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# Final Plat of Subdivision Salubria, Parcels 6, 7, and 8

5-24122

REQUEST		STAFF RECOMMENDATION	
Final plat of subdivision		With the conditions recommended herein: <ul style="list-style-type: none"> <li>• Approval of Final Plat of Subdivision 5-24122</li> <li>• Approval of a Variation from Section 24-122(a)</li> </ul>	
<b>Location:</b> In the northeast quadrant of the intersection of Oxon Hill Road and Tanger Boulevard.			
Gross Acreage:	9.15		
Zone:	IE		
Prior Zone:	M-X-T		
Reviewed per prior Subdivision Regulations	Section 24-1704(a)		
Gross Floor Area:	N/A		
Lots:	0		
Parcels:	3		
Planning Area:	80		
Council District:	08		
Municipality:	N/A		
<b>Applicant/Address:</b> Pinnacle Harbor L.L.C. 12500 Fair Lakes Circle Fairfax, VA 22033		Planning Board Date:	06/26/2025
<b>Staff Reviewer:</b> Mahsa Vatandoost <b>Phone Number:</b> 301-952-4487 <b>Email:</b> Mahsa.Vatandoost@ppd.mncppc.org		Planning Board Action Limit:	07/20/2025
		Mandatory Action Timeframe:	30 days
		Staff Report Date:	06/25/2025
		Date Accepted:	06/20/2025
		Informational Mailing:	N/A
		Acceptance Mailing:	N/A
		Sign Posting Deadline:	N/A

The Planning Board encourages all interested persons to request to become a person of record for this application. Requests to become a person of record may be made online at

[http://www.mncppcapps.org/planning/Person\\_of\\_Record/](http://www.mncppcapps.org/planning/Person_of_Record/).

Please call 301-952-3530 for additional information.

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THE MARYLAND-NATIONAL CAPITAL  
PARK AND PLANNING COMMISSION

PRINCE GEORGE'S COUNTY PLANNING BOARD

STAFF REPORT

SUBJECT: Final Plat of Subdivision 5-24122  
Variation from Section 24-122(a)  
Salubria, Parcels 6, 7, and 8

**OVERVIEW**

The subject property includes existing Parcels 2, 3, and 5 of Salubria. Parcels 2 and 3 were recorded in Plat Book SJH 241 Plat No. 94 in February 2015, and Parcel 5 was recorded in Plat Book ME 254 Plat No. 71 in July 2020. This final plat application proposes three parcels. The property is in the Industrial, Employment (IE) Zone. The site is also subject to the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1 (Planning Areas 60, 61, 62, and 64)*.

This application was submitted for review under the Prince George's County Zoning Ordinance and Prince George's County Subdivision Regulations effective prior to April 1, 2022 (the "prior Zoning Ordinance" and "prior Subdivision Regulations"). Under the prior Zoning Ordinance, the site was within Mixed Use-Transportation Oriented (M-X-T) Zone. Pursuant to Section 24-1704(a) of the Subdivision Regulations, applications submitted under a valid subdivision approval may be reviewed and decided in accordance with the Subdivision Regulations in existence at the time of the approval of the subdivision. This final plat is filed in accordance with a preliminary plan of subdivision (PPS) approval obtained under the prior Subdivision Regulations, which remains valid. Specifically, the subject site is proposed to be platted in accordance with PPS 4-23013, which was approved by the Prince George's County Planning Board on May 23, 2024 (PGCPB Resolution No. 2024-039), for three parcels (proposed Parcels 6, 7, and 8) for development of 129,284 square feet of commercial development on the property. The property is also subject to a Detailed Site Plan, DSP-23015, which was approved by the Planning Board on September 5, 2024 (PGCPB Resolution No. 2024-086). Accordingly, this final plat application may be reviewed under the prior Zoning Ordinance and prior Subdivision Regulations.

The final plat of subdivision is in conformance with PPS 4-23013. However, the applicant requests the Planning Board's approval of a variation from Section 24-122(a) of the prior Subdivision Regulations, to eliminate the standard 10-foot-wide public utility easement (PUE) along the southern property line of Parcels 6 and 8, specifically along approximately 290 linear feet of frontage on Tanger Boulevard, as further discussed below.

Staff recommend **APPROVAL** of the final plat and variation, based on the findings contained in this technical staff report.

## SETTING

The subject site is located on Tax Map 104, Grid F1 and Tax Map 105, Grid A1, and is within Planning Area 80. The subject property is located in the northeast quadrant of the intersection of Oxon Hill Road and Tanger Boulevard (previously known as Harborview Drive). To the north of the subject property is the Oxon Hill Park and Ride lot, with a bus bay for the Washington Metropolitan Area Transit Authority bus services, in the IE Zone. To the east of the subject property is MD 210, and beyond is The Maryland-National Capital Park and Planning Commission-owned Southlawn Park in the Residential, Single-Family-65 Zone. To the west of the subject property is Oxon Hill Road, and beyond is a parking lot in the Regional Transit-Oriented, Low-Intensity-Edge Zone. To the south of the subject property is Tanger Boulevard, and beyond is the Tanger Outlet Center in the IE Zone.

## FINDINGS AND REASONS FOR STAFF RECOMMENDATION

1. **Development Data Summary**—The following information relates to the subject final plat of subdivision application.

	EXISTING	PROPOSED
Zone(s)	IE	M-X-T (Reviewed per prior M-X-T zoning)
Use(s)	Vacant/Commercial	Commercial
Acreage	9.15	9.15
Lots	0	0
Outlots	0	0
Parcels	3	3
Variance	No	No
Variation	No	Yes, Section 24-122(a)

The requested variation from Section 24-122(a) of the prior Prince George's County Subdivision Regulations was received on April 16, 2025, and reviewed at the Subdivision and Development Review Committee meeting on May 9, 2025, as required by Section 24-113(b) of the prior Subdivision Regulations, as a companion request to this final plat of subdivision.

2. **Variation**—The applicant filed a variation request from Section 24-122(a), to eliminate the required 10-foot-wide public utility easement (PUE) along approximately 290 linear feet of the Tanger Boulevard right-of-way, fronting Parcels 6 and 8. The variation request was received on April 16, 2025. The requirements of the prior Subdivision Regulations and the requested variation are discussed further below.

### Section 24-122. Public Facilities Requirements.

- (a) **When utility easements are required by a public utility company, the subdivider shall include the following statement in the dedication documents: Utility easements are granted pursuant to the declaration recorded among the County Land Records in Liber 3703 at Folio 748.**

The standard requirement for PUEs is a 10-foot-wide easement along both sides of all public rights-of-way, to ensure adequate and continuous utility access and provision for all development. The subject property has frontage along the public rights-of-way of Oxon Hill Road and Tanger Boulevard. Parcel 8 fronts Tanger Boulevard, while Parcels 6 and 7 front both Oxon Hill Road and Tanger Boulevard. The applicant proposes to provide the required 10-foot-wide PUE on the property, along the street frontage of Oxon Hill Road and Tanger Boulevard, except for along approximately 290 linear feet of the frontage of Parcels 6 and 8 of this subdivision. The site's frontage along Tanger Boulevard is irregular.

Along 290 linear feet of frontage, the site faces unique physical and access constraints. Access is denied to Oxon Hill Road and the off-ramp to Tanger Boulevard. Consequently, the Maryland State Highway Administration (SHA) has granted access from Tanger Boulevard via a right-of-way stub extending from Tanger Boulevard at a signalized intersection. This stub extends approximately 100 feet into the property from Tanger Boulevard. The extension and shape of the right-of-way cause the PUE to follow this configuration approximately 100 feet into the property. While the PUE is provided along the entire frontage of Parcels 6 and 7 on Oxon Hill Road, as well as along most of the frontage of Parcels 6, 7, and 8 on Tanger Boulevard, it is not provided along the portion of Tanger Boulevard where the stub extends into the site at the signalized intersection.

Section 24-113 of the prior Subdivision Regulations sets forth the required findings for approval of a variation request.

There are four criteria that must be met for this variation to be approved (the fifth criterion is not applicable to the prior M-X-T zoning of the subject property), which are addressed by the applicant's variation request, incorporated by reference herein. The criteria, with discussion, are noted below.

#### **Section 24-113. Variations.**

- (a) Where the Planning Board finds that extraordinary hardship or practical difficulties may result from strict compliance with this Subtitle and/or that the purposes of this Subtitle may be served to a greater extent by an alternative proposal, it may approve variations from these Subdivision Regulations so that substantial justice may be done and the public interest secured, provided that such variation shall not have the effect of nullifying the intent and purpose of this Subtitle and Section 9-206 of the Environment Article; and further provided that the Planning Board shall not approve variations unless it shall make findings based upon the evidence presented to it in each specific case that:**

Practical difficulties would result if the applicant was required to provide a PUE along the stub portion of Tanger Road. Specifically, as detailed in the findings below, requiring a PUE along the stub portion of Tanger Road would be superfluous and would conflict with other required site improvements. In the same manner, the applicant's proposal better serves the purposes of prior Subtitle 24 of the Prince George's County Code. A purpose of prior Subtitle 24 is to "establish reasonable

standards of design [...] for subdivision and resubdivision” (Section 24-104(a)(6) of the prior Subdivision Regulations). Requiring a superfluous PUE along the Tanger Road stub would not be a reasonable design standard. Based on the foregoing, granting the variation is necessary so that substantial justice may be done and the public interest secured.

Granting the variation would not nullify the intent and purpose of prior Subtitle 24 or Section 9-206 of the Environment Article of the Maryland Code. As noted, the proposed variation better serves the purposes of prior Subtitle 24. Section 9-206 of the Environment Article of the Maryland Code is not germane to this request, as it deals with on-site sewage disposal system requirements for residential subdivisions.

**(1) The granting of the variation will not be detrimental to the public safety, health, or welfare, or injurious to other property;**

In this particular case, not providing the required PUE in its standard location will not be detrimental to public safety, health, or welfare, or injurious to other properties. The public rights-of-way for Oxon Hill Road and Tanger Boulevard have been improved, and all utilities required to serve the proposed development currently exist either within these rights-of-way, or within the property area close to the 290 linear feet of right-of-way line. The existing utilities located within the streets currently serve the subject property, which has been previously developed, and will continue to serve the development evaluated with Preliminary Plan of Subdivision 4-23013. The omission of the PUE along 290 linear feet of Tanger Boulevard will have no impact on the utilities already provided and available for this development, and to surrounding developments. Not providing a PUE in these areas will not prevent adjacent properties from accessing utilities in the Oxon Hill Road and Tanger Boulevard rights-of-way. Further, not providing a PUE along a portion of Tanger Boulevard will not limit other properties from accessing existing utilities, as it is not an existing utility corridor. Therefore, this variation will not be detrimental to the public safety, health, or welfare, or injurious to other properties.

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

The conditions of this property are unique due to its configuration and access limitations. It is bounded by public roads on three sides, but has either denied or restricted access to each road. Access is denied to Oxon Hill Road and the off-ramp to Tanger Boulevard. As a result, SHA granted access from Tanger Boulevard via a right-of-way stub at a signalized intersection. The shape and extension of the right-of-way stub would cause the PUE to wrap around the right-of-way line about 100 feet into the site. This alignment interferes with the placement of water, sewer, and stormdrain infrastructure and is not necessary for conveying public utilities along the Tanger Boulevard frontage. Any utilities located along Tanger Boulevard would also need to wrap around this 100-foot stub, resulting in undesirable

alignments. The applicant's request to eliminate the PUE requirement along Tanger Boulevard is warranted, given the unique nature of the right-of-way line fronting the subject property.

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

The variation from Section 24-122(a) is unique to the Subdivision Regulations and under the sole authority of the Prince George's County Planning Board. The final plat and variation request for the location of PUEs was referred to the public utility companies. No referred agency opposed this request. The proposed utilities will need to be designed in direct coordination with the individual utility companies, in order to meet all utility service requirements and design standards, at the time of permitting. Staff are not aware of any applicable law, ordinance, or regulation that will be violated if this variation is granted.

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

The majority of the site is developed, and is surrounded by public streets on three sides. In addition, the property's frontage along Tanger Boulevard and Oxon Hill Road contains all required utilities within, or close to their rights-of-way. Along the majority of the frontage on Tanger Boulevard, a PUE will be provided. Requiring a 10-foot-wide PUE along the entire frontage of Tanger Boulevard would result in superfluous easement areas that would be undevelopable on the subject property, resulting in a particular hardship for the owner. All three parcels will be provided with a PUE, however, requiring the PUE along the frontage of Parcels 6, and 8, specifically where the Tanger Boulevard fillet extends into the site at the signalized intersection, would result in a particular hardship to the owner, as opposed to a mere inconvenience.

By virtue of positive findings for each of the criteria for variation approval, staff find that a variation from Section 24-122(a), for elimination of the standard 10-foot-wide PUE requirement, along approximately 290 linear feet of frontage on Tanger Boulevard for Parcels 6 and 8, is supportable. Specifically, the purposes of the Subdivision Regulations are served to a greater extent by the alternative proposal. Accordingly, staff recommend that the PUEs as provided on the subject plat be approved.

3. **Referral and Comments from other Entities**—The requested variation was referred to the Prince George's County Department of Permitting, Inspections and Enforcement, SHA, the Washington Suburban Sanitary Commission, Washington Gas, Baltimore Gas and Electric Company, Comcast, Verizon, the Potomac Electric Power Company, Southern Maryland Electric Cooperative, and AT&T. None of the referred agencies have opposed this request.

## **RECOMMENDATION**

- Approval of Final Plat of Subdivision 5-24122
- Approval of a Variation from Section 24-122(a)