

**DISTRICT COUNCIL FOR PRINCE GEORGE'S COUNTY, MARYLAND  
OFFICE OF THE ZONING HEARING EXAMINER**

**ZONING MAP AMENDMENT  
A-10042  
DECISION**

Application: C-O Zone to the M-X-T Zone  
Applicant: Brandywine Waldorf Medical Dental Clinic, Inc./Karen Dobson  
Opposition: None  
Hearing Date: February 21, 2018  
Hearing Examiner: Maurene Epps McNeil  
Recommendation: Approval

**NATURE OF REQUEST**

(1) A-10042 is a request to rezone approximately 2.90 acres from the C-O (Commercial Shopping Center) Zone to the M-X-T (Mixed Use Transportation) Zone. The property includes two adjoining lots, Parcel 93, addressed as 13518 Brandywine Rd., and part of Parcel 65, addressed as 13600 Brandywine Rd. The property is located in the northwest quadrant of the intersection of Brandywine Road (MD 381) and Branch Avenue (MD 5), in Brandywine, Maryland.

(2) The Technical Staff recommended approval of the Application. (Exhibit 13(a) The Planning Board chose not to hold a hearing and adopted the Staff's recommendation as its own. (Exhibit 14(b))

(3) No one appeared in opposition to the request at the hearing held by this Examiner.

(4) At the close of the hearing, the record was left open to allow Applicant time to submit an additional exhibit. The item was received on February 26, 2018, and the record was closed at that time. (Exhibits 26(a) and (b))

**FINDINGS OF FACT**

**Subject Property**

(1) Applicant's Statement of Justification provides further description of the subject property and its development history:

The subject property is more particularly depicted as Parcel 93 and Part of Parcel 65 on Tax Map 144, Grid F-2. Neither parcel is the subject of a

plat of subdivision. Parcel 65 in its entirety was owned by the Brandywine – Waldorf Medical Dental Clinic, Inc. ... which was formerly owned and managed by Dr. Richard H. Dobson who is deceased. Dr. Dobson's surviving daughter Karen Dobson is the personal representative of Dr. Dobson's estate. Parcel 65 is presently improved with a vacant one-story building, formerly used as a medical clinic, and surface parking. Part of Parcel 65 is being acquired by the State Highway Administration pursuant to its Quick Take procedures. Parcel 93 is owned by Karen Dobson and is undeveloped....

(Exhibit 13(a), p. 53)

### **Neighborhood and Surrounding Properties**

(2) The property is surrounded by the following uses:

- North - A one-family dwelling and a Hindu temple on a large wooded parcel in the C-O Zone, and Potomac Electric Power Company (PEPCO) power lines and single-family detached developments in the R-R Zone. Approximately 1,000 feet to the north is the A-63 (Mattawoman Drive) overpass (currently under construction)
- South - Brandywine Road (MD 381) and beyond, single-family detached developments in the R-R Zone
- East - Branch Avenue (MD 5) with largely undeveloped parcels and property in the C-S-C Zone
- West - Undeveloped land, except for two single-family dwellings in the C-O Zone along Brandywine Road (MD 381)

(3) The neighborhood of the subject property proffered by Staff has the following boundaries:

- North - Moore's Road
- South - Brandywine Road (MD 381)
- East - Branch Avenue (MD 5)
- West - Floral Park Road/Brandywine Road (MD 381)

### **Master Plan/Sectional Map Amendment**

(4) The site lies within the area governed by the 2013 Subregion 5 Master Plan, in Planning Area 85A (the Brandywine Community). The Master Plan included the following planning discussion germane to the instant request:

**Brandywine** The 1993 Subregion V Master Plan conceived of Brandywine as an employment-based community center. Since then, industrial land has been slow to develop, while residential and commercial uses have been attracted to the potential mixed-use center.

With these changes, and the challenges and opportunities presented by highway improvements and the introduction of transit, future land use in Brandywine has been reconsidered....

This plan limits the expansion of commercial land uses along major roadways that are not in designated growth areas, consistent with goals and policies to discourage strip commercial development and to support redevelopment and infill development in existing and planned development areas over “green field” development. Note, however, that mixed-use areas may contain commercial uses....

One input to determine the type and scale of land uses recommended within the Brandywine community center and its surrounding area is a review of the current and future (year 2030) economic potential of the area. By 2030, residential development in the Brandywine area alone will be able to support a community retail center and office space. The ability of the Brandywine community center to attract larger amounts of commercial and office space—particularly the concentrations necessary to support transit - depends on the way in which Brandywine distinguishes itself from the automobile-oriented commercial and business uses in Waldorf in Charles County (the closest major concentration of non-residential uses). Developing the Brandywine community center as a high-amenity, pedestrian-oriented center could create the necessary distinction from Waldorf. It would create an identity for Brandywine that would be unique in the predominant suburban character in this region of Prince George’s County. Additionally, a strong “sense of place” could provide the Brandywine community with a competitive advantage over Waldorf’s commercial areas....

**Map IV-5 (page 51)** shows the development concept for the Brandywine Community Center and surrounding areas. **Map IV-6 (page 52)** shows the community center core and edges. The major features of the concept are summarized on page 65.

The core of the Brandywine community center is an approximately 120-acre transit-oriented, mixed-use area focused on a recommended transit station near the interchange of MD 5/US 301 and an arterial road (relocated A-55, see below).

The community center core is on the east side of MD 5/US 301, approximately one-quarter mile from the transit station. The core would be a mixed-use area containing moderate to high density residential (15 to 30 dwelling units per acre), commercial, and employment uses that would generate approximately 25 employees per acre.

(2013 Subregion 5 Master Plan, pp. 24, 32, 49)

(5) As noted by the Technical Staff:

The site is less than one-half mile or more from the MD 5/A 63 planned overpass and the MD 5/MD 381 intersection, and in the vicinity for future

bus rapid transit. The site is in the surrounding area of the Brandywine Community Center, which is designated as a Local Center....

(Exhibit 13(a), p. 8)

(6) The 2013 Sectional Map Amendment (“SMA”) retained the subject property in the C-O Zone.

(7) The site also lies within the Established Communities Policy Area, discussed in the 2014 General Plan (“Plan Prince George’s 2035”). The request furthers the Established Communities goal of “context-sensitive infill and low to medium-density development.” (2014 General Plan, p. 20) There are no specific recommendations for the subject property but the “Generalized Future Land Use map does mirror the Master Plan’s future designation of mixed-use in the general vicinity of the site. (2014 General Plan, p. 101)

### **Applicant’s Request**

(8) As noted above, the subject property is improved with a vacant building formerly used as a medical facility, on the remainder of the Parcel 65, and Parcel 63 is undeveloped. Applicant Brandywine-Waldorf Medical Dental Clinic, Inc. has been found by the State Department of Assessments and Taxation to be in good standing to transact business in Maryland. (Exhibit 26(b)) It owns Part of Parcel 65, identified as 13600 Brandywine Road, Brandywine, Maryland. (Exhibit 18) Applicant Karen Dobson owns the remainder of the site, identified as 13518 Brandywine, Maryland. (Exhibit 19)

(9) Mark Ferguson, accepted as an expert in the area of land use planning, testified and prepared a written land use planning analysis for the Application. He opined that the Application satisfies the criteria in Section 27-213 of the Zoning Ordinance, reasoning as follows:

The first criterion of 27-213(a) is a vicinity criterion. So, if the tract is within the vicinity of a major interchange of two streets classified as arterial or higher that would be sufficient for fulfillment of that criterion. So, the interchange ... is [at] the intersection of Branch Avenue, which is a freeway, and ... the arterial A-65, the Brandywine spine road. There are two collector roads which are also a part of that interchange, Accokeek Road and Brandywine Road, which is an extension of Floral Park Road, as well.... We are really contiguous with that interchange, we physically abut it.... I do [find conformance with the first criterion]....

Now, the second part of that criterion also allows proximity to a major transit stop. On page 31 of the Staff Report there is an excerpt of Map 4-5 of the Subregion 5 Master Plan, and that indicates that not only is that interchange under construction, well ... the Master Plan indicates its planned location, but it indicates that the land opposite the park and ride is ultimately planned to be a transit stop....

I think you can make a finding that the Master Plan recommends mixed

land uses. Now, the specific recommendation of the plan map, as you can see on the excerpt of Map 4-5 is for commercial land uses. Immediately across Brandywine Road is a recommendation for medium high density residential. But ... the text of the Master Plan that does discuss this specific area of the property states that land use in the area surrounding the transit station on both sides of MD-5 would be a mix of commercial and institutional uses east and west of MD-5. And then it discusses medium density residential uses are envisioned for the area between Brandywine Road and Accokeek Road. So, the Master Plan text specifically talks about a mix of uses, and one thing which I don't draw out in my report, but I think is important to remember is that the mix of uses that is required by the provisions of the M-X-T Zone is two of three use criteria, one is office commercial, second is retail commercial, and third is residential. Both office commercial and retail commercial, which would fulfill that mixed use requirement of the M-X-T Zone are both subsumed under the Master Plan's commercial land use recommendation....

So, I think that it's very reasonable to find that beyond the proximity to the interchange there's also a recommendation for mix of use, mix of land uses for the subject property, as well....

(T. 37-40)

(10) Mr. Ferguson also opined that the request will not substantially impair the integrity of the General Plan or Functional Master Plan:

Approval of the M-X-T Zone at the subject property would not impair the General Plan, as the General Plan's generalized land use recommendations are harmonious with those in the Approved Master Plan, which ... are in turn in keeping with a mix of uses such as are afforded by the M-X-T Zone....

No elements of the County's Green Infrastructure Network are mapped on the subject property; accordingly, the Countywide Green Infrastructure Plan, a Functional Master Plan, will not be impaired by the proposed zoning.

The subject property is not in a Priority Preservation Area; accordingly, the Priority Preservation Area Functional Master Plan will not be impaired by the proposed rezoning.

No Historic Sites are on or adjacent to the subject property; accordingly, the Historic Sites and District's Plan, a Functional Master Plan, will not be impaired by the proposed rezoning.

The Water Resources Functional Master Plan addresses broad regulatory policy and large-scale watershed planning, and as such makes no recommendations which are directly applicable to the consideration of the application of M-X-T zoning to the subject property.

No proposed sites for public safety facilities are on or adjacent to the subject property; the new site of the Brandywine fire station across Branch Avenue ... was the location of the recent construction of the new fire station. Accordingly, the Public Safety Facilities Master Plan, a Functional Master Plan, will not be impaired by the proposed rezoning.

The final Functional Master Plan, the County Master Plan of Transportation, makes a number of recommendations on or in the immediate vicinity of the subject property. [There is an interchange under construction.] The final plans for the interchange ... retain the alignments of Brandywine Road, Floral Park Road and Accokeek Road, and bring the end of Brandywine Road into the interchange instead of terminating it with a cul-de-sac. The configuration of the final interchange design and the surrounding road network is now illustrated on the "Master Plan Right of Way" layer on the county's PG Atlas GIS web site.

In summary, the approval of the M-X-T Zone at the subject property will not impair the General Plan, Sector Plan or Functional Master Plans.

(Exhibit 24, pp. 6-7)

(11) Finally, Mr. Ferguson found that the request is in keeping with the purposes of the M-X-T Zone since: the property is located in the general vicinity of a major interchange; the request allows a mix of uses in a dense configuration, in accordance with recommendations in the text and map of the Master Plan; the denser, mix use proposed would conserve the value of land and buildings, would be a more efficient use of the public facilities in the area, and would reduce automobile use by making walking and biking more practical; mixed use provides more flexibility to address changes in market demand; and the flexible design of such zoning will allow the Applicant to reduce any adverse impact of the noise associated with the higher-classification roadways in the area. (Exhibit 24, pp. 8-9)

(12) Michael Lenhart, accepted as an expert in the area of transportation planning, provided the following testimony in support of the request:

[The current intersections near the property function at] a level of service F....

So, our traffic impact study [Exhibit 10] ... shows our site ... as a yellow star ... off of the north side of Brandywine Road. Intersection 6 shown there is the driveway for the site. A and B as shown in the center of the exhibit are the two existing signalized intersections. We conducted traffic counts at both of those existing intersections, and then we ... established a future road network that's shown on this exhibit, and we reassigned the existing traffic to account for how those movements will be accommodated once the interchange is built.

We then added growth, background developments, and ... because this is M-X-T, we don't know ... what the exact proposed uses are at this

time, so we made some assumptions of 15,000 square feet of general office, and 20,000 square feet of retail to provide a conservative assessment of what might happen on this property. We assigned that traffic to the study intersections, and then we conducted analysis at all of the intersections using the Park and Planning guidelines for transportation impact study....

[T]here's always a possibility that something could come in higher. We think that this is going to capture most reasonable possibilities. However, at the time of Preliminary Plan of Subdivision we will have to do an adequate public facilities test ... and will be reassessed, and can ... have new findings assigned at the time of Preliminary Plan....

Page 18 of our traffic impact study, Exhibit 10, contains the results of our level of service analysis, which is also contained in Glen Burton's Staff Report dated December 12<sup>th</sup>, 2017. This shows that intersections two through five were all, will all be signalized intersections, those are all projected to operate [at] level of service A, while a D or better is considered acceptable. The two unsignalized intersections, one of them is our site access, will pass the unsignalized intersection test. And the other one, the 373 at the service road, which is the roundabout that's depicted on the SHA interchange plan, will operate at less than a volume to capacity ratio of 0.85, which is considered the threshold for what's the pass/fail limit. And so, it's better than pulling [0.85] and therefore it passes.

(T. 13, 20-22, 24)

(13) Since all of the intersections, signalized and unsignalized, would operate at acceptable levels of service, the expert concluded that the Application is "consistent with standards enumerated in Section [27-213(a) (3)(A)]" and "that with the completion of the interchange which is currently funded and under construction all of the improvements will result in adequate conditions with the full build-out of the site as rezoned." (T. 25-26)

### **Agency Comment**

(14) The Technical Staff recommended that the request for rezoning be approved, reasoning as follows:

The subject property is located within the Established Communities growth policy area designated in Plan Prince Georges 2035, which envisions sensitive infill and low – to medium – density development. The requested M–X–T Zone permits similar land uses as those recommended in the 2013 Subregion 5 Master Plan and SMA. At this location, development of the subject property with the M–X–T Zone designation would not substantially impair the master plan recommendation for future commercial land use because three of the four land use types that define mixed-use are suitable in areas where commercial land use is recommended, and would be generally in character and in context with the recommended land uses.

However, the development of these uses should require that close attention be paid to architecture, landscape buffering, and screening at later stages of development review. Also, close attention will need to be paid to ensure that the development becomes a truly integrated mixed – use community to better connect the residential and commercial areas. In order to provide flexibility and facilitate development, the M-X-T Zone is appropriate for the subject property. Staff therefore recommends approval of the M-X-T Zone designation.

(Exhibit 13(a), p. 16)

(15) The Transportation Planning Section review the application and found that there would be a reduction of AM and PM peak hour trips if the request were approved, and all of the study intersections would operate adequately, with the signalized intersections retaining LOS A. (Exhibit 13 (a), pp. 33-34) It also provided the following comment:

In consideration of the requirements for granting the M-X-T Zone, it is found that the location does meet the criteria in Section 27-213 (a)(1)(A). The site is adjacent to a major intersection or interchange (that being the intersection or interchange of two roadways of arterial or higher classification). It is not within the vicinity of a major transit stop or station....

The property is located in an area where the development policies are governed by the *Approved Subregion 5 Master Plan and Sectional Map Amendment*. Among the recommendations from the master plan were the upgrade of the intersections of MD 5, Brandywine Road and MD 373 to a consolidated interchange. That interchange is currently under construction. The second recommendation was the upgrade of Brandywine Road to a collector (C-513). The property fronts on Brandywine Road, and some right-of-way dedication may be required at a later phase of the subdivision process....

Given the proposed uses and the associated traffic projection outlined in the traffic study, staff concludes that the proposed rezoning would not bring about a substantial impact on the existing or planned transportation facilities in the area of the subject property. Therefore, it is determined that from strictly a transportation standpoint, the proposed rezoning meets the criteria in Section 27-213.

(Exhibit 13 (a), pp. 33-34)

(16) The Countywide Planning Section noted that, if approved, the request would have no impact on public facilities. (Exhibit 13(a), p. 47)

(17) The Community Planning Division opined that the request will not substantially impair the integrity of the General Plan and Master Plan, reasoning as follows:

The subject properties are located within ... *Plan Prince George's 2035* ... designated Established Communities policy area. Plan 2035 defines Established

Communities as 'existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers'.... The Brandywine Local Center is nearby ....

The 2013 ... [Master Plan] recommends future Commercial land use on the subject property. Commercial land use is defined as a '... retail and business area, including employment such as office and service uses'. (Master Plan, page 31) The subject property is in the Surrounding Area of the Brandywine Community Center....

The Future Land Use map designates the subject property for Commercial land use, meaning that the master plan envisions future retail, office, employment, and service commercial development at this location. Reclassifying the subject property from the C-O Zone to the M-X-T Zone would allow the same commercial development as the C-O Zone with the addition of some industrial and residential land uses. The applicant will need to propose at least two of these uses if granted the M-X-T Zone. Uses allowed in the M-X-T Zone represent an expansion of those allowed in the C-O Zone, but are not substantially different, except for the residential uses allowed....

Plan 2035's Land Use Policy 7 (page 114) states "limit future mixed-use land uses outside of the Regional Transit Districts and Local Centers." Brandywine Community Center is a designated "Local Center" and the subject property is in its Surrounding Area. This request is for a mixed-use zone [and] is supportive of the infrastructure investment reflected in the pedestrian/bicycle access on the newly constructed overpass leading to a recommended transit stop. Therefore, mixed-use development at this location would not substantially impair the planning objectives of Plan 2035....

The master plan recommends Mixed-use development in the Brandywine Community Center, in large measure due to the recommendation of a future transit stop or station. The subject property is similarly located near a future transit stop recommended in the master plan. Based on the master plan's recommendation of Commercial land use and the proximity of the subject property to the recommended transit stop with anticipated non-vehicular access, the requested mixed-use zone would not substantially impair implementation of the Master Plan recommendations....

(Exhibit 13(a) pp. 27-29)

(18) The Environmental Planning Section reviewed the request for conformance with the environmental policies set forth within the Subregion 5 Master Plan. It noted that several policies would have to be satisfied once future applications for development on site are reviewed, and that both a Tree Conservation Plan and a Natural Resource Inventory will be necessary. (Exhibit 13(a), pp. 35-38)

## **LAW APPLICABLE**

(1) The M-X-T Zone cannot be approved unless the request is in accordance with the strictures of Section 27- 213(a) of the Zoning Ordinance which provides as follows:

(a) **Criteria for approval of the M-X-T Zone.**

- (1) The District Council shall only place land in the M-X-T Zone if at least one (1) of the following two (2) criteria is met:
  - (A) Criterion 1. The entire tract is located within the vicinity of either:
    - (i) A major intersection or major interchange (being an intersection or interchange in which at least two (2) of the streets forming the intersection or interchange are classified in the Master Plan as an arterial or higher classified street reasonably expected to be in place within the foreseeable future); or
    - (ii) A major transit stop or station (reasonably expected to be in place within the foreseeable future).
  - (B) Criterion 2. The applicable Master Plan recommends mixed land uses similar to those permitted in the M-X-T Zone.
- (2) Prior to approval, the Council shall find that the proposed location will not substantially impair the integrity of an approved General Plan, Area Master Plan, or Functional Master Plan and is in keeping with the purposes of the M-X-T Zone. In approving the M-X-T Zone, the District Council may include guidelines to the Planning Board for its review of the Conceptual Site Plan.
- (3) Adequate transportation facilities.
  - (A) Prior to approval, the Council shall find that transportation facilities that are existing, are under construction, or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, will be funded by a specific public facilities financing and implementation program established for the area, or provided by the applicant, will be adequate to carry anticipated traffic for the proposed development.
  - (B) The finding by the Council of adequate transportation facilities at this time shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.

(2) The Application must also further the purposes of the M-X-T Zone, found in Section 27-542(a) of the Zoning Ordinance. This Section provides as follows:

(a) The purposes of the M-X-T Zone are:

- (1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, and designated General Plan Centers so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;

- (2) To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;
- (3) To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;
- (4) To promote the effective and optimum use of transit and reduce automobile use by locating a mix of residential and non-residential uses in proximity to one another and to transit facilities to facilitate walking, bicycle, and transit use;
- (5) To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;
- (6) to encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;
- (7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identify;
- (8) To promote optimum land planning with greater efficiency through the use of economies of scale, savings in energy, innovative stormwater management techniques, and provision of public facilities and infrastructure beyond the scope of single-purpose projects;
- (9) To permit a flexible response to the market and promote economic vitality and investment; and
- (10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

## **CONCLUSIONS OF LAW**

- (1) The Application must be found to comply with the requirements of Section 27-213 and the purposes of the M-X-T Zone found in Section 27-542. Compliance with each provision of law will be addressed seriatim.
- (2) The subject property is located at the interchange of two streets classified as arterial or higher. The site is adjacent to the new T.B. interchange which will connect Brandywine Road, Accokeek Road and the extension of the proposed Brandywine "spine road" with Branch Avenue (MD 5). Branch Avenue is classified as a freeway in the Master Plan of Transportation (which is higher than an arterial), and the spine road is classified as an arterial. (Section 27-213 (a)(1)(A)(i))

(3) All of the impacted intersections will continue to operate within an adequate level of service, and the Planning Board may later amend a finding of adequacy during its subdivision review. (Section 27-213(a)(3)(A) and (B))

(4) The request would not substantially impair the integrity of the General Plan, the Subregion 5 Master Plan, nor any Functional Master Plan. The Zoning Ordinance does not expressly define the term “substantially impair”; accordingly, we look to the generally recognized usage. (See, Section 27-108.01(a)(7)) “Substantial” is generally defined as “considerable; ample; large”. (Webster’s New World Dictionary, 2<sup>nd</sup> College Edition) The 2014 General Plan placed the site within the Established Communities, thereby, sanctioning context-sensitive infill development of low-to-medium-density. A mix of uses on this small area of land would satisfy this goal. The Subregion 5 Master Plan recognized that this area, just outside of the Brandywine Community Center, could accommodate commercial uses, defined as retail, business, employment, office and service uses. The M-X-T Zone, while an expansion of the C-O Zone, would allow similar uses while offering more flexibility in development. The Master Plan recommends mixed uses in the Brandywine Community Center in part due to its proximity to a future transit stop. The subject property is also located near a future transit stop (anticipated to allow non-vehicular access), and in the surrounding area of the Brandywine Community Center. Accordingly, the Application cannot be said to substantially impair the integrity of the General Plan, Area Master Plan, or Functional Master Plan. (Section 27-213(a)(2))

(5) The Application furthers the purpose of the M-X-T Zone since:

- The subject property is located within the vicinity of a major intersection or interchange (as noted above);
- Providing a mix of uses in this area is in keeping with the recommendations in the map and text of the Subregion 5 Master Plan.
- The request will allow a greater density of land use in the vicinity of a major interchange, and will result in the conservation of land, rather than a scattering of uses over a larger area.
- For the same reason, this concentration of uses should make pedestrian and bicycle use more likely.
- While any development of this relatively small area may not lead to a “24-hour environment” it will allow an interaction between any uses on site (and others in the area) and those who live, work, or visit nearby.
- Allowing a mix of commercial and office uses closer to Branch Avenue and the new interchange will allow these more tolerant uses to bear the amount of noise generated by this higher classification of roadway and provide a

buffer for the residential uses nearby; thereby creating a dynamic, functional relationship between the uses.

- Given that an office use has not “flourished” at the site for several years, a mix of uses on-site would provide Applicant a flexible response to the market as well as an opportunity to develop new uses that could achieve excellence in physical, social, and economic planning.

### **RECOMMENDATION**

I recommend Approval of A-10042.