



BALTIMORE CITY COUNCIL LAND USE & TRANSPORTATION COMMITTEE

Mission Statement

On behalf of the Citizens of Baltimore City, the Land Use & Transportation Committee is committed to shaping a reliable, equitable, and sustainable future for Baltimore's land use and transportation systems. Through operational oversight and legislative action, the committee aims to develop and support lasting solutions grounded in principles of good governance.

The Honorable Ryan Dorsey

CHAIR

PUBLIC HEARING

June 26, 2025

9:00 AM

CLARENCE "DU" BURNS COUNCIL CHAMBERS

Bill:25-0053

Title: Rezoning – 4001 East Baltimore Street

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Meeting: Legislative Oversight Hearing

Committee: Land Use & Transportation

Bill # 25-0053

Title: Rezoning – 4001 East Baltimore Street

Purpose: For the purpose of changing the zoning for the property known as 4001 East Baltimore Street (Block 6279, Lot 009), as outlines in red on the accompanying plat, from the I-2 Zoning District to the IMU-1 Zoning District.

REPORTING AGENCIES

Agency	Report
City Solicitor	Approved for form & legality
Planning Commission	Favorable
Department of Housing and Community Development	Favorable
Baltimore Development Corporation	Unfavorable

BACKGROUND

Current Law

Article – Zoning, Zoning District Maps, Sheet 58, Baltimore City Revised Code (Edition 2000)

Bill Summary

This bill changes the zoning for the property known as 4001 East Baltimore Street (Block 6279, Lot 009), as outlined in red on the accompanying plat, from the I-2 Zoning District to the IMU-1 Zoning District by amending Sheet 58 of the Zoning District Maps.

With the adoption of Transform Baltimore in 2017, the corridor was rezoned to reflect shifting land use patterns by transitioning from heavier industrial uses under the I-2 district to more flexible mixed-use designations such as C-3 to the west and IMU-2 to the east, better aligning with surrounding residential and commercial development.

The BDC submitted an unfavorable report on bill 25-0053. While acknowledging the property owner's intent to pursue a mixed-use development, BDC emphasized the importance of preserving industrially zoned land for manufacturing and economic development. They noted that the surrounding area remains heavily industrial, and that rezoning could reduce future industrial use opportunities in the corridor.

Support

The Highlandtown Community Association support the rezoning of 4001 East Baltimore Street, stating that the proposed redevelopment is a positive fit for the area and that the property has outlived its potential as an industrial site.

ADDITIONAL INFORMATION

Fiscal Note: This bill should have no fiscal impact.

Information Source(s): Baltimore City Code, Reporting Agencies, Bill 25-0053 1st reader.

Analysis by: Juliane Jemmott
Analysis Date: 6/17/2025

Direct Inquiries to: (410) 396 - 1268

CITY OF BALTIMORE
COUNCIL BILL 25-0053
(First Reader)

Introduced by: Councilmember Parker
At the request of: Saffo Contracting, Inc.
Address: c/o Chase Hoffberger
225 E Redwood St, Suite 400G
Baltimore, MD 21202
Telephone: (512) 536-0763

Introduced and read first time: April 7, 2025

Assigned to: Land Use and Transportation Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Planning Commission, Baltimore
Development Corporation, Department of Housing and Community Development

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Rezoning – 4001 East Baltimore Street**

3 FOR the purpose of changing the zoning for the property known as 4001 East Baltimore Street
4 (Block 6279, Lot 009), as outlined in red on the accompanying plat, from the I-2 Zoning
5 District to the IMU-1 Zoning District.

6 BY amending

7 Article - Zoning
8 Zoning District Maps
9 Sheet 58
10 Baltimore City Revised Code
11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That
13 Sheet 58 of the Zoning District Maps is amended by changing from the I-2 Zoning District to the
14 IMU-1 Zoning District the property known as 4001 East Baltimore Street (Block 6279, Lot 009),
15 as outlined in red on the plat accompanying this Ordinance.

16 **SECTION 2. AND BE IT FURTHER ORDAINED,** That as evidence of the authenticity of the
17 accompanying plat and in order to give notice to the agencies that administer the City Zoning
18 Ordinance: (i) when the City Council passes this Ordinance, the President of the City Council
19 shall sign the plat; (ii) when the Mayor approves this Ordinance, the Mayor shall sign the plat;
20 and (iii) the Director of Finance then shall transmit a copy of this Ordinance and the plat to the
21 Board of Municipal and Zoning Appeals, the Planning Commission, the Commissioner of
22 Housing and Community Development, the Supervisor of Assessments for Baltimore City, and
23 the Zoning Administrator.

24 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30th day
25 after the date it is enacted.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Baltimore City Council




Land Use & Transportation Committee

Bill: 25-0053

**Title: Rezoning – 4001 East Baltimore
Street**

Agency Reports

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 #25-0053 / REZONING – 4001 EAST BALTIMORE STREET		

TO

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

DATE: April 28, 2025

At its regular meeting of April 24, 2025, the Planning Commission considered City Council Bill #25-0053, for the purpose of changing the zoning for the property known as 4001 East Baltimore Street (Block 6279, Lot 009), as outlined in red on the accompanying plat, from the I-2 Zoning District to the IMU-1 Zoning District.

In its consideration of this Bill, the Planning Commission reviewed the attached staff report which recommended approval of City Council Bill #25-0053 and adopted the following resolution, with eight members being present (eight in favor):

RESOLVED, That the Planning Commission concurs with the recommendation of its departmental staff, adopts the findings and equity analysis outlined in the staff report, with consideration for testimony and facts presented in the meeting, and recommends that City Council Bill #25-0053 be **approved** by the City Council.

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. Nina Themelis, Mayor's Office
The Honorable John Bullock, Council Rep. to Planning Commission
Ms. Rebecca Witt, BMZA
Mr. Geoffrey Veale, Zoning Administration
Ms. Stephanie Murdock, DHCD
Ms. Hilary Ruley, Law Dept.
Mr. Francis Burnszynski, PABC
Mr. Luciano Diaz, DOT
Ms. Nancy Mead, Council Services
Mr. Chase Hoffberger, Applicant



Brandon M. Scott
Mayor

PLANNING COMMISSION

Jon Laria, Chair; Eric Stephenson, Vice Chair

STAFF REPORT



Chris Ryer
Director

April 24, 2025

REQUEST: City Council Bill #25-0053/ Rezoning – 4001 East Baltimore Street

For the purpose of changing the zoning for the property known as 4001 East Baltimore Street (Block 6279, Lot 009), as outlined in red on the accompanying plat, from the I-2 Zoning District to the IMU-1 Zoning District.

RECOMMENDATION: Adopt findings and Approve

STAFF: Justin Walker

PETITIONER: Chase Hoffberger

OWNER: Saffo Contracting, Inc.

SITE/GENERAL AREA

Site Conditions: Located midblock between South Haven and South Conkling Streets, 4001 East Baltimore Street comprises approximately 0.323 acres. The site is improved with a brick structure featuring two garage bays, along with a fenced-in parking lot in the west side yard. It is currently used as office space and storage for an ongoing infrastructure project, which is expected to conclude in 2026. The property is zoned I-2.

General Area: The subject property is located within the Baltimore Highlands Neighborhood Statistical Area on the east side of the city. The site is situated between the Highlandtown Village Shopping Center (zoned C-3) to the west and industrial properties (zoned I-2) to the east. Beyond the shopping center are blocks of R-8 zoned rowhouse residential uses. Within 500 feet of the property, there is a mix of industrial, residential, and commercial uses and zoning districts.

HISTORY

There are no previous legislative or Planning Commission actions regarding this site.

CONFORMITY TO PLANS

The 2024 Comprehensive Master Plan for the City of Baltimore was enacted by Ordinance #24-426, dated December 2, 2024. The subject property is designated in the Mixed Use: Predominantly Industrial group in the General Land Use Plan. This proposed rezoning conforms to that designation.

The site is located within the boundaries of the Baltimore Highlands Community Plan, adopted in 2023. Goal #3 of the plan focuses on maintaining affordability for renters in the neighborhood. Under this goal, Strategy 3.6 includes the directive to “explore opportunities for

multifamily residential development and changing land uses.” This strategy emphasizes the need to reuse vacant buildings and identifies locations appropriate for multifamily development. The subject property at 4001 East Baltimore Street is among the lots identified for a change to multifamily. Rezoning the site to IMU-1 would allow such development to occur.

ZONING CODE REQUIREMENTS

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.

ANALYSIS

The proposed zoning change coincides with ongoing shifts in land use patterns within the community, which have seen a move away from historic industrial uses and toward a mix of residential and commercial development. The North Haven Street corridor, located just east of the site, exemplifies this transition in both land use and zoning. Prior to 2017, the majority of the corridor was zoned M-3, the intensive industrial classification at the time. With the adoption of the Transform Baltimore in 2017, the corridor was rezoned to better align with evolving conditions: properties to the west of the site were designated C-3, while properties to the east were rezoned to IMU-2 (Industrial Mixed-Use).

These zoning changes recognize and support the area’s shift away from heavy industrial activity toward a more diverse and neighborhood-compatible mix of uses. The proposed IMU-1 zoning serves as an appropriate transitional designation, consistent with the current character and trajectory of the neighborhood. Transition is not only anticipated – it is already well underway, and the rezoning will help guide that change.

Required Findings:

Per §5-508(b)(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.

Change: The I-1 zoning district was appropriate during the 2017 comprehensive rezoning, as the site was formerly equipped to support heavier industrial operations. Since that time, the intensity of industrial activity on the site has decreased, with current uses limited to storage and office functions. Simultaneously, the surrounding neighborhood has experienced an increase in both commercial and residential development. Within a quarter-mile radius, there has been significant growth in multifamily and rowhouse housing over the past decade. The changes are reflected in the General Land Use Plan, adopted in 2024, which shows the site as 'Mixed Use: Predominantly Industrial,' as opposed to the industrial classification of the higher-intensity properties nearby.

This shift in the neighborhood's development pattern has introduced increased land use conflicts between residential areas and the higher-intensity industrial activities permitted under the I-2 district. The proposed IMU-1 zoning strikes a balance by allowing light industrial uses to remain, while also accommodating neighborhood-scale residential and commercial development. This designation supports a more compatible and flexible land use pattern that reflects the evolving character of the area

Maryland Land Use Code – Requirements for Rezoning:

The Land Use Article of the Maryland Code requires the Planning Commission and the Board of Municipal and Zoning Appeals (BMZA) 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 Code, Land Use § 10-305 (2023)). In reviewing this request, the staff finds that:

1. **The Plan:** The proposed rezoning aligns with the general land use and the area master plan as noted in the 'Conformity to Plans' section above.
2. **The needs of Baltimore City:** The proposed rezoning would allow the continuation of some light industrial uses on the site while allowing transition to occur with the option for residential units on the site. Such a change supports the city's need for both employment and housing
3. **The needs of the particular neighborhood:** The IMU-1 district would allow various uses that support the needs of the neighborhood. The neighborhood outlined these needs in the Baltimore Highlands Community Plan, which identifies this site as a candidate for mixed-use redevelopment.

Similarly, the Land Use article, also adopted by Article 32 – *Zoning* §5-508(b)(2), requires the City Council to make findings of fact (MD Code, Land Use § 10-304 (2023)). The findings of fact include:

1. **Population changes;** According to the U.S. Census, the Baltimore Highlands neighborhood gained approximately 400 residents between 2010 and 2020.
2. **The availability of public facilities;** The area is well served by necessary public utilities, which are able to support redevelopment.
3. **Present and future transportation patterns;** The area is accessible by automobile via routes on North Haven Street and East Lombard Street, which connect the site to I-895, located about half a mile to the east. The site is one block away from MDOT-MTA bus stops on East Lombard Street that serve the Orange Bus Route. The size of the site and scale of the proposed redevelopment are unlikely to have significant impacts on nearby transportation.
4. **Compatibility with existing and proposed development for the area;** The proposed rezoning puts the site in line with existing redevelopment that has shifted nearby lots from industrial to commercial or residential uses. The rezoning will continue to support this redevelopment pattern.
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 has not yet commented on this bill.
6. **The relation of the proposed amendment to the City's plan.** The proposed changes aligns with the City's plans as outlined above.

There are additional standards under Article 32 – *Zoning* §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;** The general area of the property contains a variety of uses. To the east there is a strip of formerly industrial property that were rezoned to IMU-1 in 2017 and now contain a mix of commercial uses. To the west the Highlandtown Village shopping center contains multiple commercial uses.
- (ii) **the zoning classification of other property within the general area of the property in question;** The zoning of surrounding properties within 500 feet includes IMU-2, I-2, C-3, C-1, and R-8.
- (iii) **the suitability of the property in question for the uses permitted under its existing zoning classification; and** The property has been used for light industrial uses for many years. Such uses could continue under the rezone while also allowing a wider variety of residential and commercial uses that will help keep the site viable.
- (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 current zoning was implemented, the properties across South Haven Street have been redeveloped into commercial uses. There have also been multiple multi-family and rowhouse developments along the South Haven corridor in recent years.

Below is the staff's review of the required considerations of §5-508(b)(3) of Article 32 – *Zoning*, where staff finds that this change is in the public's interest, in that it will allow for a wider range of uses that allow the site to remain productive and prevent vacancy. The rezoning will also align the site to the uses proposed in the area master plan.

Background: The applicant proposes to redevelop 4001 East Baltimore Street as a mixed-use building following the conclusion of their use of the building for an ongoing highway infrastructure project. The project includes approximately 5,000 square feet of ground-level space intended for office, commercial, and light industrial uses. The upper floors will contain 13 apartment units. The redevelopment will also provide 18 off-street parking spaces and preserve the existing mural on the building's tower. While these plans are not directly tied to the rezoning action, they offer important context for the property's future use and community impact.

Equity: The proposed rezoning of 4001 East Baltimore Street reflects a broader shift from long-standing industrial uses toward a less intensive and neighborhood-scale mix of uses. Located in a community historically shaped by industrial development and disinvestment, the site's reuse for mixed-use and multifamily purposes aligns with adopted community plans calling for affordable housing and adaptive redevelopment. The change to IMU-1 zoning enables reinvestment in ways that can stabilize housing costs, improve walkability, and support employment opportunities. By aligning zoning with community-identified goals, this action helps guide ongoing change toward more equitable land use.

Notification: In addition to the required posting on the site, the Highlandtown Community Association was notified of this proposal and provided a letter of support.



Chris Ryer
Director

CITY OF BALTIMORE

BRANDON M. SCOTT
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON, CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

June 20, 2025

The Honorable President and Members
of the Baltimore City Council
Attn: Executive Secretary
Room 409, City Hall
100 N. Holliday Street
Baltimore, Maryland 21202

Re: City Council Bill 25-0053 – Rezoning– 4001 East Baltimore Street

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 25-0053 for form and legal sufficiency. The bill would change the zoning for the property known as 4001 East Baltimore Street (Block 6279, Lot 009), as outlined in red on the accompanying plat, from the I-2-Zoning District to the IMU-1 Zoning District. The bill would take effect on the 30th day after enactment.

The I-2 zoning classification is for general industrial zoning, including manufacturing, fabricating, processing, wholesale distributing, and warehousing. Baltimore City Code, Art. 32, § 11-205. The IMU zoning classification is for light industrial uses and non-industrial uses. Baltimore City Code, Art. 32, § 11-203(a). The IMU-1 district is designed for residential uses including live-work dwellings and is generally for buildings adjacent to existing residential buildings.

The Mayor and City Council may permit a piecemeal rezoning only if it finds facts sufficient to show either a mistake in the existing zoning classification or a substantial change in the character of the neighborhood. Md. Land Use, § 10-304(b)(2); Baltimore City Code, Art. 32, §§ 5- 508(a) and (b)(1).

The “change-mistake” rule is a rule of the either/or type. The “change” half of the “change-mistake” rule requires that, in order for a piecemeal Euclidean zoning change to be approved, there must be a satisfactory showing that there has been significant and unanticipated change in a relatively well-defined area (the “neighborhood”) surrounding the property in question since its original or last comprehensive rezoning, whichever occurred most recently. The “mistake” option of the rule requires a showing that the 2 underlying assumptions or premises relied upon by the legislative body during the immediately preceding original or comprehensive rezoning were incorrect. In other words, there must be a showing of a mistake of fact. Mistake in this context does not refer to a mistake in judgment.

Mayor and Council of Rockville v. Rylyns Enterprises, Inc., 372 Md. 517, 538-39 (2002).

Legal Standard for Change

“It is unquestioned that the City Council has the power to amend its City Zoning Ordinance whenever there has been such a change in the character and use of a district since the original enactment that the public health, safety, morals, or general welfare would be promoted by a change in the regulations.” *Cassel v. Mayor and City Council of Baltimore*, 195 Md. 348, 354 (1950). The Mayor and City Council must find facts of a substantial change in the character and the use of the district since the comprehensive rezoning of the property on June 5, 2017, and that the rezoning will promote the “public health, safety, morals, or general welfare” and not merely advantage the property owner. *Id.* at 354.

To constitute a substantial change, courts in Maryland want to see facts of a “significant and unanticipated change in a relatively well-defined area.” *Rylins Enterprises*, 372 Md. at 538. The “‘neighborhood’ must be the immediate neighborhood of the subject property, not some area miles away; and the changes must occur in that immediate neighborhood of such a nature as to have affected its character.” *Clayman v. Prince George’s County*, 266 Md. 409, 418 (1972). The changes are required to be physical. *Anne Arundel County v. Bell*, 442 Md. 539, 555 (2015) (citing *Montgomery County v. Woodward & Lothrop*, 280 Md. 686, 712–13 (1977)). However, those physical changes cannot be infrastructure such as sewer or water extension or road widening. *Clayman*, 266 Md. at 419. And the physical changes must be shown to be unforeseen at the time of the last rezoning. *County Council of Prince George’s County v. Zimmer Development Co.*, 444 Md. 490, 512 (2015). Contemplated growth and density are not sufficient. *Clayman*, 266 Md. at 419. In determining whether the change benefits only the property owner, courts look, in part, to see if a similar use exists nearby of which the community could easily take advantage. *Cassel*, 195 Md. at 358 (three other similar uses only a few blocks away lead to conclusion that zoning change was only for private owner’s gain).

Legal Standard for Mistake

To sustain a piecemeal change on the basis of a mistake in the last comprehensive rezoning, there must be substantial evidence that “the Council failed to take into account then existing facts ... so that the Council’s action was premised on a misapprehension.” *White v. Spring*, 109 Md. App. 692, 698 (1996) (citation omitted). In other words, “[a] conclusion based on a factual predicate that is incomplete or inaccurate may be deemed, in zoning law, a mistake or error; an allegedly aberrant conclusion based on full and accurate information, by contrast, is simply a case of bad judgment, which is immunized from second-guessing.” *Id.*

“Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council’s action was premised initially on a misapprehension[,]” [and] “...by showing that events occurring subsequent to the comprehensive zoning have proven that the Council’s initial premises were incorrect.” *Boyce v. Sembly*, 25 Md. App. 43, 51 (1975) (citations omitted). “Thus, unless there is probative evidence to show that there were then existing facts which the Council, in fact, failed to take into account, or subsequently occurring events which the Council could not have taken into account, the presumption of validity

accorded to comprehensive zoning is not overcome and the question of error is not ‘fairly debatable.’” *Id.* at 52. The Supreme Court of Maryland (formerly the Court of Appeals of Maryland) has said it is not sufficient to merely show that the new zoning would make more logical sense. *Greenblatt v. Toney Schloss Properties Corp.*, 235 Md. 9, 13-14 (1964). Nor are courts persuaded that the fact that a more profitable use of the property could be made if rezoned is evidence of a mistake in its current zoning. *Shadynook Imp. Ass’n v. Molloy*, 232 Md. 265, 272 (1963). Courts have also been skeptical of finding a mistake when there is evidence of careful consideration of the area during the past comprehensive rezoning. *Stratakis v. Beauchamp*, 268 Md. 643, 653-54 (1973). A finding of mistake, however, absent a regulatory taking, merely permits the further consideration of rezoning, it does not mandate a rezoning. *White*, 109 Md. App. at 708. Rather, a second inquiry “regarding whether, and if so, how, the property is reclassified,” is required. *Id.* at 709. This second conclusion is due great deference. *Id.*

Spot Zoning

The City must find sufficient facts for a change or mistake because “[z]oning is permissible only as an exercise of the police power of the State. When this power is exercised by a city, it is confined by the limitations fixed in the grant by the State and to the accomplishment of the purposes for which the State authorized the city to zone.” *Cassel*, 195 Md. at 353.

In piecemeal rezoning bills, if there is not a factual basis to support the change or the mistake, then rezoning is considered illegal spot zoning. *Id.* at 355. Spot zoning “has appeared in many cities in America as the result of pressure put upon councilmen to pass amendments to zoning ordinances solely for the benefit of private interests.” *Id.* It is the “arbitrary and unreasonable devotion of a small area within a zoning district to a use which is inconsistent with the use to which the rest of the district is restricted.” *Id.* It is “therefore, universally held that a ‘spot zoning’ ordinance, which singles out a parcel of land within the limits of a use district and marks it off into a separate district for the benefit of the owner, thereby permitting a use of that parcel inconsistent with the use permitted in the rest of the district, is invalid if it is not in accordance with the comprehensive zoning plan and is merely for private gain.” *Id.*

However, “a use permitted in a small area, which is not inconsistent with the use to which the larger surrounding area is restricted, although it may be different from that use, is not ‘spot zoning’ when it does not conflict with the comprehensive plan but is in harmony with an orderly growth of a new use for property in the locality.” *Id.* The example given was “small districts within a residential district for use of grocery stores, drug stores and barber shops, and even gasoline filling stations, for the accommodation and convenience of the residents of the residential district.” *Id.* at 355-356. Therefore, the Mayor and City Council must show how the contemplated use is consistent with the character of the neighborhood. *See, e.g., Tennison v. Shomette*, 38 Md. App. 1, 8-9 (1977) (cited with approval in *Rylins*, 372 Md. at 546-47); *accord Mayor and City Council of Baltimore v. Byrd*, 191 Md. 632, 640 (1948).

Findings of Fact

The City Council is required to make the following findings of fact in determining whether to permit rezoning based on mistake or change in the character of the neighborhood:

- (i) population change;
- (ii) (the availability of public facilities;
- (iii) the present and future transportation patterns;
- (iv) compatibility with existing and proposed development;
- (v) the recommendations of the Planning Commission and the Board of Municipal and Zoning Appeals; and
- (vi) the relationship of the proposed amendment to the City's plan.

Md. Code, Land Use, § 10-304(b)(1); Baltimore City Code, Art. 32, § 5-508(b)(2).

Article 32 of the City Code requires the Council to consider the following additional factors:

- (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.

Baltimore City Code, Art. 32, § 5-508(b)(3).

The Mayor and City Council's decision regarding a piecemeal rezoning is reviewed under the substantial evidence test and should be upheld "if reasoning minds could reasonably reach the conclusion from facts in the record." *Zimmer Dev. Co.*, 444 Md. at 510 (quoting *Cremins v. Cnty. Comm'rs of Washington Cnty.*, 164 Md. App. 426, 438 (2005)); *see also White*, 109 Md. App. at 699, ("the courts may not substitute their judgment for that of the legislative agency if the issue is rendered fairly debatable"); *accord Floyd v. County Council of Prince George's County*, 55 Md. App. 246, 258 (1983) ("substantial evidence" means a little more than a 'scintilla of evidence.'").

Planning Commission Recommendation

The Planning Department Staff Report recommended approval of this rezoning and the Planning Commission concurred adopting the findings and equity analysis of the Staff Report. The subject property is located within the Baltimore Highlands Neighborhood Statistical Area on the east side of the city. The site is situated between the Highlandtown Village Shopping Center (zoned C-3) to the west and industrial properties (zoned I-2) to the east. Beyond the shopping center are blocks of R-8 zoned rowhouse residential uses. Within 500 feet of the property, there is a mix of industrial, residential, and commercial uses and zoning districts. The justification for the change in zoning of the subject property is based on a change in the character of the neighborhood since the last comprehensive rezoning in 2017. The Staff Report states, "...the intensity of industrial activity on the site has decreased" and "...the surrounding neighborhood has experienced an increase in both commercial and residential development." Planning Report, p.3. Rezoning the site to IMU-1 would

allow for multifamily development and reuse of vacant buildings to occur in alignment with the City's Comprehensive Master Plan.

Process

The City Council is required to hold a quasi-judicial public hearing with regard to the bill wherein it will hear and weigh the evidence as presented in: (1) the Planning Report and other agency reports; (2) testimony from the Planning Department and other City agency representatives; and (3) testimony from members of the public and interested persons. Weighing the evidence presented and submitted into the record before it, the Council is required to make findings of fact about the factors in Section 10-304 of the Land Use Article of the Maryland code and Section 5-508 of Article 32 of the Baltimore City Code. If, after its investigation of the facts, the Committee makes findings which support: (1) a mistake in the comprehensive zoning or a change in the neighborhood; and (2) a new zoning classification for the properties, it may adopt these findings and the legal requirements for granting the rezoning would be met.

Additionally, certain procedural requirements apply to this bill beyond those discussed above because a change in the zoning classification of a property is deemed a "legislative authorization." Baltimore City Code, Art. 32, § 5-501(2)(iii). Specifically, notice of the City Council hearing must be given by publication in a newspaper of general circulation in the City, by posting in a conspicuous place on the property and by first-class mail, on forms provided by the Zoning Administrator, to each person who appears on the tax records of the City as an owner of the property to be rezoned. Baltimore City Code, Art. 32, § 5-601(b). The notice of the City Council hearing must include the date, time, place and purpose of the hearing, as well as the address or description of the property and the name of the applicant. Baltimore City Code, Art. 32, § 5-601(c). The posted notices must be at least 3 feet by 4 feet in size, placed at a prominent location near the sidewalk or right-of-way for pedestrians and motorists to view, and at least one sign must be visible from each of the property's street frontages. Baltimore City Code, Art., § 5-601(d). The published and mailed notices must be given at least 15 days before the hearing; the posted notice must be at least 30 days before the public hearing. Baltimore City Code, Art. 32, § 5-601(e), (f).

The bill is the appropriate method for the City Council to review the facts and make the determination as to whether the legal standard for rezoning as a mistake has been met. If the required findings are made at the hearing and that all procedural requirements are satisfied, the Law Department can approve the bill for form and legal sufficiency.

Sincerely,



Desiree Luckey
Assistant Solicitor

cc: Ebony Thompson, City Solicitor
Hilary Ruley, Chief Solicitor, General Counsel Division
Jeff Hochstetler, Chief Solicitor

Ashlea Brown, Chief Solicitor
Michelle Toth, Assistant Solicitor

MEMORANDUM

DATE: May 27, 2025
TO: Land Use and Transportation Committee
FROM: Colin Tarbert, President and CEO
POSITION: **Unfavorable**
SUBJECT: Council Bill 25-0053



INTRODUCTION

The Baltimore Development Corporation (BDC) is reporting on City Council Bill 25-0053 introduced by Councilmember Parker.

PURPOSE

The purpose of this bill is to rezone the property located at 4001 E. Baltimore Street (Block 6279, Lot 009) from the I-2 Zoning District to the IMU-1 Zoning District.

BRIEF HISTORY

Property owners Saffo Contractors are currently using it as a staging area for an ongoing highway reconstruction project. The company plans to hold and develop the property once that project is completed in 2026. An I-MU zoning designation would allow the company to move forward with its plans for a mixed-use development featuring ground-floor retail and upper-floor residential uses, which is prohibited under the existing I-2 zoning.

BDC prioritizes the preservation of industrial areas out of recognition of the importance of manufacturing to the city's economy. As areas are rezoned to allow non-industrial uses, it is unlikely that those areas will revert to manufacturing uses. Rezoning can be appropriate in cases where a neighborhood character is already trending towards residential and commercial uses. However, that is not the case in this instance, as the surrounding blocks and neighborhood are still heavily industrial in nature. This is the type of industrial zoning that remains appropriate and active and should be preserved. For those reasons BDC opposes this proposed zoning change.

FISCAL IMPACT [to BDC]

None.

AGENCY POSITION

The Baltimore Development Corporation respectfully submits an **unfavorable** report on City Council Bill 25-0053. If you have any questions, please contact Kim Clark at 410-837-9305 or KClark@baltimoredevelopment.com.

cc: Nina Themelis, Mayor's Office of Government Relations
Ty'lor Schnella, Mayor's Office of Government Relations

CG



CITY OF BALTIMORE
MAYOR BRANDON M. SCOTT

TO	The Honorable President and Members of the Baltimore City Council
FROM	Alice Kennedy, Commissioner, Housing and Community Development
CC	Mayor's Office of Government Relations
DATE	June 20th, 2025
SUBJECT	25-0053 Rezoning – 4001 East Baltimore Street

Position: Favorable

BILL SYNOPSIS

The Department of Housing and Community Development (DHCD) has reviewed City Council Rezoning – 4001 East Baltimore Street for the purpose of changing the zoning for the property known as 4001 East Baltimore Street (Block 6279, Lot 009), as outlined in red on the accompanying plat, from the I-2 Zoning District to the IMU-1 Zoning District.

If enacted, City Council Bill 25-0059 would rezone the property known as 4001 East Baltimore Street from the I-2 Zoning District to the IMU-1 Zoning District. If approved, this Bill will take effect on the 30th day following its enactment.

SUMMARY OF POSITION

At its regular meeting of April 24th, 2025, the Planning Commission concurred with the recommendations of its Departmental staff and recommended that this Bill be approved by the City Council. In their report, the Commission noted that the proposed zoning change would align with ongoing shifts in land use patterns within the community. Those changes have seen a move away from historic industrial uses and toward a mix of residential and commercial development better represented by an IMU-1 zoning designation. The Commission also noted that this change could enable reinvestment in ways that can stabilize housing costs, improve walkability, and support employment opportunities.

The property in reference is not located within any of DHCD's Streamlined Code Enforcement or Impact Investment Areas but does fall within a Community Development Zone. This rezoning may benefit the Baltimore Highlands community by facilitating the redevelopment of an industrial building to mixed use, which would be more closely aligned with neighborhood goals.

FISCAL IMPACT

As drafted, this Bill would have minimal fiscal or administrative impact on DHCD.

AMENDMENTS

DHCD does not seek any amendments to this Bill at this time.

Baltimore City Council



Land Use & Transportation

Committee

Bill: 25-0053

Title: Rezoning – 4001 East Baltimore Street

Additional Materials

**Baltimore City Council
Certificate of Posting - Public Hearing Notice**

Today's Date: May27, 2025

City Council Bill No. 25-0053



4001 E. Baltimore Street (1 of 2)

I HEREBY CERTIFY, under penalty of perjury, that a sign was posted at
Address: 4001 E. Baltimore Street

Date Posted: May 27, 2025

Name: Chase Hoffberger

Address: 225 E. Redwood Street - suite 400 G
Baltimore, Md. 21202

Telephone: 512-536-0763

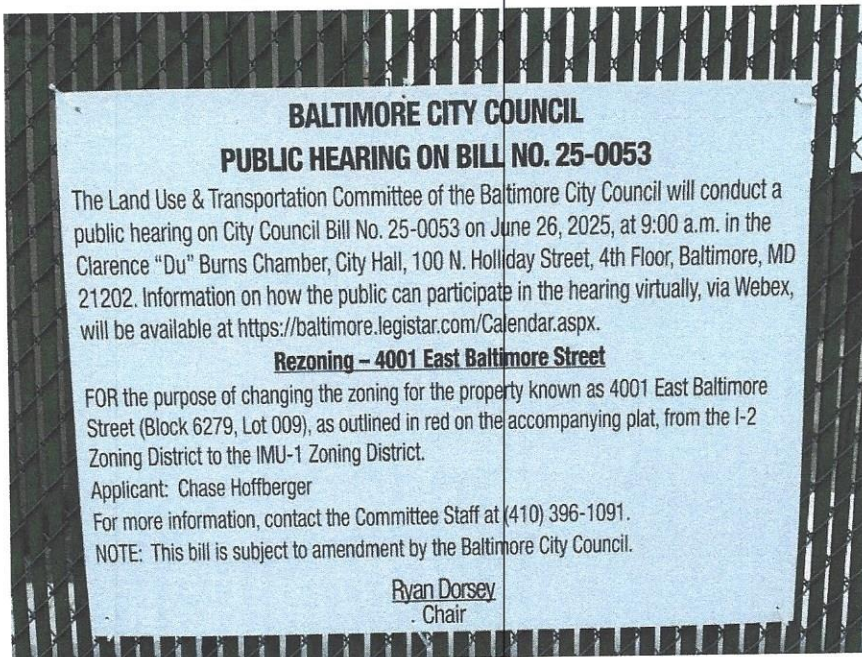
R. Hoffman (sign Poster)

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

Baltimore City Council
Certificate of Posting - Public Hearing Notice

Today's Date: May27, 2025

City Council Bill No. 25-0053



4001 E. Baltimore Street - close up of sign (2 of 2)

I HEREBY CERTIFY, under penalty of perjury, that a sign was posted at:
Address: 4001 E. Baltimore Street

Date Posted: May 27, 2025

Name: Chase Hoffberger

Address: 225 E. Redwood Street - suite 400 G
Baltimore, Md. 21202

Telephone: 512-536-0763


R. Hoffman (sign Poster)

- Email to: Natawnab.Austin@baltimorecity.gov
- Mail to: Baltimore City Council; c/o Natawna B. Austin; Room 409, City Hall; 100 N. Holliday Street; Baltimore, MD 21202

Baltimore City Council
Certificate of Newspaper ad - Public Hearing Notice

City Council Bill No.: CCB25-053

Today's Date: 6.16.25

Baltimore City

BALTIMORE CITY COUNCIL
PUBLIC HEARING ON BILL NO. 25-0053

The Land Use & Transportation Committee of the Baltimore City Council will conduct a public hearing on City Council Bill No. 25-0053 on June 26, 2025, at 9:00 a.m. in the Clarence "Du" Burns Chamber, City Hall, 100 N. Holliday Street, 4th Floor, Baltimore, MD 21202. Information on how the public can participate in the hearing virtually, via Webex, will be available at <https://baltimore.legistar.com/Calendar.aspx>.

Rezoning - 4001 East Baltimore Street
FOR the purpose of changing the zoning for the property known as 4001 East Baltimore Street (Block 6279, Lot 009), as outlined in red on the accompanying plat, from the I-2 Zoning District to the IMU-1 Zoning District.
Applicant: Chase Hoffberger
For more information, contact the Committee Staff at (410) 396-1091.
NOTE: This bill is subject to amendment by the Baltimore City Council.

RYAN DORSEY
Chair

je11 4060310

Address: 4001 E Baltimore

Date Posted: 6.11.25

Name: Chase Hoffberger

Address: 225 E Baltimore Street Suite 400g

Telephone: 5125360763

Applicant or Representative Signature: Chase Hoffberger

H!GHLANDTOWN

COMMUNITY ASSOCIATION

Zoning 4001 E Baltimore St

Councilman Parker,

As you know, the Highlandtown Community Association has been in touch with Chase Hoffberger about Saffo Contractors, Inc's proposal to rezone 4001 E Baltimore Street from I-2 to C-3. I understand that you have also met with the team on site for a walk-thru visit.

We hosted Chase & Saffo representative Mike Ost at our most recent HCA meeting, on February 24. There, they walked us through their plans for redevelopment, answered questions and provided us with floor plans & renderings that we will host on our website. We understand that the use they have proposed for the property is not possible in an I-2 zoning district.

I write to notify you the the HCA supports this proposal for rezoning. 4001 E Baltimore Street has outlived its potential as an industrial site, and we are confident in Saffo's capability to appropriately redevelop the property in a way the benefits Highlandtown and further encourages the new energy that has flowed into this section of Haven Street corridor.

We hope that you will also support this rezoning & introduce legislation to accomodate the change.

Sincerely,

Bobbi Jo Syms

Bobbi Jo Syms, President, Highlandtown Community Association