

RESOLUTION NO. R-48-19

RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF GAITHERSBURG GRANTING APPROVAL OF A SETBACK
WAIVER OF FIVE (5) FOOT FOR THE PROPERTIES LOCATED
AT 102 AND 104 SOUTH FREDERICK AVENUE, IN THE
CORRIDOR DEVELOPMENT (CD) ZONE

WHEREAS, Luis Ulpiano of Luis Ulpiano Esquire, LLC., (“Applicant”) is proposing to develop two (2) vacant properties located at 102 and 104 South Frederick Avenue with a two-story, 5,600 square foot office building, with an associated seventeen (17) space parking lot; and

WHEREAS, the Applicant, is requesting a waiver of five (5) feet of the fifteen (15) foot setback requirement for abutting an existing building with windows facing the proposed building; and

WHEREAS, pursuant to § 24-160G.5.(c), of the City Zoning Ordinance (Chapter 24 of the City Code), Waiver of Development Standards, the City Council may, by resolution, waive the setback requirements in the CD Zone, upon a finding that: (1) The applicant will provide either on-site or off-site public amenities to further enhance the specified corridor and the purposes of the CD zone; (2) The reduced setback is necessary to implement the master plan and a specific corridor plan for Gaithersburg or attract an appropriate and compatible type or caliber of user; and (3) The reduced setback will not detrimentally impact light and air to adjacent buildings; and

WHEREAS, the City Council has reviewed all testimony and evidence submitted into the record.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED, in accordance with § 24-160G.5.(c) of the City’s Zoning Ordinance, the City Council hereby finds as follows:

1. The applicant will provide either on-site or off-site public amenities to further enhance the specified corridor and the purposes of the CD zone.

The development will improve two (2) vacant lots to construct a 5,600 square foot office building with an associated seventeen (17) space parking lot located behind the building. Enhancements to the corridor include new street trees and landscaping along South Frederick Avenue. Additionally, the plan will expand the width of the existing South Frederick Avenue sidewalks to eight (8) feet.

2. The reduced setback is necessary to implement the master plan and a specific corridor plan for Gaithersburg or attract an appropriate and compatible type or caliber of user.

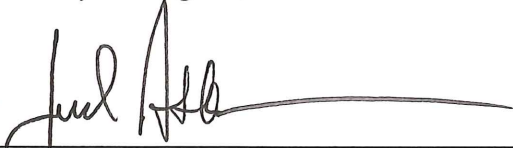
The reduced setback will allow the redevelopment of two (2) vacant properties with a new office building, in conformance with the requirements for off-site parking, stormwater management and maximum building height. The development is also constrained by a new ten (10) foot public utilities easement (PUE) along South Frederick Avenue and Cedar Avenue, which is required as part of the plat for the consolidation of the two lots. Without the waiver, the building would potentially have to be reoriented and could have negative impacts on the proposed site improvements and the requirements of the CD zone to orientate the building towards South Frederick Avenue.

3. The reduced setback will not detrimentally impact light and air to adjacent buildings.

The reduced setback to five (5) feet is necessary to facilitate the proposed on-site improvements and the proposed office building. The location of the office building will not detrimentally impact the neighboring building's access to adequate light and air because the two (2) buildings will be separated by twenty-five (25) foot drive aisle at 106 South Frederick Avenue and a five (5) feet planting area. The proposed office building windows facing the adjacent building will not be operable.

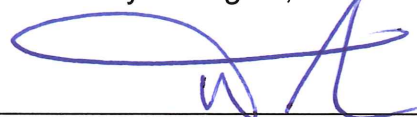
BE IT FURTHER RESOLVED, that having determined that this setback waiver request meets the standards of § 24-160G.5.(b) of the City's Zoning Ordinance and further finding that granting this setback waiver request is in the public interest, the City Council of Gaithersburg hereby grants this requested setback waiver to reduce the fifteen (15) foot setback requirement, pursuant to § 24-160G.4 of the City's Zoning Ordinance, by ten (10) feet to maintain a five (5) foot setback.

ADOPTED by the City Council this 5th day of August, 2019.



JUD ASHMAN, MAYOR and
President of the Council

THIS IS TO CERTIFY, that the foregoing Resolution was adopted by the City Council, in public meeting assembled on the 5th day of August, 2019.



Tony Tomasello, City Manager