



# FREDERICK

## PLANNING

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August 22, 2022

Beth Book  
Vice President  
Residential Title and Escrow Company  
100 Painters Mill Road, Suite 200  
Owings Mills, MD 21117

**Re: 22-732ZD Zoning Determination Letter: 8705 Gas House Pike**

Dear Ms. Book:

In response to your letter dated July 25, 2022, Staff has prepared the following information:

The subject property is part of the Riverside Corporate Park Mixed Employment (MXE) master plan, which was initially approved in 2001. In accordance with Section 418(b) of the Land Management Code (LMC), the master plan divides the Riverside Corporate Park into four (4) separate land uses: Civic/Institutional/Cultural, Recreation, Commercial and Employment areas. The subject property is designated in the Commercial category. Per Section 418(b), uses that are permitted in the General Commercial (GC) zone in Table 404-1 are permitted in the Commercial sections of the MXE, in addition to, multi-family residential units limited as complementary to commercial uses per LMC Section 418(b).

Per LMC Section 418(d)(2), *“The number of multi-family dwelling units in an MXE shall not exceed two (2) units for every acre of the MXE (excluding the floodplain) over and above the two hundred (200) acre threshold . . . Development regulations for multi-family residential dwellings in an MXE shall be a generally provided for multi-family residential development in an R-20 (high density) residential zone with the Planning Commission having the authority to modify such regulations during the execution phase if deemed appropriate to further the intent of this Section 418.”*

A final site plan for the Riverwalk Apartments was initially approved in 2003 (case PC03-164FSI) for a total of 312 units under the 1986 Zoning Ordinance. The first phase of the development consisted of 144 apartments to be built on Lot 301A. Phase 2, which is the subject of this determination, is situated on Lot 301B. Building permits for Phase 2 construction had to have been applied for three years from the date of approval of the Phase 1 part of the site plan, which was 1/4/2009, and as such, the plan expired. Subsequently, Final Site Plan (PC18-1201FSI) for Riverwalk Apartments was resubmitted and unconditionally approved on August 16, 2019, finding that the plan complies with all of the applicable criteria of Articles 4, 5, 6, 7, 8, and 12 of the LMC, consistent with the MXE master plan and the 2010 Comprehensive Plan. The subject site is approximately 7.94 acres and is Lot 301B depicted on a plat of record entitled Final Subdivision Plat RIVERSIDE CORPORATE PARK-LOT 301A-B (Plat Book 78, Page 60). Site is planned for eight (8), three-story buildings for a total of 168 units.

Regarding the final site plan (case PC18-1201FSI), the normal expiration date would have been June 10, 2022, three (3) years from the date of the Planning Commission's approval, not the date of the unconditional approval (See LMC Section 309(i)(1)). However, City Ordinance 20-16 establishes that approvals set to expire AFTER the termination of the State's state of emergency, which ended on August 15, 2021, would receive one additional year from normal expiration date --- so June 10, 2023, would be the new expiration date by which time a building permit has to be issued. The Engineering Department will need to address any extended expiration date for this project based on improvement plan approvals, if applicable.

Per Section 902 *Nonconforming Structures*, “An existing structure not conforming to maximum density, yard or height requirements of this Code may be continued so long as it remains otherwise lawful, provided no such structure shall be modified so as to increase its nonconformity or to make it less suitable for a permitted use in that district”; and as it applies to GC zone, “any building destroyed, damaged, or deteriorated by any means to the extent of 50 percent or more of its market value, or if relocated, no such structure shall be reconstructed or relocated except in conformance with this Code.”

To staff's knowledge there are no outstanding building, fire or zoning violations attached to the land area.

If you have any further questions, please don't hesitate to contact me at (301) 600-1718 or [preppert@cityoffrederickmd.gov](mailto: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 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,

*Joe Adkins*

Joseph A. Adkins, AICP  
Deputy Director for Planning



*"Don't Make a Move Without Us!"*

July 25, 2022

City of Frederick  
Joe Adkins, AICP  
Deputy Director of Planning  
140 W. Patrick Street  
Frederick, MD 21701

RE: 5205 Gas House Pike – Tax ID No. 02-256622  
Parcel 171 Riverside Corporate Park, South Campus Lot 301-B and Outlot G, 7.94 acres  
Plat Book 78, pages 60

Dear Mr. Adkins,

Can you please provide a Zoning Verification Letter that addresses the following:

- Current Zoning Designation for the property;
- Current Uses allowed in the Zoning Designation;
- Any special exceptions or variances approved for the allowed use;
- The Owner's ability to rebuild or restore after a casualty;
- Whether there are any current or pending zoning violations with respect to the property.

Please return a letter to my attention, but addressed as follows:

Sincerely,

Beth Book  
Vice President

Enclosure

<a href="#">View Map</a>	<a href="#">View GroundRent Redemption</a>	<a href="#">View GroundRent Registration</a>
<b>Special Tax Recapture:</b> None		
<b>Account Identifier:</b>	<b>District - 02 Account Number - 256622</b>	
<b>Owner Information</b>		
<b>Owner Name:</b>	MONOCACY RIVER APARTMENTS LLC	<b>Use:</b> COMMERCIAL
<b>Mailing Address:</b>	4101 CENTURY TOWNE RD RANDALLSTOWN MD 21133-4324	<b>Principal Residence:</b> NO <b>Deed Reference:</b> /05508/ 00098
<b>Location &amp; Structure Information</b>		
<b>Premises Address:</b>	8505 GAS HOUSE PIKE FREDERICK 21701-0000	<b>Legal Description:</b> LOT 301-B 7.94 ACRES RIVERSIDE CORPORATE PARK
<b>Map:</b> 068D 18	<b>Grid:</b> 0171	<b>Parcel:</b> 20000.11
<b>Neighborhood:</b> 0000	<b>Subdivision:</b> 0000	<b>Section:</b> 301B
<b>Block:</b> 2020	<b>Lot:</b> 2020	<b>Assessment Year:</b> 0078/ 0060
<b>Plat No:</b> 0078/ 0060	<b>Plat Ref:</b> 0078/ 0060	
<b>Town:</b> FREDERICK CITY		
<b>Primary Structure Built</b>	<b>Above Grade Living Area</b>	<b>Finished Basement Area</b>
	7.9400 AC	000000
<b>County Use</b>	000000	
<b>Stories</b>	<b>Basement</b>	<b>Type</b>
<b>Exterior</b>	<b>Quality</b>	<b>Full/Half Bath</b>
<b>Garage</b>	<b>Last Notice of Major Improvements</b>	
<b>Value Information</b>		
	<b>Base Value</b>	<b>Value</b>
		As of
		01/01/2020
<b>Land:</b>	1,521,800	1,521,800
<b>Improvements</b>	0	0
<b>Total:</b>	1,521,800	1,521,800
<b>Preferential Land:</b>	0	0
		<b>Phase-in Assessments</b>
		As of
		07/01/2021
		As of
		07/01/2022
		1,521,800
		1,521,800
<b>Transfer Information</b>		
<b>Seller:</b> RIVERSIDE APARTMENTS LLC	<b>Date:</b> 08/19/2005	<b>Price:</b> \$0
<b>Type:</b> NON-ARMS LENGTH OTHER	<b>Deed1:</b> /05508/ 00098	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
<b>Seller:</b>	<b>Date:</b>	<b>Price:</b>
<b>Type:</b>	<b>Deed1:</b>	<b>Deed2:</b>
<b>Exemption Information</b>		
<b>Partial Exempt Assessments:</b> Class		07/01/2021
<b>County:</b> 000		07/01/2022
<b>State:</b> 000		0.00
<b>Municipal:</b> 000		0.00
		0.00 0.00
		0.00 0.00
<b>Special Tax Recapture:</b> None		
<b>Homestead Application Information</b>		
<b>Homestead Application Status:</b> No Application		
<b>Homeowners' Tax Credit Application Information</b>		
<b>Homeowners' Tax Credit Application Status:</b> No Application		<b>Date:</b>



CURVE TABLE

Table with 7 columns: NO., RADIUS, DELTA, TANGENT, LENGTH, CHORD BRG., CHORD DIST. Rows A and B.

COORDINATE TABLE

Table with 3 columns: NO., NORTHING, EASTING. Rows 612 to 2512.

LINE TABLE

Table with 3 columns: NO., BEARING, DISTANCE. Rows 1 to 3.

MINIMUM BUILDING RESTRICTION LINES (BRL)

FRONT: 20'
SIDE: 10' (UNLESS OTHERWISE SHOWN)
REAR: 30'
MAX. BLDG. HT: 60'

AREA TABULATION

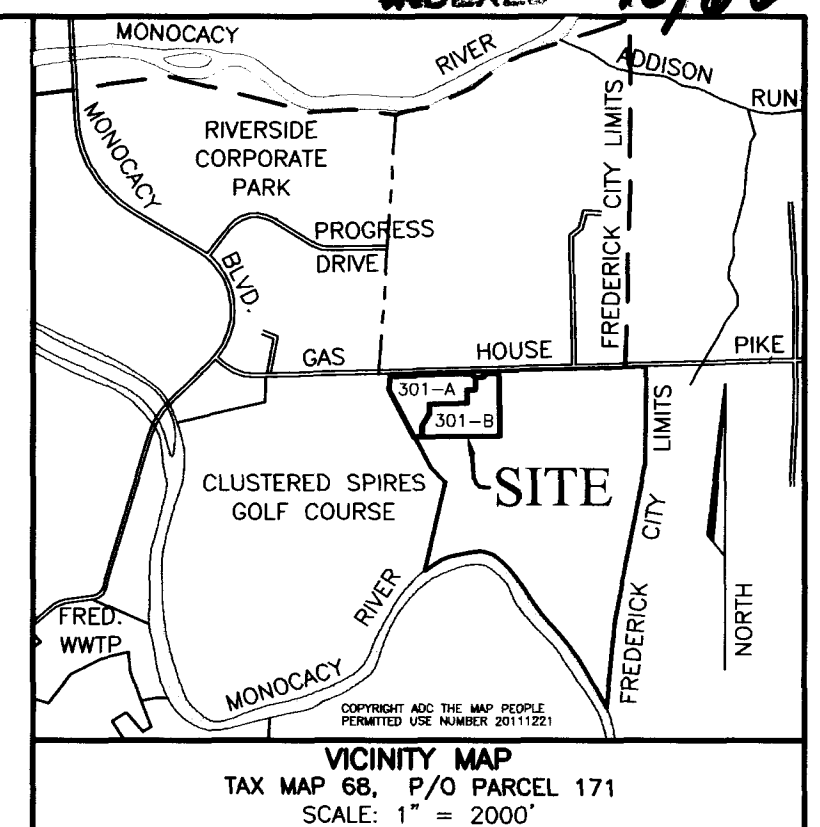
LOT 301-A 320,963 S.F. or 7.37 Ac.
LOT 301-B 345,861 S.F. or 7.94 Ac.
TOTAL AREA, THIS PLAT (LOT 301) 666,824 S.F. or 15.31 Ac.



THE OWNERS HAVE SHOWN AND SUBSCRIBED BEFORE ME THIS 24 DAY OF November 2004

Ellen Stewart
NOTARY PUBLIC

MY COMMISSION EXPIRES Jan 12, 2008



VICINITY MAP
TAX MAP 68, P/O PARCEL 171
SCALE: 1" = 2000'

NOTES

- 1. THE PURPOSE OF THIS PLAT IS TO CREATE TWO SEPARATE LOTS FROM LOT 301 AS PREVIOUSLY RECORDED IN PLAT BOOK 76, PAGES 156 AND 157. THIS RESUBDIVISION IS FOR FINANCIAL PURPOSES ONLY...
2. SITE IS ZONED M-2 (GENERAL EMPLOYMENT) WITH AN APPROVED OVERLAY ZONE OF MXE.
3. THIS PLAT PREPARED IN ACCORDANCE WITH PRELIMINARY PLAN NO. PC03-167PSU (APPROVED 8-11-03)
4. A 10 FOOT WIDE DRAINAGE AND UTILITY EASEMENT IS RESERVED ALONG ALL STREET RIGHT-OF-WAY LINES, AND A 6 FOOT WIDE DRAINAGE & UTILITY EASEMENT IS RESERVED ALONG ALL LOT LINES.
5. THE AREA AS SHOWN HEREON IS LOCATED IN FLOOD PLAIN ZONE C PER FIRM PANEL Nos. 240027-0180-A & 240027-0185-A.
6. A FOREST CONSERVATION PLAN HAS BEEN APPROVED FOR THIS SITE. APPROVED ON 9-12-03, (STF03-381FCP).
7. THE CITY OF FREDERICK HAS ALLOCATED 16,861 GALLONS PER DAY OF POTABLE WATER AND WASTEWATER TREATMENT CAPACITY TO SERVE ALL OR A PORTION OF THE LOTS SHOWN ON THIS PLAT IN ACCORDANCE WITH A WATER SERVICE CONTRACT (WSC 03-115 AND WSC 03-120) BETWEEN THE OWNER AND THE CITY DATED JANUARY 26, 2004 AND MARCH 9, 2004, RESPECTIVELY.
8. THE LOTS SHOWN HEREON ARE SUBJECT TO AN AGREEMENT TO DEFER PUBLIC IMPROVEMENTS DATED 06-11-04 AND RECORDED AMONG THE LAND RECORDS OF FREDERICK COUNTY, MARYLAND IN LIBER 4677 AT FOLIO 442.
9. A PRIVATE RECIPROCAL PARKING LOT EASEMENT HAS BEEN RECORDED (L4995 F. 195) FOR THE SHARED ACCESS AND PARKING OF THE OWNERS OF LOT 301-A AND 301-B.

OWNERS' CERTIFICATION AND DEDICATION

WE, RIVERSIDE APARTMENTS, L.L.C., OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, CONSENT TO AND ADOPT THIS PLAN OF SUBDIVISION, AND IN CONSIDERATION OF THE APPROVAL OF THIS FINAL PLAT BY THE PLANNING COMMISSION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES, AND DEDICATE THE STREETS, WALKWAYS AND OTHER EASEMENTS, TO PUBLIC USE, UNLESS OTHERWISE NOTED ON THIS PLAT.

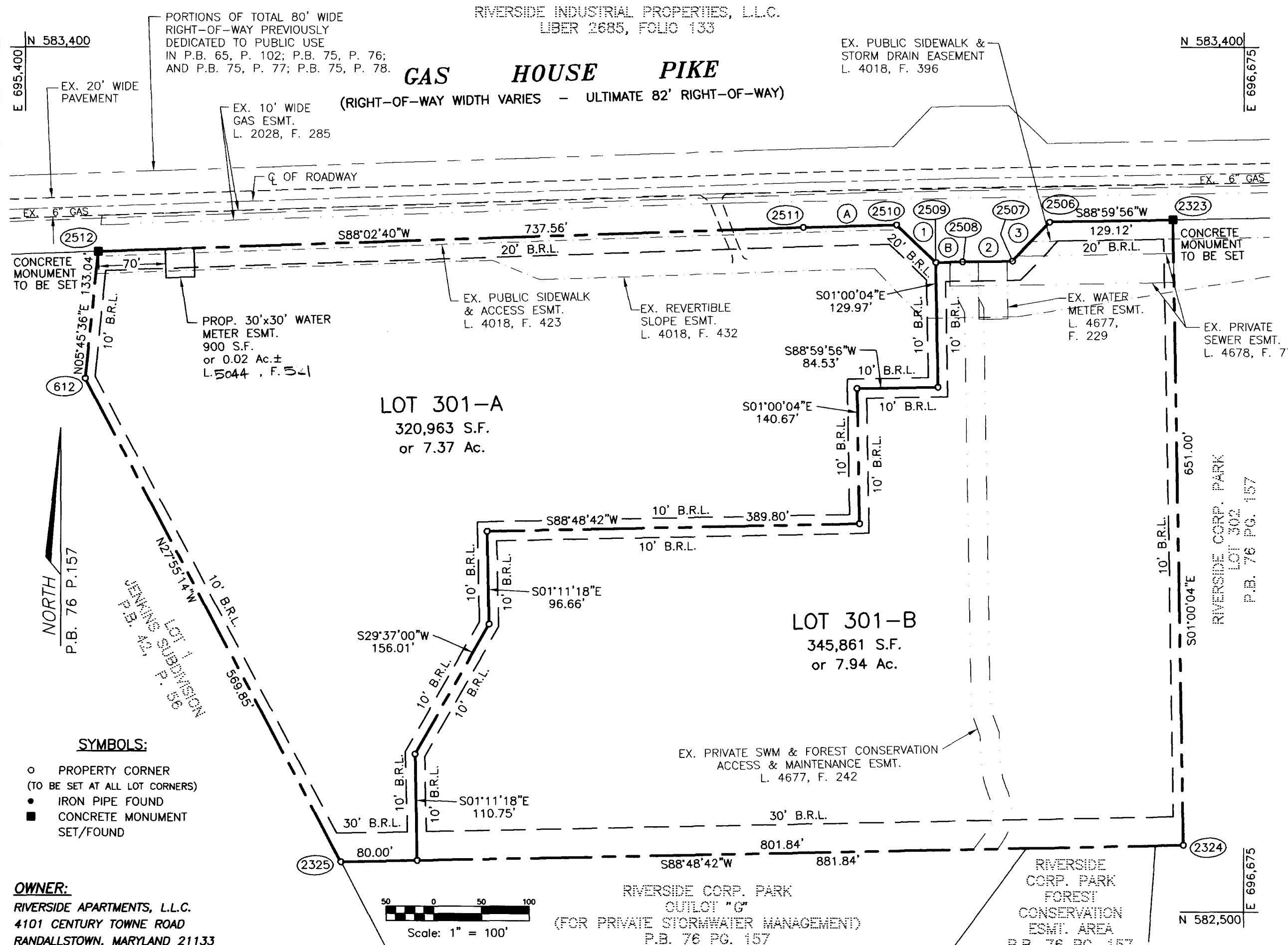
WE CERTIFY THAT THERE ARE NO SUITS, ACTIONS OF LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS, OR RIGHTS-OF-WAY AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF SUBDIVISION, EXCEPT AS HEREON INDICATED: A CERTAIN PURCHASE MONEY DEED OF TRUST AND SECURITY AGREEMENT DATED MAY 11, 2001, AND RECORDED AMONG THE LAND RECORDS (THE "LAND RECORDS") OF FREDERICK COUNTY, MARYLAND IN LIBER 2868, AT FOLIO 1082, AS AMENDED BY THAT CERTAIN FIRST MODIFICATION TO PURCHASE MONEY DEED OF TRUST AND SECURITY AGREEMENT DATED JUNE 25, 2004, AND RECORDED AMONG THE LAND RECORDS IN LIBER 4700, AT FOLIO 202, AND AS AMENDED BY THAT CERTAIN SECOND MODIFICATION TO PURCHASE MONEY DEED OF TRUST AND SECURITY AGREEMENT AND DEED OF PARTIAL RELEASE DATED JUNE 25, 2004, AND RECORDED AMONG THE LAND RECORDS IN LIBER 4700, AT FOLIO 216.

WE ALSO CERTIFY THAT THE REQUIREMENTS OF THE ANNOTATED CODE OF MARYLAND, REAL PROPERTY BOOK, TITLE 3, SUBTITLE 1, SECTION 3-108, 1974 EDITION, AND THE REQUIREMENTS OF THE CITY OF FREDERICK CODE, AND AS ENACTED OR AMENDED SO FAR AS IT MAY CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MONUMENTS AND MARKERS SHALL BE COMPLIED WITH.

PLANS FOR COMMUNITY WATER AND SEWER SYSTEMS AND FOR A POINT OF DISCHARGE HAVE BEEN APPROVED BY THE MARYLAND STATE DEPARTMENT OF THE ENVIRONMENT. LOTS ARE SERVED BY PUBLIC WATER AND SEWER SYSTEMS.

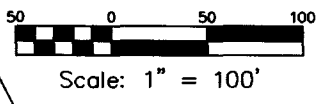
OWNER: RIVERSIDE APARTMENTS, LLC
DATE: 11/24/04
BY: STEVEN WEINSTEIN, MANAGING MEMBER

MERCANTILE MORTGAGE CORPORATION
DATE: 11/26/2004
BY: [Signature]



- SYMBOLS:
o PROPERTY CORNER (TO BE SET AT ALL LOT CORNERS)
● IRON PIPE FOUND
■ CONCRETE MONUMENT SET/FOUND

OWNER:
RIVERSIDE APARTMENTS, L.L.C.
4101 CENTURY TOWNE ROAD
RANDALLSTOWN, MARYLAND 21133



APPROVED
THE CITY OF FREDERICK PLANNING COMMISSION
DATE: 2-8-05
SECRETARY or CHAIRMAN: [Signature]

APPROVED
FREDERICK COUNTY HEALTH DEPARTMENT
FOR PUBLIC WATER AND SEWER. THE USE OF COMMUNITY WATER AND SEWER CONFORMS TO THE FREDERICK COUNTY MASTER PLAN
DATE: 2/1/05
APPROVING AUTHORITY: [Signature]

SURVEYOR'S CERTIFICATION
TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THE FINAL PLAT SHOWN HEREON IS CORRECT; IT IS A SUBDIVISION OF PART OF THE LANDS CONVEYED BY RIVERSIDE SOUTH, L.L.C., UNTO RIVERSIDE APARTMENTS, L.L.C., A MARYLAND LIMITED LIABILITY COMPANY, BY DEED DATED JUNE 25, 2004, AND RECORDED AMONG THE LAND RECORDS OF FREDERICK COUNTY, MARYLAND, IN LIBER 4700, AT FOLIO 209 ANNOTATED CODE OF MARYLAND, REAL PROPERTY BOOK, TITLE 3, SUBTITLE 1, SECTION 3-108, AND THE REQUIREMENTS OF THE CITY OF FREDERICK CODE, AND AS ENACTED OR AMENDED SO FAR AS IT MAY CONCERN THE MAKING OF THIS PLAT AND SETTING OF MONUMENTS AND MARKERS HAVE BEEN COMPLIED WITH.
DATE: 11-22-04
BY: MARK S. CRISSMAN, VICE PRESIDENT
MD PROFESSIONAL LAND SURVEYOR NO. 20,008

DATE: [ ] REVISION: [ ]
STATE OF MARYLAND
MARK STEVEN OF
PROFESSIONAL LAND SURVEYOR

PLAT OF RESUBDIVISION
LOT 301-A and LOT 301-B
RIVERSIDE CORPORATE PARK
SOUTH CAMPUS
CASE NO. 04-635 PSU
SITUATED ON GAS HOUSE PIKE
CITY OF FREDERICK FREDERICK ELECTION DISTRICT No. 2
FREDERICK COUNTY, MARYLAND
SCALE: 1" = 100' DATE: NOV. 22, 2004
ENGINEERS • PLANNERS • SURVEYORS
41 EAST ALL SAINTS STREET SUITE 210
FREDERICK, MARYLAND 21701
Office: 301/631-2027 FAX: 301/631-2028

FREDERICK COUNTY CIRCUIT COURT (Plat Book) Plat Book SKD 78, p. 60, MSA\_C2311\_14666. Date available 2005/02/08. Printed 04/06/2022