


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 / 1113 South Charles Street		

TO

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

DATE: February 24, 2014

REQUEST

The Department of Planning has received Melvin Kodenski's Board of Municipal and Zoning Appeals (BMZA) conditional use application, on behalf of Mother's Federal Hill Grill Inc., to use the premises as a restaurant with live entertainment and accessory outdoor table service. The Zoning Administrator has determined that this is a conditional use in a B-2 District. We understand that this appeal is scheduled for hearing on February 25, 2014.

SITE

1113 South Charles Street is located on the east side of the street, approximately 16' south of the intersection with Cross Street. This L-shaped property measures approximately 55' along Charles Street and 68' along Cross Street and contains approximately 0.166 acre, and is currently improved with a three-story attached commercial building covering the entire lot. This site is zoned B-2-3 and is located within the South Baltimore Business Area Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, restaurants and taverns – including live entertainment and dancing, and restaurants including 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 a restaurant, a bakery, and offices, which are permitted uses in this B-2 Community Business District.

Urban Renewal Plan: This property is located in the South Baltimore Business Area 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 application stated that live entertainment would be provided for up to 440 persons, 345 on the first floor and 95 on the second floor, at two stages with adjoining dance floors. The traffic management would be primarily handled by the Baltimore Police Department, which already does this; parking would be available for 13 vehicles on site and the remainder at the West Street Garage; and a security detail of 6 or 7 individuals would be provided during live entertainment or special events.

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). The application did not include a dimensioned sidewalk site plan to demonstrate that proposed accessory outdoor table service would not impede pedestrian use of the sidewalk along Charles Street or Cross Street. The applicant should be provided sufficient time to provide this information for review before hearing of this appeal is completed.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 7-C) in which restaurants and outdoor dining would be permitted uses and taverns would be conditional uses (Table 10-301). The C-1 Districts would have specific access-protection requirements for outdoor dining (§14-329).

RECOMMENDATION

The Department of Planning recommends deferral of a complete hearing of this appeal, to allow the applicant time present a dimensioned sidewalk site plan for placement of accessory outdoor tables and seating.

TJS/wya/mf

cc: Melvin Kodenski, Appellant