

Joseph Adkins, AICP
Deputy Director



Michael C. O'Connor
Mayor

FREDERICK

PLANNING

September 1, 2020

Serina Roy
1780 N Market Street
Frederick, MD 21701

Re: 20-674ZD: Zoning Determination, Dublin Roasters

Dear Mr. Roy,

In response to your request requested accepted on August 4, 2020, Staff has prepared the following information:

Section 404, Table 404-1 of the LMC, the *Use Matrix*, establishes several Use Categories, including Residential, Accommodations and Group Living, General Sales or Services, Industrial Manufacturing Uses, Warehousing and Storage, Arts Recreation & Entertainment, etc. Individual land use types are further enumerated under each of these categories that reflect the primary activities associated with the use. Most land uses involve activities that overlap these categories; however, it is the primary function of the establishment that determines its land use and the zoning districts where it is permitted.

In reviewing this proposal, Staff has first evaluated the land use type of "*Food & Beverage Manufacturing*." The term "manufacture" is not defined in Section 1002 of the LMC and in accordance with the directives therein, any word not defined in the Code shall have the meaning inferred from its context in the regulations or the ordinarily accepted definition as defined in the latest edition of the Merriam-Webster Collegiate Dictionary, where "manufacture" is defined as follows:

1 : something made from raw materials by hand or by machinery

2

a : the process of making wares by hand or by machinery especially when carried on systematically with division of labor

b : a productive industry using mechanical power and machinery

3: the act or process of producing something

The operation, in part, is aptly described as manufacturing as it involves the production of raw materials into finished products by machine. However, characteristics of the operation deviate from the activities normally associated with manufacturing uses in that you intend to have a significant customer component, which is not normally associated with standard manufacturing operations and would not be consistent with the goals and objectives of the zoning districts where they are generally permitted.

The customer service component of the operation involves tastings and tours of the facility as well as retail consumption of the products being produced. Retail sales are characterized by generally high volumes of pedestrian and vehicular traffic and the provisions of goods and services to meet a community's needs. More generally, retail is defined as:

: to sell (something) to customers for their own use

: to be sold to the final customer for a specified price

In evaluating the Use Matrix for other functionally similar uses, Staff has also evaluated the use of "Small Scale Craft Distillery, Brewery/Winery" which is defined as follows:

An establishment for the purpose of the production, storage, distillation, manufacturing, processing, distribution, and wholesale and retail sale of liquor, beer, wine and/or cider made from produce grown or produced off site and for tours and tastings of the products. Such establishment shall be in an enclosed building and shall comprise less than 10,000 square feet. Such establishment shall be in compliance with any and all local and state liquor laws and licensing requirements and health department regulations, and shall possess any and all license which may be required by Frederick County, the City of Frederick, and/or the State of Maryland.

While the operation in question does not involve products that are regulated under other local and state laws, it has been concluded that the existing use shares many of the same characteristics, including the manufacturing of finished products from raw materials and wholesale distribution as well as customer service aspects not routinely associated with standard manufacturing processes, but also not wholly retail. These characteristics of the operation are compatible with neighboring land uses outside of industrial areas.

In conclusion, Staff has found that the anticipated impacts of the proposed use in terms of pedestrian and vehicular traffic generation, the potential (or lack thereof) for noise, odor, dust, and other environmental effluents, scale of operation, and general "customer" activities associated with it to be functionally similar to that of a "Small Scale Craft Distillery, Brewery/Winery." As such, the proposed use is permitted in all of those districts in which a Small Scale Craft Distillery is permitted including the General Commercial (GC), Light Industrial (M1), Heavy Industrial (M2), Downtown Commercial/Residential (DB) and the commercial component of a Mixed Use Employment (MXE) development.

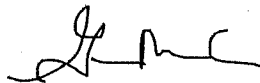
Please note that the process for establishing such a use in any of the above noted districts will largely depend on the site itself and whether or not it is currently improved and if improvements are proposed. A site plan application may be required in accordance with Section 309 of the LMC prior to building and/or zoning permit issuance.

If you have any further questions please don't hesitate to call me at (301) 600-1883 or email me at gcollard@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,



Gabrielle Collard
Div. Manager of Current Planning

In Concurrence,



Joe Adkins
Zoning Administrator/Deputy Director for Planning

Cc: Jessica Murphy, CoF
Carreanne Eyler, CoF



Mrs. Gabrielle Collard Manager of Current Planning City of Frederick
140 W. Patrick St.
Frederick, Maryland 21701

Dear Mrs. Collard,

I am requesting a ZV concluding my business and operations are functionally like SSCDBW (Small Scale Craft Distillery/Brewery/Winery) and therefore permitted to operate in those zones where SSCDBW are allowed.

My business and operation are currently located in the City of Frederick at 1780 N. Market Street and we have been at this location for ten years. My current zoning is GC, but I am considered a Food/Beverage manufacture and that is a nonconforming use in GC.

I would like to prove why my business is most functionally like SSCDBW as opposed to being considered a Food/Beverage Manufacturer.

I am an artisanal small batch coffee roaster for wholesale and retail consumption. I do this by importing the raw green coffee beans from most coffee producing countries. Once I have the green beans, I roast and distribute as whole or ground roasted coffee beans to may local vendors such as restaurants, coffee shops, grocery stores, bookstores, real estate firms, rotary clubs, and local breweries. We give tours, cuppings/tastings in our facility and are following City/County and State Health Department codes. We are licensed and inspected by City/County and State and continue to maintain our current licenses.

We are not a large Food/Beverage manufacturer like Thomas English Muffin or Dunkin Doughnuts Baking facility. We are a small artisanal coffee roaster, self-distributing on a small scale. We roast 35lbs of coffee at a time.

About myself

I moved to Frederick over 25 years ago, I started out in my field of Accounting, but drifted over to become a Frederick City Police Officer. My zone was primarily downtown as Frederick's First Female K-9 officer. I fell in Love with the industrial part of the East Side, and I have watched it grow over the years. I want to stay part of that influence and Industrial/ Farm to table concept.

Like the Small Craft Distilleries/Breweries/Wineries, I would like to have the option moving forward to be eligible to operate in GC and or DB zoning districts. Please consider my concept as functionally like the City of Frederick's LMC Article 10, Section 1002 definition of Small-Scale Craft Distillery/Brewery/Winery. I invite you to see my current operation on N. Market Street, Frederick MD to tour and understand further my concept for retail, education and industrial/manufacturing tourism.

Peace and Health to you

Sincerely,

A handwritten signature in black ink, appearing to read 'SRoy', written in a cursive style.

Serina Roy

Dublin Roasters Coffee, Inc.

1780 N. Market Street

Frederick, MD 21701

www.dublinroasterscoffee.com

Cell/Text: 240-674-1740

2015, 2016, 2017, 2019

Voted Fredericks Best Coffee House