



FREDERICK

PLANNING

January 7, 2020

Piedmont Design Group
C/o Mr. Mike Wiley, Vice President
5283 Corporate Drive, Suite 300
Frederick, MD. 21701

Re: 19-1234ZD: Zoning Determination, The Galleria at Carroll Creek, Retirement Community

Dear Mr. Wiley,

In your letter dated November 19, 2019 and as further supplemented in an email dated December 17, 2019, you have requested confirmation of the land use classification for a proposed use for the Galleria at Carroll Creek site, recorded in Plat Book 86, Pages 11 and 12 (the "Property").

The site is approximately 1.7 acres and is zoned Downtown Commercial/Residential (DB) and is located within both the Historic Preservation Overlay (HPO) and the Carroll Creek Overlay (CCO). Per Section 401 of the Land Management Code (LMC), the DB district is intended 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. The regulations contained in Section 420 of the LMC, specific to the CCO reinforce the planned high-quality, pedestrian-friendly environment in the Carroll Creek Corridor and control signage and visual clutter in this important focal point and economic development area of the downtown. The HPO is established in accordance with the Annotated Code of Maryland, which enables the City to designate boundaries for sites, structures, or districts that are deemed to be of historic, archeological, or architectural significance. This overlay district also codifies the requirements of the Historic Preservation Commission as outlined in Section 423 of the LMC and the design guidelines incorporated therein.

Both Section 420 and 423 apply to development applications on the Property, however, it should be noted that if any standard in Section 420 is addressed by any other local ordinance, code, or guideline, the more restrictive will apply. Any conflict between the Frederick Town Historic District Design Guidelines and Section 420, with respect to new construction that occurs in the area of the CCO that is within the HPO is resolved by complying with the

Frederick Town Historic District Design Guidelines. Where the Frederick Town Historic District Design Guidelines are silent, Section 420 shall apply.

The use proposed for the Property has been described as containing between 150 and 225 age-restricted independent, multifamily living units ranging between 600 to 1,250 square feet. In addition, the facility will be supported by housekeeping and dining services as well as amenity space. The facility will be managed as one entity. In considering the various residential and accommodation land uses in Section 404, Table 404-1 of the LMC, the Use Matrix, Staff has concluded that the proposed use is best classified under the category of "Senior Living or Retirement Community," more specifically as a Retirement Community as defined under Section 1002 of the Code.

Retirement communities are a conditional use in the DB district subject to the provisions of Sections 308 and 861 and approval by the Zoning Board of Appeals (ZBA). Please note that in accordance with Section 861, a maximum of one unit per 333 square feet of lot area is allowed; at approximately 1.7 acres (or 74,052 sf) the facility can contain a maximum of 222 units. In addition, there are specifications that must be met with regards to the provision of open space as well as limitations on other nonresidential accessory uses (see Section 840).

If you have any further questions, please feel free to contact me at (301) 600-1883 or gcollard@cityoffrederick.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
Division Manager of Current Planning

In Concurrence,



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

cc: Ken Wormald, The Wormald Companies

