



FREDERICK

PLANNING

November 8, 2019

Morgan Alexander
Zoning Info, Inc.
3555N.W 58th Street, Suite 400
Oklahoma City, OK 73112

Re: 19-1140ZD: Zoning Determination 999 West Patrick Street

Ms. Alexander,

In response to your letter dated October 29, 2019, Staff has prepared the following information:

The subject property (the "Property") is zoned General Commercial, (GC) which provides for a variety of retail uses and services in free-standing parcels or shopping centers to serve the community's general commercial needs. The dimensional and density standards for this district are outlined in Table 405-1 of the City of Frederick Land Management Code (LMC). The Property is surrounded by GC zoned properties.

The Property is also partially located with the Highway Noise Overlay District (HNO). This overlay district establishes setback, lot and structure design standards for "noise impacted residential uses" from certain highways. Residential uses are generally prohibited in the GC zone and therefore, the HNO is of little impact on the Property. The Property is not located within the City's Historic Preservation Overlay.

The Property is currently improved with a hotel, which is a permitted use in the GC district per Section 404, Table 404-1 of the (LMC), the *Use Matrix*. The Property was not developed as part of a Planned Unit Development. The hotel was constructed in 1963. At the time, the Frederick Planning Commission did not approve site plans, only subdivisions. Subsequently, the Commission reviewed and approved on June 11, 1984 a site plan (Site Plan for New Addition at the Holiday Inn," case number FPC84-32) for a 10,000 square foot addition including 63 rooms, as well as 63 additional parking spaces. In 2008, staff reviewed a sketch plan for the proposed redevelopment of the subject property (case number 08-385). The case did not result in the submittal of a site plan.

In March of 2016 the City of Frederick Planning Commission reviewed and conditionally approved Final Site Plan PC15-831FSI to build a Chipotle Restaurant on the same lot as the hotel. Fast Food Restaurants are permitted "by right" in the GC district. The referenced site plan was approved in accordance with the current LMC.

As indicated, the hotel and subsequent addition were constructed prior to the adoption of the LMC in 2005. As such, there may be features of the site which are nonconforming. Nonconformities are regulated under Article 9 of the LMC. Generally, nonconforming features may be continued however, no action shall be taken that increases the degree or extent of the nonconforming feature. Any enlargement, extension or structural alteration shall conform to all current requirements of this Code. Developments that were established prior to the effective date of the LMC, where nonconforming features were created by a change in regulation may continue to exist and structures with such nonconforming features may be reconstructed if demolished or destroyed, however, nonconforming structures must be reconstructed in accordance with the current regulations if any building is destroyed, damaged, or deteriorated by any means to the extent of 50 percent or more of its market value.

Staff records indicate that there are no open building or zoning violations. The site does not have any variances or special use permits and there are no plans for construction or improvements that would cause this property to lose land.

If you have any further questions please feel free to contact me at (301) 600-3187 or by email me at 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
Planner II

In Concurrence,



Gabrielle Collard
Manager of Current Planning

Cc:

Chron File



3555 NW 58th Street
Suite 400
Oklahoma City, OK 73112
(405) 525-2998
zoning-info.com

19-1140

10/29/2019

The City of Frederick
140 W Patrick St
Frederick, MD 21701

RE:
Motel 6
999 West Patrick Street
1102046377

Joe Adkins, AICP

Please find this to be a formal request for zoning verification on the above stated property. We are researching these matters for a Zoning Compliance Report. Please incorporate the answers to the following questions in a letter on municipal letterhead.

- What is the current zone of the property?
- Are there any overlay districts?
- Is this property a permitted use in this district?
- Did the property receive site plan approval, and if so, can you provide a copy?
- What are the abutting zoning districts?
- Are there any outstanding building, zoning, or fire violations on file?
- Were any variances or special permits issued?
- Was a certificate of occupancy issued and if so, may we obtain a copy of it?
- Is there any record of any pending condemnation proceedings for the above listed property. In other words, are there any plans for construction, sidewalk improvements, or any other work that would cause this property to lose any land for improvements?
- Is this property listed as a Historical Property?

If you can not Fax or E-mail
Please return the letter to:

Zoning Info, Inc.
3555 N.W. 58th Street
Suite 400
Oklahoma City, OK 73112
Phone: 405-525-2998
Fax: 405-528-4878

Thank you,

Morgan Alexander

Research Analyst
Extension: 105
malexander@zoning-info.com

Our clients deadline for this information is 11/05/2019.

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