

Mayor

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July 23, 2019

Evan Kurtz
Cicero Capital Partners, LLC
7061 Deepage Drive, Suite 207
Columbia, MD 21045

Re: 19-726ZD, Zoning Determination, 321 Ballenger Center Drive

Dear Mr. Kurtz:

In response to your letter dated July 15, 2019, Staff has prepared the following information:

The subject property, 321 Ballenger Center Drive (the "Property"), is zoned MO (Manufacturing/Office). The Property is also located within the HNO (Highway Noise) Overlay District. Per Section 401, Table 401-1 of the Land Management Code (LMC), The MO district is intended to provide a park-like setting for a community of industries, having no nuisance factors as a means of protecting investments within the district, and reducing the impact of industrial uses on surrounding districts. Though leeway is provided concerning the type of industry permitted within the district the appearance and means of operation shall be scrutinized and compared to the performance standards of the Code. The HNO overlay district establishes setback, lot and structure design standards for "noise impacted residential uses" from certain highways.

Uses that would be allowed in the MO district can be found in Table 404-1, the *Use Matrix* in the LMC. The LMC can be found online at www.cityoffrederick.com. Examples of these uses include business and professional offices, hotels/motels, laboratories and testing offices in conjunction with scientific or industrial research and development, newspaper printing, electronic equipment assembly and production, appliances assembly production, etc.

There is a previously approved site plan (PC00-104FSI) for the Property that was approved in 2001 in accordance with the 1986 Zoning Ordinance, which was in affect prior to the adoption of the LMC in 2005. Therefore, there may be structures or features of the site that do not conform to the standards of the LMC and may be deemed nonconforming, provided that they were established in accordance with the regulations in

place at the time of approval. Article 9 of the LMC regulates nonconforming features and structures and generally, allows those elements to persist provided that there are no structural alterations that have the effect of more firmly establishing or intensifying the nonconformity.

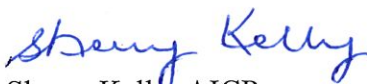
There are no regulatory or building code violations pending on the Property at this time.

If you have any further questions please don't hesitate to contact me at (301) 600-4588 or skelly@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,



Sherry Kelly, AICP
City Planner

In Concurrence,



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

cc: Gabrielle Collard, Division Manager of Current Planning



19-726

July 15, 2019

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

Dear Madam or Sir,

I'm writing to request a Zoning Verification Letter from the City of Frederick for the commercial property located at 321 Ballenger Creek Drive in the City of Frederick and more fully described on the attached print out from the State of Maryland's Department of Assessment and Taxation's website.

The property is currently owned by Cross-Frederick Associates, LLC and is scheduled to be transferred to a Cicero-controlled entity next week. Our entity, 321 Ballenger Owner, LLC, is then going to be placing mortgage debt on the property and the mortgage lender is requiring a Zoning Verification Letter in order to close the loan. Closing is scheduled for July 29, 2019.

The lender's requirement for the Zoning Verification Letter is a "letter from governing municipality that describes the zoning district, applicable zoning and development standards and legal uses for the subject property." Please address the letter to:

321 Ballenger Owner, LLC
c/o Cicero Capital Partners, LLC
7061 Deepage Dr., Ste. 207
Columbia, MD 21045

Enclosed is a check for the \$200.00 fee for the requested Zoning Verification Letter. Once completed, please remit via email to Evan@cicerocapitalpartners.com. Thank you in advance for your prompt attention to this matter. Please let me know if you need any additional information in order to proceed. I can be reached at (443) 288-6169.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Kurtz", written over a white background.

Evan Kurtz

Cicero Capital Partners, LLC

Evan@CiceroCapitalPartners.com

Real Property Data Search

Search Result for FREDERICK COUNTY

View Map		View GroundRent Redemption			View GroundRent Registration					
Tax Exempt:		Special Tax Recapture:								
Exempt Class:		NONE								
Account Identifier:		District - 02 Account Number - 232464								
Owner Information										
Owner Name:		CROSS-FREDERICK ASSOCIATES LLC		Use:		COMMERCIAL				
				Principal Residence:		NO				
Mailing Address:		5301 BUCKEYSTOWN PIKE SUITE 460 FREDERICK MD 21704-		Deed Reference:		/05382/ 00257				
Location & Structure Information										
Premises Address:		321 BALLENGER CENTER DR FREDERICK 21701-0000		Legal Description:		LOT 3 6.41 ACRES BALLENGER CREEK CNTR.-MO				
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:	
0420	0003	1122		0000			3	2018		
Special Tax Areas:		Town:		FREDERICK CITY						
		Ad Valorem:		104						
		Tax Class:								
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use		
2002		86000				6.4100 AC		000000		
Stories	Basement	Type		Exterior	Full/Half Bath	Garage	Last Major Renovation			
		OFFICE BUILDING					2002			
Value Information										
		Base Value		Value		Phase-in Assessments				
				As of		As of		As of		
				01/01/2018		07/01/2018		07/01/2019		
Land:		1,204,100		1,204,100						
Improvements		7,237,300		5,017,100						
Total:		8,441,400		6,221,200		6,221,200		6,221,200		
Preferential Land:		0						0		
Transfer Information										
Seller:		BALLENGER/DW LLC		Date:		06/23/2005		Price: \$8,500,000		
Type:		NON-ARMS LENGTH OTHER		Deed1:		/05382/ 00257		Deed2:		
Seller:		BALLENGER/DW LLC		Date:		03/27/2002		Price: \$0		
Type:		NON-ARMS LENGTH OTHER		Deed1:		/03106/ 00299		Deed2:		
Seller:		MOR BALLENGER CREEK LLLP		Date:		12/03/2001		Price: \$1,900,000		
Type:		ARMS LENGTH MULTIPLE		Deed1:		/03009/ 00030		Deed2:		
Exemption Information										
Partial Exempt Assessments:		Class		07/01/2018		07/01/2019				
County:		000		0.00						
State:		000		0.00						
Municipal:		000		0.00 0.00		0.00 0.00				
Tax Exempt:		Special Tax Recapture:								

Exempt Class:

NONE

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application

Date:
