

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 / 4030 West Garrison Avenue		

TO

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

DATE:

May 30, 2014

REQUEST

The Department of Planning has received Shacomba Phipps' Board of Municipal and Zoning Appeals (BMZA) conditional use application to use a portion of the premises as a restaurant and carry-out food shop – including live entertainment and dancing. The Zoning Administrator has determined that this is a conditional use in a B-3 District. We understand that this appeal is scheduled for hearing on June 3, 2014.

SITE

4030 West Garrison Avenue is located on the northwest corner of the intersection with Linden Heights Avenue. This property measures approximately 76'9" along Garrison Avenue by 146'6" along Linden Heights Avenue and is currently improved with a one-story detached commercial building measuring approximately 80' by 60'. This site is zoned B-3-2 and is located within the Park Heights Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including live entertainment and dancing, are a permitted use (§6-406). In this case, the property was last authorized for use as a garage for storage, repair, and servicing of motor vehicles, which is a conditional use in this B-3 Community Commercial District. The applicant is proposing to add permitted uses to a property on which a conditional use currently exists and is expected to continue.

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 although live entertainment would occur for two hours only, from 7:30 pm to 9:30 pm, on Wednesday and Thursday evenings, on Fridays and Saturdays

live entertainment and dancing would occur from 7:30 pm to 1:30 am. The application does not state the rated capacity of the premises, and the sketched floor plan lacks many dimensions that would assist in determining it. The applicant should be requested to provide both a dimensioned floor plan and a dimensioned plan for the customer parking area that is referred to in the application. The applicant should also be requested to provide a security plan for the two nights (Friday and Saturday) when live entertainment and dancing would occur for up to six hours.

TransForm Baltimore: This property would become part of a C-2 District (Proposed Zoning Map Area 1-D) in which restaurants and carry-out food shops would be permitted uses, and live entertainment secondary to a restaurant or tavern would be a conditional use (Table 10-301). "Live entertainment" includes dancing and would be subject to the same provisions as are now in the Zoning Code, including Board approval according to the criteria now found in §14-309 as referenced above (§14-319).

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:

- 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: Shacomba Phipps, Appellant