

EXHIBIT A

**THE CITY OF FREDERICK
CITY COUNCIL
ORDINANCE NO: _____**

AN ORDINANCE concerning Critical Digital Infrastructure.

FOR THE PURPOSE of amending the City of Frederick Land Management Code, 2005, as amended, by amending, Article 10, Section 1002, entitled “Definitions” to identify two new principal uses, Critical Digital Infrastructure and Critical Digital Infrastructure Electric Substations, and to establish the regulatory definitions for Critical Digital Infrastructure and Critical Digital Infrastructure Electric Substations;

FOR THE PURPOSE of amending the City of Frederick Land Management Code, 2005, as amended, by amending, Article 4, Section 404, Table 404-1, entitled “Use Matrix” to identify Critical Digital Infrastructure and Critical Digital Infrastructure Electric Substations as principal permitted uses in the M1 and M2 zoning districts;

FOR THE PURPOSE of amending the City of Frederick Land Management Code, 2005, as amended, by amending, Article 8, entitled “Supplemental Use Regulations” to create regulatory standards that govern the establishment and operation of Critical Digital Infrastructure and Critical Digital Infrastructure Electric Substations;

FOR THE PURPOSE of amending the City of Frederick Land Management Code, 2005, as amended, by amending, Article 6, Section 607, Table 607-1, entitled “Parking Schedule,” and Table 607-4, entitled “Minimum Off-Street Loading Spaces,” to establish the parking standards that shall apply to Critical Digital Infrastructure and Critical Digital Infrastructure Electric Substations;

BY AMENDING Section 404, Table 404-1 entitled the “Use Matrix;” Section 607, Table 607-1, entitled “Parking Schedule,” and Table 607- 4, entitled “Minimum Off-Street Loading Spaces;” and Section 1002 entitled “Definitions;” and

BY ENACTING Section 870, entitled “Critical Digital Infrastructure.”

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICK:

SECTION I. Article 10, Section 1002 of the City of Frederick Land Management Code is hereby amended as follows:

Sec. 1002 - DEFINITIONS

In this Code, the following specific terms are used as defined unless otherwise apparent from the context:

CRITICAL DIGITAL INFRASTRUCTURE ELECTRIC SUBSTATION. A high-voltage electric system facility used to switch generators, equipment, and circuits or lines in and out of a system, change AC voltages from one level to another, or change alternating current to direct current or direct current to alternating current. Critical digital infrastructure electric substations may only be constructed in conjunction with a critical digital infrastructure facility.

Note: Underlining indicates material added, and brackets indicated material deleted.

CRITICAL DIGITAL INFRASTRUCTURE FACILITY. A facility consisting of one or more buildings used primarily for the storage, management, processing, and transmission of digital data, and which houses computer or network equipment, systems, servers, appliances, and other associated components related to digital data operations. The facility may also include customary accessory uses such as an office use, air handlers, power generators and storage, water cooling and storage facilities, and associated utility infrastructure needed to support sustained operations of the digital infrastructure.

SECTION II. Article 4, Section 404, Table 404-1 of the City of Frederick Land Management Code is hereby amended as follows:

Table 404-1 Use Matrix

Use	RC	RO	R4	R6	R8	R12	R16	R20	PB	NC	GC	MO	M1	M2	DB	DR	DBO	MU	MXE	IST	PRK	LBCS Function	LBCS Structure	NAICS	
Industrial & Manufacturing Uses																									
Aircraft, Industrial Assembly Production													P	P					P				3370	-	336411
Appliances, Assembly Production										P	P	P	P						P				3360	2621	334418
Automobile, Assembly Production													P	P					P				-	-	33611
Brick, Tile, Clay Products Manufacture													P	P					P				-	-	327121
Cement Manufacture														P									-	-	3272
Chemicals & Plastics Manufacturing and Processing													C	C					C				3320	-	325110— 325199
<u>Critical Digital Infrastructure Facility</u>													P	P									<u>4200</u>	<u>2700</u>	<u>518210</u>
<u>Critical Digital Infrastructure Electric Substation</u>													P	P									<u>4300</u>	<u>6000</u>	<u>237130,</u> <u>221122</u>

Note: Underlining indicates material added, and brackets indicated material deleted.

SECTION III. Article 6, Section 607 of the City of Frederick Land Management Code is hereby amended as follows:

Table 607-1 Parking Schedule

Use	Parking		
	Minimum Parking Spaces	Maximum Parking Spaces	Minimum Bicycle Parking
Industrial & Manufacturing Uses			
Aircraft, Industrial Assembly Production	1 per 1,500 sf	1 per 300 sf	Not applicable
Appliances, Assembly Production	1 per 1,500 sf	1 per 300 sf	Not applicable
Automobile, Assembly Production	1 per 1,500 sf	Not applicable	Not applicable
Brick, Tile, Clay Products Manufacture	1 per 1,500 sf	1 per 300 sf	Not applicable
Cement Manufacture	1 per 1,500 sf	Not applicable	Not applicable
Chemicals & Plastics Manufacturing and Processing	1 per 1,500 sf	1 per 300 sf	Not applicable
Clothing, Cloth Goods Manufacturing and Processing	1 per 1,500 sf	1 per 300 sf	Not applicable
Concrete, Asphalt Batching	1 per 1,500 sf	Not applicable	Not applicable
Construction Equipment, Assembly Production	1 per 1,500 sf	1 per 300 sf	Not applicable
<u>Critical Digital Infrastructure Electric Substation</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>
Warehousing and Storage Uses			
Bulk Plants for Nonhazardous liquids & gases	1 per 1,000 sf	1 per 300 sf	Not applicable
Coal Storage	1 per 500 sf	1 per 150 sf	Not applicable
<u>Critical Digital Infrastructure Facility</u>	<u>1 per 7,500 sf</u>	<u>1 per 4,000</u>	<u>4 spaces per building excluding security buildings and other ancillary structures</u>
Distribution Center, Freight Terminal	1 per 1,000 sf	1 per 350 sf	Not applicable

Table 607-4 Minimum Off-Street Loading Spaces

Use Classification	Gross floor area (square feet)	Minimum Loading Space Requirements
Retail, office or industrial uses	>2000 but <5,000	1 small
Retail	5,000—40,000	1 large
Retail	over 40,000	1 large + 1 per each additional 40,000 square feet
Office	5,000—100,000	1 large
Office	over 100,000	1 large + 1 per each additional 40,000 square feet
Industrial and wholesale	5,000—40,000 square feet	1 large
Industrial and wholesale	40,000—100,000 square feet	2 large
Industrial and wholesale	100,000—160,000 square feet	3 large
Industrial and wholesale	160,000—240,000 square feet	4 large
Industrial and wholesale	240,000—320,000 square feet	5 large
Industrial and wholesale	320,000—400,000 square feet	6 large
Industrial and wholesale	Each 90,000—above 400,000 square feet	1 large
<u>Critical Digital Infrastructure Facility</u>	<u>Not Applicable</u>	<u>2 large</u>
<u>Critical Digital Infrastructure Electric Substation</u>	<u>Not Applicable</u>	<u>Not Applicable</u>

Note: Underlining indicates material added, and brackets indicated material deleted.

SECTION IV. Article 8 of the City of Frederick Land Management Code is hereby amended to add a new Section 870, as follows:

Sec. 870 – CRITICAL DIGITAL INFRASTRUCTURE.

(a) Applicability. Critical Digital Infrastructure Facilities and Critical Digital Infrastructure Electric Substations are permitted in the M1 and M2 districts provided all of standards established in subsections (b) and (c) are met.

(b) Standards for CDI Facilities.

(1) Dimensional Regulations

(a)

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)
<u>Use</u>	<u>Minimum Lot Size (acres)</u>	<u>Minimum Frontage (feet)</u>	<u>Maximum Building Height (feet)</u>	<u>Minimum Street Setback (feet)</u>	<u>Minimum Interior Setback (feet)</u>	<u>Minimum Rear Setback (feet)</u>	<u>Impervious Surface Ratio</u>
<u>CDI Facility</u>	75	50	90	100	50	50	.9
<u>CDI Electric Substation</u>	<u>Not Applicable</u>	50	90	100	50	50	.9

(b) Where two or more adjacent lots are proposed for critical digital infrastructure uses, the lot frontage requirement may be met by construction of a private street subject to Planning Commission approval and the following:

- (1) The private street connects directly to a public street.
- (2) The private street will not serve any uses that would be frequented by the general public.
- (3) For the purposes of establishing dimensional regulations (setbacks, lot frontage, etc.), the measurements along the portion of the lot(s) fronting a private street must be the same as established for public streets.
- (4) The design of the private street must comply with the Standard City Details.
- (5) Private streets may not create long, dead-end street networks and must serve a limited number of lots and sites, as determined by the Planning Commission.
- (6) Private streets must be maintained by a property owner association or similar organization.

(c) Modification Authority. The Planning Commission may approve a reduction to, but not elimination of, the required minimum interior and rear setbacks between adjoining critical digital infrastructure facilities and adjoining critical digital infrastructure electric substation so long as all structures comply with applicable building code requirements, if the Planning Commission finds that reducing the setbacks:

- (1) Increases the size and usability of open space areas;
- (2) Increases the landscape buffer areas along other adjacent property lines with different land uses;
- (3) Provides additional buffer areas for environmentally sensitive areas or resources; or
- (4) Facilitates compliance with the design criteria set forth herein.

Note: Underlining indicates material added, and brackets indicated material deleted.

- (2) Design requirements.
- (a) Refuse and recycling dumpsters, service doors, and mechanical equipment must face away from roadways, pedestrian routes, and public areas.
 - (b) Pole mounted and building mounted lights must not exceed a height of 40 feet.
- (3) Performance standards. These performance standards are intended to mitigate potential detrimental effects on adjacent properties. All applications for site plan approval must be accompanied by a registered engineer's certification that the use complies with all of the performance standards.
- (a) Noise.
- (1) The maximum levels permitted from any source, including but not limited to air handlers, generators, and other mechanical devices, measured within an adjacent property line, shall comply with the standards set forth in §15.21 of the City Code.
 - (2) In addition to the exemptions set forth in Section 15.21.3, the noise standards set forth in §15.21 of the City Code shall not apply to the following:
 - a. Emergency operations, which shall specifically include the use of generators, as designed;
 - b. Routine maintenance of equipment and generators conducted during daytime hours;
 - c. Noise measured at property lines shared between Critical Digital Infrastructure uses;
 - d. Occasionally used safety signals, warning devices, and emergency pressure relief valves; and,
 - e. Temporary construction activity between 7:00 a.m. and 7:00 p.m.
 - (3) All applications for site plan approval must include a sound study that is prepared by a qualified engineer with experience in environmental acoustics. The purpose of the detailed study is to assess the impact of all noise sources and determine the appropriate layout, design, and control measures. The study must include:
 - (a) Details of assessment methodology.
 - (b) Existing baseline noise levels along adjacent property lines.
 - (c) Incorporation of sound studies for adjoining critical digital infrastructure that is not included in the existing baseline noise levels.
 - (d) List of all air handlers, generators, and other mechanical devices that are included in the sound evaluation, including manufactures specifications.
 - (e) Predicted sound levels for three scenarios:
 - (i) All mechanical and electrical equipment required for normal operation at 100% load.
 - (ii) Generator testing and maintenance.
 - (iii) Emergency scenario with all generators, mechanical equipment, and electrical equipment operating at 100%.
 - (iv) When multiple buildings are proposed, the study must include sound levels for each phase of development.

Note: Underlining indicates material added, and brackets indicated material deleted.

(v) Summary of the results and recommended control measures.

(4) All applications for Certificates of Use and Occupancy shall include a post-construction sound study prepared by a qualified engineer with experience in environmental acoustics that demonstrates to the Zoning Administrator's satisfaction that the CDI operation complies with the standards set forth in §15.21 of the City Code.

(b) Generators.

(1) Generators must meet or exceed emission standards as defined by the United States Environmental Protection Agency.

(2) Generators must be installed at ground level.

(c) Fuel Storage Tanks:

(1) All fuel storage tanks must comply all applicable State of Maryland and Federal regulations for above ground storage tanks.

(2) Storage tanks shall have 100% catchment basin, or double-walled containment, and a spill protection overfill alarm.

(3) The storage tank must have a minimum setback of 100 feet from all property lines.

(c) Standards for CDI Electric Substation.

(1) Application. A critical digital infrastructure electric substation may only be constructed for the purpose of providing power to critical digital infrastructure facilities, and when a critical digital infrastructure facility has received site plan approval from the Planning Commission. An application for a critical digital infrastructure electric substation may be processed concurrently with an application for a critical digital infrastructure facility. A critical digital infrastructure electric substation may be connected to another electrical system within the region. Any expansion of a critical digital infrastructure electric substation for the purpose of supporting other uses or users must follow the rules, regulations, and procedures applicable to electric substation use. An application for a critical digital infrastructure electric substation must include the following:

(a) An assessment of the impact on nearby properties from electromagnetic fields to be generated by the critical digital infrastructure electric substation.

(b) An assessment of safety and reliability, including provisions for emergency operations and shutdowns.

(c) A description of methods to be utilized to mitigate any waste disposal, air quality, visual or noise impacts associated with the development or operation of the critical [infrastructure electric substation.

(d) A sound study that is prepared by a qualified engineer with experience in environmental acoustics. The purpose of the detailed study is to assess the impact of all noise sources and determine the appropriate layout, design, and control measures. The study must include:

(1) Details of assessment methodology.

(2) Existing baseline noise levels along adjacent property lines.

(3) List of all devices that are included in the sound evaluation, including manufacturers specifications.

(4) Predicted sound levels.

Note: Underlining indicates material added, and brackets indicated material deleted.

- (5) When multiple buildings are proposed, the study must include sound levels for each building within the site plan application.
- (6) Summary of the results and recommended control measures.

(2) Design requirements.

- (a) Light poles, if provided, shall not exceed a height of 40 feet.
- (b) Noise.

(1) The maximum sound pressure levels permitted from any source, including but not limited to air handlers, generators, and other mechanical devices, measured within an adjacent property line, shall comply with the standards set forth in §15.21 of the City Code.

(2) In addition to the exemptions set forth in § 15.21.3, the noise standards set forth in §15.21 of the Code shall not apply to the following:

- a. Emergency operations, which shall specifically include the use of generators, as designed;
- b. Routine maintenance of equipment and generators conducted during daytime hours;
- c. Noise measured at property lines shared between Critical Digital Infrastructure uses;
- d. Transportation vehicles not under the control of the CDI Facility;
- e. Occasionally used safety signals, warning devices, and emergency pressure relief valves; and,
- f. Temporary construction activity between 7:00 a.m. and 7:00 p.m.

(3) All applications for Certificates of Use and Occupancy for a critical digital infrastructure electric substation shall include a post-construction sound study prepared by a qualified engineer with experience in environmental acoustics that demonstrates to the Zoning Administrator's satisfaction that the operation complies with the standards set forth in §15.21 of the City Code.

SECTION V. AND BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF FREDERICK, That this ordinance shall take effect on the date it is signed by the Mayor and that in the event of a conflict between this ordinance and any other ordinance or resolution previously adopted by the City of Frederick, this ordinance shall prevail.

APPROVED:

PASSED:

Katie Nash, City Council President

Michael C. O'Connor, Mayor

Approved for Legal Sufficiency:

City Attorney

Note: Underlining indicates material added, and brackets indicated material deleted.

Bruce N. Dean
(240) 503-1455
bdean@mdglawfirm.com

December 15, 2025

Ms. Gabrielle Collard
Director of Planning
City of Frederick Planning Department
140 West Patrick Street
Frederick, MD 21701

RE: Application for Text Amendment to City of Frederick Land Management Code

Dear Gabrielle:

Please accept this letter in support of and justification for the enclosed Application for a text amendment to the Land Management Code (“LMC”) of the City of Frederick (the “City”), filed on behalf of TC FCC Owner I LLC (“TC”). The purpose of this text amendment is to amend several sections of the LMC as set forth in **Exhibit A** attached hereto and incorporated herein, to add “Critical Digital Infrastructure” and “Critical Digital Infrastructure Electric Substation” as principal permitted uses in the M1 and M2 zoning districts, subject to significant regulations as more particularly set forth in the draft text amendment. Critical Digital Infrastructure (“CDI”) is the land use reference for data centers, and Critical Digital Infrastructure Electric Substations are specifically designed electric substations to serve CDI uses.

TC is the owner of the 125 acre parcel of land legally described as Lot 1, Frederick Commerce Center, as more particularly shown and described on a plat of subdivision recorded among the Land Records of Frederick County, Maryland in Plat Book 108, page 141. A site plan for Lot 1, PC21-206FSI, was approved by the Planning Commission for a 649,136 sq.ft. warehouse/distribution center on July 29, 2021. A revised site plan for Lot 1, PC22-1016FSI, was approved by the Planning Commission for a 1,017,200 sq.ft. warehouse/distribution center. Lot 1 is zoned M1, Light Industrial.

TC is proposing to develop the 125 acre Lot 1 (and potentially, through another affiliated entity, the recently annexed 106 acre Mercer property south of Gas House Pike) with a relatively small data center campus (for comparison’s sake, the Eastalco Data Center Campus near Adamstown, in Frederick County, has over 2,000 acres with over 1,300 acres currently approved for CDI and CDI electric substation uses). Currently, the LMC does not define or address either

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CDI or CDI electric substations as uses at all, and therefore does not provide any siting criteria for such uses. In fact, by zoning determination letter dated March 29, 2022 (copy enclosed herewith), the City of Frederick determined that, in order for an applicant to pursue a data center in the City of Frederick, it would have to process a text amendment to, at a minimum, add data centers to the LMC Use Matrix found in Table 404-1 of the LMC.

For that reason, TC has prepared the enclosed text amendment to the LMC, which is consistent with existing regulations for industrial uses and would define CDI and CDI Electric Substations, permit them in the M1 and M2 zoning districts, and further regulate the placement and site design requirements for such CDI uses so that they would not detrimentally affect citizens of the City of Frederick. Among other things, the proposed text amendment would limit CDI uses to industrially zoned parcels of land 75 acres or larger and creates performance standards intended to prevent these uses from having an adverse impact upon neighboring properties. ***By specifically limiting CDI uses to M1 or M2 zoned parcels 75 acres or larger, this reduces the potential location within City boundaries to four known parcels, one of them being Lot 1 in Frederick Commerce Center. Another of the potential sites is Lot 4 in Frederick Commerce Center which has an approved site plan and the proposed distribution center is anticipated to start construction in 2Q2026. Any additional lands would have to be rezoned or annexed, and would thus be totally within the control of the City Council as to whether to rezone or annex any new or additional land for CDI uses.***

The M1 and M2 zoning districts permit a variety of light and heavy industrial uses. As evidenced by the existing site plan approval for Lot 1, a large, million square foot distribution center is permitted in the M1 zoning district. TC is proposing to include language in the LMC which further restricts CDI uses by 1) limiting it to sites 75 acres or larger and 2) by incorporating performance standards over and above those already contained in the LMC for other industrial uses such as distribution centers.

In the City's review of the proposed text amendment, the City should look to recent legislative activity in Frederick County regarding CDI uses. Recognizing the dynamic and rapidly changing conditions of today's data center industry and seeing the increased interest in Frederick County as a potential home for data centers, County Executive Jessica Fitzwater created a Data Center Workgroup in 2023. Following the Data Center Workgroup's report issued in March of 2024, County Executive Fitzwater introduced a series of legislation in Frederick County which resulted in tightening siting requirements for CDI uses, including the requirement of mitigating visual impacts and requiring applicants to submit sound and vibration studies showing the project meets specific standards, and by limiting the land available for CDI uses to one specific geographic

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area of Frederick County, namely the land surrounding the Eastalco Data Center campus near Adamstown.

The proposed text amendment submitted by TC addresses these same issues in a manner appropriate for the City of Frederick. From a visual standpoint, none of the M1 or M2 lands which might be available for CDI uses are near any residential areas, and, as stated above, any new lands would have to be annexed and/or rezoned by the City Council, which could simply deny such an application if it determined that it was an inappropriate site for CDI uses or unduly impacted existing or future residents of the City. This provides the ultimate control over CDI proliferation solely within the hands of the elected body, the City Council, who are held accountable by the City's electorate.

The proposed CDI text amendment further meets and assists with implementing a significant number of Policies and Implementations found in the City of Frederick 2020 Comprehensive Plan, including the following Land Use Policies and Implementations:

- LU POLICY 1 - Encourage development and redevelopment to be compatible with the character of existing or planned development.
IMPLEMENTATION 1. Mitigate potential negative impacts through site design, including the location of facilities and access, building height, scale, and massing; and 11. Ensure that industrial land use areas are compatible, complementary and environmentally sensitive to the adjacent uses.
- LU POLICY 4 - Allow land uses that build upon regional and local economic assets.
IMPLEMENTATION 1. Develop uses that capitalize on the assets of Fort Detrick and Frederick's emerging leadership in the "MD 355/I-270 Technology Corridor" business area; 2. Coordinate land uses that capitalize on the transportation and economic development assets of Monocacy Boulevard; and 5. Flexibility will be given for unique land uses that are currently unclassified in the Land Management Code that create destinations for tourism, arts, and **business**. (emphasis added).
- LU POLICY 5 - Implement a citywide land use pattern that supports the forecasted level of population and employment growth.
IMPLEMENTATION 1. Encourage a variety of land uses in order to maintain or exceed the City's jobs/housing ratio goal of two jobs for every household.

As well as the following Community Character and Urban Design Policy and Implementation:

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- CCUD POLICY 4 Design employment and industrial areas to complement the community's image and the visual aesthetics of adjacent neighborhoods.
IMPLEMENTATION 1. Encourage the integration of compatible employment and industrial uses that have experienced technological advancements to locate in areas that complement the neighboring uses.

As well as the following Economic Development Policies and Implementations:

- ED POLICY 3 Maintain a diverse mix of industry, while building on our current industry strengths.
IMPLEMENTATION 2. Identify and recruit businesses that complement or enhance the existing economic mix including:
 - a. Bioscience and Biopharmaceutical Manufacturing
 - b. Technology (infotech, cybertech, advanced tech, etc.)** (emphasis added)
 - c. Manufacturing
 - d. Services
 - e. Tourism
 - f. Clean/Renewable Energy technology and manufacturing
- ED POLICY 4 Maintain a positive business investment environment.
IMPLEMENTATION 1. Ensure that City development review and permitting processes are transparent and predictable for business investment; and 5. Implement Performance Based Zoning to increase flexibility of uses across districts while maintaining harmony within the community.
- ED POLICY 6 Encourage revitalization and reinvestment in existing buildings and supporting infrastructure along Frederick's traditional business corridors such as along the National Road, Golden Mile and in Downtown Frederick.
IMPLEMENTATION 3. Build on Frederick's role as a tech hub by developing one or more Innovation Zones in revitalizing areas of the City along with support programs/incentives/workforce strategies to encourage tech company creation, location, expansion and job creation.

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In conclusion, this text amendment is a timely and appropriate update to the M1 and M2 districts that facilitates the establishment of, and control over, CDI uses. As always, thank you for your assistance with this matter, and please contact me as soon as possible if you need anything further.

Very truly yours,

McCurdy, Dean & Graditor, LLC



Bruce N. Dean

Cc: Ray Goins
Joe Whitebread
Eric Soter

FREDERICK

MARYLAND

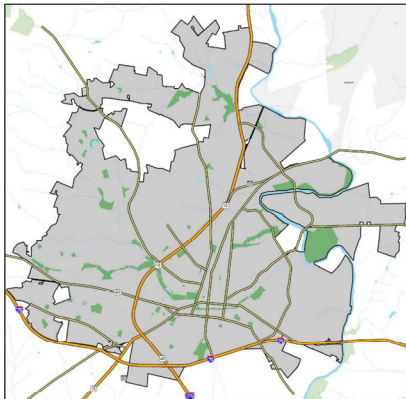
2020 Future Land Use Map

- Moderate Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Mixed Use
- Community Mixed Use
- Corridor Mixed Use
- Downtown Mixed Use
- Industrial Mixed Use
- Business Park
- Open Space
- Density Enhancement Area

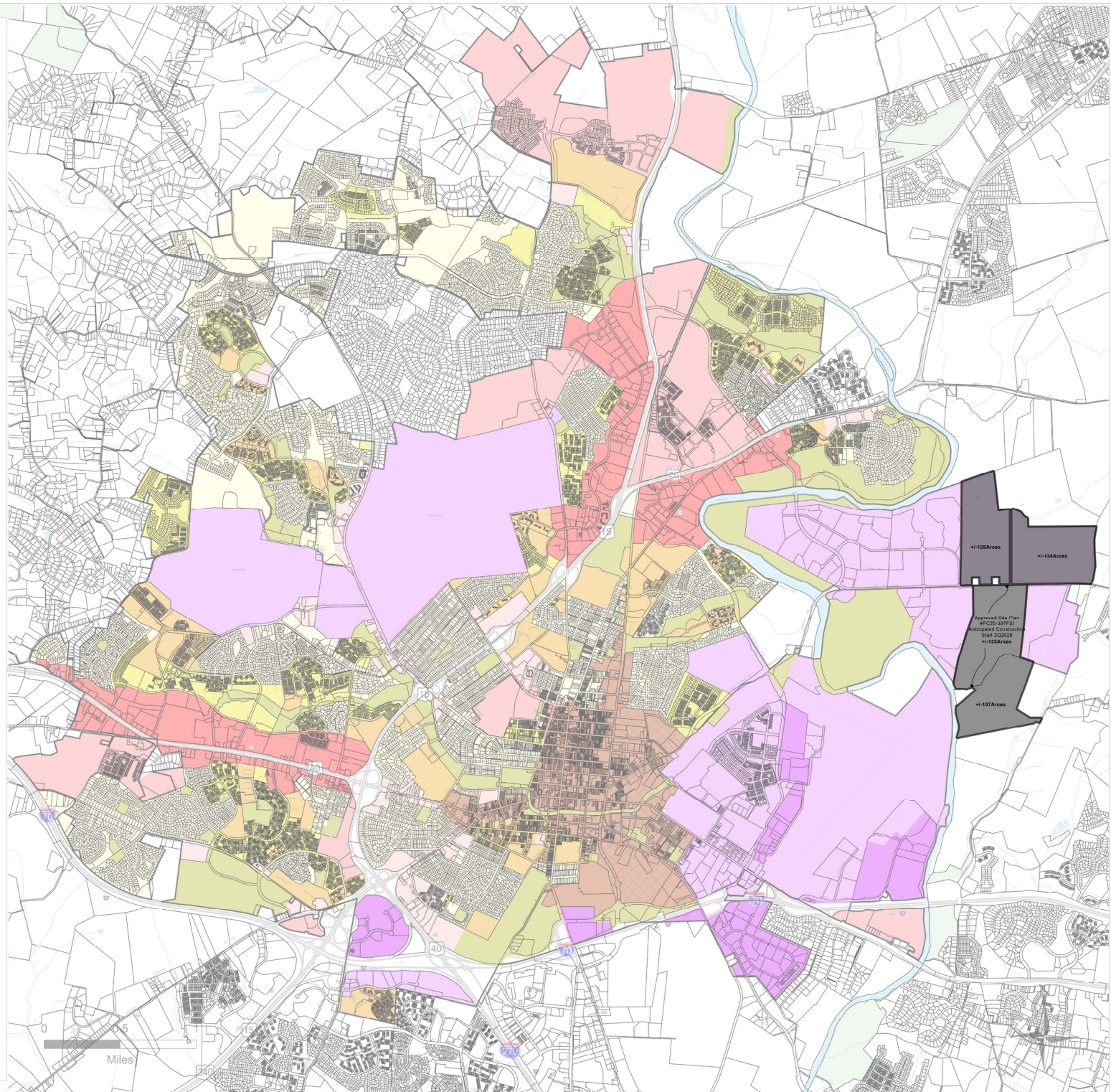
Data Source: City of Frederick
Planning Department



101 N Court St.
Frederick, MD 21701
301-600-6209
www.cityoffrederickmd.gov



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Official Zoning Map Base, Floating and Overlay Zones

Zoning Districts

- R4 (Residential 4 units per acre)
- R6 (Residential 6 units per acre)
- R8 (Residential 8 units per acre)
- GC (General Commercial)
- NC (Neighborhood Commercial)
- PB (Professional Business)
- RO (Residential Office)
- DR (Downtown Residential)
- DBO (Downtown Business Office)
- R12 (Residential 12 units per acre)
- R16 (Residential 16 units per acre)
- R20 (Residential 20 units per acre)
- MU1 (Mixed Use)
- M1 (Light Industrial)
- M2 (Heavy Industrial)
- MO (Manufacturing/Office)
- DB (Downtown Business)
- RC (Resource Conservation)

Floating Districts

- IST (Institutional)
- MXE (Mixed Employment)
- PRK (Parkland)
- MU2 (Mixed Use)

PND (Planned Neighborhood)

- PND Boundary
- Commercial Area

Overlay Districts

- HDO (Historic District)
- AO (Airport)
- HNO (Highway Noise)
- CCO (Carroll Creek District)
- WHO (Wellhead Protection)

Other Features

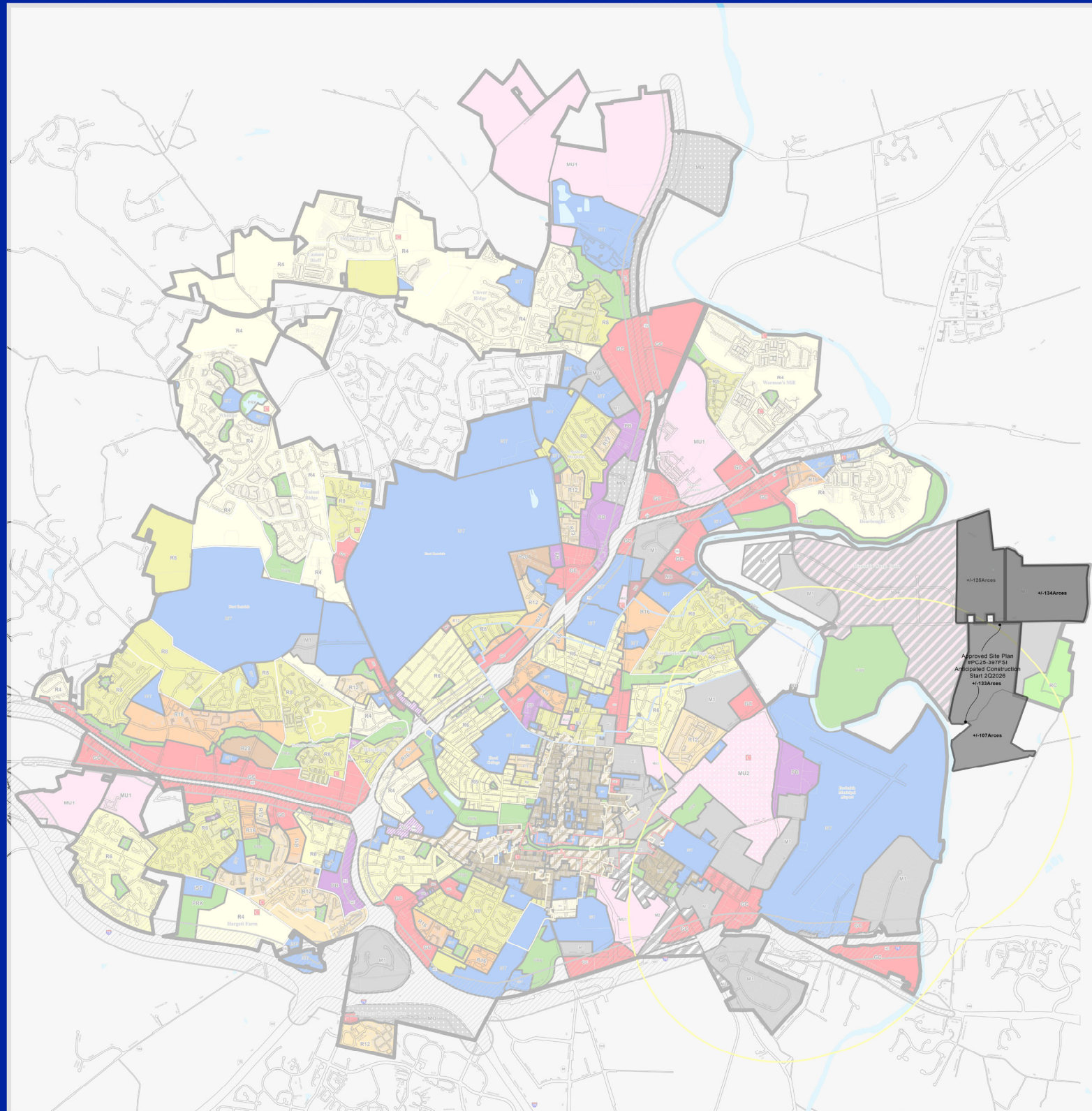
- Municipal Boundary
- Road Right of Way
- Rivers & Lakes

Date	Revisions	By
7/18/2013	General Revisions	TFS
11/24/2014	General Revisions	TFS

Randy McClement, Mayor
Adopted by the Mayor and Board of Aldermen
January 17, 2013



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Approved Site Plan
#PC20-397FS1
Anticipated Construction
Start 2/20/2026

~1126Acres
~1134Acres
~1133Acres
~1197Acres



FREDERICK

PLANNING

March 29, 2022

David Monassebian
Envision Highland LLC
8 Barstow Road, #7-i
Great Neck, NY 11021

Re: 22-089ZD Zoning Determination: 540-550 Highland Street

Dear Mr. Monassebian:

In response to your letter dated February 7, 2022, Staff has prepared the following information:

The subject property located at 540-550 Highland Street is zoned M1 (Light Industrial). The purpose of the M1 district is to provide for offices and those industrial activities which do not require special measures to control odor, dust, or noise and which do not involve hazardous materials and whose environmental impacts are contained within the property limits.

Based on the original site plan PC04-406FSI approval and the previous zoning determination 15-669ZD, the Highland Technology Park was interpreted as "Offices, Business and Professional" and was permitted in the M1 zoning district in accordance with Land Management Code (LMC) Table 404-1 *Use Matrix*.

The proposed use for a Data Center is described for the purpose of housing computer systems, computer servers and associated components, such as telecommunications and data storage systems, redundant/backup components, infrastructure for power supply, and data communication connections which is not specifically included in the *Use Matrix* table.

In the *Use Matrix*, there is a listing for Business Machines/Business Service Center. In searching the definition for this use based on the Land Based Classification Standards (LBCS) and the North American Industry Classification Manual (NAICS) codes that are provided in the Matrix, the following uses were described:

- Under the LBCS (code 2424), **Business Support Services** were described as “*establishments providing any of the following: document preparation, telephone answering, telemarketing, mailing (except direct mail advertising), court reporting, and steno typing. They may operate copy centers, which provide photocopying, duplicating, blueprinting, or other copying services besides printing. They may provide a range of support activities, including mailing services, document copying, facsimiles, word processing, on-site PC rental, and office product sales.*”
- Under the NAICS (code 56143), two were listed, **Private Mail Center (code 561431) and Business Service Center (copy shops) (561439)**. Both uses were described as above for copy centers in support of business offices.

The NAICS (code 518210) description of a “Data Center” is as follows: “*This industry comprises establishments primarily engaged in providing infrastructure for hosting or data processing services. These establishments may provide specialized hosting activities, such as web hosting, streaming services, or application hosting; provide application service provisioning; or may provide general timeshare mainframe facilities to clients. Data processing establishments provide complete processing and specialized reports from data supplied by clients or provide automated data processing and data entry services.*”

Therefore, the Use Matrix for Business Machines/Business Service Center and the proposed Data Center use are not similar. The Data Center use will need to be added to Table 404-1 *Use Matrix* by processing a text amendment for the LMC.

Please be advised that the property is also located in the Airport Overlay (AO) district. Per Section 419 of the LMC, *Airport Overlay District*, the purpose of the AO is to regulate and restrict the height of structures, objects, or natural growth, regulate the locations of noise sensitive uses, and otherwise regulate the use of property in the vicinity of the Frederick Municipal Airport (FDK). Although subject property as developed is in accordance with the base zone M-1, any new use is only permitted in the AO district subject to the additional restrictions established in Section 419. It should be noted that the individual tenants are evaluated at the time of Zoning Certificate approval.

If you have any further questions, please don't hesitate to contact me at (301) 600-1718 or preppert@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,

Pam Reppert

Pam Reppert
Planner III

In Concurrence,



Joseph A. Adkins, AICP
Deputy Director for Planning



Envision Highland, LLC
8 Barstow Road, #7-i | Great Neck, NY 11021 | Tel: (212) 737-4663

February 7, 2022

Office of Planning
City of Frederick
140 W. Patrick Street
Frederick, MD 21701
Attention: Brandon Mark

Re: Request for Zoning Verification Letter
540-550 Highland Street, Frederick, MD 21701

Dear Mr. Mark,

We are writing to you to request confirmation by the Office of Planning of the City of Frederick (“**Planning Department**”) that the following intended use would be permitted under current zoning designation for our commercial property, described below. The property is currently zoned M1 (Light Industrial). The zoning verification letter we received from the Planning Department in September 2015, is enclosed for your reference.

Intended Use: **Data Center** (*i.e.*, for the purpose of housing computer systems, computer servers and associated components, such as telecommunications and data storage systems, redundant/backup components, infrastructure for power supply, and data communication connections).

Property: **District: 02, Account No.: 031167**
540-550 Highland Street, Frederick, MD 21701
Lot 2, containing 27.95 acres of land

Thank you for your assistance.

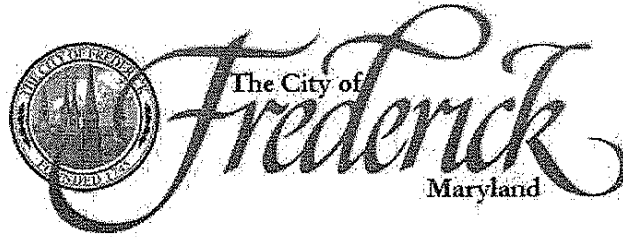
Sincerely,

ENVISION HIGHLAND, LLC

A handwritten signature in black ink, appearing to read "David Y. Monassebian".

David Y. Monassebian
Managing Member

Randy McClement
Mayor



Aldermen

Kelly M. Russell
President Pro Tem

Michael C. O'Connor
Philip Dacey
Joshua Bokee
Donna Kuzemchak

September 17, 2015

Clear Title Group
C/o David Rosenberg
106 Old Court Road, Suite 104
Baltimore, MD 21208

Re: STF15-669ZD: 550 Highland Street – Highland Technology Center

Dear Mr. Rosenberg:

In response to your letter dated August 24, 2015, Staff has prepared the following information:

A review of our records and the City of Frederick Land Management Code (LMC), indicate that the property located at 550 Highland Street is zoned M1 (Light Industrial). The purpose of the M1 district is to provide for offices and those industrial activities which do not require special measures to control odor, dust or noise and which do not involve hazardous materials and whose environmental impacts are contained within the property limits. Residential uses are not appropriate for this zone.

The property is also located in the Airport Overlay (AO) district. Per Section 419 of the LMC, *Airport Overlay District*, the purpose of the AO is to regulate and restrict the height of structures, objects, or natural growth, regulate the locations of noise sensitive uses, and otherwise regulate the use of property in the vicinity of the Frederick Municipal Airport (FDK). Although development in accordance with the underlying base zone, M1, is permitted, it is only to the extent that such use is also permitted in the overlay district and subject to those additional restrictions established in Section 419.

The abutting zoning districts are as follows:

North: M1 (Light Industrial)
East: M1 (Light Industrial)
South: M1 (Light Industrial and IST (Institutional))
West: PRK (Parkland)

Per Section 404, Table 404-1, the use of this property for Highland Technology Park is interpreted as "Offices, Business and Professional" and is permitted in the M1 zoning district. It should be noted that the individual tenants are evaluated at the time of Zoning Certificate approval.

The property was not developed as a Planned Unit Development (PUD). A final site plan revision, STF04-406FSI, was approved on August 9, 2004 for the construction of an 8,872sf addition referred to as Phase 2A. Please be aware that Phase 2B, a 6,128sf addition was never constructed and as such the plan has expired. The staff level site plan revision is included with this determination. The subject property has not received approval of any variances or conditional use approvals by the Zoning Board of Appeals.

In the event of casualty, in whole or part, the structure located on the subject property may be rebuilt in accordance with the previously approved final site plan. If the Land Management Code is amended to render the use, structure or features nonconforming then the property and improvements would be subject to Article 9 of the LMC. As such nonconforming features may be continued subject to the following limitations:

- 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.
- For development existing (or for which a vested right had been established) prior to the effective date of current regulations, nonconforming features created by a change in regulations may continue to exist, and structures with such nonconforming features may be reconstructed if demolished or destroyed.

Staff has reviewed our records and was unable to find any existing building, fire, or zoning violations of record on the property, however, please note that a thorough inspection of the property was not completed as part of this review.

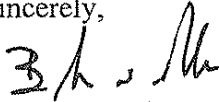
If you have any further questions please don't hesitate to call me at (301) 600-1770 or email me at bmark@cityoffrederick.com.

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,

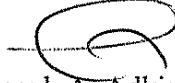
department or agency of The City of Frederick affected by an order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the provisions of the Land Management Code may appeal said decision within thirty days to the Zoning Board of Appeals.

Sincerely,



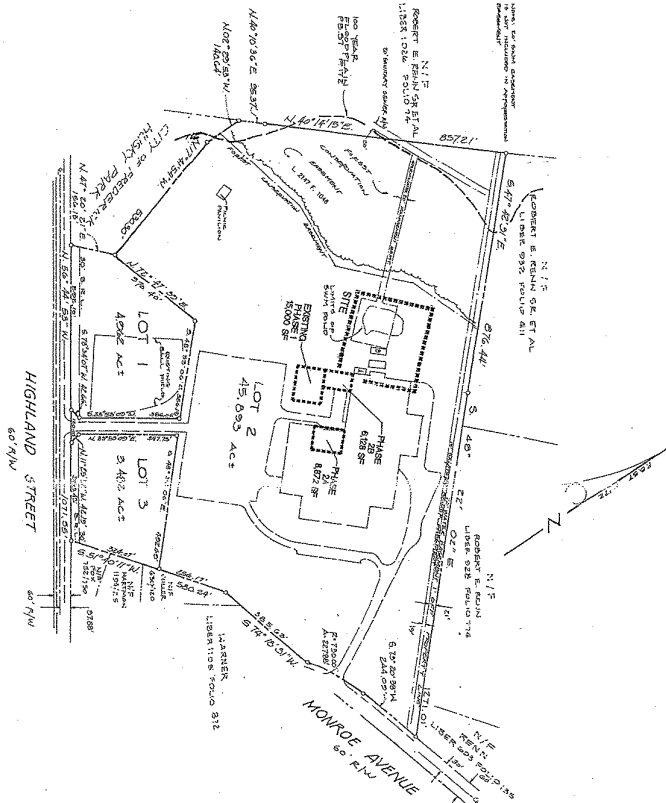
Brandon Mark, AICP
City Planner

In Concurrence,

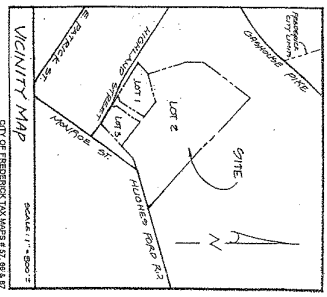


Joseph A. Adkins, AICP
Deputy Director for Planning

Cc: Gabrielle Collard, Division Manager of Current Planning
Chron File
DET PROJ



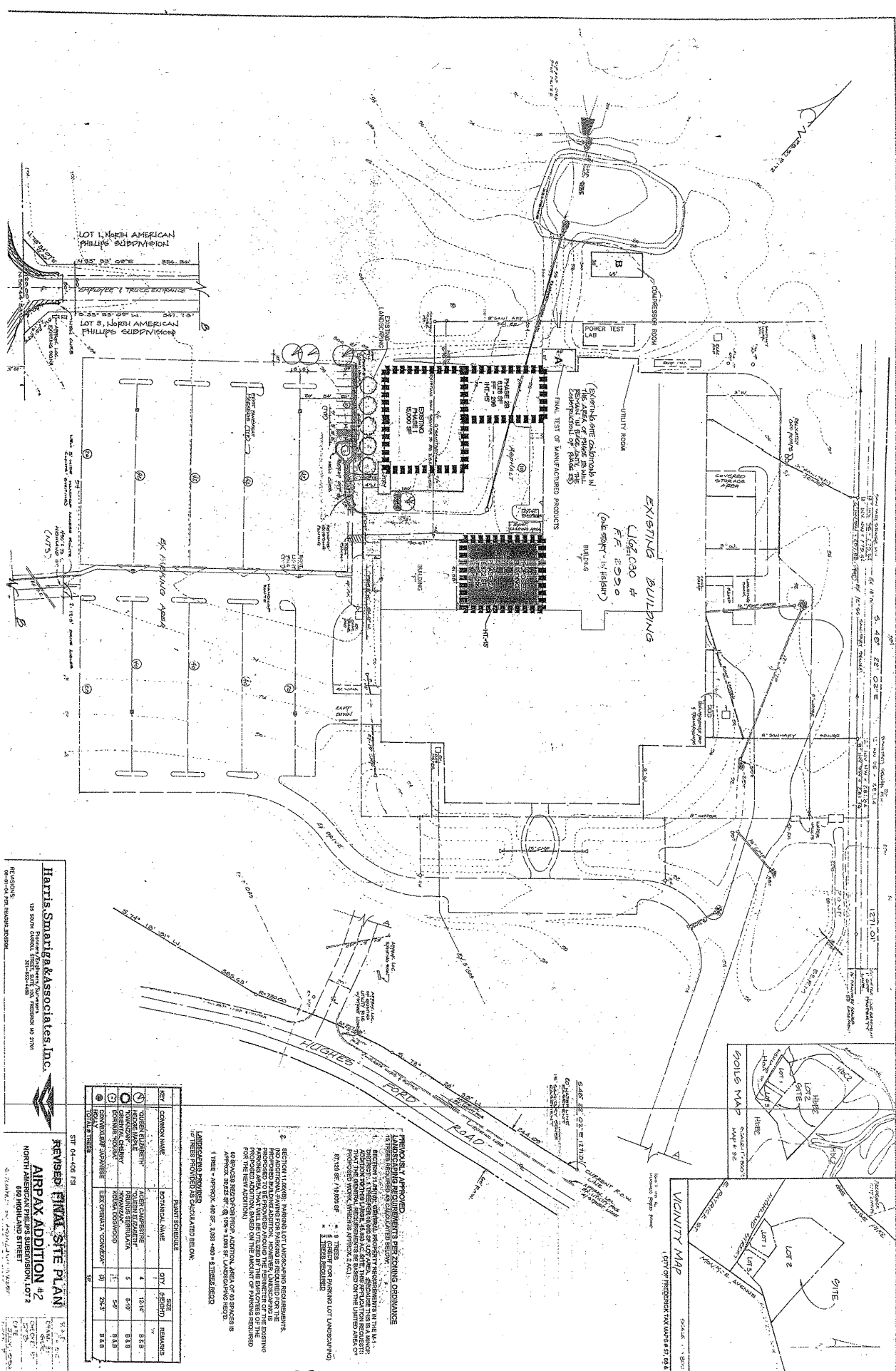
- GENERAL NOTES:**
1. THE SITE IS CURRENTLY ZONED AT P-3 TO P-4.
 2. THE PROPERTY IS ZONED AS LIMITED SUBDIVISION.
 3. THE REPORT OF THIS PLAN WAS TO CONSTRUCT A TOTAL OF 300,000 SF OF GROSS FLOOR AREA (GFA) TO BE BUILT ON THE SITE. THE PROPOSED ADDITION WAS TO BE CONSTRUCTED IN TWO PHASES. PHASE 1 WAS TO BE BUILT ON LOT 2 AND PHASE 2 WAS TO BE BUILT ON LOT 1 AND LOT 3. THE TOTAL GFA TO BE BUILT ON THE SITE IS 300,000 SF. THE PROPOSED ADDITION WAS TO BE BUILT ON LOT 2 AND PHASE 2 WAS TO BE BUILT ON LOT 1 AND LOT 3. THE TOTAL GFA TO BE BUILT ON THE SITE IS 300,000 SF.
 4. THE PROPOSED ADDITION WAS TO BE BUILT ON LOT 2 AND PHASE 2 WAS TO BE BUILT ON LOT 1 AND LOT 3. THE TOTAL GFA TO BE BUILT ON THE SITE IS 300,000 SF.
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Harris, Smartig & Associates, Inc.
 Planning/Engineering/Architecture
 125 South Central Expressway, Suite 200, Frederick, MD 21704
 Phone: 301-746-1100
 Fax: 301-746-1101

REVISED FINAL SITE PLAN
APARX ADDITION #2
 NORTH AMERICAN PHILIPS SUBDIVISION, LOT 2
 680 HIGHLAND STREET
 FREDERICK, MD 21704

DATE: 11/12/2004
 SCALE: 1" = 500'
 SHEET NO. 02
 SHEETS: 02



Harris Smartiga & Associates, Inc.
 125 SOUTH CENTRAL STREET, SUITE 200
 HOUSTON, TEXAS 77002
 281-422-1111
 281-422-1112

ARRAX ADDITION #2
 NORTH AMERICAN PHILLIPS SUBDIVISION, LOT 2
 859 HIGHLAND STREET
 HOUSTON, TEXAS 77002

NO.	DESCRIPTION	DATE	BY	REMARKS
1	ARRAX ADDITION #2	12-14-11	ASB	ASB
2	ARRAX ADDITION #2	12-14-11	ASB	ASB
3	ARRAX ADDITION #2	12-14-11	ASB	ASB
4	ARRAX ADDITION #2	12-14-11	ASB	ASB
5	ARRAX ADDITION #2	12-14-11	ASB	ASB
6	ARRAX ADDITION #2	12-14-11	ASB	ASB
7	ARRAX ADDITION #2	12-14-11	ASB	ASB
8	ARRAX ADDITION #2	12-14-11	ASB	ASB
9	ARRAX ADDITION #2	12-14-11	ASB	ASB
10	ARRAX ADDITION #2	12-14-11	ASB	ASB

PROVISIONALLY APPROVED
 LANDSCAPING REQUIREMENTS PER ZONING ORDINANCE
 SECTION 11.11.010. THE CITY ENGINEER HAS REVIEWED THE LANDSCAPING REQUIREMENTS FOR THE PROPOSED PROJECT AND HAS DETERMINED THAT THE PROPOSED PROJECT IS IN COMPLIANCE WITH THE CITY ENGINEER'S REQUIREMENTS FOR THE PROPOSED PROJECT.
 1. THESE PROVISIONS SHALL APPLY TO THE PROPOSED PROJECT.
 2. THESE PROVISIONS SHALL APPLY TO THE PROPOSED PROJECT.
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 10. THESE PROVISIONS SHALL APPLY TO THE PROPOSED PROJECT.

Conditions of Approval met (date)

Clear Title Group

David A. Rosenberg, Esquire
106 Old Court Road; Suite 104
Baltimore, MD 21208
(410) 486-5456
Fax (410) 486-4678
david@cleartitlegroup.net

15-669

August 24, 2015

Office of Planning
City of Frederick
140 W. Patrick Street
Frederick, MD 21701
Attn: Lea Ortiz

Re: Zoning Verification Letter

Dear Ms. Ortiz:

The purpose of this letter is to request zoning verification letter for the following commercial property, tax identification number:

**District: 02 Account No.: 031167
550 Highland Street
Frederick, MD 21701
Lot 2, 27.95 Acres**

I am enclosing my check made payable to the City of Frederick in the amount of \$200.00 to cover the cost of this service. Please direct all correspondence via electronic mail to david@cleartitlegroup.net and also regular mail to Clear Title Group, 106 Old Court Road, Suite 104, Baltimore, MD 21208. Thank you for your kind assistance in processing this matter.

Very truly yours,

CLEAR TITLE GROUP



David A. Rosenberg

DAR:
Encl.

Randy McClement
Mayor



Aldermen

Kelly M. Russell
President Pro Tem

Michael C. O'Connor
Philip Dacey
Joshua Bokee
Donna Kuzemchak

September 17, 2015

Clear Title Group
C/o David Rosenberg
106 Old Court Road, Suite 104
Baltimore, MD 21208

Re: STF15-669ZD: 550 Highland Street – Highland Technology Center

Dear Mr. Rosenberg:

In response to your letter dated August 24, 2015, Staff has prepared the following information:

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The property is also located in the Airport Overlay (AO) district. Per Section 419 of the LMC, *Airport Overlay District*, the purpose of the AO is to regulate and restrict the height of structures, objects, or natural growth, regulate the locations of noise sensitive uses, and otherwise regulate the use of property in the vicinity of the Frederick Municipal Airport (FDK). Although development in accordance with the underlying base zone, M1, is permitted, it is only to the extent that such use is also permitted in the overlay district and subject to those additional restrictions established in Section 419.

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Per Section 404, Table 404-1, the use of this property for Highland Technology Park is interpreted as "Offices, Business and Professional" and is permitted in the M1 zoning district. It should be noted that the individual tenants are evaluated at the time of Zoning Certificate approval.

The property was not developed as a Planned Unit Development (PUD). A final site plan revision, STF04-406FSI, was approved on August 9, 2004 for the construction of an 8,872sf addition referred to as Phase 2A. Please be aware that Phase 2B, a 6,128sf addition was never constructed and as such the plan has expired. The staff level site plan revision is included with this determination. The subject property has not received approval of any variances or conditional use approvals by the Zoning Board of Appeals.

In the event of casualty, in whole or part, the structure located on the subject property may be rebuilt in accordance with the previously approved final site plan. If the Land Management Code is amended to render the use, structure or features nonconforming then the property and improvements would be subject to Article 9 of the LMC. As such nonconforming features may be continued subject to the following limitations:

- 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.
- For development existing (or for which a vested right had been established) prior to the effective date of current regulations, nonconforming features created by a change in regulations may continue to exist, and structures with such nonconforming features may be reconstructed if demolished or destroyed.

Staff has reviewed our records and was unable to find any existing building, fire, or zoning violations of record on the property, however, please note that a thorough inspection of the property was not completed as part of this review.

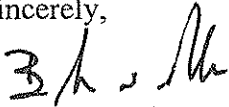
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department or agency of The City of Frederick affected by an order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the provisions of the Land Management Code may appeal said decision within thirty days to the Zoning Board of Appeals.

Sincerely,



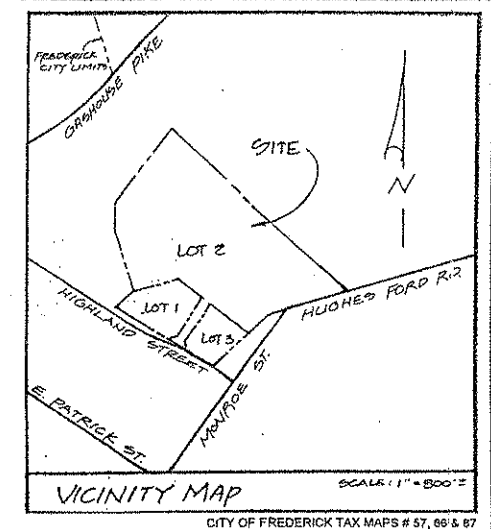
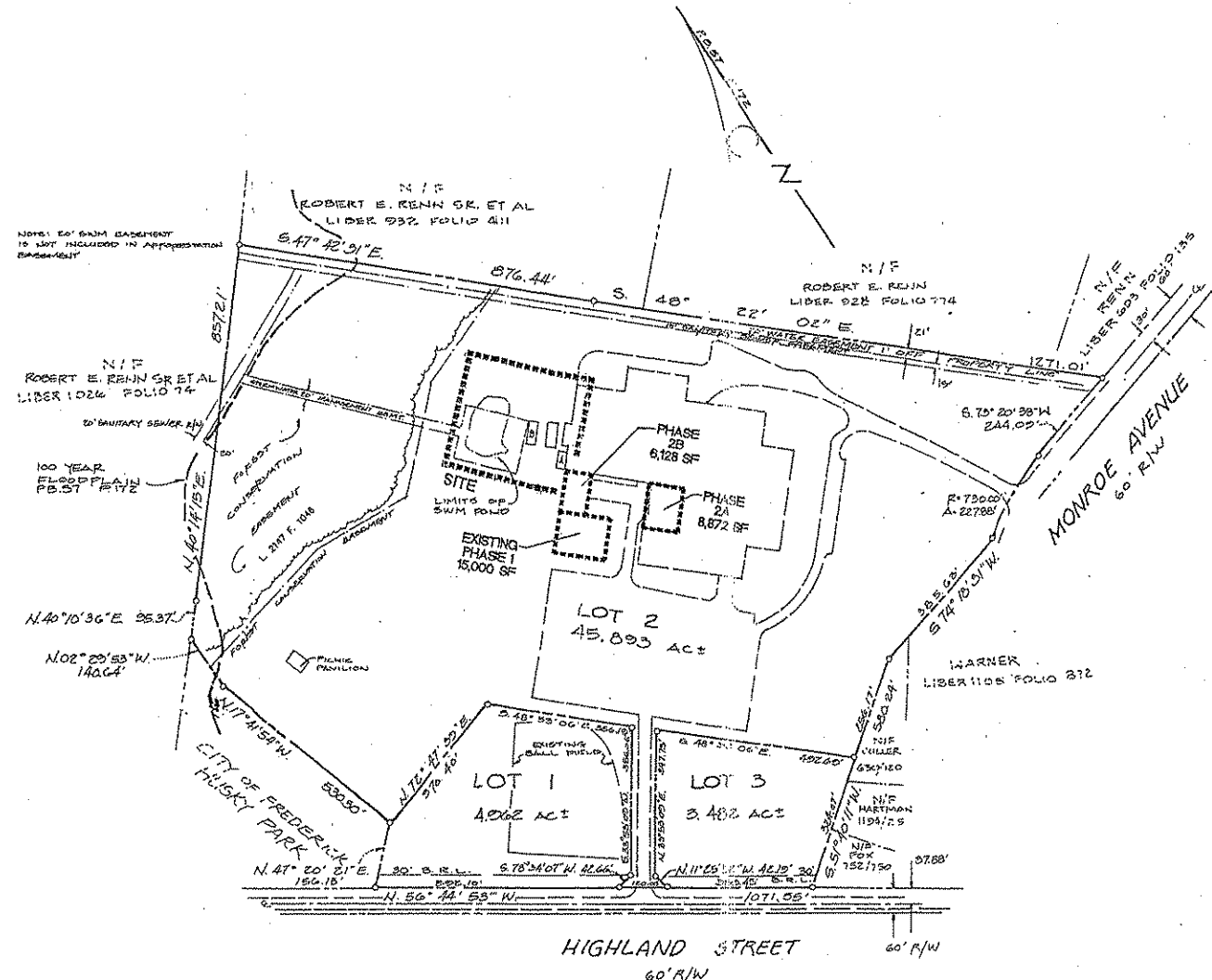
Brandon Mark, AICP
City Planner

In Concurrence,



Joseph A. Adkins, AICP
Deputy Director for Planning

Cc: Gabrielle Collard, Division Manager of Current Planning
Chron File
DET PROJ



GENERAL NOTES:

- THE SITE IS CURRENTLY RECORDED AT P.B.70 P.85
- THE PROPERTY IS ZONED M-1, LIMITED EMPLOYMENT
- MINIMUM LOT AREA - NONE
 MINIMUM LOT WIDTH - 50'
 FRONT YARD SETBACK - 30'
 SIDE YARD SETBACK - 30' SUM OF BOTH SIDES (MIN. 10')
 REAR YARD SETBACK - 10'
 MAX. BUILDING HEIGHT - 60' (WITHOUT ADDITIONAL SETBACKS)
- THE PURPOSE OF THIS PLAN WAS TO CONSTRUCT AN ADDITION TO THE EXISTING AIRPAX FACILITY CONTAINING A TOTAL OF 30,000 SF. THE PROPOSED ADDITION WAS TO BE CONSTRUCTED IN TWO PHASES CONTAINING A TOTAL OF 15,000 SF EACH. PHASE 1 WAS COMPLETED. PHASE 2 HAS BEEN BROKEN UP INTO PHASES 2A AND 2B WHICH STILL MEET THE 15,000 SF LIMIT OF THE ORIGINAL PHASE 2. PHASE 2A WILL CONTAIN 8,872 SF AND WILL BE BUILT IN THE NEXT YEAR. PHASE 2B WILL CONTAIN A TOTAL OF 6,128 SF AND SHOULD BE BUILT BY 2008.
 EXISTING PHASE 1 CONTAINS 15,000 SF FOR OFFICE USE.
 PHASE 2A AND PHASE 2B CONTAIN A TOTAL OF 15,000 SF FOR OFFICE AND/OR MANUFACTURING
- TOTAL SITE AREA: 45,893 AC.
 TOTAL EXISTING BUILDING AREA: 177,080 SF (4.06 AC.)
 TOTAL EXISTING PAVING AREA: 283,250 SF (6.56 AC.)
 TOTAL GREEN AREA: 1,538,975 SF (35.33 AC.)
- PARKING REQUIREMENTS: (PARKING IS CALCULATED FOR PROPOSED AND EXISTING USES BECAUSE THEY WILL SHARE THE EXISTING LOT).
 EXISTING MANUFACTURING USE - 220 EMPLOYEES @ 1 SP/1.5 EMP. = 147
 EXISTING OFFICE USE - 30,100 SF @ 1 SP/300 = 100
 PROPOSED PHASE I OFFICE - 15,000 SF @ 1 SP/300 SF = 50
 PROPOSED PHASE II OFFICE - 15,000 SF @ 1 SP/300 SF = 50
 TOTAL REQUIRED PARKING SPACES: 347
 TOTAL EXIST. PARKING SPACES: 393
 (NOT INCLUDING EXIST. PARKING @ PHASE II LOCATION)
- LOADING SPACES REQUIRED: ONE LOADING SPACE EXISTS FOR THE USER OF THE BUILDING ADDITION. NO ADDITIONAL LOADING AREA IS NEEDED OR PROPOSED.
- THE EXISTING STORMWATER MANAGEMENT AREA IS TO BE EXPANDED NECESSARY DUE TO BUILDING EXPANSION. STORMWATER MANAGEMENT COMPUTATIONS WILL BE SUBMITTED WITH SITE IMPROVEMENT PLANS.
- THE CITY OF FREDERICK WILL RESERVE TREATMENT CAPACITY AT THE FREDERICK CITY WASTE WATER TREATMENT PLANT SUFFICIENT TO SERVE THIS SITE FOR A PERIOD OF 8 MONTHS FROM THE DATE THIS PLAN IS APPROVED. IF A BUILDING PERMIT IS NOT ISSUED FOR THE SITE WITHIN THIS TIME, THEN TREATMENT CAPACITY IS NO LONGER RESERVED AND DEVELOPMENT OF THE SITE WILL BE DEPENDENT ON CAPACITY AVAILABLE AT THE CITY WASTEWATER TREATMENT PLANT WHEN BUILDING PERMITS ARE REQUESTED. FEDERAL OR STATE ACTION, INCLUDING OPERATIONAL MORATORIA MAY TEMPORARILY SUSPEND, DELAY, OR OTHERWISE AFFECT AN ALLOCATION WHICH IS GRANTED.
- TRASH PICK-UP IS BY PRIVATE CONTRACTOR AT EXISTING DUMPSTER LOCATION SHOWN ON SITE.
- DEVELOPMENT ON THIS SITE IS SUBJECT TO CONDITIONS RECORDED WITH A PLAT ENTITLED "SUBDIVISION PLAT, LOTS 1, 2, & 3 SITUATED ON HIGHLAND STREET AND MONROE AVE" PLAT BOOK 57 AT PAGE 172, FREDERICK CASE # N-61, AND AS AMENDED BY THE AGREEMENT RECORDED BETWEEN THE OWNER AND CITY RECORDED IN L. 2232 F. 885, ON 10/15/98.
- SITE SHALL MEET MARYLAND CODE FOR THIS HANDICAPPED.
- NO WETLANDS EXIST ON THE SITE. (PER WETLAND INVENTORY MAP). FLOOD PLAIN EXISTS ON THE NORTH WEST PORTION OF THE SITE AS SHOWN ON THIS SHEET. NO WORK IS PROPOSED WITHIN THE DESIGNATED FLOODPLAIN.
- NO CHANGES ARE PROPOSED TO THE EXISTING SITE LIGHTING.
- THE CITY PLANNING COMMISSION WAIVED THE LANDSCAPING REQUIREMENTS FROM SECTION 11.05.1D WHICH REQUIRED 1 TREE PER 10,000 FT. LANDSCAPING WAS APPROVED AS SHOWN ON SHEET 2.

BASE NOTES:

- HORIZONTAL DATUM IS BASED ON A PLAT OF SUBDIVISION ENTITLED "CONSOLIDATION PLAT #001-00350 LOT 2 & LOT 3, NORTH AMERICAN PHILIPS SUBDIVISION" PREPARED BY HARRIS, SMARIGA AND ASSOCIATES AND RECORDED ALONG THE LAND RECORDS OF FREDERICK COUNTY, MARYLAND IN PLAT BOOK 70, PAGE 85. 5" IS LOT 2, CONTAINING 27.995 ACRES.
- VERTICAL DATUM IS ASSUMED USING THE FIRST FLOOR OF THE EXISTING BUILDING ELEVATION 298.0'.
- UTILITIES AND IMPROVEMENTS SHOWN HEREON ARE TAKEN FROM AVAILABLE RECORDS AND DO NOT REPRESENT AN ACTUAL FIELD SURVEY. THEIR LOCATIONS ARE AN ACTUAL FIELD SURVEY. THEIR LOCATIONS SHOULD BE CORRECTED APPROPRIATE AND VERIFIED PRIOR TO CONSTRUCTION.
- THIS PLAN IS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
- ON JANUARY 4, 1996, AIRPAX AND THE CITY OF FREDERICK ("CITY") ENTERED INTO AN AGREEMENT THAT PERMITTED AIRPAX TO SELL THE TWO LARGE LOTS FRONTING ON HIGHLAND STREET. IT IS RECORDED IN LIBER 2147 FOLIO 1042. AS PER THE AGREEMENT, AIRPAX AND THE OWNER OF THE TWO NEW LOTS WERE ABLE TO DEFER ANY ROAD IMPROVEMENTS TO HIGHLAND STREET. HOWEVER, THE AGREEMENT FURTHER PROVIDED THAT AIRPAX MUST PERFORM ANY REQUIRED IMPROVEMENTS TO HIGHLAND STREET PRIOR TO RECORDING ANY OTHER SITE PLAN IN THE FUTURE. ON OCTOBER 2, 1996, AS RECORDED IN LIBER 2232 FOLIO 695, THE CITY AND AIRPAX ENTERED INTO AN AMENDMENT TO THE AGREEMENT THAT TRANSFERRED THE OBLIGATION TO FAIRCHILD CONTROLS TO PERFORM THE IMPROVEMENTS TO HIGHLAND STREET AS A CONDITION OF FAIRCHILD'S SECURING APPROVAL OF THE 1997 (CASE #96-4) SITE PLAN THAT WE DISCUSSED YESTERDAY. AS A PART OF THE 1997 SITE PLAN, THE IMPROVEMENTS TO HIGHLAND STREET, INCLUDING THE CURB AND GUTTER, WERE INSTALLED, THEREBY SATISFYING BOTH THE ORIGINAL AGREEMENT AND THE AMENDMENT TO THE AGREEMENT.
- THIS PROPOSED FINAL SITE PLAN WILL BE DEPENDENT ON THE POTABLE WATER SUPPLY AND WASTEWATER TREATMENT CAPACITY AVAILABLE WHEN A BUILDING PERMIT IS REQUESTED. BUILDING PERMITS MAY NOT BE ISSUED UNTIL IT HAS BEEN DETERMINED THAT EXISTING FACILITIES ARE ADEQUATE AND AVAILABLE TO MEET NEEDS OF THE PROPOSED DEVELOPMENT TAKING INTO ACCOUNT ALL EXISTING AND APPROVED DEVELOPMENTS IN THE SERVICE AREA, AND THAT THE WATER SUPPLY NEEDS DESCRIBED IN THE BUILDING PERMITS APPLICATION WILL NOT OVERLOAD ANY PRESENT FACILITY FOR CONVEYING, PUMPING, STORING, OR TREATING WATER. IF A WATER SERVICE CONTRACT HAS NOT BEEN PREVIOUSLY GRANTED TO ALL OR A PORTION OF THE LOTS SHOWN ON THE PLAT, THEN PRIOR TO ISSUANCE OF A BUILDING PERMIT FOR DEVELOPMENT THAT REQUIRES POTABLE WATER A WATER SERVICE CONTRACT WILL NEED TO BE OBTAINED. FEDERAL OR STATE ACTION, INCLUDING OPERATIONAL MORATORIA, MAY TEMPORARILY SUSPEND, DELAY OR OTHERWISE AFFECT ALL ALLOCATION WHICH IS GRANTED.
- PROPOSED BUILDING HEIGHT OF ADDITION IS 15'.
- FOREST CONSERVATION AGREEMENT RECORDED IN L.2147 F.1046.

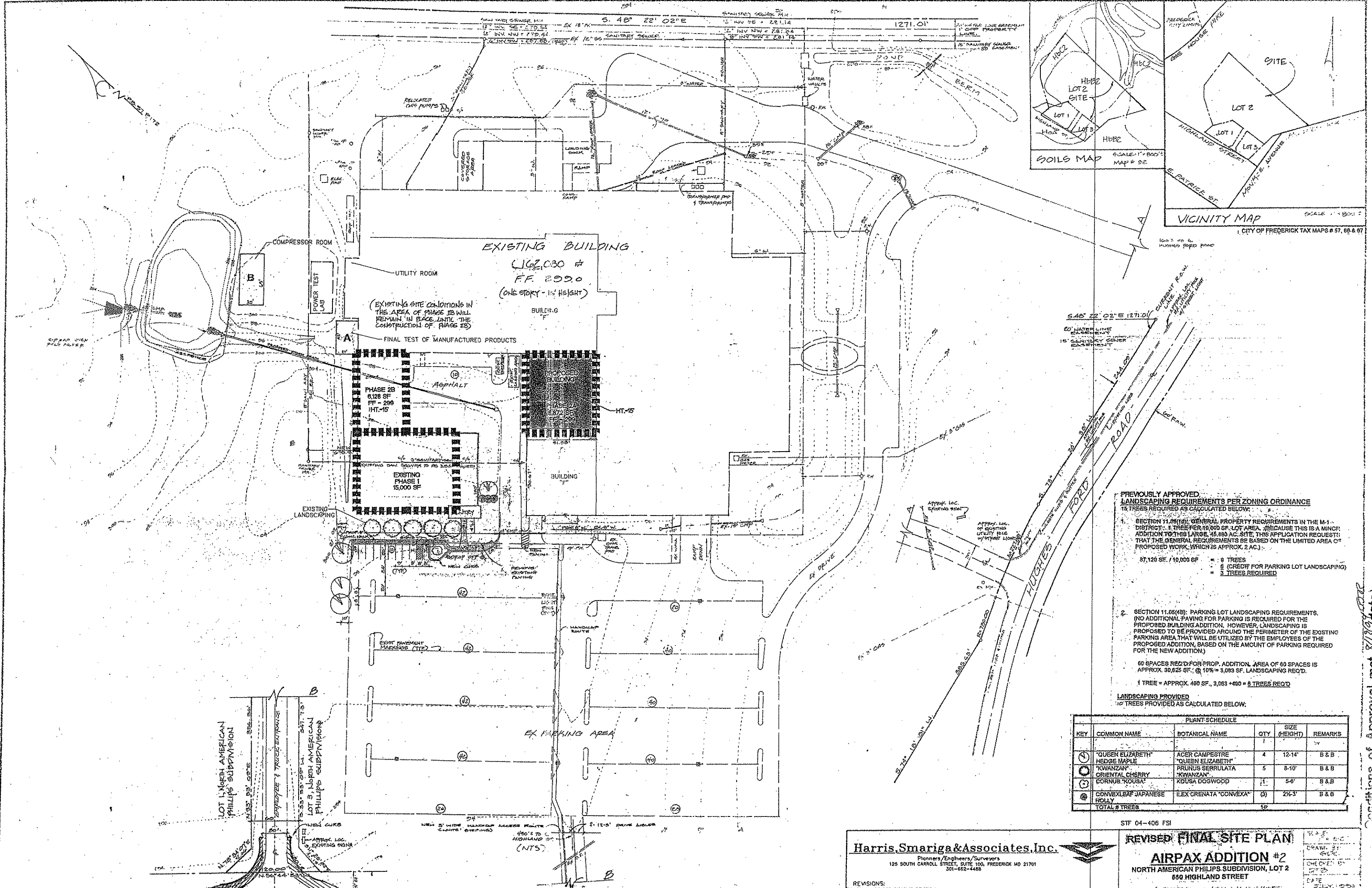
Conditions of Approval met w/10 (date)

Harris, Smariga & Associates, Inc.
 Planners/Engineers/Surveyors
 125 SOUTH CARROLL STREET, SUITE 100, FREDERICK MD 21701
 301-662-4485

REVISED FINAL SITE PLAN
AIRPAX ADDITION #2
 NORTH AMERICAN PHILIPS SUBDIVISION, LOT 2
 680 HIGHLAND STREET
 SITUATED ON HIGHLAND STREET

SCALE: 1" = 200'
 DRAWN BY: EDC
 CHECKED BY: D.T.B.
 DATE: JULY 1998
 SHEET: 1

STP 04-406 FS1



PREVIOUSLY APPROVED LANDSCAPING REQUIREMENTS PER ZONING ORDINANCE
 14 TREES REQUIRED AS CALCULATED BELOW:

1. SECTION 11.05(10): GENERAL PROPERTY REQUIREMENTS IN THE M-1 DISTRICT: 1 TREE PER 10,000 SF LOT AREA. (BECAUSE THIS IS A MINOR ADDITION TO THIS LARGE 42.883 AC. SITE, THIS APPLICATION REQUESTS THAT THE GENERAL REQUIREMENTS BE BASED ON THE LIMITED AREA OF PROPOSED WORK, WHICH IS APPROX. 2 AC.)

87,120 SF. / 10,000 SF = 8 TREES
 8 (CREDIT FOR PARKING LOT LANDSCAPING)
 = 3 TREES REQUIRED

2. SECTION 11.05(15): PARKING LOT LANDSCAPING REQUIREMENTS. (NO ADDITIONAL PAVING FOR PARKING IS REQUIRED FOR THE PROPOSED BUILDING ADDITION. HOWEVER, LANDSCAPING IS PROPOSED TO BE PROVIDED AROUND THE PERIMETER OF THE EXISTING PARKING AREA THAT WILL BE UTILIZED BY THE EMPLOYEES OF THE PROPOSED ADDITION, BASED ON THE AMOUNT OF PARKING REQUIRED FOR THE NEW ADDITION.)

60 SPACES REQ'D FOR PROP. ADDITION. AREA OF 60 SPACES IS APPROX. 30,625 SF. @ 10% = 3,063 SF. LANDSCAPING REQ'D.

1 TREE = APPROX. 490 SF., 3,063 ÷ 490 = 6 TREES REQ'D

LANDSCAPING PROVIDED
 10 TREES PROVIDED AS CALCULATED BELOW:

PLANT SCHEDULE					
KEY	COMMON NAME	BOTANICAL NAME	QTY	SIZE (HEIGHT)	REMARKS
⊙	"QUEEN ELIZABETH" HEDGE MAPLE	ACER CAMPESTRE "QUEEN ELIZABETH"	4	12-14'	B & B
⊙	"KAWAZAKI" ORIENTAL CHERRY	PRUNUS SERRULATA "KAWAZAKI"	5	8-10'	B & B
⊙	"BORNIUS KOUSSA"	KOUSSA DOGWOOD	1	5-6'	B & B
⊙	"CONVEXLEAF JAPANESE HOLLY"	ILEX CRENATA "CONVEXA"	(5)	2X-3'	B & B
TOTAL # TREES			10		

Harris, Smariga & Associates, Inc.
 Planners/Engineers/Surveyors
 125 SOUTH CARROLL STREET, SUITE 100, FREDERICK MD 21701
 301-662-4488

REVISIONS:
 06-01-04, PER PHASIS BEASON

STP 04-406 FSI

REVISED FINAL SITE PLAN

AIRPAX ADDITION #2
 NORTH AMERICAN PHILLIPS SUBDIVISION, LOT 2
 650 HIGHLAND STREET

DATE: 06/01/04
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 DATE: 06/01/04

Conditions of Approval met 8/17/04 (date)

Clear Title Group

David A. Rosenberg, Esquire
106 Old Court Road; Suite 104
Baltimore, MD 21208
(410) 486-5456
Fax (410) 486-4678
david@cleartitlegroup.net

15-669

August 24, 2015

Office of Planning
City of Frederick
140 W. Patrick Street
Frederick, MD 21701
Attn: Lea Ortiz

Re: Zoning Verification Letter

Dear Ms. Ortiz:

The purpose of this letter is to request zoning verification letter for the following commercial property, tax identification number:

District: 02 Account No.: 031167
550 Highland Street
Frederick, MD 21701
Lot 2, 27.95 Acres

I am enclosing my check made payable to the City of Frederick in the amount of \$200.00 to cover the cost of this service. Please direct all correspondence via electronic mail to david@cleartitlegroup.net and also regular mail to Clear Title Group, 106 Old Court Road, Suite 104, Baltimore, MD 21208. Thank you for your kind assistance in processing this matter.

Very truly yours,

CLEAR TITLE GROUP



David A. Rosenberg

DAR:
Encl.