



AGENDA

Board of Zoning Appeals Meeting

5:30 PM - Wednesday, August 9, 2023

Frostburg Municipal Center Meeting Room - 37 Broadway

Page

1. CALL TO ORDER - CHAIR
2. ROLL CALL - CHAIR
Julia Williams, Connie Loucks, Brian Alderton, Tom Vogtman, and Kevin Wagoner.
3. PLEDGE OF ALLEGIANCE - CHAIR
4. CASE NUMBER 2619 - 10701 NEW GEORGES CREEK ROAD, SUITE #5 - SPECIAL EXCEPTION

4.1. Statement of Appeal/Meeting Procedure - Chair

CHAIRMAN: This public hearing of the Frostburg Board of Zoning Appeals, as advertised in local newspapers to be held at the Frostburg Municipal Center located at 37 Broadway on Wednesday, August 9, at 5:30, pursuant to Section 1.18 of the Frostburg Zoning Ordinance, is now in Session. Board members present are: Julia Williams, Connie Loucks, Brian Alderton, Tom Vogtman, and Kevin Wagoner.

This Public hearing is being conducted for the purpose of a prospective commercial tenant who is requesting approval of a Special Exception process in the "C2" Highway Commercial District pursuant to Sec. 3.8.C.5 of the Frostburg Zoning Ordinance to allow a Liquor Store on the subject property.

Meeting procedure is as follows: when you are called to testify, please come forward, state your name and address and proceed with your testimony. While testimony is being presented, other persons present will refrain from interrupting. Only testimony of persons recognized by the Chair will have any bearing on the decision of the Board. Decisions made by the Board of Appeals may be appealed to the Circuit Court for Allegany County, 30 Washington Street, Cumberland. Testimony will now be taken from persons, agents, or council who have indicated their desire to testify.

4.2. Swearing in of Witness - Chair

Do you solemnly declare or affirm under the penalties of perjury that the testimony you are about to give will be the truth, the whole truth and nothing but the truth?

- 4.3. **Applicant/Proponent Presentation of Case - Applicant/Proponent** 3 - 10
[Mountain City Liquors Request for Special Exception](#)
[Mountain City Liquors Profit and Loss](#)
[Mountain City Liquors Lease Proposal](#)
[Proposed Location within the Frostburg Plaza](#)
[Storefront Specs](#)
- 4.4. **Presentation of Planning Commission Review - Staff** 11
[E-6 Planning Commission Favorable Recommendation](#)
- 4.5. **Opponent Presentation of Case - Public**
- 4.6. **Presentation Rebuttal - Applicant**
- 4.7. **Executive Session - Board of Zoning Appeals**
- i. Discussion of Findings, Conclusions and Conditions
 - ii. Motion to Approve/Deny Application/Postpone
Hearing - Discussions Regarding the Sane
 - iii. Alternative Motions - Discussions Regarding the Same
5. **ADJOURNMENT**

Explanation for Granting Special Exception:

Mountain City Liquors 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.

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 (lease 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 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 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 (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.

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 foot traffic from the business should help other business outlets and the community.

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		



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

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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

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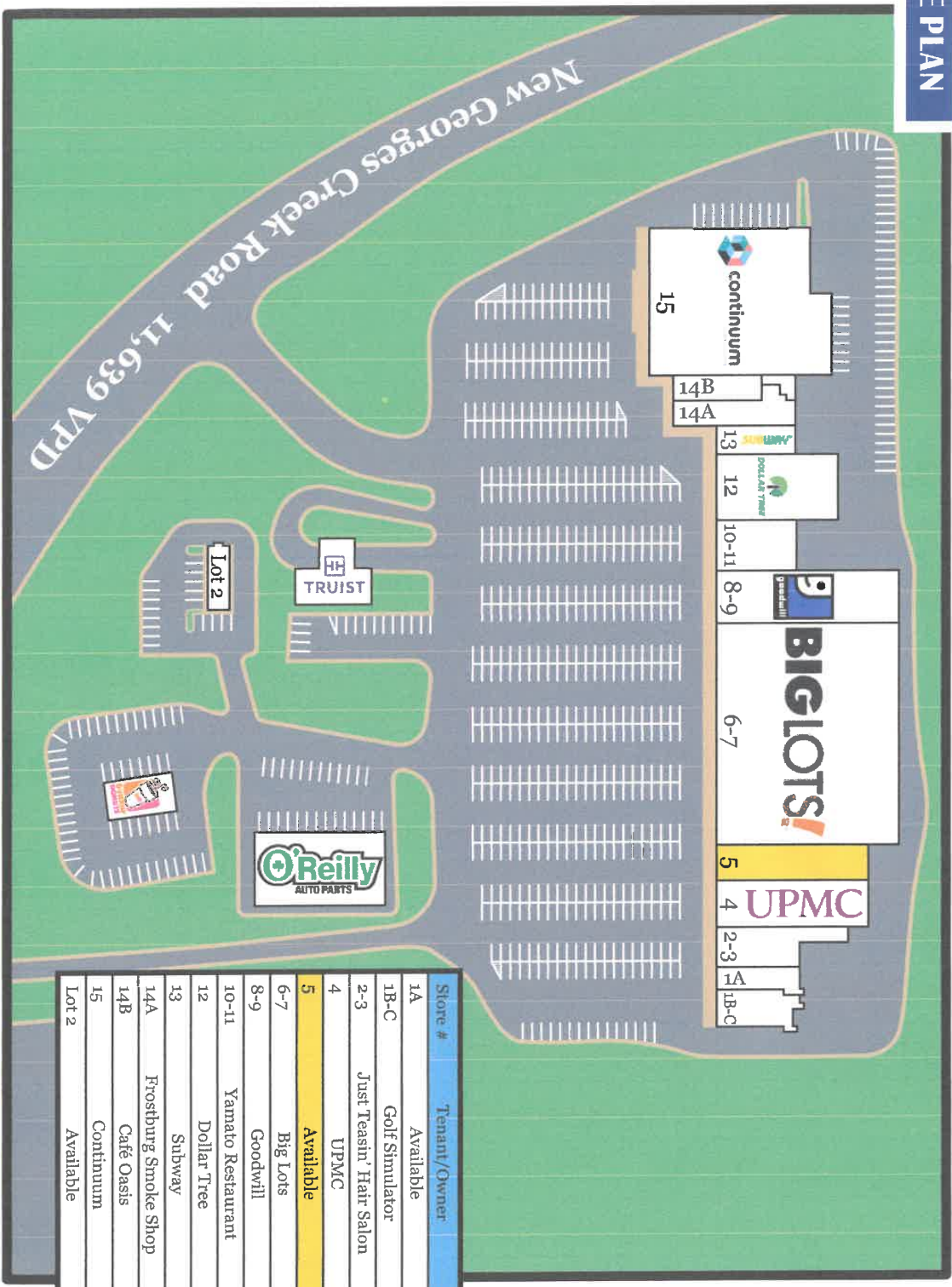


FROSTBURG PLAZA

10701 New Georges Creek Road | Frostburg, MD 21532

For Lease

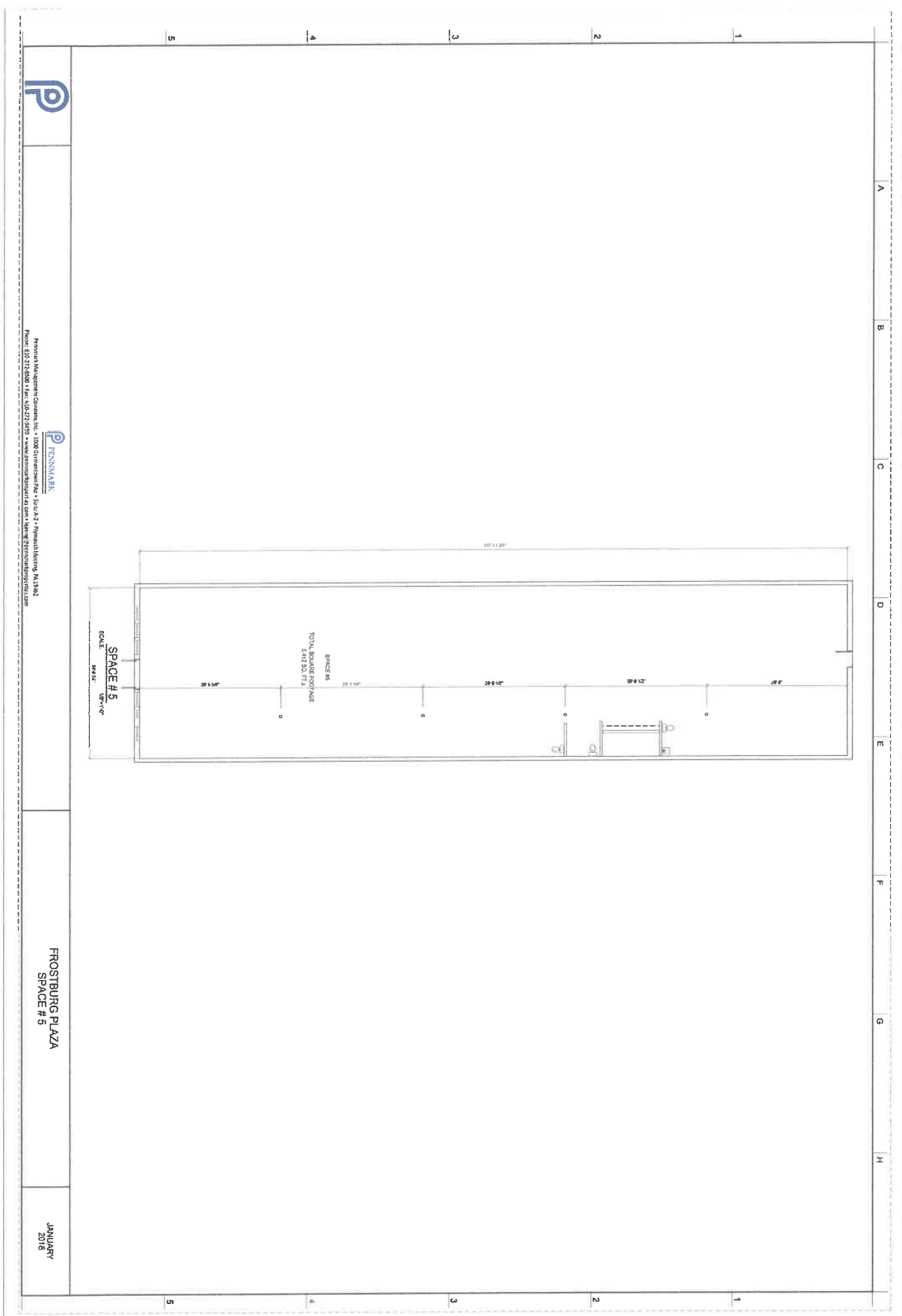
SITE PLAN



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

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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 19462 | www.PennmarkProperties.com | 610-272-6500 x126



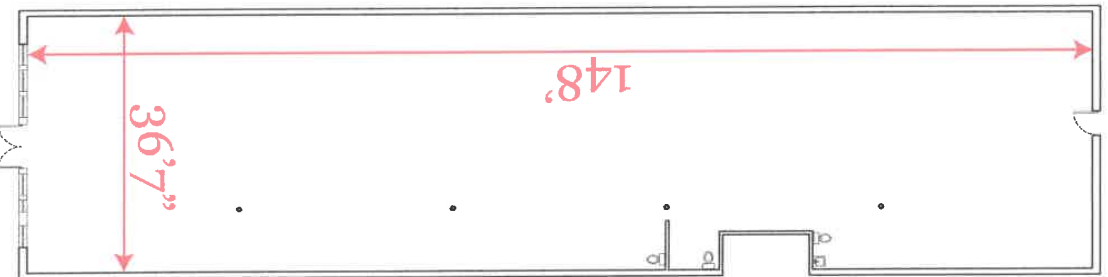
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FROSTBURG PLAZA

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



Frostburg's Board of Zoning Appeals Official Recommendation

By

Frostburg's Planning & Zoning Commission

Date of Planning and Zoning Commission Meeting: **July 19, 2023**

**Board of Zoning Appeals
City of Frostburg
Case # 2619**

Applicant's Name: Mountain City Liquors

Applicant's Address: 99 Candlewick Court, Frostburg, MD 21532

Location of Property: 10701 New Georges Creek Road, Ste. 5, Frostburg, MD 21532

Zoning District: “C2” Highway Commercial District

Variance: _____ Special Exception: **XX** Other: _____

The Frostburg Planning & Zoning Commission officially recommends the following with respect to the aforementioned case:

Approve: **XX** Deny:

Stipulations or Reasons: None

Date: July 20, 2023

Conrad O Best

Conrad Best, Chairman
Planning and Zoning Commission