



FREDERICK

PLANNING

February 11, 2020

400 Church Owner, LLC
C/o Timothy McCarty
1888 Main St., Ste. C163
Madison, MS 39217

Re: ZBA20-149ZD – Zoning Determination 400 E. Church St., Frederick, MD 21701

Mr. McCarty:

In response to your letter dated February 6, 2020, Staff has prepared the following information:

The subject property (the “Property”) is zoned Downtown Commercial/Residential (DB). Per Section 401, Table 401-1 of the *Land Management Code* (LMC), the purpose and intent of the DB district is “to encourage the development of the Center City's commercial areas. It allows most office and retail activities as well as high density residential uses. To encourage the implementation of this objective, certain parking requirements are relaxed for development or redevelopment in this district.” The Property is also within the Historic Preservation Overlay zone (HPO), which “in accordance with the Land Use Article of the *Annotated Code of Maryland*, allows the City to designate boundaries for sites, structures, or districts which are deemed to be of historic, archeological, or architectural significance. This overlay district also codifies the requirements of the Historic Preservation Commission” (HPC). Development within the HPO is subject to the requirements of Section 423 of the LMC.

The Property has been subject of several site plans and applications that have appeared before the Planning Commission and Historic Preservation Commission for approval, including:

- STF18-343SP: Sketch plan for redevelopment of site (Ox Fibre Apartments).
 - Status: Complete.
- ARCH18-467: Initial Archaeological Assessment.
 - Status: Complete, no further action required.
- PC18-489FSI: Final Site Plan for Ox Fibre Apartments.
 - Status: Unconditionally Approved.
- PC18-490FSCB: Combined Forest Stand Delineation/Preliminary Forest Conservation Plan.

- Status: Unconditionally Approved.
- HPC18-842: Historic Preservation Commission Certificate of Approval for the redevelopment of the site (Ox Fibre Apartments).
 - Status: Approved.

The current redevelopment and use of the site are in conformance with the LMC. Each of the approved development plans listed above will not substantially change the footprint of the existing building. Should the use of the Property and/or building change in the future to any other use category as detailed in the current LMC *Use Matrix*, as amended, it would require conformance with the standards of the LMC in place at that time.


The Use Matrix contained in Section 404, Table 404-1, of the LMC outlines and establishes which uses are permitted in zoning classes “by right,” or as accessory uses, conditional uses, temporary uses, shopping center uses (for neighborhood commercial zones), and which uses are prohibited in each zoning classification. The approved site plan for this Property, for multifamily residential use containing a total of 85 apartment units, is in conformance with the requirements of the LMC and is a permitted use in the DB district.

If you have any further questions, please don’t hesitate to contact me at (301) 600-1770 or at mbrown@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,


J. Marshall Brown, AICP
City Planner

In Concurrence,


Joseph A. Adkins, AICP
Zoning Administrator/Deputy Director for
Planning

cc: Gabrielle Collard, Division Manager of Current Planning

