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PGCPB No. 12-04(C)

File No. CSP-11006

C O R R E C T E D R E S O L U T I O N

WHEREAS, the Prince George's County Planning Board is charged with the approval of Conceptual Site Plans pursuant to Part 3, Division 9 of the Zoning Ordinance of the Prince George's County Code; and

WHEREAS, in consideration of evidence presented at a public hearing on January 12, 2012 regarding Conceptual Site Plan CSP-11006 for Salubria Center, the Planning Board finds:

1. **Request:** The subject application is for approval of a conceptual site plan for up to 460,000 square feet of retail and hotel development in the M-X-T (Mixed Use-Transportation Oriented) Zone.
2. **Development Data Summary:**

	EXISTING	APPROVED
Zone(s)	M-X-T	M-X-T
Use(s)	Vacant	Commercial "Outlet Center" inclusive of restaurant uses, and a hotel
Gross Tract Area	43.79 Acres	43.79 Acres
Total gross floor area	N/A	460,000 square feet (approximate)*
Commercial/Retail	N/A	350,000 square feet
Restaurant	N/A	16,000 square feet
Hospitality	N/A	60,000 square feet

*The gross floor area based upon the uses defined above totals 426,000. An additional 34,000 square feet of development growth potential is built into the conceptual proposal.

Floor Area Ratio (FAR) in the M-X-T Zone

Base Density	0.4 FAR
Total FAR Permitted	0.4 FAR
Total FAR Proposed:	0.25 FAR

3. **Location:** The subject site is located in the southeast quadrant of the intersection of Oxon Hill Road and Harborview Avenue, between Oxon Hill Road and Indian Head Highway (MD 210), in Planning Area 80, and Council District 8.
4. **Surrounding Uses:** The site is bounded to the north by an existing office use in the M-X-T Zone; to the west by the Oxon Hill Road right-of-way; to the east by the Indian Head Highway (MD 210)

right-of-way and multifamily development in the R-18 Zone (Wilson Bridge Condominiums); and to the south by the campus of Thomas Addison Elementary School, which is currently vacant, and single-family houses in the R-55 Zone (River Ridge Estates).

The subject property is located across Oxon Hill Road from Oxon Hill Manor, which is a National Register Historic Site owned by The Maryland-National Capital Park and Planning Commission (M-NCPPC) in the R-O-S (Reserved Open Space) Zone.

5. **Previous Approvals:** The subject property is a combination of two parcels. The northernmost 21.23-acre parcel is part of a 35-acre parcel previously zoned I-3 with 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 remaining southernmost acres were previously zoned R-R. In 1993, the District Council approved a rezoning (Zoning Map Amendment A-9882-C, Zoning Ordinance No. 35-1994) of the I-3 and R-R properties (totaling 54.7 acres) to the M-X-T Zone.

The site also has an approved Stormwater Management Concept Plan 40537-2003 that is valid until May 4, 2013.

6. **Existing Conditions:** The subject property comprises two parcels (Parcel A and Parcel 18). Parcel A has been graded and some roads built to serve an office park ("Salubria Office Park") which was envisioned to ultimately consist of three office/light industrial buildings and associated parking. Parcel A is bisected by a 110-foot right-of-way for a ramp from the Capital Beltway (I-495/95), effectively dividing the existing office building on Parcel 92 from the subject property with the exception of two small appendages of land north of the ramp. The southern 22 acres (Parcel 18) are mostly wooded and contain the scant remains of the original Salubria and outbuildings, Historic Site 80-002, within a 2.7-acre environmental setting.
7. **Design Features:** The applicant proposes to construct a regionally-competitive outlet center to serve the Washington-Metropolitan region with associated surface parking on the subject site. In a later phase of development a hotel use is proposed to serve the outlet center.

Access: The conceptual site plan indicates two points of access onto the site. One access point is proposed from Harborview Avenue which connects to an existing entrance ramp from Indian Head Highway (MD 210). The second point of access is proposed from Oxon Hill Road across from a new proposed entry into the Oxon Hill Manor historic site. Oxon Hill Road is the subject of a 2.5 mile long Department of Public Works and Transportation Capital Improvement Project (CIP). Road widening along the site's Oxon Hill Road frontage is envisioned as a part of the CIP. In front of the subject site Oxon Hill Road is proposed by DPW&T to be a four-lane road with median. As the road continues south of the subject property, it becomes a two-lane road with bike lanes.

Outlet Proposal: The outlet center is proposed in partnership with Tanger Outlets. Tanger is a national outlet developer with a portfolio of approximately 38 outlet centers in 25 states, as indicated on the company's website. This application indicates the company's intent to locate a project within the Washington-Metropolitan region. There are existing Tanger Outlets located in Hershey, Lancaster, and Washington, Pennsylvania; and Rehoboth Beach, Delaware. If approved and constructed, the subject outlet center will be one of the more suburban/urban locations for a Tanger Outlet Center.

While the subject outlet center would be one of Tanger's more urban locations, proximate to adjacent residential uses and a historic setting, the layout of the subject outlet center proposal is largely identical to other Tanger projects. The layout incorporates a "race track" design, where the approximately 350,000-square-foot retail center is encircled by a driveway and surface parking lot serving the center.

Architecture: The applicant did not submit architectural guidelines for review as a part of the CSP proposal, but did offer some discussion regarding the vision of the outlet proposal. The Planning Board adopts the following proposal description provided by the applicant:

Applicant's Justification: The form of the retail/dining buildings (excluding separate pad sites) will have the appearance of 1-2 stories in height, varied roof lines and architectural features with a nautical/maritime theme in order to carry forward and accent the National Harbor and Potomac River relationships. This theme will be present in site amenities, e.g. street furniture, pedestrian entry/focal points, and lighting. Office and/or hospitality buildings will be 2-6 stories in height.

The orientation of buildings will be such that the 'fronts of buildings' will be internal to the Property as this design allows for the creation of the "pedestrian element". This is essential to the shopping experience premised on parking, then walking throughout the various shopping villages, plazas and enclaves that have been created. The rear of the buildings will be the facades parallel to the public streets, Oxon Hill Road, Ramp E-1 and Indian Head Highway. Even so, the visibility of the buildings rear sides from the two roadways will be minimal. In its simplest form, the outlet retail venue is yesterday's mall whereby the focal points/pedestrian entries to the shopping area are given high levels of design attention. Amenity features are designed and placed to enhance the 'walking and shopping experience' and some design characteristics are provided at the front facades of the building which are predominately internal to the property to reinforce the 'pedestrian element'.

The only development standards provided for architecture within the conceptual site plan are maximum building heights. The retail buildings are proposed to have a maximum height of 45 feet, "except for architectural elements", and the hotel building is proposed to have a maximum height of 150 feet.

Hotel Proposal: Part of Parcel A upon which the 60,000-square-foot hotel building is proposed is approximately one acre in size. The portion of Parcel A upon which the parking for the hotel use is proposed, is approximately three-quarters of an acre in size and is separated from the hotel use by a driveway entrance into an existing office building site.

The Planning Board has some concerns regarding the hotel proposal in this location. The applicant describes the hotel as a boutique hotel, which is a term that typically describes smaller, non-chain hotels. The hotel building footprint on the CSP is approximately 9,800 square feet in size, and the applicant has indicated that an approximately six-story building is proposed in this location. The building footprint of this 100-room hotel is between 2,500 to 7,500 square feet smaller than comparable 100-room hotel footprints. At approximately one-acre, the hotel site is small and it would be a design challenge to provide even standard hotel amenities within the building or on the site, such as outdoor patios or sitting areas, and maintain some appropriate separation from the existing office building, which is located approximately 40 feet north of the proposed hotel building.

Due to the apparent challenges with accommodating a hotel in this location, the Planning Board finds that a future office use shall not be precluded from the proposal at this time. An office use could be a suitable second use on the site if a hotel is determined not to be feasible. A smaller office building in this location could provide a transition in height, scale, and architecture between the existing office building and the proposed outlet center.

Signage: The Planning Board finds that detailed signage design guidelines have not been provided for review at this time. At time of detailed site plan the applicant shall establish the sign design parameters for the entire retail center and hotel. The CSP locates four freestanding signs proposed within the subject development. Three signs are proposed along Harborview Avenue including one proposed at the intersection of Harborview and Oxon Hill Road. The last proposed sign is shown at the site entrance along Oxon Hill Road. The Planning Board finds that any proposed sign along Oxon Hill Road across from Oxon Hill Manor shall be modest in design and restricted in height so as not to detract from the adjacent historic site. Comprehensive sign details for freestanding signs, and sign guidelines for future sign proposals in the center shall be provided for review and approval at time of detailed site plan.

The conceptual site plan includes a note that states that the sign in the northwest corner of the property will have a height to be determined during the DSP process, and that the sign shall be visible from I-95/I-495. The Planning Board finds that the second part of the sentence shall be removed from the conceptual site plan. The height and visibility of the sign shall be determined at time of detailed site plan when necessary cross sections and/or viewshed analyses have been submitted, and confirm that the proposed signs will not negatively impact views from adjacent residential properties or historic sites.

Historic Site: The subject property contains Salubria, identified in the Prince George's County *Inventory of Historic Resources* as #80-002. The property was designated as a Prince George's County Historic Site on July 17, 1981. At that time, the main house and the adjacent domestic

outbuildings including the kitchen, the well house, the milk house/dairy and the guest house/slave quarters were standing and in reasonably good condition.

The Planning Board finds that the historical value of the Salubria Historic Site (#80-002) is limited to its archeological significance and potential rather than as a site that preserves a physical record of architectural and cultural significance. However, the potential for archeological finds of value to the historic record of the property remains. Additional discussion about the historic site and the Phase II investigations are provided in Section 12(e) of the subject resolution.

COMPLIANCE WITH EVALUATION CRITERIA

7. **The requirements of the Zoning Ordinance:** The Planning Board finds that the subject conceptual site plan (CSP) complies with the requirements of the M-X-T Zone and the site plan design guidelines of the Zoning Ordinance, as approved with conditions.

- a. The Planning Board finds that the subject application complies with the requirements of Section 27-547, Uses Permitted, of the Zoning Ordinance. The proposed uses in this application are permitted uses in the M-X-T Zone.

Section 27-547(d) provides standards for the required mix of uses for sites in the M-X-T Zone, as follows:

At least two (2) of the following three (3) categories shall be included on the Conceptual Site Plan and ultimately present in every development in the M-X-T Zone.... The Site Plan shall show the location of the existing use and the way that it will be integrated in terms of access and design with the proposed development. The amount of square footage devoted to each use shall be in sufficient quantity to serve the purpose of the zone:

- (1) **Retail business;**
- (2) **Office, research, or industrial uses;**
- (3) **Dwellings, hotel, or motel.**

The subject conceptual site plan indicates two of the above use categories. Retail, inclusive of restaurants, and hotel uses are proposed. The amount of square footage devoted to each use is approximately 366,000 to 400,000 square feet for retail, and 60,000 square feet for the hotel use. Retail is the primary use, and hotel is the secondary use.

The Zoning Ordinance requires that at least two uses are indicated on the conceptual site plan and that they will be present in every M-X-T development. In order to increase the likelihood that a mix of uses is planned and ultimately constructed, the detailed site plan for Salubria Center shall include additional information about the development proposal for the secondary, non-retail use. A development proposal for the non-retail use could

include full construction details of the building north of Harborview Avenue, or the provision of designated office space within the outlet center. The minimum requirements of Section 27-547(d) could be met upon the construction of phase one (the outlet center) if Tanger were to provide designated space for an office use within the outlet center of sufficient size to serve the center. Alternatively, no later than detailed site plan, the applicant should propose a timing mechanism for the planning and construction of the secondary use for approval by the Planning Board. The Planning Board finds that any of the above expressed options are adequate for conformance to Section 27-547(d). Additional information regarding the non-retail use shall be provided at time of detailed site plan.

b. The Planning Board finds that the CSP is consistent with Section 27-548, Regulations. The following discussion is offered:

- (1) The proposed floor area ratio (FAR) is provided on the site plan. The subject application does not use the optional method of development. The overall FAR for the site is 0.25, which is much smaller than the maximum allowed 0.4. The uses are conceptually proposed in nine buildings throughout the 43.79-acre site.
- (2) Developments in the M-X-T Zone are required to have vehicular access to a public street in accordance with Section-548(g) noted below.

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

The subject site fronts and has direct vehicular access to two public rights-of-way: Oxon Hill Road to the east, and Harborview Avenue to the north. The conceptual site plan shows one access point on each road. The preliminary plan of subdivision will establish the required access right-of-way to other lots pursuant to Subtitle 24, Subdivision, for this site.

c. The Planning Board finds that, as approved with conditions, the CSP is in conformance with the applicable conceptual site plan site design guidelines contained in Section 27-274. The following discussion is offered:

- (1) Section 27-274(a)(2), Parking, loading, and circulation, provides guidelines for the design of surface parking facilities. Surface parking lots are encouraged to be located to the rear or side of structures to minimize the visual impact of cars on the site. The subject outlet center design provides a parking lot on all sides of the proposed center. At time of the detailed site plan the applicant shall take steps to reduce visually detrimental impacts of parking on the site by providing planting islands and shade trees throughout the parking lot, in accordance with Section 4.3, Parking Lot Requirements, of the 2010 *Prince George's County Landscape*

Manual. Additionally, views of the parking from the rights-of-way shall be reduced by providing a street treatment that provides some screening of the parking lot. A low masonry wall along Oxon Hill Road could be an appropriate addition to the street treatment that would effectively screen expansive views of cars. The applicant shall provide a detail of a low wall that could be provided along the Oxon Hill Road frontage, for consideration by staff and the Planning Board, at time of detailed site plan.

- (2) In accordance with Section 27-274(a)(2)(B), loading areas should be visually unobtrusive. The design of the outlet center provides for six separate loading areas located at the outer perimeter of the mall structure. Two loading areas are proposed on the side of the outlet center facing Oxon Hill Road and one loading area is proposed on the side of the outlet center facing Harborview Avenue. The Planning Board understands, from reviewing precedent images from other Tanger developments, that these loading areas are typically partially screened through the use of walls that are structurally integrated with the building façade.

In the interest of providing an attractive development front for the Oxon Hill community, and creating a gateway into National Harbor, the Planning Board finds that all reasonable effort shall be made to locate those loading areas away from major streets and public view. This should be done by consolidating the number of proposed loading areas, so that loading areas proposed along the most visible sides of the center may be eliminated from the proposal. Three proposed loading spaces are considered to be in highly visible locations within the development. The elimination of any one, or all, of these spaces would have a visual benefit to the proposal. Proposed loading areas shall be labeled on the CSP prior to signature approval of the plan.

The provided loading areas shall be screened by a mix of decorative walls that are aesthetically harmonious with the building façade. The walls shall be designed at minimum of ten feet in height to adequately screen loading trucks. The appearance of the screening walls shall also be softened through the use of evergreen trees and shrubs.

- (3) Section 27-274(a)(2)(C), states that vehicular circulation on the site should be safe, efficient, and convenient for both pedestrians and drivers. The proposed design is convenient to pedestrians and drivers. The “racetrack” building design provides for a separation of pedestrians and vehicles, upon entering the center. Additional provisions should be made to ensure a safe transition from the parking lot into the pedestrian-centered outlet center. The applicant shall revise the conceptual site plan to graphically indicate one safe pedestrian access route from the street and through parking lot on the west side of the center, and to a major destination on the site.

- (4) In accordance with Section 27-274(a)(3), Lighting, the pattern of light pooling should be directed on-site. Due to the proximity of adjacent residential uses and the Oxon Hill Manor, special attention shall be paid to providing appropriate lighting for the center and parking lot, without negatively impacting adjacent properties. At time of detailed site plan a photometric plan shall be provided for the property. The photometric plan shall indicate no, or minimal, lighting spillover on adjacent residential properties. Details of lighting fixtures shall also be provided. Details of lamp posts within the parking lot shall be provided in order to indicate that the height of the fixtures is not designed to extend high above the tree canopy (30 feet), which would affect the visibility of lighting on adjacent properties. The design and layout of the fixtures shall provide visual continuity throughout the site.
- (5) In accordance with Section 27-274(a)(6)(i), Site and streetscape amenities, the coordination of the design of light fixtures, benches, trash receptacles, bicycle racks and other street furniture will be required. Comprehensive review of streetscape amenities will occur at the time of detailed site plan.
- (6) The applicant proposes to grade the naturally sloping site to provide one largely-level development site. Section 27-274(a)(7) of the the Zoning Ordinance provides site design guidance on grading, as follows:
 - (A) **Grading should be performed to minimize disruption to existing topography and other natural and cultural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts. To fulfill this goal, the following guidelines should be observed:**
 - (i) **Slopes and berms visible from streets and other public areas should appear as naturalistic forms. Slope ratios and the length of slopes should be varied if necessary to increase visual interest and relate manmade landforms to the shape of the natural terrain;**
 - (ii) **Excessive grading of hilltops and slopes should be avoided where there are reasonable alternatives that will preserve a site's natural landforms;**
 - (iii) **Grading and other methods should be considered to buffer incompatible land uses from each other;**
 - (iv) **Where steep slopes cannot be avoided, plant materials of varying forms and densities should be arranged to soften the appearance of the slope; and**

- (v) **Drainage devices should be located and designed so as to minimize the view from public areas.**

The subject application proposes 460,000 square feet of conceptual development with parking. An argument can be made that a development of this type and scale is only feasible with the amount of grading proposed. The site grading will result in the creation of a retaining wall along the southern and eastern property lines. The wall will vary in height, but it can be determined at this time that the maximum height of the wall will be approximately 48 feet. The wall will be its tallest in the southern portion of the eastern property line. With the proposed grading to accommodate the development proposal, it is likely that that steep slopes and the retaining wall cannot be avoided. The Planning Board finds that the retaining wall shall be designed to appear as naturalistic as possible from the adjacent residential properties. The applicant indicates that a vegetative wall with a geogrid is proposed. Further analysis of the retaining wall proposal shall be provided at time of detailed site plan.

Opportunities for maintaining, or creating, naturalistic contours from the roadway will be reviewed at time of detailed site plan.

- (7) A public space system should be provided to enhance the large-scale commercial, mixed-use development, in accordance with Section 27-274(a)(7), Public spaces. Buildings within the outlet center appear to be organized to provide pedestrian malls and plazas; however, these spaces are not identified as public spaces on the conceptual site plan. The conceptual site plan and detailed site plan shall identify at least two public spaces within the outlet center proposal for which a high level of detail shall be provided at time of detailed site plan. These identified public spaces shall at a minimum include a focal point in the space such as public art, sculpture or fountains; seating areas; specialty landscaping; and specialty paving materials for the benefit of users on the site. These spaces may additionally include any historical markers determined appropriate to commemorate the history of the Salubria site.

- d. In accordance with Section 27-574 of the Zoning Ordinance, the number of parking spaces required in the M-X-T Zone is to be calculated by the applicant and submitted for Planning Board approval at the time of detailed site plan approval. Detailed information regarding the methodology and procedures to be used in determining the parking requirement is outlined in Section 24-574(b). The conceptual site plan is not required to include detailed parking rate information. At time of detailed site plan review, adequate parking will be required for the proposal.

The Planning Board finds that the feasibility of reductions in surface parking on the site shall be evaluated at time of detailed site plan. Surface parking reductions are encouraged

to reduce the development's proposed impacts on environmental features and high quality, woodland areas.

- e. The Planning Board finds that, as approved with conditions, the subject application complies with the requirements of Section 27-546(d) of the Zoning Ordinance, which requires additional findings for the Planning Board to approve a conceptual site plan in the M-X-T Zone, as follows:

- (1) **The proposed development is in conformance with the purposes and other provisions of this Division:**

The purposes of the M-X-T Zone as stated in Section 27-542(a) include the following:

- (1) **To promote the orderly development and redevelopment of land in the vicinity of major interchanges, major intersections, and major transit stops, so that these areas will enhance the economic status of the County and provide an expanding source of desirable employment and living opportunities for its citizens;**

The site is situated at a major intersection, between Oxon Hill Road and Indian Head Highway (MD 210), at what could become a future gateway into the National Harbor metropolitan center. The Planning Board finds that approval of the subject application will result in the development of a property in the vicinity of major transit routes. The Planning Board finds that the development will enhance the economic status of the county by creating a regionally competitive retail center that will complement the existing retail convention, and hotel uses within National Harbor. The proposal will create jobs within the county.

- (2) **To implement recommendations in the approved General Plan, Master Plans, and Sector Plans, by creating compact, mixed-use, walkable communities enhanced by a mix of residential, commercial, recreational, open space, employment, and institutional uses;**

The applicant envisions that the subject proposal will provide a "destination resort style of shopping" that will implement the following recommendation of the Henson Creek-South Potomac Master Plan:

2006 Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Planning Area Page 51

"Design future land uses surrounding the waterfront center to complement its distinctive character, to be compatible with the neighboring community, and to provide a suitable gateway to this unique project [the National Harbor Metropolitan Center]."

The Planning Board concurs that the proposed uses are a complement to National Harbor. The application shall be designed compatibly with the adjacent community, and the design shall be high in quality in order to ensure that the mixed-use development is a suitable gateway into National Harbor.

- (3) **To conserve the value of land and buildings by maximizing the public and private development potential inherent in the location of the zone, which might otherwise become scattered throughout and outside the County, to its detriment;**

The Planning Board finds that the value of the land has been conserved by maximizing the floor area ratio of the development on this land to the extent permitted. The location of the property in the vicinity of major interchanges, the interstate highway system, and within proximity to National Harbor maximizes the development potential of the subject property.

- (4) **To promote the effective and optimum use of transit and other major transportation systems;**

The Planning Board finds that the proposal promotes the effective use of existing transit. The project will be benefited by its location along Oxon Hill Road, which is a priority Department of Public Works and Transportation Capital Improvement Project. Oxon Hill Road is also designated as a master plan bikeway/trails corridor, and the existing Potomac Heritage Trail in National Harbor intersects with Oxon Hill Road directly across from the subject site at Harborview Avenue. Improvements to Oxon Hill Road will include improvements to these trail and bikeway corridors.

The applicant also indicates there is a possibility for existing hotels in National Harbor to provide shuttle services to the proposed center for the resort shoppers.

- (5) **To facilitate and encourage a twenty-four (24) hour environment to ensure continuing functioning of the project after workday hours through a maximum of activity, and the interaction between the uses and those who live, work in, or visit the area;**

The existing office building promotes activity from early morning into the evening hours Monday through Friday. The Planning Board finds that a retail center with hotel would provide a wider variety of functions and activity beyond standard office hours. The proximity to National Harbor also helps promote the desired 24-hour environment.

- (6) **To encourage diverse land uses which blend together harmoniously;**

The subject proposal indicates a horizontal mix of uses. The Planning Board finds that the uses within the outlet center will include retail and restaurant development, which will be highly compatible. A hotel to support the center will create a harmonious blend of proposed uses.

The Planning Board finds that additional review shall be required at time of detailed site plan to ensure that the proposal will be also harmonious with existing adjacent developments, which include: an office use, a historic site, existing residential, and institutional uses such as a vacant school and the Crescent Cities Jaycees Foundation Community Center. An important aspect of creating a harmonious blend of uses is providing a quality architectural project and landscape treatments that visually enhance the community. At time of detailed site plan special attention shall be given to the design of the proposed landscaping, signage, seating, sidewalks and architectural design of the buildings to ensure that the proposed uses blend harmoniously with each other and the existing community.

(7) To create dynamic, functional relationships among individual uses within a distinctive visual character and identity;

The office workers in the larger office building and professional offices will patronize the retail and restaurants. The retail stores and restaurants will also be patronized by the surrounding residential uses, tourists and residents of National Harbor. In addition, the location of the center will make it convenient for those exiting Capital Beltway (I-495/95) traveling home southward to take care of shopping and convenience needs on their way home. Therefore, the Planning Board finds that dynamic, functional relationships among individual uses will be created. A distinctive visual character and identity for the center shall be required by the use of quality architectural, landscape and design features.

(8) To promote optimum land planning with greater efficiency through the use of economies of scale and savings in energy beyond the scope of single-purpose projects;

The Planning Board finds that the proximity of the proposed uses provides for a more energy efficient and convenient design.

(9) To permit a flexible response to the market; and

The applicant indicates that the subject application is responding to a market that is being created in part by the adjacent National Harbor, yet is also supported by a regional demand for more diverse retail and dining options, which the subject

outlet proposal could satisfy. The Planning Board finds that the proposal permits a flexible response to the market.

(10) To allow freedom of architectural design in order to provide an opportunity and incentive to the developer to achieve excellence in physical, social, and economic planning.

The applicant requests some additional considerations regarding freedom of architectural design and the detailed site plan review process. The request is as follows:

“The project design—and success—necessarily involves the mixing and matching of retail venues in a manner that will be subject to constant refinement from the initial schematic design continuing through permitting and construction, depending on many leasing, market and design factors, as well as end user needs and requirements.

Essentially, this mandates a more synergistic plan approval process focusing on the key components of public external design character such as building massing along public ROWs and the shared common spaces and streetscape that is not part of the internal pedestrian space.

Traditional suburban development for a DSP is a rigid plan approval process strictly oriented toward detailed design of the parts and focusing on specific details which, in this instance, cannot be known with requisite specificity at the time the DSP will be filed. The Planning Board has, in the past, in instances where significant multi-tenant development will occur, modified or eliminated the DSP process in order to accommodate desired development. In such instances, as is proposed in this instance, the creation of theme and design quality—in narrative and exhibit form—have sufficed to meet the standards for the requisite findings of approval. This more cohesive approach of greater flexibility within established parameters ultimately provides for a more successful project with greater quality.

Similar to a mall, much of the project’s exterior architecture—that will be visible to the passing public—can be designed and shown as part of the DSP. The remaining interior corridors (comparable to a mall’s interior space) that will be visible and enjoyed by the public that chooses to venture into the outlet retail venue is a design that is not definitive until the majority of tenants are known and deemed final for the individual blocks. This architecture will be impacted by placement which is premised on a variety of issues, e.g. similar merchandise, specific brands that need to be proximate, anchor stores, single sex venues, etc. The front

exterior door architecture, signage, pedestrian space, landscape, hardscape, lighting and other amenities within the corridor of a particular building will vary in specific detail, but still match the creation of theme and design quality that has been approved.”

The Planning Board approves the request, which will allow for illustrative descriptions, design guidelines, and a few architectural prototypes to be submitted in lieu of detailed building elevations for each building façade within the corridors of the center, which can only be seen in the interior to the outlet center itself. The Planning Board concurs that flexibility in architectural design, and in the review and approval process, shall be allowed in this instance, as long as high quality development standards and construction are the outcome.

All other aspects of detailed site plan review shall be unchanged. The applicant shall provide a high level of detail for the plaza spaces within the center. These spaces shall include commemorative or interpretive features as deemed appropriate by the Planning Board or its designee.

- (2) **For property placed in the M-X-T Zone through a Sectional Map Amendment approved after October 1, 2006, the proposed development is in conformance with the design guidelines or standards intended to implement the development concept recommended by the Master Plan, Sector Plan, or Sectional Map Amendment Zoning Change;**

The Planning Board finds that the CSP is not subject to this requirement because the property was not placed in the M-X-T Zone through a sectional map amendment.

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

The nature of the proposed “racetrack design” for the outlet center does not have an outward orientation. The shopping experience is largely internal to the center with parking proposed on the outside of the center. Most of the storefront windows and plazas will be experienced internal to the outlet center. The applicant shall ensure that the subject development will provide a quality architectural front to the community and not turn its back to other components of the proposal such as the proposed hotel property.

The Planning Board finds that fully articulated architectural façades in primarily brick, stone, shall be required along the main outward-facing outlet center elevations. Special attention shall be paid to those facing Harborview Avenue and Oxon Hill Road. Plazas shall be provided at the major entrances into the center in order to encourage visibility into the center and highlight activity occurring in those areas, creating interest within the community. These additional design measures shall be provided to ensure that the project

does have an outward orientation that is of high quality and is visually integrated with adjacent development and catalyzes community improvement.

(4) The proposed development is compatible with existing and proposed development in the vicinity;

The subject application will be compatible and complementary with the existing office building and the adjacent National Harbor development. The Planning Board finds that additional review sensitivity shall be required at time of detailed site plan to encourage compatibility with all of the adjacent development including the residential, historic, and institutional sites in the vicinity. Conceptually the Planning Board determines this finding can be met at this time, with the requirement for additional satisfactory details of the architecture, signage, lighting, and landscaping at time of detailed site plan.

(5) The mix of uses, and the arrangement and design of buildings and other improvements, reflect a cohesive development capable of sustaining an independent environment of continuing quality and stability;

With the exception of the feasibility of a hotel in the currently proposed location, the Planning Board is content with the proposed mix of uses, and the arrangement of the buildings in consideration of the proposed uses. Tanger has a reputation as one of the premier national outlet developers. The Planning Board finds that this reputation will aid in marketing the project and sustaining an environment of quality and stability.

(6) If the development is staged, each building phase is designed as a self sufficient entity, while allowing for effective integration of subsequent phases;

The project will be phased. The outlet proposal is phase one and the hotel proposal will be the second phase. The phases are proposed on separated portions of the property divided by Harborview Avenue; therefore, The Planning Board finds there is no practical challenge regarding the integration of the phasing plans.

(7) The pedestrian system is convenient and is comprehensively designed to encourage pedestrian activity within the development;

The outlet center is largely a pedestrian-centered concept. Shoppers will have a partially open-air pedestrian experience. The Planning Board finds that the development encourages pedestrian activity within the development and that additional review regarding connectivity of the center to existing and proposed trail system and adjacent developments shall be required at time of detailed site plan.

(8) On the Detailed Site Plan, in areas of the development which are to be used for pedestrian activities or as gathering places for people, adequate attention

has been paid to human scale, high quality urban design, and other amenities, such as the types and textures of materials, landscaping and screening, street furniture, and lighting (natural and artificial); and

The subject application is a conceptual site plan, therefore this required finding is not applicable at this time.

- (9) **On a Conceptual Site Plan for property placed in the M-X-T Zone by a Sectional Map Amendment, transportation facilities that are existing; that are under construction; or for which one hundred percent (100%) of construction funds are allocated within the adopted County Capital Improvement Program, or the current State Consolidated Transportation Program, or will be provided by the applicant, will be adequate to carry anticipated traffic for the proposed development. The finding by the Council of adequate transportation facilities at the time of Conceptual Site Plan approval shall not prevent the Planning Board from later amending this finding during its review of subdivision plats.**

The property was not placed in the M-X-T Zone through a sectional map amendment. The site was rezoned through an individual zoning petition, and currently carries conditions to ensure the adequacy of transportation facilities in the area. The above required finding is not relevant to the subject application.

- (10) **On the Detailed Site Plan, if more than six (6) years have elapsed since a finding of adequacy was made at the time of rezoning through a Zoning Map Amendment, Conceptual Site Plan approval, or preliminary plat approval, whichever occurred last, the development will be adequately served within a reasonable period of time with existing or programmed public facilities shown in the adopted County Capital Improvement Program, within the current State Consolidated Transportation Program, or to be approved by the applicant.**

This requirement is not applicable to this conceptual site plan.

- (11) **On a property or parcel zoned E-I-A or M-X-T and containing a minimum of two hundred fifty (250) acres, a Mixed-Use Planned Community including a combination of residential, employment, commercial and institutional uses may be approved in accordance with the provisions set forth in this Section and Section 548.**

The subject site contains 43.79 acres, and is therefore not subject to this requirement.

8. **Zoning Map Amendment A-9882-C:** The District Council approved Zoning Map Amendment A-9882-C, which rezoned approximately 54.7 acres of land in the I-3 and R-R Zones to the M-X-T Zone, on May 24, 1994, with 16 conditions.

At the time of the filing of the subject CSP application the applicant concurrently applied for an amendment of conditions 2 and 3 of A-9882-C. That application is currently being evaluated by the Zoning Hearing Examiner prior to its consideration by the District Council. At the time of the writing of this resolution no final decision has been reached regarding the proposed modifications of conditions 2 and 3. Pursuant to Section 27-276(c)(1), Planning Board Procedures, the Planning Board must take action on a conceptual site plan within 70 days of its submittal, unless the review time limit is waived by the applicant. As the applicant has not waived this 70-day limit, this resolution shall be processed prior to a final decision on the status of the above-referenced conditions.

The Maryland-National Capital Park and Planning Commission (M-NCPPC) Prince George's County Planning Department has issued recommendations to the Zoning Hearing Examiner (ZHE) regarding the amendment requests. The ZHE has indicated that the record on the amendment application request will be left open so that the subject analysis and Planning Board resolution may be considered by the ZHE prior to making a recommendation to the District Council.

The following conditions are pertinent to the review of this conceptual site plan:

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

The Planning Board finds that no residential use has been proposed in this application.

2. **Any hotel/motel or retail development shall be designed to be integrated with the existing office building through a common off-street parking plan and a compatible architectural theme. A common pedestrian path system shall be designed to link all segments of the proposed development. Any retail segment shall not be designed as a typical strip shopping center or large single-use pad site.**

The applicant is currently in the process of requesting an amendment of the above condition. The following justification was provided for the Planning Board's consideration:

Applicant's Justification: The applicant does not believe that the proposed outlet mall should be taking its architectural, parking and pedestrian theme cues from an office building designed and built several decades ago. They argue this is particularly true given the physical separation caused by the interstate ramp which provides access to the site and will ultimately be the view shed into the National Harbor Beltway Parcel to the west. They believe that the M-X-T guidelines and

strategies from the 2006 Master Plan provide ample guidance for design and architecture and would allow for the design nexus to be shifted from the existing, dated office building to the development at National Harbor, which this site is a gateway to.

The Planning Board finds that the existing office building on Parcel 92 is a contemporary design, with a flat roof, curved on the northern end and squared-off on the south. Portions of it are clad in block material; however, substantial portions of the building including the penthouse level and the entire south wall are heavily-tinted glass curtain walls. The entrance is a covered walkway framed by a brick pavilion with a metal pyramid hip roof. The Planning Board finds that while this design might have been interesting and desirable in 1990 when it was built, today it is less so. The Planning Board concurs that the retention of this 25-year old condition is more of a hindrance than a help towards developing a gateway project. It was once necessary to ensure that development throughout the park would be compatible. However, since the park did not develop as envisioned, remaining dormant for several decades after the initial building was constructed, it no longer makes sense nor does it conform to the design strategies enumerated in the 2006 Master Plan. The Planning Board supports the deletion of the language related to architectural theme of the outlet center.

Condition 2 also requires that a common pedestrian path system be designed to link all segments of the proposed development, and prohibits use of the site as one single pad site. The Planning Board does not believe there is any inherent benefit to the project to eliminate this aspect of the conditions.

The final design of the development will be somewhat impacted by the freeway ramp, which makes the design of a common pedestrian path system problematic. While there will undoubtedly be some pedestrian traffic between the hotel site and the outlet center, it is probably best that it take the form of sidewalks and crosswalks at the intersection of the ramp and Oxon Hill Road. South of the ramp, a common pedestrian path system would be reasonable. The Planning Board finds that the subject proposal would not likely be considered a single-use pad site. The outlet center proposal will likely include multiple uses defined in the Zoning Ordinance, including eating or drinking establishment, department store, and hotel, among others. The applicant is not proposing a typical strip center or single-use pad site, however, it is probably best to retain this portion of the condition to ensure future development is constrained if this latest plan were to be abandoned.

Therefore, the Planning Board recommends the following revision to Condition 2:

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

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

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

The applicant is currently in the process of requesting that the above condition be amended. The applicant's justification for the amendment of the above condition is as follows:

Applicant's Justification: Requiring a 100-foot buffer will negatively impact the development such that the minimum square footage necessary to make the development possible cannot be achieved. Also, the 100-foot wide buffer would not allow the site to serve as a gateway to National Harbor. The 20-foot landscaped strip proposed along Oxon Hill Road and a variable-width buffer (100-250 feet in width) along the southern property line will be sufficient to meet the buffering needs for adjacent uses.

The requirement for a 100-foot-wide landscaped buffer along the Oxon Hill Road frontage was imposed on this site in 1985 when Parcel 92 and Parcel A were reclassified to the I-3 (Planned Industrial Park) Zone. It was later carried over to include Parcel 18 when the site was placed in the M-X-T Zone. Along the southern boundary, where the site adjoins a school and residences, the buffer was also required. Much of the southern boundary is within the Primary Management Area (PMA), which is ordinarily not disturbed during development, or only minimally so.

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

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

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

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

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

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

- a. The trees which existed along Oxon Hill Road frontage of most of Parcel A in 1985 no longer exist. It has been cleared and graded.
- b. When the existing office building was built on Parcel 92 in 1990, it was required to provide a 30-foot landscaped strip, with no explanation of why the 100-foot buffer was not employed.
- c. 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Planning Area* strategies for the National Harbor Metropolitan Center include requiring "(F)uture land uses surrounding the waterfront center to complement its distinctive character, to be compatible with the neighboring community and to provide a suitable gateway to this unique project." This strategy was not part of the previous master plan, although the site's proximity to "Bay of the Americas" (the urban-scale, mixed-use development now given the appellation National Harbor) was noted in the revisory petition in the preamble to the requirement for the 100-foot buffer.
- d. The expansion of a portion of Oxon Hill Road to a four lane road with numerous turn lanes and the proposed relocation of the entrance to Oxon Hill Manor (to be opposite the secondary entrance to the outlet center) are now being designed as part of a County CIP project.

- e. In plans approved in the 1980s and 1990s, Salubria Manor and some of its dependencies were expected to be reconstructed as part of the development of the site. Due to a series of fires and decades of neglect, Salubria is no longer salvageable.

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

Where existing woodland still remains along Oxon Hill Road, the Planning Board encourages its retention, as it is an opportunity not only to preserve the rural character of the adjacent historic site, but to provide additional woodland preservation on the subject property. While the Planning Board encourages the retention of existing trees along Oxon Hill Road, the Planning Board recognizes that preservation of existing woodlands along the roadway may not be feasible for the subject proposal. The Planning Board finds that a 20 to 35-foot-wide landscape strip shall be provided along Oxon Hill Road in accordance with the specifications of Section 4.6, Buffering Development from Streets, of the 2010 Prince George's County Landscape Manual, which provides guidance for scenic road treatments and buffering from roads; or as otherwise determined by the District Council in its review of the amendment request. The proposed landscape strip shall be reviewed and approved at the time of detailed site plan. The buffer should incorporate plant materials consistent with the surrounding natural growth.

The Planning Board has received additional information regarding the Oxon Hill Road CIP. The conceptual site plan indicates the location of two proposed easements along the site's frontage on Oxon Hill Road. The first is a proposed construction easement and the second is a proposed revertible slope easement for use by the Department of Public Works and Transportation (DPW&T). Any existing trees located within these easements on the subject property are likely to be disturbed through proposed road construction and grading for the CIP. After road dedication and road construction, it is probable that the first twenty feet within the new property boundary will be devoid of any existing trees due to the required road improvement. Any proposed preservation of existing woodland shall be

provided outside of the proposed construction and revertible slope easements indicated on the plan.

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

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

Historic Site 80-002, Salubria, is noted on the conceptual site plan.

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

The application was referred to the Historic Preservation Commission for their review and comment. Additional information has been received from the Historic Preservation Commission (HPC) regarding the status of the Application to Change an Environmental Setting. At a public meeting held on January 4, 2012, the HPC moved to eliminate the 2.7-acre environmental setting and historic site designation, subject to two conditions. Until those conditions are satisfied and the environmental setting is removed, HPC review and comment will continue to be required on subsequent plans submissions.

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

The above condition remains in effect. The Historic Preservation Commission has approved a portion of the applicant's Historic Area Work Permit application (HAWP#14-11, filed on April 19, 2011) to allow for Phase II archeological investigations within the Salubria Historic Site environmental setting. The Planning Board finds that any plans within the environmental setting must be approved by the Historic Preservation Commission through the Historic Area Work Permit process, until the time the environmental setting is removed.

8. **A 100-year floodplain study shall be approved by DER Watershed Protection Branch prior to the approval of a Conceptual Site Plan # 200420.**

The 100-year floodplain shown on all plans is from approved flood plain study FPS #200420, approved by the Prince George's County DPW&T.

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

A forest stand delineation identifying four forest stands totaling 24.86 acres and the species, size and condition of 53 specimen trees was included in the natural resources inventory (NRI). The Planning Board approves the Forest Stand Delineation in conjunction with the subject CSP.

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.**

A Type 1 Tree Conservation Plan, TCP1-014-11, has been submitted with the subject application. The Planning Board approves the TCP1 with conditions.

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).**

The Planning Board finds that no residential-type uses are proposed to be located within the unmitigated 65-dBA noise contour, based on the Environmental Planning Section's noise model.

The site has frontage along Oxon Hill Road, a master planned collector roadway and is bounded on the east by the ROW of Indian Head Highway (MD 210), a designated freeway. The proposed use is a combination of retail, dining, office and hospitality uses. There are no residential uses proposed. Oxon Hill Road typically does not generate enough traffic to raise noise levels above state standards. According to the Environmental Planning Section's noise model, the noise impacts of MD 210 and concluded that the 65 dBA noise contour, based on a 10-year projection, is 429 feet from the centerline of Indian Head Highway (MD 210). Because all proposed structures are more than 430 feet from the right-of-way (ROW) of MD 210, the Planning Board finds that no noise mitigation measures are required.

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.**

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-08069 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 (see attached Figure 20) 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.**

The transportation-related conditions referenced above have largely been constructed as a part of the National Harbor development and the Woodrow Wilson Bridge project; in any regard, the Planning Board finds that a new adequacy finding will be required pursuant to a preliminary plan of subdivision, and additional improvements may be required as a part of that review.

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

The proposal as described in the traffic study includes a 400,000-square-foot retail center, a 100-room hotel, and 100,000 square feet of office space. Assuming a small pass-by trip percentage of 15 percent for the retail plus a reduction for internal trip satisfaction, the maximum proposed development would generate a total of 1,464 AM and PM peak-hour trips. Therefore, it is determined that the proposal is within the trip cap established by the rezoning.

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

The current 2.7-acre environmental setting of the Salubria Historic Site was established in 1995 when the Historic Preservation Commission approved a conceptual site plan for Salubria Office Park. A restoration plan for the historic site was submitted at that time. All standing structures within the environmental setting, except the dairy building, were removed in 2003 through an HPC-approved HAWP application (HAWP#13-03). Restoration of the historic site is not currently proposed. The Planning Board finds that the above condition has been satisfied.

9. **Prince George's County Landscape Manual:** Per Section 27-548 of the Zoning Ordinance, landscaping, screening, and buffering within the M-X-T Zone shall be provided pursuant to the provisions of the 2010 *Prince George's County Landscape Manual* (Landscape Manual). The Planning Board finds that conformance with the requirements of the 2010 *Prince George's County Landscape Manual* shall be determined when a more detailed plan of development is submitted for review. The following discussion is offered regarding the applicable provisions of the 2010 *Prince George's County Landscape Manual*, which will be reviewed at time of detailed site plan review.
- a. **Section 4.2**—Requirements for Landscaped Strips along Streets, specifies that, for all nonresidential uses in any zone and for all parking lots, a landscape strip shall be provided on the property abutting all public and private streets. The landscape strip may not include any paved area except pedestrian sidewalks or trails that cross the landscape strip (meaning crossing perpendicularly). At least the minimum required landscape strip will be required along Oxon Hill Road and Harborview Avenue.

The applicant wishes to abide by the requirements of the Landscape Manual, with regard to the proposed street treatment along Oxon Hill Road, and not by the requirements of the rezoning order, which currently requires a 100-foot-wide buffer. As the required street treatment along Oxon Hill Road is under reconsideration by the Zoning Hearing Examiner and District Council, the following expanded language regarding the requirements of Section 4.2 is provided for clarification of the Landscape Manual requirements. There are four landscape treatment options along streets for sites within the developing tier.

**Landscape Manual Section 4.2(c)(3)
Developing Tier, Developed Tier, Centers and Corridor Nodes**

- (A) **The following landscape strip treatments may be used singly or in combination:**
- (i) **Option 1-Provide a minimum ten (10) foot wide landscape strip to be planted with a minimum of one (1) shade tree and ten (10) shrubs per thirty-five (35) linear feet of frontage, excluding driveway openings; or**
 - (ii) **Option 2-Provide a landscape strip that is a minimum of ten (10) feet wide and has an average width of at least fifteen (15) feet. Provide planting within the strip at the rate of one (1) shade tree and five (5) shrubs per thirty-five (35) linear feet of frontage excluding driveway openings; or**
 - (iii) **Option 3-Provide a minimum twenty-five (25) foot wide strip of noninvasive existing trees; or**

- (iv) **Option 4-Provide a minimum four (4) foot wide landscape strip abutting the street adjacent to three (3) to four (4) foot high brick, stone, or finished stamped concrete masonry wall. The wall shall be located adjacent to, but entirely outside, the four (4) foot wide landscape strip. Provide planting within the strip at the rate of one (1) shade tree per thirty-five (35) linear feet of frontage, excluding driveway openings.**

As described above, the landscape strip requirement may vary from a four-foot-wide strip with a masonry wall, to a 25-foot-wide strip of existing non-invasive trees.

Section 4.2 of the Landscape Manual also allows for the substitution of two ornamental trees for each one required shade tree, where overhead wires exist. Overhead wires currently exist along Oxon Hill Road, and while the DPW&T Capital Improvement Project (CIP) proposes some modification of the existing utility location, overhead wires will continue to exist along the improved Oxon Hill Road; therefore, ornamental trees could be permitted in lieu of shade trees along the applicant's Oxon Hill Road frontage pursuant to the requirements of Section 4.2(c)(3)(B) of the Landscape Manual only.

The conceptual site plan generally illustrates the location of a "minimum 20-foot landscape buffer (along Oxon Hill Road) and Pedestrian Zone." The conceptual site plan also notes that this area may include sidewalks. The site plan notes are misleading. Required landscape strips, provided pursuant to the requirements of the Landscape Manual, shall be provided entirely outside of the public right-of-way. Sidewalks are generally included within the public right-of-way. Required landscape strips should not include sidewalks, and should generally be located outside of a public utility easement.

Based upon the conceptual site plan notes, and other information gathered from reviewing the proposed Type 1 tree conservation plan, it appears that any landscape strip envisioned with the subject proposal along the Oxon Hill Road frontage will vary in width, but generally a 15-foot-wide landscape strip could be provided. The location and width of any landscape strip would be affected by any number of site plan modifications, including additional dedication of Oxon Hill Road, which will be evaluated at time of preliminary plan of subdivision.

- b. **Section 4.3—Parking Lot Requirements**, specifies that proposed parking lots larger than 7,000 square feet will be subject to Section 4.3. The CSP indicates the location of one large parking compound that encircles the outlet center proposal, and one small parking compound proposed adjacent to the hotel use. The parking compounds will be evaluated for conformance to Section 4.3 at time of detailed site plan review.

Section 4.3 requires that parking lots provide planting islands throughout the parking lot to reduce the impervious area. When these planting islands are planted with shade trees, heat island effect created by large expanses of pavement may be minimized.

- c. **Section 4.4**—Screening Requirements, requires that all dumpsters, loading spaces, and mechanical areas be screened from adjoining existing residential uses, land in any residential zone, and constructed public streets.
- d. **Section 4.7**—The site will be subject to Section 4.7, Buffering Incompatible Uses. More specific information regarding the bufferyard requirements along property lines adjoining other uses will be evaluated at time of detailed site plan. A goal of Section 4.7 is to provide a comprehensive, consistent, and flexible landscape buffering system that provides transitions between moderately incompatible uses. The conceptual site plan graphically indicates preservation of existing wooded area along the southern and eastern boundaries, where the outlet center is adjacent to residentially zoned properties. The indicated woodland preservation exceeds the requirements of Section 4.7 in these locations.
- e. **Section 4.9**—The site will be subject to Section 4.9 of the 2010 *Prince George's County Landscape Manual*, which requires that a percentage of the proposed plant materials be native plants.

10. **Prince George's County Woodland and Wildlife Habitat Conservation Ordinance:** The Planning Board finds that the property complies with the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance (WCO). The property is greater than 40,000 square feet in size and it contains more than 10,000 square feet of existing woodland. A Type 1 Tree Conservation Plan (TCP1-001-11) was submitted with the CSP application. Additionally a variance request for the removal of 38 specimen trees on-site was submitted.

- a. **Type 1 Tree Conservation Plan TCP1-001-11:** The subject property was included as a portion of previously approved Type 1 Tree Conservation Plan TCP1/032/95; however, the plan was never implemented for the subject property. Because this project is new, is being reviewed as a new conceptual site plan, and requires a new preliminary plan of subdivision, the project is not grandfathered with respect to the Woodland and Wildlife Habitat Conservation Ordinance effective September 1, 2010.

The Woodland Conservation Threshold (WCT) for this 43.79-acre property is 15 percent of the net tract area or 6.31 acres. The total woodland conservation requirement based on the amount of clearing proposed is 13.70 acres. The woodland conservation requirement is proposed to be satisfied with 2.68 acres of on-site preservation and 11.02 acres of off-site mitigation.

The 2005 *Approved Countywide Green Infrastructure Plan* is a comprehensive vision for interconnecting environmental ecosystems in Prince George's County. The purpose of the plan is to guide development, green space protection, and mitigation activities and to implement a long-range vision for preserving, protecting, enhancing and/or restoring a contiguous network of environmentally important areas in the county by the year 2025.

The plan outlines specific policies and strategies and how they may be effectively implemented. The Countywide Green Infrastructure Plan identifies the subject property within the designated network as Regulated Area, Evaluation Area and Network Gap. These areas are of the highest priority for preservation and planting. The TCP1 as submitted shows the preservation of the PMA in its entirety with the exception of two impacts proposed for stormwater management outfalls, and generally conforms to the recommendations of the Countywide Green Infrastructure Plan.

An amendment of conditions for Zoning Map Amendment A-9882-C, Zoning Ordinance No. 34-1994 was submitted to the Chief Zoning Hearing Examiner, for reconsideration of the required 100-foot-wide landscaped buffer (as required by CR-45-1985) to be provided along Oxon Hill Road and the southern boundary of the site. The TCP1 as submitted shows a twenty-foot landscaped strip along Oxon Hill Road and a variable-width buffer of 100 to 250 feet along the southern property line. In the event that the amendment of conditions for A-9882-C, Zoning Ordinance No. 34-1994 is denied, the TCP1 shall be revised to provide the required 100 foot-wide landscaped buffer along Oxon Hill Road, or as required by the final decision of the Zoning Hearing Examiner.

- b. **Variance from Section 25-122(b)(1)(G):** Effective October 1, 2009, the State Forest Conservation Act was amended to include a requirement for a variance if a specimen, champion, or historic tree is proposed to be removed. This state requirement was incorporated in the adopted WCO effective on September 1, 2010.

TCP1 applications are required to meet all of the requirements of Subtitle 25, Division 2 which includes the preservation of specimen trees, Section 25-122(b)(1)(G). If the specimen trees on-site have a condition rating of 70 or above, every effort should be made to preserve the trees in place, considering the different species' ability to withstand construction disturbance (refer to the Construction Tolerance Chart in the Environmental Technical Manual for guidance on each species' ability to tolerate root zone disturbances.)

If there is a need to remove any of the specimen trees, a variance from Section 25-122(b)(1)(G) is required. Applicants can request a variance from the provisions of Division 2 of Subtitle 25 (the Woodland and Wildlife Habitat Conservation Ordinance or WCO) provided all of the required findings in Section 25-119(d) can be met and the request is not less stringent than the requirements of the applicable provisions of COMAR. An application for a variance must be accompanied by a Letter of Justification stating the reasons for the request and how the request meets each of the required findings.

The specimen tree table on the TCP1 shows fifty-three specimen trees total; forty-nine are located on-site and four are located off-site but have been included because the critical root zone is located on-site. Specimen trees numbered 60- 65 (6), 73- 84 (12), 167 (1), 171-173 (3), 178-181 (40), and 183-197 (12), a total of 38 specimen trees are proposed to be removed. All of the existing specimen trees are located in the southern and western areas of the property. The upper half of the property is clear of specimen trees.

The plans show that the limits of disturbance (LOD) come in close proximity to the critical root zones of the remaining on-site specimen trees. Additional preservation methods may need to be addressed for the long-term survivability of the remaining specimen trees. This determination can be made during subsequent, and more detailed, development review processes.

Section 25-119(d) of the WCO contains six required findings **[text in bold]** to be made before a variance can be granted. The Letter of Justification submitted seeks to address the required findings for the thirty-eight specimen trees together. The Planning Board agrees with the approach to the analysis because there are similar concerns regarding the location and condition of the thirty-eight trees.

Condition rating scores were generated for the specimen trees on this site in accordance with Section 4.2.3c of the Technical Manual (which references The Guide to Plant Appraisal prepared by the Council of Tree & Landscape Appraisers and published by the International Society of Arboriculture). Of the thirty-eight (38) specimen trees proposed for removal, three (3) have been rated as being in "Very Good" condition; twenty-one (21) have been rated as being in "Good" condition; twelve (12) have been rated as being in "fair" condition, and two (2) have been rated as being in "Poor" condition. All specimen trees within the limit of disturbance (LOD) thirty-seven (37) plus one (1) more outside the LOD whose critical root zone is impacted more than 30 percent by the LOD, are proposed for removal.

(A) Special conditions peculiar to the property have caused the unwarranted hardship

The on-site existing streams, floodplains, wetlands, and their regulated buffers located on the western and southern borders of the site restricts the site access to the north and east of the site. The Planning Board finds that the specimen trees are evenly distributed throughout the wooded areas limiting the viability of development of the site because a significant amount of open space would be needed to ensure the survivability of each specimen tree. The current design minimizes the impacts to the existing environmental features.

(B) Enforcement of these rules will deprive the applicant of rights commonly enjoyed by others in similar areas

The Planning Board finds that if other properties include trees in similar locations and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

(C) Granting the variance will not confer on the applicant a special privilege that would be denied to other applicants

The Planning Board finds that if other properties include trees in similar locations and in similar condition on a site, the same considerations would be provided during the review of the required variance application.

(D) The request is not based on conditions or circumstances which are the result of actions by the applicant

The applicant has taken no action to date on the subject property.

(E) The request does not arise from a condition relating to land or building use, either permitted or nonconforming, on a neighboring property

The request to remove the trees does not arise from any condition on a neighboring property.

(F) Granting of the variance will not adversely affect water quality

The Planning Board finds that granting the variance to remove the specimen trees will not directly affect water quality because specific requirements regarding stormwater management for the site will be further reviewed by the Department of Public Works and Transportation (DPW&T) to insure that the Stormwater Management regulations that went into effect May 5, 2010 are met and are designed as such to mimic pre-development condition of a site as "wood in good condition."

The Planning Board finds that the required findings of Section 25-119(d) have been adequately addressed for the removal of thirty eight (38) specimen trees numbered 60- 65 (6), 73- 84 (12),167 (1), 171-173 (3), 178-181 (40), and 183-197 (12).

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

It appears that the subject application will be able to meet the requirement using proposed woodland preservation and existing wooded floodplain. A Tree Canopy Coverage Schedule was added to Sheet 1 of the TCP1. The schedule shall be required to be provided at the time of detailed site plan and shall be removed from the TCP1 at this time.

12. **Further Planning Board Findings and Comments from Other Entities:** The subject application was referred to the concerned agencies and divisions. The referral comments are summarized as follows:

- a. **Community Planning**—The Planning Board finds that the application is consistent with the 2002 General Plan Development Pattern policies for the Developing Tier Corridor by providing mix of land uses within the Oxon Hill Transit Corridor. This conceptual site plan also conforms to the mixed land use recommendation in the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*
- (1) **2002 Prince George's County Approved General Plan:** The property is located in the Developing Tier Corridor – Oxon Hill Transit Corridor. 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.
 - (2) **2006 *Approved Henson Creek-South Potomac Master Plan and Sectional Map Amendment*:** The master plan retained the site in the M-X-T Zone. This conceptual site plan shows surface parking wrapping around the building envelope. At time of detailed site plan, the proposal shall more adequately address the recommended urban design strategies identified in the master plan.

The Urban Design Chapter (pages 95–98) of the recommends the following:

- Provide innovative circulation and landscaping design for parking areas to reduce conflict between cars and pedestrians and reduce the amount of impervious surfaces.
- Provide attractive, landscaping, street trees, and planting strips between the street and sidewalk to enhance the development and streetscape and to increase pedestrian safety by providing a buffer from roadway traffic.
- Utilize high quality materials and encourage human-scale architectural detailing, pedestrian amenities such as benches, pedestrian-scaled street lighting fixtures, trash receptacles, bus shelters, bicycle racks, interesting signage and landscaping.
- Minimize the view of parked automobiles and improve the visual appeal of the streetscape by using a well articulated combination of low walls and landscaping.
- Ensure that the development is attractive and enhances the character of the existing community.

- Use Crime Prevention Through Environmental Design (CPTED) principles to ensure that development is safe and comfortable for users.
- Provide gateway feature and wayfinding systems for National Harbor at appropriate locations within the development site.

b. **Transportation Planning**—The Planning Board adopts the following transportation-related findings regarding the conceptual site plan application and the Traffic Impact Study Report submitted by the applicant, as follows:

- (1) The proposed access is acceptable. All site access is directed toward Oxon Hill Road and Harborview Avenue. No access is directed toward MD 210.
- (2) MD 210 is a master plan freeway facility; per the master plan, the right-of-way varies. No additional right-of-way beyond the current right-of-way is currently recommended. Oxon Hill Road is a master plan collector facility with a minimum right-of-way of 80 feet. Right-of-way along this facility has been previously dedicated along the frontage of the northern (already recorded) parcel, and is proposed to be dedicated along the frontage of the southern parcel. This dedication will be established at the time of preliminary plan review. Further trails coordination is required to ensure that there is acceptable right-of-way to provide on-road bicycle lanes and a sidewalk along the street frontage. Harborview Avenue is not a master plan facility.
- (3) The following facts regarding traffic and the submitted traffic study are noted for the record. There is no required finding regarding transportation adequacy at time of conceptual site plan review. Complete analysis of the submitted Traffic Impact Study Report will be reviewed at time of Preliminary Plan of Subdivision.
 - (a) A traffic study has been scoped, and has been submitted for review in October 2011. The study area included the following intersections, interchanges, and links in the transportation system:
 - MD 414 and I-95/I-495 outer loop ramps
 - MD 414 and MD 210 north bound ramp
 - MD 414 and MD 210 south bound ramps/Bald Eagle Road
 - MD 414 and National Avenue/park-and-ride
 - Harborview Avenue and site access
 - Oxon Hill Road and Harborview Avenue
 - Oxon Hill Road and site access
 - (b) The study covers both weekday peak hours as well as the Saturday peak hour.

- (c) The study has included the unbuilt portion of National Harbor plus other approved but unbuilt developments in the area.

There is no exit ramp from Harborview Avenue to Indian Head Highway proposed on the conceptual site plan or within the traffic study submitted for the subject application. While the conceptual site plan and traffic study do not indicate an exit ramp from the subject property onto Indian Head Avenue, site plan renderings circulated by the applicant and the approved Stormwater Management Concept Plan 40537-2003-2, do indicate a proposed road connection. If a road connection is proposed by the applicant from the subject site to Indian Head Highway, this information shall be included on the conceptual site plan, preliminary plan of subdivision, and within the traffic study provided to staff for analysis. If the road connection is to be provided by others in the future, this shall also be indicated on the conceptual site plan.

- (4) The subject application has been reviewed for 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* (area master plan) in order to implement planned trails, bikeways, and pedestrian improvements.

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

The MPOT (page 24) recommends the following:

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

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

which will function as a pedestrian refuge for pedestrians crossing the road at one of the signalized intersections. The MPOT designates this segment of Oxon Hill Road as a collector with an 80-foot right-of-way (40-feet from centerline). In order to accommodate the additional space for the four-foot wide designated bike lane along the site's frontage, an additional four feet of dedication will be necessary, unless modified by DPW&T.

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

Policy 1:

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

Policy 2:

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

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

Policy 9:

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

Related to Policy 9, the adjacent residential community includes a stub street (Abbington Place), which extends from Abbington Drive and ends at the boundary of the subject property.

Consideration will be given to providing a pedestrian connection between the subject site and the existing residential community at time of detailed site plan, in accordance with MPOT recommendations, but the Planning Board recognizes there are some practical challenges with providing a connection in the described location. There are some dramatic changes in grade proposed between the subject development and Abbington Place. A retaining wall is proposed along the south and west sides of the parking lot, which could make a pedestrian connection both impractical and unsafe. Additionally a trail connection would likely require the provision of a stream crossing and some woodland clearing, which would require

additional impacts to the primary management area (PMA). Additional analysis of this connection shall be provided at the time of detailed site plan.

- c. **Environmental Planning Section (EPS)**—The Planning Board adopts the following environmental-related findings:
- (1) **Site Description:** The site is approximately fifty percent wooded. There are streams, wetlands and floodplain on the property associated with the Henson Creek watershed in the Potomac River Basin. The 2006 *Approved Countywide Green Infrastructure Plan* identifies the site within the designated network as Regulated Area, Evaluation Area and Network Gap. The soils types found to occur on the subject property according to the *Prince George's County Soil Survey* are Croom, Beltsville, Bibb, Aura, and Fallsington. Marlboro Clay does not occur on the subject property. Based on GIS information obtained from the Maryland Department of Natural Resources Natural Heritage Program staff, there are no rare, threatened or endangered species found to occur in the vicinity of the site. Oxon Hill Road was designated a master planned collector roadway in the *Approved Countywide Master Plan of Transportation* (November 2009). No historic or scenic roads are affected by this proposal. Indian Head Highway (MD 210) is an adjacent source of traffic-generated noise. The proposed use is not expected to be a noise generator. The property is in the Henson Creek watershed of the Potomac River Basin, and in the Developing Tier as reflected in the 2002 General Plan.
 - (2) An approved Natural Resources Inventory, NRI/075/05-01, was submitted with the review package. There are regulated streams, adjacent steep slopes of 15 percent or greater, wetlands and 100-year floodplain on the property that comprise a primary management area (PMA). The PMA has been delineated correctly on the approved NRI. The required information from the approved NRI is correctly shown on the Type 1 Tree Conservation Plan, TCP1-014-11 and the Conceptual Site Plan CSP-11006. No further information with regard to the NRI is needed at this time.
- d. **Subdivision Review**—The Planning Board adopts the following:
- (1) The property is known as Parcels 18 and A, located on Tax Map 104 in Grid F-1, in the M-X-T Zone, and is 42.04 acres. Parcel 18 is a deed parcel and has never been a subject of a preliminary plan of subdivision. Parcel A was recorded in Plat Book REP 192@63 on September 4, 2001. The record plat has five notes and Note 4 indicates that the plat was done in accordance with Section 24-107(c)(10), which was the result of a foreclosure and was exempt at that time from a preliminary plan of subdivision. The current configuration of this part of Parcel A was the result of a deed conveyance of 2.46 acres of land to State Highway Administration recorded in Liber 15440 Folio 61 in 2002, which is exempt from

filing a preliminary plan of subdivision pursuant to Section 24-107(c)(5). The site is currently undeveloped.

- (2) A preliminary plan of subdivision is required pursuant to Section 24-107 and 24-111 of the Subdivision Regulations for the development of more than 5,000 square feet, as the applicant has proposed.

Parcel A was recorded in Plat Book REP 192@63. The final plat indicates a number of existing easements on the subject property north of Harborview Avenue that should be reviewed at time of preliminary plan of subdivision, so that they do not encumber the applicant's ability to develop the site north of Harborview Avenue as indicated in the subject conceptual site plan. Some easements appear to be remnants from an obsolete development plan for Salubria Office Park (SP-88069), while others appear to be associated with the development of the adjacent office building. The necessity for removal or relocation of existing easements, including encroachment easements, shall be evaluated at time of subdivision. Currently the Planning Board is uncertain about the relationship and/or potential conflicts between the proposed hotel building location and required easement locations.

- e. **Historic Preservation**—The subject property includes the Historic Site Salubria #80-002 and identified archeological features. The Planning Board concludes that the historical value of the Salubria Historic Site (#80-002) at this time is limited to its archeological significance and potential rather than as a site that preserves a physical record of architectural and cultural significance. As a result, the value of archeological investigation is enhanced in the face of the complete elimination of the physical evidence of habitation. The remnant environmental setting no longer reflects the criteria used to designate the historic site in 1981. However, the potential for archeological finds of value to the historic record of the property remains.

Salubria History: The subject property contains Salubria, identified in the Prince George's County *Inventory of Historic Resources* as #80-002. The property was designated as a Prince George's County Historic Site on July 17, 1981. At the time of historic site designation, the property was found to meet Criteria 1(a), 1(c), and 1(d) of Subtitle 29-104. At that time, the main house and the adjacent domestic outbuildings including the kitchen, the well house, the milk house/dairy and the guest house/slave quarter were standing and in reasonable condition. The Oxon Hill Manor Historic Site (#80-001) is located across Oxon Hill Road, to the west of the subject property.

Salubria was built circa 1830 by Dr. John H. Bayne, a prominent physician, agriculturalist and politician, and the first superintendent of the county's public schools. Salubria was home to five generations of the Bayne family until its sale in 1984. The main house at Salubria was a 2½-story frame dwelling with kitchen wing and doctor's office. The main house was severely damaged by fire in the 1980s and 1990s. The immediate grounds of the main house included a number of outbuildings: a freestanding kitchen, a well house, a

milk house/dairy, and a building identified through local tradition as a guest house/slave quarter. Of these, the milk house/dairy is believed to date to at least the middle of the nineteenth century.

The other outbuildings present when the property was designated as a historic site, specifically the kitchen, the well house, and a large portion of the guest house/slave quarter, are believed to be the result of an early- to mid-twentieth century building program. An examination of a 1937 aerial photograph of the property indicates that the building, known as the kitchen, does not appear to have been constructed as of that date. The demolition of the guest house/slave quarter in 2003 revealed selected elements that appeared to be nineteenth-century building materials; the majority of this building was of twentieth century construction techniques and materials. The southern portion of the building, within which the older building material was found, stood on a rubble stone foundation that remains in place. The actual age and historic use of the guest house/slave quarter is not known at this time.

The Environmental Setting of the Salubria Historic Site of 2.7 acres was established in 1995 through the HPC's review of a conceptual site plan (SP-95020) for the development of townhouses. At that time, although the frame plantation house was in ruinous condition, several other outbuildings in the vicinity were in better condition. In 1993, pursuant to Subtitle 29-113, the HPC initiated a demolition-by-neglect proceeding for the property based on the seriously deteriorated condition of the main house and immediate outbuildings. A citation was issued by the Department of Environmental Resources (DER) on February 17, 1993. In 1994, DER issued a violation notice for the main house and a non-contributing accessory structure.

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

As part of the HAWP #13-03 application, the applicant submitted a *Physical Conditions Report (August 2003)* that provided a current assessment of above-ground structures within the Salubria environmental setting along with current photographs. The report was prepared by Betty Bird and Associates, Inc. Another HAWP application (#16-03) provided for Phase I archeological investigation in the vicinity of structures to be removed within the Environmental Setting. This work was carried out before the initiation of the demolitions approved by HAWP #13-03. A Final Report on the Phase I investigation was submitted to HPC staff by Goodwin & Associates in June 2004.

Although HAWP application #13-03 provided for the retention of the nineteenth-century milk house/dairy and the guest house/slave quarter foundation, at that time, the applicant proposed the relocation and restoration/reconstruction of these structures to a publicly accessible site (which was to be carried out through an additional HAWP application). In the interim, these structures were to be protected from the elements and/or fenced to preclude additional deterioration or vandalism. Following a hearing on October 21, 2003, HAWP #13-03 was issued (in November 2003) with a number of conditions. The approved demolitions were carried out at that time under the supervision of Betty Bird & Associates and R. Christopher Goodwin & Associates in order to assure compliance with the following conditions (summarized below):

- (1) Observation and documentation of structural techniques used in the Guest House/Slave Quarter to help determine its age;
- (2) Retention of Guest House/Slave Quarter building foundations and minimal ground disturbance to provide for potential additional archeological investigations (beyond the Phase I work already completed) and potential interpretation in the future;
- (3) Retention and protection of the Milk House/Dairy for future potential dismantling and relocation.

Historic Preservation-Related Findings

- (1) Since its designation in 1981, the Planning Board finds there have been substantial changes to the Salubria property including the reduction in the historic site's environmental setting from approximately 22 to 2.7 acres, as well as the deterioration and subsequent demolition of the main house, the kitchen, the well house, and the guest house/slave quarters (as well as a noncontributing 20th century garage northeast of the main house). At this time, of the property's historically significant buildings, only the milk house/dairy remains, and is in ruinous condition. Partial foundations for the main house and the guest house/slave quarter are extant.
- (2) Although the original intent of development conditions for the property was the retention of as many historic features as possible within an environmental setting, with the march of time, unchecked deterioration of the remaining structures, and changes in economic climate that affected development opportunities for the property, the physical integrity of above-ground resources diminished. A series of HAWP application approvals was intended to address unsafe conditions and the removal of substantially deteriorated features in a careful manner that would allow for the retention of above-ground features still in reasonable condition and provide for archeological investigations to enhance the understanding of the historic site.

The intent of potential archeological investigations was clear – to provide data for interpretation of the site with or without the retention of the historic site's environmental setting.

- (3) The applicant's conceptual site plan for Salubria Center is based on the removal of the Salubria historic site and its environmental setting. To partially mitigate the elimination of the historic site, the applicant proposes two potential locations within the developing property for commemorative/interpretive features focused on the history and significance of the Salubria property. The plans also include the preservation-in-place of archeological site 18PR809 in the primary management area (PMA).
- (4) With the completed and ongoing development at National Harbor, and other construction in the vicinity of Oxon Hill Road and Oxon Hill Manor, the retention of existing woodland on Oxon Hill Road and the provision of appropriate landscape screening should remain an important feature of planning for the development of the subject property.
- (5) The milk house/dairy was evaluated by preservation consultant Daniel Filippelli in August 2011, and was found to be beyond salvage. Most of the framing members were rotted to the point that the building could not be restored, but would have to be completely reconstructed. Therefore, the Planning Board concludes that when the structure is removed, its above ground features shall be dismantled in a manner that allows for the documentation of structural techniques and the interior and exterior of the foundation should be investigated archeologically.
- (6) The Salubria historic site environmental setting shall be the subject of limited Phase III archeological investigation. That investigation and the resultant commemorative and interpretive features proffered by the applicant represent reasonable mitigation for the complete elimination of the Salubria historic site.
- (7) In recent years, through archeological investigations and archival research, a significant amount of information about the Bayne family, its political and agricultural practices, and the Salubria plantation's enslaved population, has come to light. As a result, there are substantial opportunities for the interpretation of this important property. The applicant's mitigation proposal shall include, but not be limited to, such measures as informational brochures, a website, public lectures or exhibits, and on-site interpretive and commemorative features, such as the permanent installation of text panels with photographs.

Archeology-Related Findings

- (8) The Planning Board concurs with the Thunderbird Phase II report's conclusions and recommendation that no further work is necessary on the *prehistoric*

component of site 18PR692. The Planning Board also concurs with the report's conclusions and recommendations that additional significant information can be obtained on the historic occupation of the site of Salubria through Phase III investigations of site 18PR692. The Planning Board does not concur with Dr. Gibb's conclusion that Phase II investigations have not demonstrated depositional integrity.

Salubria is a scarce historic property type in Prince George's County where orchard production and market garden produce was the focus of agriculture rather than tobacco or grain. Little is known about the role of enslaved laborers in the cultivation of orchard products during the antebellum period. Dr. John H. Bayne was a leading horticulturalist during the mid-nineteenth century and evidence of a possible greenhouse structure was noted in the eastern portion of the site near the well and dairy. Additional investigations could also provide information on the lifeways of the Bayne family and their enslaved laborers during the nineteenth century.

Based on the findings of the Phase I archeological survey and Phase II evaluation of site 18PR692, the Planning Board finds that Phase III investigations of 18PR692 are necessary and appropriate. The applicant shall be required to complete Phase III archeological investigations as mitigation for the elimination of the environmental setting. A Phase III work plan for 18PR692 should be designed to recover data from intact archeological and cultural deposits and features, including: the midden, the slave/tenant house, the main house, the possible garden/gardener's quarters, and the dairy building and area around it.

- (9) The Planning Board concurs with the Thunderbird Phase II report's conclusions and recommendation that no further work is necessary on the historic component of site 18PR809 or portions of the prehistoric component located outside of the boundaries outlined in Exhibit 56 of the draft Phase II report. The Planning Board concurs with Thunderbird's conclusions and recommendations that the portion of site 18PR809, as shown on Exhibit 56 in the Phase II report, is eligible for inclusion in the National Register of Historic Places under Criterion D, as it has the potential to yield significant information relevant to the settlement and subsistence patterns of aboriginal peoples in the region during the Late Woodland Period. The Planning Board also concurs with Dr. Gibb's conclusion that the portion of site 18PR809 outlined in Exhibit 56 of the Phase II report meets Criterion D for listing in the National Register of Historic Places and local criteria for historic significance. The applicant's project design preserves 18PR809 in place.

Preservation-in-place is generally preferable for archeological sites with high interpretive value, and is encouraged by the Prince George's County Planning Board. Preservation treatments should incorporate measures to protect the

archeological property from natural deterioration, vandalism, and other potential impacts as appropriate. If preservation-in-place is possible, a treatment plan should be submitted to and approved by the Historic Preservation staff as part of a limited detailed site plan. Guidelines for development of the treatment plan can be found in the Prince George's County Planning Board's *Guidelines for Archeological Review* (2005). In the alternative, if avoidance is not possible, the applicant shall submit a Phase III data recovery plan to be reviewed by Historic Preservation staff and the Historic Preservation Commission (HPC).

- (10) Based on current conditions at the subject property, the Planning Board finds that the significance of the historic site is now limited to its archeological features and the potential for those features to provide further understanding of the history and significance of the property. As such, it may not be reasonable to expect the retention of these features in the context of the development of this property. Additional archeological investigation, in the form of a limited Phase III work plan, is a reasonable method for potentially obtaining significant information from the physical record of this property prior to its destruction.
- (11) The Planning Board finds that the applicant's intention to preserve-in-place 18PR809 is appropriate. The applicant shall provide a plan for ensuring the preservation of site 18PR809 in perpetuity, including its ultimate ownership and long-term maintenance.
- (12) The curated artifact collection and associated documentation of Phase I, II and III studies for site 18PR692 shall be deposited at the Maryland Archaeological Conservation Lab at the Jefferson Patterson Park in Calvert County, Maryland. All artifacts shall be washed and cataloged according to *Technical Update No. 1 of The Standards and Guidelines for Archeological Investigations in Maryland, Collections and Curation Standards* (2005).
- (13) The final location and nature of the public interpretive measures for prehistoric archeological site (18PR809) and the Salubria Historic Site (#80-002, 18PR692), and the timing of their installation, shall be reviewed by the Planning Board or its designee prior to the Planning Board's approval of the relevant detailed site plan application.

- f. **Department of Parks and Recreation (DPR)**—DPR provided comment on the subject conceptual site plan. In particular, DPR voiced objection to the elimination of the 100-foot buffer along Oxon Hill Road that is required by Condition 3 of Zoning Map Amendment A-9882-C.

Oxon Hill Manor, identified in the Prince George's County Inventory of Historic Resources as #80-001, is located adjacent to the subject property, west of Oxon Hill Road. The referral articulated the importance of Oxon Hill Manor, referencing it as one of the

most significant historical resources in Prince George's County, which hosts over 200 events and brings thousands of visitors to Oxon Hill Manor each year, resulting in over 400,000 dollars of spending by visitors each year.

In order to protect the setting of Oxon Hill Manor, DPR recommends that the 100-foot buffer is maintained. DPR states that the minimal buffer proposed by the applicant along Oxon Hill Road exposes acres of parking and buildings that would become visible should the 100-foot buffer be waived or reduced. Reduction of the buffer would expose visitors to the manor to a busy shopping center and a business environment. This type of environment is the kind of environment that they have sought to escape by renting Oxon Hill Manor, and would result in a diminished value of the historic site.

DPR recommends that the applicant maintain the required 100-foot buffer. The applicant should employ additional landscaping, berms, and/or low stone/brick walls so as to soften the visual impacts of the development on the historic setting and buffering along Oxon Hill Road. DPR also recommends that the visual treatment along Salubria Center's frontage on Oxon Hill Road be reviewed and approved by DPR as a part of the review of the detailed site plan for Salubria Center.

At the time of the writing of the subject resolution no final decision has been reached regarding the proposed modifications to Conditions 2 and 3 of A-9882-C. At time of detailed site plan DPR will have an opportunity to review the proposed landscape treatment along Oxon Hill Road.

- g. **The Department of Public Works and Transportation (DPW&T)**—DPW&T provided standard discussion on issues such as right-of-way dedication, frontage improvement, sidewalks, street trees and lighting, storm drainage systems and facilities in order to be in accordance with the requirements of DPW&T. There is a planned DPW&T Capital Improvement Project (CIP) for Oxon Hill road along the site frontage; therefore coordination with DPW&T is required.

An approved stormwater management concept plan and approval letter (No. 40537-2003-02) dated September 12, 2011, were submitted with the subject application. The plan shows that water quality will be done with micro-bioretenion, infiltrations and other environmental site design (ESD) practices and techniques. The existing SWM pond on the site, just north of Harbor View Avenue, will be removed and multiple infiltration trenches will be installed under the proposed parking to treat ½ "water quality volume." This will be a direct replacement of the existing pond volume.

The hotel proposal is not reflected in the site's approved Stormwater Management Concept Plan 40537-2003-2. The stormwater concept plan indicates a "proposed ingress egress" driveway connection proposed to link the Park and Ride site (Parcel 6) to the adjacent office building (Parcel 92). This "proposed ingress egress" is indicated through the northernmost portion of the subject site, where the conceptual site plan indicates the

hotel proposal and parking lot. These development plan inconsistencies shall be addressed by the applicant. Minimally, the stormwater concept shall be revised to indicate the proposed hotel building and parking lot, so that all of the impervious area in future stages of development is calculated; or the applicant shall provide communication from DPW&T indicating that the approved concept is consistent with the CSP.

- h. **The Maryland State Highway Administration (SHA)**—SHA provided comment on the Traffic Impact Study Report provided by the applicant dated October 2011.

There is no required finding regarding transportation adequacy at time of conceptual site plan review. Complete analysis of the submitted Traffic Impact Study Report will be reviewed at time of preliminary plan of subdivision. Recommendations for traffic improvements will be provided at that time.

- i. **The Department of Environmental Resources (DER)**—DER had no response to the subject application.
- j. **Prince George's County Health Department**—The Environmental Engineering Program of the Prince George's County Health Department provided a health impact assessment for the subject site. Recently enacted County Council Bill CB-41-2011(DR-2) requires that the Planning Board refer conceptual site plan proposals to the Prince George's County Health Department for a health impact assessment review in order to identify the health impacts or implications of proposed development on the community.

The Health Department recommended that the following information be provided for review at time of detailed site plan:

1. Indicate dust and noise control features during the construction phases of the site.
2. Provide for construction vehicle entrances and procedures that do not negatively impact adjacent residential communities.
3. Provide information to indicate that the site is in compliance with the county's Watershed Implementation Plan.
4. Measures shall be taken to abandon the existing well and septic system on the site, in accordance with county regulations and Code of Maryland Regulations (COMAR).
5. Indicate how and where the site will be linked to the Heritage Trail and other biking and walking trails and sidewalk. Indicate any proposed links to Oxon Hill Manor.
6. Indicate that lighting will not spill over to the adjacent communities.

7. Through its leasing procedures, the applicant should promote that future food establishments in the outlet center offer healthy, nutritionally rich food choices.
8. Provide information to indicate that the capacity of the area waste water treatment plant and pumping station are adequate for the proposed development.

Additional comments will be provided by the Health Department at the time of detailed site plan review.

12. As required by Section 27-276(b)(1) of the Zoning Ordinance, the CSP will represent a most reasonable alternative for satisfying the site design guidelines without requiring unreasonable costs and without detracting substantially from the utility of the proposed development for its intended use, if approved with conditions.
13. Section 27-276(b)(4) of the Zoning Ordinance provides the following required finding for approval of a conceptual site plan:

The plan shall demonstrate the preservation and/or restoration of the regulated environmental features in a natural state to the fullest extent possible.

The site contains significant environmental features that are required to be preserved and/or restored to the fullest extent possible. The on-site regulated environmental features include streams and their associated 75-foot-wide buffers, wetlands and their associated 25-foot-wide buffers, and the 100-year floodplain. Impacts to the regulated environmental features should be limited to those that are necessary for the development of the property.

Necessary impacts are those that are directly attributable to infrastructure required for the reasonable use and orderly and efficient development of the subject property or are those that are required by County Code for reasons of health, safety, or welfare. Necessary impacts include, but are not limited to, adequate sanitary sewerage lines and water lines, road crossings for required street connections, and outfalls for stormwater management facilities. The types of impacts that can be avoided include those for site grading, building placement, parking, stormwater management facilities (not including outfalls), and road crossings where reasonable alternatives exist. The cumulative impacts for the development of a property should be the fewest necessary and sufficient to reasonably develop the site in conformance with County Code.

The Planning Board supports the request for installation of the stormwater outfalls because they are necessary for the orderly development of the subject property. The regulated environmental features on the subject property have been preserved and/or restored to the fullest extent possible based on the limits of disturbance shown on the tree conservation plan and impact exhibits submitted for review. The impacts approved are for the installation of two proposed stormwater outfalls, totaling 0.16 acres.

Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to Subtitle 27 of the Prince George's County Code, the Prince George's County Planning Board of The Maryland-National Capital Park and Planning Commission adopted the findings contained herein and APPROVED the Type 1 Tree Conservation Plan (TCP1-014-11), and further APPROVED Conceptual Site Plan CSP-11006 for the above-described land, including a Variance to Section 25-122(b)(1)(G) for removal of specimen trees subject to the following conditions and considerations:

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

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

- (1) A 20 to 35-foot-wide landscape strip shall be provided along Oxon Hill Road in accordance with the specifications of Section 4.6 of the 2010 Prince George's County Landscape Manual, which shall be reviewed and approved at the time of detailed site plan.

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

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

- g. The conceptual site plan shall indicate whether a road connection is proposed from the subject site to Indian Head Highway (MD 210) by the applicant, by others, or not at all.
 - h. The applicant shall submit a revised stormwater management concept plan that more accurately reflects the proposal indicated on the conceptual site plan, inclusive of the hotel proposal or provide communication from the Department of Public Works and Transportation (DPW&T) indicating the approved concept is consistent with the CSP.
2. At the time of detailed site plan, the following issues shall be addressed, or information shall be provided:
- a. Comprehensive sign details for freestanding signs, and sign guidelines for future sign proposals in the outlet center shall be provided for review and approval. Any proposed sign along Oxon Hill Road across from Oxon Hill Manor shall be modest in design and restricted in height (a maximum of ten feet) so as not to detract from the adjacent historic site.
 - b. Views of expanses of surface parking from the rights-of-way shall be reduced by providing a street treatment that provides partial screening of the parking lot. The applicant shall provide a detail of an attractive low masonry wall that may be provided along the Oxon Hill Road frontage, for the consideration of staff and the Planning Board.
 - c. All reasonable effort shall be made to reduce the number of loading areas on the north and west sides of the outlet center.
 - d. Loading areas shall be screened by a mix of decorative walls that are aesthetically harmonious with the building facade. The walls shall be designed a minimum of ten feet in height to adequately screen loading trucks. The appearance of the screening walls shall also be softened through the use of evergreen trees and shrubs.
 - e. A photometric plan shall be provided for the property. The photometric plan shall indicate no, or minimal, lighting spillover on adjacent residential properties.
 - f. Details of lighting fixtures shall be provided. Details of lamp posts within the parking lot shall be provided in order to indicate that the height of the fixtures is not designed to extend above 30 feet and include downward lighting and no spillover that would affect the

visibility of lighting on adjacent properties. The design and layout of the fixtures shall provide visual continuity throughout the site.

- g. The coordination of the design of light fixtures, benches, trash receptacles, bicycle racks and street furniture shall be required. Details of the site amenities shall be provided for review.
- h. The retaining wall shall be designed to appear as naturalistic as possible from adjacent residential properties.
- i. The applicant shall review opportunities for maintaining or creating naturalistic contours on the site as viewed from the roadway to the extent feasible.
- j. The detailed site plan shall identify at least two public spaces within the outlet center proposal, of appropriate gathering size, for which a high level of detail shall be provided at time of detailed site plan. These identified public spaces shall minimally include a focal point in the space such as public art, sculpture or fountains; seating areas; specialty landscaping; and specialty paving materials for the benefit of users on the site. If deemed appropriate by the Planning Board, these spaces shall include features to commemorate the history of the Salubria site.
- k. The feasibility of reductions in surface parking on the site shall be evaluated.
- l. Illustrative descriptions, design guidelines, and architectural prototypes may be submitted in lieu of detailed building elevations for each building façade within the corridors of the outlet center, which can only be seen interior to the outlet center itself.
- m. Architectural facades of the outward-facing non-storefront elevations of the Outlet Center shall be clad in 100% brick, stone or pre-cast stone along the north and west Outlet Center elevations (not including walls internal to loading areas), and clad in no less than 75% of those materials along the east and south elevations. Different high quality materials may be substituted by the Planning Board at the time of the DSP. Special attention shall be paid to those facing Harborview Avenue and Oxon Hill Road in order to enhance the architectural detail and attractiveness of those highly visible elevations.
- n. Plazas shall be provided at the major entrances into the center.
- o. The applicant shall provide written justification and design support indicating that the development is compatible with existing and proposed development in the vicinity, in particular the adjacent residential, historic, and institutional sites in the vicinity.
- p. The proposal shall more adequately address the recommended urban design strategies identified in the master plan and shall report in writing how this is being accomplished.

- q. The detailed site plan shall reflect the following, or as otherwise amended by the District Council during reconsideration of Condition 2 of Zoning Map Amendment A-9882-C:

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

3. At the time of detailed site plan for the outlet center, the applicant shall employ one of the following options to ensure that the proposal meets the requirements of Section 27-547(d) of the Zoning Ordinance:
- a. The detailed site plan shall include the full development proposal for the secondary, non-retail use;
 - b. The applicant shall propose a timing mechanism for construction of the non-retail use for approval by the Planning Board; or
 - c. The detailed site plan proposal shall accommodate a temporary or permanent office use within the outlet center, until the second phase of the development is completed.
4. In conformance with the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and the 2006 *Approved Master Plan and Sectional Map Amendment for the Henson Creek-South Potomac Planning Area*, the applicant and the applicant's heirs, successors and/or assignees shall provide the following unless modified by the DPW&T:
- a. Provide and maintain the standard sidewalk, landscape strip, and designated bike lanes along the entire frontage of the subject site, as shown on the DPW&T plans for the Oxon Hill Road improvement project, unless modified by DPW&T.
 - b. In order to accommodate the designated bike lanes recommended in the MPOT, a minimum of 44 feet from the centerline shall be dedicated, unless modified by DPW&T.
 - c. Provide appropriate pavement markings and signage for the designated bike lanes per the American Association of State Highway Transportation Officials (AASHTO) Guide for the Development of Bicycle Facilities, unless modified by DPW&T.
 - d. Provide marked crosswalks at all of the site's ingress/egress points along Oxon Hill Road.
 - e. Pedestrian improvements shall be provided across Oxon Hill Road at Harborview Avenue and at the site's southern access point (labeled on the plans as a 60-foot right-of-way). Appropriate improvements will be recommended at the time of detailed site plan and may involve high visibility and contrasting crosswalks, pedestrian countdown signals, pedestrian refuges, signage, and other enhancements.

- f. Standard sidewalks shall be provided along one side of ingress/egress roads and the proposed loop road, unless modified by DPW&T.
 - g. At the time of detailed site plan, consideration shall be given to providing a trail or sidewalk connection from the subject site to Abbingdon Place, unless it is determined there are environmental constraints that make this connection unfeasible.
 - i. Bicycle parking shall be provided throughout the subject site. Appropriate numbers and locations will be determined at the time of detailed site plan.
5. Prior to Planning Board approval of the associated preliminary plan, the applicant shall submit a limited Phase III archeology work plan for 18PR692 that is designed to recover data from the following archeological and cultural deposits and features: the midden, the slave/tenant house, the main house, the possible garden/gardener's quarters, and the dairy building and area around it. The Phase III work plan shall be approved through a revision to HAWP #14-11.
6. Prior to Planning Board approval of any detailed site plan the applicant shall:
 - a. Provide a plan for on-site commemorative/interpretive features and other public outreach measures focused on the history and significance of the Salubria property based on the findings of the Phase I, Phase II, and Phase III archeological investigations and other research on the property. The location and wording of the signage and public outreach measures shall be subject to approval by the Planning Board or its designee and may be subsequently modified at time of certificate approval with concurrence of Historic Preservation Section staff.
7. Prior to final plat, the applicant shall establish a perpetual conservation easement around archeological site 18PR809. The associated TCP II shall be revised to show the location of the archeological site and a note shall be added to the plat indicating that any ground disturbance within the easement area must be reviewed and approved by Historic Preservation staff.
8. Prior to any ground disturbance or the approval of any grading permits, the applicant shall:
 - a. Provide a final report detailing the Phase II and Phase III investigations at sites 18PR692 and 18PR809 and ensure that all artifacts are curated in a proper manner and deposited with the Maryland Archeological Conservation Lab at the Jefferson Patterson Park and Museum in St. Leonard, MD. Proof of disposition of the artifacts shall be provided to Historic Preservation staff.
 - b. Install a super-silt fence around the boundaries of archeological site 18PR809 and provide proof of that installation and its placement to Historic Preservation staff for review and approval. The fencing shall remain in place until all construction activities within the Salubria Center property are completed.

9. Prior to the ~~*[issuance of the Use and Occupancy permit for the development,]~~ opening of the Outlet Center, the applicant shall install the on-site commemorative/interpretive features and complete other agreed-upon outreach and education measures~~*[-such as brochures and websites].~~
10. In the event the amendment of conditions for Zoning Map Amendment A-9882-C, Zoning Ordinance No. 34-1994, is denied or does not provide for buffering as proposed in Condition 1 f, the TCP1 shall be revised to provide the required 100 foot wide landscaped buffer along Oxon Hill Road, or as required by the final decision of the District Council.
11. Prior to certification of the conceptual site plan, The TCP1 shall be revised as follows:
 - a. Revise Note 1 of the Standard Type 1 Tree Conservation Notes shown on Sheet 1 of 8 to read "This plan is conceptual in nature and is submitted to fulfill the woodland conservation requirements for Conceptual Site Plan CSP-11006. The TCP1 will be modified as necessary during the review of the preliminary plan application."
 - b. Revise the Disposition column of the specimen tree table shown on sheet 1 of 8 to read "To Be Removed" for those that are proposed for removal.
 - c. Have the plan signed and dated by the qualified professional who prepared it.
12. Prior to the issuance of any permits which impact wetlands, wetland buffers, streams or Waters of the U.S., the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions have been complied with, and associated mitigation plans.
13. At time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area (PMA), except for approved impacts, and shall be reviewed by the Environmental Planning Section prior to approval of the final plat. The following note shall be placed on the plat:

"Conservation easements described on this plat are areas where the installation of structures and roads and the removal of vegetation are prohibited without prior written consent from the M-NCPPC Planning Director or designee. The removal of hazardous trees, limbs, branches, or trunks is allowed."
14. Prior to certification of the CSP, the CSP and TCP1 shall be revised to show the 65 dBA Ldn noise contour located 429 feet from the centerline of Indian Head Highway (MD 210).

*Denotes Correction

Underlining indicates new language

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

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

Considerations

1. The applicant shall provide information regarding the following considerations which will be referred to the Prince George's County Health Department for review and comment:
 - a. Indicate dust and noise control features during the construction phases of the site.
 - b. Provide for construction vehicle entrances and procedures that do not negatively impact adjacent residential communities.
 - c. Provide information to indicate that the site is in compliance with the county's Watershed Implementation Plan.
 - d. Measures shall be taken to abandon the existing well and septic system on the site, in accordance with county regulations and Code of Maryland Regulations (COMAR).
 - e. Through its leasing procedures, the applicant should promote that future food establishments in the outlet center offer healthy, nutritionally rich food choices.
 - f. Provide information to indicate that the capacity of the area waste water treatment plant and pumping station are adequate for the proposed development.
2. The applicant should work with the community, including the African American Heritage Preservation Group (AAHPG) and the Broad Creek Historic District Local Advisory Group (BCHDLAC), in evaluating appropriate on-site commemorative/interpretive features and other public outreach measures focused on the history and significance of the Salubria property.

BE IT FURTHER RESOLVED, that an appeal of the Planning Board's action must be filed with the District Council of Prince George's County within thirty (30) days following the final notice of the Planning Board's decision.

* * * * *

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, Squire, Shoaff and Hewlett voting in favor of the motion at its regular meeting held on Thursday, January 12, 2012, in Upper Marlboro, Maryland.

Adopted by the Prince George's County Planning Board this 2nd day of February 2012 *and corrected on February 13, 2012.

Patricia Colihan Barney
Executive Director



By Jessica Jones
Planning Board Administrator

PCB:JJ:MF:arj

APPROVED AS TO LEGAL SUFFICIENCY.



M-NCPPC Legal Department

Date 2/14/12

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