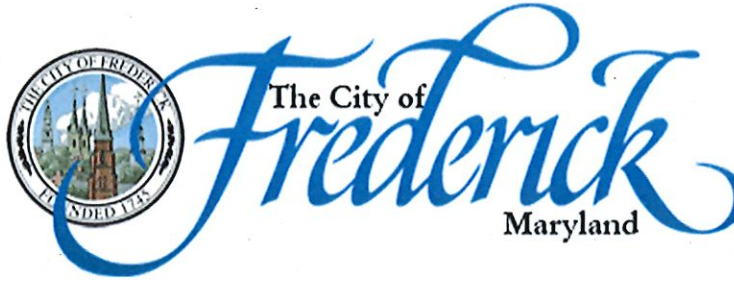


Mayor

Michael C. O'Connor



Aldermen  
Kelly Russell  
President Pro Tem

Derek T. Shackelford  
Roger A. Wilson  
Donna Kuzemchak  
Ben MacShane

August 13, 2019

Scott Kutzma  
Howard Zoning Associates, LLC  
19045 North Rockwell Avenue  
Edmond, OK 73012

**Re: ZD19-775: Zoning Determination 1080 W. Patrick Street, Vista Shops at Golden Mile**

Dear Mr. Kutzma,

In response to your letter dated July 22, 2019, Staff has prepared the following information:

The subject property (the "Property") is zoned is GC, General Commercial. Per Section 401, Table 401-1, of the Land Management Code (LMC), the GC district is intended to provide for a variety of retail use and services in free-standing parcels or shopping centers to serve the community's general commercial needs. Shopping center uses are permitted by right in the GC zoning district. Table 404-1 of the LMC, the *Use Matrix*, outlines permitted uses within the GC zoning district. Based on the information you provided, the Property is currently being used as a Shopping Center for a variety of uses. Per Section 404, Table 404-1, the *Use Matrix*, Shopping Center, Bakery, Baked Goods Store, Grocery Store, Jewelry, Laundromat, Offices, Business and Professional, Personal Services, Restaurant General, Health Club or Spa, and Veterinary Clinic with/without Hospital boarding uses are all permitted by right in the GC zoning district.

The Property is partially located in the Highway Noise Overlay (HNO). This overlay district establishes setback, lot and structure design standards for "noise impacted residential uses" from certain highways. The Property is adjacent to other GC zoned properties to the north, R16, High Density Residential to the south, R6, Low Density Residential to the east, and R12, Medium Density Residential to the west.

Section 405 of the LMC establishes the bulk and dimensional requirements for development in each of the zoning districts, including the GC zone, which are as follows:

Zoning	Min. Lot Size (SF)	Max Density	Min. frontage (feet)	Max Building Height (ft)	Min. Street Setback (ft)	Min. Interior setback (ft)	Min. Rear Setback (ft)	Impervious Surface Ratio (ISR)
GC	--	--	50	90	15	0	6	0.9

The Property was originally developed under final site plan PC85-64FSI which was approved under a previous version of the City's Zoning Ordinance and was subsequently amended under final site plan PC07-443FSI and later, under STF10-452FSI. These plans were approved under

the regulations of the City's 1986 Zoning Ordinance in accordance with provisions of 910 of the LMC. The construction of the site has been completed in conformance with these plans and any features, structures, or other improvements approved and built under the previous regulations, but which no longer comply with the current regulations are considered legally nonconforming. Legal nonconformities are permitted to remain in accordance with Article 9 of the LMC as long as they are not intensified. There may be legal nonconformities on the site including, but not limited to, building setbacks, parking tabulations, landscaping and signage allotments. A full site plan review detailing all existing conditions would be necessary in order to determine the existence and extents of the nonconformities onsite.

The Property was granted a variance under case BZA00-2V. A copy of the Board of Zoning Appeals Findings and Decisions has been attached. The approved variance permitted an increase in the amount of freestanding signage, and increase in height, and a reduction in the required sign setback. There are no open zoning code violations or building code violations on the property.

If you have any further questions please don't hesitate to contact me at (301) 600-3187 or [tbutler@cityoffrederick.com](mailto:tbutler@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,



Tierre Butler  
City Planner

In Concurrence,



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

cc: Gabrielle Collard, Division Manager of Current Planning



Please consider this a formal request for a Zoning Verification Letter providing as much information as possible, as noted below for the entire project:

- What is the current zoning of this project including any special, restrictive or overlay districts?
- Are the following uses permitted: **Shopping Center/Retail, Fitness Center, Pharmacy, Restaurant, Nail Salon, Indoor Recreation, Cultural Center, Bakery, Animal Hospital/Vet, Medical Office/Podiatrist, Beauty Salon and Professional Office/Tax Preparation Services**
- Was this property developed as a "PUD" Planned Unit Development? If so, please provide a copy of the Planned Unit Development approvals/regulations if applicable.
- What are the abutting Zoning Districts to this property (specifically any Residential or other abutting zoning which could impact buffer, height or setback requirements for this project)?
- Were any variances, special or conditional use permits granted for this project? If so, can we obtain a copy of the approvals?
- If one was issued, does it run with the land? If not, under what circumstances would a new CUP/SUP be required?
- Was this property developed with site plan approval? If so, can you please provide a copy of the approved site plan and approvals if available?
- To your knowledge are there any open zoning code violations or complaints on file for this property?
- If this site does not meet the current zoning standards (such as height, use, setbacks, parking etc.) would it be considered legally nonconforming?

Please provide as much information as possible on your letterhead and return via Fax or Email to: 1-405-378-4025 or [scott@howardzoning.com](mailto:scott@howardzoning.com)

Thank you for your time and consideration in this matter. Please call me directly if you have any questions: (405) 703-1382.

Sincerely, Scott Kutzma

Enclosure: Make a check payable to City of Frederick for: \$200.00

#7694-13