

The Town of New Market



August 8, 2023

TO: the Mayor and New Market Town Council
FROM: Pat Faux, Zoning Administrator and Shawn Burnett Town Engineer
RE: **Staff Report on Permit # 1853-B E. Main St. Property Rezone to TRC floating zone**

In accordance with the Land Development Ordinance (LDO) Article II 1.7 *Public Hearing Procedures* - the Zoning Administrator has scheduled a Public Hearing for the Town Council on August 10, 2023, to hear from the public on an application for a floating zone map amendment. The applicant, DR Acquisitions LLC, is requesting a rezone from the Residential Merchant (RM) designation to a floating zone Town Residential/Commercial Mixed Use District (TRC).

A notice of the time and place of the public hearing was published in the Frederick New Post on July 26th and August 2nd, a Town wide email was sent out on August 1st. The property has been conspicuously posted with a sign indicating the date, time, place, and nature of the hearing in accordance with (LDO) Article II 1.7. The advertisement and affidavit from the newspaper will be provided as Exhibits.

A hard copy of the application materials is available for viewing at town hall. The materials can be viewed electronically on the Town website. The materials include the following items as labeled by the Applicant:

Applicant Exhibit A - Existing Conditions Map – Natural Resources Inventory (NRI) & Forest Stand Delineation (FSD) - 1 sheet dated January 2023

Applicant Exhibit B - E. Main TRC Schematic Plan - sheet 1 of 1 dated March 2023

Applicant Exhibit C - Zoning Map Amendment & Rezoning Justification

Applicant Exhibit D - Zoning Map and Town Boundary

Applicant Exhibit E – Land Use Plan – from the 2016 Town Master Plan

Applicant Exhibit F - Adjoiners Map

Applicant Exhibit G - TRC Combined Preliminary Plan of Subdivision & Site Plan – Sheets 1 to 5 dated March 2023

1. *Cover Sheet*
2. *Site Layout Plan & Preliminary Plat*
3. *Site Grading, Paving & Storm Drain*
4. *Site Utility Plan*
5. *Site Landscape Plan*

Applicant Exhibit H - Preliminary Forest Conservation Plan- 1 sheet dated January 2023

Applicant Exhibit I-1 - SWM Report - calculations

Exhibit I-2 - SWM Concept Plan - 4 sheets dated April 2023

1. *SWM Concept Plan*
2. *Pre-Development Drainage Area*
3. *Post-Development Drainage Area*
4. *ESD Drainage Area map*

Exhibit J East Main Revised Transportation Assessment - dated April 13, 2023

Exhibit K - Fiscal Impact Statement

Exhibit L – Architectural illustrations

Staff notes that the application includes supplemental materials not being reviewed for approval as part of the rezone request, these include a Master Plan and a Combined Preliminary Plan of Subdivision/Site Plan, a traffic study, and a fiscal impact statement. These items are considered informational at this time. They will be more fully reviewed and considered by the Planning and Zoning Commission, if appropriate, after a rezoning decision is made.

In accordance with the TRC floating zone approval requirements in Article IV section 16.2 of the LDO the Planning and Zoning Commission held a public hearing on July 13th regarding this matter. They recommend approval of the rezone based on conformance with the Land Development Ordinance's 7 listed Criteria for rezone to the (TRC) Town Commercial Mixed Use floating zone. They also recommend approval of a Maximum Land Use Density (i.e. residential density) of 10.17 units to the acre on the residential areas of the Gross Site Area. Staff is have forwarding the Planning Commission's Findings and Recommendations for Council consideration.

The TRC floating zone approval requirements in Article IV section 16.2 require that the Town Council determine the feasibility and desirability of the zoning map amendment at a public hearing. The Town Council shall approve or disapprove the map amendment and, if approved, set a maximum land use density. Section 16.2.1.b requires the Town Council to consider the seven following criteria to determine whether an amendment to the zoning map allowing the establishment of a TRC should be approved or disapproved:

- (1) The relationship of any development with the Comprehensive Plan, zoning regulations, and other established development policy guidelines;
- (2) The general location of the site and its relationship to existing land use in immediate vicinity;
- (3) The long-term implications the TRC would have on subsequent local development patterns and the demand for public facilities and services in the surrounding area;
- (4) The topography and relationship to existing natural and man-made features, both on site and in the immediate vicinity;
- (5) The TRC's proposed phasing schedule and how it relates to the provision of public services and facilities necessary to serve the TRC;
- (6) The availability and suitability of vehicular access;
- (7) The availability of water and sewer facilities including a point of discharge and water appropriation.

According to Article III section 3.0 of the LDO the Town Council shall also consider the following before approving a zoning map amendment:

- a) The public need for the proposed amendment;

- b) Whether the proposed amendment is consistent with the Comprehensive Plan;
- c) the suitability of the property in question for the uses permitted under the proposed zoning; and
- d) Give consideration to and make findings of fact with regard to the matters enumerated in the land use code of the Annotated Code of Maryland. The matters enumerated in Section 4-204(b)(1) of the Maryland land Use Article include:
 - (i) Population change
 - (ii) The availability of public facilities
 - (iii) The present and future transportation patterns
 - (iv) Compatibility with existing and proposed development of the area
 - (v) The recommendation of the planning commission; and
 - (vi) The relationship of the proposed amendment to the local jurisdiction's plan.

An analysis of these matters along with recommended findings of fact is offered for Council consideration and attached as Exhibit #5.

Attachments and Links: TO BE PROVIDED FOR THE HEARING

Exhibit #1 – Publication Advertisement and Affidavit

Exhibit #2 - Photo of posted sign on property

Exhibit #3 - Planning and Zoning Commission Findings and Recommendations

Exhibit #5 - Analysis & Recommended Findings of Fact - for the Town Council

Exhibit #5:
ANALYSIS AND FINDINGS OF FACT

BACKGROUND & OVERVIEW

This Town Residential / Commercial Mixed Use District TRC Floating Zone Map Amendment Application (“the Application”) is a request for a TRC floating zone on approximately 5.42 acres of land (“the Property”). The Property is undeveloped and has no street address. It is located on the south side of Main Street generally opposite of the intersection with Marley Street. It is bounded on the north by Main Street, on the south by South Alley. On the east it abuts the Masonic Hall addressed as 48 E. Main St, the Town owned unimproved Ninth Alley Right of Way (ROW) and the Community Park. On the west it is bounded by a private residence addressed as 84 E. Main St. The Property - also referred to as the “Gross Site Area” (GSA) in the application – includes three tracts of land. This includes two parcels of land owned by the applicant and identified on the Frederick County Tax Assessment Map 79 as Parcel 3812 and Parcel 3813 that total 5.17 acres. It also includes the 33’+/- wide 0.25 acre unimproved Tenth Alley ROW owned by the Town that divides parcels 3812 and Parcel 3813. The Applicant has requested that the Town Council vacate this unimproved 0.25 acre ROW in exchange for receiving a larger 60’ wide, 0.45 acre, improved ROW that aligns with and extends the existing Marley St. This exchange would occur via a quit claim of the alley by the Town followed by a dedication from the applicant of the ROW after final plat and construction. All of this Property is currently zoned (RM) Residential Merchant with an (HD) Historic district overlay. No change is requested to the Overlay zone. A separate petition for abandonment of the ROW has been submitted for Town Council consideration along with a draft Ordinance for consideration in that action prior to this matter.

The Applicant proposes a mixed use infill development project (The Project) as shown in the Schematic Plan Exhibit B. The plan is predominantly residential with a mix of commercial uses. The proposed uses consist of three multi-tenant commercial buildings and 42 residential lots including 6 duplexes and 36 town houses. The Project, if built as shown, will result in approximately 22,000 square feet (sf) of new commercial uses including a 4000 sf restaurant, 8000 sf of other retail and 10,000 sf of office space. The Project proposes to set aside 40.9% of the gross site area (GSA) for common open space areas and private shared circulation. Another 8.3% or 0.45 acres will be dedicated to the Town as Right of Way. The remaining 50.8% percent of the GSA is proposed as building lots.

The TRC zone requires that a minimum of 20 percent of the site be reserved for “common or public open space” and that 10% of that common area - or 4713 sf - be used for “outdoor recreational uses”. The proposal meets and exceeds those requirements. The proposed outdoor recreational uses include a 1,560 sf tot lot, a 5,227 sf (0.12 acre) urban style plaza facing Main St. and an approximately 6,250 sf lawn area for informal play.

CRITERIA FOR APPROVAL

Criteria for Approval Land Development Ordinance Article IV, Section 16.2.1.b 1 through 7:

(1) The relationship of any development with the Comprehensive Plan, zoning regulations, and other established development policy guidelines;

Findings of Fact: The applicant's Justification Statement states the relationship of the Subject Property to the town's 2016 Master Plan, LDO and other policies. The Development Concept shown on Sheets 1 & 2 of Exhibit D is consistent with Town plans, regulations and policies. The concept is consistent with the town's vision as stated in the 2016 Master Plan.

Analysis: This is supported by the Master Plan's statements that a focus of the town's plan should be to "preserve and capitalize on the historic downtown of New Market". The Plan's stated objectives for downtown economic development include the following. *"Encourage infill development in and around downtown to locate more residents and employees within easy walking distance of Main Street."* *"Attract new businesses to create a more viable critical mass of activity through-out the business week as well and on weekends."* The Plan notes that based on current zoning and the limited amount of vacant land on or near Main St. there is a limited ability to achieve these objectives. It identifies the TRC and other floating zone categories as a key tool in enabling the desired infill development. The TRC zone requires that sites to be rezoned to TRC be 2 acres or more. This site exceeds that requirement.

The Project represents an infill development on the last undeveloped section of the historic district. The Master Plan specifically targets this Property for redevelopment, as shown on the Land Use Map (see Exhibit E) where it is re-designated it as MRS (Mixed Residential Service) Land Use Category to better achieve the Plan's vision. The proposed Schematic Plan, its building masses, land uses and gridded circulation pattern are also consistent with Town's Master Plan which shows the historical street and alley grid pattern. The Master Plan also states a need for additional Town tax base and revenues to meet the Town's future fiscal responsibilities. The applicant's Fiscal impact Statement estimates that the Project will make a positive contribution to Town revenues thus improving the town's ability to meet it fiscal obligations and provide public services and facilities.

The applicant has provided a Concept/Schematic Plan. The provided plan complies the relevant zoning requirements at this stage as it provides a schematic plan generally identifying location, densities, and acreage of all proposed land uses. Floor Area Ratio (FAR) - The TRC zone requires that Floor Area Ratio of the commercial portions of the site to not exceed 0.40. The schematic plan complies and shows a FAR of 0.39. Open Space - The TRC zone requires that a minimum of 20% of the site be reserved for shared common open space and 10% of the shared common area to be used for an outdoor recreational use. The application proposes areas that exceeds the 20% and 10% requirements. The offered outdoor recreational use is in the form of an outdoor plaza. In addition, a tot lot is also shown, but is not counted. This design will at later stages of review and approval require added detail, refinement, and adjustments in order to conform to LDO requirements if or when the Commission formally reviews applications for the Master Plan, Subdivision Plan and Site Plan material provided here for information.

(2) The general location of the site and its relationship to existing land use in immediate vicinity;

Findings of Fact: The Project is compatible with existing land uses in the immediate vicinity and located in an area planned for development. Plans have been submitted showing existing zoning, surrounding property conditions in the immediate vicinity and locating the site in context of the Town as a whole. Exhibit F identifies adjacent owners. The submitted plans show that the Property is located on the south side of Main Street generally opposite of the intersection with Marley Street and the recently approved Marley Common Subdivision. It is bounded on the north by Main Street, on the south by South Alley. On the east it abuts the Masonic Hall addressed as 48 E. Main St, the town owned unimproved Ninth Alley Right of Way (ROW) and the town's Community Park. On the west it is bounded by a private residence addressed as 84 E. Main St. Exhibit A the Schematic Plan shows the proposed relationships with existing land uses in the immediate vicinity and identifies connections, interactions and buffers to those properties. The Schematic Plan, Exhibit A, offers improved vehicular circulation for this part of Town, increased service access to the Community Park and pedestrian connections to and through the property. The Schematic Plan and the Architectural Illustrations shown in Exhibit L have been presented to the Historic District Commission where they received early positive, but informal feedback, on the Project's consistency and compatibility with the Historic District Guidelines.

Analysis: This finding is supported by the site's size and location on Main Street and the Historic District, as well as its relationship on three sides to Town rights of way, its relationship to Main St, the Community Park and the new development across Main St. The proposed layout preserves and extends the historic character of Main St. It proposes commercial and residential buildings that will front onto and sit close to Main St. and a gridded street and alley and block patterns are similar to that in older sections of the District. Current relationships to adjacent properties will be enhanced by the following among other features:

- An attractive new streetscape, plaza and gateway for the historic district in our area to be maintained by the Home Owners Association (HOA) under an easement
- Added public on-street parking to serve the site and district needs.
- New, relocated and improved Town streets and alley extensions and connections.
- Removal of areas of invasive tree species.
- Vegetative buffers along the property line with abutting residences.

(3)The long term implications the TRC would have on subsequent local development patterns and the demand for public facilities and services in the surrounding area;

Findings of Fact: The Project will support the long-term vitality of the downtown and the Town as a whole, and complete the pattern, mix and scale of development envisioned, but never fully achieved, by the Town's founders. It will significantly improve the critical mass of businesses downtown thereby improving the district's ability to attract customer and visitors. Demand for public facilities and services in the surrounding area roads parks, utilities, and library & schools will increase but are either

adequate to support the demand or are anticipated to be reasonably mitigated by the applicant during the future site development process.

Analysis: This finding is supported by Development Concept that shows new businesses, new residents placed close to Main Street and enhanced pedestrian connectivity. It is further supported by the application statements that the applicant proposes an HOA that will own and maintain all the shared common areas recreation areas, lighting, private alleys, parking lots, drives and storm water facilities on site. The HOA will handle waste collection as well. Thus the Town's obligation to maintain new facilities will be limited to the improved South Alley and the Extended Marley St. As a result of this commitment and the land uses proposed, the applicant reports that the Project will make a positive net contribution to Town revenues and will aid the Town's ability to provide public services and facilities necessary to the Town as a whole.

A more detailed review of both the traffic analysis and the fiscal impact statement will occur at the Master Plan stage of review as is required by Town code. Currently it appears there is adequate water and wastewater treatment capacity available to serve this project based upon the presented uses (approx. 60 EDUs). The applicant will be required to address water/sewer APFO and adequate downstream sewage conveyance capacity along with traffic impact mitigation during the future site development process.

In regards to Local Development Patterns, the Project proposes to extend and complete the Main Street character originally envisioned by the founders based on the uses and planned low scale building placements and orientations along the street and by the vehicular circulation patterns and enhanced pedestrian connectivity created. The Project proposes to enhance the recently built 5' wide concrete sidewalk in this section of Main Street and to create an active urban streetscape character compatible with the streetscape in the older sections. The applicant has offered to place these areas under an easement and to commit the HOA to maintenance of the enhanced streetscape.

(4) The topography and relationship to existing natural and man-made features, both on site and in the immediate vicinity;

Findings of Fact: The existing topography and existing natural and man-made features, both on site and in the immediate vicinity pose no undue restrictions on the site rezoning and development under the TRC zone.

Analysis: This finding is supported by Exhibit B which shows the existing natural and manmade conditions on the Property and immediate vicinity. A field review of the site was conducted by Town staff to confirm reported existing conditions. The Property has long been vacant, there are no existing structures or curb cuts. Old aerial photos Google Earth dating from the 1980's to about 2010 show the site in use as a farm field. Plans at Town Hall dating from 1800's show that there was once a structure on the property. While the property and the unbuilt Ninth and Tenth alleys were laid out as part of the original town plan in 1793, this end of town was never fully developed. Several similar historic paper alleys on the North side of Main Street have since been vacated.

As shown on Exhibit B, The gross site area has no floodplains, streams or wetlands. Past surface water flow patterns on site have been redirected in recent years by State built drainage improvements in the area. There are no modern storm water detention facilities on site. A public sewer main traverses the site.

The site has generally gentle topographic conditions. It has a few areas of steep slopes, including a slope along Main St. The site has several stands of young Bradford Pear trees. These are considered invasive, but are also of sufficient density to be considered forest.

(5) The TRC's proposed phasing schedule and how it relates to the provision of public services and facilities necessary to serve the TRC;

Findings of Fact: The applicant states that the Project will be built in one Phase and that further details regarding the construction sequence will be provided during the approval process.

Analysis: This is supported by the Justification Statement

(6) The availability and suitability of vehicular access;

Findings of Fact: The Property currently has vehicular access available as it fronts onto both Main Street and South Alley. The Property is located at the Eastern end of Main St. close to MD 75 and I-70. These roads are suitable to support development under the TRC zoning category.

Analysis: This Finding is supported by the informational Traffic Impact Analysis and the applicant's Justification Statement provided in Exhibit C and by Exhibit J. Further information regarding current and proposed conditions is provided by Exhibit A, the Schematic Plan. More detailed reviews of the on-site and any off-site improvements required will occur during the subsequent Master Plan and Subdivision Review Processes if rezoning occurs. A full review of a Traffic Impact Analysis is a required part of the Master Plan Review Process. At this stage staff notes the following:

- The applicant proposes to shift the existing unimproved 33' +/- wide 10th Alley ROW so that it coincides with Marley St., to dedicate a 60' +/- ROW and to construct an extension of Marley St. with on-street parking.
- The site has no existing private driveway curb-cuts onto Main St. or South Alley and proposes only one new shared driveway. Per the Schematic Plan, full movement access to Main St. would occur via Marley St. extended and one share drive places near the eastern side of the site. Full movement access to South Alley would occur via Marley St. extended and three private alleys. Several proposed private alleys will provide access internal to the site.
- The 9th Alley ROW abutting the Community Park is proposed to remain unimproved with the exception of an access point/ loading area to serve the planned Town Events Pavilion in the Community Park. A significant existing grade change in the ROW prevents access to Main St.

- The applicant proposes to improve the unpaved Town owned section of South Alley that abuts the Property so it connects into the paved Bye Alley. In order to avoid the potential for cut-through traffic into downtown via South Alley the section of South Alley between the Community Park and Marley St. will be signed for one way traffic going east towards Bye Alley.

(7) The availability of water and sewer facilities including a point of discharge and water appropriation.

Findings of Fact: Sewer and water service is available to serve the site. A sewer Main exists on site and a Water Main exists in Main Street in front of the site. The County water and Sewer Master Plan has classified the property for future service as.

Analysis: Currently it appears there is adequate water and wastewater treatment capacity available to serve this project based upon the presented uses (approx. 60 EDUs). The applicant will be required to address water/sewer APFO and adequate downstream sewage conveyance capacity along with traffic impact mitigation during the future site development process.

Maximum Land Use Density

Findings of Fact: The applicant proposes to utilize 4.13 acres of the Property for residential uses and requests a maximum residential density of 10.17 dwelling units per acre on that portion of the Property. This requested DUA is a higher density than the 4.0 DUA established by Subsection 16.6.2 of the TRC zoning text, however per Subsection 16.6.4 the Planning Commission may require a higher density in order to *“make efficient use of limited land zoned for Planned Development within a designated growth area”*.

Analysis: The Planning Commission recommends approval of the applicant’s density request and found that the higher density request is justified based on the need to *“make efficient use of limited land zoned for Planned Development within a designated growth area”*. This request is supported by the 2016 Master Plan. As the last large vacant property on Main Street, this site is a key infill property and one of a very limited number of sites available for infill redevelopment within close proximity - i.e., walking distance- to the Main Street core, Town schools, shops, and services. It is part of the Town’s designated growth area within the Town boundary. As the site is located near the Eastern end of the historic district, it is advantageously placed to accommodate compact mixed use redevelopment without requiring all traffic to traverse the main part of the Main Street District.

Land Development Ordinance Article III, Section 3.4 1 requirements

a) Whether there is a public need for the proposed amendment;

Finding of Fact: There is a public need for the proposed amendment.

Analysis: The project will help to fulfill several needs identified in the Town's Master Plan. These include a need for: infill development and revitalization of the Historic downtown; for additional residences within walking distance of downtown and; for additional businesses in order to create a larger critical mass of businesses open all week and on the weekend. It will also help to meet the public need identified in the Town Master Plan for additional town revenues to pay for maintenance of the existing Main Street streetscape as shown in the t provide Fiscal Impact Statement.

b) Whether the proposed amendment is consistent with the town Comprehensive Plan;

Finding of Fact: The application is consistent with the town Comprehensive Plan, See Criteria # 1 above.

c) The suitability of the property in question for the uses permitted under the proposed zoning;

Finding of Fact: The property is suitable to be zoned TRC. Per the application's Statement of Justification, the Property exceeds the minimum acreage required to be zoned TRC, it has long been vacant and is the last unbuilt portion of the historic Main street development plan. The site is vacant, there are no existing structures and no modern storm water detention facilities. No floodplains exist on site.

Analysis: This finding is further supported by Exhibit B which shows the existing natural and manmade conditions on the Property and immediate vicinity. A field review of the site was conducted by Town staff to confirm reported existing conditions. As shown on Exhibit B, The site has generally gentle topography. It has a few areas of steep slopes, including a slope along the edge of Main St. The site has been cleared in the past and farmed in the recent past. It has several stands of young Bradford Pear trees which are considered invasive, but that are also of sufficient density to be considered forest. The existing conditions of both the site and vicinity pose no undue restrictions on the site rezoning and redevelopment under the TRC zone. A public sewer main traverses the site.

a) Consideration of the statutory requirements under Section 4-204(b)(1) of the Maryland land Use Article:

(i) Population change

Finding of Fact: the application's Statement of Justification proposes the construction of 43 new residential units. This consistent with the town's Master Plan, Chapter V which addresses municipal growth, anticipates that new residential units will occur in infill developments within the town and that added population will occur.

Analysis: Based on the 2016 Master Plan's estimated average of 2.65 people per household, the project's 43 net new residential units are anticipated to yield a population increase of 114 people. This is within the Town's growth projections as stated in the Master Plan. The Town has had very little new residential growth for

several years as there are currently no active subdivisions with recorded lots available for sale and no recent home construction in Town.

(ii) **The availability of public facilities**

Finding of Fact: Public Facilities are available, See Criteria #5, 6 and 7 above

(iii) **The present and future transportation patterns**

Finding of Fact: Present and future transportation patterns and suitable for this project. Traffic will increase on certain town streets however these streets are either adequate to support the demand or are anticipated to be reasonably mitigated by the applicant during the future site development process.

Analysis: This Finding is supported by the informational Traffic Impact Analysis and the applicant's Justification Statement provided in Exhibit C and by Exhibit J. Further information regarding current and proposed conditions is provided by Exhibit A, the Schematic Plan. More detailed reviews of the onsite and any off-site improvements required will occur during the subsequent Master Plan and Subdivision Review Processes if rezoning occurs. The proposed project accesses Main Street which is a minor arterial. The Applicant proposes to improve the Town's street and sidewalk network, to make contributions to the improvements at several key off-site intersections and to construct on site a new public street connecting Main St to South Alley, several private alleys and shared common drives.

(iv) **Compatibility with existing and proposed development of the area**

Finding of Fact: The proposed zoning and development concept is compatible with existing and proposed development in the area.

Analysis: See the analysis provided in Criteria # 2 above regarding the Historic District and existing development. The 11 lot single family Marley Commons Subdivision across Main Street from this project has an open space embankment but no building lots abutting Main St. The provide development concept show buffers to be placed along the property line with the sole abutting residential lot. No other compatibility issues have been identified. No significant adverse impacts have been identified

(v) **The Recommendation of the Planning Commission;**

Finding of Fact: The Town Council has received the recommendation of the Town's Planning and Zoning Commission and it has been submitted for the record.

(vi) **The relationship of the proposed amendment to the local jurisdiction's plan.**

Finding of Fact: See Criteria # 1 above.

ADOPTION OF FINDINGS AND RECOMMENDATIONS OF THE PLANNING AND ZONING COMMISSION

As supplemented by the findings and analysis above, we adopt and concur with the findings and recommendation of the Planning and Zoning Commission, which are incorporated herein by reference.

RECOMMENDED CONCLUSION

Based on the evidence submitted in the matter, the Mayor and Town Council finds and determines the following:

1. That a public hearing has been held on August 10th 2023 before the Mayor and Town Council at which time the evidence was submitted into the record;
2. That the public had the opportunity to comment at the public hearing;
3. That the proposed TRC zoning map amendment is consistent with the Town Master Plan and the purposes of the Town TRC classification and will further these purposes;
4. That there is a public need for the proposed TRC floating zoning map amendment;
5. That the property is suitable for the proposed zoning and it's permitted uses;
6. That consideration has been given to the matters enumerated in the land use code of the Annotated Code of Maryland;
7. That the proposed TRC zoning map amendment is compatible with adjoining development and land uses and will have no significant adverse impacts;
8. That the proposed TRC floating zoning map amendment is feasible and desirable;
9. That the overall development concept of the project is both feasible and desirable; and
10. That the maximum land use density on the gross residential area of the Property shall not exceed 10.7 dwelling unit per acre and that this density shall be retained by excellence of design as assessed by the Planning Commission at later stages of review.