

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

RESOLUTION NO: 23-02

A RESOLUTION concerning

Master Plan PC22-168MU for 1724 N Market Street

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 a parcel of land known and identified as 1724 N Market Street. On February 28, 2022, New Harbor Development LLC, the contract purchaser for the Property, as authorized by the owner, LJD LLC, the owner of the Property, 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 PC22-168MU.

On December 1, 2022, 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, including specific conditions of approval, as well as discussion of the master plan. At the conclusion of that hearing, the Board of Aldermen voted to impose conditions on the rezoning in accordance with LMC § 307(b). No formal action was taken on the master plan. The applicant subsequently accepted the rezoning conditions, and the Board of Aldermen held a second hearing on January 5, 2023. At the conclusion of such hearing, the Board of Aldermen approved an ordinance that rezoned the ±5.37 property to the MU-2 floating zone, subject to certain conditions.

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 PC22-168MU, as further described herein.

NOW THEREFORE BE IT RESOLVED by the Board of Aldermen of the City of Frederick that Master Plan PC22-168MU, 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 2020 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 PC22-168MU is hereby approved with conditions as specified herein. Prior to unconditional approval of such master plan, the applicant shall:

- 1) Change the vicinity map on the Land Use Master Plan to 800'-1000' scale.
- 2) Delete the left corner panel note on the Land Use Master Plan that reads, "*The information provided . . . for conceptual purposes.*"
- 3) Correct the Case History Note on the Land Use Master Plan to read:
 - a. Master Plan case number PC22-168MU.
 - b. Sketch Plan case number STF21-497SP.

AND BE IT FURTHER RESOLVED by the Board of Aldermen that the following modifications in association with Master Plan PC22-168MU are hereby approved:

- 1) A modification to Section 417, Table 417-1 *Uses, Density/Intensities and Land Allocation*; and
- 2) A modification to Section 417, Table 417-2, *Setbacks for Principal Buildings – MU District*

AND BE IT FURTHER RESOLVED that this Resolution shall take effect on January 15, 2023.

ADOPTED AND APPROVED THIS 5th DAY OF January 2023

WITNESS



Michael O'Connor, Mayor

Approved for Legal Sufficiency:



City Attorney