

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 / 3508 Fairfield Road		

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

DATE: August 6, 2010

REQUEST

The Department of Planning has received Paul Marshall's Board of Municipal and Zoning Appeals (BMZA) application to use the premises for radioactive waste handling. We understand that this appeal is scheduled for hearing on August 17, 2010.

SITE

3508 Fairfield Road is located on the west side of the street, approximately 375' north of the intersection with Patapsco Avenue. This property measures approximately 604' along Fairfield Avenue and contains 6.040 acres, and is currently improved with six commercial and industrial buildings and a compressed gas storage area. This site is zoned M-3 and is located within the Fairfield Urban Renewal Plan area, and a portion of the property is located in the Chesapeake Bay Critical Area but is not in a designated floodway.

ANALYSIS

Conditional Use: In this zoning district, radioactive waste handling is a conditional use, requiring approval by the Board (§7-407).

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 Fairfield Urban Renewal Plan, which does allow this use in this district.

Comprehensive Planning: The proposed use, if approved, must comply with all applicable provisions of the Fairfield Urban Renewal Plan.

Land Use and Urban Design: Because a portion of the property is within the Chesapeake Bay Critical Area, appropriate environmental buffering may be required on the western portion of the site. Accordingly, final development plans for the proposed use of the property must receive Site Plan Review Committee approval.

RECOMMENDATION

The Department of Planning recommends that approval of the appeal, if granted, be conditional upon the applicant obtaining Site Plan Review Committee approval of any physical changes or improvements relating to the proposed use and any mitigation required to meet Critical Area standards and requirements.

TJS/wya/mf

cc:

Paul Marshall, Appellan