


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 / 3800 West Belvedere Avenue		

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

DATE: March 12, 2010

REQUEST

The Department of Planning has received Cricket Wireless' Board of Municipal and Zoning Appeals (BMZA) application to install 3 antennas and associated equipment on the rooftop of the existing building. We understand that this appeal is scheduled for hearing on March 16, 2010.

SITE

3800 West Belvedere Avenue is located on the west side of the street, opposite the intersection with Nelson Avenue. This property measures approximately 450' by 750' and is currently improved with an 11-story apartment building. This site is zoned B-3-3 and is located within the Park Heights Urban Renewal Plan area.

ANALYSIS

Conditional Use: In this zoning district, public utility uses, including antenna towers, microwave relay towers, and similar installations for communications transmission or receiving, are a conditional use, requiring approval by the Board (§6-408).

Renewal Plans: Ordinance #01-0165 was approved May 14, 2001 for the purpose of, among other things, clarifying the relationship between conditions or requirements imposed by an Urban Renewal Plan or Conservation Plan, such that the condition or requirement that is more restrictive will govern. Additionally, the ordinance prohibits the approval of a conditional use or a variance if that conditional use or variance is precluded by an applicable renewal plan or master plan.

Required Findings: The Board may not approve a conditional use unless, after public notice and hearing and on consideration of the standards prescribed in this title, it finds that: ... (2) the use is not in any way precluded by any other law, including an applicable urban renewal plan; (§14-204). For this reason, the Board must consider the requirements of the Park Heights Urban Renewal Plan, which does allow this use in this district.

Neighborhood Impact: There should be minimal impact on the surrounding area or community, due to the height of the existing building on the subject property, the size of the antennas, and the height at which they will be placed.

Co-location: In order to minimize the number of antenna towers and monopoles constructed throughout the City of Baltimore, the Department of Planning has adopted a policy of co-location. When our Department receives applications for antenna towers or monopoles, staff encourages the applicant to design a structure that can accommodate several other wireless technology providers. This co-location of antennas minimizes the number of antenna towers or monopoles needed throughout Baltimore City.

Historical and Architectural Preservation: The Historical and Architectural Preservation Division of the Department of Planning has reviewed the application and determined that the proposed location is not:

- On a Baltimore City Landmark property list or within a Baltimore City Historical and Architectural Preservation District
- A property, or within a district, listed on the Maryland Inventory of Historic Properties
- A property, or within a district, listed on the National Register of Historic Places.

RECOMMENDATION

The Department of Planning recommends approval of the appeal, subject to these conditions:

- The antennas and related equipment must be painted to match the building, to ensure they are visually unobtrusive; and
- The panel antennas and related equipment will remain mounted as illustrated in the plans and elevations submitted to Planning.

TJS/ewt/mf

cc: Cricket Wireless, Appellant