


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 / 2921 O'Donnell Street		

TO

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

DATE: November 13, 2015

REQUEST

The Department of Planning has received Kelley James' Board of Municipal and Zoning Appeals (BMZA) application, on behalf of O'Donnell Curley LLC, to add live entertainment and dancing to an existing tavern and restaurant. The Zoning Administrator has determined that this is a conditional use in a B-2 zoning district. We understand that this appeal is scheduled for hearing on November 17, 2015.

SITE

2921 O'Donnell Street is located on the southeast corner of the intersection with Curley Street. This property measures approximately 22' by 75' and is currently improved with a two-story semi-detached commercial building covering the entire 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 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, which is a permitted use in this B-2 Community Business District.

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 rated capacity of the first floor of the premises is 80 persons; the rated capacity of the second floor of the premises is 100 persons. The application indicates that operable windows and doors would be closed after 11:00 p.m. to minimize noise impacts on the surrounding community; the applicant may need to move this time to 10:00 p.m. for Sunday through Thursday nights. There is no off-street parking available on this site, nor any within several blocks of this site due to the historic development pattern of the Canton community. The application does not include an alternative, such as valet parking, to meet potential demand for parking for up to 180 patrons attracted by the live entertainment to be offered. The applicant should elaborate on the security plan included in the application.

TransForm Baltimore: This property would become part of the C-1 District (Proposed Zoning Map Area 8-C) in which Entertainment, Live – Secondary to a Restaurant or Tavern, 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 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: Kelley James, Appellant