


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 / 5716 York Road		

TO

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

DATE: March 17, 2016

REQUEST

The Department of Planning has received Cuneyt Ozturk's Board of Municipal and Zoning Appeals (BMZA) conditional use application to add live entertainment with a hookah lounge to an existing restaurant. The Zoning Administrator has determined that this is a conditional use in a B-2 District. We understand that this appeal was amended on March 11, 2016 to delete the request for approval of a hookah lounge, and is scheduled for hearing on April 5, 2016.

SITE

5716 York Road is located on the west side of the street, approximately 239' north of the intersection with Lyman Avenue. This property measures approximately 68'6" along York Road by 244'10" and is currently improved with a two-story detached commercial building measuring approximately 50' by 110'. This site is zoned B-2-2 and is located within the York Road Community Strategic Neighborhood Action Plan area.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including live entertainment and dancing, and including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-308). In this case, the property was last authorized for use as a restaurant with accessory outdoor table service by the Board's approval of appeal no. 2014-145 (heard May 20, 2014).

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 indicates that live entertainment would be musical acts and disc jockeys, and also indicates that dance (specifically, belly dancing) would be a form of live entertainment provided. As the application refers to a floor plan showing a dance floor, the applicant should inform the Board at the hearing of this application that the dance floor is for use by the belly dancers and not for use by the general public (the patrons). Live entertainment would be provided four nights weekly, Wednesdays through Saturdays. As the rated capacity of the restaurant is 75 persons, and there is some off-street parking already provided, the application does not include a parking plan. The security plan includes use of closed circuit cameras, but not any guard during live entertainment events.

Community Planning: This application is consistent with the York Road Corridor Strategic Neighborhood Action Plan goal of encouraging and enhancing day and night uses such as restaurants, as a means of enlivening the commercial corridor.

TransForm Baltimore: This property would become part of the C-2 District (Proposed Zoning Map Area 3-A) in which restaurants and outdoor dining would be permitted uses, and live entertainment secondary to a restaurant or tavern would be a conditional use (Table 10-301).

RECOMMENDATION

The Department of Planning recommends approval of this appeal, subject to these conditions in addition to any conditions which the Board may establish:

- 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: Cuneyt Ozturk, Appellant