



FREDERICK

PLANNING

October 26, 2021

Rosentahl Properties LLC
c/o Lucy M. Bowman
DLA Piper LLP (US)
500 8th Street, NW
Washington, DC 20004

Re: 21-1210ZD Zoning Determination: 260 Interstate Circle

Dear Ms. Bowman:

In response to your letter dated October 5, 2021 and received on October 13, 2021, Staff has prepared the following information:

1. The subject property, 260 Interstate Circle (the "Property"), is zoned M1 (Light Industrial). Per Section 401-1 of the Land Management Code (LMC), the M1 zone is intended to provide for offices and industrial uses that do not require special measures to control odor, dust, or noise; do not involve hazardous materials; and whose environmental impacts are contained within the property limits.

The Property is also located in the Airport Overlay (AO) zoning district. The AO is placed on lands surrounding the Frederick Municipal Airport to control land uses, to address safety issues, and to notify contract purchasers of noise and other impacts on lands near the Airport. The development in the AO district is subject to Section 419 of the LMC.

The Property is also located in the Highway Noise Overlay (HNO) zoning district. Per LMC Section 422, the HNO is placed on lands within limits of specific highway corridors for the purpose of protecting public health and conserving the habitability and value of residential properties in the vicinity of high-volume highways; establishing the setback standards for "noise impacted residential uses"

from certain highways (I-70, US15, US40 and MD26) identified on the Zoning Ordinance Map; and assuring the City of Frederick's eligibility for participation in the Type II noise barriers program under the "Sound Barrier Policy" issued by the State Highway Administration in May of 1998. As noted, the HNO is applicable to residential zones for protection and does not impact the subject Property.

2. The development of this site was reviewed and approved in accordance with the 1986 Zoning Ordinance (as amended), in place prior to the adoption of the LMC in 2005. The final site plan, case #PC00-0003FSI(R), was unconditionally approved on April 27, 2000 and the final subdivision plat creating the Property, Lot 445, case #PC00-64FSU, was recorded on June 21, 2000 in Plat Book 68, Page 109.
3. Staff cannot confirm compliance with all applicable standards of the LMC, nor guarantee that there are no nonconforming features on the site. Per Section 900, nonconforming features may be continued provided that no action shall be taken that increases the degree or extent of the nonconforming feature. Any enlargement, extension or structural alteration shall conform to all current requirements of the LMC.
4. With regards to the specific dimensional standards, the building height, setbacks and parking standards are in compliance with both the 1986 Ordinance as well as the current standards of the LMC as follows:
 - a. The maximum building height under the 1986 Zoning Ordinance was 90 feet height; however for buildings over 60 feet, 1 foot of setback per foot of building height was required. The site plan calls for a 30 ft. proposed building height. The current standard per Section 405, Table 405-1 of the LMC is 90'.
 - b. The 1986 Zoning Ordinance required the following setbacks: 30 ft. front, 10 ft. rear, 30 ft. sum of both sides with least side of 10 feet, and 50 feet side or rear yard if adjacent to any R (residential) district in accordance with Section 11.04. Table 405-1 of the LMC requires 30 ft. front, 10 ft. interior setback and 10 ft. rear setback.
 - c. Per site plan PC00-0003FSI the parking was based on the following combined calculations: 1) 1 space/300 s.f. for 20,600 s.f. of office space = 69; 2) 1 space/1.5 employees for 83 warehouse employees = 55; and 12 spaces for company vehicles for a total of 136 spaces required and plan provided 148 spaces. Under the LMC, for "Industrial and Manufacturing Use" category, the minimum parking required is one space per 1,500 s.f. and for the "Warehouse and Storage Use" category, the minimum parking required is one space per 1,000 s.f. Based on the minimum parking, the 103,000 s.f. building requires 103 parking spaces and is in compliance with the LMC regulations.
 - d. With the adoption of the LMC, the bulk and dimensional standards for development were expanded to include an Impervious Surface Ratio (ISR). The ISR for the M1 district is 90%. Based on the information available, staff cannot confirm compliance with that standard, however would note

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,

Pam Reppert

Pam Reppert
Planner III

In Concurrence,



Joseph A. Adkins, AICP
Deputy Director for Planning

that any nonconformity is subject to Article 9 of the LMC as mentioned above.

5. Our records show no outstanding zoning code, fire or building violations impacting the Property at this time; therefore, the property and building complies.
6. The most recent use for the property, Frederick Volleyball Club (FVBC), which includes practice, games, training clinics, summer camps, and tournaments (having no spectators), was classified as a “health club or spa”, which is permitted “by-right” in the M1 district per Section 404, Table 404-1 *Use Matrix* of the LMC and issued a zoning certificate under #20-2275. The current and previous uses of the Property are classified as follows in the LMC Table 404-1 Use Matrix: Stulz Air Technology and AFAB Lab Racking fall under Appliances, Assembly and Production; Creative Touch Interiors, Inc. is a showroom similar to large warehouse area; Colonia Sash & Door Inc is similar to carpenter/cabinetmaker space; and United Refrigeration falls under heating, air conditioning and refrigeration, which are all permitted uses in the M1 zone.

In order to receive copies of Certificate of Occupancy for this site, please submit a Public Information Act formal request to the Permit Department. See link for form: <https://www.cityoffrederickmd.gov/FormCenter/PIA-Form-15-15/Public-Information-Act-Request-Form-48-48>

To our knowledge, the office is not aware of any circumstances which would render certificates of occupancy invalid since there are no outstanding violations.

7. Per Section 309 of the LMC, a site plan is not required for a tenant fit out or a change of use if the site improvements are sufficient to serve the site and provided that no site improvements are proposed by the Applicant. Prior to submitting for a building permit, the site’s parking should be evaluated to determine if there is sufficient parking for the new use based on the minimum standards of LMC Section 607. This evaluation must also consider other existing tenants and the parking required to serve those uses. If the site is sufficient in terms of parking, the use may be established through a zoning permit/certificate. If the site is insufficiently parked to serve a new use, a final site plan is required to comply with additional parking.

If you have any further questions please do not hesitate to contact me at (301) 600-1718 or preppert@cityoffrederickmd.gov.

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



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October 5, 2021

Via Email

City of Frederick, Maryland
Planning Department
140 W. Patrick Street
Frederick, MD 21701

Re: Land and Improvements Located at:
260 Interstate Circle, Frederick, MD – Tax ID 1102228483
(the “Property”)

To whom it may concern:

We are requesting a zoning compliance letter from the Planning Department of the City of Frederick, Maryland, to confirm the following:

1. The zoning classification of the Property and the permitted uses, including future land use designations (if any) under such classification.
2. Any zoning orders or approvals affecting the Property, together with any conditions thereto granted by the City, including any existing or proposed special exceptions, variances, site plan approval, and map amendment approval.
3. That the Property can continue to be used for its current use.
4. That Property complies with all applicable zoning laws, including parking, density and height requirements.
5. That there are no outstanding zoning violations with respect to the Property.
6. That the Property complies with all applicable building codes, fire codes, and other health and safety rules and regulations.
7. That there are no outstanding building code violations.

8. That certificates of occupancy have been issued without condition or variance and are in effect for all buildings and, if required, all units (such as offices) at the Property. Please provide copies of all certificates of occupancy.

9. That your office is not aware of any circumstances which would render such certificates of occupancy invalid or cause them to be revoked.

10. Any additional information relating to the Property that you can provide.

Please address the zoning letter as follows:

Rosenthal Properties, LLC
c/o Lucy M. Bowman
DLA Piper LLP (US)
500 8th Street, N.W.
Washington, D.C. 20004

We will pay the fee for the letter once you receive this letter and send us the invoice via Citizen Access.

Please call me at (202) 799-4117 if you have any questions. I greatly appreciate your time and assistance with this matter.

Very truly yours,

Lucy M. Bowman
Paralegal Specialist

cc: Frederick L. Klein