


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR <i>Shule / for T.J.S.</i>	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 TH FLOOR		
	SUBJECT	BMZA / 6812-6862 Reisterstown Road		

TO

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

DATE:

May 4, 2012

REQUEST

The Department of Planning has received Terry Land's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of the premises as an Internet café. We understand that this appeal is scheduled for hearing on May 15, 2012.

SITE

6812-6862 Reisterstown Road is located on the northwest corner of the intersection with Labyrinth Road. This property measures approximately 535' by 533' and contains approximately 6.627 acres, and is currently improved with a one-story multi-bay commercial shopping center building and two smaller "pad site" buildings near its front corners. This site is zoned B-2-1 and is located within the Reisterstown Plaza Transit Station Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, amusement arcades located within a shopping center of over 20,000 square feet or a commercial recreation center of over 20,000 square feet, are a conditional use, requiring approval by the Board (§6-308). The Zoning Administration office has determined that this application should be treated as equivalent to an application for an amusement arcade. In that context, the Internet café proposed would function as a wireless amusement arcade, and would be located in a shopping center or commercial recreation center of over 20,000 square feet.

Amusement devices: (a) In general. Notwithstanding any provision of this title, nonconforming amusement devices are not allowed except as specified in this section. (b) In certain establishments. No more than 5 licensed amusement devices are allowed when used in combination with one of the following:

- (1) Billiard or pool room.
- (2) Bowling alley.
- (3) Bus, train, or boat terminal.
- (4) Hotel or motel.
- (5) Indoor tennis or racquet club.
- (6) Marina.
- (7) Miniature golf.
- (8) Race track.
- (9) Restaurant with alcoholic beverage license.
- (10) Skating rink.
- (11) Social, fraternal, or veteran club.
- (12) Swimming pool.
- (13) Tavern. (§13-610).

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The applicant has indicated that the current use of the premises (or portion thereof) proposed to be used as an Internet café is a restaurant. The applicant should clarify whether the restaurant would continue to operate in the same premises as the Internet café, and if so the number of wireless amusement devices that would be allowed on the premises at a time.

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

RECOMMENDATION

The Department of Planning has no objection to this appeal, provided that the applicant is limited to a reasonable number of wireless Internet device users at any given time as determined by the Board.

TJS/wya/mf

cc: Terry Land, Appellant