



FREDERICK

PLANNING

October 25, 2022

Morgan Guthier
Zoning Coordinator
Partner Engineering and Science, Inc.
100 E California Avenue, Suite 400
Oklahoma City, OK 73104

Re: 22-963ZD Zoning Determination: 605 E. Church Street

Dear Mr. Guthier:

In response to your letter dated October 10, 2022, Staff has prepared the following information:

1. The current zoning of the subject property is MU-1 (Mixed-Use). To my knowledge there are no pending rezoning applications or updates to the Land Management Code (LMC) that may affect the property.
2. Adjacent zoning of property surrounding the subject property are as follows:
 - a. West – M1 (Light Industrial)
 - b. East – *R12 (High Density Residential) and *MU-2 (Mixed-Use Floating District)
 - c. South – M1 (Light Industrial) and IST (Institutional Floating District)
 - d. North – R12 (High Density Residential) and *R6 (Low Density Residential)
* R12, twelve units per acre, R6, six units per acre, and MU-2, 75 units per acre.
3. Part of the property is located within the Airport Overlay (AO) to the southeast. As a mixed-used (MU-1) multi-family development, the plan was subject to LMC Section 417 and a Master Plan (PC19-1297MU) and Final Site Plan (PC21-88FSI) were unconditionally approved on April 14, 2021 and February 28, 2022, respectively. Copy of final site plan attached.
4. To my knowledge there are no nonconforming issues with the property or plan as it was approved in accordance with the LMC.

5. The nonresidential component of the mixed-use development contains 4.76 acres of land, the existing 48,515 s.f. structure and its associated parking. With regards to the existing structure, it was approved for the existing use as a storage warehouse which, per Section 404, Table 404-1, the *Use Matrix*, is considered a “mixed use conditional use,” meaning that it is allowed in the MU districts, but only with the approval by the Planning Commission. It was approved with the Master Plan and considered a legal use.
5. There were nine (9) modifications approved with the Master Plan and listed on the Final Site Plan in regard to setbacks and street design. In event of destruction, a permit to rebuild in accordance with site plan would be approved or there is always the option to submit a new site plan for Planning Commission approval. For information purposes and not applicable, in regard to any nonconforming structures, LMC Section 902 states “*In all other districts, 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.*”
6. To the best of my knowledge, there are no outstanding zoning, building or fire violations associated with the property.

If you have any further questions please don't 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 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



October 10, 2022

City of Frederick
Carreanne Eyler
Planning Department
140 W. Patrick Street
Frederick, MD, 21701
ceyler@cityoffrederickmd.gov
301-600-6273

Subject: Zoning Letter Request

Property Name: Residences at East Church

Property Address: 605 East Church Street
Frederick Maryland 21701

Year Built: 1964/1980

Parcel Number: 1102030519

Project Number: 22-388069.3

To Whom It May Concern,

Partner has been engaged by our client to conduct due diligence research and prepare a Zoning Report on the above-mentioned property. Please consider this a formal request for a letter outlining the following information to include copies of all applicable documents:

- What is the current zoning designation for the above-mentioned property?
 - Are there any pending rezoning applications, or updates to the Zoning Ordinance that may affect the Subject in the foreseeable future?
- What are the immediate abutting zoning designations to the north, south, east, and west of this property? Is a copy of the zoning map for this area available? If so, please attach or provide a link to access.
- Is the property located in any special, restrictive, or overlay district?
- Is the property located in a Planned Unit Development (PUD)/Planned Area Development (PAD)? If so, can we please get a copy of the Development Plan and Ordinance, specifically the conditions of approval for parking, setbacks, height, use, and density?
- Is the current use as Multi-Family permitted by right or was a use approval granted? If so, please provide a copy.
- To your knowledge are there any legal nonconforming issues associated with the subject property?

- Was this property granted any variances, special exceptions, special/conditional use permits, or zoning relief of any kind? If so, can we please get a copy of the approval(s)? If these are not available, would you briefly outline the conditions of the applicable document?
 - In the event of destruction, would a new use permit, variance, or special exception be required?
 - What is the threshold that would trigger a new Use Permit, Variances, or other approvals to be required?
- To the best of your knowledge, do your records show any current open zoning code violations within the Subject's files?

Should you expect fees or if there is any portion of our request you cannot complete, please advise me as soon as possible. In order to expedite this request please email your response to me at mguthier@partneresi.com. If have questions or concerns, please don't hesitate to contact me. In the event that you need to send hard copies, please mail them to the address below.

Morgan Guthier, Zoning Coordinator
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Oklahoma City, OK 73104
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