



FREDERICK

PLANNING

July 13, 2021

Bradley Tavel
Main Street Development
6132 Lux Lane
Rockville, MD 20852

Re: 21-748ZD: Zoning Determination-South Market Center Condominium, 50 Carroll Creek Way, 1A, 1B, and 1C

Dear Mr. Tavel:

In response to your letter dated June 15, 2021, Staff has prepared the following information:

The subject properties referenced above (the "Property") is currently zoned Downtown Commercial/Residential (DB) and located within the Historic Preservation Overlay (HPO) and Carroll Creek Overlay (CCO). Per Section 401 of the Land Management Code (LMC), the purpose of the DB district is to encourage the development of the Center City's commercial areas. Most office and retail activities as well as high-density residential uses are allowed in the DB district. Section 404, Table 404-1 of the LMC, the Use Matrix, establishes the listing of specific permitted uses in the district.

The HPO is established in accordance with the Land Use Article of the Annotated Code of Maryland and allows for the designation of districts that are deemed to be of historic, archeological, or architectural significance. This overlay district codifies the requirements of the Historic Preservation Commission. The CCO establishes design regulations that reinforce a planned high quality, pedestrian-friendly environment and control signage and visual clutter along the Carroll Creek Corridor, an important focal point and economic development area of downtown Frederick. The HPO and CCO are overlay districts that require compliance with sections 420 and 423 of the LMC, respectively. The provisions of Section 423 govern in the case of a conflict between the design provisions of the CCO and the HPO.

The references to the Property provided above- Units 201, 1A, 1B- and 1C- reflect the designations as assigned on a condominium plat originally entitled *South Market Center Condominium* recorded in plat book 80, pages 44- 49. A second condominium plat appears to have been subsequently recorded in plat book 80, page 98. It should be noted that the City of Frederick's Planning and Zoning Department do not review condominium plats for compliance with any local ordinances.

The building that encompasses the above noted units is located on Lot 1 of a plat entitled *Creek Side at Carroll Creek Site B, Lots 1-4 and Outlot A* (Plat Book 74, Page 191). This plat was reviewed and approved by the City under application number PC02-249FSU and was recorded on June 24, 2003.

A final site plan for the construction of 46,433 square foot building, excluding the structured parking, was unconditionally approve on April 14, 2005. The building is a multitenant space including both office and retail opportunities. The building has been constructed in accordance with the approved site plan (PC02-334FSI) and there are no outstanding zoning violations currently on the Property.

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


Sherry Kelly AICP
City Planner

In Concurrence,


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

cc: Gabrielle Collard, Division Manager of Current Planning

June 15, 2021

Mr. Joe Adkins
Deputy Director for Planning Frederick MD
101 N. Court Street Frederick, MD 21701

Re: Zoning Determination Letter for South Market Center Condominium Units 1A, 1B, and 1C located at 50 Carroll Creek Way, Frederick, Maryland 21701.

Mr. Adkins, Please issue a formal written zoning determination for the above referenced property having case #PC02-249FSU approved October 17, 2002. The entirety of the space is for restaurant, general use of which currently 9.4% (1,109 square feet) is used as an ice cream parlor. The primary activity is public dining.

Thank you.

Carroll Creek Site B LLC
By: Bradley Tavel