



AGENDA

Frostburg Planning Commission Meeting

7:00 PM - Wednesday, July 19, 2023

Frostburg Municipal Center Meeting Room - 37 Broadway

Page

1. CALL TO ORDER

1.1. Per by the Bylaws of the Frostburg Planning Commission:

Section 4.7, Special Meetings. **Special meetings of the Planning Commission shall be held upon call of the Chairman and at such other times as the Planning Commission may determine by majority vote, provided that at least five (5) days' advance notice is given in writing which shall include email to each member.** The Planning Commission may, by majority vote conducted at a regular meeting, establish a special meeting date, time, and location that will require no advance written notice to the members of the Planning Commission. **No formal vote or public hearing shall be conducted at a special meeting which has not been subject to the public notification procedures set forth in Section 4.9 of these Bylaws.**

Section 4.9, Notice of Meetings. **Public notice of all meetings of the Planning Commission shall be provided through posting at Frostburg City Hall of a notice on a protected surface available to public view without entering City Hall at least five (5) days prior to the scheduled date of the meeting.** Such notice shall also be provided to the media at the time of posting, and shall state the date, time and location of the meeting and the actions to be taken by the Planning Commission. Public notices for all public hearings before the Planning Commission shall be provided in the form and manner prescribed by the applicable governing statute or local code and shall be in addition to the public notice for the regular meeting at which the hearing or hearings shall be conducted. If specific public notice procedures are not prescribed with respect to a matter for which the Planning Commission has determined to conduct a public hearing, then notice of the hearing shall be made by a one-time publication of a legal ad in the newspaper of local circulation within the City not less than fourteen (14) nor more than thirty (3) days prior to the date of the hearing. Such legal ad shall specify the time, date, and location of the meeting and provide a general description of the matter to be heard. Other forms of special notice for meetings of neighborhood-level interest shall be provided when directed by the Planning Commission as may include direct mail or other forms of direct contact of affected parties in addition to public notice procedures contained in this paragraph.

2. ROLL CALL

Chair Conrad Best, Karen Krogh, Ray Rase, Adam Ritchey, Jeff Snyder, and Eric Stevens

3. CHAIR'S PROCEDURAL STATEMENT; COMMENTS; ANNOUNCEMENTS

The Chair asks that anyone presenting business before the Commission, or any individuals who would like to comment on business before the Commission or other concerns, please come forward at the appropriate time and state your name and address for the record. Each meeting is recorded, so please speak clearly.

4. REVIEW AND APPROVAL OF THE MINUTES

Minutes from both the July 12 and July 19 meetings will be reviewed at the August 2023 meeting of the Planning Commission.

5. CITIZEN COMMENTS

From Floor; intended for topics unrelated to the current agenda items

6. PROJECT PRESENTATIONS

3 - 14

6.1. Request for a Favorable Recommendation to the Board of Zoning Appeals:

Special Exception in the "C2" Highway Commercial Zoning District to permit a liquor store use 10701 New Georges Creek Road (Frostburg Plaza)

Public Comment

Motion

[Mountain City Liquors Request for Special Exception](#)
[Proposed Location within the Frostburg Plaza](#)
[Storefront Specs](#)
[Mountain City Liquors Lease Proposal](#)
[Zoning Ordinance - C2 Highway Commercial District](#)
[Mountain City Liquors Profit and Loss](#)

7. ADJOURNMENT

Explanation for Granting Special Exception

Company and Owners' Info:

Mountain City Liquors, a registered business, is owned by local citizens and business owners. We own and operate the following businesses and franchises: Dunkin Doughnuts (LaVale and Frostburg), Mountain City Coffeehouse & Creamery (Frostburg), The UPS Store (Cumberland), and Hershey's Ice Cream (Cumberland). We are in the process of opening a liquor store (Queen City Liquors) in Cumberland. We are looking to invest approximately \$2 million in the Frostburg community through various projects including this liquor store, Hershey's Ice Cream and The UPS Store.

Proposed Store Location and Connection to the Comprehensive Plan:

We propose to open this liquor store in the Frostburg Plaza where one (location #5) space is open and available (5,657 SF). We have an LOI for lease in place with the property owners (please see attached). We believe the Zoning Board should grant this exception in the C2 district zone as this will be the only other liquor store with the ability to offer size of the store, product variety, and level of employment to serve the Frostburg community. According to Frostburg Planning and Zoning Comprehensive Plan, a key element in the State Planning Framework and City's Economic Development objective is *"Promoting job growth, business vitality and employment opportunities for Marylanders is essential to continue Maryland's prosperity."* Our business project meets this objective.

Benefits:

Our business project supports the economic development objectives along with employment opportunities for local citizens as well as bringing the foot traffic to the Frostburg Plaza. This should benefit the existing businesses in the plaza area as well. We have attached the Profit & Loss Forecast for Mountain City Liquors (please see attached) which shows that a conservative 9% payroll offers \$137,700 in wages generated by this business. We anticipate at least 6-8 employees (potentially more as the business picks up). Additionally, the business brings tax revenues to the city and county as well as occupying a vacant store in the city. Benefits summary:

- Economic development
- Employment opportunities for local citizens
- Tax revenue for the City of Frostburg, Allegany County, and the State of Maryland
- Vacant store occupancy
- Increased consumer traffic in the plaza and
- Potential increased sales for other businesses

Any Adverse Impact:

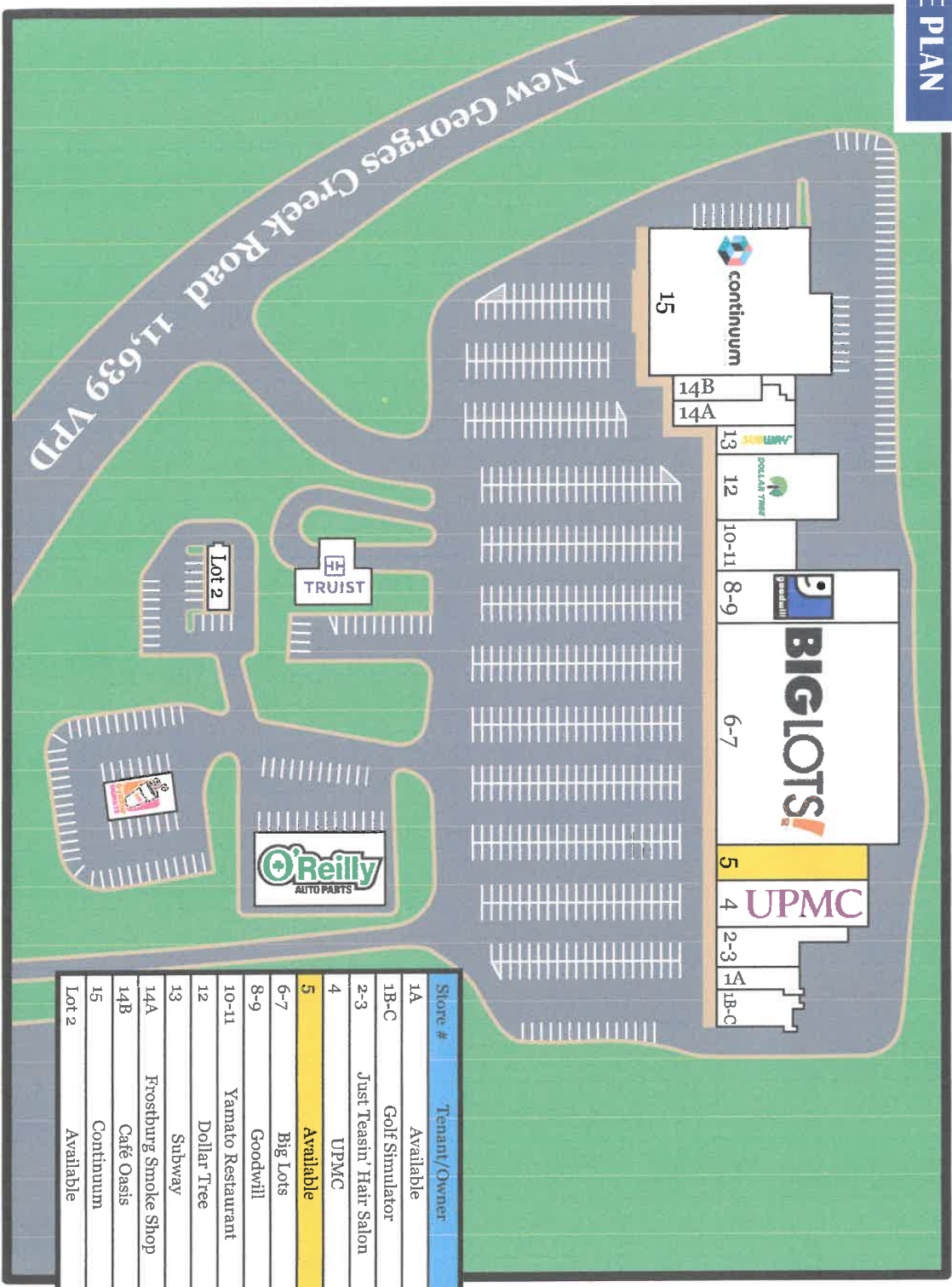
This business should not have any adverse impact on the surrounding business and community as there are no other similar retail businesses. Rather, the additional traffic from the business should help other business outlets and the community.

FROSTBURG PLAZA

10701 New Georges Creek Road | Frostburg, MD 21532

For Lease

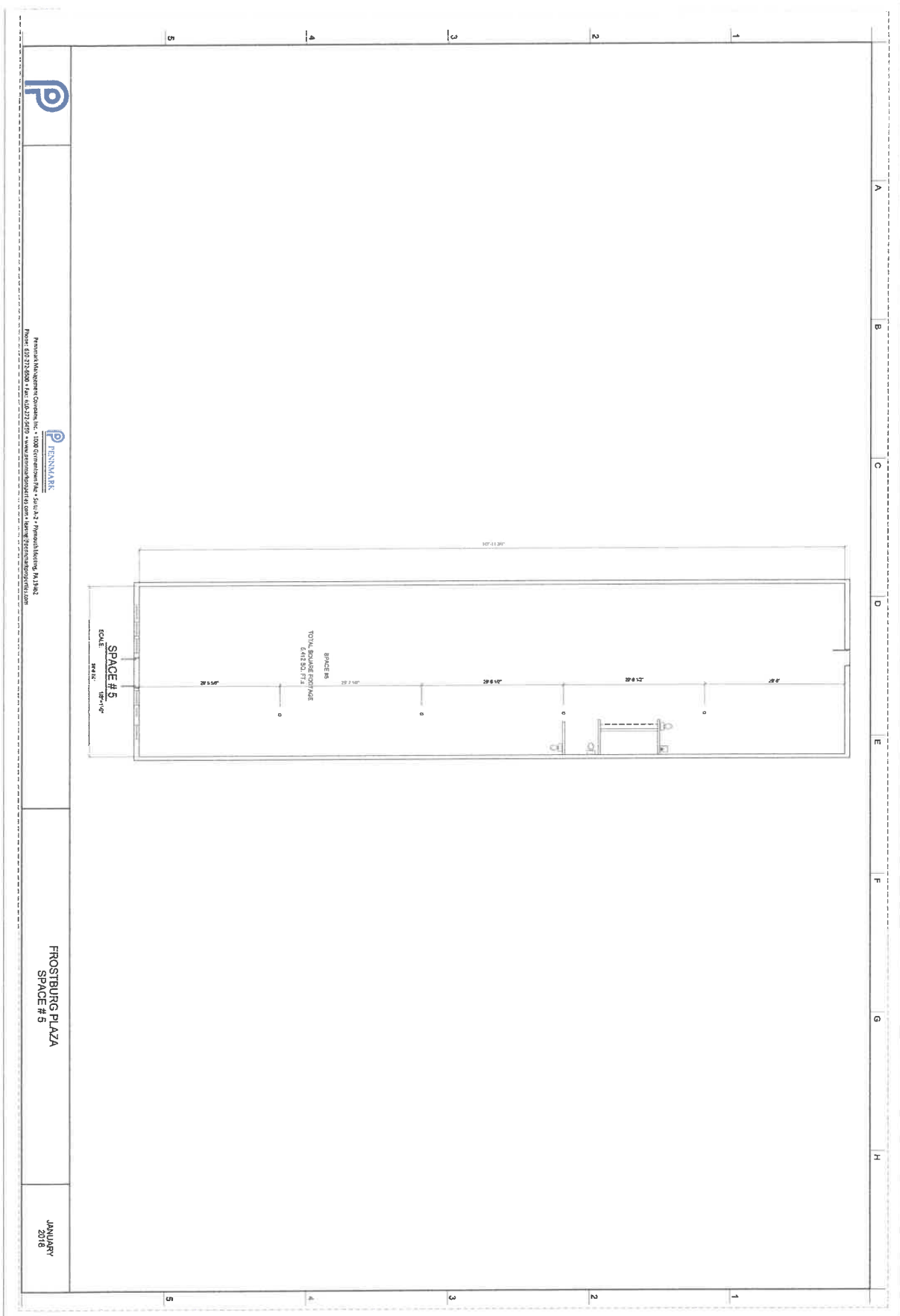
SITE PLAN



Store #	Tenant/Owner	SF
1A	Available	2,327
1B-C	Golf Simulator	4,291
2-3	Just Teasin' Hair Salon	1,763
4	UPMC	6,997
5	Available	5,657
6-7	Big Lots	39,934
8-9	Goodwill	10,090
10-11	Yamato Restaurant	4,080
12	Dollar Tree	7,945
13	Subway	2,400
14A	Frostburg Smoke Shop	2,034
14B	Café Oasis	3,454
15	Continuum	20,000
Lot 2	Available	1,500

1000 Germantown Pike, Suite A-2 | Plymouth Meeting, PA 19462 | www.PennmarkProperties.com | 610-272-6500 x126






PENNMARK
 Professional Management Company, Inc. • 1008 Greenleaf Road • Suite A • Plymouth Meeting, PA 19062
 Phone: 610-377-8500 • Fax: 610-377-2479 • www.pennmarkcorp.com • Email: info@pennmarkcorp.com

FROSTBURG PLAZA
 SPACE # 5

JANUARY
 2016

FROSTBURG PLAZA

10701 New Georges Creek Road | Frostburg, MD 21532

For Lease

SPACE PLAN



1000 Germantown Pike, Suite A-2 | Plymouth Meeting, PA 19462 | www.PennmarkProperties.com | 610-272-6500 x126



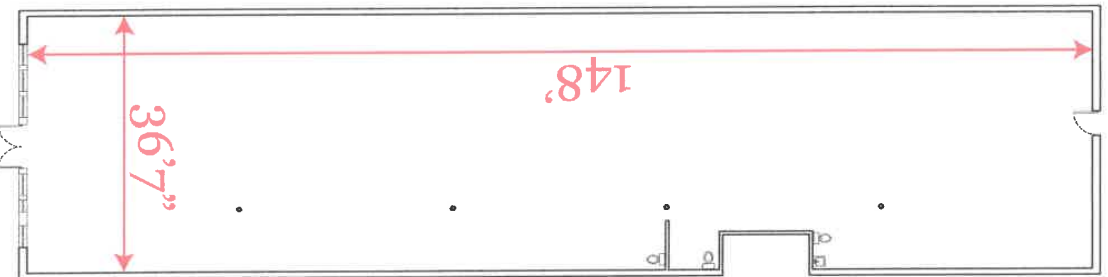
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FROSTBURG PLAZA

10701 New Georges Creek Road | Frostburg, MD 21532

For Lease

SPACE PLAN



1000 Germantown Pike, Suite A-2 | Plymouth Meeting, PA 19402 | www.PennmarkProperties.com | 610-272-6500 x126





PENNMARK MANAGEMENT COMPANY, INC.

July 12, 2023

Mountain City Liquors, LLC

Re: Frostburg Plaza – Liquor Store

Dear Mountain City Liquors,

We are excited about the possibility of bringing a Wine and Spirits Store into the Frostburg Shopping Plaza.

Location: 10701 New Georges Creek Road
Frostburg, MD 21532

Landlord Address: Pennmark Frostburg Holdings, LLC
c/o Pennmark Management Company, Inc.
1000 Germantown Pike, Suite A-2
Plymouth Meeting, PA 19462

Telephone: 610-272-6500 Fax: 610-272-9450

Tenant: TBD – business operating as a liquor store

Guarantee: TBD upon review of financials.

Store: Approximately 5,657 square feet Suite 5, see Exhibit A.

Use: Wine and Spirit store and no other purpose.

Term: Seven (7) years

Commencement: 150 days from lease signing, regardless of when Tenant opens.
Construction period, there is no rent due during this period.

Plymouth Greene Office Campus
1000 Germantown Pike • Suite A-2 • Plymouth Meeting, PA 19462 • Phone: 610-272-6500 • Fax: 610-272-9450
www.pennmarkproperties.com

 PM

Minimum Rent: Year 1: 100% minimum rent abatement.
Year 2: \$9.00 per square foot
Years 3-7: 5% increase every two years

CAM/Taxes: Tenant shall be responsible for their Proportionate Share of Common Area Maintenance (CAM) which includes landscaping, snow removal, parking lot maintenance & lighting, insurance, and Real Estate Taxes. First year estimated to be \$2.53/SF for CAM and Insurance and \$0.46/SF for Real Estate Taxes.

Landlord's Work: Space to be delivered as is.

12 months **minimum rent abatement** provided to help offset construction cost (a \$50,913.00 value).

Utilities: Utilities shall be separately metered and paid by tenant.

Brokerage: Landlord recognizes Pennmark Management Company as the only Broker involved in this transaction and shall be paid a Commission pursuant to a separate commission agreement


Non-Binding Letter of Intent: Neither party shall be deemed to be legally bound by any of the information obtained herein until a mutually acceptable agreement of Lease has been fully executed by both parties.

This Lease Proposal is solely intended as a memorandum for the parties hereto and regardless of anything herein contained, it is agreed that neither party is under a binding obligation to the other until a Lease Agreement, acceptable to both parties, has been drawn and signed. This Letter of Intent must be signed by Tenant by July 13, 2023; if not then all terms will be null and void.

Very truly yours,

AGREED AND ACCEPTED

Robert A. Sichelstiel

By: 
DHARMESH KOTAK

Sec. 3.8. - "C2" Highway Commercial District.

A. *Purpose.* To provide for a wide range of commercial uses serving local and regional markets as well as travelers on local highways.

B. *Permitted Uses.* Only the following principal uses and structures are permitted in the "C2" district:

- (1) All residential uses allowed in the R2 district, under the same restrictions as would apply in the R2 district.
- (2) Bed and breakfasts meeting the provisions of Section 8.4.
- (3) Group homes consistent with Section 8.5.
- (4) Adult day care centers.
- (5) Cemeteries.
- (6) Childcare centers.
- (7) Churches and places of worship, which may include up to two (2) accessory dwelling units on the lot, provided that any new church or place of worship shall be located on a minimum lot area of twenty thousand (20,000) square feet.
- (8) Civic and service clubs, fraternal organizations.
- (9) Community centers.
- (10) Funeral homes.
- (11) Libraries.
- (12) Primary or secondary schools.
- (13) Programmed open space.
- (14) Auction houses.
- (15) Bowling alleys, billiard parlors, arcades and similar places of indoor amusement.
- (16) Building materials and lumber yard sales offices and storage facilities.
- (17) Restaurants. Drive-through service permitted only by special exception.
- (18) Retail stores.
- (19) Supermarkets, farmers markets, and grocery stores.
- (20) Theatres.
- (21) Animal groomers.
- (22) Automobile parking lots and decks.
- (23) Automobile service stations and/or vehicle repair garages.
- (24) Banks and other financial institutions. Drive-through service permitted only by special exception.
- (25) Beauty shops, barber shops, nail salons, spas.
- (26) Cleaners and laundromats.

- (27) Fitness centers.
- (28) Kennels. Kennels must be located at least two hundred (200) feet from all property lines.
- (29) Medical laboratories.
- (30) Medical or dental offices.
- (31) Motels and hotels.
- (32) Offices for professional, governmental, or business purposes, including, but not limited to, law, real estate, insurance, and manufacturer's representatives offices.
- ✓ (33) Sales, repair, and/or storage of automobiles, mobile homes, recreational trailers and vehicles, boats and farm machinery, appliances, implements and supplies.
- (34) Veterinary services. ✕ ————— ✕

C. *Special Exceptions.* The following uses are permitted as special exceptions after approval by the Board of Zoning Appeals:

- (1) All residential uses permitted by special exception in the R2 district, under the same restrictions as would apply in the R2 district.
- (2) Bars, taverns, and cocktail lounges.
- (3) Colleges, trade or hobby schools.
- (4) Clubs and lodges.
- (5) Drive-in or drive-through restaurants provided that ingress and egress points are satisfactory in relation to the major access streets and nearby residential areas, and that suitable turning lanes are provided from the access roads.
- (6) Liquor stores.
- (7) Body art studios.
- (8) Light wholesale and distribution establishments.
- (9) Wind energy systems complying with regulations found in Section 8.8.
- (10) Self-storage facilities, subject to the provisions set forth in Section 8.9.
- (11) A use or structure that the applicant proves to the satisfaction of the Board of Zoning Appeals to be of the same general character as the above permitted uses and special exception uses, in accordance with the provisions of Section 1.18C(3), but not including uses that are specifically prohibited in this district.
- (12) Artisan/small-scale manufacturing.

D. *Accessory Uses and Structures.* The following accessory uses and structures shall be permitted in the "C2" district:

- (1) All accessory uses and structures permitted in the R2 district under the same restrictions as would apply in that district.
- (2) Temporary buildings and structures in accordance with Section 6.6.

(3) Signs in accordance with Part 7 of this Ordinance.

(4) Accessory uses and structures that are clearly customarily accessory and directly incidental to the permitted principal uses and structures.

E. *Specifically Prohibited Uses.* The following uses are specifically prohibited within the C2 district:

(1) Junkyards.

(2) Adult uses.

(3) Gambling.

F. *Lot, Yard, and Height Requirements:* The following requirements shall apply to all uses and structures in the "C2" district, except as superseded by more restrictive provisions of this Ordinance:

	Commercial Use
Min. Lot Area	6,000 sq. ft.
Min. Front Yard	30 ft., 10 ft. of which can be an unenclosed front porch
Min. Rear Yard	20 ft., 10 of which may include an unenclosed wood deck
Minimum Side Yard	Adjoining a C district: None, or if side yard provided a minimum of 3 ft.; Adjoining a R district: Side yard required in adjoining district
Minimum Lot Width	street line: 50 ft.; front building line: 50 ft.
Max. Lot Coverage	80%
Maximum Height	4 stories/50 feet, except institutional use buildings may be 6 stories/75 feet if approved by the Board of Zoning Appeals

(Ord. No. 2018-02, §§ 2, 9, 5-17-2018; Ord. No. 2019-04, § 2, 5-16-2019.)

Profit & Loss Forecast Mountain City Liquors LLC Liquor Store

Income:		
Sales-Merchandise	\$1500000.00	98.00%
Lotto Comm	\$26250.00	1.75%
Atm Comm	\$2250.00	0.15%
Sales Tax Discount	\$1500.00	0.10%
Total	\$1530000.00	
Selling Expense		
Cost Of Goods Sold	\$900000.00	60.00%
Merchant Fees	\$14400.00	1.60%
Total	\$847,200.00	61.60%
Gross Profit	\$352,800.00	38.4%
Expenses		
Advertising		
Payroll	\$137700.00	9.000%
Marketing	\$6120.00	0.400%
Paper Supply	\$3060.00	0.200%
Company Loan Payment Approx.	\$68085.00	4.750%
Utilities	\$1530.00	0.100%
Office Supply	\$1530.00	0.100%
Bank Charges	\$765.00	0.050%
License & Permit	\$1224.00	0.080%
Insurance	\$4590.00	0.300%
Property Tax	\$2295.00	0.150%
Cash Variance	\$229.50	0.015%
Other Misc	\$7650.00	0.500%
Repairs & Maintenance	\$6120.00	0.400%
Professional Fees		
Total Expenses	\$192,540.00	16.045 %
Net Profit	\$160,260.00	22.355 %
Beginning Inventory		
Purchases		
Ending Inventory		
Cost Of Goods Sold		
Inventory Diff		