

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

**SPECIAL EXCEPTION
4697**

DECISION

Application:	Vehicle Sales Lot
Applicant:	Faison Brandywine, LLC/CarMax
Opposition:	None
Hearing Dates:	November 16, 2011
Hearing Examiner:	Maurene Epps Webb
Disposition:	Approval with Conditions

NATURE OF REQUEST

(1) Special Exception 4697 is a request for permission to use approximately ten acres (435,600 square feet)¹ of land in the C-S-C (Commercial Shopping Center) Zone, located north of the intersection of Robert S. Crain Highway (US 301) and Timothy Branch Drive, and along the west side of Matapeake Business Drive, for a Vehicle Sales and Service Lot. It is also part of the larger Brandywine Crossing development. The Applicant is Faison Brandywine, LLC and the contract purchaser is CarMax Auto Superstores, Inc.

(2) The Technical Staff recommended approval with conditions. (Exhibit 16)² The Planning Board chose not to hold a hearing and accepted the Staff's recommendation as its own. (Exhibit 21)

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

(4) At the close of the hearing the record was left open to allow the Applicant to submit a letter from its architect and revised plans. The last of these items was received on January 17, 2012, and the record was closed at that time.

FINDINGS OF FACT

(1) The subject property is the northernmost section of the Brandywine Crossing Shopping Center. It is currently vacant in the area that fronts Robert Crain Highway (US 301)/Branch Avenue (MD 5), and used for the temporary storage of modular trailers to the rear.

(2) The subject property is subject to the requirements of the Woodland Conservation and Tree Preservation Ordinance because there is a previously approved Tree Conservation Plan (TCP11-133-91/09) There will be new construction on site;

¹ Applicant requested approval to reduce the Application from approximately 10.039 acres to 10 acres in conformance with the record plat recorded on September 21, 2011. (Exhibit 36; T. 70)

² The Technical Staff Report sets forth a detailed zoning history for the subject property and the larger Brandywine Crossing development.

accordingly, the request is subject to the requirements found in Sections 4.2, 4.3, 4.7 and 4.9 of the Landscape Manual.

(3) The subject property is part of a recorded lot that includes Lots 5-7 and part of Lot 8 of the “Long’s Subdivision”, and a part of the Brandywine 301 Industrial Park. (Exhibits 16 and 38) It is not located within a 100-year floodplain or the Chesapeake Bay Critical Area, nor are there steep slopes, perennial streams or tidal/non-tidal wetlands on the site. (Exhibit 40 (d))

Master Plan/Sectional Map Amendment/General Plan

(4) The subject property lies within an area discussed in the 2009 Subregion 5 Master Plan and Sectional Map Amendment (“SMA”). The Master Plan envisioned a mix of residential and non-residential land uses that are transit-supportive and transit-oriented for the property. The SMA retained the C-S-C zoning of the property.

(5) The 2002 General Plan placed the property in the Developing Tier. As noted on page 36 of said Plan, “[t]he vision for the Developing Tier is to maintain a pattern of low-to moderate-density suburban residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable.” The General Plan also placed a designation in the vicinity of the subject property as a possible future Community Center. (2002 General Plan, p.46) On page 47 of the Plan it is noted that the Centers are identified as priority areas “for concentrations of medium to high intensity, mixed-use and pedestrian oriented development.”

Neighborhood/Surrounding Uses

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

- North – A golf cart rental business and other commercial uses in the I-3 and I-1 Zones
- South – Timothy Branch Drive; the Brandywine Crossing Shopping Center (Phase I) in the C-S-C Zone; and the Brandywine 301 Industrial Park
- East – Matapeake Business Drive; undeveloped property in the I-I and M-X-T Zones; and the Brandywine 301 Industrial Park
- West – Robert Crain Highway (US 301); the Chaddsford development in the L-A-C and R-M Zones

(Exhibit 16)

(7) The Neighborhood is defined by the following boundaries: Brandywine Road to the north; Cedarville Road to the south; Pope’s Creek Branch Railroad right-of-way to the east; and Robert Crain Highway (US 301)/Branch Avenue (MD 5) to the west. Staff pointed out that this is the same neighborhood used when the western portion of the site was rezoned to the C-S-C Zone upon the District Council’s approval of A-10014. (Exhibit 16)

Applicant's Proposal

(8) Applicant seeks approval of a Special Exception to construct a CarMax auto sales lot, showroom and service department, and accessory car wash solely for its use (with no public use). It is anticipated that the use will generate approximately 70 full and part time jobs. (T. 31) There will be storage of vehicles awaiting sales, access drives, customer and employee parking, and a private fuel storage and dispenser. All buildings will initially have a footprint of 27,185 square feet (T. 77-78), but Applicant would like approval to build up to 47,125 square feet for expansion of the service department and car wash in the future. (T. 77-78) Applicant submitted elevations that reflect the additional masonry added to the buildings in order to conform with the building materials utilized throughout the Brandywine Crossing development and in response to Staff's recommended Condition 6(c).(Exhibits 32 and 42(a); T. 42-44)

(9) An 118,919-square-foot paved lot will provide display areas for the vehicles. Applicant proposes to place approximately 465 passenger vehicles for sale in the display areas.(T. 31). A portion of the paved parking area (approximately 68 spaces) lies within the ultimate right-of-way of a planned transit facility along its Robert Crain Highway (US 301)/Branch Avenue (MD 5) frontage. (Attachment to Exhibit 16, October 2, 2011 Memorandum from Masog to Lockard) Accordingly, Applicant must seek authorization to build within a proposed right-of-way, pursuant to Section 27-259 of the Zoning Ordinance. Applicant has indicated that it will seek this approval in the near future since a Detailed Site Plan application (DSP-070761/01) for the entire Brandywine Crossing Development is pending. (Exhibit 43)

(10) Those visiting the site will turn from US 301 onto Timothy Branch Drive and then to Matapeake Business Drive. (T. 9) There will also be three drive aisles into the site (Exhibit 31). The inventory display area will be located at the western end of the property (along US 301) and will be secured by a guardrail.

(11) Applicant's witness, accepted as an expert in land use planning, opined that the Application met all applicable provisions of the Zoning Ordinance. He noted that the Application does not strictly comply with the Master Plan's vision for properties within designated Centers since these are areas earmarked for more intensive growth, and associated with mass transit service. (Exhibit 29, p. 2) Although the recent *Southern Maryland Transit Corridor Preservation Study* indicated that light rail, bus rapid transit or expanded commuter bus services should be utilized in the US 301 corridor near the subject site, it also assumed a base year of 2030 for choosing between these alternatives. The witness opined that the instant request should be approved despite the uncertainty of which type of transit is ultimately established, reasoning as follows:

[I]n approving the Sectional Map Amendment with the Subregion 5 Master Plan, the District Council did not choose to apply a mixed-use zoning district to the subject site despite its long-term designation of mixed-use land use for the site area; instead, it retained the previously-existing C-S-C Zone which does not provide for "integrated mixed land uses."

This tension between on the one hand preserving the ability for compatibility with some future transit system arriving at time uncertain and in form uncertain, and on the other hand the nonexistence of any existing public transportation options – or for that matter any surrounding development at other than low-suburban density – which strongly suggests (at least at the present time) a much lower appropriate density of development, lies at the heart of the subject request....

In the past, County planning policy acknowledged the inherent incompatibility between the long-term goals of a Master Plan and the short-term imperatives of growing a tax base, creating jobs, and allowing property owners a reasonable use of their property by providing for staged development with the use of holding zones. Where an older Master Plan may have contemplated a longer-term higher-intensity future use of an area, its Sectional Map Amendment would provide for an interim classification of the future staged development areas in a holding zone, which is a much lower-intensity zone than the ultimately-appropriate zone, to permit some constructive use of a property at low intensity until such time as the conditions come into being which had initially directed the planning towards ultimately high-intensity uses, and allowing for a rezoning to an appropriately high intensity zone in a subsequent Sectional Map Amendment. While not explicitly stated as having that intent in the SMA, the retention of the C-S-C Zone can, with the appropriate use – serve the same function.

To implement that strategy, the appropriate goal would be the approval of an appropriate transitional land use, which would allow for the future development of transit-oriented uses at such time as both the form and the date of arrival of transit become known....

So, given the distant time horizon contemplated for the extension of transit to the neighborhood of the project, the substantial likelihood that the transit option will be commuter-based, the primary reliance of any expanded transit option on pass-by ridership from outside the County, and the compromises inherent in trying to create transit-oriented development in the absence of actual transit facilities, viewing the subject proposal as a transitional land use would allow for an economically productive use of a significantly sized tract of land in the present at an intensity low enough to make its redevelopment attractive with the arrival of transit and the meaningful realization of the Plan's vision for the Core Area of a Center.

As such, the approval of a vehicle sales lot at the subject site would not ultimately impair the Master Plan's intent of discouraging auto-oriented uses in the Center's Core Area, and its character as [a] transitional use would serve the purpose of reserving a significant parcel of land for appropriate redevelopment at such time as the arrival of transit facilities is imminent.

(Exhibit 29, pp. 7-8, T. 21-22)

(12) Applicant acquiesced to all conditions recommended by the Technical Staff, with the exception of 6(a) and 6(b). (T. 23-25, 80-91) Condition 6(a) requested that Applicant show how future pedestrian connections would be made between the site, the planned transit station to the north and the commercial retail/movie theatre to the south. Condition 6(b) asked that Applicant re-orient the dealership showroom toward Matapeake Business Drive. Applicant again argues that due to the tentative nature of any transit system, the instant request should be viewed as a place-holder transitional use that will go away (if the transit system is actually developed to the north of the subject property). Accordingly there is no need to have any access connecting properties to its north and south. Moreover, from an operational perspective, CarMax would like to have this facility mirror its others since it will be better able to market, access and guard the vehicle display area if its office/sales building is in the middle of the site. (Exhibit 31; T. 33-40, 49-52)

(13) Applicant's witness, accepted as an expert in the area of transportation planning, noted that the preliminary plan of subdivision for the entire Brandywine Crossing development (of which the subject property is part) established a vehicular trip cap to ensure transportation adequacy in the area. His traffic study concludes that the vehicular trips expected to be generated under the request falls within the maximum cap

(309 AM peak hour and 1,390 PM peak hour). (Exhibit 9; T. 55-57) The witness also opined that the site “has very good access, very safe access to 301 at two (2) signalized intersections”. (T. 57)

(14) In response to Staff’s condition 6(e), Applicant’s architect submitted a letter and a sign package for the subject property and Brandywine Crossing to show how the signage requested in the instant Application satisfies all sign design guidelines. (Exhibits 40(a) and 41)

(15) The Application must meet the conditions of approval imposed by the District Council upon its adoption of Condition 2 of Zoning Ordinance No. 12-2007 for A-9990. This Condition provides as follows:

Detailed site plan approval shall be required, prior to the issuance of any building or grading permit, to ensure compatibility with the surrounding industrially zoned properties, conformance with the purposes of the C-S-C Zone, and compliance with all prior conditions of approval.

A subsequent rezoning application (A-10014-C) was approved for Lots 5 through 8. Condition 1 of Zoning Ordinance No. 10-2009 provides as follows:

Prior to issuance of permits for the site, the Applicant shall obtain approval of a detailed site plan to address views from US 301, connections to adjoining development, and compatibility with the architecture and development standards of the Brandywine Crossing development.

(16) Applicant would like to replace the Detailed Site Plan required in Condition 2 of Zoning Ordinance No. 12-2007 with the Special Exception Site Plan submitted in the instant request, if said request is approved. This Examiner agrees that much of Condition 2 will be satisfied if the instant request is approved. However, the Zoning Ordinance prescribes the method to be followed in amending conditions of approval. (See, Prince George’s County Code, Section 27-135). Accordingly, Applicant must either submit a Detailed Site Plan that addresses Condition 2 of Zoning Ordinance No. 12-2007 (which should not be a hardship if it must submit one that addresses Condition 1 of Zoning Ordinance No. 10-2009) or request an amendment of that condition pursuant to Section 27-135 of the Zoning Ordinance.

Agency Comment

(17) The Technical Staff noted that the request would satisfy the preliminary plan of subdivision’s conditions related to transportation adequacy because the anticipated trips are under the caps imposed therein of 309 AM and a total of 1,390, and because the request would result in fewer net new trips during the AM and PM peak hours than potential retail uses on site (Exhibit 16, pp. 11-13)

(18) The Technical Staff recommended approval with conditions. All but two (2) (6(a) and 6(b)) have been satisfied by Applicant.

LAW APPLICABLE

(1) A Vehicle Sales Lot is permitted by Special Exception in the C-S-C Zone. It may include dealer servicing and outdoor storage of vehicles awaiting sale, but must exclude the storage/sale of inoperable vehicles except as accessory to the dealership for vehicles that it will repair. A Car Wash is permitted by right if, as here, the parcel is at least 10 acres in size and located at least 200 feet from land in a residential zone or land proposed to be used for residential purposes on certain approved plans.(Prince George's County Code Section 27-461(b)(1)(B)) The request must also satisfy Sections 27-317(a), and 27-417.01 and of the Zoning Ordinance.

(2) Section 27-317(a) provides as follows:

(a) A Special Exception may be approved if:

- (1) The proposed use and site plan are in harmony with the purpose of this Subtitle;
- (2) The proposed use is in conformance with all the applicable requirements and regulations of this Subtitle;
- (3) The proposed use will not substantially impair the integrity of any validly approved Master Plan or Functional Master Plan, or, in the absence of a Master Plan or Functional Master Plan, the General Plan;
- (4) The proposed use will not adversely affect the health, safety, or welfare of residents or workers in the area;
- (5) The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
- (6) The proposed site plan is in conformance with an approved Type 2 Tree Conservation Plan; and
- (7) The proposed site plan demonstrates the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

(b) In addition to the above required findings, in a Chesapeake Bay Critical Area Overlay Zone, a Special Exception shall not be granted:

- (1) Where the existing lot coverage in the CBCA exceeds that allowed by this Subtitle,
- or
- (2) Where granting the Special Exception would result in a net increase in the existing lot coverage in the CBCA.

(3) Section 27-417.02(a) provides as follows:

(a) A motor vehicle, boat, mobile home, trailer, and camping trailer sales room or sales lot for operable vehicles may be permitted, subject to the following:

- (1) The number and type of vehicles which are permitted on the lot shall be determined on a case-by-case basis, taking into account factors such as gross vehicle weight, vehicle size, the nature of vehicles (commercial, industrial, earth-moving equipment, passenger, or other vehicle type).

(4) The request must also satisfy the purposes of the C-S-C Zone, set forth in Section 27- 454 (a) of the Zoning Ordinance:

- (1) The purposes of the C-S-C Zone are:
 - (A) To provide locations for predominantly retail commercial shopping facilities;
 - (B) To provide locations for compatible institutional, recreational, and service uses;
 - (C) To exclude uses incompatible with general retail shopping centers and institutions; and
 - (D) For the C-S-C Zone to take the place of the C-1, C-2, C-C, and C-G Zones.

(5) The Court of Appeals provided the standard to be applied in the review of a special exception application in Schultz v. Pritts, 291 Md 1, 432 A2d 1319, 1325 (1981):

Whereas, the applicant has the burden of adducing testimony which will show that his use meets the prescribed standards and requirements, he does not have the burden of establishing affirmatively that his proposed use would be a benefit to the community. If he shows to the satisfaction of the [administrative body] that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest, he has met his burden. The extent of any harm or disturbance to the neighboring area and uses is, of course, material. . . . But if there is no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan, a denial of an application for a special exception use is arbitrary, capricious, and illegal.

The record in this case reveals “no probative evidence of harm or disturbance in light of the nature of the zone involved or of factors causing disharmony to the operation of the comprehensive plan”. It would, therefore, be proper to grant the request, once the conditions addressed below are satisfied.

CONCLUSIONS OF LAW

(1) The general purposes of the Zoning Ordinance are listed in Section 27-102(a) and Special Exception 4697 is in harmony with the applicable purposes, for the reasons provided:

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

By operating a Vehicle Sales Lot at a location convenient to the traveling public, the Applicant is promoting the health, safety, 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;*

The 2009 Subregion 5 Master Plan envisioned a commercial use of the subject property and the SMA did not recommend any changes. While language within the Plan also placed the property within a Community Center which does not recommend such a land-intensive use, it is a use permitted by the zone, and it can be considered a transitional use until such time as the transit facility envisioned by the Master Plan comes to fruition. Thus, this purpose is met.

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

Approval of the request will allow the sale of vehicles to adequately service the public's needs. The use is likely to generate fewer vehicular trips than other uses permitted by right in the C-S-C Zone. Public facilities will be adequate to serve the use.

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

The Applicant's proposal does not impact any residential uses. There are no privacy issues as the subject property and those properties adjoining it are either commercially or industrially zoned or separated by U.S. 301.

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

The proposed use is part of a larger commercial development, and the entire site is part of a Detailed Site Plan that addresses the aesthetic impact of the site. The site will be buffered and will serve as a transitional use between the golf cart business to the north and the remainder of the Brandywine Crossing Development to the south. No adverse impact will result from the requested use of the subject property.

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

The site will be developed in accordance with all County laws that address these possible dangers.

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

Use of the property in this manner is a positive economic development activity that provides employment and broadens the tax base.

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

The Site Plan is in conformance with the setback and parking requirements of the Zoning Ordinance. The site is not overcrowded.

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

The use will not attract vehicular trips that will result in an unacceptable level of service on the adjacent roadways. It, therefore, meets this purpose.

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

This vehicle sales lot will be compatible with the other uses in Brandywine Crossing and will fill a need for the traveling public. Applicant is furthering the social and economic stability of Prince George's County.

(Section 27-317(a)(1))

- (2) The general purposes of the Commercial Zones are listed in Section 27-446 and Special Exception 4697 is in harmony with these purposes:

- (1) *To implement the general purposes of this Subtitle;*

Conformance with the purposes of Section 27-102, the general purposes of the Subtitle, has been demonstrated as noted above.

- (2) *To provide sufficient space and a choice of appropriate locations for a variety of commercial uses to supply the needs of the residents and businesses of the County for commercial goods and services;*

The property is in the C-S-C Zone. As such, the property is in an appropriate location for commercial uses. Also, the Applicant's proposal is to serve the needs of the area residents by providing a vehicle sales lot on the site to assist the traveling public.

- (3) *To encourage retail development to locate in concentrated groups of compatible commercial uses which have similar trading areas and frequency of use;*

The District Council acknowledges that the proposed use is complementary to other uses in the area, if a Special Exception is granted. This purpose is thereby furthered.

- (4) *To protect adjacent property against fire, noise, glare, noxious matter, and other objectionable influences;*

The subject property is almost completely surrounded by similarly developed properties in the C-S-C, I-1 or I-3 Zones. Thus, no adjacent property will be impacted by noise, glare, noxious matter or other objectionable influences due to the operation of the proposed use. Fire code conformance will be assured at the time of issuance of the use and occupancy permit.

- (5) *To improve traffic efficiency by maintaining the design capacities of streets, and to lessen the congestion on streets, particularly in residential areas;*

The Transportation Section, M-NCPPC, did not find any negative impact on traffic efficiency in either of its referrals.

- (6) *To promote the efficient and desirable use of land, in accordance with the purposes of the General Plan, Area Master Plans and this Subtitle;*

As stated above, the Master Plan recognized commercial use of the subject property. The request does not thwart the purposes of the General Plan and Master Plan.

- (7) *To increase the stability of commercial areas;*

Granting the request directly influences the stability of this commercial area.

- (8) *To protect the character of desirable development in each area;*

The Applicant's proposal will be compatible with the surrounding development. It will satisfy this purpose.

- (9) *To conserve the aggregate value of land and improvements in the County;*

Continued use of the subject property will conserve the value of the land and improvements.

- (10) *To enhance the economic base of the County.*

Continued use of the property ensures that the economic base of the County will be enhanced.

(Section 27-446)

- (3) The specific purposes of the C-S-C Zone are listed in Section 27-454(a)(1) and Special Exception 4675 is in harmony with these purposes:

- (A) *To provide locations for predominantly retail commercial shopping facilities;*

The Master Plan classified the property in the C-S-C Zone and anticipated continued use of the property for commercial purposes. Therefore, the proposed use is in harmony with this purpose of the C-S-C Zone.

- (B) *To provide locations for compatible institutional, recreational, and service uses;*

The proposed use will further this purpose of the C-S-C Zone since it is compatible with the surrounding uses.

- (C) *To exclude uses incompatible with general retail shopping centers and institutions; and*

The requested use would not be incompatible with general retail since it serves a need for the traveling public and will provide buffering and landscaping. Further, the use is a permitted special exception use in the C-S-C Zone.

- (D) *For the C-S-C Zone to take the place of the C-1, C-2, C-C and C-G Zones.*

This purpose is not applicable.

(Section 27-454(a)(1))

- (4) The Application satisfies the requirements set forth in Section 27-417.02(a) since the lot is of sufficient size (10 acres) to house the proposed number of passenger vehicles (465)..

- (5) The proposed use and the Site Plan are in conformance with all of the applicable requirements and regulations of the Zoning Ordinance, once the recommended conditions are addressed. No additional variances, departures or waivers are required.

(Section 27-317(a)(2))

(6) The proposed Vehicle Sales Lot will not impair the integrity of the approved Master Plan since it recognized the commercial use for the subject property and did not foresee the immediate placement of a transit facility in the area of the site in the near future. (Section 27-317(a)(3))

(7) The proposed use of the subject property, surrounded primarily by commercial and industrial uses on commercially and industrially zoned properties, will have a positive effect on the health, safety and welfare of residents or workers in the area. (Section 27-317(a)(4))

(8) The proposed building elevations and materials for the use, along with the proposed landscaping and setbacks, will enhance the use or development of adjacent properties and the general neighborhood and will not restrict the availability of land in the area for other uses. (Section 27-317(a)(5))

(9) The Site Plan is in conformance with the approved Tree Conservation Plan (TCP II-133-91/09). (Section 27-317(a)(6)) The Tree Conservation Plan shows no encroachments into any regulated environmental features. (Section 27-317(a)(7))

(10) The property is not located within the Chesapeake Bay Critical Area Overlay Zone. (Section 27-317(b))

DISPOSITION

Special Exception 4697 is APPROVED, subject to the following conditions (which must be satisfied prior to the issuance of permits):

1. Applicant shall submit proof of approval to build within the proposed right-of-way to the Office of the Zoning Hearing Examiner for inclusion in the record.
2. Applicant shall either submit proof that a Detailed Site Plan has been approved that satisfies Condition 2 of Zoning Ordinance No. 12-2007 adopted by the District Council in its approval of A-9990, or proof that its request to amend the condition pursuant to Section 27-195 of the Zoning Ordinance has been granted.
3. Applicant shall revise the Special Exception Site Plan to outline its boundaries in red, as required by the Zoning Ordinance.
4. Applicant shall revise the Special Exception Site Plan to include a note that shows the square footage of all buildings and presentation lanes (to include those proposed for construction at a future date). The total square footage shall not exceed 47,125 square feet.
5. Applicant shall submit its sign design package and letter from its architect (Exhibits 40(a) and 41) to the Technical Staff for its review and comment. If any revision is suggested by Staff (to ensure compliance with the approved

DSDS), said revision shall be submitted to the Office of the Zoning Hearing Examiner for approval and inclusion in the record.

6. Once the additional buildings are constructed, the building elevations shall be improved with additional masonry so as to be compatible with the architecture of the Brandywine Crossing development (Phases I and II) and the other buildings approved herein.

[Note: The Special Exception Site, Lighting, Landscape, and Grading Plans are Exhibits 40(b)-(k)]