



# FREDERICK

## PLANNING

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March 17, 2023

100 E California Ave  
Oklahoma City, OK 73104

**Re: 23-233ZD Zoning Determination: 2928-2932 Osprey Way**

Dear Mrs. Kates:

In response to your letter dated February 13, 2023, Staff has prepared the following information:

1. The subject property is zoned MU1 (mixed use). The Mixed Use district is intended “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 buildings.” Please see the following link to the Land Management Code (LMC) for Mixed Use developments: [Sec. 417 - MIXED USE DISTRICTS \(MU-1 AND MU-2\) | Land Management Code | Frederick, MD | Municode Library](#). There are no pending or anticipated rezoning applications that affect these properties. They are not part of a PND or PUD.
2. Single family and multifamily residential units are permitted in the MU1 by right. No special exceptions were granted for this use. See Table 404-1 of the Land Management Code for a full list of permitted uses within the MU1 District.
3. All abutting properties are also Zoned MU1, with no pending or anticipated rezoning. Please see the link to the City’s zoning map on-line: <https://spires.cityoffrederick.com/gis/general/>.
4. These properties are not located in any other overlay, special or restrictive district.

5. These properties are part of the Bowersox Master Plan. There were three modifications to code requirements for this development:
  - a. The required rear setback was reduced from 20' to 6' for townhouses.
  - b. Parking was allowed in the front of the building.
  - c. Parking requirements were reduced from 2 spaces/unit to 1.5 spaces/unit.
6. In the event of property destruction, no additional use permit, variance or Special Exception would be required to rebuild townhouses in the same dimensions and for residential use. If a replacement property was not in compliance with the approved Master Plan, Preliminary Plat, or final site plan, or was in conflict with the Land Management Code, then a new use permit, variance or other approval would be required. See Section 902 of the Land Management Code for specific details.
7. The annexation of this property, formerly known as "Bowersox," was finalized on November 7, 2013, with Resolution 13-37, with the understanding that the historic property on site would remain. The Master plan for this property, 14-214MU was approved by the Planning Commission on September 8, 2014, and revised plan PC15-202MU was approved by the Planning Commission on August 10, 2015.
8. There are no zoning, building or fire violations associated with the subject properties as of March 15<sup>th</sup>, 2023.
9. To our knowledge, there are no legal nonconforming uses issues associated with these properties as of March 15<sup>th</sup>, 2023.
10. To our knowledge, there are no Activity or Use Limitations related to environmentally hazardous conditions on the referenced properties as of March 15<sup>th</sup>, 2023.
11. There are no records noting current or historical use, storage or release of hazardous/material waste, storage tanks of any kind, or clarifiers. There are also no wetlands or archeological findings of note, according to case file 14-222.
12. There are no current open building permits on file for these properties as of March 15<sup>th</sup>, 2023. All properties were inspected and issued Certificates of Occupancy in June of 2021.

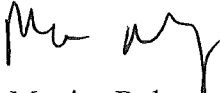
If you have any further questions, please don't hesitate to contact me at (301) 600-1770 or [mrobyns@cityoffrederickmd.gov](mailto:mrobyns@cityoffrederickmd.gov).

*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,



Monica Robyns  
City Planner

In Concurrence,



Joseph A. Adkins, AICP  
Deputy Director for Planning

cc: Gabrielle Collard, Division Manager of Current Planning



February 13, 2023

**Subject:** Zoning Letter and Records Request

**Property name:** MACALLAN CROSSING

**Property Address:** 200-217 Pomegranate Lane  
251-263 Armenian, 2928-2932 Osprey & 7919-7935  
Wormans  
Frederick MD 21701

**Parcel Number:** Please see attached RR for Parcels Numbers

**Project Number:** 23-402204.2

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?
- Are there any Activity and Use Limitations (AUL) related to environmentally hazardous conditions associated with the property?
- To the best of your knowledge, do your records show any current open zoning, building, or fire code violations within the Subject's files?
  - How often are properties inspected? Annually, during construction, and/or upon complaints?
  - Date of last inspection?
- Are there any historical and current open building permits on file? If so, may we obtain copies of the outstanding permits?
- Are there any records related to the following for the property? If yes, may we obtain copies and/or details?
  - Current or historical use of hazardous /material waste?
  - Storage or Releases of hazardous /material waste?
  - Current or historical underground/aboveground storage tanks?
  - Current or historical clarifiers?

Our client has asked that we gather this information as quickly as possible, any help will be greatly appreciated. It is my understanding that there will be a fee of \$200.00, associated with this request, which we will pay by credit card online when prompted. Should you expect additional 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 [jkates@partneresi.com](mailto:jkates@partneresi.com). If have questions or concerns, please do not hesitate to contact me. In the event that you need to send hard copies, please mail them to the address below.

Thank you,

Jennifer Kates  
Partner Engineering and Science, Inc.  
Direct Office 539-269-4008



# Summary Rent Roll

Property: Macallan Crossing  
 Current tenants in the period 02/01/23 - 02/28/23  
 Security Deposit based on date: 2/1/2023

APN	Address	ACRES
<b>Macallan Crossing</b>		
1102601744	200 Pomegran *	.05
1102601735	201 Pomegran*	.04
1102601745	202 Pomegran *	.04
1102601734	203 Pomegran*	.03
1102601746	204 Pomegran *	.04
1102601733	205 Pomegran*	.03
1102601747	206 Pomegran *	.04
1102601732	207 Pomegran*	.04
1102601748	208 Pomegran *	.04
1102601731	209 Pomegran*	.05
1102601749	210 Pomegran *	.04
1102601730	211 Pomegran*	.04
1102601750	212 Pomegran *	.04
1102601729	213 Pomegran*	.04
1102601751	214 Pomegran *	.05
1102601728	215 Pomegran*	.04
1102601727	217 Pomegran*	.05
1102600246*	251 Armenian	.06
1102600247*	253 Armenian	.04
1102600248*	255 Armenian	.04
1102600249*	257 Armenian	.04
1102600250*	259 Armenian	.04
1102600251*	261 Armenian	.04
1102600252*	263 Armenian	.05
1102590546*	2901 Osprey W	
	AKA 7935 Womans	
	2903 Osprey W	
	2905 Osprey W	
	2907 Osprey W	
	2911 OSPREY	
	2913 OSPREY	
	2915 OSPREY	
	2917 OSPREY	
	2919 OSPREY	
	2921 OSPREY	
	2923 OSPREY	
1102600257*	2924 Osprey W	

1102600256*	2926 Osprey W	
1102600255*	2928 Osprey W	.04
1102600254*	2930 Osprey W	.04
1102600253*	2932 Osprey W	.05
1102601743*	7919 Wormans	.05
1102601742*	7921 Wormans	.03
1102601741*	7923 Wormans	.03
1102601740*	7925 Wormans	.03
1102601739*	7927 Wormans	.03
1102601738*	7929 Wormans	.04
1102601737*	7931 Wormans	.04
1102601736*	7933 Wormans	.05

1102601754\*  
1102601752\*  
1102601753\*  
1102600259\*  
1102600258\*

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**Totals for Macallan Crossing      Total Units: 49**