


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 / 2101 Pennsylvania Avenue		

TO

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

DATE: January 18, 2012

REQUEST

The Department of Planning has received Roscoe Johnson III's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Sphinx Club Complex LLC, to consolidate 2101, 2103, 2105, 2107-2109, and 2111 Pennsylvania Avenue and 552 Bloom Street, and develop (construct) a three-story structure containing a museum and a restaurant – including live entertainment and accessory outdoor table service. We understand that this appeal is scheduled for hearing on January 24, 2012.

SITE

2101 Pennsylvania Avenue is located on the northeast corner of the intersection with Bloom Street. This property measures approximately 16' by 104' and is currently unimproved. The other properties included in this application adjoin this property to its north (up Pennsylvania Avenue) and east (at the intersection of Bloom and Brunt Streets). When consolidated, all these properties would have a frontage of approximately 93'5" along Pennsylvania Avenue and would extend 154' along the northwest side of Bloom Street, from Pennsylvania Avenue to Brunt Street. This site is zoned B-2-2 and is located within the Druid Heights Urban Renewal Plan area and the Old West Baltimore National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including live entertainment and 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 offices, which are permitted in this B-2 Community Business District. Museums are a permitted use in this B-2 District (§6-306). This proposed redevelopment of the consolidated property would create a restaurant with live entertainment on two levels, with a museum on the uppermost or third level.

Urban Renewal Plan: This property is located in the Druid Heights Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed 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 applicant has not provided details concerning a traffic and parking management plan or an indoor and outdoor security plan, and should be requested to do so in order for this application to be considered fully.

Definition: "Outdoor table service", as an accessory to a restaurant, means an outdoor service area at which patrons are seated at tables for service of food and drinks (§1-168.1). This proposal is for two outdoor seating areas, one beside the proposed building on Pennsylvania Avenue, the other on a raised level behind the proposed building, facing Brunt Street. Both outdoor seating areas would be on the consolidated lot property and would not involve use of public property such as sidewalks.

RECOMMENDATION

The Department of Planning recommends approval of the appeal, subject to these conditions:

FOR LIVE ENTERTAINMENT – CONDITIONS:

- 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.

FOR OUTDOOR TABLE SERVICE – CONDITIONS:

- The capacity of the outdoor seating area will not be more than what is established by the approved site plan and building plans;
- There will be no outdoor bar;
- There will be no amplified outdoor music, a jukebox, or other form of entertainment; and
- All patrons must be seated for dining, and served by wait staff.

TJS/wya/mf

cc: Roscoe Johnson III, Appellant