



FREDERICK

PLANNING

August 1, 2023

Alexis King
The Planning & Zoning Resource Company
1300 South Meridian Avenue, Suite 400
Oklahoma City, OK 73108

Re: 23-827ZD Zoning Determination: 260 Interstate Circle

Dear Ms. King:

In response to your letter received on July 31, 2023, 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.
2. The subject property is adjacent to M1 zones to the east and south. The north side borders Interstate Route 70 and across the highway is General Commercial (GC) zone.
3. The subject property is not part of a Planned Unit Development.
4. 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.

5. 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.

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

7. 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.
8. Staff has no knowledge of variances or special exceptions attached to the subject property or plan.
9. Per 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.”
10. Our records show no outstanding zoning code, fire or building violations impacting the Property at this time; therefore, the property and building complies with regulations.

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 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



The Planning & Zoning Resource Company

1300 South Meridian Avenue, Suite 400, Oklahoma City, OK 73108
Telephone (405) 840-4344 · Fax (405) 840-2608
Toll Free (800) 344-2944
Ext: 4523

Please fax to my direct fax number: 405-328-7364

To: Planning Department
Fax:
Email: zbadigital@cityoffrederickmd.gov
Date: 7/28/2023
Subject: Zoning Verification Letter Request
Ref. Number 167581-5
RE: NYL - Pool 1 (K20027/236), 260 Interstate Circle, Frederick, Maryland
Add'l Info: Parcel: 1102228483
Map/ Grid/ Parcel / Lot: 077F / 11 / 2141 / 445

Attached is our request for property information on the above-mentioned property. Please copy it onto your letterhead, provide the requested information, sign and return to me via either my direct fax, shown above, or via email to: Alexis.king@pzs.com

It is my understanding that there will be fees associated with this request. Please be advised that the total fees are not to exceed \$200.00 without my approval. If you should expect the fees to exceed this amount, please notify me as soon as possible. Furthermore, any additional costs associated with this request must be approved, in writing, prior to their incurrence.

Thank you in advance for your time and consideration on the above matter. If there are any questions you are unable to answer please let me know who I should contact. If you have any questions or concerns, do not hesitate to contact me at the toll free number 800-344-2944, extension 4523. You may also reach me by email at: Alexis.king@pzs.com

Sincerely,
Alexis King

The Planning & Zoning Resource Company
1300 South Meridian Avenue, Suite 400
Oklahoma City, OK 73108

7/28/2023

ATTN: Alexis King
Ref. No. 167581-5
RE: NYL - Pool 1 (K20027/236), 260 Interstate Circle, Frederick, Maryland
Add'l Info. Parcel: 1102228483
Map/ Grid/ Parcel / Lot: 077F / 11 / 2141 / 445

Please provide VAR copies issued since 2021

The current zoning classification for the subject property is: _____

Adjacent property zoning designations:

North: _____
South: _____
East: _____
West: _____

Is the subject property part of a Planned Unit Development?

_____ Yes, part of a PUD (See comment)
_____ No, not part of a PUD

Comment: _____

Is the subject property part of an Overlay District?

_____ Yes, within an Overlay District
_____ No, not within an Overlay District

Comment: _____

The subject property is currently regulated by:

_____ Section _____ of the Zoning Ordinance
_____ Planned Unit Development Ordinance No. _____ (copy attached)
_____ Site Plan Approval Case No. _____ (copy of plan and case attached)

Comment: _____

According to the zoning ordinances and regulations for this district, the use of the subject property is a:

- Permitted Use by Right
- Permitted Use by Special/Specific Use Permit
- Copy Attached
- Copy Not Available (see comment)
- Legal Non-Conforming Use (no longer permitted by right due to amendments, re-zoning, variance granted or other changes. See comments)
- Non-Permitted Use

Comment: _____

The subject structure(s) was developed:

- In accordance with Current Zoning Code Requirements and is Legal Conforming
- Non-Conforming (see comments)
- In accordance with Previous Zoning Code Requirements (amendments, rezoning, variance granted) and is Legal Non-Conforming to current zoning requirements
- Prior to the adoption of the Zoning Code and is Grandfathered/Legal Non-conforming to current zoning requirements.
- In accordance with Approved Site Plan and is Legal Conforming to approved site plan. If any nonconforming issues exist with respect to current zoning requirement; the subject property would be considered legal non-conforming.

Comment: _____

Information regarding variances, special permits/exceptions, ordinances or conditions:

- There do not appear to be any variances, special permits/exceptions, ordinances or conditions that apply to the subject property
- The following apply to the subject property (see comments):
 - Variance - Documentation attached or is otherwise, no longer available (see comment)
 - Special Permit/Exception Documentation attached or is otherwise, no longer available (see comment)
 - Ordinance Documentation attached or is otherwise, no longer available (see comment)
 - Conditions Documentation attached or is otherwise, no longer available (see comment)

Comment: _____

Rebuild: In the event of casualty, in whole or in part, the structure located on the subject property:

- May be rebuilt in the current form (i.e. no loss of square footage, same footprint, with drive through(s), if applicable.
- May not be rebuilt in its current form, except upon satisfaction of certain conditions, limitations, or requirements. Please see section _____ of the current zoning code/ordinance for details.

Comment: _____

To the best of your knowledge, do your records show any unresolved zoning code violations?

- Yes, there are open violations on file in our records. (See attached list and/or copies/cases)
- No, there are no open violations on file in our records.

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made

To the best of your knowledge, do your records show any unresolved building code violations and/or complaints?

Yes, there are open violations on file in our records. (See attached list and/or copies/cases)

No, there are no open violations on file in our records.

*Please note, this request is for open violations of which you are aware. PZR is not requesting an inspection be made

Please call the undersigned at _____, extension _____ if you have questions or concerns.

Sincerely:

Name: _____

Department: _____

Title: _____

Email: _____