equipment, and be open 24 hours daily. The Zoning Administrator has determined that this is a conditional use in a B-4 District. We understand that this appeal is scheduled for hearing on April 2, 2013.

SITE

306 North Howard Street is located on the west side of the street, approximately 62' north of the intersection with Saratoga Street. This property measures approximately 46'7" by 120' and is currently improved with a three-story attached commercial building covering the entire lot. This site is zoned B-4-2 and is located within the Market Center Urban Renewal Plan area and the Market Center National Register Historic District.

ANALYSIS

Use: In this zoning district, private clubs are a conditional use requiring approval by the Board (§6-508). In this case, the property was last authorized for use as a retail sales establishment, which is a permitted use in this B-4 Central Business District.

Definition: "Club or lodge: private" means a club or lodge that: (1) has a limited membership elected pursuant to its charter or bylaws; (2) excludes the general public from its premises or place of meeting; (3) is organized with officers and directors; and (4) holds all property for the common benefit of its members (§1-127). In this case, the appellants will have to demonstrate adherence to this definition and provide proof of their nonprofit status. A copy of the by-laws was furnished with the application.

Urban Renewal Plan: This property is located in the Market Center Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. It is noted that the Urban Renewal Plan prohibits massage parlors, and this proposed use would need to define its services to its members to exclude accessory use as a massage parlor.

Off-Street Parking: There is no off-street parking required for a private club in a B-4-2 District (§10-405 (7)). It is noted that this property is located downtown in an area served by light rail and bus public transit, and within walking distance of the Westside's many offices, businesses, and residential units.

Comprehensive Planning: Because the applicant is requesting approval for 24-hour operation, approval of this use should be conditioned upon the property and/or FX Fitness LLC or any successors at this location not obtaining a liquor license of any description. If the property or any operator of any use at this location should in the future obtain a liquor license of any description, operating hours of the private club should be restricted to closing at 2:00 a.m. or earlier, and opening not earlier than 6:00 a.m., in order to avoid possible use of the property as an after-hours establishment, or part thereof, without prior approval from the Board.

Historic District: The property is located in a designated historic district, and so may be eligible for historic tax credits for restoration and renovation. The appellant is encouraged to contact the Baltimore Commission for Historical and Architectural Preservation before proceeding with any improvements which may be authorized as a result of this appeal.

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 establish:

- 24-hour operation of the private club is conditional upon there being no liquor license in use on the premises;
- In the event that any liquor license is granted for use at 306 North Howard Street or any portion of the premises located there, the operator will voluntarily reduce hours of operation of the club to closing at or before 2:00 a.m. and not opening before 6:00 a.m.;
- 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 use of the premises, including details of any restrictions or limitations on the use, 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.

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cc: Derek Cassadine, Appellant