

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No. 22-0219

MOTION OF THE CHAIR OF THE ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE AFTER A PUBLIC HEARING AT WHICH AGENCY REPORTS AND PUBLIC TESTIMONY WERE CONSIDERED, AND PURSUANT TO THE APPLICABLE SECTIONS OF ARTICLE 32 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING A PLANNED UNIT DEVELOPMENT FOR THE ACRES LOCATED AT:

Planned Unit Development - Amendment - Harbor Point

IN GENERAL:

To approve this PUD, the City Council has considered:
(check to evidence consideration)

- whether the planned unit development is in general conformance with all elements of the Comprehensive Master Plan, and the character and nature of existing and contemplated development in the vicinity of the proposed planned unit development;
- whether the planned unit development will preserve unusual topographic or natural features of the land, and the design of the planned unit development will best utilize and be compatible with the topography of the land;
- whether the physical characteristics of the planned unit development will not adversely affect future development or the value of undeveloped neighboring areas, or the use, maintenance, or value of neighboring areas already developed;
- whether the planned unit development will provide the same protection as the basic district regulations in regard to fire, health hazards, and other dangers;
- whether the planned unit development will encourage innovative design features or adaptive reuse of structures that would not be possible by application of the basic district regulations; and
- whether the planned unit development is compatible with any nearby industrial district.

and finds that:

- (1) the use **IS** compatible with surrounding neighborhood for the following reasons:

The proposed uses within the PUD generally are consistent with the underlying zoning and other existing uses within the PUD.

Notably, the PUD amendment proposes two uses that would not otherwise be approvable in the underlying C-5-DC zoning district. Under the PUD amendment, these uses – (1) alternative energy system, commercial; and (2) industrial, light – would be approvable as

conditional uses by the Board of Municipal and Zoning Appeals (“BMZA”). Section 13-202(c) authorizes the Council to approve uses that are not otherwise permitted in the underlying district if they are “desirable to achieve the objectives of the proposed planned unit development.” Here, the authorization for alternative energy systems will permit solar energy systems within the PUD, fostering innovation in building design and energy efficiency. Likewise, the authorization for light industrial uses will allow modern manufacturing operations that do not impact other users within the PUD. Both uses are desirable to achieve the objectives of the PUD.

- (2) the use **FURTHERS** the proposed classification for the following reasons:

The proposed uses are consistent with the underlying C-5-DC zoning, and one of the primary purposes of the PUD amendment is to update the PUD following the enactment of Transform Baltimore in 2017.

- (3) the PUD master plan developed under Section 13-304 of the Zoning Code **ENSURES** that there will be no discordance with existing uses by:

Existing uses within the PUD were established pursuant to the former zoning code, but are generally consistent with the uses permitted in under the current code.

- (4) the establishment, location, construction, maintenance, or operation of the PUD **WOULD NOT** be detrimental to or endanger the public health, safety, or welfare because:

The proposed PUD amendment will not be detrimental to or endanger the public health, safety or welfare. Rather, the proposed amendment will bring the PUD into conformance with the new Zoning Code and update the Development Plan to reflect the current conditions within the project. These modifications will facilitate the construction of the remaining improvements within the project.

- (5) the use **WOULD NOT** be precluded by any other law, including an Urban Renewal Plan

The proposed PUD amendment is not precluded by any other law, and the project is not located within an Urban Renewal Area.

- (6) the authorization **WOULD NOT** be contrary to the public interest because:

The project enjoys support from local community organizations including the Fell’s Point Task Force and BUILD.

- (7) the authorization **WOULD** be in harmony with the purpose and intent of the Zoning Code because:

The proposed PUD amendment supports the stated purposes of the Code to “preserve and enhance the value of structures, communities, and neighborhoods,” “to preserve, protect, and promote the City’s employment base,” and “to provide oversight and planning to sustain the healthy growth of the City’s employment centers.” Art. 32, § 2-101.

In addition, the City Council has considered the following:

1. *The nature of the proposed site, including its size and shape and the proposed size, shape, and arrangement of structures;*

Much of the Harbor Point PUD has already been constructed in accordance with the PUD, and the proposed amendment will update the development plan to reflect current conditions. In addition, the proposed amendment will bring the PUD into conformity with the current Zoning Code, which was adopted four years after the PUD was established. This will permit the remainder of the site to be redeveloped in accordance with the underlying zoning, subject to the use restrictions of the PUD and design review by the Planning Department.

2. *The resulting traffic patterns and adequacy of proposed off-street parking and loading;*

The Harbor Point development created its own road network with sufficient structured and on-street parking to meet the demands of the proposed development. The proposed amendment updates the current parking counts and clarifies that future development on Parcel 1 will provide off-street parking in accordance with market demands.

3. *The nature of the surrounding area and the extent to which the proposed use might impair its present or future development;*

The majority of the Harbor Point PUD has already been developed, and the proposed amendment is consistent with those plans. The proposed amendment updates the PUD to current standards and conditions and will not impair the future development of Harbor Point.

4. *The proximity of dwellings, churches, schools, public structures, and other places of public gathering;*

The PUD currently includes approximately 908 residential dwelling units and several new public parks as shown on the Development Plan. Among other things, the proposed amendment reflects that the new Point Park will be completed ahead of the originally approved schedule. The proximity of both dwelling units and places of public gathering within the PUD will make the project a successful mixed-use community.

5. *Accessibility of the premises for emergency vehicles;*

As a completely new development, Harbor Point has been designed to provide sufficient access for emergency vehicles and does not have to rely on an existing road network.

6. *Accessibility of light and air to the premises and to the property in the vicinity;*

The height and massing of all structures within the PUD has been (or will be) reviewed and approved by the City’s Urban Design and Architectural Advisory Panel (“UDAAP”) to ensure that all structures enjoy access to light and air and that new structures do not obstruct light and air to other properties.

7. *The type and location of adequate utilities, access roads, drainage, and other necessary facilities that have been or will be provided;*

Again, because Harbor Point was laid out from a clean slate, it has been designed to provide adequate utilities, access roads, drainage and all other necessary facilities.

8. *The preservation of cultural and historic landmarks and structures;*

There are no cultural or historic landmarks or structures within the PUD.

9. *The character of the neighborhood;*

Harbor Point has been designed as its own new neighborhood, and the proposed PUD amendment is consistent with that vision.

10. *The provisions of the City’s Comprehensive Master Plan;*

The proposed PUD amendment is consistent with the City’s Live-Earn-Play-Learn Master Plan, including the specific goals of “elevating the design and quality of the City’s built environment,” “strengthening identified growth sectors,” and “improving night life, entertainment, and recreation experiences for residents and visitors.”

11. *The provisions of any applicable Urban Renewal Plan;*

The PUD is not located within an Urban Renewal Area.

12. *All applicable standards and requirements of this Code;*

The PUD amendment complies with all applicable requirements of the Code.

13. *The intent and purpose of this Code; and*

The PUD amendment is consistent with the stated purposes of the Code to “preserve and enhance the value of structures, communities, and neighborhoods,” “to preserve, protect, and promote the City’s employment base,” and “to provide oversight and planning to sustain the healthy growth of the City’s employment centers.” Art. 32, § 2-101.

14. *Any other matters considered to be in the interest of the general welfare.*

For all of these reasons, the Council finds the PUD amendment to be in the interest of the general welfare.

SOURCE OF FINDINGS:

[X] Planning Commission's report, dated April 29, 2022, which included the Department of Planning Staff Report, dated April 28, 2022.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Tamara Woods, Planning Department
- Hilary Ruley, Law Department
- Caroline Hecker, Esquire, Representative for the Applicant

Written:

- Planning Commission Report – Dated April 29, 2022 and Planning Staff Report – Dated April 28, 2022
- Rosenberg, Martin Greenberg, Memorandum, Caroline Hecker – Dated August 9, 2022
- Board of Municipal and Zoning Appeals, Agency Report – Dated June 7, 2022
- Law Department, Agency Report – Dated June 14, 2022
- Department of Transportation, Agency Report – Dated June 27, 2022
- Department of Housing and Community Development, Agency Report – Dated July 13, 2022
- Baltimore Development Corporation, Agency Report – Dated June 14, 2022
- Department of Public Works, Agency Report – Dated June 15, 2022
- Fire Department, Agency Report – Dated April 11, 2022
- Parking Authority, Agency Report – Dated May 5, 2022

COMMITTEE MEMBERS VOTING IN FAVOR

Sharon Green Middleton, Chair
John Bullock
Ryan Dorsey
Antonio Glover
Odette Ramos
Robert Stokes