

ECONOMIC AND COMMUNITY DEVELOPMENT COMMITTEE

FINDINGS OF FACT

City Council Bill No: 21-0025

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 SECTIONS 10-304 AND 10-305 OF THE MARYLAND LAND USE ARTICLE AND SECTION 5-508 OF THE BALTIMORE CITY CODE, THE CITY COUNCIL ADOPTS THESE FINDINGS OF FACT CONCERNING THE REZONING OF:

Rezoning - 2200, 2205, 2220, 2300, 2301, 2310, 2330, 2400, and 2500 Broening Highway and Block 6916, Lot 015

Upon finding as follows with regard to:

(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.

There has been an increase in traffic in the Port of Baltimore area. The Department of Transportation recently upgraded and improved Broening Highway to support port activities.

(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 City agencies and officials, including the Baltimore City Planning Commission and the Board of Municipal and Zoning Appeals;

The Planning Commission voted unanimously to recommend passage of the bill. The Board of Municipal Zoning Appeals defers to the Planning Commission. The City agencies to which the bill was referred made the following recommendations:

Planning Commission	Favorable/Amendment
Board of Municipal and Zoning Appeals	Defers to Planning
Department of Transportation	No Objection
City Solicitor	Favorable
Department of Housing and Community Development	Does Not Object
Baltimore Development Corporation	Favorable

- (6) The proposed amendment's relationship to and consistency with the City's Comprehensive Master 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.

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.

- (7) 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.

- (8) 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

- (9) The suitability of the property in question for the uses permitted under its existing zoning classification;

The OIC zoning district does not permit the Waterfreight Terminal use, and so is inconsistent with the proposed expansion of the Seagirt Marine Terminal.

- (10) 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 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.

- (11) For a rezoning based on a SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD, the following facts establish the substantial change since the time of the last comprehensive rezoning:

Department of Planning staff recommends that the Planning Commission find that there has been a significant change in the character of the area that would support the requested rezoning. 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.

- (12) For a rezoning based on a MISTAKE in the existing zoning classification, the following facts establish that at the time of the last comprehensive zoning the Council failed to consider then existing facts, or projects or trends which were reasonably foreseeable and/or that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect:

SOURCE OF FINDINGS (apply): Check all that

[X] Planning Report – Planning Commission’s report, dated February 26, 2021, which included the Department of Planning Staff Report, dated February 25, 2021.

[X] Testimony presented at the Committee hearing

Oral – Witness:

- Matt DeSantis, Planning Department
- Victor Tervalo, Law Department
- Nina Themelis, Office of the Mayor, Testifying for the Board of Municipal Zoning Appeals
- Stephanie Murdock, Department of Housing and Community Development
- Liam Davis, Department of Transportation
- Luis Cardona, Baltimore Development Corporation

Written:

- Planning Commission, Agency Report – Dated February 26, 2021
- Department of Planning, Agency Report – Dated February 21, 2021
- Board of Municipal and Zoning Appeals, Agency Report – Dated May 6, 2021
- Department of Transportation, Agency Report – Dated March 29, 2021
- Law Department, Agency Report – Dated May 3, 2021
- Department of Housing and Community Development, Agency Report – Dated April 5, 2021
- Baltimore Development Corporation, Agency Report – Dated February 23, 2021

COMMITTEE MEMBERS VOTING IN FAVOR

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