


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 / 6826-6828 Harford Road		

TO

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

DATE:

March 24, 2014

**REQUEST**

The Department of Planning has received Lisa Harvey's Board of Municipal and Zoning Appeals (BMZA) conditional use application to use the entire premises as a restaurant and tavern with live entertainment and dancing. 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 March 25, 2014.

**SITE**

6826-6828 Harford Road is located on the northwest corner of the intersection with Kildaire Drive. This property measures approximately 107'9" by 109'5" and is currently improved with a two-story detached commercial building measuring approximately 84' by 45'. This site is zoned B-2-2.

**ANALYSIS**

Conditional Use: In this zoning district, restaurants and taverns – including live entertainment and dancing, are a conditional use, requiring approval by the Board (§6-308). In this case, the property was last authorized for use as a restaurant and tavern, which are permitted uses in this B-2 Community Business 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 proposes live entertainment and dancing would occur from 5 p.m. to 1:30 a.m. on Thursdays and Fridays, and from 3 p.m. to 1:30 a.m. on Saturdays and Sundays. Sound levels would be limited to 40 decibels measured at 10' from the property. As there is parking on site, there would be an attendant to direct patrons and manage traffic. However,

there was no specific description of the number and type of security personnel who would be present during or immediately after live entertainment events.

Comprehensive Planning: This application may be inconsistent with a Memorandum of Understanding between the applicant and the nearby residential community, on which basis the community did not oppose transfer of the liquor license to the applicant.

TransForm Baltimore: This property would become part of the C-2 District (Proposed Zoning Map Area 4-B) in which restaurants and taverns would be permitted uses, and indoor entertainment secondary to a restaurant or tavern would be a conditional use (Table 10-301). Restaurants and taverns would be required to provide 1 parking space per 100 square feet of indoor public seating area (Table 16-406A).

#### **RECOMMENDATION**

The Department of Planning recommends that a complete hearing of this appeal be deferred to allow the applicant time to confer with the community in which the property is located.

TJS/wya/mf

cc: Lisa Harvey, Appellant