

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

**ZONING MAP AMENDMENT
A-10047**

DECISION

Application:	C-S-C/I-1 to M-X-T
Applicant:	St. Barnabas Mixed-Use Park
Opposition:	None
Hearing Dates:	September 9, 2018 and October 1, 2018
Hearing Examiner:	Joyce B. Nichols
Recommendation:	Approval

NATURE OF REQUEST

- (1) A-10047 is a request for the rezoning of approximately 11.07 acres of land, located in the northeastern quadrant of the intersection of St. Barnabas Road and Temple Hills Road, also identified as 4634, 4710, 4718, 4720, 4740, 4806 and 4810 St. Barnabas Road, Temple Hills, Maryland, from the C-S-C (Commercial Shopping Center)/I-1 (Light Industrial) to the M-X-T (Mixed Use-Transportation Oriented) Zone.
- (2) The Technical Staff recommended disapproval (Exhibit 15) and the Planning Board did not elect to hold a hearing, and, in lieu thereof, adopted the recommendation of the Technical Staff. (Exhibit 17)
- (3) No one appeared in opposition to the Application. Senator Gloria Lawlah and Angela Holmes, on behalf of Citizens Encouraging Community Revitalization (CECR), testified in support of the Application. (Exhibit 26), September 9, T.p. 4-11
- (4) The record was closed at the conclusion of the October 1, 2018 evidentiary hearing.

FINDINGS OF FACT

Subject Property

- (1) The subject property is an unsubdivided assemblage of Tax Map 88, Parcels 196, 202, 203, 350, 368, 387, 406, 452, 489 and 498 recorded at Liber 3954, Folio 503. It has street frontage along St. Barnabas Road between Cremen Road to the east and Temple Hills Road to the west. Access to the proposed development is via three access points, 2 (two) on St. Barnabas Road and 1 (one) on Cremen Road. Approximately 8.52 acres are located in the C-S-C Zone and approximately 2.54 acres are located in the I-1 Zone.

History

(2) The 2008 Approved Branch Avenue Corridor Sector Plan and Sectional Map Amendment (Branch Avenue Corridor Sector Plan and SMA), reclassified Parcels 196, 387, 406, 489, and 498 from the C-M (Commercial Miscellaneous) to the C-S-C Zone in their entirety; and reclassified portions of Parcels 202, 203, 350, and 368 to the I-1 Zone; retaining Parcel 452 in its entirety in the I-1 Zone. Six of the properties have approved nonconforming uses (CNU) for automotive and repair uses as follows:

- 4710 St. Barnabas Road (Parcel 196)-CNU-1471-09, approved administratively March 18, 2009; and CNU-2964-09 approved administratively March 24, 2009.
- 4718 St. Barnabas Road (Parcel 489)-CNU-3406-09, approved administratively March 25, 2009.
- 4720B St. Barnabas Road (Parcel 202)-CNU-468-09, approved administratively February 12, 2009.
- 4740 St. Barnabas Road (Parcel 368)-CNU-2828-09, approved administratively March 18, 2009; CNU-465-09, approved administratively February 18, 2009; and CNU-2967-09 approved January 11, 2010 by Prince George's County District Council.
- 4806 St. Barnabas Road (Parcel 387)-CNU-2967-09, approved January 11, 2010, by the District Council.

General Plan and Sector Plan

(3) The 2014 Plan Prince George's 2035 Approved General Plan (Plan 2035) designated the subject within the Established Communities area as "existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers in which development growth is to be focused. Plan 2035's vision for the Established Communities is "context-sensitive infill and low-to medium-density development". (GP. p. 20)

Plan 2035 established the following policies:

Urban Design

Policy 9-Use urban design to guide development, promote community health, protect our natural, historic, and cultural resources and quality of life, and enhance mobility, specifically:

HD 9.9 (Community Heritage, Culture and Design): Implement urban design solutions to ensure appropriate transitions between higher intensity and density development and surrounding

lower-density residential neighborhoods. Urban techniques include decreasing (stepping down) building heights, reducing development densities, and otherwise modifying architectural massing and form. (GP. p. 215)

(4) The 2013 Central Branch Avenue Corridor Revitalization Sector Plan (2013 Sector Plan) recommends retaining the exclusively commercial land use for Parcels 196, 387, 406, 489, and 498 and for portions of Parcels 202, 203, 350 and 368 and the exclusively industrial land use for Parcel 452 and for portions of Parcels 202, 203, 350 and 368. (p. 65) Industrial land use is described as "...manufacturing operations, industrial parks, warehouses, distribution operations, junkyards, auto storage, and salvage, but can also include other employment uses such as office and service uses". (p. 64) The 2013 Sector Plan specifically called for "the Beech Road industrial area [in which the industrially-zoned portion of the subject property is located] to] be retained in the [existing industrial land use classification] as a center for employment focusing on small professional and commercial services, such as production, storage, and repair businesses". (p. 65) This recommendation is consistent with the purposes of the current I-1 zoning, defined by Section 27-469(a)(1) as providing locations "to attract a variety of labor-intensive industrial uses...distinct from the more intense Industrial Zones and the high-traffic generating Commercial Zones."

The 2013 Sector Plan defines "commercial land use" as an "...array of commercial uses including retail, services, repair and office uses. It includes large shopping centers and small strip centers, and miscellaneous establishments such as auto services and sales," with four subcategories; Commercial-Neighborhood; Commercial-Office; Commercial-Production, Distribution, and Repair; and Commercial-Shopping Center. (p. 64) This is consistent with the purposes of the current C-S-C zoning, defined by Section 27-254(a)(1) as providing "locations for predominantly retail commercial shopping facilities...[and] compatible institutional, recreational, and service uses," although the 2013 Sector Plan recommended a clarification of the C-S-C Zone to encourage "the transition [of the St. Barnabas Road commercial corridor] into a commercial center focused on neighborhood oriented services supporting surrounding neighborhoods". (p. 65) This clarification could be accomplished by either "[e] establish[ing] and applying a new commercial zoning category or revis[ing] an existing commercial zoning district to facilitate [a] neighborhood commercial zone that regulates appropriate scale of development and types of uses at appropriate locations along St. Barnabas Road". (p. 65) This recommended clarification of the commercial uses of the current C-S-C Zone echoed the recommendation of the 2008 Branch Avenue Corridor Sector Plan, to clarify the commercial nature of the St. Barnabas commercial corridor by rezoning the then-existing C-M Zone to the C-S-C Zone.

The 2013 Sector Plan did not recommend any residential uses in the current C-S-C Zone. The 2013 Sector Plan also did not recommend the rezoning of the C-S-C Zone to a Mixed-Use zone. The 2013 Sector Plan instead applied the Commercial-Neighborhood land use classification to the

St. Barnabas commercial corridor to foster neighborhood retail uses, in contrast to the Commercial-Office land use classification that it recommended for other parcels, further removed from the St. Barnabas Road commercial corridor.

Neighborhood and Surrounding Uses

(5) The Staff recommends a neighborhood bounded as follows:

North - Branch Avenue (MD 5)

East - St. Barnabas Road (MD 414)

South - Capital Beltway (I-95/495)

West - Temple Hills Road

(6) Neither effects on other uses in the neighborhood nor change in the character of the neighborhood are a part of the criteria for approval of the M-X-T Zone. The Applicant's land use expert, Mr. Mark Ferguson recommended an amended neighborhood as follows:

- the western boundary would be unduly close, given that Temple Hill Road is only a two-lane collector roadway, and would instead have proffered Hagan Road;
- the use of Henson Creek is more appropriate as an additional eastern boundary, just as the Sector Plan did in defining the limits of the Beech Road Focus Area; and
- would include the properties on the north side of St. Barnabas Road, again just as the Sector Plan did in defining the limits of the Beech Road Focus Area.

(7) Although consideration of a neighborhood is not directly relevant to the approval of the M-X-T Zone in the same way that it is for a Euclidean rezoning or for approval of a Special Exception, it is germane to one of the findings of the M-X-T Zone, that being whether the subject property is within the vicinity of an intersection or interchange. Your Zoning Hearing Examiner adopts the recommendation of the neighborhood as proposed by the Applicant.

(8) The subject property is located along the south side of St. Barnabas Road (MD 414) along the entire length of the block between Temple Hill Road and Cremen Road. The subject property is a collection of ten parcels of unsubdivided acreage, which are developed with a number of existing uses, including: a two-story retail/office structure occupied by a Kitchen/Bath/Flooring store, a check cashing store, a tax preparer, a lawyer and a general contractor (office use only); the Temple Hills U.S. Post Office; Ultimate Auto used car sales; Monster Auto Group used car sales; JC Auto Service; Temple Hills Tire Service; Paik Auto Service; King's Auto Repair & Tires; and, King's Auto Body Shop. All of the buildings except for the small building containing JC Auto Service are located in the C-S-C-zoned portion of the subject property; the I-1-zoned areas are occupied

principally by vehicle storage lots for the various auto-related uses.

Immediately to the east of the subject property is Cremen Road, an old, dead-end public right-of-way serving a number of auto-related uses, including a car rental business, a number of vehicle repair businesses, a taxi business, a towing business, and at the end of the road, a concrete recycling business.

Immediately to the north of the subject property across St. Barnabas Road between Raleigh Avenue and Pohanka Place are a Shell gas station, an Eastern Motors used car sales lot, a Metro PCS mobile phone store, a Citgo gas station, a bowling alley, and a small retail building currently being renovated. All of these uses are in the C-S-C Zone.

Immediately to the west of the subject property, across Temple Hill Road, is the Temple Hills Church of God in the R-R (Rural Residential) Zone.

Immediately to the south of the subject property is a single-family dwelling and The Manor at Victoria Park apartments for the elderly in the R-80 (One-Family Detached Residential) Zone.

Beyond the immediate boundaries of the subject property to the west on the other side of Temple Hills Road and on the south side of St. Barnabas Road are single-family dwellings and an animal hospital in the R-R Zone. On the north side of St. Barnabas Road to the west of the subject property are a Paisano's pizza restaurant, the Country Style Chicken Waffle restaurant, the Temple Hills Baptist Church, the Gateway Square Apartments, and single-family dwellings in the C-S-C, R-55 (One-Family Detached Residential) and R-18 (Multi-Family Medium Density Residential) Zones.

Beyond the immediate boundaries of the subject property to the east on both sides of St. Barnabas Road, all the way to the interchange with Branch Avenue, are a mix of roadside commercial uses, most typically auto-related, in the C-S-C, C-M and M-X-T Zones.

Applicant's Request

(9) The Applicant is requesting to rezone the subject property to the M-X-T Zone to facilitate a mix of development consisting of retail uses, multi-family dwelling units, and attached dwelling units. The contemplated mix of uses is up to 75,000 square feet of retail, approximately 200 multi-family units and up to 100 townhouse dwelling units on with a Floor Area Ratio (FAR) of <1(.75).

APPLICABLE LAW

(1) The Applicant's request for approval of the M-X-T Zone must be found to satisfy the provisions of §27-213 of the Zoning Ordinance. This Section provides, in pertinent part, 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.

* * * * *

(c) Conditional approval.

(1) When it approves a Zoning Map Amendment, the District Council may impose reasonable requirements and safeguards (in the form of conditions) which it finds are necessary to either:

(A) Protect surrounding properties from adverse effects which might accrue from the Zoning Map Amendment; or

(B) Further enhance the coordinated, harmonious, and systematic development of the Regional District.

(2) In no case shall the conditions waive or lessen the requirements of, or prohibit uses allowed in, the approved zone.

(3) All building plans shall list the conditions and shall show how the proposed development complies with them.

(4) Conditions imposed by the District Council shall become a permanent part of the Zoning Map Amendment, and shall be binding for as long as the Mixed Use Zone remains in effect on the property (unless amended by the Council).

(5) If conditions are imposed, the Applicant shall have ninety (90) days from the date of approval to accept or reject the rezoning as conditionally approved. He shall advise (in writing) the Council accordingly. If the Applicant accepts the conditions, the Council shall enter an order acknowledging the acceptance and approving the Map Amendment, at which time the Council's action shall be final. Failure to advise the Council shall be considered a rejection of the conditions. Rejection shall void the Map Amendment and revert the property to its prior zoning classification. The Council shall enter an order

acknowledging the rejection, voiding its previous decision, and reverting the property to its prior zoning classification, at which time the Council's action shall be final.

(6) All Zoning Map Amendments which are approved subject to conditions shall be shown on the Zoning Map with the letter "C" after the Application number.

(2) The instant Application must also be found to further the Purposes of the M-X-T Zone, §27-542(a), and the general Purposes, §27-102, of the Zoning Ordinance.

CONCLUSIONS OF LAW

(1) The Application is in keeping with the general Purposes of the Zoning Ordinance, §27-102, as follows:

- (1) *To protect and promote the health, safety, morals, comfort, convenience, and welfare of the present and future inhabitants of the County;***

The approval of the M-X-T Zone will allow for a complementary mix of land uses to be planned and constructed at the subject property, yielding benefits of efficiency to the surrounding transportation network, promoting pedestrian activity, and providing the convenience of compatible commercial activity in proximity to the high-classification roadways in the vicinity. The number of vehicle trips passing the subject property is substantial: 35,711¹ trips on St. Barnabas Road, and 12,219² on Temple Hills Road.

Additionally, the review process inherent in the M-X-T Zone's regulations provides for a higher level of both planning flexibility and public oversight to promote and protect the public health, safety and welfare. Approval of the subject Zoning Map Amendment is therefore in harmony with the Zoning Ordinance's Purpose of protecting and promoting the health, safety, morals, comfort, convenience and welfare of the present and future inhabitants of the County.

- (2) *To implement the General Plan, Area Master Plans, and Functional Master Plans;***

This Purpose is addressed in the Zoning Ordinance by the criterion for approval of the M-X-T Zone found in §27-213(a)(2), discussed *infra*; the extent to which the approval of the M-X-T Zone at the subject property does not impair the General Plan, Sector Plan and Functional Master Plans is also discussed *infra*.

- (3) *To promote the conservation, creation, and expansion of communities that will be developed with adequate public facilities and services;***

As with the Purpose of implementing the General and Master Plans, this Purpose is largely replicated by the criterion for approval of the M-X-T Zone found in §27-213(a)(3)(A) addressing transportation facilities; the harmony of the request for approval of the M-X-T Zone with this

¹ State Highway Administration, Prince George's County Traffic Volume Map, 2017

² Prince George's County DPW&T, Average Daily Traffic Count List, 2016

purpose of the Zoning Ordinance was discussed at length in the testimony of the transportation planning expert and analyzed, *infra*.

(4) *To guide the orderly growth and development of the County, while recognizing the needs of agriculture, housing, industry, and business;*

As noted in the discussion of the Purpose of protecting and promoting the public health and safety, above, the multi-stage public review process inherent in the M-X-T Zone's regulations affords a higher level of guidance for the development at the property (and therefore for its contribution to the growth and development of the County as a whole). Additionally, the necessarily-limited location of the higher densities permitted by the M-X-T Zone only to appropriate locations governed by the availability of transportation facilities further promotes the orderly growth and development of the County. As such, the approval of the M-X-T Zone at this property is in particularly close harmony with this Purpose of the Ordinance.

(5) *To provide adequate light, air, and privacy;*

As with other zones, the approval of the M-X-T Zone at this property will ensure the provision of adequate light, air and privacy, both for the occupants of the subject property and for its neighbors, because it requires conformance with the Landscape Manual to insure the provision of sufficient distance and buffering between proposed uses and neighboring uses, and conformance with height limitations in order to allow for access to light and air.

The additional standards and design guidelines for the approval of Conceptual Site Plans and Detailed Site Plans which are required by the regulations for the M-X-T Zone afford additional opportunities to ensure the provision of adequate light, air and privacy. As such, approval of the M-X-T Zone at this property will be in harmony with this Purpose.

(6) *To promote the most beneficial relationship between the uses of land and buildings and protect landowners from adverse impacts of adjoining development;*

As with other zones, the approval of the M-X-T Zone at this property will promote the most beneficial relationships between land and buildings, because it requires conformance with the Table of Permitted Uses as laid out in the Zoning Ordinance, and because it requires conformance with the provisions of the Landscape Manual which provide for the screening of service functions and the buffering of incompatible adjoining uses.

Furthermore, the standards and design guidelines enumerated in the Zoning Ordinance to direct the approval of Conceptual Site Plans and Detailed Site Plans which are required by the regulations for the M-X-T Zone afford additional opportunities to promote the good planning practices suggested by this Purpose. As such, approval of the M-X-T Zone at this property will be in harmony with this Purpose.

(7) *To protect the County from fire, flood, panic, and other dangers;*

The approval of the M-X-T Zone at this property would be in harmony with this Purpose because it will require the property to be developed in conformance with regulations established in the body of the Zoning Ordinance, as well as other County Ordinances, which are intended to protect from fire, flood, panic and other dangers, namely: the Floodplain Regulations, Stormwater Management Regulations, the Fire Prevention Code, the Building Code, and the Tables of Permitted Uses for the various zones.

- (8) *To provide sound, sanitary housing in a suitable and healthy living environment within the economic reach of all County residents;***

The approval of the M-X-T Zone at the subject property would be in harmony with this Purpose because it would enable the creation of a number of types of sound, sanitary housing which would provide access to housing for people of different economic means.

- (9) *To encourage economic development activities that provide desirable employment and a broad, protected tax base;***

The approval of the M-X-T Zone at this property would be in harmony with this Purpose because it would allow for retail development which would augment the tax base of the County directly and provide for a significant amount of employment beginning with its development and construction, and extending to its final completed uses.

- (10) *To prevent the overcrowding of land;***

The approval of the M-X-T Zone at this property would be in harmony with this Purpose because it will require the property to be developed in conformance with the various principles that have been codified in the Ordinance to ensure the prevention of overcrowding, including the provisions of the Table of Uses that provides for the compatibility of uses, height limits, and setbacks.

- (11) *To lessen the danger and congestion of traffic on the streets, and to insure the continued usefulness of all elements of the transportation system for their planned functions;***

The approval of the M-X-T Zone at this property would be in harmony with this Purpose. First, as noted above, the criterion of §27-213(a)(3)(A) assures the adequacy of local public transportation facilities as a prerequisite to the approval of the M-X-T Zone. Second, one of the principal criteria which the Zoning Ordinance requires for approval of the M-X-T Zone is specifically to ensure that transportation facilities that are either existing, or are to be provided for so as to be adequate to carry anticipated traffic for the proposed development. And third, the approval of the M-X-T Zone at this property would require the property to be developed in accordance with the regulations established in the body of the Zoning Ordinance (and other County ordinances) which are intended to lessen the danger and congestion of traffic on roads, such as the requirements

for the provision of adequate off-street parking, and the separation of entrances from nearby intersections.

(12) To insure the social and economic stability of all parts of the County;

As the Zoning Ordinance is the principal tool for the implementation of the planning process by enacting legal requirements which implement the planning goals that strive to maintain the social and economic stability of the County, that conformance with the requirements and regulations of the Zoning Ordinance will be prima facie evidence of the Application's harmony with this Purpose. Beyond that, however, the approval of the M-X-T Zone at this property would promote the economic and social stability of the County by allowing for appropriately-sited development to contribute to the tax base, provide employment and commercial services to the surrounding community, and by providing sites for different types of useful and convenient residences.

(13) To protect against undue noise, and air and water pollution, and to encourage the preservation of stream valleys, steep slopes, lands of natural beauty, dense forests, scenic vistas, and other similar features;

The approval of the M-X-T Zone at this property will have minimal impact to the natural features in the County: It will not itself generate noise pollution, and the uses will be in compliance with the County's Woodland Conservation policies as it would qualify for exemption from the requirement for a Tree Conservation Plan after the amendment of TCP2-93-98 for the adjacent Apartment Dwellings for the Elderly to remove a portion of Parcel 350 which was included in that plan. No steep slopes, stream valleys or scenic vistas will be affected. By conformance to these principles and regulations, the approval of the M-X-T Zone would be in harmony with this Purpose.

The final two purposes,

(14) To provide open space to protect scenic beauty and natural features of the County, as well as to provide recreational space; and

(15) To protect and conserve the agricultural industry and natural resources

are not directly applicable to the approval of the M-X-T Zone at this property, except to the extent that the concentration of office and retail commercial activity at a site located at a developed site in the vicinity of a major interchange will minimize the pressure to develop the open lands where agriculture and the extraction of natural resources are practiced.

(2) The Application is also in keeping with the specific Purposes of the M-X-T Zone, §27-542(a), as follows:

(1) To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, 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;

The subject Application is in keeping with this Purpose of the M-X-T Zone as the subject site is located within the neighborhood of a major interchange, and its approval will allow for the establishment of land uses which are recommended by the Sector Plan that will provide a source of desirable employment and a range of living opportunities for the citizens of Prince George's County.

- (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;***

The approval of the subject Application would be in keeping with this Purpose of the M-X-T Zone because it will allow for the creation of a mix of uses in a compact, moderately-dense configuration, in accordance with the recommendations of the Sector Plan.

- (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;***

The location of the subject Application is in keeping with this Purpose of the M-X-T Zone because the property is located in the neighborhood of a major interchange, and will maximize the private development potential which accrues from its location along a major transportation artery.

- (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;***

The location of the subject Application is in keeping with this Purpose of the M-X-T Zone because the property is located at an intersection served by a number of bus routes that make the site very transit-accessible: The subject property includes service by four Metrobus and two County "The Bus" routes, providing 16 bi-directional stops in the peak hour. (Exhibits 29 (a), (b) and (c))

The subject property's location thereby promotes optimum use of transit, and will reduce automobile use by virtue of that transit-proximate location and by providing a mix of residential and non-residential uses in proximity to one another which will encourage walking between those mixed uses on the site. The neighborhood of the subject property also includes an interchange of two major roadways.

- (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;***

The location of the subject Application is in keeping with this Purpose of the M-X-T Zone because the property conforms to the requirement of Section 27-547(d) to provide a mix of uses, by containing both retail uses which will be active during the day, and residential uses which will be active in the evenings as well.

(6) To encourage an appropriate horizontal and vertical mix of land uses which blend together harmoniously;

The review process afforded by the M-X-T Zone's regulations will allow the planning of the subject Application to be in keeping with this Purpose of the Zone by allowing for the design of an integrated development with road and pedestrian networks affording interconnection within the subject property and the surrounding neighborhood.

(7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;

The location of the subject Application is in keeping with this Purpose of the M-X-T Zone because it will be able to take advantage of the Zone's flexibility in allowing the various uses throughout the subject property to be appropriately co-located to reinforce one another while at the same time allowing for reasonable site planning responses to conditions such as: transitioning from the single-family residential character of the neighborhood west of the subject site, buffering the adjacent apartments for the elderly in The Manor at Victoria Park, ensuring an appropriate scale for buildings proposed nearer to St. Barnabas Road, and by reducing the number of vehicular entrances along St. Barnabas Road.

(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;

The flexibility of land use and site planning regulations, as well as the permitted development density afforded by the M-X-T Zone, allow the location of the subject property to be in keeping with this Purpose of the M-X-T Zone.

(9) To permit a flexible response to the market and promote economic vitality and investment; and

The location of the subject Application is in keeping with this Purpose of the M-X-T Zone because the achieving the multiplicity of land use types required by the Zone's regulations more easily accommodates the cyclical variations in market demand for those different land use types.

(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.

The location of the subject Application will be in keeping with this Purpose of the M-X-T Zone because the flexible land planning standards of the Zone allow for a flexible response to the numerous planning considerations which impact the property, specifically including: (1) presentation of an attractive aspect to the peripheral high-classification roadway, while simultaneously minimizing the effects of the adverse impacts from those roadways, including noise; and (2) providing an appropriate transition to the nearby residential and industrial development which addresses density, scale and character.

(3) The subject property is located approximately 3,500 feet (0.65 miles) west of the crossing point of the centerlines at the interchange of Branch Avenue (MD 5) with St. Barnabas Road (MD 414); at this interchange both Branch Avenue (MD 5) and St. Barnabas Road (MD 414) are classified by the Master Plan of Transportation as Arterials. Roadways classified as Arterials, Expressways and as Freeways would all meet the requirements of §27-213(a)(1)(A)(i). It is only required that an Application be found to satisfy either §27-213(a)(1)(A)(i) or (ii) of Criteria 1.

(4) The Zoning Ordinance does not give any guidance as to the distance of measurement contemplated by the phrase “in the vicinity.” To properly evaluate “vicinity” in the context of the potential for application of a transportation-oriented zone, it is useful to first understand what transportation orientation is.

In terms of land use, transportation-oriented land uses are those which are located in proximity to, and more materially, rely for their viability on their ability to draw occupants and visitors from the high volume of users of major transportation facilities. Traffic to transportation-oriented land uses could be private cars, transit (either bus or rail) users on foot, or a combination of the two; the proportion and volume of each mode will vary greatly from site to site.

While distances associated with transportation orientation are difficult to measure empirically, helpfully, a number of Master Plans do give guidance for distances associated with the more limited concept of transit orientation; for instance: “Core centers should include the area that is between one-quarter and one-half of a mile walking distance from a transit station or stop.” It is therefore reasonable, within limits, to apply this half-mile walkability radius associated by the Master Plan with transit orientation to the more generalized transportation orientation of the M-X-T Zone. In fact, the Technical Staff seems to have adopted this half-mile walkability standard in their discussion of the subject case, as well.

Judging “vicinity” as a simplistic half-mile radius from the crossing point of the roadways which are relevant to the subject property, as the Technical Staff has done, is, however, manifestly insufficient. To illustrate, it is instructive to briefly explore the nature of the two very different types of facilities provided for by §27-213(a)(1)(A)(i), namely intersections and interchanges.

An intersection is a ground-level feature that is definable by the crossing point of the two intersecting roadways. Intersections are important to transportation-oriented activities of both pedestrians and vehicles, typically serve as locations for surface transit stops, and often serve as transfer locations between different transit routes. Because of the conjunction of high volumes of pedestrian, private vehicle and transit activity, major intersections typically serve as the focus of surrounding development. Thus, application of a half-mile radius from that focal point may be a reasonable limit on the transportation orientation of sites in the proximity of major intersections.

(5) Interchanges are wholly different things than intersections. Grade separation, high vehicle speeds, the need for long acceleration-deceleration lanes and weaving lanes in advance of vehicle ramps, and characteristically long distances—often almost a mile—across the extent of the interchange mean that pedestrian activity within or across them is virtually nil. Transit stops within the limits of interchanges are also—at best—very rare because of the hostility of interchanges to pedestrian activity. Denial of vehicular access to abutting properties along the lengths of the ramps, acceleration-deceleration lanes and weaving lanes mean further that even vehicle activity is limited wholly to the act of traversing the interchange. It is only beyond the extent of the weaving lanes that legal access restrictions are lifted, pedestrian activity is not actively dangerous, and vehicle traffic can interact with the adjoining land and land uses. Cars and buses can enter and exit, and land uses can take advantage of the activity associated with the traffic on the high-classification roadways. In the case of interchanges, therefore, application of a half-mile walking distance as a proxy for “vicinity” is instead appropriately taken from the ends of the interchange, where transportation orientation can begin.

(6) The discussion of “vicinity” can be supplemented further. As noted above, the Zoning Ordinance does not give any guidance as to the distance of measurement contemplated by the phrase “in the vicinity.” Section 27-108.01(a)(7) of the Zoning Ordinance, however, provides that, “Words and phrases not specifically defined or interpreted in this Subtitle or the Prince George’s County Code shall be construed according to the common and generally recognized usage of the language. Technical words and phrases, and others that have acquired a peculiar and appropriate meaning in the law, shall be construed according to that meaning.”

(7) Merriam-Webster’s dictionary defines, “vicinity” as, “a surrounding area or district; neighborhood.” The instant neighborhood certainly includes one interchange of roadways where both are classified as arterials or higher; Branch Avenue (MD 5) with St. Barnabas Road (MD 414).

(8) “Interchange” is not defined in the Zoning Ordinance, however, the American Association of State Highway Transportation Officials (AASHTO) defines an “interchange” as a system of interconnecting roadways in conjunction with one or more grade separations that provides for the movement of traffic between two or more roadways or highways on different levels. The Federal Highway Administration (FHA) adopts the use of AASHTO for design criteria definitions and design guidelines. An “intersection” is an at grade intersection of two separate roadways. FHA’s informational guide, the Interstate System for Access Information Guide, defines an access point on an interstate and an interchange as each entrance or exist point including ramps. “Each entrance or exit point, including “locked gate” access and access to collector-distributor roads or ramps, is

considered to be an access point. For example, a diamond interchange has four access points.”

(9) The interchange of St. Barnabas Road (MD 414) (A-45) and Branch Avenue (MD 5) (A-69) is in the neighborhood as defined by both the Technical Staff and the Applicant in which the subject property is located. The instant Application, being located within the same neighborhood as the interchange of 2 (two) arterial roadways, and being with 3,500 feet of the center point of the intersection is within the vicinity of an Arterial interchange. (Exhibit 25) §27-213(a)(1)(A)(i)

(10) The Applicant also provided evidence of compliance with §27-213(a)(1)(A)(ii) but that evidence does not need to be addressed due to the Applications compliance with §27-213(a)(1)(A)(i).

Sector Plan

(11) The subject property is located in the ‘Beech Road Focus Area’ of the Sector Plan (also labeled as the ‘St. Barnabas Road Focus Area’ on the Land Use Plan on Page 66). The Sector Plan recommends “Commercial Neighborhood” land use for the parts of the subject property which are currently zoned C-S-C, which is most of the subject property’s area (8.53 of its 11.06 acres, or 77%).

This “Commercial Neighborhood” land use description is unique to the 2013 Sector Plan, and the Plan text recognizes that the implementation of this land use recommendation would require either the creation of a new zoning district, or revisions to the regulations for an existing zoning district. The Zoning Strategies for the Beech Road Focus Area include the recommendation to,

“Establish and apply a new commercial zoning category or revise an existing commercial zoning district to facilitate neighborhood commercial zone [sic] that regulates appropriate scale of development and types of uses at appropriate locations along St. Barnabas Road. In the new commercial neighborhood zoning district or revised zoning district that facilitates neighborhood commercial land uses, the following uses should not be permitted: banquet halls, check cashing establishments, pawnshops, adult entertainment, and other uses incompatible with neighborhood commercial land uses.”³

In approving the 2013 Sector Plan by CR-24-2013, the District Council specifically amended the Beech Road Focus Area strategies text to make clear that mixed uses were specifically desired for the St. Barnabas Road corridor, and that the economic analysis was behind at least a part of that amendment:

“Encourage a robust mix of uses to improve the overall character and competitiveness of the St. Barnabas Road corridor [emphasis added] by encouraging businesses that provide a variety of sustainable food and healthful dining choices, family and youth-oriented activities,

³ M-NCP&PC, Approved Central Branch Avenue Corridor Revitalization Sector Plan (April, 2013), p. 65, as amended by CR-24-2013, Revision 1.

family style restaurants, and specialty goods and services such as a bookstore, coffee shop and craft store.”⁴

The 2013 Sector Plan’s land use recommendation, including the District Council’s specific amendment for the St. Barnabas Road corridor, must also be viewed in light of the Plan’s statement of purpose. Its introductory text, in the very first paragraph of the Sector Plan, states,

“The sector plan... presents redevelopment programs to guide future growth and revitalization at future transit nodes and within suburban strip shopping centers along Branch Avenue, Allentown Road, and the St. Barnabas Road commercial corridor. The plan provides a strategic direction for redeveloping retail centers into moderate density, compact, *mixed-use*, [emphasis added] and pedestrian- and transit-oriented places, each with a unique identity and sense of place for the communities they serve.”⁵

In addition to looking at the 2013 Sector Plan’s purpose, the specific recommendations of its text, and the District Council’s specific amendment, it is also important in this case to view the planning context in place at the time of the Sector Plan’s preparation: Preparation of the Zoning Ordinance Rewrite was underway at the time, and its expected arrival was even used by Technical Staff as a justification for why this Sector Plan, unusually, did not include an associated Sectional Map Amendment.⁶ And specifically, the legislative proposal for the rewritten Zoning Ordinance contains a new commercial zoning classification which is most germane to the consideration of the subject application, the ‘Commercial, Neighborhood (CN) Zone’.⁷

The purpose statement of the proposed ‘Commercial, Neighborhood Zone’ is,

“The purpose of the Commercial, Neighborhood (CN) Zone is to provide lands for a range of small-scale, low-intensity retail and service commercial development that provides goods and services primarily serving the daily needs of residents of the immediately surrounding neighborhoods.

Zone standards are intended to ensure uses, development intensities, and development forms that are consistent with a pedestrian-friendly and neighborhood-scale, traditional main street character, that are well-connected to and compatible with surrounding areas, and that do not attract significant traffic from outside the surrounding neighborhoods.

⁴ CR-24-2013, Revision 2.

⁵ Sector Plan, p. 1.

⁶ Email, Ivy Lewis to Brendon L. Laster, May 15, 2014: “Per Mr. Franklin’s question regarding the status of the SMA for the Central Branch Avenue Sector Plan, the plan recommended a zoning strategy that allows a mix of uses in traditional single use districts. The plans [sic] recommends residential mixed use, commercial mixed use and institutional mixed use zoning classifications. The SMA has been postponed pending the update of the zoning ordinance which we anticipate will have more districts that allow mixed uses in existing communities.” (Exhibit 33)

⁷ The Zoning Ordinance Rewrite was adopted by the District Council on October 23, 2018 (CB-13-2018)

Development allowed in the CN Zone includes retail sales and services, personal services, eating or drinking establishments, recreation and entertainment, offices, very limited vehicle sales and services, institutional uses, and supporting public facilities. Medium-density residential development is encouraged on the upper floors of nonresidential establishments, and may exist as stand-alone buildings when integrated into a horizontal mixed-use development.”⁸

This purpose statement for the ‘Commercial, Neighborhood (CN) Zone’ is wholly consonant with the Sector Plan’s statements of intent for the Commercial Neighborhood land use recommendation. And importantly, the use table and development regulations for the proposed CN Zone permit not only a variety of retail, office and institutional uses, but also single-family detached and attached dwellings, townhouses, and multifamily dwellings, at densities of up to 24.00 units per acre.⁹

Interestingly, the legislative proposal for the Zoning Ordinance Rewrite directs that the portions of subject property which are zoned C-S-C would be rezoned not to the proposed CN Zone, but instead to the new ‘Commercial, General and Office (CGO) Zone’¹⁰; the proposed CGO Zone would also allow townhouses and multifamily dwellings, but at even greater densities of up to 48.00 units per acre.¹¹

The land use recommendations of the Sector Plan were grounded in economic analysis. The Plan recognizes that,

“...the sector plan area is over retailled. There is an imbalance between the amount of existing retail space and other land uses that generate demand for retail, which has resulted in more retail space than the area can support. The plan area trails behind these similar communities in most of the factors important to creating and maintaining a healthy retail environment, namely, residential density and daytime employment.... Detailed analyses, however, show that an additional 50,000 dwelling units would be needed to support the amount of retail land use in this area, in addition to significant daytime employment increases...”¹²

The existence of an excess of retail space was presented not only as an abstract condition of needing extra housing to support the existing inventory; the capacity of the area to support that extra housing was specifically discussed:

“The economic and market analyses reveal that the area has room to grow to be competitive with similar communities and can absorb as much as 30 percent more housing units than currently exist. This increase, however, should result in offering a variety of housing types

⁸ CB-13-2018, Attachment A, Page 27-4-46.

⁹ CB-13-2018, Attachment A, Page 27-4-49.

¹⁰ M-NCPPC, “Current and Proposed Zones-Proposed Conversion Guide” (May, 2018)

¹¹ CB-13-2018, Attachment A, Page 27-4-53.

beyond the current single-family focus. This new housing should comprise a range of choices, including a variety of multifamily types that will allow older residents to downsize and age in place, as well as attract young professionals and families that desire a different housing type.”¹³

The Sector Plan’s recommendations for redevelopment and revitalization specifically follow its economic analysis:

“Economic revitalization along the Central Branch Avenue Corridor will be achieved when there is balance between retail and the drivers of retail; when property values are strong enough to ensure a return on investment for new construction and rehabilitation; and when there is compatibility between land uses, improved connectivity and access, and transportation options. This plan strives to encourage a healthy business environment through redevelopment by maximizing the use of land use and zoning tools to help set the stage for change.

“Those visions and market reality resulted in the following overall goals for this sector plan:

- “• Encourage a mix of uses at key locations to create vibrant places with quality housing, expanded job opportunities, and better retail options.
- Concentrate neighborhood-serving retail in appropriate locations and repurpose obsolete commercial centers to better serve the community’s needs.”¹⁴

The existing development at the subject site amounts to approximately 89,021 square feet of existing building area, almost all of which is in the C-S-C zoned portion of the site. The development illustrated by the Conceptual Plan which accompanied the subject Application would reduce that area to 75,000 square feet (and much more likely, to less than 50,000 square feet, given the area allocated to retail use on the Illustrative Plan). That reduction in the amount of retail area would be replaced by a corresponding increase in the number of supporting dwelling units: 200 multifamily units and 100 townhouses (though also much more likely to be fewer, closer to 50 townhouses, given the area allocated on the Illustrative Plan) which would help to provide economic support to the retail on site and in the St. Barnabas Road corridor.

A final consideration of the Sector Plan’s recommendations is its recognition of the planned route of the Purple Line extension, which is proposed to run down St. Barnabas Road on its route between New Carrollton and National Harbor. The Sector Plan and the Applicant both acknowledge that the arrival of this transit route is not imminent; the Sector Plan does, however, acknowledge that planning for transit and land-use have to move forward hand-in-hand: “Plans for the possible extension of the Purple Line to Alexandria present an opportunity over the long term to redevelop

¹² Sector Plan, P. 25.

¹³ Ibid., p. 29.

¹⁴ Ibid., pp. 59-60.

and revitalize the St. Barnabas Road commercial corridor with a mix of uses that will support a transit station.”¹⁵

The phrasing of the preceding sentence is critical: For transit to be viable, it must be routed through areas with sufficient density already in place to support a ridership base. As such, an area with a planned transit corridor needs a base level of transit-enabling development before it can eventuate. This base can then be subsequently be augmented with additional density which is supported by the transit stops after they are put in place. This, too, is recognized by the Plan:

“Building on the Complete Streets principles in the County’s Master Plan of Transportation (MPOT), the plan encourages pedestrian activity and future transit usage, and connects different land uses with the open space network and existing residential neighborhoods to create cohesive communities that relate to one another. Providing a greater variety of housing choices, particularly higher density options, will help to attract a more diverse population that will support transit.”¹⁶

In summary, the subject Application would be in conformance to Criterion 2 of §27-213(a)(1)(B), and not substantially impair the Sector Plan, §27-213(a)(2), in that the Sector Plan recommends a mix of land uses similar to those permitted in the M-X-T Zone. This is borne out by the District Council’s specific amendment to the Beech Road Focus Area, by the Technical Staff’s deferral of the SMA in anticipation of the Zoning Ordinance Rewrite, by the Use Tables and regulations for the proposed CN Zone in the rewritten Zoning Ordinance, by the economic recommendations the Plan is based on, and by the need to provide transit-enabling development to support the planned Purple Line transit extension.

General Plan

(12) As noted above, the General Plan classified the subject property in its Growth Policy Map¹⁷ in the Established Communities category, and the Generalized Future Land Use Map¹⁸ designated it for Commercial and Industrial/Employment land uses.

“Established Communities” are described by the General Plan as making “up the County’s heart – its established neighborhoods, municipalities, and unincorporated areas outside designated centers”¹⁹ and recommends that, “Established communities are most appropriate for context-sensitive infill and low- to medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks,

¹⁵ Sector Plan, p. 47.

¹⁶ Ibid., p. 61.

¹⁷ M-NCP&PC, Plan Prince George’s 2035 – Approved General Plan (May, 2014), p. 107.

¹⁸ General Plan, p. 101.

¹⁹ Ibid., p. 106.

and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met.”²⁰

“Commercial” land use is described by the General Plan as, “Retail and business areas, including employment uses such as office and service uses. A range of services are provided at the neighborhood to regional level. New commercial areas have access to multimodal transportation options.”²¹ It is noted that the Generalized Future Land Use Map generally replicates the recommendations of the Master Plan or Sector Plan in force at the time of the approval of the General Plan; the note under the Generalized Future Land Use Map directs that, “by definition, this map should be interpreted broadly and is intended to provide a countywide perspective of future land use patterns. To identify the future land use designation for a specific property, please refer to the property’s relevant approved sector or master plan.”²²

Much discussion has ensued in the consideration of zoning map amendments since the May, 2014 adoption of the Plan Prince George’s 2035 Approved General Plan concerning Policy 7 of the General Plan’s Land Use element. It makes the recommendation to, “limit future mixed-use land uses outside of the Regional Transit Districts and Local Centers.”²³ This Policy has been repeatedly interpreted by Technical Staff to mean that the M-X-T Zone should not be applied outside of Regional Transit Districts and Local Centers. With the appearance of the legislative proposal for the Zoning Ordinance Rewrite, however, it is now clear that the limitation of future mixed uses outside of transit districts and local centers was really meant to apply to the *intensity* of mixed-use land uses, and not to their extent or location: Policy LU7.2, directing the County to, “consider developing, as part of the Zoning Ordinance update, alternative lower density zoning districts that promote walkability and allow for a mix of uses,”²⁴ has manifested itself in the legislative proposal for the Zoning Ordinance Rewrite as allowing residential mixed uses, albeit at lower densities than the M-X-T Zone would theoretically allow, in all of the new commercial base zones.

Technical Staff repeatedly contends that a grant of rezoning to the M-X-T Zone raises the specter of a development materializing with a FAR of 8.0.²⁵ The development intensity proposed by the Illustrative Plan which accompanies the subject Application is a FAR of approximately 1.0, and the development intensity which is more likely to eventuate is a FAR of approximately 0.75. On the other hand, the residential development intensity allowed by the new CN Zone is at least an FAR of 1.15, and realizable development is potentially a good deal more – for commercial uses, the proposed lot coverage limit and maximum building height would allow for a FAR of 2.6 with the use of below-grade structured parking. For the CGO Zone – the zone to which most of the property would be rezoned under the current legislative proposal – the residential FAR is comparable to that of the proposed CN Zone (the typical floor area of a multifamily dwelling is much smaller than that of a two-family dwelling, so the achievable FAR is not likely to increase despite a doubling of the

²⁰ Ibid., p. 20.

²¹ Ibid., p. 100.

²² Ibid., p. 101.

²³ Ibid., p. 114.

²⁴ Ibid.

²⁵ M-NCP&PC, Technical Staff Report, A-10047, pp. 10, 13, 15, 18...*passim*

permitted dwelling unit density), while the nonresidential FAR is literally unlimited. There are no zone-specific restrictions on lot coverage or building height to restrain a property owner from piling up story after story of development.

The development proposed by the subject Application is wholly consonant with the uses and intensities proposed for the rewritten Zoning Ordinance, the existence of which is a recommendation of the General Plan²⁶, and the purpose of which is to implement that same General Plan.²⁷ If the uses and intensity of development proposed by the subject Application is in conformance with the uses and intensity of a legislative proposal prepared by Technical Staff to implement the General Plan, it must be seen not only as not impairing the General Plan, but acting actively to implement it.

Other Applicable Functional Master Plans

(13) There are no Regulated Areas or Evaluation Areas of the County's 2017 mapping of the Green Infrastructure Plan that lie within the subject property's limits.

With regard to the Historic Sites and Districts Plan, no historic sites, resources or districts are located in the vicinity of the subject property.

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 subject application.

No proposed sites for Public Safety facilities are in the area affected by the subject Application.

St. Barnabas Road is listed as Arterial A-45 on the Countywide Master Plan of Transportation. It generically lists an ultimate right-of-way width of 120' against an existing variable right-of-way width which approximates that; the PGAtlas transportation layer does not indicate any additional widening is planned. St. Barnabas Road is not designated as a Scenic or Historic Road.

The other relevant element on the Master Plan of Transportation is a transit right-of-way for a "Purple Line extension alignment." The transit line is illustrated on the south side of St. Barnabas Road in the Countywide Master Plan of Transportation, but on the north side in the Sector Plan.

It is to be noted that the 2013 Sector Plan does not formally amend the Master Plan of Transportation, but it does recommend a greatly increased right-of-way and streetscape for the St. Barnabas Road Corridor, including the transit corridor :

²⁶ General Plan Policy LU1.2, p. 110.

²⁷ CB-13-2018, Attachment A, Page 27-1-1.

“Within the St. Barnabas/Beech Road Node Focus Area, the overall facility is recommended to be 230 feet measured building-to-building. The typical section incorporates:

- Six travel lanes.
- Service roadways on both sides, incorporating a single one-way travel lane and on-street parking.
- A 15-foot two-way pedestrian/bike path on the south side.
- A 35-foot area on the north side to accommodate future fixed-guideway transit.
- Wide sidewalks on both sides.”²⁸

While these street width and streetscape recommendations of the Sector Plan are not a part of the Master Plan of Transportation, the Illustrative Plan which accompanies the subject Application nevertheless reserves area to accommodate them; if determined to be appropriate, land can be reserved or dedicated at the time of subdivision. As such, approval of the subject Application would not impair the Master Plan of Transportation.

In summary, the approval of the M-X-T Zone at the subject property will not substantially impair the General Plan, Sector Plan, or Functional Master Plans. §27-213(a)(2)

Adequate Transportation Facilities

(14) In accordance with the required findings of §27-213(a)(3), the Applicant proposed a Traffic Impact Analysis (TIA) (Exhibit 14) assuming approximately 100 townhouses, 200 multi-family dwellings units and 75,000 square feet of retail use.

(15) The TIA was proposed pursuant to the Scoping Agreement prepared by the Transportation Division Technical Staff. (Exhibit 7) The TIA studied both signalized and unsignalized intersections impacted by the proposed rezoning and this TIA was reviewed by the Technical Staff, the Maryland State Highway Administration (SHA) and the Prince George’s County Department of Public Works and Transportation (DPW&T). Given the proposed uses and associated traffic projection outlined in the TIA, all agencies concurred with the TIA’s conclusion that the proposed rezoning and the proposed uses would not substantially impact the existing transportation facilities in the area of the subject property in the foreseeable future. (Exhibit 15, p. 12-15) Although the proposed development will result in an increase in transportation activity, the existing transportation facilities would be adequate to carry anticipated traffic for the proposed development as required by §27-213(a)(3).

RECOMMENDATION

APPROVAL of A-10047.

28 Sector Plan, p. 123.

