

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

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PGCPB No. 12-26(C)

File No. 4-11028

RESOLUTION

WHEREAS, Pinnacle Harbor LLC is the owner of a 43.79-acre parcel of land known as Tax Map 104 in Grid F-1 and is also known as Parcels A and 18, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned Mixed Use Transportation—Oriented (M-X-T); and

WHEREAS, on January 17, 2012, Pinnacle Harbor LLC filed an application for approval of a Preliminary Plan of Subdivision for 8 parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-11028 for Salubria Center was presented to the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission by the staff of the Commission on March 22, 2012, for its review and action in accordance with Article 28, Section 7-116, Annotated Code of Maryland and the Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code; and

WHEREAS, the staff of The Maryland-National Capital Park and Planning Commission recommended APPROVAL of the application with conditions; and

WHEREAS, on March 22, 2012, the Prince George's County Planning Board heard testimony and received evidence submitted for the record on the aforesaid application.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the provisions of Subtitle 24, Prince George's County Code, the Prince George's County Planning Board APPROVED the Type 1 Tree Conservation Plan (TCP1/014/11/01), and further APPROVED Preliminary Plan of Subdivision 4-11028, Salubria Center, for 8 parcels with the following conditions:

1. Prior to signature approval of the preliminary plan, the following corrections shall be made:
 - a. Show the dimensions of all proposed lines and the bearings of the property line.
 - b. Show the dimension of the alignment of Oxon Hill Road as reflected on the county Capital Improvement Plan (CIP), including right-of-way dedication and any required revertible slope/grading easement.
 - c. Revise Note 10 to state "Water and Sewer Category 4 and 3."
 - d. Revise Note 11 to state "Water and Sewer Category 3."
 - e. Revise Note 34 to reflect that cross-access easement is utilized for Parcels 3 through 8 pursuant to Section 24-128(b)(15) of the Subdivision Regulations for an integrated

shopping center, and that the easement document shall be recorded in the Land Records of Prince George's County and the liber/folio reflected on the final plat.

- f. Revise Note 6 to state "Proposed development as 400,000 square feet of retail, 100,000 square feet of office, and 100-room hotel.
 - g. Revise Note 28 to indicate the approved variance with Conceptual Site Plan CSP-11006.
 - h. Revise Note 20 to accurately reflect disposition of property.
2. Prior to the signature approval of the Type 1 tree conservation plan (TCP1), the Tree Canopy Coverage schedule shown on Sheet 1, shall be removed.
3. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-014-11/01). The following note shall be placed on the Final plat of subdivision:
- "This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-014-11 or most recent revision), or as modified by the Type 2 Tree Conservation Plan, and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."
4. Prior to 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.
5. At the 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."
6. Prior to approval of the detailed site plan, the landscape and lighting plans for the development shall show the use of full cut-off optic light fixtures, which shall be used throughout the development and shall be directed downward to reduce glare and light intrusion.

7. Development of this site shall be in conformance with Stormwater Management Concept Plan 40537-2003-02, and any subsequent revisions.
8. At the time of final plat, the applicant and the applicant's heirs, successors, and/or assignees, shall provide the following:
 - a. Dedication of a ten-foot-wide public utility easement (PUE) along the public right-of-way as delineated on the approved preliminary plan of subdivision.
 - b. Dedication of the right-of-way along Oxon Hill Road as reflect in the county Capital Improvement Program (CIP) project for Oxon Hill Road, **OR** provide the liber/folio of the recorded deed for the right-of-way dedication executed by the CIP project for Oxon Hill Road.
 - c. A note to state that direct vehicular access to Indian Head Highway (MD 210) is denied.
 - d. A note that access is authorized for Parcels 3 through 8 pursuant to Section 24-128(b)(15) of the Subdivision Regulations and provide the liber/folio of the easement agreement on the final plat.
9. The conversion to residential that requires a revision to approved Conceptual Site Plan CSP-11006 shall require a new preliminary plan, if determined necessary at the time of the revised conceptual site plan.
10. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*, and approved CSP-11006 (PGCPB Resolution No. 12-04), the applicant and the applicant's heirs, successors, and/or assignees shall provide the following, and reflect the same on the detailed site plan, unless modified by the Department of Public Works and Transportation (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 DPW&T's plans for the Oxon Hill Road improvement project.
 - b. 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, as shown on DPW&T's plans for the Oxon Hill Road improvement project.
 - c. Provide marked crosswalks at all of the site's ingress/egress points along Oxon Hill Road as shown on DPW&T's plans for the Oxon Hill Road improvement project.

- d. Pedestrian improvements shall be provided across Oxon Hill Road at Harborview Avenue. 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 as shown on the State Highway Administration Oxon Hill Road Phase 2 Plans.
 - e. Pedestrian improvements shall be provided across at the site's northern 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, as approved by State Highway Administration.
 - f. Standard sidewalks shall be provided along one side of ingress/egress roads and the proposed loop road.
 - g. Consideration shall be given to providing a trail or sidewalk connection from the subject site to Abbington 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.
 - i. Show the pedestrian walkway required in Condition 1d of CSP-11006 (PGCPB Resolution No. 12-04).
11. Prior to approval of the detailed site plan, the applicant and the applicant's heirs, successors, and/or assignees shall 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.
12. Prior to final plat, the applicant and the applicant's heirs, successors, and/or assignees shall establish a perpetual archeological conservation easement around Archeological Site 18PR809, and shall indicate that any ground disturbance within the easement area must be reviewed and approved by The Maryland-National Capital Park and Planning Commission (M-NCPPC).
13. At the time of detailed site plan, the Type II tree conservation plan (TCPII) shall show the location of the archeological site.
14. Prior to any ground disturbance or the approval of any grading permits, the applicant and the applicant's heirs, successors, and/or assignees 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.
15. Prior to approval of any permit which allows for occupancy of the proposed outlet center, the applicant shall install the on-site commemorative/interpretive features and complete other agreed-upon outreach and education measures.
16. At the time of final plat approval, the applicant shall demonstrate the dedication (by plat or deed) of public right-of-way along Oxon Hill Road consistent with the county Capital Improvement Program (CIP) project for Oxon Hill Road. The dedication shall be reflected on the signature-approved preliminary plan of subdivision and shall be confirmed with the Department of Public Works and Transportation (DPW&T). Frontage improvements in accordance with the requirements of DPW&T are required within the area of dedication.
17. Prior to the issuance of any building permits within the subject property, the following road improvements shall (a) have full financial assurances through either private money or full funding in the Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program; (b) have been permitted for construction through the operating agency's permitting process; and (c) have an agreed-upon timetable for construction with the appropriate operating agency:
 - a. **Oxon Hill Road and site access:** A southbound left-turn lane along with the required northbound through/right-turn lane shall be constructed. Construction of the site access driveway shall include a minimum of two outbound lanes, with any needed signal, signage, and pavement marking modifications determined to be required by the Department of Public Works and Transportation (DPW&T). All improvements will be designed and constructed in accordance with the requirements and standards of DPW&T. Any required queuing analyses shall consider Saturday as well as weekday site trip generation.
 - b. **Oxon Hill Road and site access:** Prior to approval of the initial building permit, the applicant shall submit an acceptable traffic signal warrant study to the Department of Public Works and Transportation (DPW&T) for signalization at the intersection of Oxon Hill Road and the site access. The applicant should utilize a new 12-hour count, and should analyze signal warrants under total future traffic as well as existing traffic at the direction of DPW&T. If signalization or other traffic control improvements are deemed

warranted at that time, the applicant shall bond the improvements with DPW&T prior to release of any building permits, and complete installation at a time when directed by DPW&T.

- c. **Harborview Avenue and site access:** Westbound double left-turn lanes and eastbound double right-turn lanes shall be constructed. The westbound approach of Harborview Avenue will be reconfigured to include one through and a shared right-turn/through lane, and the eastbound approach of Harborview Avenue will maintain a single left-turn lane. Construction of the site access driveway shall include a minimum of two outbound lanes and two inbound lanes, with any needed signal, signage, and pavement marking modifications determined to be required by the Maryland State Highway Administration (SHA). All improvements will be designed and constructed in accordance with the requirements and standards of the Department of Public Works and Transportation (DPW&T). Any required queuing analyses shall consider Saturday as well as weekday site trip generation.
18. Total development within the subject property shall be limited to equivalent development which generates no more than 460 AM peak hour, 969 PM peak hour, and 1,289 Saturday peak-hour vehicle trips in consideration of the pass-by travel assumed. Any development generating a traffic impact greater than that identified herein above shall require a new preliminary plan of subdivision with a new determination of the adequacy of transportation facilities.

BE IT FURTHER RESOLVED, that the findings and reasons for the decision of the Prince George's County Planning Board are as follows:

1. The subdivision, as modified, meets the legal requirements of Subtitles 24 and 27 of the Prince George's County Code and of Article 28, Annotated Code of Maryland.

2. **Development Data Summary**—The following information relates to the subject preliminary plan application and the proposed development.

Zone Use(s)	EXISTING	APPROVED
	M-X-T Vacant	M-X-T Retail (400,000 square feet) Office (100,000 square feet) Hospitality (100 rooms)
Acreage	43.79	43.79
Lots	0	0
Outlots	0	0
Parcels	2	8
Dwelling Units	0	0
Public Safety Mitigation Fee	No	No
Variance	No	No
Variation	No	No

Pursuant to Section 24-119(d)(2) of the Subdivision Regulations, this case was heard before the Subdivision and Development Review Committee (SDRC) on February 3, 2012.

3. **Background**—The subject site is located on Tax Map 104 in Grid F-1 and is known as Parcels A and 18. The property consists of 43.79 acres, mostly undeveloped, and is within the Mixed Use Transportation—Oriented (M-X-T) Zone. Parcel 18 is a deed parcel and has never been the subject of a preliminary plan of subdivision. Parcel A was recorded in Plat Book REP 192@86 on September 4, 2001. The record plat has five notes and Note 4 indicates that the plat was done in accordance with Section 24-107(c)(10) of the Subdivision Regulations, which was the result of a foreclosure and was exempt at that time from a preliminary plan of subdivision. The current configuration of Parcel A was the result of a deed conveyance of 2.46 acres of land to the State Highway Administration (SHA) recorded in Liber 15440 Folio 61 in 2002 for the right-of-way of Harborview Avenue, which is exempt from filing a preliminary plan of subdivision pursuant to Section 24-107(c)(5). The applicant is proposing to subdivide the two parcels into eight parcels for a mixed-use development of retail, dining, and hospitality uses of approximately 500,000 square feet. A preliminary plan of subdivision is required pursuant to Sections 24-107 and 24-111 of the Subdivision Regulations for development of more than 5,000 square feet of gross floor area (GFA).
4. **Community Planning**—The 2002 *Prince George's County Approved General Plan* designates the subject property in the Oxon Hill Transit Corridor within the Developing Tier. The vision for centers and corridors is mixed-residential and nonresidential uses at moderate to high densities and intensities, with a strong emphasis on transit-oriented development. Approval of this application does not violate the General Plan's growth goals for the year 2025, upon review of Prince George's County's current General Plan Growth Policy Update.

park did not develop as envisioned, remaining dormant for several decades after the initial building was constructed, it no longer makes sense nor does it conform to the design strategies enumerated in the 2006 Master Plan. Staff supports the deletion of the language related to the architectural theme of the outlet center.

“Condition 2 also requires that a common pedestrian path system be designed to link all segments of the proposed development, and prohibits use of the site as one single pad site. Staff does not believe there is any inherent benefit to the project to eliminate this aspect of the conditions. The applicant is not proposing a typical strip center or single-use pad site, however, it is probably best to retain this portion of the condition to ensure future development is constrained if this latest plan were to be abandoned.”

Conceptually, the subject development proposes a common pedestrian walkway system. A detailed analysis of the internal sidewalk connectivity will be required at the time of detailed site plan review when more information is available. Staff recommended the following revision to Condition 2:

“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.”

The final decision making authority of the zoning amendment request lies with the District Council. No building permits can be approved until the permit plan conforms to the requirements of the rezoning, or the applicable conditions are modified.

3. A 100-foot-wide landscaped buffer (as required by CR-45-1985) shall be provided along Oxon Hill Road and the southern boundary.

The applicant is currently in the process of requesting that the above condition be eliminated. The Planning Department provided the following recommendation to the ZHE regarding the amendment request:

“The requirement for a 100-foot-wide landscaped buffer along the Oxon Hill Road frontage was imposed on this site in 1985 when Parcel 92 and Parcel A were reclassified to the I-3 (Planned Industrial Park) Zone. It was later carried over to include Parcel 18 when the site was placed in the M-X-T Zone. Along the southern boundary, where the site adjoins a school and residences, the buffer was also required. Much of the southern boundary is within the primary management area (PMA), which is ordinarily not disturbed during development, or only minimally so. Staff obviously does not have difficulty retaining the 100-foot buffer shown on the CSP along the southern boundary; however, the reduction from 100 feet to 20 feet along Oxon Hill Road is more problematic.

"CR-45-1985 is the District Council's resolution approving the revisory petition which placed portions of the subject property in the I-3 Zone. It justifies the 100-foot landscaped buffer as follows:

'...WHEREAS, because the property occupies a geographically significant gateway location near the Capital Beltway in Prince George's County; lies across Oxon Hill Road from Oxon Hill Manor, a National Register Historic Site; includes within its boundaries an historic site known as Salubria Manor; and is near another highly significant development project, i.e., the Bay of the Americas, the District Council finds that development on the subject property should reflect high standards in regard to site planning and architecture, and specifically:

'(a) should incorporate a 100-foot wide landscaped buffer strip, which retains, to the maximum possible extent, existing mature trees along the Oxon Hill Road frontage of the central and southerly parcels;...'

"This condition was then carried forward when the site was rezoned to the M-X-T Zone, presumably for the same reasons. If we consider the circumstances today versus those discussed by the District Council in 1985, we find the following similarities which argue for retention of the buffer:

- "a. The site still occupies a geographically significant gateway location near the Capital Beltway in Prince George's County.
- "b. The site still lies across Oxon Hill Road from Oxon Hill Manor, a National Register Historic Site.
- "c. The site still includes within its boundaries an historic site known as Salubria Manor, although the remains are greatly diminished.
- "d. The site is still near another highly significant development project, i.e., National Harbor.

"On the other hand, there are changes which have taken place which may argue for at least the partial reduction of the buffer:

- "a. The trees which existed along Oxon Hill Road frontage of most of Parcel A in 1985 no longer exist. It has been cleared and graded.
- "b. When the existing office building was built on Parcel 92 in 1990, it was required to provide a 30-foot landscaped strip, with no explanation of why the 100-foot buffer was not employed.

- “c. 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Planning Area* strategies for the National Harbor Metropolitan Center include requiring “(F)uture land uses surrounding the waterfront center to complement its distinctive character, to be compatible with the neighboring community and to provide a suitable gateway to this unique project.” This strategy was not part of the previous master plan, although the site’s proximity to “Bay of the Americas” (the urban-scale, mixed-use development now given the appellation National Harbor) was noted in the revisory petition in the preamble to the requirement for the 100-foot buffer.
- “d. The expansion of a portion of Oxon Hill Road to a four lane road with numerous turn lanes and the proposed relocation of the entrance to Oxon Hill Manor (to be opposite the secondary entrance to the outlet center) are now being designed as part of a County CIP project.
- “e. In plans approved in the 1980s and 1990s, Salubria Manor and some of its dependencies were expected to be reconstructed as part of the development of the site. Due to a series of fires and decades of neglect, Salubria is no longer salvageable.

“In 1985 and then again in 1993 the District Council found that in order to develop the subject property a 100-foot-wide landscaped buffer (using existing trees, where possible) was necessary along Oxon Hill Road and the southern boundary. The retention of the condition was reasonable at the time given the lack of change in circumstances. However, since that time there have been changes sufficient to be considered good cause to reduce the width of the buffer, not, however, to the extent suggested by the applicant. The buffer along Parcel A can no longer be made up of existing woodland since there is none left to preserve. The applicant’s proposed 20-foot strip should provide appropriate buffering while allowing the development to be compatible with and a gateway into National Harbor. Staff would suggest that a variety of buffering and screening techniques be employed, including incorporating a low wall into the scheme.

“Where existing woodland still remains along Oxon Hill Road, staff believes its retention is an important opportunity not only to preserve the rural character of the adjacent historic site, but to provide additional woodland preservation on the subject property. Staff recommends that a minimum 50-foot-wide woodland preservation area be retained in these areas. If, in the opinion of the Urban Design Section and Environmental Planning Section, the survivability of the trees would be compromised by grading shown on the tree conservation plans and/or detailed site plan, this strip may be reduced to a 35-foot-wide buffer comprised of plant materials consistent with the surrounding natural growth and in accordance with the specifications of Section 4.6 of the 2010 *Prince George’s County Landscape Manual*. Any preservation of existing woodland determined to be required should be provided outside of any construction and revertible slope easements along Oxon Hill Road plan.”

The final decision-making authority with respect to the zoning amendment request lies with the District Council. No building permits can be issued until the permit plan conforms to the requirements of the rezoning, or the applicable conditions are modified. This issue will be further reviewed at the time of detailed site plan.

4. **The Historic Site status of Salubria, as well as the extent of the environmental setting, shall be noted on all plans and other documents submitted for this site.**

Historic Site 80-002, Salubria, is shown and noted on the preliminary plan.

5. **All subsequent submittals for this site shall be referred to the Historic Preservation Section staff and the Historic Preservation Commission for their review and comment prior to approval.**
6. **Any plans within the environmental setting must be approved by the Historic Preservation Commission through the Historic Area Work Permit process.**

The Historic Preservation Commission (HPC) has approved a portion of the applicant's Historic Area Work Permit application (HAWP 14-11, filed on April 19, 2011) to allow for Phase II archeological investigations within the Salubria historic site environmental setting. A limited Phase III archeology work plan for 19PR692 has been submitted with this preliminary plan. The preliminary plan was referred to the Historic Preservation Section and reviewed by HPC at its meeting on February 24, 2012. This preliminary plan has been reviewed for historic preservation opportunities and is further discussed in the Historic Preservation section *[of this report].

7. **A stormwater management concept plan shall be approved by the Department of Environmental Resources (DER) prior to the approval of any preliminary plats of subdivision.**

This condition has been addressed. The subject site has an approved Stormwater Management Concept Plan, CSD 40537-2003-02, that was approved by the Department of Public Works and Transportation (DPW&T) on September 12, 2011. The concept is discussed in the Environmental Review section below.

8. **A 100-year floodplain study shall be approved by DER Watershed Protection Branch prior to the approval of a Conceptual Site Plan #200420.**
9. **A Forest Stand Delineation shall be submitted and approved in conjunction with any Preliminary Plan of Subdivision or Conceptual Site Plan for this property.**
10. **A Type I Tree Conservation Plan shall be submitted and approved in conjunction with the Conceptual Site Plan or Preliminary Plan of Subdivision for this property.**

11. **Noise-related issues shall be addressed at the time of Conceptual Site Plan submittal. The plan shall include needed mitigation measures and provide adequate screening and buffering along Indian Head Highway (MD 210).**

Conformance to Conditions 8 through 11 is evaluated with this preliminary plan and is further discussed in the Environmental section ~~*[of this report]~~.

12. **Development on the site shall not produce a greater number of vehicle trips than that identified in the previous approval for Salubria Office Park (SP-88069) and shall be subject to the same transportation conditions and improvements.**

Detailed Site Plan SP-88069 is a site plan for Salubria Office Park in the I-3 Zone. The detailed site plan was approved by the Planning Board on September 1, 1988, subject to two conditions. Condition 2 of SP-88069 carried all transportation facility-related conditions of approval of Preliminary Plan of Subdivision 4-88087. The applicant has submitted a new preliminary plan of subdivision for the site and, therefore, a new adequacy finding of transportation is evaluated with this preliminary plan. Transportation adequacy is reviewed and further discussed in the Transportation section ~~*[of this report]~~.

13. **Within 60 days after this approval becomes final, the applicant shall submit a stabilization and maintenance plan to the Historic Preservation Commission, which plan must be implemented within 90 days after its approval by the Historic Preservation Commission unless the Historic Preservation Commission allows a longer time for implementation.**
14. **Prior to approval of a Conceptual Site Plan, the applicant shall submit a restoration plan for the Historic Site for approval by the Historic Preservation Commission.**
15. **Prior to the issuance of any building permits, the applicant shall fund or implement the restoration plan for the Historic Site, to all restoration simultaneous with build-out of any development.**
16. **Prior to the issuance of the any building permits, the owner shall agree to provide reasonable access to the Historic Preservation Commission or other expert groups or individuals recognized by the Historic Preservation Commission for the purposes of conducting archeological exploration on the Historic Site, at no expense to the owner.**

Conformance to Conditions 13 through 16 is evaluated with this preliminary plan and is further discussed in the Historic Preservation section ~~*[of this report]~~.

*Denotes Correction

Underlining indicates new language

[Brackets] and ~~strike through~~ indicate deleted language

Conformance to Conceptual Site Plan CSP-10004

On January 12, 2012, the Planning Board reviewed and approved Conceptual Site Plan CSP-11006 (PGCPB Resolution No. 12-04) for the subject property. The conceptual site plan was approved with 15 conditions and two considerations. At the time of the writing this technical staff report, the conceptual site plan has not been certified and staff is aware that the District Council has elected to review the CSP. The following conditions in **boldface** type are related to the review of this preliminary plan:

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...**

Conformance with Condition 4 has been reviewed and further discussed in the Trails and Transportation sections ~~*[of this report]~~.

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.**

A limited Phase III archeology work plan for 19PR692 has been submitted with this preliminary plan and is discussed further in the Historic Preservation section ~~*[of this report]~~.

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.**

*Denotes Correction

Underlining indicates new language

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

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 opening of the Outlet Center, the applicant shall install the on-site commemorative/interpretive features and complete other agreed-upon outreach and education measures.**

Conditions 6 through 8 are further discussed in the Historic Preservation section of this report. Conformance to these conditions will be evaluated and determined at the time of detailed site plan.

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."

Conditions 12 and 13 are carried forward with this preliminary plan and are further discussed in the Environmental section ~~*[of this report]~~.

The Planning Board also approved the following two considerations (PGCPB Resolution No. 12-04):

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.**

*Denotes Correction

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Analysis of how the application addresses the above two considerations will be provided at the time of detailed site plan. At the time of CSP approval, the Planning Board encouraged the applicant to work with community members in the creation of a plan for on-site commemorative/interpretive features and other public outreach measures.

The preliminary plan is consistent with Zoning Map Amendment A-9882-C and Conceptual Site Plan CSP-11006, if the application is approved with conditions and these approvals are final prior to final plat approval. All plan approvals (CSP, preliminary plan, DSP, and final plat) must be found to be consistent with the findings and conditions of the previous approval (Order of Approval 27-270).

6. **Urban Design**—The 2010 *Prince George's County Landscape Manual* (Landscape Manual) and the Zoning Ordinance contain site design guidelines and requirements that are applicable to the review of this preliminary plan.

Conformance with the Zoning Ordinance

The subject proposal in the M-X-T Zone requires detailed site plan (DSP) approval. Prior to final plat, a DSP approval is required. Section 27-546(d) of the Zoning Ordinance requires additional findings by the Planning Board prior to approval of a detailed site plan in the M-X-T Zone. Additional design attention in the following areas as stated in Section 27-546(d)(3) and (4) will be required at the time of DSP:

- (3) **The proposed development has an outward orientation which either is physically and visually integrated with existing adjacent development or catalyzes adjacent community improvement and rejuvenation;**
- (4) **The proposed development is compatible with existing and proposed development in the vicinity;**

The applicant should ensure that the subject development will provide a quality architectural front to the community and to the other components of the proposal, such as the proposed hotel property. Fully articulated architectural façades finished primarily in brick or stone are required along the main outward-facing outlet center elevations pursuant to Condition 2 of the approved CSP (PGCPB Resolution No. 12-04). Special attention should also be required along those elevations facing Harborview Avenue and Oxon Hill Road. Additional urban design attention should also be required at the time of DSP to ensure compatibility with all of the adjacent residential, historic, and institutional development in the close vicinity of the site.

Development in the M-X-T Zone is required to have vehicular access to a public street in accordance with Section 27-548(g) as noted below:

- g. **Each lot shall have frontage on, and direct vehicular access to, a public street, except lots for which private streets or other access rights-of-way have been authorized pursuant to Subtitle 24 of this Code.**

The subject site fronts and has direct vehicular access to two public rights-of-way: Oxon Hill Road to the east, and Harborview Avenue to the north. The conceptual site plan (CSP) shows one access point on each road. The preliminary plan of subdivision is establishing the required access right-of-way to all the proposed parcels pursuant to Section 24-128(b)(15) of the Subdivision Regulations, which provides integrating shopping centers to utilize access easements and private streets. An integrated shopping center is defined in Section 27-107.01(208) of the Zoning Ordinance as a group of three or more retail uses planned and developed under a uniform development scheme and served by common and immediate off-street parking and loading facilities.

Conformance with the 2010 Prince George's County Landscape Manual

Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Conformance with the requirements of the Landscape Manual will be determined at the time of DSP review.

7. **Environmental**—A Type 1 Tree Conservation Plan, TCP1/014/11/01, and an approved Natural Resource Inventory, NRI/075/05/01, are required and have been reviewed. The subject application is not grandfathered with respect to Subtitles 24, 25, or 27 because the current application is a new preliminary plan.

Master Plan Conformance

The master plan for this area is the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac* (Master Plan/SMA). The Environmental Infrastructure section of the master plan contains goals, policies, and strategies. The following guidelines have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan and the plain text provides comments on plan conformance:

POLICY 1: Protect, preserve and enhance the identified green infrastructure network within the Henson Creek planning area.

STRATEGIES

- **Use designated green infrastructure network to identify opportunities for environmental preservation and restoration during the review of land development proposals.**
- **Protect primary corridors (Henson/Broad Creek and Tinkers Creek/Piscataway Creek) during the review of land development proposals to ensure the highest level of preservation and restoration possible, with limited impacts for essential development elements. Protect secondary corridors (tributaries to the Potomac River and wooded corridors not**

- **Encourage the use of green building techniques that reduce energy consumption. New building designs should strive to incorporate the latest environmental technologies in project buildings and site design. As redevelopment occurs, the existing buildings should be re-used and redesigned to incorporate energy and building material efficiencies.**
- **Encourage the use of alternative energy sources such as solar, wind and hydrogen power.**

Future development applications for the subject property which require architectural approval shall incorporate green building techniques and the use of environmentally-sensitive building techniques to reduce overall energy consumption to the greatest extent possible. A list of the proposed techniques shall be provided with the DSP application.

POLICY 4: Reduce light pollution and intrusion into rural and environmentally sensitive areas.

STRATEGIES

- **Encourage the use of alternative lighting technologies for athletic fields, shopping centers, gas stations and vehicle sales establishments so that light intrusion on adjacent properties and the night sky is minimized.**
- **Full cut-off optic light fixtures should be used for all proposed uses.**
- **Discourage the use of street lights and entrance lighting in the Rural Tier.**

The site proposes retail uses. Lighting in the new development should use full cut-off optics to ensure that light pollution is minimized. The use of lighting technologies that limit total light output and reduce sky glow and off-site glare should be demonstrated. At the time of DSP, the landscape and lighting plans for the development shall show the use of full cut-off optic light fixtures, which shall be used throughout the development and shall be directed downward to reduce glare and light intrusion.

POLICY 5: Reduce adverse noise impacts to meet State of Maryland noise standards.

STRATEGIES

- **Evaluate development proposals using Phase I noise studies and noise models.**
- **Provide for adequate setbacks for projects located adjacent to existing and proposed noise generators.**

- **Provide for the use of approved attenuation measures when noise issues are identified.**

Traffic-generated noise is discussed in detail in the Environmental Review section below.

Conformance with the Countywide Green Infrastructure Plan

The Countywide Green Infrastructure Plan is a comprehensive vision for interconnecting environmental ecosystems in Prince George's County. The purpose of the plan is to guide development, green space protection, and mitigation activities and to implement a long-range vision for preserving, protecting, enhancing, and/or restoring a contiguous network of environmentally important areas in the county by the year 2025. The plan outlines specific policies and strategies and how they may be effectively implemented. The Countywide Green Infrastructure Plan identifies the subject property within the designated network as regulated area, evaluation area, and network gap. These areas are of the highest priority for preservation and planting. The Type 1 tree conservation plan (TCP1) as submitted shows preservation of the primary management area (PMA) in its entirety with the exception of two impacts proposed for stormwater management outfalls, and conforms to the recommendations of the Countywide Green Infrastructure Plan.

Previous Zoning Approvals

The following text addresses previously approved environmental conditions related to the subject application. The text in **BOLD** is the actual text from the previous cases or plans. The text in regular face type is in response to each condition.

A-9882-C, Zoning Ordinance No. 35-1994

8. **A 100-year floodplain study shall be approved by DER Watershed Protection Branch prior to the approval of a Conceptual Site Plan.**

The 100-year floodplain shown on all plans is from approved Flood Plain Study FPS 200420, approved by DPW&T.

9. **A Forest Stand Delineation shall be submitted and approved in conjunction with any Preliminary Plan of Subdivision or Conceptual Site Plan for this property.**

This condition has been addressed. A forest stand delineation (FSD) identifying four forest stands totaling 24.86 acres and the species, size, and condition of 53 specimen trees was included in the natural resources inventory (NRI). The initial approval was signed by staff on October 31, 2005. A revision to incorporate the new environmental regulations effective September 2010 was approved on September 28, 2011.

10. **A Type I Tree Conservation Plan shall be submitted and approved in conjunction with the Conceptual Site Plan or Preliminary Plan of Subdivision for this property.**

This condition has been addressed. A Type 1 Tree Conservation Plan, TCP1-014-11, was approved with CSP-110006. A revised TCP1 has been submitted with this application and is discussed in detail in the Environmental Review section below.

- 11. Noise-related issues shall be addressed at the time of Conceptual Site Plan submittal. The plan shall include needed mitigation measures and provide adequate screening and buffering along Indian Head Highway (MD 210).**

This condition has been addressed with this review. No residential-type uses are proposed to be located within the unmitigated 65 dBA Ldn noise contour based on the Environmental Planning Section's noise manual. Traffic-generated noise is discussed in detail in the Environmental Review section below.

Conceptual Site Plan CSP-11006, PGCPB Resolution No. 12-04

The associated CSP for this site was approved by the Planning Board on January 12, 2012. The following were conditions approved with the application; however, the final resolution is still pending and the site may be subject to further review by the District Council. The conditions which are applicable to this application are addressed below.

- 1. Prior to certificate of approval of the conceptual site plan, the following revisions shall be made, or information shall be provided.**

- 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.

11. **In the event the amendment of conditions for Zoning Map Amendment A-9882-C, Zoning Ordinance No. 34-1994, is denied, 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; and where existing woodland is located along Oxon Hill Road, every effort shall be made to provide a minimum 50-foot-wide woodland preservation area within the required buffer.**

An amendment of conditions for A-9882-C, Zoning Ordinance No. 35-1994, was submitted to the Zoning Hearing Examiner for reconsideration of the required 100-foot-wide landscaped buffer (as required by County Council Resolution CR-45-1985) to be provided along Oxon Hill Road and the southern boundary of the site. The TCP1 submitted with this application does not show a landscape buffer on the plan. The reconsideration has not been finalized. The above conditions were approved to address the possible outcomes of the decision regarding the required buffer. In the event that the amendment of conditions for A-9882-C is denied, 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 Zoning Hearing Examiner with the conceptual and detailed site plans.

15. **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).**

The TCP1 and preliminary plan both show the 65 dBA Ldn noise contour located 429 feet from the centerline of Indian Head Highway (MD 210). Traffic-generated noise is discussed in detail in the Environmental Review section below.

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

Tree canopy coverage will be addressed at the time of DSP.

Environmental Review

The site is approximately 50 percent wooded. The property is in the Henson Creek watershed of the Potomac River Basin, and in the Developing Tier as reflected in the 2002 *Prince George's County Approved General Plan*.

The Countywide Green Infrastructure Plan identifies the site within the designated network as regulated area, evaluation area, and network gap. The soil types found to occur on the subject property according to the *Prince George's County Soil Survey* are Croom, Beltsville, Bibb, Aura, and Fallsington. Marlboro clay does not occur on the subject property. Based on GIS information obtained from the Maryland Department of Natural Resources, Natural Heritage Program, there are no rare, threatened, or endangered species found to occur in the vicinity of the site.

An approved Natural Resources Inventory, NRI-075-05/01, was submitted with the review package. There are regulated streams, adjacent steep slopes of 15 percent or greater, wetlands, and

100-year floodplain on the property that comprise a primary management area (PMA). The PMA has been delineated correctly on the approved NRI. The required information from the approved NRI is correctly shown on the TCP1 and preliminary plan.

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO) because the property is greater than 40,000 square feet in size, contains more than 10,000 square feet of existing woodland, and has an approved Type 1 Tree Conservation Plan (TCP1-014-11). A revised TCP1 has been submitted. The revised TCP1 is in conformance with the previously approved TCP1.

The woodland conservation threshold (WCT) for this 43.79-acre property is 15 percent of the net tract area (42.04 acres) or 6.31 acres. The total woodland conservation requirement based on the amount of clearing proposed is 13.7 acres. The woodland conservation requirement is proposed to be satisfied with 2.68 acres of on-site preservation and 11.02 acres of off-site mitigation.

The site has frontage along Oxon Hill Road, a master-planned collector roadway, and is bound on the east by Indian Head Highway (MD 210), a designated freeway. No historic or scenic roads are affected by this proposal. The proposed use is a combination of retail, dining, office, and hospitality uses. Oxon Hill Road typically does not generate enough traffic to raise noise levels above state standards. According to the Environmental Planning Section's noise model, staff has evaluated the noise impacts of MD 210 and concluded that the 65 dBA Ldn noise contour, based on a 10-year projection, is 429 feet from the centerline of MD 210. There are no residential or residential-type uses proposed within the noise impact area. Because all proposed structures are more than 430 feet from MD 210, no noise mitigation measures are required. The TCP1 and preliminary plan correctly show the 65 dBA Ldn noise contour, located 429 feet from the centerline of Indian Head Highway (MD 210).

A variance application to Section 25-122(b)(1)(G) of the WCO, a statement of justification in support of a variance, and tree removal exhibits were received on October 31, 2011, and were reviewed with companion case CSP-11006. The Specimen Tree Table on the Type 1 tree conservation plan (TCP1) shows 53 specimen trees total; 49 are located on-site and 4 are located off-site, but have been included because the critical root zone is located on-site. Specimen Trees 60-65 (6), 73-84 (12), 167 (1), 171-173 (3), 178-181 (40), and 183-197 (12), a total of 38 specimen trees, are proposed to be removed. All of the existing specimen trees are located in the southern and western areas of the property. The upper half of the property is clear of specimen trees. Per the Finding 10(b) of PGCPB Resolution No. 12-04 of the approved conceptual site plan, the variance to remove existing Specimen Trees 60-65, 73-84, 167, 171-173, 178-181, and 183-197 was approved by the Planning Board. No additional information with regard to removal of the specimen trees is required.

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of tree canopy coverage (TCC) on projects that require a grading permit. Properties that are zoned M-X-T are required to provide a minimum of ten percent of the gross tract area in tree canopy. The subject property is 43.79 acres in size, resulting in a TCC requirement of 4.38 acres. A Tree

Canopy Coverage Schedule was added to Sheet 1 of the TCP1 with this preliminary plan. The schedule will be required to be provided at the time of detailed site plan on the landscape plan and should be removed from the TCP1 at this time. During the review of the detailed site plan, the plan will be required to demonstrate conformance with Subtitle 25, Division 3, Tree Canopy Coverage Ordinance.

8. **Primary Management Area (PMA)**—This site contains regulated environmental features that are required to be protected under Section 24-130 of the Subdivision Regulations. The on-site regulated environmental features include streams and their associated 75-foot-wide buffers, wetlands and their associated 25-foot-wide buffers, and the 100-year floodplain. Section 24-130(b)(5) states:

- (5) **Where a property is located outside the Chesapeake Bay Critical Areas Overlay Zones the preliminary plan and all plans associated with the subject application shall demonstrate the preservation and/or restoration of regulated environmental features in a natural state to the fullest extent possible. Any lot or parcel proposed for development shall provide a minimum of one acre of contiguous land area exclusive of any land within regulated environmental features in a configuration that will support the reasonable development of the property. This limitation does not apply to open space and recreational parcels. All regulated environmental features shall be placed in a conservation easement and depicted on the final plat.**

Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property. Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. Road crossings of streams and/or wetlands may be appropriate if placed at the location of an existing crossing or at the point of least impact to the regulated environmental features. Stormwater management outfalls may also be considered necessary impacts if the site has been designed to place the outfall at a point of least impact. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with the County Code.

A letter of justification and associated exhibits for the proposed impacts, stamped as received by the Environmental Planning Section on December 21, 2011, was reviewed with companion case Conceptual Site Plan CSP-11006. The plans and exhibits show the conceptual location of two proposed impacts to the PMA totaling 7,370 square feet in order to install stormwater management outfalls.

The request for installation of the stormwater outfalls is supported because they are necessary site utilities for the orderly development of the subject property and alternative locations would have a greater impact. Per Finding 13 of PGCPB Resolution No. 12-04 of the approved conceptual site plan, the proposed impacts to the stream were found to demonstrate the preservation and restoration of the PMA to the fullest extent possible. The same design is proposed on the submitted TCP1 with this preliminary plan, and the impacts ~~*[recommended-for]~~ are approved.

9. **Stormwater Management**—The Department of Public Works and Transportation (DPW&T), Office of Engineering, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, 40537-2003-02, was approved on September 12, 2011 and is valid until May 4, 2013. The concept plan shows that water quality will be done with micro-bioretenion, infiltrations, and other environmental site design (ESD) practices and techniques. The existing stormwater management pond on the site, just north of Harbor View Avenue, will be removed and multiple infiltration trenches will be installed under the proposed parking to treat one-half inch water quality volume. This will be a direct replacement of the existing pond volume. Overall, the approved concept plan contains conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with the approved plan or any subsequent revisions.

The approved stormwater concept plan is required to be designed consistent with any approved watershed management plan. As such, the requirements of Section 24-130(b)(4) of the Subdivision Regulations, which requires that a subdivision be in conformance with any watershed management plan have been fulfilled.

10. **Parks and Recreation**—In accordance with Section 24-134(3)(a) of the Subdivision Regulations, mandatory dedication of parkland requirement is not applicable because it consists of nonresidential development.
11. **Trails**—This preliminary plan has been reviewed for conformance with Section 24-123 of the Subdivision Regulations, previous approvals, the *Approved Countywide Master Plan of Transportation* (MPOT), and the appropriate area master plan in order to implement planned trails, bikeways, and pedestrian improvements.

Both the MPOT and area master plan identify two master plan trails issues in the vicinity of the subject property. Oxon Hill Road is designated as a master plan bikeway/trails corridor. The existing Potomac Heritage Trail in National Harbor intersects with Oxon Hill Road directly across from the subject site at Harborview Avenue. The MPOT includes the following description for planned improvements along Oxon Hill Road:

*Denotes Correction

Underlining indicates new language

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

Oxon Hill Road Sidewalks and Designated Bike Lanes: These facilities will provide pedestrian and bike access to National Harbor, Oxon Hill Manor, Fort Foote Elementary School, and the Henson Creek Trail. A portion of these improvements are funded through a Department of Public Works and Transportation Capital Improvement Program project. These improvements will also serve as a segment of the Potomac Heritage Trail on-road bicycle route. (MPOT, page 24)

The Department of Public Works and Transportation (DPW&T) has completed initial designs for the Oxon Hill Road improvement project, which includes the frontage of the subject site. These designs incorporate the recommendations contained in the MPOT by providing designated bike lanes within the roadway, a sidepath along the west side of Oxon Hill Road, and a standard sidewalk along the east side. A median is also proposed along this segment of Oxon Hill Road which will function as a pedestrian refuge for pedestrians crossing the road at one of the signalized intersections.

The MPOT also includes several policies related to pedestrian access and the provision of sidewalks within designated centers and corridors, as well as other areas in the Developed and Developing Tiers. The Complete Streets Section includes the following policies regarding sidewalk construction and the accommodation of pedestrians:

Policy 1: Provide standard sidewalks along both sides of all new road construction within the Developed and Developing Tiers.

Policy 2: All road frontage improvements and road capital improvement projects within the Developed and Developing Tiers shall be designed to accommodate all modes of transportation. Continuous sidewalks and on-road bicycle facilities should be included to the extent feasible and practical.

The Trails, Bikeways, and Pedestrian Mobility chapter of the MPOT also includes the following policy regarding pedestrian connections between and within communities:

Policy 9: Provide trail connections within and between communities as development occurs, to the extent feasible and practical.

Related to Policy 9, the adjacent residential community includes a stub street (Abbingdon Place) that ends at the boundary of the subject property. Consideration should be given to provide a pedestrian connection at this location at the time of *detailed site plan.

Pedestrian and bicycle access on the site was discussed at the time of review and approval of the conceptual site plan. Items that were discussed included pedestrian access to the adjoining public rights-of-way, access through the areas of surface parking, and a potential connection to the stub street that ends at the property line of the subject site. Sidewalk connections will be provided to both Oxon Hill Road and Harborview Avenue. Conditions of approval of CSP-11006 (PGCPB

Resolution No. 12-04) pertaining to bicycle and pedestrian facilities will be reviewed at the time of DSP.

Based on the preceding analysis, adequate bicycle and pedestrian transportation facilities *[would] will exist to serve the proposed subdivision as required under Section 24-123 of the Subdivision Regulations.

12. **Transportation**—The proposal as described in the traffic study includes a 400,000-square-foot retail center, a 100-room hotel, and 100,000 square feet of office space. Using trip generation rates for factory outlet centers, using the “Guidelines for the Analysis of the Traffic Impact of Development Proposals,” and the methodology in the *Trip Generation Handbook, 3rd Edition* (Institute of Transportation Engineers) to compute internal trips, the following table summarizing trip generation for the site was developed:

Trip Generation Summary, 4-11028, Salubria Center								
Land Use	Use Quantity	Metric	AM Peak Hour			PM Peak Hour		
			In	Out	Tot	In	Out	Tot
Hotel	100	rooms	35	30	65	45	35	80
General Office	100,000	square feet	180	20	200	35	150	185
Retail/Factory Outlet	400,000	square feet	196	72	268	431	485	916
Less internal trips			-17	-16	-33	-28	-47	-75
Less pass-by for retail	15 percent		-30	-10	-40	-65	-72	-137
Total			364	96	460	418	551	969

It should be noted that a 15 percent pass-by rate for retail trips is assumed; given the nature of the type of retail, it is a significant reduction from the pass-by rates of 40 to 60 percent that are typically assumed for retail. It is recognized that the outlet center is more of a destination than most retail.

The traffic generated by the proposed preliminary plan would impact the following critical intersections, interchanges, and links in the transportation system:

- Oxon Hill Road and site access (signalized)
- Oxon Hill Road and Harborview Avenue (signalized)
- Harborview Avenue and site access (signalized)
- Oxon Hill Road and National Avenue (signalized)
- Oxon Hill Road and Bald Eagle Road (signalized)
- Oxon Hill Road and MD 210 NB ramps (signalized)
- Oxon Hill Road and Beltway ramps (signalized)

*Denotes Correction

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The proposal is of sufficient size that it will generate 50 or more vehicle trips, and so a full traffic study was required and submitted by the applicant. The study is dated October 2011, and this document was referred to the Maryland State Highway Administration (SHA) and the Department of Public Works and Transportation (DPW&T). Comments from DPW&T and SHA have been received. The findings and recommendations outlined below are based upon a review of these materials and analyses conducted by staff of the Transportation Planning Section, consistent with the "Guidelines for the Analysis of the Traffic Impact of Development Proposals," also termed the Transportation Guidelines. An addendum dated December 2011 was provided to address SHA comments.

The subject property is located within the Developing Tier in the Oxon Hill Transit Corridor as defined in the *Prince George's County Approved General Plan*. As such, the subject property is evaluated according to the following standards:

Links and signalized intersections: Level-of-service (LOS) D, with signalized intersections operating at a critical lane volume (CLV) of 1,450 or better. Mitigation, as defined by Section 24-124(a)(6) of the Subdivision Regulations, is permitted at signalized intersections within any tier subject to meeting the geographical criteria in the Transportation Guidelines.

Unsignalized intersections: *The Highway Capacity Manual* procedure for unsignalized intersections is not a true test of adequacy, but rather an indicator that further operational studies need to be conducted. Vehicle delay in any movement exceeding 50.0 seconds is deemed to be an unacceptable operating condition at unsignalized intersections. In response to such a finding, the Planning Board has generally recommended that the applicant provide a traffic signal warrant study and install the signal (or other less costly warranted traffic controls) if deemed warranted by the appropriate operating agency.

The following critical intersections, interchanges, and links identified above (except as noted above), when analyzed with existing traffic using counts taken in October 2010 (it is noted that the counts were less than one year old at the time of acceptance of this application) and existing lane configurations, operate as follows:

EXISTING TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Oxon Hill Road at site access	1,378	1,006	D	A
Oxon Hill Road at Harborview Avenue	711	1,072	A	B
Harborview Avenue at site access	59	253	A	A
Oxon Hill Road at National Avenue	506	331	A	A
Oxon Hill Road at Bald Eagle Road	420	652	A	A
Oxon Hill Road at MD 210 NB ramps	266	442	A	A
Oxon Hill Road at Beltway ramps	699	880	A	A

Several of the critical intersections identified above are programmed for improvement with 100 percent construction funding within the next six years in the current Maryland Department of Transportation Consolidated Transportation Program or the Prince George's County Capital Improvement Program. The county has programmed improvements that are fully funded for construction within the next six years along Oxon Hill Road; these improvements include four lanes with a median south of Harborview Avenue and along the site's frontage (south of this point, the programmed improvements taper to two lanes). There is continuing work which is fully funded for construction in the state program to provide additional modifications along Oxon Hill Road north of Harborview Avenue. Background traffic has been developed for the study area using the approved but unbuilt development in the immediate area and 1.0 percent annual growth rate in through traffic along the study area roadways over the study period. The critical intersections, when analyzed with background traffic and lane configurations, operate as follows:

BACKGROUND TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Oxon Hill Road at site access	865	656	A	A
Oxon Hill Road at Harborview Avenue	920	1,000	A	A
Harborview Avenue at site access	158	498	A	A
Oxon Hill Road at National Avenue	838	680	A	A
Oxon Hill Road at Bald Eagle Road	794	1,147	A	B
Oxon Hill Road at MD 210 NB ramps	473	655	A	A
Oxon Hill Road at Beltway ramps	1,036	1,360	B	D

The following critical intersections, interchanges, and links identified above, when analyzed with the programmed improvements and total future traffic as developed for the site, including the site trip generation as described above and the distribution as described in the traffic study, operate as follows:

TOTAL TRAFFIC CONDITIONS				
Intersection	Critical Lane Volume (AM & PM)		Level of Service (LOS, AM & PM)	
Oxon Hill Road at site access	949	808	A	A
Oxon Hill Road at Harborview Avenue	1,041	1,088	B	B
Harborview Avenue at site access	382	869	A	A
Oxon Hill Road at National Avenue	907	759	A	A
Oxon Hill Road at Bald Eagle Road	812	1,255	A	C
Oxon Hill Road at MD 210 NB ramps	482	715	A	A
Oxon Hill Road at Beltway ramps	1,061	1,431	B	D

No inadequacies in either peak hour are noted in the table above. However, it should be noted that the final numbers in the table above include the access improvements that are needed to serve the proposed development. These improvements include the following:

Oxon Hill Road at site access: The analysis includes the addition of a southbound left-turn lane and the construction of a northbound through/right-turn lane, along with the provision of a two-lane driveway approach from the site and signalization.

Harborview Avenue at site access: The analysis includes the addition of double westbound left-turn lanes and double eastbound right-turn lanes, along with the provision of a two-lane driveway approach from the site and signalization.

The study includes a Saturday analysis for the site at the Oxon Hill Road/Harborview Avenue intersection. The site was determined to generate 1,289 Saturday peak hour trips (657 in, 631 out, 1,289 total). Under total traffic, this intersection is projected to operate at LOS B, with a CLV of 1,001. Given that the most critical study area intersection operates better under Saturday traffic than on the weekdays, and that other nearby intersections operate at LOS A on weekdays, it was determined that a more detailed Saturday analysis was not warranted.

SHA reviewed this traffic study and has a number of comments; these comments are summarized below:

- It was indicated that the report assumed a number of internal trips that should have been factored into the intersection analyses. The addendum attempted to address this issue. Staff's analysis, rather than just assume a flat 50 percent reduction in hotel trips to represent internal trips, actually used the *Trip Generation Handbook* (Institute of Transportation Engineers) to perform the analysis. In any regard, these internal trips have been added to the results.
- The state indicates that signal warrant studies should be performed at all locations where signals are assumed in the study. This comment is appropriate and the signal at Oxon Hill Road and the site access will be conditioned. The second signal, at Oxon Hill Road and

National Avenue, is part of the programmed improvements being jointly funded by SHA and the National Harbor developer. The subject site only adds through movements and no side street movements at this location; there is therefore no nexus between the development of the site and the signal. Timing for this installation is being determined by SHA and National Harbor.

- Separate SHA comments indicate that improvements along St. Barnabas Road (MD 414) east of Harborview Avenue must be made a condition of this site, and that such improvements require coordination to ensure that bicycle and pedestrian facilities are adequate. The improvements along this section of MD 414 are fully funded jointly by the National Harbor developer and SHA; by virtue of this full funding, they should not be made a condition for development of the subject site.

DPW&T commented that a signal warrant study would be needed for the Oxon Hill Road/site access intersection; this will be required by a condition. DPW&T indicated that queuing analyses will be needed to determine adequate turning bay lengths; this should be done at the time improvements are permitted. DPW&T indicated that it was not clear why the Saturday analysis was limited to one intersection; as noted above, the intersection of Oxon Hill Road and Harborview Avenue serves 85 to 90 percent of site traffic, and neither that intersection nor any other intersection adjacent to the site operates marginally during weekdays. Furthermore, the Oxon Hill Road/Harborview Avenue intersection operates better under total traffic on Saturdays than on weekdays. In any regard, queuing analyses for turn bay lengths should consider Saturday as well as weekday traffic in determining the final designs.

A final DPW&T comment concerned the driveway to Oxon Hill Manor, which is off-site for this applicant and would not materially affect the results of the study.

The site is adjacent to Oxon Hill Road, which is a master plan collector roadway. The master plan indicates a minimum right-of-way of 80 feet; there is also a CIP project to widen Oxon Hill Road in front of the subject site to four lanes (and tapering to two lanes south of the site). Given that this project provides capacity needed for the adequacy finding for this site, the plan must conform to the CIP project regarding dedication of right-of-way. DPW&T has indicated that the plan received on February 17, 2012 must be revised to show the correct dedication. Coordination with DPW&T is needed to determine the final required dedication. DPW&T has indicated that the roadway plat of Oxon Hill Road for the CIP project has been completed, and the deeds for the dedication along the Salubria property have signed by the developer.

Indian Head Highway (MD 210) is a master plan freeway facility; per the master plan, the right-of-way varies. No additional right-of-way beyond the current right-of-way is ~~*[currently recommended]~~ required.

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Harborview Avenue is not designated on the master plan. Right-of-way has been previously dedicated, and no further right-of-way is ~~*[needed]~~ required or proposed for dedication.

All site access is directed toward Oxon Hill Road and Harborview Avenue. This is acceptable. No access is directed toward Indian Head Highway (MD 210); this is also acceptable. Direct vehicular access from the site to Indian Head Highway should be denied because it is a freeway. An inter-parcel connection between Parcels 3 through 8 on-site is recommended. A cross-access easement can be utilized pursuant to Section 24-128(b)(15) of the Subdivision Regulations for an integrated shopping center. The easement agreement should be recorded in land records prior to approval of the final plat and the liber/folio indicated on the record plat.

Conformance to Zoning Map Amendment A-9882-C

The proposal is a preliminary plan of subdivision for M-X-T property that was rezoned through a Zoning Map Amendment (A-9882-C) approved in 1994. As such, findings of transportation adequacy were made at the time of rezoning. There are a number of transportation-related conditions that were recommended with regard to the rezoning, specifically ~~*[e]~~ Condition 12 states:

- 12. Development on the site shall not produce a greater number of vehicle trips than that identified in the previous approval for Salubria Office Park (SP-88069) and shall be subject to the same transportation conditions and improvements.**

Condition 12 of the council order approving the rezoning sets a trip cap which is consistent with prior approvals, and references several transportation-related conditions associated with past approvals. The transportation-related conditions have been constructed as a part of the National Harbor development and the Woodrow Wilson Bridge project.

The trip cap is deemed to be met by the proposal. The condition requires that development of the site "shall not produce a greater number of trips than that identified in the previous approval." The original approval included 500,000 square feet of office space of which 117,000 square feet has been built. The remaining 383,000 square feet is determined to generate 1,475 combined AM and PM peak hour trips.

The proposal as described in the traffic study includes a 400,000-square-foot retail center, a 100-room hotel, and 100,000 square feet of office space. Assuming a small pass-by trip percentage of 15 percent for the retail plus a reduction for internal trip satisfaction, the maximum proposed development as described in the trip generation table earlier in this memorandum would generate a total of 1,429 combined AM and PM peak hour trips. Therefore, it is determined that the proposal is within the trip cap established by the rezoning. A trip cap more consistent with current trip cap practices is ~~*[being recommended as a part of this review]~~ required with this approval.

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Based on the preceding findings, adequate access roads will exist as required by Section 24-124 of the Subdivision Regulations.

13. **Schools**—The preliminary plan has been reviewed for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and the *Adequate Public Facilities Regulations for Schools* (County Council Resolutions CR-23-2001 and CR-38-2002) and concluded that the subdivision is exempt from a review for schools because it is a nonresidential use.
14. **Fire and Rescue**—The preliminary plan has been reviewed for adequacy of fire and rescue services in accordance with Section 24-122.01(d) and Section 24-122.01(e)(1)(B)–(E) of the Subdivision Regulations.

Fire/EMS Company #	Fire/EMS Station Name	Service	Address	Actual Travel Time (minutes)	Travel Time Guideline (minutes)	Within/ Beyond
21	Oxon Hill	Engine	7600 Livingston Road	2.17	3.25	Within
21	Oxon Hill	Ladder Truck	7600 Livingston Road	2.17	4.25	Within
47	Allentown Road	Paramedic	10900 Ft. Washington Rd.	4.07	4.25	Within
21	Oxon Hill	Ambulance	7600 Livingston Road	2.17	7.25	Within

Capital Improvement Program (CIP)

Funding for the replacement of the Oxon Hill Fire/EMS Station with a new four-bay fire/EMS station near Oxon Hill Road and Indian Head Highway (MD 210) is allocated in the Prince George's County Capital Budget and Program: Fiscal Years 2012–2017.

The above findings are in conformance with the 2008 *Approved Public Safety Facilities Master Plan*.

15. **Police Facilities**— The preliminary plan is within the service area of Police District IV, Oxon Hill. There is 267,660 square feet of space in all of the facilities used by the Prince George's County Police Department and the July 1, 2009 (U.S. Census Bureau) county population estimate is 834,560. Using 141 square feet per 1,000 residents, it calculates to 117,672 square feet of space for police. The current amount of space, 267,660 square feet, is within the guideline.
16. **Water and Sewer**—Section 24-122.01(b)(1) of the Subdivision Regulations states that “the location of the property within the appropriate service area of the Ten-Year Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability of public water and sewerage for preliminary or final plat approval.”

The 2008 *Water and Sewer Plan* placed Parcel A in water and sewer Category 3, which will be serviced by public water and sewer. The 2008 *Water and Sewer Plan* placed Parcel 18 in water

and sewer Category 4, which is in the appropriate service area to be served by public systems. Category 3 must be obtained for Parcel 18 for water and sewer through the administrative amendment procedure, prior to recordation of a final plat.

A water line in Oxon Hill Road at South Port America Grande Boulevard abuts Parcel A and a segment extending north of Balmoral Drive is in close proximity to Parcel 18. Sewer lines traverse both parcels. Water and sewer line extensions may be required to service the proposed subdivision and must be approved by the Washington Suburban Sanitary Commission (WSSC).

17. **Health Department**—The Prince George's County Health Department has evaluated the proposed preliminary plan of subdivision. Any abandoned septic tank on the property must be located and backfilled or crushed in place in order to eliminate a safety hazard, prior to issuance of any grading permit. Any abandoned shallow well must be backfilled and sealed in accordance with COMAR 26.04.04 by a licensed well driller, or as witnessed by a representative of the Health Department, prior to approval of any grading permit.
18. **Public Utility Easement (PUE)**—In accordance with Section 24-122(a) of the Subdivision Regulations, when utility easements are required by a public utility company, the subdivider should include the following statement in the owner's dedication on the final plat:

"Utility easements are granted pursuant to the terms and provisions recorded among the Land Records of Prince George's County in Liber 3703 at Folio 748."

The preliminary plan of subdivision correctly delineates a ten-foot-wide public utility easement (PUE) along the public rights-of-way as requested by the utility companies and will be required on the final plat.

19. **Historic Preservation**—The property is located to the west across Oxon Hill Road, from Oxon Hill Manor, identified in the Prince George's County Inventory of Historic Resources as 80-001. The preliminary plan contains the Salubria historic site, identified in the Prince George's County Inventory of Historic Resources as 80-002, on existing Parcel 18. The property was designated as a Prince George's County historic site on July 17, 1981. Salubria was built circa 1830 by Dr. John H. Bayne, a prominent physician, agriculturalist, and the first superintendent of the county's public schools. Salubria was home to five generations of the Bayne family until its sale in 1984.

Background

The main house at Salubria was a two and one-half-story frame dwelling with a kitchen wing and doctor's office. The main house was severely damaged by fire in the 1980s and 1990s. The immediate grounds of the main house included a number of outbuildings: a freestanding kitchen, a well house, a milk house/dairy, and a building identified through local tradition as a guest house/slave quarter. Of these, the milk house/dairy is believed to date to at least the middle of the nineteenth century. The other outbuildings present when the property was designated a historic site, specifically the kitchen, the well house, and a large portion of the guest house/slave quarter, are believed to be the result of an early- to mid-twentieth century building program. An

examination of a 1937 aerial photograph of the property indicates that the building, known as the kitchen, does not appear to have been constructed as of that date. The demolition of the guest house/slave quarter in 2003 revealed selected elements that appeared to be nineteenth century building materials; the majority of this building consisted of twentieth century construction techniques and materials. The southern portion of the building, within which the older building material was found, stood on a rubble stone foundation that remains in place. The actual age and historic use of the guest house/slave quarter is not known at this time.

The environmental setting of the Salubria historic site of 2.7 acres was established in 1995 through the Historic Preservation Commission's (HPC) review of a Conceptual Site Plan (SP-95020) for the development of townhouses. At that time, although the frame plantation house was in ruinous condition, several other outbuildings in the vicinity were in better condition. In 1993, pursuant to Section 29-113, Notice of demolition by neglect, the HPC initiated a demolition-by-neglect proceeding for the property based on the seriously deteriorated condition of the main house and immediate outbuildings. A citation for an unsafe building was issued by the Department of Environmental Resources (DER) on February 18, 1993. In 1994, DER issued a violation notice for an unsafe building and hazard to the public for the main house and a noncontributing accessory structure.

In September 2003 the HPC received a Historic Area Work Permit (HAWP) application for the Salubria property (13-03). As part of the HAWP 13-03 application, the applicant submitted a Physical Conditions Report (August 2003) that provided a current assessment of above-ground structures within the Salubria environmental setting along with current photographs. This application proposed the demolition of all but one of the substantially deteriorated structures within the historic site's environmental setting including: (1) the main house; (2) the adjacent kitchen to the northeast; (3) the well house; and (4) the one and one-half-story frame house known by tradition as the guest house/slave quarter. At that time, the current applicant pledged to retain and safeguard the milk house/dairy and the foundation of the guest house/slave quarter which was also to remain, until a plan for their relocation and/or reconstruction could be developed.

Phase I Archeological Survey

A Phase I archeological investigation conducted by R. Christopher Goodwin and Associates was completed within the current 2.7-acre environmental setting of Salubria (18PR692) in October 2003 through HAWP 16-03. The final report, *Cultural Resources Investigations for the Environmental Setting at Salubria (Site 18PR692), 6900 Oxon Hill Road, Oxon Hill, Prince George's County, Maryland* (Fehr et al., R. Christopher Goodwin & Associates, Inc.) was completed on June 8, 2004. Staff received the report on June 22, 2004.

Phase I archeological investigations were conducted on the Rivercrest Center property (45.89 acres comprising part of Parcels A and 18) in January 2006 by Thunderbird Archeology. The Phase I survey on this portion of the subject property outside the Salubria environmental setting resulted in the expansion of the archeological site boundary of Salubria (18PR692) and the identification of two new Archeological Sites, 18PR808 and 18PR809. Site 18PR808 measured 15 by 15 meters and is interpreted as a late-eighteenth or early nineteenth century domestic site. Due to the low

artifact yield and the degree of disturbance around the site from the construction of roads and a sewer line, no further work ~~*[was recommended]~~ is required.

Site **18PR809** was identified in the southeastern part of the property on several terraces next to Carey Branch. This site measures 167 by 84 meters and contained prehistoric and historic artifacts. Several of the shovel test pits reached deep, buried plow zones containing both historic and prehistoric artifacts. This site was interpreted as a Late Woodland (AD 800–1600) camp or village associated with the occupation identified at site 18PR692 upslope. The site was not believed to retain sufficient integrity and no further work was recommended by the applicant's consultant.

Historic Preservation staff concurred with the Phase I report's findings and conclusions that no further work was necessary on the expanded area of site **18PR692** outside of the Salubria environmental setting and **18PR808**. However, staff did not concur with report's recommendation that no further work was necessary on site **18PR809**. Phase II investigations ~~*[were recommended to be conducted]~~ are required on site 18PR809.

Phase II Archeological Survey

Through the submission of HAWP 14-11 on April 19, 2011, the applicant requested to: (1) receive approval to conduct Phase II archeological investigations within the 2.7-acre environmental setting of Historic Site 80-002, Salubria; (2) remove any remaining structures and foundations within the environmental setting, and (3) delete Salubria from the Prince George's County *Historic Sites and Districts Plan*. As submitted, the subject application also included a mitigation proposal to address the proposed removal of above- and below-ground features within the environmental setting and the elimination of the setting itself.

At a meeting with the applicant on April 29, 2011, the applicant was advised that this element of their application was outside the purview of the HAWP process and that an additional application process would be required. On April 29, 2011, the applicant submitted an Application for a Change of Environmental Setting that included a description of the property, a summary of HPC actions affecting the property to date, a statement of current conditions, and a mitigation proposal.

All of the environmental setting's above-ground features including the main house, kitchen, well house, guest house/slave quarter were the subject of limited investigation prior to their careful removal. Above-ground features still remaining include only the milk house/dairy, which is in ruinous condition, and what is believed to be the older portion of the foundation of the guest house/slave quarter.

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At the public hearing on May 17, 2011, the HPC received presentations from staff, from the applicant's representatives, and testimony from the public. At the hearing, Historic Preservation Section staff described the details of the application and recommended to the HPC that the approval of the applicant's proposed removal of below- and above-ground features, as well as the potential elimination of the Salubria historic site environmental setting were inappropriate prior to HPC approval of and the applicant's completion of the proposed Phase II archeology investigations, as described in "Work Plan, Phase II Archeological Evaluation of Site **18PR692**, Prince George's County, Maryland," prepared by Kimberly A. Snyder, RPA, Thunderbird Archeology, April 8, 2011. The applicant's presentation outlined the rationale for the multi-part HAWP application and highlighted a footnote in the June 2010 *Approved Historic Sites and Districts Plan* that addresses the subject property as the basis for the formulation of the application before the HPC. The HPC voted to approve only the Phase II archeological investigations on site **18PR692** as outlined in HAWP 14-11 with one condition: "The applicant shall contact Historic Preservation staff 48 hours prior to the commencement of Phase II field investigations so that staff has the opportunity to observe all stages of the work." The remaining two elements of the application were not approved.

Phase II investigations were conducted on sites **18PR692** and **18PR809** in August 2011 by Thunderbird Archeology. Investigations at site **18PR692** were carried out under HAWP 14-11; **18PR809** was outside of the historic site's environmental setting and did not require HAWP approval.

Findings for Archeological Site **18PR692 (Historic Site)**

The Phase II archeological investigations of site **18PR692** revealed extensive modern disturbance around the twentieth century kitchen that was demolished in 2003 and around the tenant house to the east of the dairy. No intact cultural deposits were noted in these areas. However, several areas of the site did retain stratigraphic integrity. Part of the farm's domestic yard space contained intact cultural deposits near the well and dairy and to the north near a former garage building. Seven cultural features were also identified and three of those represented intact features associated with the nineteenth century occupation of Salubria. These included a terra cotta pipe extending from the well to the dairy, part of the brick foundation of the main house, and another foundation trench or drip line associated with the house. Other artifact concentrations identified in the Phase II investigations could possibly represent other ancillary buildings that were no longer extant in the early twentieth century. Although a portion of site **18PR692** was disturbed by modern activities, several areas did contain intact cultural deposits and features. The historic component of site **18PR692** was found by the consultant to meet National Register Criteria A, B, and D and local criteria A, B, C, and D for designation. Phase III archeological data recovery was recommended by the applicant's consultant for the portions of site **18PR692** that retain stratigraphic integrity. A Phase III scope of work for Archeological Site **18PR692**, prepared by Dr. James G. Gibb, was submitted by the applicant on February 8, 2012 as a revision to HAWP 14-11. Historic Preservation staff recommended certain changes to the work plan and a revised plan was submitted by the applicant on February 14, 2012.

Findings for Archeological Site **18PR809 (PMA Area)**

Thunderbird's Phase II archeological investigations were conducted at site **18PR809** in August 2011. A mixture of historic and prehistoric artifacts was recovered from the Phase II investigations of site 18PR809. Intact prehistoric cultural features were identified in the central part of the lower terrace/floodplain area to the west of Carey Branch, in test unit 207. No historic features were noted. Due to the lack of intact historic features or cultural deposits, no further work was recommended on the historic component of site 18PR809. The upper terrace and the southern and northern portions of the lower terrace/floodplain areas also lacked prehistoric integrity. However, an area measuring 30 meters north-south by 45 meters east-west in the lower terrace/floodplain contained deeply buried, intact Native American features from a short-term resource processing and procurement site dating to the Late Woodland period (AD 1300–1700). Therefore, the portion of site 18PR809 as shown in Exhibit 56 of the draft Phase II report is recommended eligible for inclusion in the National Register of Historic Places (NRHP) under Criterion D. In addition, the portion of site 18PR809 identified in Exhibit 56 meets the Prince George's County criteria for Phase III treatment under Criteria A (rarity), B (research value), C (public value), and D (site integrity). Phase III archeological preservation in place is ~~*[recommended]~~ required for Archeological Site **18PR809**.

Historic Preservation Commission

At a public meeting held on January 4, 2012, the Historic Preservation Commission (HPC) reviewed two items affecting the Salubria Historic Site (80-002). These items included (1) an Application for a Change to an Environmental Setting and (2) an associated conceptual site plan application, CSP-11006, Salubria Center, for the redevelopment of the historic site and additional property as an outlet mall.

At the public hearing, the HPC received a presentation from staff, a presentation from the applicant, and comments from the public. As part of its six-hour hearing with substantial public testimony and discussion, the HPC was only able to review limited information about the associated conceptual site plan application. Because the HPC did not receive a full staff presentation, testimony from the applicant, or comments from the public on the application, it was unable to make recommendations to the Planning Board on the conceptual site plan application.

The HPC concluded that, in its current state, the Salubria historic site and its 2.7-acre environmental setting could no longer be found to meet the historic site designation criteria of Section 29-104, Historic Sites and Historic Districts criteria. The HPC also concluded that in this case, the value of archeological investigation is enhanced in the face of the complete elimination of the physical evidence of habitation. After consideration, the HPC voted (6-0) to eliminate the environmental setting and the historic site designation of Salubria, Historic Site 80-002, with conditions: (1) requiring Phase III archeological investigation before the ultimate removal of the site, and (2) that the applicant continue to consult with individuals and community organizations interested in commemorating the history of the property, prior to the removal of the property from

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the *Inventory of Historic Resources* associated with the *Approved Historic Sites and Districts Plan*. At the time of the *~~[writing of this report]~~ public hearing for this application, the decision of the HPC *~~[has been]~~ was appealed to the District *Council~~[-which is pending]~~.

Preliminary Plan 4-11028 proposes a layout of eight parcels designed to accommodate a mixed-use development of retail, dining, office, and hospitality uses of approximately 500,000 square feet along with supporting infrastructure, including parking, grading, utilities, and landscaping on 43.79 acres. The applicant's submitted plan is based on the elimination of the Salubria historic site's current 2.7-acre environmental setting with the completion of Phase III archeological investigations as approved by the HPC at its January 4, 2012 meeting.

The HPC reviewed the preliminary plan at its February 24, 2012 meeting. The HPC recommends approval of the preliminary plan with five conditions.

Previous Zoning Approvals

The following text addresses previously approved historic preservation conditions of Zoning Map Amendment A-9882-C related to the subject application. The text in **BOLD** is the actual text from the previous cases or plans. The text in regular type face is comments in response to each condition.

5. **All subsequent submittals for this site shall be referred to the Historic Preservation Section staff and the Historic Preservation Commission for their review and comment prior to approval.**

The application was referred to the HPC for its review and comment. HPC reviewed the application at its February 24, 2012 and forwarded recommendations, findings, and conclusions to the Planning Board for its review of Preliminary Plan 4-11028 as stated above. Additional information has been received from HPC regarding the status of the Application to Change an Environmental Setting. At a public meeting held on January 4, 2012, HPC moved to eliminate the 2.7-acre environmental setting and historic site designation, subject to two conditions. Until those conditions are satisfied and the environmental setting is removed, HPC review and comment will continue to be required on subsequent plan submissions.

6. **Any plans within the environmental setting must be approved by the Historic Preservation Commission through the Historic Area Work Permit process.**

The above condition remains in effect. At its February 24, 2012 meeting, HPC moved to allow staff to review and approve a revision to Historic Area Work Permit (HAWP) 14-11 to allow Phase III archeological investigations within the Salubria historic site environmental setting subject to two conditions: that the work will not begin until a decision of the District Council for the appeal of the HPC's decision to eliminate the environmental setting of Salubria and its historic

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site status has been rendered; and that the applicant save intact salvageable historic stone elements from the foundation that could be potentially reused in interpretive measures to be installed on the property to commemorate the history and significance of Salubria. Staff finds that any plans within the environmental setting must be approved by HPC through the HAWP process, until the time the environmental setting is removed.

13. **Within 60 days after this approval becomes final, the applicant shall submit a stabilization and maintenance plan to the Historic Preservation Commission, which plan must be implemented within 90 days after its approval by the Historic Preservation Commission unless the Historic Preservation Commission allows a longer time for implementation.**

Subsequent to approval of the above condition, a Demolition by Neglect violation for the Salubria historic site was issued by the Department of Environmental Resources (DER) on August 24, 1994. On June 20, 1995, HPC reviewed development cases SP-95020 and 4-95043 that contained the Salubria historic site and HAWP 12-95 to demolish the Salubria house and several outbuildings. HPC moved to reduce the Salubria environmental setting to 2.7 acres and to require mitigation measures for the demolition of the Salubria historic site. Because the conditions of SP-95020 were not fully met by the previous developer whose proposal was abandoned, a final HPC decision for HAWP 12-95 was never issued. The buildings were not demolished under HAWP 12-95.

Another HAWP was submitted in 2003 by the Peterson Companies to demolish all of the standing structures inside the Salubria environmental setting, except for the dairy building, which was to be later moved to another location. All standing structures within the Salubria environmental setting were demolished under HAWP 13-03 in 2003 except for the dairy building. Restoration of the historic site is not currently proposed. ~~*[Staff finds that t]~~The above condition has been satisfied.

14. **Prior to approval of a Conceptual Site Plan, the applicant shall submit a restoration plan for the Historic Site for approval by the Historic Preservation Commission.**

The current 2.7-acre environmental setting of the Salubria historic site was established in 1995 when the HPC recommended approval by the Planning Board of a conceptual site plan for Salubria Office Park. All standing structures within the environmental setting, except the dairy building, were removed in 2003 through an HPC-approved HAWP application (HAWP 13-03). Restoration of the historic site is not currently proposed. ~~*[Staff finds that t]~~The above condition has been satisfied.

15. **Prior to the issuance of any building permits, the applicant shall fund or implement the restoration plan for the Historic Site, to allow restoration to occur simultaneously with build-out of any development.**

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Restoration of the historic site is not currently proposed. *~~[Staff finds that t]~~The above condition has been satisfied.

16. **Prior to the issuance of any building permits, the owner shall agree to provide reasonable access to the Historic Preservation Commission or other expert groups or individuals recognized by the Historic Preservation Commission for the purposes of conducting archeological exploration on the Historic Site, at no expense to the owner.**

The applicant has completed Phase I (HAWP 16-03) and Phase II (HAWP 14-11) archeological investigations on the subject property. The applicant has submitted a Phase III work plan to Historic Preservation staff as a revision to HAWP 14-11 to satisfy Condition 5 of PGCPB Resolution No. 12-04 for CSP-11006, Salubria Center. Archeological investigations are now required under Sections 24-121 and 24-135.01 of the Subdivision Regulations and are the responsibility of the applicant. This condition will be satisfied when the Phase III archeological investigations are completed.

20. **Use Conversion**—The subject application is not proposing any residential development; however, if a residential land use were proposed, a new preliminary plan is recommended. There exist different adequate public facility tests comparatively between residential and nonresidential uses, and there are considerations for recreational components for a residential subdivision. The subject application is proposing 500,000 square feet of retail, office and 100-room hotel in the M-X-T Zone. Zoning Map Amendment A-9882-C and Conceptual Site Plan CSP-11006 approved a mixed-use development for the site. If the applicant proposed a change of use for the subject site that required a revision to the approved conceptual site plan, then an evaluation of a new preliminary plan should be determined at the time of the revised conceptual site plan.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with Circuit Court for Prince George's County, Maryland within thirty (30) days following the date of notice of the adoption of this Resolution.

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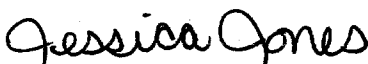
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This is to certify that the foregoing is a true and correct copy of the action taken by the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission on the motion of Commissioner Bailey, seconded by Commissioner Squire, with Commissioners Bailey, Squire and Hewlett voting in favor of the motion, and with Commissioners Shoaff and Washington absent at its regular meeting held on Thursday, March 22, 2012, in Upper Marlboro, Maryland.

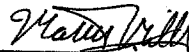
Adopted by the Prince George's County Planning Board this 12th day of April 2012 *and corrected administratively on May 18, 2012.

Patricia Colihan Barney
Executive Director

By 
Jessica Jones
Planning Board Administrator

PCB:JJ:QN:arj

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date ~~4/23/12~~ 5/23/12

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