


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 / 1569-1571 Ridgely Street		

TO

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

DATE: October 24, 2013

REQUEST

The Department of Planning has received Kendrick Goden's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use the first floor of the premises as a tavern – including live entertainment and dancing. The Zoning Administrator has determined that this is a conditional use in a M-2 District. We understand that this appeal is scheduled for hearing on October 29, 2013.

SITE

1569-1571 Ridgely Street is located on the east side of the street, approximately 45' northeast of the intersection with Bayard Street. This property measures approximately 30' by 83' and is currently improved with a combination one- and two-story building measuring approximately 30' by 68'. This site is zoned M-2-3 and is located within the Carroll Camden Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, taverns – including live entertainment and dancing – but only if located at least 500 feet from a residence district, are a conditional use, requiring approval by the Board (§7-307). This property is approximately 1,500 feet distant from a residence district.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Carroll Camden Urban Renewal Plan ("the Plan"), which does not allow this use in this district. The Plan designates this property as part of its 'General Industrial Area C' on its Land Use Plan map, Exhibit 3 of the Plan. In the area designated as General Industrial C on the Land Use Plan, the uses allowed are those listed under the M-2 category of the Baltimore City Zoning Code, except for the uses prohibited in General Industrial Area A and three additional uses stated. General Industrial Area A allows uses listed under the M-2 category of the Zoning Code, "except for ... taverns – including live entertainment and dancing"

(--- Plan, Land Use Plan, Permitted Land Uses, D.l.g. and e.)

The Board is therefore constrained from approving this application.

TransForm Baltimore: This property would become part of a I-MU District (Proposed Zoning Map Area 10-B) in which retail good establishments with alcohol sales, and live entertainment secondary to a restaurant or tavern, would be conditional uses (Table 11-301). "Live entertainment" includes provisions similar to those in the current Zoning Code (§1-306 (C)).

Conflicting Provisions: *Most restrictive provision governs.* If any condition or requirement imposed by a provision of this article is either more or less restrictive than a comparable condition or requirement imposed by any other provision of this article or of any other law, rule, or regulation of any kind, including an applicable urban renewal plan, the condition or requirement that is the more restrictive governs (§1-206.b).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because the proposed use is prohibited by the Carroll Camden Urban Renewal Plan which covers the area in which this property is located, and the provisions of that Plan are not subject to variance or waiver by the Board.

TJS/wya/mf

cc: Kendrick Goden, Appellant