

PGCPB No. 2024-039

File No. 4-23013

## R E S O L U T I O N

WHEREAS, Pinnacle Harbor LLC and 6710 Oxon Hill Road LLC are the owners of a 9.14-acre parcel of land known as Parcels 2, 3, and 5, said property being in the 12th Election District of Prince George's County, Maryland, and being zoned Industrial Employment (IE); and

WHEREAS, on March 18, 2024, Pinnacle Harbor LLC and 6710 Oxon Hill Road LLC filed an application for approval of a Preliminary Plan of Subdivision for three parcels; and

WHEREAS, the application for approval of the aforesaid Preliminary Plan of Subdivision, also known as Preliminary Plan 4-23013 for Salubria 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 at a public hearing on May 23, 2024; and

WHEREAS, new Regulations for the Subdivision of Land, Subtitle 24, Prince George's County Code went into effect on April 1, 2022; and

WHEREAS, pursuant to Section 24-1900 of the Prince George's County Subdivision Regulations, subdivision applications submitted before April 1, 2024 may be reviewed and decided in accordance with the prior Subdivision Regulations; and

WHEREAS, therefore, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission reviewed the application under the Subdivision Regulations, Subtitle 24, Prince George's County Code in existence prior to April 1, 2022; and

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

WHEREAS, at the May 23, 2024 public hearing, 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 Type 1 Tree Conservation Plan TCP1-014-11-02 and APPROVED Preliminary Plan of Subdivision 4-23013 for three parcels, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be modified as follows:
  - a. Revise the case name for the project in the title block to "Salubria."
  - b. Revise the name of "Harbor View Avenue" to "Tanger Boulevard."
  - c. Add a general note, stating that a private easement is provided for access to Parcel 7 and Parcel 8, in accordance with Section 24-128(b)(9) of the prior Subdivision Regulations.

- d. Label the frontage of Oxon Hill Road and Tanger Boulevard, except for the width of the private access easement, as access denied.
  - e. Revise the legend to match the line types used on the plan for proposed property lines and existing contour lines.
  - f. Revise property line bearings and distances to remove overlap with other text.
  - g. Revise the use of property adjoining to the north (Parcel 6, Book 6519 at page 919) to "Public Use."
  - h. Label the existing encroachment easement (Book 10440 at page 17) located at the northeast corner of proposed Parcel 7, as to be extinguished or as to remain.
2. Prior to approval, the final plat of subdivision shall include:
- a. Dedication of 10-foot-wide public utility easements along all abutting public rights-of-way, as delineated on the approved preliminary plan of subdivision.
  - b. A note that vehicular access to Parcel 7 and Parcel 8 is authorized, pursuant to Section 24-128(b)(9) of the prior Subdivision Regulations, and note the recording reference of an access easement or covenant for the properties. The easement or covenant shall be reviewed and approved by the Subdivision Section of the Development Review Division of the Prince George's County Planning Department and be fully executed, prior to approval of a final plat for the development. The document shall set forth the rights, responsibilities, and liabilities of the parties and shall include the rights of the Prince George's County Planning Board. The documents shall be recorded in the Prince George's County Land Records, and the Book/page indicated on the final plat, prior to recordation.
  - c. Label the frontage of Oxon Hill Road and Tanger Boulevard, except for the width of the private access easement, as access denied.
  - d. A note to state that direct vehicular access to MD 210(Indian Head Highway) is denied.
3. Development of this site shall be in conformance with Stormwater Management Concept Plan 24991-2023-SDC, and any subsequent revisions.
4. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan TCP1-014-11-02. 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 TCP1-014-11-02, 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 (WCO). 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."

5. Prior to issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a woodland and wildlife habitat conservation easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 tree conservation plan, when approved."

6. Prior to approval of a detailed site plan, the site plan shall show the extent and location of the private access easement for Parcels 7 and 8.
7. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*, and approved conceptual site plan 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:
  - a. Inverted U-style, or similar style bicycle parking racks at locations no more than 50 feet from the entrances to all buildings.

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 with conditions, meets the applicable legal requirements of Subtitles 24 and 27 of the Prince George's County Code and the Land Use Article of the Annotated Code of Maryland.
2. **Background**—The subject property includes Parcels 2, 3, and 5 of Salubria. Parcels 2 and 3 were recorded in Plat Book SJH 241 Plat 94 in February 2015, and Parcel 5 was recorded in Plat Book ME 254 Plat 71 in July 2020. The property is in the Industrial Employment (IE) Zone. This preliminary plan of subdivision (PPS) was reviewed in accordance with the prior Prince George's County Zoning Ordinance and prior Prince George's County Subdivision Regulations, pursuant to Section 24-1900 of the Subdivision Regulations. This PPS was therefore reviewed pursuant to the standards of the prior Mixed Use - Transportation Oriented (M-X-T) Zone for the property, which was in effect prior to April 1, 2022. The site is subject to the 2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment* (master plan).

This PPS evaluated three parcels for development of 129,284 square feet of commercial development on the property, of which 116,284 square feet is existing and is proposed to remain. The subject PPS qualified for review under the prior Zoning Ordinance and prior Subdivision Regulations because it met the requirements of Section 24-1904 of the current Subdivision

Regulations. In accordance with Section 24-1904(a), a pre-application conference was held on April 24, 2023. In accordance with Section 24-1904(b), the applicant provided a statement of justification (SOJ) explaining why they were requesting to use the prior regulations. In accordance with Section 24-1904(c) of the Subdivision Regulations, this PPS is supported by and subject to approved Certificate of Adequacy ADQ-2023-020.

3. **Setting**—The subject site is located on Tax Map 104, Grid F1 and on Tax Map 105, Grid A1; and is within Planning Area 80. The subject property is located in the northeast quadrant of the intersection of Oxon Hill Road and Tanger Boulevard (previously known as Harborview Drive). To the north of the subject property is the Oxon Hill Park and Ride lot, with a bus bay for the Washington Metropolitan Area Transit Authority bus services, in the IE Zone. To the east of the subject property is MD 210 (Indian Head Highway), and beyond is The Maryland-National Capital Park and Planning Commission-owned Southlawn Park in the Residential, Single-Family-65 (RSF-65) Zone. To the west of the subject property is Oxon Hill Road, and beyond it is a parking lot in the Regional Transit–Oriented, Low–Intensity–Edge (RTO-L-E) Zone. To the south of the subject property is Tanger Boulevard, and beyond is the Tanger Outlet Center in the IE Zone.
4. **Development Data Summary**—The following information relates to the subject PPS and the evaluated development.

	EXISTING	EVALUATED
Zone	IE	M-X-T
Use(s)	Vacant/Commercial	Commercial
Acreage	9.14	9.14
Lots	0	0
Parcels	3	3
Dwelling Units	0	0
Gross Floor Area	116,284 square feet	129,284 square feet
Variance	No	No
Variation	No	No

The subject PPS was accepted for review on March 18, 2024. Pursuant to Section 24-119(d)(2) of the prior Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee (SDRC), which held a meeting on March 29, 2024, where comments were provided to the applicant. Revised plans were received on April 17, 2024, which were used for the analysis contained herein.

5. **Previous Approvals**—Existing Parcels 2 and 3 are the subject of PPS 4–11028 (PGCPB Resolution No. 12-26(C)), which was approved by the Prince George’s County Planning Board on March 22, 2012. PPS 4-11028 covers a larger area (43.79 acres) titled “Salubria Center” and was approved for eight parcels to support development of 400,000 square feet of retail development, 100,000 square feet of office development, and a 100-room hotel. Only three parcels were ultimately platted, as the land area south of Tanger Boulevard was platted as one

parcel (Parcel 1) instead of six parcels. The land area north of Tanger Boulevard was platted as Parcels 2 and 3. Parcel 1 will remain subject to 4-11028, while the current PPS supersedes 4-11028 for Parcels 2 and 3. Parcel 5 is not subject to any prior valid PPS and is currently developed with a 116,284-square-foot office building.

PPS 4-23013 covers Parcels 2, 3, and 5 as well as the existing and proposed development on these parcels. This PPS is required for resubdivision of Parcels 2, 3, and 5 and to evaluate the existing and proposed development. Parcels 2 and 3 were subject to a prior PPS, but Parcel 5 was not; therefore, any further development of Parcel 5 was subject to the restrictions of Section 24-107 of the prior Subdivision Regulations, which is shown as Note 5 on the plat recorded in Plat Book ME 254 page 71. These restrictions on development did not allow for adjustment of Parcel 5 or further development without a PPS.

The prior approvals for Parcels 2 and 3 are further evaluated as follows:

**Basic Plan A-9882-C**

On May 24, 1994, Zoning Map Amendment (ZMA) A-9882-C (basic plan) was approved by the Prince George's County District Council (Zoning Ordinance 35-1994), to rezone the Salubria property (totaling 54.7 acres) to the M-X-T Zone. A-9882-C was amended by the District Council (Zoning Ordinance 15-2012) on October 16, 2012. Of the basic plan's 14 conditions of approval, the following apply to this PPS:

- 1. Any residential housing on the site shall be restricted to single-family detached and/or attached units.**

No residential development is included in this PPS.

- 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 site.**

This condition pertains to Parcel 1, located to the south of the ramp from MD 210 and Tanger Boulevard. It is not applicable to the portion of the site subject to this PPS.

- 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.**

Salubria (Documented Property 80-002) was deleted from the Historic Sites Inventory on January 4, 2012. All conditions related to the historic site and its environmental setting were satisfied and are no longer applicable.

- 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.**

Salubria (Documented Property 80-002) and its 2.7-acre environmental setting were not shown on the submitted plans. However, Salubria (Documented Property 80-002) was deleted from the Historic Sites Inventory on January 4, 2012. All conditions related to the historic site and its environmental setting were satisfied and are no longer applicable.

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

This PPS was reviewed by the staff of the Historic Preservation Section and the Historic Preservation Commission, and no further work is recommended.

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.**

An approved Stormwater Management (SWM) Concept Plan (24991-2023-SDC) was submitted with this PPS.

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

An approved Natural Resources Inventory (NRI-049-2023) was submitted with this PPS.

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 the subject property.**

A Type 1 Tree Conservation Plan (TCP1-014-11-02) was submitted with this PPS.

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 (DSP-88069) and shall be subject to the same transportation conditions and improvements.**

Detailed Site Plan DSP-88069 is a site plan for Salubria Office Park and was approved by the Planning Board on September 1, 1988, subject to two conditions. Condition 2 of DSP-88069 carried all transportation facility-related conditions of approval of a prior PPS 4-88087 (which was never platted, and therefore expired). DSP-88069 approved a total of 500,000 square feet of office space, which was determined to generate 1,000 AM and 925 PM peak-hour trips or a total of 1,925 combined AM and PM peak-hour trips. Trip generation was further evaluated with the approved ADQ-2023-020 and for the purposes of this condition, the current PPS is within the trip cap identified with DSP-88069.

**CSP-11006**

Conceptual Site Plan CSP-11006 was approved by the Planning Board on January 12, 2012 (PGCPB Resolution No. 12-04(C)), for up to 460,000 square feet of retail and hotel development in the M-X-T Zone. This CSP was reviewed and approved by the District Council on October 16, 2012 (Zoning Ordinance No. 16-2012). CSP-11006 covered a 43.79-acre land area consisting of Parcels 1, 2, and 3 of the Salubria Center development. CSP-11006 was approved with 15 conditions and 2 considerations, of which the following are relevant to the review of this PPS:

4. **In conformance with the 2009 *Approved Countywide Master Plan of Transportation (MPOT)* and the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*, the applicant and the applicant's heirs, successors and/or assignees shall provide the following unless modified by the DPW&T:**
  - a. **Provide and maintain the standard sidewalk, landscape strip, and designated bike lanes along the entire frontage of the subject site, as shown on the DPW&T plans for the Oxon Hill Road improvement project, unless modified by DPW&T.**
  - b. **In order to accommodate the designated bike lanes recommended in the MPOT, a minimum of 44 feet from the centerline shall be dedicated, unless modified by DPW&T.**
  - c. **Provide appropriate pavement markings and signage for the designated bike lanes per the American Association of State Highway Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, unless modified by DPW&T.**
  - d. **Provide marked crosswalks at all of the site's ingress/egress points along Oxon Hill Road.**
  - e. **Pedestrian improvements shall be provided across Oxon Hill Road at Harborview Avenue and at the site's southern access point (labeled on the plans as a 60-foot right of way). Appropriate improvements will be recommended at the time of detailed site plan and may involve high visibility and contrasting crosswalks, pedestrian countdown signals, pedestrian refuges, signage, and other enhancements.**
  - f. **Standard sidewalks shall be provided along one side of ingress/egress roads and the proposed loop road, unless modified by DPW&T.**
  - g. **At the time of detailed site plan, consideration shall be given to providing a trail or sidewalk connection from the subject site to Abbingdon Place, unless it is determined there are environmental constraints that make this connection unfeasible.**

- h. Bicycle parking shall be provided throughout the subject site. Appropriate numbers and locations will be determined at the time of detailed site plan.**

The applicable requirements were addressed or satisfied for the Tanger Outlet Center on Parcel 1, as part of PPS 4-11028, Detailed Site Plan DSP-11025, and subsequent DSP amendments. Based on the plat for Parcel 1, recorded in Plat Book MMB 237 Plat 68, the right-of-way (ROW) for Oxon Hill Road was previously conveyed to the operating agency pursuant to the County's capital improvement project for that road in 2012. A bike lane currently exists along the property's entire Oxon Hill Road frontage.

Any applicable requirements of this condition, for the subject property, will be evaluated at the time of subsequent DSP applications for the proposed development.

- 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 Phase III archeology work plan for 18PR692 was submitted prior to approval of CSP-11006. Therefore, this condition was satisfied. Parcel 5 has been previously developed with an office building. Phase I archeological surveys of Parcel 5 were completed in 1990 and 1996. No archeological sites were identified on the property. The site has since been graded and developed. No additional archeological investigations are recommended. In addition, the parcels that are the subject of this PPS do not contain, and are not adjacent to, any designated Prince George's County historic sites or resources.

- 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.**

This condition was satisfied with the approval of DSP-11025 on May 31, 2012.

- 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.**

This archeological conservation easement has been established and is shown on the plat recorded in Plat Book MMB 237 Plat 68 for Parcel 1 of the Salubria subdivision. The plat states that any ground disturbance within the easement area must be reviewed and approved by Historic Preservation staff. Parcel 1 is not the subject of this PPS.

- 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.**

This condition was satisfied prior to grading permits for the development of the Tanger Outlet Center on Parcel 1. In addition, Salubria (Documented Property 80-002) was deleted from the Historic Sites Inventory on January 4, 2012, and all conditions related to the historic site and its environmental setting are no longer operable.

- 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.**

This condition was satisfied prior to the opening of the Tanger Outlet Center.

#### **CSP-11006-01**

An amendment to the approved conceptual site plan (CSP-11006-01) was approved by the Planning Board on April 11, 2024 (PGCPB Resolution No. 2024-025). The amendment of CSP-11006 approved the addition of Parcel 5 (7.4 acres) to the land area of CSP-11006, bringing the total area under the CSP to 50.04 acres. The CSP amendment also proposed to retain the existing retail, office, and medical office uses on the property and add a 10,000-square-foot daycare and a 5,000-square-foot eating or drinking establishment. The existing retail uses are located south of Tanger Boulevard, on Parcel 1. The land area added to the CSP (Parcel 5) contains an existing office building. The daycare and the eating or drinking establishment are proposed to be located on the vacant area of land approximately bound by Parcels 2 and 3. Parcels 2, 3, and 5 are the subject of this PPS.

The CSP amendment was approved with five conditions, none of which are relevant to the review of this PPS.

**PPS 4-11028**

Parcels 2 and 3 were subject to prior PPS 4-11028 (PGCPB No. 12-26(C), approved on March 22, 2012). This PPS included the entire area covered under the original CSP-11006 (43.79 acres) and approved 8 parcels to support the development of 400,000 square feet of retail development, 100,000 square feet of office development, and a 100-room hotel. Only three parcels were ultimately platted, as the land area south of Tanger Boulevard was platted as one parcel (Parcel 1), instead of six parcels. Parcel 1 remains subject to 4-11028. PPS 4-23013 covers Parcels 2 and 3, and supersedes 4-11028 for these properties.

The Planning Board approved PPS 4-11028 with 18 conditions. The conditions which are relevant to this PPS are listed below in **bold** text, with analysis in plain text:

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.”**

A Type 1 Tree Conservation Plan (TCP1-014-11-02) was submitted with this PPS.

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.**

Lighting for the proposed development will be reviewed at the time of subsequent DSPs, in accordance with applicable requirements of the Zoning Ordinance.

7. **Development of this site shall be in conformance with Stormwater Management Concept Plan 40537-2003-02, and any subsequent revisions.**

An approved SWM Concept Plan (24991-2023-SDC) was submitted with this PPS.

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.**

This condition was satisfied when the final plats for Parcels 1, 2, and 3 were approved. Specifically, Condition 8c was noted in Plat Book MMB 237 Plat 68, as required. In addition, Condition 8d is no longer applicable because Parcels 3–8, approved with 4-11028, were consolidated into Parcel 1, and an access easement was not necessary. New Parcels 6, 7, and 8 are approved with this PPS 4-23013. A new 22-foot private easement is shown on Parcel 6, to provide Parcels 7 and 8 use of the existing access point. The applicant intends to utilize the existing vehicular access point for ingress/egress purposes, to maintain existing traffic patterns, and is acceptable.

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.**

No residential development is included in this PPS.

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).**

With the exception of Condition 10h, the applicable requirements of this condition were addressed or satisfied for the Tanger Outlet Center on Parcel 1, as part of Detailed Site Plan DSP-11025, and subsequent DSP amendments. Based on the plat for Parcel 1 recorded in Plat Book MMB 237 Plat 68, the conveyance of ROW for Oxon Hill Road was previously completed pursuant to the County's capital improvement projects. A bike lane currently exists along the property's entire Oxon Hill Road frontage.

Condition 10h is still applicable to this PPS and is carried forward with modifications.

- 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.**

This condition was satisfied prior to the approval of the DSP-11025 on May 31, 2012.

- 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.**

The archeological conservation easement has been established and is shown on the plat recorded in Plat Book MMB 237 Plat 68 for Parcel 1. The plat states that any ground disturbance within the easement area must be reviewed and approved by Historic Preservation staff. The conservation easement is located off-site on Parcel 1 and is shown on the TCP1 submitted with the subject PPS.

- 14. 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.**

This condition was satisfied prior to grading permits for the development of the Tanger Outlet Center. In addition, Salubria (Documented Property 80-002) was deleted from the Historic Sites Inventory on January 4, 2012, and all conditions related to the historic site and its environmental setting are no longer operable.

- 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 agree-upon outreach and education measures.**

This condition was satisfied prior to the opening of the Tanger Outlet Center.

- 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.**

This condition was satisfied when the final plats for Parcels 1, 2, and 3 were approved. Frontage of Oxon Hill Road and Tanger Boulevard has been fully improved.

- 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.**

PPS 4-11028 evaluated mixed-use development with a 100-room hotel, 100,000 square feet of general office use, and 400,000 square feet of factory outlet center use.

PPS 4-11028 established a trip cap for a portion of the overall site evaluated under A-9882-C, and it was determined that the approved uses would generate 460 AM and 969 PM peak-hour trips. Proposed Parcels 7 and 8 are located within the boundary of 4-11028. The development evaluated with this PPS will generate trips within the trip limit of the basic plan and the CSP. Evaluation of the traffic study and findings of adequacy of transportation facilities are made in the approved ADQ-2022-060.

The subject property for PPS 4-23013 also includes Parcel 5, which was not subject to any valid PPS. Parcel 5, however, is the subject of DSP-88069 (PGCPB Resolution No. 88-424), and its amendments.

- 6. Community Planning**—The 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the master plan are evaluated, as follows:

**Plan 2035**

Plan 2035 places this subject site in the Established Communities Growth Policy Area. Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established Communities are most appropriate for “context-sensitive infill and low- to medium-density development” (page 20). Plan 2035 recommends maintaining and enhancing

existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met” (page 20).

### **Master Plan**

According to Plan 2035, all planning documents which were duly adopted and approved prior to the date of adoption of Plan 2035, remain in full force and effect, except for the designation of tiers, corridors, and centers, until those plans are revised or superseded. Pursuant to Section 24-121(a)(5) of the prior Subdivision Regulations, a PPS must conform to the area master plan, unless events have occurred to render the relevant recommendations no longer appropriate, or the District Council has not imposed the recommended zoning. The master plan recommends mixed-use land uses on the subject property (see Land Use, Transportation, and Public Facilities Map, page 169). Pursuant to Section 24-121(a)(5), the existing and proposed uses conform to the land use recommendation of the master plan.

Other relevant master plan vision, policies, and strategies that are applicable to the subject property are discussed further below and throughout this resolution.

### **Economic Development**

*Goals* (page 88):

- **Create viable commercial centers with a sense of place.**

The PPS achieves this goal as the applicant is proposing retail/restaurant and a day care facility, which will increase employment opportunities and help spur further economic development in the area, helping to create a strong sense of place.

### **Community Character: Urban Design**

*Goals* (page 96):

- **Ensure that development is consistent with urban design best practices to create a sense of place and community identity.**
- **Improve pedestrian safety, connectivity, and walkability to foster a safe, pedestrian-friendly environment).**

A PPS does not include approval of building layout, design, or other on-site details. These will be proposed with the DSP. The use of high-quality materials, landscaping, and human-scale architectural detailing is encouraged at the time of the DSP. Prior development approvals for Salubria included a common pedestrian path system that links all segments of the overall Salubria development. There are sidewalk connections to both Oxon Hill Road and Tanger Boulevard; pedestrian improvements, sidewalks, and designated bicycle lanes that provide pedestrian and bicycle accessibility. Standard

sidewalks will also be provided throughout the development, which will help promote a pedestrian-friendly environment. Consideration of design, in accordance with this strategy, will be evaluated at the time of the DSP.

### **Zoning**

Zoning Map Amendment A-9882-C reclassified the subject property to the M-X-T Zone in 1994. The master plan retained this property in the M-X-T Zone. On November 29, 2021, the District Council approved CR-136-2021, the Countywide Sectional Map Amendment (CMA), which reclassified the subject properties from the M-X-T Zone to the IE Zone, effective April 1, 2022. However, this PPS was reviewed pursuant to the prior M-X-T zoning.

7. **Stormwater Management**—An application for a major subdivision must include an approved SWM concept plan, or indication that an application for such approval has been filed with the appropriate agency or the municipality having approval authority. An approved SWM Concept Plan (24991-2023-SDC) was submitted with this PPS. Stormwater from this site is proposed to be treated and managed by existing SWM facilities to which this site drains, and which have been previously approved with various prior development applications.

Development of the site, in conformance with SWM concept approval and any subsequent revisions, to ensure that no on-site or downstream flooding occurs, satisfies the requirements of Section 24-130 of the prior Subdivision Regulations.

8. **Parks and Recreation**—This PPS was reviewed for conformance with the requirements and recommendations of Plan 2035, the master plan, the 2022 *Land Preservation, Parks and Recreation Plan for Prince George's County*, the 2013 *Formula 2040: Functional Master Plan for Parks, Recreation and Open Space*, and the prior Subdivision Regulations, as they pertain to public parks and recreational facilities.

### **Subdivision Regulations Conformance**

Sections 24-134 and 24-135 of the prior Subdivision Regulations, which relate to mandatory dedication of parkland, provide for the dedication of land, the payment of a fee-in-lieu, and/or the provision of private recreational facilities to meet the park and recreation needs of the residents of the subdivision. This PPS is exempt from Section 24-134, mandatory dedication of parkland, of the Subdivision Regulations, the parkland dedication requirement, because it is for a nonresidential development.

### **Master Plan Conformance**

The master plan identifies several areas for development of parks and recreation including trails and stream valley park (pages 81–83). None of these recommendations impact the subject property.

The subject property is located in the northeast quadrant of Oxon Hill Road and Tanger Boulevard, diagonally across from a Maryland-National Capital Park and Planning Commission owned park. This park includes the Oxon Hill Manor historic site, which is located approximately 1,000 feet southwest of the subject site. To preserve the historic setting of the Oxon Hill Manor historic site, the applicant should leave a 40- to 50-foot buffer at the northeast corner of the site,



to preserve the views from Oxon Hill Manor historic site. In response to comments provided at the SDRC meeting, the applicant has stated that they intend to leave approximately 40 feet of the area at the northeast corner of the site unobstructed to allow for the viewshed. The disposition of the proposed buildings and site layout will be further defined with the DSP. The analysis of the viewshed from the historic site will be further reviewed at that time.

9. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT), the master plan, the prior Prince George’s County Zoning Ordinance, and the prior Subdivision Regulations, to provide the appropriate transportation facilities.

**Master Plan Right-of-Way**

The subject site is adjacent to two master plan roadways, which include Oxon Hill Road and MD 210. Oxon Hill Road is a master plan collector roadway, with a minimum ROW width of 80 feet. MD 210 is a master plan freeway, with a variable ROW width. Dedication of ROW for public use has occurred, in accordance with prior approvals, and the public ROWs shown on the PPS are consistent with prior approvals. No additional ROW is provided with this PPS.

**Master Plan Pedestrian and Bike Facilities**

The MPOT recommends the following master-planned facilities:

- Planned Side Path: MD 210
- Planned Bicycle Lane: Oxon Hill Road

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, page 10):

**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.**

**Policy 4: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.**

**Policy 5: Evaluate new development proposals in the Developed and Developing Tiers for conformance with the complete streets principles.**

Additionally, the site is subject to the master plan, which includes the following policies and strategies:

***Policy 3: Provide adequate pedestrian and bicycle linkages to schools, parks, and recreation areas, commercial areas, and employment centers.***

***Strategies***

- **Provide wide sidewalks in locations with high pedestrian activity.**

The proposed development is located on Oxon Hill Road which is a designated master plan bikeway/trails corridor. Prior development approvals for Salubria included a common pedestrian path system that links all segments of the Salubria development. There are sidewalk connections to both Oxon Hill Road and Tanger Boulevard, pedestrian improvements, sidewalks, and designated bicycle lanes that provide pedestrian and bicycle accessibility.

Master plan pedestrian facilities have been provided with the various prior development approvals for the subject site. The existing facilities will satisfy the MPOT and master plan recommendations, and bicycle parking shall be provided no more than 50 feet from the building entrances, in accordance with the recommendations of the American Association of State Highway and Transportation Officials (AASHTO) and the 2015 Association of Pedestrian and Bicycle Professionals, *Essentials of Bicycle Parking*.

**On-site Circulation**

Development evaluated for the site includes office and commercial/retail uses. Vehicular access is provided using an existing driveway, via Tanger Boulevard. A 22-foot-wide access easement has been provided, pursuant to Section 24-128(b)(9), which allows access via a private easement, if direct access to a public street should be denied due to hazardous traffic conditions. The approved CSP-11006-01 includes a vehicle and pedestrian circulation plan that prioritizes pedestrian movement throughout the site, as well as access to off-site pedestrian infrastructure. The circulation plan also reduces conflict between vehicles and pedestrians. Further details of the proposed circulation will be provided and evaluated at the time of each subsequent DSP.

Based on the preceding findings, the vehicular, pedestrian, and bicycle transportation facilities will serve the proposed subdivision; meet the findings required of Subtitles 24 and 27; and conform to the master plan and MPOT.

10. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-121(a)(5) of the prior Subdivision Regulations. The master plan identifies the following policies for the provision of public facilities (pages 79–80):

- ***Construct the appropriate number of schools in order to achieve a school system that operates at 100 percent of capacity or less at every school.***
- ***Provide for police facilities that meet the size and location needs of the community.***

- ***Provide fire and rescue facilities in the Henson Creek-South Potomac area in order to meet the travel time standards adopted by the county.***

The project will not impede achievement of the above-referenced policies or specific facility improvements. This PPS is subject to Certificate of Adequacy ADQ-2023-020, which established that pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. There are no police, fire and emergency medical service facilities, public schools, parks, or libraries proposed on the subject property in the master plan.

The subject property is located in Planning Area 80, known as South Potomac Sector. The 2024-2029 Fiscal Year Approved Capital Improvement Program (CIP) budget does not identify any new public facilities proposed for the planning area.

The 2008 *Approved Public Safety Facilities Master Plan* also provides guidance on the location and timing of upgrades, renovations to existing facilities, and construction of new facilities; however, none of its recommendations affect this site.

Section 24-122.01(b)(1) of the prior 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 PPS or final plat approval. The 2018 *Water and Sewer Plan* placed this property in Water and Sewer Category 3, Community System. Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer. In addition, the property is within Tier 1 of the Sustainable Growth Act. Tier 1 includes those properties served by public sewerage systems.

11. **Public Utility Easement**—In accordance with Section 24-122(a) of the prior Subdivision Regulations, when utility easements are required by a public company, the subdivider shall include the following statement in the dedication documents recorded on the final plat:

“Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at folio 748.”

The standard requirement for public utility easements (PUEs) is 10 feet wide along both sides of all public ROWs. The subject property has frontage on Oxon Hill Road to the west and Tanger Boulevard to the south. The PPS shows PUEs along both of these streets, at a minimum of 10 feet wide.

12. **Historic**—Parcels 2 and 3 (proposed Parcels 7 and 8) were part of the former Prince George’s County historic site of Salubria (Documented Property 80-002). The property was designated as a Prince George’s County historic site on July 17, 1981, and was deleted from the Historic Sites Inventory on January 4, 2012. Salubria was built circa 1830 by Dr. John H. Bayne, a prominent physician, agriculturalist, and the first superintendent of the County’s public schools.

The master plan includes goals and policies related to historic preservation (pages 99–102). One goal of the plan (page 100) is: “To recognize historic properties for their historical, archeological, and architectural significance to the community and county.”

Parcel 5 (proposed Parcel 6) of the subject property was surveyed for archeological resources in 1990 and 1996. No archeological sites were identified on the property. The site has since been graded and developed. No additional archeological investigations are required.

Prior Parcels 2 and 3, having been a part of the historic environmental setting of Salubria (Documented Property 80-002), have been subject to several previous approvals, which contain conditions relating to Salubria. These conditions and their analysis are included in the Previous Approvals finding. The conditions required by A-9882-C, CSP-11006, and 4-11028, related to historic preservation and archeology, have been satisfied and no new conditions are required.

The parcels that are the subject of this PPS do not contain, and are not adjacent to, any designated Prince George’s County historic sites or resources.

13. **Environmental**—The following applications and associated plans were previously reviewed for the subject site:

Development Review Case #	Associated Tree Conservation Plan #	Authority	Status	Action Date	Resolution Number
NRI-075-05	N/A	Staff	Approved	10/3/2005	N/A
NRI-075-05-01	N/A	Staff	Approved	9/28/2011	N/A
CSP-11006	TCP1-014-11	Planning Board	Approved	1/12/2012	12-04
DSP-11025	TCP2-015-12	Planning Board	Approved	5/17/2012	12-40
N/A	TCP2-015-12-01	Staff	Approved	7/1/2013	N/A
DSP-11025-01	TCP2-015-12-02	Planning Board	Approved	7/17/2014	14-66
NRI-075-05-02	N/A	Staff	Approved	7/9/2023	N/A
CSP-11006-01	TCP1-014-11-01	Planning Board	Approved	4/11/2024	2024-025
4-23013	TCP1-014-11-02	Planning Board	Approved	5/23/2024	2024-039

### **Grandfathering**

The project is subject to the environmental regulations and woodland conservation requirements contained in Subtitles 24, 25, and 27 because the application is for a new PPS.

### **Environmental Site Description**

The site subject to this PPS is part of an overall tree conservation plan, which consists of 50.04 acres of the Salubria development and is located approximately 1,000 feet south of the intersection of I-95/495 (Capital Beltway) and MD 210, and on the east side of Oxon Hill Road. The property is currently developed as a commercial and office center. From a review of

available information, and as shown on the approved NRI, regulated environmental features (REF) are located on the overall site, such as primary management areas (PMA), which include two streams and associated stream buffers, 100-year floodplain, and steep slopes located along the easterly and southern property lines. The site does not contain any wetlands of special state concern, as mapped by the Maryland Department of Natural Resources. The Prince George's County Department of the Environment watershed map shows that the entire site is within the Henson Creek and Upper Potomac watershed of the Potomac River basin. The site features developed slopes and drains to on-site SWM structures and to the on-site stream areas. The Maryland Department of Natural Resources does not identify the site as being within a stronghold watershed area or within a Tier II catchment area. According to available information from the Maryland Department of Natural Resources Natural Heritage Program, no rare, threatened, and endangered species are known on-site or on adjacent properties.

The site is located across Oxon Hill Road from the historic site's environmental setting of Oxon Hill Manor (80-0010). No historic or scenic roads are adjacent to the subject site.

#### **Prince George's Plan 2035**

The site is located within the Environmental Strategy Area 2 (formerly the Developing Tier) of the Regulated Environmental Protection Areas Map as designated by Plan 2035, and within the Established Communities of the General Plan Growth Policy (Plan 2035).

### **ENVIRONMENTAL CONFORMANCE WITH APPLICABLE PLANS**

#### **Master Plan**

The master plan contains goals, policies, and strategies in the Environmental Infrastructure section. This subject site is not associated with a focus area and is located within Planning Area 80. 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 the plan's 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.***
- ***Preserve unique habitat areas to the fullest extent possible during the land development process.***

The southern half of the overall 50.04-acre project area is comprised of mapped evaluation areas, with the remaining portion of the property along the eastern and southern property lines mapped as regulated areas of the *Countywide Green Infrastructure Plan* of the 2017 *Approved Prince George's Resource Conservation Plan*:

*A Countywide Functional Master Plan.* The property is currently developed with a commercial and office center. The project area has several approved Type 1 and Type 2 tree conservation plans where woodland preservation was placed within the on-site REF areas. This PPS includes no impact to the existing woodland preservation area and REFs.

Previous development applications used woodland preservation and off-site woodland credits to meet all woodland conservation requirements. No clearing is included with this PPS. The same on-site woodland preservation, and additional off-site woodland credits will be used to meet all woodland conservation requirements. The additional woodland preservation area includes all of the on-site regulated area and a small portion of the evaluation areas, adjacent to the regulated areas within the green infrastructure network. No REF impacts were requested with this PPS.

***Policy 2: Restore and enhance water quality in areas that have been degraded and preserve water quality in areas not degraded.***

***Strategies:***

- ***Restore stream and wetland buffers to the fullest extent possible during the land development process.***

The approved NRI shows REF and PMA within the larger 50.04-acre Salubria development area. There is an on-site stream system along the eastern and southern property lines. The PPS preserves the woodlands within the on-site REF and PMA to meet the woodland conservation requirement.

No impacts are included within the on-site REF areas with this PPS. The woodland conservation approved is adjacent to the stream buffer, and this additional buffering further protects the stream, conforming to this policy.

The SWM concept design is required to be reviewed and approved by the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE), to address surface water runoff issues, in accordance with Subtitle 32, Water Resources Protection and Grading Code. This requires that environmental site design be implemented to the maximum extent practicable. An approved SWM Concept Plan (24991-2023-SDC) was submitted with the PPS for this site. The SWM concept plan proposes to use the existing SWM facilities. No fee in-lieu is required for providing on-site attenuation and quality control measures.

***Policy 3: Reduce Overall energy consumption and implement more environmentally sensitive building techniques.***

The PPS does not include the review of proposed buildings. The use of green building and energy conservation techniques is encouraged and should be implemented to the greatest extent possible. Development applications for the subject property should incorporate green and environmentally sensitive building and site design techniques, to

reduce overall energy consumption to the fullest extent practical, and may be evaluated further, at the time of DSP review, when buildings are proposed.

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

The subject property is an existing commercial and office center site adjacent to MD 210 to the east; woodlands and residential development to the south; woodlands, open space, and Oxon Hill Road to the west; and a public park and ride parking lot to the north. The adjacent uses are not rural in nature, but the overall Salubria site contains environmentally sensitive areas along the eastern and southern property line. These areas are where the existing woodland preservation is located. The eastern woodland preservation area is narrow and is located between the existing on-site commercial development and MD 210. The use of alternative lighting technologies and the limiting of total light output should be demonstrated, at the time of DSP, when the review of lighting details is required.

***Policy 5: Reduce noise impacts to meet State of Maryland noise standards.***

The proposed development includes two new buildings for the retail/restaurant and daycare use. Any noise impacts due to construction and operations on the site will be addressed at the time of permitting and construction of the project, pursuant to the requirements of the Building Code.

**2017 Green Infrastructure Plan**

The 2017 *Countywide Green Infrastructure Plan* was approved on March 17, 2017, with the adoption of the 2017 *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017). According to the approved *Countywide Green Infrastructure Plan*, this site contains regulated and evaluation areas.

The following policies and strategies are applicable to the subject application. The text in **BOLD** is the text from the master plan and the plain text provides findings on plan conformance:

**POLICY 1: Preserve, enhance, and restore the green infrastructure network and its ecological functions while supporting the desired development pattern of Plan Prince George's 2035.**

***Strategies***

- 1.1**     **Ensure that areas of connectivity and ecological functions are maintained, restored, and/or established by:**
  - a.       Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.

- b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
- c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**
- d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**

**1.2 Ensure that Sensitive Species Project Review Areas and Special Conservation Areas (SCAs), and the critical ecological systems supporting them, are preserved, enhanced, connected, restored, and protected.**

- a. Identify critical ecological systems and ensure they are preserved and/or protected during the site design and development review processes.**

The overall TCP1 for the Salubria development contains designated evaluation and regulated areas, as defined in the *Green Infrastructure Plan*. The TCP1 identifies Carey Branch and an unnamed tributary to Carey Branch. These water features are not identified as a stronghold watershed or located within a Tier II catchment area. The Salubria Center site has been used as a retail and office area since 2013, and as a partially developed office area since 1993. REFs such as the two on-site streams and their associated REF have been impacted through the years. This PPS meets the woodland requirement with on-site preservation and off-site woodland credits. Stormwater management will be reviewed by DPIE, and sediment and erosion control measures will be reviewed by the Prince George's County Soil Conservation District.

**POLICY 2: Support implementation of the 2017 GI Plan throughout the planning process.**

***Strategies***

- 2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/ or planting of a new corridor with reforestation, landscaping and/or street trees.**
- 2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.**



**2.6 Strategically locate off-site mitigation to restore, enhance and/or protect the green infrastructure network and protect existing resources while providing mitigation.**

The TCP1 contains no Network Gap areas. The existing office and retail are currently developed on the property. The remaining woodland areas are along the banks of two on-site stream systems. As part of this development, the remaining on-site woodlands and off-site woodland conservation will meet the required woodland conservation requirements. Due to the existing development, there are no on-site opportunities for on-site mitigation.

**POLICY 3: Ensure public expenditures for staffing, programs, and infrastructure support the implementation of the 2017 GI Plan.**

*Strategies*

**3.3 Design transportation systems to minimize fragmentation and maintain the ecological functioning of the green infrastructure network.**

- a. **Provide wildlife and water-based fauna with safe passage under or across roads, sidewalks, and trails as appropriate. Consider the use of arched or bottomless culverts or bridges when existing structures are replaced, or new roads are constructed.**

No transportation related impacts are included with the subject PPS.

- b. **Locate trail systems outside the regulated environmental features and their buffers to the fullest extent possible. Where trails must be located within a regulated buffer, they must be designed to minimize clearing and grading and to use low impact surfaces.**

No trail systems are included with this PPS.

**POLICY 4: Provide the necessary tools for implementation of the 2017 GI Plan.**

*Strategies*

**4.2 Continue to require the placement of conservation easements over areas of regulated environmental features, preserved or planted forests, appropriate portions of land contributing to Special Conservation Areas, and other lands containing sensitive features.**

Off-site woodland conservation shall be placed in a woodland and wildlife habitat conservation easement, prior to the approval of the TCP2.

**POLICY 5: Improve water quality through stream restoration, stormwater management, water resource protection, and strategic conservation of natural lands.**

*Strategies*

- 5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.**
- 5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.**

The approved SWM concept plan submitted with this PPS shows use of the existing SWM facilities to meet the current requirements of the environmental site design to the maximum extent practicable.

**POLICY 7: Preserve, enhance, connect, restore, and preserve forest and tree canopy coverage.**

*General Strategies for Increasing Forest and Tree Canopy Coverage*

- 7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.**
- 7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.**
- 7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.**

As part of this development, the remaining on-site woodlands and off-site woodland conservation credits will meet the required woodland conservation requirement.

*Forest Canopy Strategies*

- 7.12 Discourage the creation of new forest edges by requiring edge treatments such as the planting of shade trees in areas where new forest edges are proposed to reduce the growth of invasive plants.**

- 7.13 Continue to prioritize the protection and maintenance of connected, closed canopy forests during the development review process, especially in areas where FIDS habitat is present or within Sensitive Species Project Review Areas.**

***Tree Canopy Strategies***

- 7.18 Ensure that new, more compact developments contain an appropriate percentage of green and open spaces that serve multiple functions such as reducing urban temperatures, providing open space, and stormwater management.**

Clearing of woodland is not included with the subject PPS. This site does not contain potential forest interior dwelling species. Green space is encouraged to serve multiple eco-services.

**ENVIRONMENTAL REVIEW**

**Natural Resources Inventory**

An approved Natural Resources Inventory (NRI-049-2023) was submitted with the PPS. The NRI covers the entire 50.04-acre area covered under CSP-11006-01, of which the subject site is a 9.14-acre part. The overall 50.04-acre site contains REF and PMA from two on-site stream systems, floodplain, nontidal wetland, and associated stream and wetland buffers. The NRI indicates that prior to on-site development, the site contained four forest stands, labeled as Stand 1 through Stand 4, with 53 specimen trees identified on-site. After the site was developed, the development retains two forest stands, labeled as Stand 2 and Stand 3, with 15 specimen trees. The TCP1 and the PPS show all required information correctly, in conformance with the NRI.

**Woodland Conservation**

The site 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 and contains more than 10,000 square feet of woodland. TCP1-014-11-02 was submitted with this PPS.

The Woodland Conservation Threshold (WCT) for the overall 50.04-acre property, subject to CSP-11006-01, is 15 percent of the net tract area or 7.24 acres. The previous TCPs for the overall area previously met the woodland conservation requirements with on-site preservation (3.23 acres) and off-site woodland credits (10.28 acres).

This PPS includes no woodland clearing, and the revised TCP1 includes the addition of another developed parcel (Parcel 5). This increase in the net tract area of the TCP1 increases the woodland conservation requirement from the previous TCPs. The applicant provided a statement of justification on why the woodland requirement cannot be met on-site, indicating that there are no on-site woodland preservation or reforestation planting opportunities. The current TCP1 revision shows that the woodland conservation requirement now will be met using an additional 5.32 acres of off-site woodland credits.

### **Specimen Trees**

Section 25-122(b)(1)(G) requires that “Specimen trees, champion trees, and trees that are part of a historic site or are associated with a historic structure shall be preserved and the design shall either preserve the critical root zone of each tree in its entirety or preserve an appropriate percentage of the critical root zone in keeping with the tree’s condition and the species’ ability to survive construction as provided in the [Environmental] Technical Manual.” The code, however, is not inflexible.

The authorizing legislation of Prince George’s County’s WCO is the Maryland Forest Conservation Act, which is codified under Title 5, Subtitle 16 of the Natural Resources Article of the Maryland Code. Section 5-1611 of the Natural Resources Article requires the local jurisdiction to provide procedures for granting variances to the local forest conservation program. The variance criteria in Prince George’s County’s WCO are set forth in Section 25-119(d). Section 25-119(d)(4) clarifies that variances granted under Subtitle 25 are not considered zoning variances.

A variance to remove 38 of the 53 on-site specimen trees was approved with PPS 4-11028, leaving 15 specimen trees remaining on-site. No specimen trees were requested for removal with this PPS.

### **Preservation of Regulated Environmental Features (REF)/Primary Management Area (PMA)**

The overall 50.04-acre site included in the TCP1 contains REF that are required to be preserved and/or restored to the fullest extent possible, under Section 24-130(b)(5) of the prior Subdivision Regulations. The on-site REF includes streams, stream buffers, wetlands, wetland buffers, and 100-year floodplain. The site area subject to this PPS does not include any PMA and does not include any additional PMA impacts to those previously approved with CSP-11006. The previously approved impacts (Impact A and Impact B) were for two SWM outfall areas, totaling 0.16 acre.

### **Soils**

Section 24-131 of the prior Subdivision Regulations states “The Planning Board shall restrict or prohibit the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to natural conditions, such as, but not confined to, flooding, erosive stream action, high water table, unstable soils, or severe slopes, or to man-made conditions on the property, such as, but not confined to, unstable fills or slopes.”

According to the U.S. Department of Agriculture, Natural Resource Conservation Service, Web Soil Survey, soils present include Beltsville-Urban land complex, Croom gravelly sandy loam, Croom- Urban land complex, Grosstown-Urban land complex, Sassafras-Croom, Urban land-Beltsville complex, and Woodstown sandy loam. Marlboro and Christiana clays are not found to occur on this property.

14. **Urban Design**—The subject PPS evaluates three parcels to retain an existing office building on one parcel and concept to develop a retail/restaurant facility and a day care center for children on

the other two parcels. The concept uses proposed for this property in the M-X--T Zone are permitted per Section 27-547(b) of the prior Zoning Ordinance. In addition, this development is required to file a DSP in accordance with 27-546(a).

Conformance with the prior Zoning Ordinance is required for the proposed development and will be reviewed at the time of DSP, including but not limited to, the following:

- Section 27-544 regulations for the M-X-T Zone, as applicable;
- Section 27-545 Optional method of development;
- Section 27-546 Site plans;
- Section 27-547(d) regarding uses permitted in the M-X-T Zone;
- Section 27-548 regarding regulations in the M-X-T Zone;
- Part 11 Off-Street Parking and Loading; and
- Part 12 Signs.

**2010 Prince George's County Landscape Manual**

This development in the prior M-X-T Zone will be subject to the requirements of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). Specifically, the site is subject to Section 4.2, Requirements for Landscape Strips Along Streets; Section 4.3, Parking Lot Requirements; Section 4.4, Screening Requirements; and Section 4.9, Sustainable Landscape Requirements. Conformance with applicable landscaping requirements will be determined at the time of DSP review.

**Tree Canopy Coverage Ordinance**

Subtitle 25, Division 3, the Tree Canopy Coverage Ordinance, requires a minimum percentage of the site to be covered by tree canopy for any development projects that require a grading permit or propose 5,000 square feet or greater of gross floor area or disturbance. Properties that are zoned IE are required to provide a minimum of 10 percent of the gross tract area in tree canopy coverage. Conformance with this requirement will be evaluated at the time of DSP.

15. **Citizen Feedback**—The Prince George's County Planning Department has not received any written correspondence from members of the community regarding this PPS. In addition, no citizens testified at the May 23, 2024 public hearing.
16. **Referral to Municipalities**—The subject property is located within one mile of the municipal boundaries of the Town of Forest Heights. The PPS was referred to the adjacent municipalities for review and comment on March 18, 2024. The Planning Department did not receive any comments from the Town of Forest Heights.

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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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 Washington, seconded by Commissioner Bailey, with Commissioners Washington, Bailey, Doerner, and Shapiro voting in favor of the motion, and with Commissioner Geraldo absent at its regular meeting held on Thursday, May 23, 2024, in Largo, Maryland.

Adopted by the Prince George's County Planning Board this 13th day of June 2024.

Peter A. Shapiro  
Chairman

  
By Jessica Jones  
Planning Board Administrator

PAS:JJ:MG:rpg

  
Approved for Legal Sufficiency  
M-NCPPC Office of General  
Counsel  
Dated 6/5/24