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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 / 756 Washington Boulevard		

TO

DATE:

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

December 14, 2010

REQUEST

The Department of Planning has received Ray Proctor's Board of Municipal and Zoning Appeals (BMZA) application to use the first floor of the premises as a restaurant and lounge with live entertainment and dancing. We understand that this appeal is scheduled for hearing on December 21, 2010.

SITE

756 Washington Boulevard is located on the north side of the street, approximately 19' west of the intersection with Barre Street. This property measures approximately 24'6" by 100' and contains approximately 0.055 acre, and is currently improved with a two-story building covering the entire lot. This site is zoned B-2-3 and is located within the Washington Village Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, restaurants with live entertainment and dancing are a conditional use, requiring approval by the Board (§6-308).

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

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 Washington Village Urban Renewal Plan, which does allow this use in this district.

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 made available to the Planning Department did not provide details concerning the above-listed items. A copy of the “Ambrosia Music Lounge” business plan presented to the neighborhood association was made available to the Department but does not provide sufficient information about items (2), (3), (4), (6), and (8) above. Item (1) is addressed in the business plan and item (7) is indirectly dealt with by mention of live entertainment only. There is no discussion of possible outdoor accessory table service. Therefore, the Department has been unable to review the proposed use for consistency with the Zoning Code and applicable plans for the area, and recommends that the applicant be required to complete the standard responses to questions provided by the Zoning Administration office and furnish a copy to the Planning Department.

RECOMMENDATION

The Department of Planning recommends deferral of hearing of the appeal to allow the applicant time to prepare detailed responses to the eight items provided in §14-309 of the Zoning Code, and to obtain a lease from the owner of 701 Washington Boulevard for the required off-street parking to be associated with the proposed use.

TJS/wya/mf

cc: Ray Proctor, Appellan