



FREDERICK

PLANNING

May 25, 2023

Aetna Life Insurance Company
151 Farmington Avenue
Mail Code RTAA
Hartford, CT 06156

**Re: 23-470ZD: Zoning Determination
8435 and 8445 Progress Drive, Riverside Corporate Park**

To Whom it May Concern:

In response to your request of May 8, 2023, Staff has prepared the following information:

1. The property is part of a Mixed Use Employment (MXE) Center development and zoned under the MXE Floating District.
2. The Property is also located in the Airport Overlay (AO) zoning district, which 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. Development in the AO is subject to Section 419 of the Land Management Code (LMC); nonresidential properties are not impacted by Section 419.
3. In accordance with the MXE Floating Zone and the unconditionally approved MXE master plan PC11-183MP, the subject property is designated for employment use as specified in Section 418(b)(3) in the 2005 Land Management Code (LMC). Section 418(b)(3) permits all uses that are listed in the LMC Table 404-1 Use Matrix under MO and M1 zoning districts, including warehouse, flex and office buildings, by right. The "flex" space uses must comply with individual uses in the MO and M1 zones. Uses that are permitted in only the M2 district, but excluded from both the M1 and MO districts, are not permitted in the MXE District.

4. The original Final Site Plan PC00-052FSI for Lot 204 received Planning Commission approval on March 6, 2001. The site is considered compliant with the site plans, which would include any variances or special exceptions, in accordance with the 1986 Zoning Ordinance as an existing grandfathered development project per 2005 Land Management Code Sections 910(c) and 910(e).
5. The lot was recorded under Final Plat STF00-59FSU on April 11, 2000. Per SDAT recorded, the account identifier is 02-232367. We cannot address any specific tax information.
6. In event of a casualty, per Land Management Code (LMC) Section 902, “*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.*”
7. Staff has no knowledge of any zoning, building code or site plan violations associated with this property.

If you have any further questions please do not hesitate to call me at (301) 600-1718 or email me at preppert@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,



Pam Reppert
Planner III

In Concurrence,



Joe Adkins
Zoning Administrator



Julie L. Wilhelm
(410) 823-8183
jwilhelm@milesstockbridge.com

May 8, 2023

VIA EMAIL zbadigital@cityoffrederickmd.gov

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

Re: Request for Zoning Verification
8445 Spires Way and 8435 Progress Drive
District: 02, Account Number: 232367
Tax Map 068A, Grid 13, Parcel 0172, Lot 204

Dear Sir or Madam:

This letter is to request a zoning verification letter from your Department confirming the following:

1. Zoning: Please advise us of the zoning of the property located at 8445 Spires Way and 8435 Progress Drive (located on the same parcel and lot), Frederick City, Maryland (the “Property”).

2. Permitted Uses: We have been advised that the Property is being used as warehouse, flex and office space known as Riverside Technolog Park (Phase I). I would appreciate you confirming that the Property, as it is zoned, permits warehouse, fex and office buildings, by right.

3. No Violations: In addition, please: (1) confirm that the Property and its current use complies with zoning codes and building, environmental and energy codes; (2) state the terms of any variances or conditional or special use permits; (3) confirm that the property owner is in compliance with applicable subdivision ordinances, and that the Property constitutes a separate tax lot; (4) confirm that the property owner is in compliance with all setback laws; and (5) provide a description of owner’s right to restore damaged improvements on the Property if such represent legal nonconforming use.

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4. Parking: Please include any onsite parking requirements for the subject property.

Please address your response to the following lender, but email the zoning verification letter to my attention at jwilhelm@milesstockbridge.com.

**Aetna Life Insurance Company
151 Farmington Avenue
Mail Code RTAA
Hartford, CT 06156**

With this letter, I will submit a credit card payment in the amount of \$200.00 to cover the administrative costs associated with your review. If you need any further information regarding this request, please feel free to give me a call.

I appreciate your assistance with this matter.

Sincerely,

Julie L. Wilhelm

Julie L. Wilhelm
Paralegal

Enclosures