


FROM	NAME & TITLE	CHRIS RYER, DIRECTOR	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	DEPARTMENT OF PLANNING 8 TH FLOOR, 417 EAST FAYETTE STREET		
	SUBJECT	CITY COUNCIL BILL #21-0025 / REZONING - 2200, 2205, 2220, 2300, 2301, 2310, 2330, 2400, AND 2500 BROENING HIGHWAY AND BLOCK 6916, LOT 015		

TO

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

DATE: February 26, 2021

At its regular meeting of February 25, 2021, the Planning Commission considered City Council Bill #21-0025, for the purpose of changing the zoning for the properties known as 2200 (Block 6916, Lot 003), 2220 (Block 6916, Lot 004), 2300 (Block 6916, Lot 005), 2310 (Block 6916, Lot 007), 2330 (Block 6916, Lots 010A and 009), 2400 (Block 6916, Lot 011, and 2500 (Block 6916, Lot 013) Broening Highway and Block 6916, Lot 015, as outlined in red on the accompanying plat, from the OIC Zoning District to the MI Zoning District; and changing the zoning for the properties known as 2205 (Block 6915, Lot 001), 2301 (Block 6915, Lot 006), and 2501 (Block 6915, Lot 009A) Broening Highway, as outlined in blue on the accompanying plat, from the I-2 Zoning District to the MI Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #21-0025 and adopted the following resolution seven members being present (seven in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #21-0025 be amended and passed by the City Council, with the following amendments:

- Remove 2201 Broening Highway and Block 6874A, Lot 10 from the plat
- Add 2501 Broening Highway to the bill title

If you have any questions, please contact Mr. Eric Tiso, Division Chief, Land Use and Urban Design Division at 410-396-8358.

CR/ewt

attachment

cc: Ms. Natasha Mehu, Mayor's Office
Ms. Nina Themelis, Mayor's Office
The Honorable Eric Costello, Council Rep. to Planning Commission
Mr. Matthew Stegman, City Council President's Office
Ms. Nikki Thompson, City Council President's Office
Mr. Colin Tarbert, BDC
Ms. Kathleen Byrne, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Elena DiPietro, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Liam Davis, DOT
Ms. Natawna Austin, Council Services
Mr. Dominic McAlily, Council Services



Brandon M. Scott
Mayor

PLANNING COMMISSION

Sean D. Davis, Chairman

STAFF REPORT



Chris Ryer
Director

February 21, 2021

REQUEST: City Council Bill #21-0025/ Rezoning – 2200, 2205, 2220, 2300, 2301, 2310, 2330, 2400, and 2500 Broening Highway and Block 6916, Lot 15:

For the purpose of changing the zoning for the properties known as 2200 (Block 6916, Lot 003), 2220 (Block 6916, Lot 004), 2300 (Block 6916, Lot 005), 2310 (Block 6916, Lot 007), 2330 (Block 6916, Lots 010A and 009), 2400 (Block 6916, Lot 011, and 2500 (Block 6916, Lot 013) Broening Highway and Block 6916, Lot 015, as outlined in red on the accompanying plat, from the OIC Zoning District to the MI Zoning District; and changing the zoning for the properties known as 2205 (Block 6915, Lot 001), 2301 (Block 6915, Lot 006), and 2501 (Block 6915, Lot 009A) Broening Highway, as outlined in blue on the accompanying plat, from the I-2 Zoning District to the MI Zoning District.

RECOMMENDATION: Adopt Findings; Amend and Approve:

- Remove 2201 Broening Highway and Block 6874A, Lot 10 from the plat
- Add 2501 Broening Highway to the bill title

STAFF: Matthew DeSantis, AICP

PETITIONERS: Councilmember Zeke Cohen, at the request of Maryland Department of Transportation, Maryland Port Administration

OWNERS: State of Maryland and Rukert Riverview, LLC

SITE/GENERAL AREA

Site Conditions: There are eleven parcels subject to this proposed rezoning that are currently used for a variety of uses, including warehousing, business/governmental office, and outdoor storage. Broening Highway runs through the center of the area, with Colgate Creek, Keith Avenue, and the Seagirt Marine Terminal creating the approximate boundaries.

General Area: This rezoning is within the Point Breeze section of the Canton Industrial Area and Holabird Industrial Park, which is dominated by the Maryland Port Administration and related port uses. The nearest residential neighborhood is St. Helena across Colgate Creek.

BACKGROUND

This rezoning bill has been brought by the Maryland Port Administration with the intention of expanding maritime cargo handling and terminal operations at Seagirt Marine Terminal. The overall extent of the eleven parcels pending rezoning is a total of approximately 130 acres, and includes three property owners: Maryland Port Administration, Rukert Terminals Corporation, and the Maryland Transportation Authority.

In 2017, the Maryland Port Administration acquired the Point Breeze Business Center in order to handle the increasing amount of cargo entering the Seagirt Marine Terminal. The current OIC (Office Industrial Campus), however, does not permit the “Waterfreight Terminal” use, hence the requested rezoning to permit for the long-planned expansion of the facility. The I-2 zoning district does permit this use, but the intent is to comprehensively rezone all of these newly-acquired parcels to the MI district since the Maryland Port Administration intends to use these parcels for maritime industrial use as well.

CONFORMITY TO PLANS

The proposed action would be consistent with the following aspects of LIVE EARN PLAY LEARN, the Comprehensive Master Plan for Baltimore City:

- Earn Goal 1: Strengthen Identified Growth Sectors,
 - Objective 8: Retain and Attract Port-Related Services

Additionally, the parcels on the east side of Broening Highway are within the 2005 Southeastern Neighborhoods Development (SEND) Plan. The plan doesn’t specify future zoning designations or propose recommendations for the port specifically, so this rezoning would not be in conflict with this adopted plan. The plan does, however, emphasize the importance of controlling industrial truck traffic through and around residential areas, and so this emphasis will be all the more important if the Port sees additional cargo volumes that drive additional truck traffic in the area.

ANALYSIS

Below are the approval standards under §5-508(b) of Article 32 – *Zoning* for proposed zoning map amendments:

- (b) *Map amendments.*
 - (1) *Required findings.*

As required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either:

 - (i) a substantial change in the character of the neighborhood where the property is located; or
 - (ii) a mistake in the existing zoning classification.
 - (2) *Required findings of fact.*

In making the determination required by subsection (b)(1) of this section, the City Council must also make findings of fact that address:

 - (i) population changes;
 - (ii) the availability of public facilities;
 - (iii) present and future transportation patterns;
 - (iv) compatibility with existing and proposed development for the area;
 - (v) the recommendations of the City agencies and officials; and
 - (vi) the proposed amendment’s consistency with the City’s Comprehensive Master Plan.
 - (3) *Additional standards – General*

Additional standards that must be considered for map amendments are:

 - (i) existing uses of property within the general area of the property in question;
 - (ii) the zoning classification of other property within the general area of the property in question;

- (iii) the suitability of the property in question for the uses permitted under its existing zoning classification; and
- (iv) the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.

Below is the staff's review of the required considerations where staff finds that this change is in the public's interest, in that it will provide for the continued expansion of the Maryland Port Administration.

Maryland Land Use Code – Requirements for Rezoning:

The Maryland Land Use Code requires the Planning Commission to study the proposed changes in relation to: 1. The plan; 2. The needs of Baltimore City; and 3. The needs of the particular neighborhood in the vicinity of the proposed changes (*cf.* Md. LAND USE Code Ann. 2012, §10-305). In reviewing this request, the staff finds that:

- 1. The Plan:** The proposed action would support goals contained in the Comprehensive Master Plan for Baltimore City, *Earn Goal 1: Strengthen Identified Growth Sectors, Objective 8: Retain and Attract Port-Related Services*. It is also not inconsistent with the Southeastern Neighborhoods Development Plan.
- 2. The needs of Baltimore City:** The success of the Port of Baltimore is tied very directly to the success of the entire City. This rezoning will allow for the Port to expand cargo terminal operations which will provide benefit to the City through increased commerce and job opportunities.
- 3. The needs of the particular neighborhood:** The zoning change will support the needs of the neighborhood, which is dedicated almost exclusively to Port-related activities by allowing the Port to grow its operations to accommodate the continued growth in cargo shipments.

Similarly, the Land Use article requires the City Council to make findings of fact (*cf.* Md. LAND USE Code Ann. 2012, §10-304). The findings of fact include:

- 1. Population changes;** There have not been significant population changes in the immediate vicinity of this comprehensive rezoning between the passage of the last comprehensive rezoning in 2016 and the present time. This area has historically been industrial/port-related in nature.
- 2. The availability of public facilities;** This site is well-served by public services and utilities and should remain so into the future. The presence of deep water is a unique attribute that is best taken advantage of through expanded port operations.
- 3. Present and future transportation patterns;** There would be no effect upon present or future transportation patterns in the area as a result of adoption of this bill. The continued monitoring and enforcement of truck traffic prohibitions through nearby residential neighborhoods will be even more important with the likely increase in port cargo volume.

4. **Compatibility with existing and proposed development for the area;** The proposed zoning district is compatible with the existing and proposed development for the area, and is essential for the planned expansion of the Port.
5. **The recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA);** For the above reasons, the Planning Department will recommend approval of the rezoning request to the Planning Commission. The BMZA will comment separately on this bill.
6. **The relation of the proposed amendment to the City's plan.** As noted previously, rezoning of these properties to the IMU-2 zoning district would be consistent with the City's plan.

There are additional standards under §5-508(b)(3) that must be considered for map amendments. These include:

- (i) **existing uses of property within the general area of the property in question;**
Existing uses of property within the general area of this site are industrial and industrial maritime.
- (ii) **the zoning classification of other property within the general area of the property in question;** MI zoning would serve as an extension of the existing MI zoning of the adjacent Seagirt Marine Terminal.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and,** The OIC zoning district does not permit the Waterfreight Terminal use, and so is inconsistent with the proposed expansion of the Seagirt Marine Terminal.
- (iv) **the trend of development, if any, in the general area of the property in question, including changes, if any, that have taken place since the property in question was placed in its present zoning classification.** Since the passage of Transform and the current zoning categories having been assigned, the Maryland Port Administration has purchased the subject properties for the expansion of port operations.

Per §5-508(1) of Article 32 – *Zoning*, and as required by the State Land Use Article, the City Council may approve the legislative authorization based on a finding that there was either: (i) a substantial change in the character of the neighborhood where the property is located; or (ii) a mistake in the existing zoning classification. Planning staff consider the fact that the Maryland Port Administration has acquired the Point Breeze Business Center for the expansion of cargo handling operations as constituting a significant change in the character of the neighborhood.

Notification: The St. Helena Community Association has been notified of this action. Additionally, the area has been posted in compliance with Planning Commission requirements.



Chris Ryer
Director