


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 / 225 Park Avenue		

TO

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

DATE: September 8, 2014

REQUEST

The Department of Planning has received Kaleb Tadele's Board of Municipal and Zoning Appeals (BMZA) application to use a portion of an existing tobacco shop as an after-hours establishment/ hookah shop. The Zoning Administrator has determined that this is a conditional use in a B-4 Zoning District. We understand that this appeal is scheduled for hearing on September 9, 2014.

SITE

225 Park Avenue is located on the east side of the street, approximately 36' north of the intersection with Clay Street. This property measures approximately 36'3" by 70'6" and is currently improved with a three-story attached commercial building covering approximately 95% of the lot. This site is zoned B-4-2 and is located within the Market Center Urban Renewal Plan area and the Market Center National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, after-hours establishments are a conditional use, requiring approval by the Board (§6-508). In this case, the property was last authorized for use for retail sales, which is a permitted use in this B-4 Central Business District.

Urban Renewal Plan: This property is located in the Market Center Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this district, as it defers explicitly to the terms of the Zoning Code to regulate land uses.

Definition: "After-hours establishment" means any of the following that remains open after 2 a.m. on any day: (1) a banquet hall, dance hall, private club or lodge, or similar place; or (2) a restaurant that provides live entertainment or dancing (§1-107). The Board must determine if the proposed use as a hookah shop is described by one of the uses mentioned in this definition in order for the hookah shop to be authorized to operate as an after-hours establishment.

TransForm Baltimore: This property would become part of a C-5 HT District (Proposed Zoning Map Area 14-A) in which Retail Goods Establishments with no alcohol sales would be permitted uses (Table 10-301). "Retail goods establishment" means "an establishment that sells goods, wares, or other merchandise directly to consumers" (§1-312 (U)).

RECOMMENDATION

The Department of Planning recommends disapproval of this appeal, because a hookah shop is not listed in the Zoning Code among the uses that can be operated as an after-hours establishment.

TJS/wya/mf

cc: Kaleb Tadele, Appellant