



Note: Staff reports can be accessed at www.mncppc.org/pgco/planning/plan.htm.

Preliminary Plan 4-05079

Application	General Data
Project Name: RIVERCREST CENTER Location: Southwest of the intersection of Oxon Hill Road and Indian Head Highway (MD 210). Applicant/Address: Pinnacle Harbor, LLC. 12500 Fair Lakes Circle Fairfax, VA. 22033-3804	Date Accepted: 11/2/05
	Planning Board Action Limit: 01/26/06
	Plan Acreage: 43.8
	Zone: M-X-T
	Lots: 12
	Parcels: 0
	Planning Area: 80
	Tier: Developing
	Council District: 08
	Municipality: N/A
	200-Scale Base Map: 209SE01

Purpose of Application	Notice Dates
MIXED USE OFFICE/RETAIL	Adjoining Property Owners Previous Parties of Record Registered Associations: 08/3/05 (CB-58-2003)
	Sign(s) Posted on Site and Notice of Hearing Mailed: 12/26/05

Staff Recommendation		Staff Reviewer: Tom Lockard	
APPROVAL	APPROVAL WITH CONDITIONS	DISAPPROVAL	DISCUSSION
	X		

THE MARYLAND-NATIONAL CAPITAL
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Preliminary Plan of Subdivision 4-05079
Rivercrest Center, Lots 1–12

OVERVIEW

The subject property is located on Tax Map 104, Grid F-1, and is known as Parcels A and 45. The property is approximately 43.8 acres and was rezoned by the District Council to the M-X-T Zone in 1994 via Zoning Map Amendment A-9882. The northern parcel (Parcel A) has an approved Conceptual Site Plan, SP-87024, Preliminary Plan, 4-88087 (Resolution PGCPB No. 88-254) and Detailed Site Plan, SP-88069 (Resolution PGCPB No. 88-424), which provided for the development of less than 250,000 square feet of office or 530,000 square feet of light industrial space without additional transportation improvements. The southern half of the site (Parcel 45) was the subject of Preliminary Plan 4-95043, which proposed 139 townhouses and 15,000 square feet of commercial retail development. This plan was approved by the Planning Board on July 27, 1995, but lapsed before being recorded.

The subject application proposes to subdivide the site into 12 parcels for up to 221,000 square feet of commercial office and retail space. Access is proposed at three points along Oxon Hill Road with major access points lining up with the access point into National Harbor and the entrance into Oxon Hill Manor.

This site is the subject of a pending Conceptual Site Plan, CSP-05003. It will be heard by the Planning Board on January 19, 2006. Changes to the CSP as a result of that hearing may have a significant impact on this application.

SETTING

The subject site is located southwest of the intersection of Oxon Hill Road and Indian Head Highway (MD 210). Parcel A has been graded and is mostly field, with the exception of a forested strip along the eastern boundary. Parcel 45 is wooded and is the location of the remains of the Salubria manor house and its dependencies, Historic Site 80-002, which is proposed to be removed pending the approval of the Historic Preservation Commission (HPC). The HPC considered both this application and the CSP at their meeting of January 17, 2006. Their recommendations are contained in Section 14 of this report. The site is bounded to the north by an existing office building in the M-X-T Zone; to the west and east by the rights-of-way of Oxon Hill Road (beyond which is the Oxon Hill Manor Historic Site) and Indian Head Highway; and to the south by the Thomas Addison Elementary School, single-family houses in the R-55 Zone and undeveloped property in the R-18 Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

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

Zone Use(s)	EXISTING	PROPOSED
	M-X-T Vacant, Historic Site	M-X-T 214,000 square feet of commercial office, retail and restaurant uses
Acreage	43.8	43.8
Lots	0	12
Parcels	2	0
Public Safety Mitigation Fee		N/A

2. **Previous Approvals**—The subject property has numerous previous approvals. Some of these had conditions which are pertinent to the subject subdivision application:

Zoning Map Amendment A-9882-C: The District Council rezoned the subject property to the M-X-T Zone, on May 24, 1994, with 16 conditions. The following conditions are pertinent to the review of this preliminary plan:

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

Comment: No residential use has been proposed in this application.

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

Comment: A 100-foot-wide landscaped buffer is not shown on the preliminary plan should be shown as a building restriction line. It is shown on the CSP as being provided along Oxon Hill Road and the southern boundary.

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.**

Comment: Historic Site 80-002, Salubria, is located on the subject site. The preliminary plan does not graphically show the site. In addition, the plan notes mistakenly indicate that no historic site is within or adjacent to this proposed plan. This must be corrected prior to any approval of this application.

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.**

Comment: This application has been referred to the Historic Preservation and Public Facilities Planning Section and Historic Preservation Commission for their review and comments. The Historic Preservation Commission considered the historic site at their January 17, 2006, meeting. Their evaluation and recommendations are contained in Section 14 of this report.

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

Comment: See the above discussion.

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.**

Comment: A Forest Stand Delineation has been submitted with this application and has been evaluated by the Environmental Planning Section staff. Their assessment is contained in Section 4 of this report.

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.**

Comment: A Type I Tree Conservation Plan has been submitted to the Environmental Planning Section along with this application and has been evaluated by the Environmental Planning Section staff. Their assessment is contained in Section 4 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.**

Comment: SP-88069 is a detailed 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 the SP-88069 carried all transportation facilities-related conditions of approval of Preliminary Plan of Subdivision 4-88087 as follows:

- (6) **The Construction of the ultimate road network as shown on Exhibit 2 must be financially committed prior to issuance of any building permits.**
- (7) **The applicant shall enter into a bond or letter of credit or some other financial arrangement acceptable to The Maryland-National Capital Park and Planning Commission prior to record plat guaranteeing construction of the "triple intersection" improvements along Oxon Hill Road in the vicinity of the proposed Road I for PortAmerica and the installation of traffic signals with proper signal timing progression.**
- (8) **No building permit shall be issued for any building or buildings in excess of 300,000 square feet of office space or 520,000 square feet of light industrial space (which may include some office, as per an approved I-3 concept plan) except as provided in the following conditions.**
- (9) **The applicant may be issued permits for any building or buildings not to exceed 250,000 square feet of office space or 520,000 square feet of light industrial space without construction of the improvement described in Condition 7 (the "triple intersection"), so long as no building permits in excess of 500,000 square feet of office space have been issued for the PortAmerica project. Once permits for 500,000 square feet of office space for building or buildings have been issued at PortAmerica, the applicant's bond shall be used to construct the "triple intersection" improvement. The bond shall also be used to construct the "triple intersection" prior to the applicant being issued permits for building or buildings in excess of 250,000**

square feet of office space or 530,000 feet of light industrial space.

- (10) **The applicant may be issued permits in excess of 300,000 square feet of office space or 520,000 square feet of light industrial space based on a program of transportation systems management techniques to be submitted and approved by the Transportation Planning Division of The Maryland-National Capital Park and Planning Commission.**
- (11) **Should any improvements to the intersection beyond these already programmed and approved by the Maryland State Highway Administration of Route 414/Route 210 be constructed, the applicant will be permitted to be issued building permits for building and buildings in excess of 300,000 square feet of office space or 520,000 square feet of light industrial space, to the extent otherwise permitted by law, rules or regulations, for as many square feet as it contributes to the costs of construction of the improvement based on a pro rata share of traffic capacity created at the intersection by the improvement.**
- (12) **The applicant shall improve Oxon Hill Road south of the proposed Road I and in the vicinity of the proposed access road for the site to be consistent with lane configuration assumed by the submitted traffic study dated March 1988 and the memo report dated May 1988 prior to the issuance of any building permits.**
- (13) **The Salubria site entrance at Oxon Hill Road should be signalized at the applicant's cost and when deemed necessary by the Prince George's County Department of Public Works and Transportation.**

Comment: Condition 9 above sets the maximum square footage at 250,000 square feet of office space or 520,000 square feet of light industrial space that can be developed without providing additional transportation improvements. Since the approval of Detailed Site Plan SP-88069, one office building has been constructed on the northern part of the site. Per the applicant, there is up to 221,000 square feet of office space left that can be developed on the site without exceeding the maximum 250,000 square feet. Staff analysis and further discussion of these transportation conditions can be found in Section 8 of this report.

- 4. **Environmental**—There are streams, wetlands and floodplain on the property associated with the Henson Creek watershed in the Potomac River basin. The site is partially wooded. The property contains regulated areas and evaluation areas as designated by the Green Infrastructure Plan. MD 210 is an adjacent source of traffic-generated noise. The proposed use is not expected to be a noise generator. According to information obtained from the Maryland Department of Natural Resources Natural Heritage Program publication titled “Ecologically Significant Areas in Anne Arundel and Prince George’s Counties,” December 1997, there are no rare, threatened or endangered species found to occur in the vicinity of this property. The “Prince George’s County Soils Survey” indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Croom and Fallsington series. Marlboro Clay does not occur on the subject property. No historic or scenic roads are affected by this proposal. The site is in the Developing Tier according to the approved General Plan.

Review of Previously Approved Conditions

The following text addresses previously approved environmental conditions related to the subject applications. The text in BOLD is the actual text from the previous cases or plans.

A-9882-C, Zoning Ordinance No. 34-1994

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

Comment: This is discussed as part of the tree conservation plan in the Environmental Review section below.

- 7. A stormwater management concept plan shall be approved by the Department of Environmental Resources (DER) prior to the approval of any Preliminary Plan of Subdivision.**

Comment: A Stormwater Management Concept Plan, CSD #40537-2003-00, was approved by the Prince George's County Department of Environmental Resources and is discussed in detail 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.**

Comment: The 100-year floodplain shown on all plans has been approved by the Prince George's County Department of Environmental Resources.

- 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.**

Comment: A forest stand delineation identifying four forest stands totaling 26.61 acres and the species, size and condition of 54 specimen trees was included in the natural resources inventory that was signed by staff on October 31, 2005.

- 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.**

Comment: A Type I Tree Conservation Plan, TCPI/32/95-01, has been submitted with the CSP. A revised TCPI 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).**

Comment: A noise study has been submitted with the CSP. Traffic-generated noise is discussed in detail in the Environmental Review section below.

CSP-05003

- 1.(e) Prior to certification of the CSP, the Type I Tree Conservation Plan shall be revised**

as follows:

- (1) **Correct the area of woodland retained on-site that are not part of any requirement.**
- (2) **Show the critical root zones of all specimen trees**
- (3) **Revise the first TCPI note to read: “This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirement for CSP-05003. The TCPI will be modified as necessary during the review of the preliminary plan application and a TCPII may further refine the plan as part of the review of the Detailed Site Plan.”**
- (4) **Have the revised plan signed and dated by the qualified professional who prepared the plan**

Comment: The Type I TCP has not been submitted for certification. A revised Type I Tree Conservation Plan, TCPI/32/95-02, has been submitted with this application and is discussed in detail in the sections below. All conditions of approval of the TCPI associated with the CSP will be addressed on that plan and on the TCPI associated with the preliminary plan.

Natural Resource Inventory

An approved Natural resources inventory (NRI), NRI/075/05, was submitted with the application. The inventory indicates that there are streams, wetlands and 100-year floodplain on the property and the plan delineates the extent of the expanded stream buffers. Approximately 4.21 acres (24.8 percent of the property) are within the expanded stream buffers. The plans submitted show the NRI information correctly.

Environmental Impacts and Variation to Section 24-130

The plan proposes one impact to the expanded stream buffer for the installation of an outfall for a stormwater management pond. Section 24-130 of the Subdivision Regulations prohibits impacts to these buffers unless the Planning Board grants a variation to the Subdivision Regulations in accordance with Section 24-113. Staff notes that the topography of the site controls stormwater drainage patterns.

The proposed impact to the expanded stream buffer is required to install the stormwater management outfall to serve the proposed development. This will disturb a total of 1,840 square feet of the expanded stream buffer. The details of construction will be re-evaluated by the Department of Environmental Resources during the review of the construction permits to further reduce impacts.

Section 24-113 of the Subdivision Regulations contains four required findings to be made before a variation can be granted.

Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest

secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon evidence presented to it in each specific case that:

- (1) **The granting of the variation request would not be detrimental to public safety, health or welfare and does not injure other property;**

The installation of the stormwater management outfall is required by the Prince George's County Department of Environmental Resources to provide for public safety, health and welfare. All designs of these types of facilities are reviewed by the appropriate agency to ensure compliance with the regulations. These regulations require that the designs are not injurious to other property.

- (2) **The conditions on which the variations are based are unique to the property for which the variation is sought and are not applicable generally to other properties;**

The specific topography of the site requires the use of the stormwater management outfall shown on the plans to adequately serve the proposed development.

- (3) **The variation does not constitute a violation of any other applicable law, ordinance or regulation; and**

The installation of a stormwater management outfall is required by other regulations. The proposed impact is not a violation of any other applicable law, ordinance or regulation.

- (4) **Because of the peculiar physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulation is carried out.**

The topography provides no alternative for the location of the stormwater outfall that is required to serve the development. Without the required stormwater management facilities, the property could not be properly developed in accordance with the M-X-T Zone.

Staff supports the variation request for the reasons stated above.

Woodland Conservation

This site is subject to the provisions of the Woodland Conservation Ordinance because it has a previously approved tree conservation plan. Conceptual Site Plan CSP-95030 and TCPI/32/95 were approved for residential development of the southern portion of the property concurrently with Preliminary Plan 4-95043. Preliminary Plan 4-95043 and TCPI/32/95 were approved by PGCPB. No. 95-235 for 139 residential lots and 2 parcels; however, the preliminary plan expired before it was platted. The conceptual site plan application, CSP-05003, replaces CSP-88069 and CSP-95030 and covers a larger area than the area of TCPI/32/95. The revised Tree Conservation Plan, TCPI/32/95-01, submitted with CSP-05003 contains the additional acreage. Revised Tree Conservation Plan TCPI/32/95-02 submitted with this application modifies some of the woodland clearing areas.

The TCP worksheet proposes clearing 17.44 acres of the existing 23.11 acres of upland woodland, clearing 0.01 acre of the existing 1.75 acres of woodland within the 100-year floodplain and clearing 0.01 acre of woodland off-site. The woodland conservation threshold is 6.31 acres. The woodland conservation requirement, based upon the proposed clearing, is 11.16 acres. The plan proposes to meet the requirement by providing 5.67 acres of on-site preservation and 5.49 acres of off-site conservation.

The general layout of the woodland conservation areas will serve to protect the stream valleys on-site and assist in providing the 100-foot buffer along the southern property line required by A-9882-C, Condition 3. Except for a minor encroachment for a required stormwater management outfall, all of the designated regulated areas of the Green Infrastructure Plan will be retained in woodland. Additional woodland retained adjacent to the regulated areas conforms to the preferred alternatives available for designated evaluation areas.

Soils

The “Prince George’s County Soils Survey” indicates that the principal soils on the site are in the Aura, Beltsville, Bibb, Croom and Fallsington series. Aura, Beltsville and Croom soils are considered highly erodible. Bibb Soils are associated with floodplains. Fallsington soils often contain wetlands associated with a high water table. This information is provided for the applicant’s benefit. A soils report may be required by the Prince George’s County Department of Environmental Resources during the permit process review.

Noise

A noise study has been submitted with this application. When the rezoning application was under review, staff was concerned about potential noise impacts from traffic-generated noise from MD 210, especially since the M-X-T Zone permits a residential use component. The noise model used at that time was overly conservative and a better model is in current use. The application includes a detailed noise study that indicates that there will be no significant impact on the property from traffic-generated noise along Oxon Hill Road. Oxon Hill Road is a designated collector that typically does not generate enough traffic to raise noise levels above state standards. MD 210 is designated as a freeway. Staff have evaluated the potential noise impacts and have concluded that the 65 dBA noise contour, based on a 10-year projection, is 247 feet from the centerline of MD 210. Because all proposed structures are more than 250 feet from the right-of-way of MD 210, no noise mitigation measures are required. The TCPI shows the 65 dBA Ldn noise contour located 247 feet from the centerline of MD 210.

Water and Sewer Categories

The water and sewer service categories are W-3 and S-3 according to water and sewer maps obtained from the Department of Environmental Resources dated June 2003. Development on this site will utilize public systems.

5. **Community Planning**—The subject property is located within the limits of the 1981 Master Plan for Subregion VII in Planning Area 80/Fort Foote community. The master plan land use recommendation is for low-suburban residential land use for a majority of the site and office/employment park development for the balance. (Note: The 2005 Adopted Henson Creek-South Potomac Master Plan recommends a mixed-use development and places the property in a new transit corridor.) The 2002 General Plan locates the property in the Developing Tier. The vision for the Developing Tier is to maintain a pattern of low- to moderate-density suburban

residential communities, distinct commercial Centers, and employment areas that are increasingly transit serviceable. (Note: The 2005 Adopted Henson Creek-South Potomac Master Plan proposes a new General Plan corridor corresponding to the proposed transit line from Virginia, across the Woodrow Wilson Bridge, to the Branch Avenue Metro Station. This application is located along that proposed corridor.) The existing zoning approved in 1994 allows for mixed-use development at this site and at intensities envisioned by the General Plan for selected locations along the corridor.

The December 2005 Adopted Henson Creek-South Potomac Master Plan (pending District Council approval) places this site in a mixed-use area along a proposed transit corridor where transit-oriented development at moderate to high densities and intensities is encouraged. Preliminary plan policies and strategies in the Centers and Corridors chapter that apply to this application include:

“Policy 3: Promote development of mixed residential and nonresidential uses at moderate densities along the future transit corridor in context with surrounding neighborhoods and with an emphasis on transit-oriented development.

Strategies

- Support moderate-intensity, mixed-use, and transitional development along the corridor between centers.
- Consider future transit stops or major road intersections as the focal points for future mixed-use development nodes.
- Consider interim development proposals that may be replaced by higher intensity, mixed-use projects when there is market support and more specific information about proposed transit facilities for this area.”

This property is located between the National Harbor and Oxon Hill Centers identified by the General Plan for this area. Although there is a large Park and Ride commuter parking lot to the north of this site, the specifics of a future transit line in this corridor are unknown with respect to type (bus rapid transit, light-rail or heavy-rail), specific alignment, transit stops, and timing. As such, interim development proposals are considered appropriate for the foreseeable future.

6. **Parks and Recreation**—In accordance with Section 24-134 of the Subdivision Regulations, the application is exempt from mandatory dedication of parkland because it proposes a nonresidential use.
7. **Trails**—The Adopted and Approved Subregion VII Master Plan and the 1985 Equestrian Addendum to the Adopted and Approved Countywide Trails Plan identify Oxon Hill Road as a master plan bicycle/trail corridor. The recently Adopted Henson Creek-South Potomac Master Plan further refines this recommendation to include standard or wide sidewalks and designated bike lanes along Oxon Hill Road (page 71, under Policy 1). Relatedly, DPW&T’s current plans for Oxon Hill Road incorporate sidewalks and bike lanes into the design. The 65 percent plans for Phase II of the Oxon Hill Road Improvements include five-foot-wide sidewalks and designated bike lanes along both sides of Oxon Hill Road from the I-95 ramp to Fort Foote Road. These frontage improvements will include the subject site’s portion of Oxon Hill Road.

Sidewalk Connectivity

The November 2004 planning charrette for the Henson Creek-South Potomac Master Plan identified walkability and pedestrian connections as important community priorities, particularly in the vicinity of the Oxon Hill Core Area. Continuous sidewalks, wide sidewalks, pedestrian safety measures, and sidewalk or trail connections between communities and to public facilities are especially important. An analysis of the internal sidewalk network will be completed at the time of detailed site plan. However, standard sidewalks may be warranted along both sides of all internal roads due to the proximity of the site to the Oxon Hill Core Area.

8. **Transportation**—The Transportation Planning Section has reviewed the subdivision application referenced above. The subject property consists of approximately 43.79 acres of land in the M-X-T Zone. The property is located just southwest of the intersection of MD 210 and Oxon Hill Road, in an area between the two roadways. The applicant proposes a mixed-use development of retail uses added to the existing office use on the northern portion of the site.

The applicant has not prepared a traffic impact study nor was one requested by the transportation staff. The findings and recommendations outlined below are based upon a review of all relevant materials and analyses conducted by the staff of the Transportation Planning Section, consistent with the *Guidelines for the Analysis of the Traffic Impact of Development Proposals*, and in consideration of findings made in connection with past applications.

Growth Policy—Service Level Standards

The subject property is located within the Developing Tier, as defined in the General Plan for Prince George's County. 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.

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 traffic controls) if deemed warranted by the appropriate operating agency.

Staff Analysis of Traffic Impacts

The subdivision would involve a resubdivision of Parcel A of Salubria, which was created under 4-88087, which involves about half of the site. The remainder has never been recorded although it was subdivided under 4-95043. A conceptual site plan (CSP-05003) has been under review that proposes that the development cap previously approved for Parcel A be spread across the entire site. As such, this amounts to a resubdivision with no net trips, and for that reason a traffic study was not required. A trip generation analysis was provided in support of the subdivision.

The original proposal for the Salubria Office Park included 500,000 square feet of office space. This use would generate 1,000 AM and 925 PM peak-hour vehicle trips.

The current proposal in the subject plan includes the existing 125,000 square foot office building and a maximum of 214,000 square feet of retail space. Assuming a 50 percent pass-by rate for a retail complex of this size (consistent with the Guidelines), the uses would generate 360 AM and 916 PM peak-hour vehicle trips. Therefore, from the standpoint of transportation, it is determined that the current plan is consistent with the underlying zoning approval and with past plans. Therefore, there is evidence that the Planning Board can find that the proposed resubdivision would generate no net trips as a result. There would be no resulting impact on traffic operations at critical intersections along Oxon Hill Road as a result of the resubdivision.

The original subdivision approval for the site was largely conditional on the construction of a set of “triple intersection” improvements at the location where the Capital Beltway ramps would intersect Oxon Hill Road and the entrance to the PortAmerica proposal. The “triple intersection” improvements have been redesigned and subsumed into the construction plans for the Woodrow Wilson Bridge; that same project now includes an interchange at MD 210 and Oxon Hill Road—with all improvements fully funded for construction by the State Highway Administration. Furthermore, the original PortAmerica property is now known as National Harbor. However, the original preliminary plan did include a condition that potential signalization at the site entrance along Oxon Hill Road be reviewed. Unless the need for such a signal is waived by the appropriate operating agency in writing, it is advisable that this condition be carried forward.

Sufficient right-of-way consistent with master plan recommendations for Oxon Hill Road is shown on the plan.

Transportation Staff Conclusions

Based on the preceding findings, the Transportation Planning Section concludes that adequate transportation facilities would exist to serve the proposed subdivision as required under Section 24-124 of the Prince George's County Code if the application is approved with conditions consistent with the preceding findings.

9. **Schools**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for impact on school facilities in accordance with Section 24-122.02 of the Subdivision Regulations and CB-30-2003 and CR-23-2003. The proposed subdivision is exempt from the review test for schools because it is a commercial use.
10. **Fire and Rescue**—The Historic Preservation and Public Facilities Planning Section has reviewed this subdivision plan for adequacy of public facilities and concluded the following.

The existing fire engine service at Oxon Hill Fire Station, Company 21 located at 7600 Livingston Road has a service travel time of 4.19 minutes, which is beyond the 3.25-minute travel time guideline.

The existing ambulance service at Oxon Hill Fire Station, Company 21 located at 7600 Livingston Road has a service travel time of 4.19 minutes, which is within the 4.25-minute travel time guideline.

The existing paramedic service at Allentown Road Fire Station, Company 47 located at 10900 Fort Washington Road has a service travel time of 7.03 minutes, which is within the 7.25-minute travel time guideline.

The existing ladder truck service at Accokeek Fire Station, Company 24 located at 16111 Livingston Road has a service travel time of 16.38 minutes, which is beyond the 4.25-minute travel time guideline.

The above findings are in conformance with the standards and guidelines contained in the Adopted and Approved Public Safety Master Plan 1990 and the “Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities.”

In order to alleviate the negative impact on fire and rescue services due to the inadequate service discussed, an automatic fire suppression system shall be provided in all new buildings proposed in this subdivision, unless the Prince George’s County Fire/EMS Department determines that an alternative method of fire suppression is appropriate.

11. **Police Facilities**—The proposed development is within the service area for Police District IV-Oxon Hill. The Police Chief has reported that the current staff complement of the Police Department is 1,302 sworn officers and 43 student officers in the academy, for a total of 1,345 personnel, which is within the standard of 1,278 officers. Therefore, in accordance with Section 24-122.01(c) of the Subdivision Regulations, existing county police facilities will be adequate to serve the proposed development.
12. **Health Department**—The Health Department stated that a significant amount of trash and other debris was found on the property and should be removed and properly stored or discarded. A raze permit should be obtained through the Environmental Planning Section prior to the removal of any existing buildings.
13. **Stormwater Management**—The Department of Environmental Resources (DER), Development Services Division, has determined that on-site stormwater management is required. A Stormwater Management Concept Plan, # 40537-2003-00, has been approved with conditions to ensure that development of this site does not result in on-site or downstream flooding. Development must be in accordance with this approved plan.
14. **Historic Preservation**—The subject preliminary plan application for Rivercrest at Salubria includes Salubria (Historic Site 80-002). The developing property, 43.79 acres zoned M-X-T, is located on the east side of Oxon Hill Road directly east of Oxon Hill Manor (Historic Site 80-001). The proposed preliminary plan is associated with a conceptual site plan (CSP-05003) that proposes the development of a retail shopping center. The proposed development includes 4 one-story commercial buildings to the north, composed of in-line retail stores, a large freestanding retail store to the south, associated parking as well as an additional six smaller retail pad sites on the northern portion of the property. The Historic Site’s 2.7-acre environmental setting is located at the southeastern edge of the property near the eastern edge of the proposed freestanding store.

The applicant’s preliminary plan of subdivision (4-05079) establishes property boundaries within the development to provide for the potential sale of all or portions of the property.

A Phase I archeological investigation was completed within the current 2.7-acre environmental setting of Salubria during October 2003. 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., June 8, 2004) was completed on June 8, 2004. Staff received the report on June 22, 2004. The report was reviewed in October 2005 as part of the subject application.

According to the report, the setting includes “the ruins of an early nineteenth century plantation house and outbuildings, including a structure that may be a twentieth century reconstruction of the kitchen, a mid-twentieth century well house, a mid-nineteenth century dairy, and a 1940s frame tenant house.” (Fehr et al. 2004:iii).

The archeological excavations consisted of the excavation of 165 shovel test pits at 5-, 10-, and 15-meter intervals. One archeological site was identified, 18PR692. The site included a prehistoric component and a historic component. Sixty prehistoric artifacts were recovered, including Potomac Creek or Moyaone ceramic shards that date to the Late Woodland Period (approximately AD 900 to AD 1600), and fire-cracked rock (rocks and large stones that have been broken, discolored, and cracked by intense heat). These heated rocks are usually an indicator of a hearth or cooking pit. A total of 1,249 historic period artifacts were recovered.

Historic Preservation Conclusions

The property lines of the applicant’s preliminary plan of subdivision may require revision at a later date to ensure that the entirety of the revised Salubria historic site environmental setting is located within a single lot.

As part of the underlying conceptual site plan application (CSP-05003), the applicant has agreed to conduct Phase II archeological excavations, analysis, and report preparation in the area of the two prehistoric clusters, the historic midden (kitchen waste dump) located during the 2004 Phase I investigation and in and around the fieldstone foundation. Soil samples will be collected that are sufficient for paleobotanical analysis and diet reconstruction. All bone, shell, and other preserved organic material will be collected for detailed analysis, to reconstruct diet and prepare a detailed report. Specialized faunal and paleobotanical analyses will be completed for the faunal and floral material, and a detailed specialist report that includes historic context and comparable sites will be completed for the faunal and paleobotanical findings. This task may result in important and rare findings regarding the diet of the occupants of the property.

In accordance with Subtitle 24-104, Subtitle 24-121(18), and Subtitle 24-135.01, Phase I archeological investigation should be conducted over the remainder of the property that was not previously the subject of the 2004 Phase I, except for areas that have been disturbed or are in steep slopes. An intensive systematic archeological walkover of the property should be conducted to search for standing structures, remains of historic structures, or evidence of burials. Expenses associated with this additional Phase I investigation shall be borne by the applicant and shall not be derived from the proffered mitigation funds which apply to the land within the environmental setting.

Phase I archeological investigations should be conducted according to Maryland Historical Trust (MHT) guidelines, Standards and Guidelines for Archeological Investigations in Maryland (Shaffer and Cole 1994), and Prince George’s County Planning Board Guidelines for Archeological Review (May 2005), and report preparation should follow MHT guidelines and the American Antiquity or Society of Historical Archaeology style guide. Archeological excavations shall be spaced along a regular 15-meter or 50-foot grid and excavations should be clearly identified on a map to be submitted as part of the report. The archeological investigation should address the possibility that graves may be located on this property.

These investigations must be presented in a draft report following the same guidelines. Following approval of the draft report, four copies of the final report must be submitted to M-NCPPC

Historic Preservation staff. Evidence of M-NCPPC concurrence with the final Phase I report and recommendations is required prior to signature approval.

15. **Urban Design**—The application proposes to subdivide the site into 199 single-family attached lots, 117 single-family detached lots, 278 multifamily units, a commercial component, and 15 parcels to be dedicated to the homeowners association. The property is located in the M-X-T Zone and the required conceptual site plan is to be heard prior to this application.

Conformance with Conceptual Site Plan CSP-05003

Overall, the concepts set forth in the conceptual site plan have been adhered to in the design of the preliminary plan. Because both the CSP and the preliminary plan are scheduled for the same Planning Board hearing date, it is not possible to speak with specificity as to the conditions of approval for the CSP. However, if the Planning Board approves Conceptual Site Plan CSP-05003 on January 26, 2006, with the 10 conditions recommended by staff, none require actions to be taken prior to approval of this preliminary plan application. The following comments do apply, however:

- a. The preliminary plan shows a total gross floor area that is different from what has been proposed on the CSP. The total gross floor area proposed in the CSP is up to 221,000 square feet, while the preliminary plan proposes 214,000. This number must be consistent.
- b. The preliminary plan of subdivision indicates that no historic site is within the subject site, which is not correct. As discussed, Salubria, Historic Site 80-002, with a 2.7-acre environmental setting, is located in the southeast area of the site. The preliminary plan should be revised to reflect the historic site.
- c. The District Council approved Zoning Map Amendment A-9882-C, which rezoned the subject site to the M-X-T Zone, on May 24, 1994, with 16 conditions. Condition 3 requires a 100-foot-wide landscaped buffer be provided along Oxon Hill Road and the southern boundary of the subject site. This information should also be reflected on the preliminary plan of subdivision.
- d. The preliminary plan will be subject to any applicable conditions attached to the approval of CSP-05003.

The applicant has not filed a plan with this office for signature approval of the conceptual site plan. Staff recommends that prior to signature approval of the preliminary plan, the applicant should obtain signature approval of the conceptual site plan. The preliminary plan would then need to reflect any modification shown on the conceptual site plan. Development of this property is subject to the approval of a detailed site plan in accordance with Part III, Division 9, of the Zoning Ordinance.

16. **Potential Future Residential Development**—The subject property is zoned M-X-T. While the subject application is not proposing any residential development, the M-X-T Zone does permit it. Because there exists different adequate public facility tests, and there are considerations for recreational components for residential subdivision, a new preliminary plan should be required if residential development is to be considered.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Prior to signature approval of the preliminary plan of subdivision, the plan shall be revised as follows:
 - a. Remove Note 4 and label the historic site on the property, Salubria (80-02).
 - b. Reflect the layout of the approved conceptual site plan (CSP-05003) and add notes reflecting conformance with any additional conditions of that approval.
 - c. Show a 100-foot building restriction line along Oxon Hill Road and the southern boundary of the site.
2. A Type II Tree Conservation Plan shall be approved at the time of approval of the DSP.
3. Total development of the subject property shall be limited to uses which would generate no more than 360 AM and 916 PM peak-hour vehicle trips. Any development generating an 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.
4. Prior to the approval of the initial detailed site plan within the subject property, the applicant shall submit an acceptable traffic signal warrant study to SHA and/or DPW&T for signalization at the intersection of the site access and Oxon Hill Road. 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 the operating agencies. If a signal is deemed warranted at that time, the applicant shall bond the signal with the appropriate agency prior to the release of any building permits within the subject property, and install it at a time when directed by that agency. Installation shall include the modification of the southbound and northbound approaches as required by the operating agency(ies). If it is determined by the agencies that a signal is not needed and completely unnecessary and such determination is provided in writing, the requirement to perform the signal warrant study may be waived by the Planning Board during approval of the detailed site plan.
5. Development of this site shall be in conformance with Stormwater Management Concept Plan #40537-2003-00, and any subsequent revisions.
6. Prior to signature approval of the preliminary plan of subdivision, the applicant shall obtain signature approval of the approved Conceptual Site Plan (CSP-05003).
7. Development of this property is subject to the approval of a detailed site plan in accordance with Part III, Division 9, of the Zoning Ordinance. At the time of detailed site plan, the applicant shall reflect and incorporate the planned road improvements included in the DPW&T Oxon Hill Road Improvements Phase II project. Improvements within the right-of-way required at that time will be determined by DPW&T.
8. Prior to the approval of a detailed site plan for the subject property, the applicant, his heirs, successors and/or assignees shall, in consultation with M-NCPPC archeology staff, develop the research design, review proposed costs, and complete a Phase I archeological

investigation over the remainder of the property (not previously the subject of Phase I investigation in 2004).

9. Upon receipt of the report by the Planning Department, if it is determined that potentially significant archaeological resources exist in the remaining portion of the project area, prior to Planning Board approval of the detailed site plan, the applicant shall provide a plan for either:

- a. Evaluating the resource at the Phase II level.
- b. Avoiding and preserving the resource in place.

10. The applicant shall ensure that the entirety of the Salubria historic site environmental setting (Historic Site 80-002) will be located within a single lot within the development. The environmental setting shall be identified by metes and bounds prior to final plat approval.

11. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the expanded stream buffer, except for the area where a variation has been approved, and shall be reviewed by the Environmental Planning Section prior to certificate approval. In addition, the following note shall be placed on the plat:

“Conservation easements described on this plat are areas where the installation of structures 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 permitted.”

12. The following note shall be placed on the Final Plat of Subdivision:

“Development is subject to restrictions shown on the approved Type I Tree Conservation Plan (TCPI/32/95-02), or as modified by the Type II 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 Conservation Ordinance. This property is subject to the notification provisions of CB-60-2005.”

13. Any residential development of the subject property shall require the approval of a new preliminary plan of subdivision prior to the approval of a detailed site plan.

STAFF RECOMMENDS APPROVAL OF TREE CONSERVATION PLAN TCPI/32/95.02 AND VARIATIONS TO SECTION 24-130 AND 24-121 OF THE SUBDIVISION REGULATIONS.