

**THE CITY OF FREDERICK  
MAYOR AND BOARD OF ALDERMEN**

**RESOLUTION NO: 21-09**

**A RESOLUTION** concerning

**Master Plan PC20-889MU for 198 Monroe Avenue**

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**BACKGROUND**

The Land Management Code, Appendix A of The City Code of the City of Frederick, 1966 (as amended) (LMC), establishes the Mixed Use (MU-2) zoning district as a floating zone that permits the development of mixed-use communities pursuant to a master plan submitted by the developer. The establishment of an MU-2 development requires approval by the Board of Aldermen of both a conditional rezoning and a master plan for the property.

This resolution pertains to two parcels of land known and identified as 198 Monroe Avenue (hereinafter the "Property"). On October 26, 2020, the owner of the Property, Randy and Alyse Cohen of Frederick Industrial Park Associates, by its agent Harris Smariga & Associates Inc., submitted to the Planning Division an application that, among other things, requested that the Property be rezoned to the MU-2 floating zone. As required by the LMC, that application was accompanied by an application for a master plan, identified as PC20-889MU.

On July 1, 2021, having received the recommendation of the Planning Commission, the Board of Aldermen held a duly advertised public hearing for the purpose of discussion of the proposed rezoning of the Property, as well as discussion of the master plan. At the conclusion of such hearing, the Board of Aldermen approved an ordinance that rezoned ±26.49 acres of the Property to the MU-2 floating zone.

In accordance with the LMC and based upon review and consideration of the application materials, staff reports, and all other testimonial and documentary evidence, the Board of Aldermen now wishes to approve Master Plan PC20-889MU, as further described herein.

**NOW THEREFORE BE IT RESOLVED** by the Board of Aldermen of The City of Frederick that Master Plan PC20-889MU, attached hereto as Exhibit A and incorporated herein by this reference:

- (1) complies with the standards established in §§ 310, 417, and 1115 of the Land Management Code;
- (2) is consistent with the goals and objectives of the 2010 Comprehensive Plan; and
- (3) meets all other applicable requirements.

**AND BE IT FURTHER RESOLVED** by the Board of Aldermen of the City of Frederick that Master Plan PC20-889MU is hereby approved with conditions as specified herein. Prior to unconditional approval of such master plan, the property owner shall:

1. Receive final approval of the Traffic Impact Study (TIS) and revise to indicate the approval date.
2. Execute the Moderately Priced Dwelling Unit (MPDU) Payment Agreement and revise Note 6 to indicate the recording reference of the agreement.
3. Updated Note 15 to indicate that provisional or full APFO certificates have been issued and the issuance date for each test.
4. Receive unconditional approval of the Forest Stand Delineation (FSD) and revise Note 27 revised to include the approval date.
5. Revise Note 3 to indicate the total amount of parkland dedication requirement per Section 608 of the LMC in addition to the minimum required per Table 417-1.
6. Revise Note 26 to eliminate item F., the modification to intersection design standards, and to include the date of approval of all modifications.
7. Revise Note 27 to include the Demolition Review case number and approval date.

**AND BE IT FURTHER RESOLVED** by the Board of Aldermen that the following modifications of the LMC in association with Master Plan PC20-889MU are hereby approved:

1. Modifications to Section 417, Table 417-2, *Setbacks for Principal Buildings—MU District*.
2. A modification to Section 606(g)(5), *Lots and Blocks, Yards*
3. Modifications to the Standard City Detail for Collector Roads (ST-10) and Local Roads (ST-11.1 and ST-11.2) in accordance with Section 611, *Street Improvement Standards*

**AND BE IT FURTHER RESOLVED** by the Board of Aldermen that the request for a carwash in the MU-2 zone, a mixed-use conditional use, is hereby approved based on the following findings:

1. The proposed mixed-use conditional use is in harmony with the purpose and intent of the Comprehensive Plan and LMC in that the primary objective of the MU zoned is to provide a mix of residential and non-residential uses which are part of an overall master plan for development of compatible uses.
2. The characteristics of the car wash will not create any greater adverse impact than permitted uses that do not require conditional use approval, such as automobile filling stations, grocery stores, banks, restaurants, department and discount stores, and other uses permitted in the MU district.
3. That the proposed activity complies with all conditions and requirements set forth Section 837 of the LMC for mixed-use conditional uses and will be further evaluated at the site plan stage for elements that are required at the site plan stage.

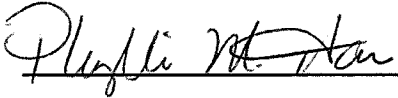
**AND BE IT FURTHER RESOLVED** by the Board of Aldermen, in accordance with City Code § 4-14(c)(3) that the following roads/intersections are adequate, based on the fact that adequacy cannot be achieved without alteration or removal of existing structures, and that the developer has incorporated as much mitigation as reasonably possible:


- Monocacy Boulevard between Storage Way and South Street
- the Monocacy Boulevard intersection with I-70 WB ramps/Gateway East Plaza entrance

**AND BE IT FURTHER RESOLVED** that this Resolution shall take effect on July 11, 2021.

ADOPTED AND APPROVED THIS 1<sup>ST</sup> DAY OF JULY, 2021

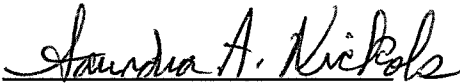
WITNESS

  
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Michael O'Connor, Mayor

Approved for Legal Sufficiency:

  
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City Attorney