


TJS

FROM	NAME & TITLE	THOMAS J. STOSUR, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 417 E. FAYETTE STREET, 8 th FLOOR		
	SUBJECT	CITY COUNCIL BILL #09-0330/ ZONING-VIDEO LOTTERY FACILITIES		

TO

DATE:

May 29, 2009

The Honorable President and
 Members of the City Council
 City Hall, Room 400
 100 N. Holliday Street

At its regular meeting of May 28, 2009 the Planning Commission considered City Council Bill #09-0330, for the purpose of allowing a video lottery facility as a permitted use in certain districts; defining certain terms; and providing for a special effective date.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #09-0330 and adopted the following resolution, eight members being present and (eight in favor).

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, and recommends that City Council Bill #09-0330 be passed by the City Council.

If you have questions, please contact Mr. Wolde Ararsa, Division Chief of Land Use and Urban Design Division, at 410-396-4488.

TJS/WA/ttl

Attachments

cc:

- Mr. Andrew Frank, Deputy Mayor
- Mr. Demuane Milliard, Chief of Staff
- Ms. Angela Gibson, Mayor's Office
- The Honorable Rochelle "Rikki" Spector, Council Rep. for Planning Commission
- Mr. David Tanner, BMZA
- Mr. Geoffrey Veal, Zoning Administration
- Ms. Nikol Nabors-Jackson, DHCD
- Mr. Larry Greene, Councilmanic Services



Sheila Dixon
Mayor

PLANNING COMMISSION

Wilbur E. "Bill" Cunningham, Chairman

STAFF REPORT



Thomas J. Stosur
Director

May 28, 2009

REQUESTS:

- City Council Bill #09-0329/Urban Renewal Amendment – Carroll Camden
For the purpose of amending the Urban Renewal Plan for Carroll Camden to revise an exhibit to reflect land use changes in the Plan; waiving certain content and procedural requirements; making the provisions of this Ordinance severable; providing for the application of this Ordinance in conjunction with certain other ordinances; and providing for a special effective date.
- City Council Bill #09-0330/Zoning – Video Lottery Facilities
For the purpose of allowing a video lottery facility as a permitted use in certain districts; defining certain terms; and providing for a special effective date.

RECOMMENDATIONS:

- City Council Bill #09-0329: Amendment and approval. One technical amendment is proposed as follows:

Revise the date cited for Exhibit 3 on page 1, line 24 from February 25, 2009 to November 14, 2007.

- City Council Bill #09-0330: Approval

STAFF: Natasha Becker

PETITIONER(S): Administration (Baltimore Development Corporation)

OWNER: Mayor and City Council of Baltimore

SITE/ GENERAL AREA

Site Conditions: The specific property proposed for a land use change in the Carroll Camden Urban Renewal Plan is 301 Stockholm Street. The site is home to the City-owned and managed Baltimore Area Rescue and Care Shelter, Inc., the operation of which will be unaffected by the current proposal.

General Area: The general area impacted by the proposed legislation lies within the Carroll Camden Urban Renewal Area along the Russell Street Corridor in South Baltimore just south of the stadiums. This stretch of Russell Street serves as a link between Downtown and I-95 and 295 to the south. While this area is generally perceived as industrial in character, several gasoline

service stations have opened or been renovated in recent years, creating a highway commercial strip feel. This has been further reinforced by the recent renovation of a motel and the relocation of the Greyhound bus terminal to a site within the area. The area is dominated by industrial zoning (majority M-2 and M-3), though the site of the proposed Gateway South Planned Unit Development was recently rezoned to a business designation (B-2-3). Additionally, Open Space zoning occurs along the water.

HISTORY

- Ordinance No. 02-296, approved March 6, 2002, established the Carroll Camden Urban Renewal Plan.
- Ordinance No. 08-07, approved April 24, 2008 is the last amendment to that plan.
- Ordinance No. 08-09, approved May 12, 2008, rezoned multiple properties within the Carroll Camden Urban Renewal Plan area.
- Ordinance No. 08-10, approved May 12, 2008, designated the Gateway South Business Planned Unit Development.

CONFORMITY TO PLANS

The proposed zoning and Urban Renewal Plan changes are found to be consistent with the following Goals and Objectives of the Baltimore City Comprehensive Master Plan:

- EARN Goal 1, Objective 7: Retain and attract business in hospitality and tourism.
- EARN Goal 2: Improve labor force participation rate among City residents.
- PLAY Goal 2: Improve nightlife, entertainment, and recreation experiences for residents and visitors.
- LEARN Goal 1: Improve public schools and libraries.

ANALYSIS

CCB #09-0330/Zoning – Video Lottery Facilities

A voter referendum held in November 2008 approved a state constitutional amendment that authorizes a maximum of 15,000 video lottery terminals (VLTs) at a maximum of five locations (facilities) throughout Maryland. One facility is authorized in each of Anne Arundel, Cecil, Worcester, and Allegany counties, and one in Baltimore City. The State Constitution states specifically that the facility within Baltimore City must be located in a nonresidential area within ½ mile of Interstate 95 and MD Route 295, and not adjacent to or within ¼ mile of residentially-zoned property. This roughly corresponds to the Carroll Camden industrial area.

Baltimore City Entertainment Group (BCEG) is the entity that has applied for a license to operate a facility in Baltimore City. Because the State Constitution also requires that a facility must be on property that is owned by Baltimore City on the date on which the application for a video lottery operations license is submitted, and because the Baltimore Development Corporation already owns the land comprising the Gateway South Planned Unit Development (PUD), BCEG has entered into negotiations with the Gateway South developers for exclusive development rights to that plan. This is the intended site for the new VLT facility.

A final requirement for the location of video lottery facilities is that they must comply with all applicable planning and zoning laws of the local jurisdiction. It is for that reason that a zoning

code amendment is needed. City Council Bill #09-0330 simply defines the “video lottery facility” term and specifies that it is a permitted use within the B-2 and M-2 zoning districts. This is because the Gateway South PUD is zoned entirely B-2, and two nearby City-owned parcels are zoned M-2. It is important to note that, while the zoning code applies Citywide, video lottery facilities will not be permitted in any other B-2 or M-2 areas of the city, due to the location requirements of the State Constitution.

CCB #09-0329/Urban Renewal Amendment – Carroll Camden

The two City-owned parcels adjacent to the Gateway South PUD (mentioned above) are on Warner and Stockholm streets. The Warner Street property is commonly known as Lot J, and it is under lease to the Maryland Stadium Authority for parking. The property known as 301 Stockholm Street is home to the Baltimore Animal Rescue and Care Shelter, Inc. (BARCS). Both properties are within the Carroll Camden Urban Renewal Area. While it has routinely been discussed that a facility would be most appropriate as far away from residential as possible (thus favoring the Gateway South PUD location), Baltimore Development Corporation wished to allow some flexibility for these two City-owned parcels. It is for this reason that City Council Bill #09-0329 proposes to change the land use designation for the BARCS site from public to Industrial B, thus aligning it with its underlying M-2 zoning designation. No other change is proposed to the Carroll Camden Urban Renewal Plan.

Project Benefits

Direct benefits to the City will be derived from the ground rent paid it by BCEG and through various taxes, including a percentage of gross gaming revenue, property taxes, and other direct taxes such as piggy back income taxes, personal property taxes, and hotel taxes. These funds are required by State legislation to be used for a property tax reduction and school construction and/or renovation. Baltimore Development Corporation has utilized an independent consultant that has projected \$20.8 million in revenue to the City in year 1 of the facility’s operation, increasing to \$25.4 million in year 5, although it has not yet been determined how the City’s revenue would be split between the property tax reduction and school construction and/or renovation.

Indirect benefits to the City include:

- 1,862 direct and indirect construction jobs, representing \$99 million of wages and benefits
- 1,152 permanent jobs (700 full-time and 452 part-time), representing wages of \$38 million annually
- Funds for the redevelopment of the Park Heights area (approximately \$12 million in FY 2012, increasing to approximately \$18-19 million annually)
- Additional funds from the Maryland Education Trust Fund (approximately \$44 million annually)
- Local impact grants used for improvements in the communities in immediate proximity to the VLT facility (estimated at \$23.5 million in FY 2012, increasing to approximately \$28 million annually within five years)

While the proposed legislation simply modifies our zoning code to authorize a new use, it is important to note that the actual development plan for the video lottery facility will return to the

Planning Commission for approvals associated with its location in a PUD. At that time, an updated and detailed Economic Impact Statement will be provided.

In advance of a hearing on this matter, staff notified the following community groups: Riverside Neighborhood Association, South Baltimore Improvement Committee, Sharp-Leadenhall Planning Committee, Inc., Otterbein Community Association, Inc., Otterbein Commons Homeowners Association, Citizens of Pigtown, Federal Hill Neighborhood Association, Federal Hill South Neighborhood Association, Westport Business Association, Westport Community Council, Westport Improvement Association, Inc., Westport Neighborhood Association, Saint Paul's Community Association, Mt. Winan's Community Association, Lakeland Community Association, and Lakeland Coalition.

A handwritten signature in black ink, appearing to read "Thomas J. Stosur". The signature is fluid and cursive, with a prominent horizontal stroke across the top.

Thomas J. Stosur
Director