

Case No. CSP-11006-C
Salubria Center

Applicant: Pinnacle Harbor, LLC

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND,
SITTING AS THE DISTRICT COUNCIL

ZONING ORDINANCE NO. 16 - 2012

AN ORDINANCE to approve a conceptual site plan for up to 460,000 square feet of retail and hotel development in the M-X-T (Mixed Use-Transportation Oriented) Zone as to a specific Transit District property, and to approve a conceptual site plan, with conditions.

WHEREAS, Application No. CSP-11006 was filed for the Salubria Center on property described as approximately 43.69 acres of land in the M-X-T zone, located in the southeast quadrant of the intersection of Oxon Hill Road and Harborview Avenue, between Oxon Hill Road and Indian Head Highway (MD 21), in Planning Area 80, and Council District 8; and

WHEREAS, the Technical Staff reviewed the application and filed recommendations with the Planning Board and District Council; and

WHEREAS, the application was advertised and the property posted prior to public hearing, in accordance with all requirements of law; and

WHEREAS, the Planning Board held a public hearing on the application and filed recommendations with the District Council; and

WHEREAS, having reviewed the record, including the testimony at the public hearing, the District Council has determined that the request should be granted; and

WHEREAS, to protect adjacent properties and the neighborhood, this request to approve the Conceptual Site Plan is granted subject to conditions; and

WHEREAS, as the basis for this action, the District Council adopts the reasons stated in the Planning Board Resolution, PGCPB No. 12-04(C), as its findings and conclusions in this case, except as otherwise provided herein.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED:

SECTION 1. Conceptual Site Plan CSP-11006 shall be approved subject to the following conditions and considerations:

1. Prior to certificate of approval of the conceptual site plan, the following revisions shall be made, or information shall be provided.
 - a. The CSP shall provide a note indicating that a future office use is permitted north of Harborview Drive as the second use required in the M-X-T Zone, if the proposed hotel is not feasible.
 - b. Note 1 on sheet 2 of 4 shall be revised to remove the second part of the sentence and state: "Sign in the northwest corner of the property will have a height to be determined during the DSP process."
 - c. Identify the loading and service areas as well as the access to the areas on the plan.
 - d. The conceptual site plan shall graphically indicate safe and inviting pedestrian access from the rights-of-way and through parking lots to major destinations on the site. The applicant shall provide one walkway through the parking lot on the west side of the property to the right-of-way. Its ultimate location may be refined at time of detailed site plan.
 - e. A public space system shall be provided to enhance the commercial development. The spaces shall be identified on the conceptual site plan.
 - f. The conceptual landscape plan shall be revised as follows:

All future development plans for the subject property shall show buffering along Oxon Hill Road and the southern boundary of the site consistent with the following unless the conditions of Zoning Map Amendment A-9882-C are amended to provide a different buffer, in which case those zoning conditions will apply:

 - (1) A 20 to 35-foot-wide landscape strip shall be provided along Oxon Hill Road in accordance with the specifications of Section 4.6 of the 2010

Prince George's County Landscape Manual, which shall be reviewed and approved at the time of detailed site plan.

- (2) A minimum 100-foot woodland preservation area shall be provided along the southern boundary to act as a buffer between the proposed development and the residences to the south.

If no amendment of Condition 3 of Zoning Map Amendment A-9882-C occurs, then the application shall be revised to provide the required 100-foot buffer.

- g. The conceptual site plan shall indicate whether a road connection is proposed from the subject site to Indian Head Highway (MD 210) by the applicant, by others, or not at all.
 - h. The applicant shall submit a revised stormwater management concept plan that more accurately reflects the proposal indicated on the conceptual site plan, inclusive of the hotel proposal or provide communication from the Department of Public Works and Transportation (DPW&T) indicating the approved concept is consistent with the CSP.
2. At the time of detailed site plan, the following issues shall be addressed, or information shall be provided:
 - a. Comprehensive sign details for freestanding signs, and sign guidelines for future sign proposals in the outlet center shall be provided for review and approval. Any proposed sign along Oxon Hill Road across from Oxon Hill Manor shall be modest in design and restricted in height (a maximum of ten feet) so as not to detract from the adjacent historic site.
 - b. Views of expanses of surface parking from the rights-of-way shall be reduced by providing a street treatment that provides partial screening of the parking lot. The applicant shall provide a detail of an attractive low masonry wall that may be provided along the Oxon Hill Road frontage, for the consideration of staff and the Planning Board.
 - c. All reasonable effort shall be made to reduce the number of loading areas on the north and west sides of the outlet center.
 - d. Loading areas shall be screened by a mix of decorative walls that are aesthetically harmonious with the building facade. The walls shall be designed a minimum of ten feet in height to adequately screen loading trucks. The appearance of the screening walls shall also be softened through the use of evergreen trees and shrubs.
 - e. A photometric plan shall be provided for the property. The photometric plan shall indicate no, or minimal, lighting spillover on adjacent residential properties.

- f. Details of lighting fixtures shall be provided. Details of lamp posts within the parking lot shall be provided in order to indicate that the height of the fixtures is not designed to extend above 30 feet and include downward lighting and no spillover that would affect the visibility of lighting on adjacent properties. The design and layout of the fixtures shall provide visual continuity throughout the site.
- g. The coordination of the design of light fixtures, benches, trash receptacles, bicycle racks and street furniture shall be required. Details of the site amenities shall be provided for review.
- h. The retaining wall shall be designed to appear as naturalistic as possible from adjacent residential properties.
- i. The applicant shall review opportunities for maintaining or creating naturalistic contours on the site as viewed from the roadway to the extent feasible.
- j. The detailed site plan shall identify at least two public spaces within the outlet center proposal, of appropriate gathering size, for which a high level of detail shall be provided at time of detailed site plan. These identified public spaces shall minimally include a focal point in the space such as public art, sculpture or fountains; seating areas; specialty landscaping; and specialty paving materials for the benefit of users on the site. If deemed appropriate by the Planning Board, these spaces shall include features to commemorate the history of the Salubria site.
- k. The feasibility of reductions in surface parking on the site shall be evaluated.
- l. Illustrative descriptions, design guidelines, and architectural prototypes may be submitted in lieu of detailed building elevations for each building façade within the corridors of the outlet center, which can only be seen interior to the outlet center itself.
- m. Architectural facades of the outward-facing non-storefront elevations of the Outlet Center shall be clad in 100% brick, stone or pre-cast stone along the north and west Outlet Center elevations (not including walls internal to loading areas), and clad in no less than 75% of those materials along the east and south elevations. Different high quality materials may be substituted by the Planning Board at the time of the DSP. Special attention shall be paid to those facing Harborview Avenue and Oxon Hill Road in order to enhance the architectural detail and attractiveness of those highly visible elevations.

- n. Plazas shall be provided at the major entrances into the center.
- o. The applicant shall provide written justification and design support indicating that the development is compatible with existing and proposed development in the vicinity, in particular the adjacent residential, historic, and institutional sites in the vicinity.
- p. The proposal shall more adequately address the recommended urban design strategies identified in the master plan and shall report in writing how this is being accomplished.
- q. The detailed site plan shall reflect the following, or as otherwise amended by the District Council during reconsideration of Condition 2 of Zoning Map Amendment A-9882-C:

For that portion of the site south of the freeway ramp, a common pedestrian path system shall be designed to link all segments of the proposed development. Any retail segment shall not be designed as a typical strip shopping center or large single-use pad site.

- 3. At the time of detailed site plan for the outlet center, the applicant shall employ one of the following options to ensure that the proposal meets the requirements of Section 27-547(d) of the Zoning Ordinance:
 - a. The detailed site plan shall include the full development proposal for the secondary, non-retail use;
 - b. The applicant shall propose a timing mechanism for construction of the non-retail use for approval by the Planning Board and the District Council; or
 - c. The detailed site plan proposal shall accommodate a temporary or permanent office use within the outlet center, until the second phase of the development is completed.
- 4. In conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*, the applicant and the applicant's heirs, successors and/or assignees shall provide the following unless modified by the DPW&T:
 - a. Provide and maintain the standard sidewalk, landscape strip, and designated bike lanes along the entire frontage of the subject site, as shown on the DPW&T plans for the Oxon Hill Road improvement project, unless modified by DPW&T.
 - b. In order to accommodate the designated bike lanes recommended in the MPOT, a minimum of 44 feet from the centerline shall be dedicated, unless modified by DPW&T.

- c. Provide appropriate pavement markings and signage for the designated bike lanes per the American Association of State Highway Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, unless modified by DPW&T.
 - d. Provide marked crosswalks at all of the site's ingress/egress points along Oxon Hill Road.
 - e. Pedestrian improvements shall be provided across Oxon Hill Road at Harborview Avenue and at the site's southern access point (labeled on the plans as a 60-foot right-of-way). Appropriate improvements will be recommended at the time of detailed site plan and may involve high visibility and contrasting crosswalks, pedestrian countdown signals, pedestrian refuges, signage, and other enhancements.
 - f. Standard sidewalks shall be provided along one side of ingress/egress roads and the proposed loop road, unless modified by DPW&T.
 - g. At the time of detailed site plan, consideration shall be given to providing a trail or sidewalk connection from the subject site to Abbingdon Place, unless it is determined there are environmental constraints that make this connection unfeasible.
 - h. Bicycle parking shall be provided throughout the subject site. Appropriate numbers and locations will be determined at the time of detailed site plan.
5. Prior to Planning Board approval of the associated preliminary plan, the applicant shall submit a limited Phase III archeology work plan for 18PR692 that is designed to recover data from the following archeological and cultural deposits and features: the midden, the slave/tenant house, the main house, the possible garden/gardener's quarters, and the dairy building and area around it. The Phase III work plan shall be approved through a revision to HAWP #14-11.
6. Prior to Planning Board approval of any detailed site plan the applicant shall:
- a. Provide a plan for on-site commemorative/interpretive features and other public outreach measures focused on the history and significance of the Salubria property based on the findings of the Phase I, Phase II, and Phase III archeological investigations and other research on the property. The location and wording of the signage and public outreach measures shall be subject to approval by the Planning Board or its designee and may be subsequently modified at time of certificate approval with concurrence of Historic Preservation Section staff.
7. Prior to final plat, the applicant shall establish a perpetual conservation easement around archeological site 18PR809. The associated TCP II shall be revised to show the location

- of the archeological site and a note shall be added to the plat indicating that any ground disturbance within the easement area must be reviewed and approved by Historic Preservation staff.
8. Prior to any ground disturbance or the approval of any grading permits, the applicant shall:
 - a. Provide a final report detailing the Phase II and Phase III investigations at sites 18PR692 and 18PR809 and ensure that all artifacts are curated in a proper manner and deposited with the Maryland Archeological Conservation Lab at the Jefferson Patterson Park and Museum in St. Leonard, MD. Proof of disposition of the artifacts shall be provided to Historic Preservation staff.
 - b. Install a super-silt fence around the boundaries of archeological site 18PR809 and provide proof of that installation and its placement to Historic Preservation staff for review and approval. The fencing shall remain in place until all construction activities within the Salubria Center property are completed.
 9. Prior to the ~~*[issuance of the Use and Occupancy permit for the development,]~~ opening of the Outlet Center, the applicant shall install the on-site commemorative/interpretive features and complete other agreed-upon outreach and education measures*~~[-, such as brochures and websites].~~
 10. In the event the amendment of conditions for Zoning Map Amendment A-9882-C, Zoning Ordinance No. 34-1994, is denied or does not provide for buffering as proposed in Condition 1 f, the TCP1 shall be revised to provide the required 100 foot wide landscaped buffer along Oxon Hill Road, or as required by the final decision of the District Council.
 11. Prior to certification of the conceptual site plan, The TCP1 shall be revised as follows:
 - a. Revise Note 1 of the Standard Type 1 Tree Conservation Notes shown on Sheet 1 of 8 to read “This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements for Conceptual Site Plan CSP-11006. The TCP1 will be modified as necessary during the review of the preliminary plan application.”
 - b. Revise the Disposition column of the specimen tree table shown on sheet 1 of 8 to read “To Be Removed” for those that are proposed for removal.
 - c. Have the plan signed and dated by the qualified professional who prepared it.
 12. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

13. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area (PMA), except for approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed.”

14. Prior to certification of the CSP, the CSP and TCP1 shall be revised to show the 65 dBA Ldn noise contour located 429 feet from the centerline of Indian Head Highway (MD 210).

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~striketrough~~ indicate deleted language

15. Prior to the signature approval of the TCP1, the Tree Canopy Coverage schedule shown on Sheet 1, shall be removed.

Considerations

1. The applicant shall provide information regarding the following considerations which will be referred to the Prince George’s County Health Department for review and comment:
 - a. Indicate dust and noise control features during the construction phases of the site.
 - b. Provide for construction vehicle entrances and procedures that do not negatively impact adjacent residential communities.
 - c. Provide information to indicate that the site is in compliance with the county’s Watershed Implementation Plan.
 - d. Measures shall be taken to abandon the existing well and septic system on the site, in accordance with county regulations and Code of Maryland Regulations (COMAR).
 - e. Through its leasing procedures, the applicant should promote that future food establishments in the outlet center offer healthy, nutritionally rich food choices.
 - f. Provide information to indicate that the capacity of the area waste water treatment plant and pumping station are adequate for the proposed development.

2. The applicant should work with the community, including the African American Heritage Preservation Group (AAHPG) and the Broad Creek Historic District Local Advisory Group (BCHDLAC), in evaluating appropriate on-site commemorative/interpretive features and other public outreach measures focused on the history and significance of the Salubria property.

SECTION 2. BE IT FURTHER ENACTED that this Ordinance shall become effective initially on the date of its enactment, as conditionally approved, and shall become final and effective when the applicant accepts in writing the conditions in Section 1.

Enacted this 16th day of October, 2012, for initial approval, by the following vote:

In Favor: Council Members Campos, Davis, Franklin, Harrison, Lehman, Olson, Patterson and Toles.

Opposed:

Abstained:

Absent: Council Member Turner.

Vote: 8-0

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART OF
THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE GEORGE'S
COUNTY, MARYLAND

By: _____
Andrea C. Harrison, Chair

ATTEST:

Redis C. Floyd
Clerk of the Council