


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 / 1400 Warner Street		

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

DATE: September 2, 2015

REQUEST

The Department of Planning has received James Trujillo's Board of Municipal and Zoning Appeals (BMZA) application, on behalf of Second Chance Operating Ventures LLC, to use the premises for a tavern with live entertainment and dancing. The Zoning Administrator has determined that this is a conditional use in a M-2 Zoning District. We understand that this appeal was originally scheduled for hearing on December 2, 2014, but is now scheduled for hearing on September 8, 2015.

SITE

1400 Warner Street is located on the northeast corner of the intersection with Alluvion Street. This property measures approximately 491'6" along Warner Street by 118' along Alluvion Street and contains approximately 1.476 acre, and is currently improved with a combination one- and two-story detached commercial building measuring approximately 66' by 419'. This site is zoned M-2-3 and is located within the Carroll Camden Urban Renewal Plan area and the Chesapeake Bay Critical Area.

ANALYSIS

Conditional Use: In this zoning district, taverns – including live entertainment and dancing – but only if located at least 500 feet from a residence district, are a conditional use, requiring approval by the Board (§7-307). There is no residence district within 500 feet of this property. In this case, the property was last authorized for use as a tavern and a restaurant, which are permitted uses in this M-2 Industrial District, and a warehouse (also permitted).

Urban Renewal Plan: This property is located in the Carroll Camden Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district. However, the use is subject to provisions of the Plan, including compliance with Critical Area Management Program standards and controls, and with architectural design and rehabilitation standards contained in the Plan.

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 indicates that the proposed use, referred to as "Trujillo Nightclub" on the parking lot plan given to Planning staff, would operate from 11:00 a.m. to 2:00 a.m. daily, with live entertainment and dancing occurring from 9:00 p.m. to 2:00 a.m. Sunday through Wednesday and from 4 p.m. to 2:00 a.m. Thursdays, Fridays, and Saturdays. Up to 10 entertainers would perform for a rated capacity of 750 persons. Trash removal would be 3 times weekly using an exterior dumpster. Door and inside security would be 1 staff person per 75 patrons (this would require at least 10 security staff inside or at the entrance at all times for a proposed capacity of 750 persons) and outside security would be provided on contract with an outside security company providing uniformed officers with police powers at the rate of 4 outside security staff on weekends and during Stadium events. The application did include a dimensioned floor plan but did not show where entrance and emergency exit doors would be located in relation to Warner Street or the existing open paved area on the property.

Off-Street Parking: ... whenever the existing use of a structure is changed to a new use, off-street parking facilities must be provided, as required by this title, for that new use (§10-203.a). If the structure was lawfully erected before April 20, 1971, additional off-street parking facilities are mandatory only in the amount by which the requirements for the new use exceed those for the existing use (§10-203.b). The amount of off-street parking required for a dance hall or auditorium is one parking space per 10 persons of rated capacity (§10-405.22.i.). In this case, for 750 persons, 75 off-street parking spaces are required. The applicant has met with Planning staff and provided an acceptable plan for 76 spaces.

Off-Street Parking: *Location of facilities – nearby facilities under common control.* Off-street parking facilities may be located off-site of the lot on which the structure or use being served is located if: (1) the facilities are located in a district where this parking is permitted or has been granted as a conditional use; (2) the land on which the off-site parking facilities are located is within 300 feet of the lot line of the use or structure served; ... (§10-304.a). The applicant has proposed supplemental off-street parking on properties across the street from this property.

Land Use and Urban Design: The applicant provided a site plan for the entire structure showing what portion of it would be used for the proposed tavern with live entertainment (approximately one-third of the existing structure), location of entrances and exits in relation to off-street parking available on site, and a parking lot plan showing the number of spaces meeting Zoning Code requirements for area and accessibility.

Comprehensive Planning: This site is located in the Carroll Camden business district, where the business association has a strong interest in how any proposed uses will impact their operations. Previously, the business group had not had an opportunity to meet with the applicant concerning the details of this proposed use. This dialogue should be completed and any issues should be addressed prior to final permits being issued, due to the size and scale of the proposed use.

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TransForm Baltimore: This property would become part of the C-5 District (Proposed Zoning Map Area 10-B) in which Entertainment: Live (Standalone establishment, or Secondary to a Restaurant or tavern) would be a permitted use (Table 10-301).

RECOMMENDATION

The Department of Planning has no objection to approval of this application subject to the conditions proposed by the applicant.

TJS/wya/mf

cc: James Trujillo, Appellant

