


FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 EAST FAYETTE STREET, 8 <sup>TH</sup> FLOOR		
	SUBJECT	BMZA / 3610-3622 South Hanover Street		

TO

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

DATE: July 20, 2012

### REQUEST

The Department of Planning has received Paul Gardner's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of D2 Inc., to use the premises as a tavern with live entertainment and dancing. We understand that this appeal is now scheduled for hearing on July 24, 2012. This Department commented on the original appeal by memorandum dated January 18, 2012. The purpose of this memorandum is to convey some additional comments.

### SITE

Please refer to my previous memorandum of January 18, 2012.

### ANALYSIS

Please refer also to my previous memorandum of January 18, 2012. As was noted then, the Brooklyn and Curtis Bay Business Area Urban Renewal Plan prohibits dance halls and night clubs in the B-2 and B-3 zoned portions of the Urban Renewal Area in which this property is situated. This property is zoned B-2-2 and improved by a combination one- and two-story attached commercial building. Since filing this application, the applicant has modified plans for the proposed use by reducing the maximum number of patrons proposed to attend live entertainment events that would be held here on Thursdays, Fridays, Saturdays, and Sundays.

However, the Urban Renewal Plan also states, "Buildings must include retail or office uses on the first floor..." {*Plan, Standards, Hanover Street, D.3.c.*} Because Hanover Street is also a designated Main Street, this provision was intended to ensure that first-floor uses would be active during regular business hours on weekdays (and hopefully Saturdays and/or Sundays) in order to bring positive activity to this area. A business, whether characterized as a tavern with live entertainment and dancing, or as a nightclub, that would only be open at night four days per week, with two of those days on weekends, would violate the intent of this provision. For this reason, the proposed use would not be appropriate if located on the portion of Hanover Street covered by this Urban Renewal Plan.

As noted previously, the Urban Renewal Plan prohibits nightclubs and dance halls. Even though there has been a reduction in the proposed number of persons who would attend events held at this address, there has not yet been amendment of the application to alter the character of the proposed use. Even if this property hosts several hundred persons, as opposed to over a thousand, it would still be characterized by evening and night-time operation without food service but with alcohol service, in a building with an interior designed around a large dance floor with a balcony for overlooking the dancing. This Department concurs with the community's determination that the use as currently proposed is closer in operational terms to a nightclub or dance hall than it is to a tavern in which the live entertainment is accessory to the principal use of, rather than being the principal use of, the premises.

**RECOMMENDATION**

The Department of Planning continues to recommend disapproval of this appeal, because the amended application remains inconsistent with the desired character of the Brooklyn Main Street project and prohibited by the Brooklyn and Curtis Bay Business Area Urban Renewal Plan. The Department also notes that, although the applicant has amended the application to provide some information that was missing at the time of the originally-scheduled hearing of this appeal, the applicant still has not met the requirement to provide specific information concerning location and securing of off-street parking for patrons of the proposed live entertainment. The conditions previously stated in the memorandum of January 18, 2012 should also be required by the Board if an approval of this application is given.

TJS/wya/mf

cc: Paul Gardner, Appellant