


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 / 2835 O'Donnell Street		

TO

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

DATE: September 25, 2013

REQUEST

The Department of Planning has received John Wortman's Board of Municipal and Zoning Appeals (BMZA) conditional use application to continue to use the property for a bakery, and add a coffee shop with live entertainment at the portion of the property (formerly) known as 2839 O'Donnell Street. 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 October 1, 2013.

SITE

2835 O'Donnell Street is located on the southwest corner of the intersection with Linwood Avenue. This property measures approximately 60'8" by 75' and is currently improved with a three-story attached building covering approximately 95% of the lot. This site is zoned B-2-2 and is located within the Canton Waterfront Urban Renewal Plan area and the Canton National Register Historic District.

ANALYSIS

Conditional Use: In this zoning district, restaurants – including live entertainment, are a conditional use, requiring approval by the Board (§6-308).

Urban Renewal Plan: This property is located in the Canton Waterfront Urban Renewal Area, where the Urban Renewal Plan does not prohibit or further restrict the proposed use in this 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 indicates that sound levels would not exceed 75 decibels at a distance of 30' from the premises. This would be an unacceptably high level. The live entertainment should be limited to a sound level of not more than 80 decibels measured at 10' of distance from the property.

TransForm Baltimore: This property would become part of a C-1 District (Proposed Zoning Map Area 7-D/ 8-C) in which live entertainment secondary to a restaurant, tavern, art studio or art gallery, would be a conditional use (Table 10-301).

RECOMMENDATION

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

- 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: John Wortman, Appellant