


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 / 2908 O'Donnell Street		

TO

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

DATE: August 29, 2012

REQUEST

The Department of Planning has received Tom Welsch's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Plug Ugly's Hospitality Group, to continue to use the premises for a restaurant with accessory outdoor table service and add live entertainment. We understand that this appeal is scheduled for hearing on September 4, 2012.

SITE

2908 O'Donnell Street is located on the north side of the street, approximately 47' east of the intersection with Linwood Avenue. This property measures approximately 27' by 75' and is currently improved with a three-story building measuring approximately 27' by 70'. This site is zoned B-2-2.

ANALYSIS

Conditional Use: In this zoning district, restaurants, including live entertainment and dancing, and including accessory outdoor table service, are a conditional use, requiring approval by the Board (§6-308). This property was previously approved for accessory outdoor table service by the Board's decision in appeal no. 465-09, issued May 11, 2010.

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)

This applicant is proposing to add live musical acts and disc jockey entertainment on Sundays through Thursdays from 10 p.m. to 1:30 a.m. nightly. The musical acts would be acoustical but would use some sound amplification, for which a maximum level was not specified in the application. The premises has a rated capacity of 72 people on its first floor and 96 people on its second floor. However, the applicant has not indicated any plans for parking or for

security in connection with any live acts. The applicant should be required to specify both prior to approval of this application.

RECOMMENDATION

The Department of Planning recommends that approval of this appeal, if granted, be subject to these conditions in addition to those that the Board may impose:

- The applicant provides an approvable parking management plan and security plan;
- 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.

TJS/wya/mf

cc: Tom Welsch, Appellant