



FREDERICK

PLANNING

October 9, 2019

Mr. Daniel Quasney, Esquire
Sagal, Filbert, Quasney, & Betten, P.A.
600 Washington Avenue, Suite 300
Towson, MD 21204

Re: 19-1023ZD – Market Square at Frederick, Situated on MD Route 26 and Wormans Mill Road Maryland Route 355, Frederick, MD

Addresses: 2500, 2480, 2470, 2460, 2450, 2440, 2430, 2421, 2411, 2401 Osprey Way & 220, 210, 200, 201, 211, 221 Shorebird St.

Dear Mr. Quasney:

In response to your letter dated October 16, 2013, Staff has prepared the following information:

- The subject properties located at the northeast intersection of the Liberty Road (MD Route 26) and Wormans Mill Road are zoned MU-1. The City's Land Management Code (LMC) describes the Mixed Use district as, "intending to provide a planned district that allows for the integration of residential and nonresidential uses, provides for mixed dwelling unit types and housing densities, provides for compatible and complimentary retail, office, and employment uses; provides for greater flexibility than single-use districts through a planned review process that insures safe efficient, convenient, harmonious groupings of structures, uses, facilities, and support uses; and provides for the appropriate relationships of space, inside and outside of buildings."
- The subject properties are **not** part of a Planned Unit Development; however, they are subject to a Mixed Use Master Plan, which is similar to the master planning process for Planned Neighborhood Development (PND) in that their development is subject to an overall community plan that establishes specific building and design standards unique to the development.
- A portion of the subject properties is also within the Highway Noise Impact Overlay District (HNO). This overlay district establishes setback, lot and structure design standards for "noise impacted residential uses" from certain highways. Additional information regarding the overlay can be found in §422 of the LMC.
- According to Section 404, Table 404-1 of the LMC, the *Use Matrix*, the existing uses listed in your letter are permitted "by right" in the MU-1 district.


- The subject properties were developed in accordance with the approved site plan and comply with the approved site plan. If there are any features that do not comply with the current zoning requirements but complied with the regulations in place at the time of their construction, those features would be considered legally nonconforming.
- In the event of casualty, in whole or part, the structures located on the subject properties if considered legally nonconforming may not be rebuilt in its current form, except upon satisfaction of certain conditions, limitations, or requirements as permitted under §902.
- There are no regulatory or building code violations pending on the properties at this time.

If you have any further questions please don't hesitate to call me at (301) 600-4588 or email me at skelly@cityoffrederick.com.


The purpose of the service provided by the Zoning Administrator regarding determinations/interpretations is to identify the zoning of a particular property, to verify that a use is permitted or permissible in a specific Zoning District and to clarify and interpret the Land Management Code. Any questions regarding specific regulations and requirements for a site or sites' compliance with the Land Management Code not addressed in this letter shall not be the responsibility of the Zoning Administrator. It is the responsibility of the applicant, property owner and/or property purchaser to review the project site plan and the Land Management Code for compliance.

This determination applies solely to the referenced property and is not binding upon the City, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property. Please be advised that any person aggrieved, or any officer, department or agency of The City of Frederick affected by an order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the provisions of the Land Management Code may appeal said decision within thirty days to the Zoning Board of Appeals.

Sincerely,


Sherry Kelly, AICP
City Planner

In Concurrence,


Joseph A. Adkins, AICP
Deputy Director for Planning/Zoning Administrator

cc: Gabrielle Collard, Division Manager of Current Planning

- The subject properties are **not** part of a Planned Unit Development; however, they are subject to a Mixed Use Master Plan, which is similar to the master planning process for Planned Neighborhood Development (PND) in that their development is subject to an overall community plan which establishes specific building and design standards unique to the development.
- A portion of the subject properties is part of the Highway Noise Impact Overlay District (HNO). This overlay district establishes setback, lot and structure design standards for “noise impacted residential uses” from certain highways. Additional information regarding the overlay can be found in §422 of the LMC.
- The subject properties were approved for development by final site plan PC09-399FSI & PC11-177FSI. Final site plan PC09-399FSI was revised several times with the most recent approval under case PC12-786FSI, which is the current valid site plan. Copies of the final site plans have been enclosed.
- According to the zoning ordinances and regulations for the MU-1 district, the uses on the subject properties are permitted “by right” in the district.
- The subject properties’ structures were developed in accordance with the approved site plan and comply with the approved site plan. If any nonconforming issues exist with respect to current zoning requirements, the subject property would be considered legal non-conforming.
- There were no variances, special permits/exceptions, ordinances or conditions that apply to the subject property.
- In the event of casualty, in whole or part, the structures located on the subject properties if considered legally nonconforming may not be rebuilt in its current form, except upon satisfaction of certain conditions, limitations, or requirements as permitted under §902.
- To the best of my knowledge, our records do not show any unresolved zoning code violations.
- To the best of my knowledge, our records do not show any unresolved building code violations.


If you have any further questions please don’t hesitate to call me at (301) 600-3187 or email me at jlove@cityoffrederick.com.

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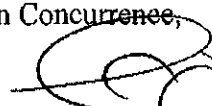
referenced property. Please be advised that any person aggrieved, or any officer, department or agency of The City of Frederick affected by an order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the provisions of the Land Management Code may appeal said decision within thirty days to the Zoning Board of Appeals.

Sincerely,



Jeffrey D. Love
City Planner

In Concurrence,



Joseph A. Adkins, AICP
Deputy Director for Planning

Cc: Gabrielle Dunn, Division Manager of Current Planning
Chron File
DET PROJ