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Preliminary Plan of Subdivision Muirkirk Warehouses

PPS-2022-004

REQUEST	STAFF RECOMMENDATION
Two parcels for 269,200 square feet of industrial development.	With the conditions recommended herein: <ul style="list-style-type: none">• APPROVAL of Preliminary Plan of Subdivision PPS-2022-004• APPROVAL of Type 1 Tree Conservation Plan TCP1-019-2024

Location: At the southwest corner of the intersection of Konterra Drive and MD 200 (Intercounty Connector).

Gross Acreage: 23.99

Zone: IE

Gross Floor Area: 269,200 sq. ft.

Dwelling Units: N/A

Lots: 0

Parcels: 2

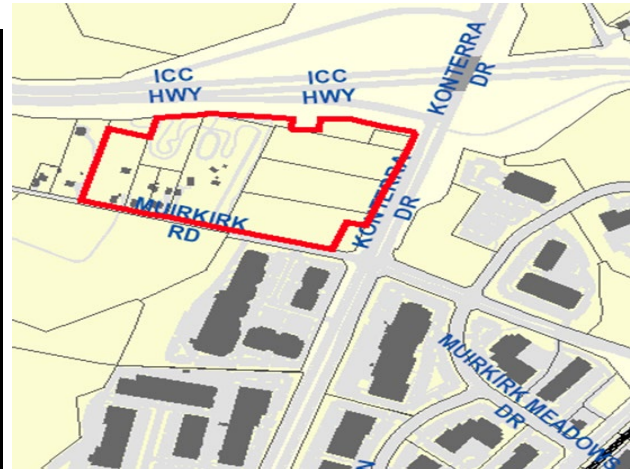
Planning Area: 60

Council District: 01

Municipality: N/A

Applicant/Address:
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Planning Board Date:	07/18/2024
Planning Board Action Limit:	10/28/2024
Mandatory Action Timeframe:	140 days
Staff Report Date:	07/11/2024
Date Accepted:	05/10/2024
Informational Mailing:	11/01/2023
Acceptance Mailing:	05/03/2024
Sign Posting Deadline:	06/18/2024

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/.

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: Preliminary Plan of Subdivision PPS-2022-004
Type 1 Tree Conservation Plan TCP1-019-2024
Muirkirk Warehouses

OVERVIEW

The site is located at the southwest corner of the intersection of Konterra Drive and MD 200 (the Intercounty Connector). The property is a compilation of ten deed parcels and one lot. The parcels are identified in the Maryland State Department of Assessments and Taxations as Parcels 84, 85, 91, 115, 116, 117, 118, 128, 171, and 172, and are recorded by deed in the Prince George's County Land Records in Book 48451 page 132, Book 49094 page 326, Book 49094 page 318, Book 48959 page 555, Book 48451 page 132, Book 48768 page 150, Book 48767 page 597, Book 48417 page 38, Book 48672 page 429, and Book 48672 page 429, respectively. The lot is known as Lot 30 of New Birmingham Manor and is recorded in the Prince George's County Land Records in Plat Book NLP 97 Plat No. 94. The property is located within the Industrial, Employment (IE) Zone. In accordance with Section 24-4503 of the Prince George's County Subdivision Regulations, this preliminary plan of subdivision (PPS) is supported by and subject to approved Certificate of Adequacy ADQ-2022-026. The site is subject to the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1 (Planning Areas 60, 61, 62, and 64)*, Subtitles 24 and 27 of the Prince George's County Code, and other applicable plans, as outlined herein.

This PPS proposes two parcels to support 269,200 square feet of industrial development. The east side of the site is vacant and wooded, while the west side of the site features four existing single-family detached dwelling units and associated accessory structures, all of which are to be razed. This PPS is required in accordance with Section 24-1401 of the Subdivision Regulations, for development of land not subject to any prior subdivision approvals (the existing parcels), and development of land where the proposed development is not in accordance with the prior PPS (the existing lot). The site has an approved Special Exception SPE-2022-005, for the proposed development, which establishes that the proposed development consists of a 122,200-square-foot distribution warehouse on the eastern parcel (proposed Parcel 1), and a 147,000-square-foot distribution warehouse on the western parcel (proposed Parcel 2).

Staff recommend **APPROVAL** of the PPS and Type 1 tree conservation plan, with conditions, based on the findings contained in this technical staff report.

SETTING

The subject site is located on Tax Map 9, in Grids C4 and D4, and is within Planning Area 60. MD 200 abuts the subject site to the north, with vacant land proposed for mixed use development in the Town Activity Center – Core Zone beyond. Konterra Drive abuts the site to the east, with commercial and industrial uses in the IE and Legacy Comprehensive Design Zones beyond. Muirkirk Road abuts the site to the south, with vacant land and commercial uses in the IE Zone beyond. West of the site are residential uses in the IE Zone.

FINDINGS AND REASONS FOR STAFF RECOMMENDATION

- 1. Development Data Summary**—The following information relates to the subject preliminary plan of subdivision (PPS) application and the evaluated development.

	EXISTING	EVALUATED
Zone	IE	IE
Use(s)	Vacant/Residential	Industrial
Acreage	23.99	23.99
Lots	1	0
Parcels	10	2
Dwelling Units	4	0
Nonresidential Gross Floor Area	0 sq. ft.	269,200 sq. ft.
Variation	No	No
Subtitle 25 Variance	Yes, Section 25-122(b)(1)(G)*	Yes, Section 25-122(b)(1)(G)*

Note: *This Subtitle 25 variance for 21 specimen trees was approved pursuant to Special Exception SPE-2022-005, Muirkirk Warehouses.

The subject PPS was accepted for review on May 10, 2024. Pursuant to Section 24-3305(e) of the Prince George's County Subdivision Regulations, this case was referred to the Subdivision and Development Review Committee, which held a meeting on May 24, 2024, where comments were provided to the applicant. Revised plans were received on June 5, 2024, which were used for the analysis contained herein.

- 2. Previous Approvals**—Lot 30 is the subject of PPS 4-76145, approved in 1961. Records for this PPS are no longer available. The prior PPS will be superseded by the subject PPS.

SPE-2022-005 was approved for the subject property by the Prince George's County Zoning Hearing Examiner (ZHE) on December 6, 2023. ZHE's decision was declared final on April 12, 2024. The SPE approved use of the property for distribution warehouses, including a 122,200-square-foot warehouse on the east side of the property, and a 147,000-square-foot warehouse on the west side of the property, for a total of 269,200 square feet of gross floor area. The development proposed with this PPS is consistent with that approved under the SPE.

SPE-2022-005 was approved subject to six conditions, and of these conditions, the following are relevant to the review of this PPS:

2. **Prior to the certification of the Type 2 Tree Conservation Plan (TCP 2), the Plan shall meet all the requirements of Subtitle 25, Division 2 of the Prince George's County Code, and the Environmental Technical Manual, and shall be revised as follows:**
 - a. **Correct errors in the TCP 2 worksheet to accurately reflect the woodland conservation requirement and how the requirement is being made.**
 - b. **Add additional afforestation/reforestation on-site through expansion of Reforestation Area B, and by adding reforestation to the southern edge of Preservation Area C to the fullest extent practicable. Adjust all planting schedules, as necessary.**
 - c. **The proposed maintenance accessway and associated grading to access each of the gravel wetland facilities must be shown on the TCP2.**
 - d. **Provide notes pertaining to invasive species, as well as an invasive species management plan.**

The SPE and its associated Type 2 tree conservation plan (TCP2) have not yet been certified, and this condition is required to be satisfied prior to their certification. The Type 1 tree conservation plan (TCP1) associated with the subject PPS is required to be consistent with the TCP2. To the extent that they are applicable to the TCP1, the above required corrections to the TCP2 have also been made to the TCP1.

5. **Prior to certification of the Special Exception and Type 2 Tree Conservation Plan (TCP2), a revised approved Concept Grading, Erosion and Sediment Control Plan from Prince George's County Soil Conservation District that is consistent with the layout of the Special Exception Site Plan and the TCP2 must be submitted.**

An approved concept grading, erosion, and sediment control plan is also required prior to signature approval of the PPS, pursuant to Section 24-4303(d)(7) of the Subdivision Regulations. The approved plan should be consistent with the TCP1 and PPS, in addition to the SPE and TCP2.

6. **Prior to certification of the Special Exception and Type 2 Tree Conservation Plan (TCP2), a revised approved Stormwater Management Concept Plan from the Prince George's County Department of Permitting, Inspections and Enforcement that is consistent with the layout of the Special Exception Site Plan and the TCP2 must be submitted.**

As discussed in the Stormwater Management section of this technical staff report, the applicant submitted an unapproved revision to their approved stormwater management (SWM) concept plan with the subject application. The unapproved SWM concept plan is consistent with the TCP1 and the PPS. The approved SWM

concept plan should be submitted prior to signature approval of the PPS, to ensure the plans remain consistent. Revisions may be needed to the SPE and TCP2, prior to their certification, to ensure they are consistent with the approved SWM concept plan.

3. **Community Planning**—Pursuant to Sections 24-4101(b)(1) and 24-3402(e)(1)(D)(iv) of the Subdivision Regulations, a major PPS shall be consistent with the General Plan and shall conform to all applicable area master plans, sector plans, or functional master plans. Consistency with the 2014 *Plan Prince George's 2035 Approved General Plan* (Plan 2035) and conformance with the 2010 *Approved Master Plan and Sectional Map Amendment for Subregion 1 (Planning Areas 60, 61, 62, and 64)* (master plan) are evaluated as follows:

Plan 2035

Plan 2035 places the eastern portion of the subject site in the Muirkirk MARC Local Center (Map 1, Prince George's County Growth Policy Map, page 18). "Plan 2035 designates 26 Local Centers, which includes new Purple Line stations, as focal points for development and civic activity based on their access to transit or major highways. The plan contains recommendations for directing medium to medium-high residential development, along with limited commercial uses, to these locations, rather than scattering them throughout the Established Communities. These centers support walkability, especially in their cores and where transit service is available" (page 19).

Plan 2035 places the western portion of the subject site within the Established Communities Growth Policy Area. "Plan 2035 classifies existing residential neighborhoods and commercial areas served by public water and sewer outside of the Regional Transit Districts and Local Centers, as Established Communities. Established communities are most appropriate for context-sensitive infill and low-to-medium-density development. Plan 2035 recommends maintaining and enhancing existing public services (police and fire/EMS), facilities (such as libraries, schools, parks, and open space), and infrastructure in these areas (such as sidewalks) to ensure that the needs of existing residents are met" (page 20).

The development of two distribution warehouses is consistent with Plan 2035's recommendations for properties within the Established Communities and the Muirkirk MARC Local Center because the scale and scope of the proposed use is compatible with surrounding and nearby uses, and because the transportation improvements provided by the applicant will support walkability to the MARC Station. The proposed development is also consistent with the development approved under SPE-2022-005.

The following policies are recommended by Plan 2035 and are relevant to the subject application:

Transportation and Mobility (TM)

Policy 1: Ensure that countywide transportation improvements are integrated with and support the Plan 2035 vision and land use pattern (page 152).

Strategy:

- **TM 1.8: Coordinate future transportation and mobility improvements as outlined in the Master Plan of Transportation (MPOT), the Plan 2035 Transportation and Mobility Element... (page 153)**

Policy 4: Use complete and green street practices to design, operate, maintain, and retrofit the transportation network in order to improve travel conditions for pedestrians, bicyclists, transit riders, and vulnerable populations consistent with the surrounding area's character (page 156).

Strategy:

- **TM 4.4: Design new transportation systems to accommodate all modes of transportation. Continuous sidewalks on both sides of the road and on-road (bike lanes) bicycle facilities should be included, to the extent feasible and practical, and based on the type and location of the facility proposed.**

Conformance with the requirements of the 2009 *Approved Countywide Master Plan of Transportation* (MPOT) and master plan pertaining to transportation improvements, complete streets, and bicycle and pedestrian facilities, as discussed in the Transportation section of this technical staff report, will also ensure consistency with the above policies.

Natural Environment

Forests and Tree Canopy

Policy 5: Preserve and enhance existing forest and tree canopy coverage levels (page 176).

Lighting

Policy 6: Reduce overall sky glow, minimize the spill-over of light from one property to the next, and reduce glare from light fixtures (page 176).

Conformance with the requirements of the master plan, and the requirements of Subtitles 24, 25, and 27 related to environmental protection, as discussed in the Environmental section of this technical staff report, will also ensure consistency with the above policies.

Community Heritage, Culture, and Design (HD)

Urban Design

Policy 9: Use urban design to guide development, promote community health, protect our natural, historic, and cultural resources and quality of life, and enhance mobility (page 214).

Strategies:

- **HD 9.9: Implement urban design solutions to ensure appropriate transitions between higher intensity and density development and surrounding lower-density residential neighborhoods (page 215).**

The proposed two warehouses are context-sensitive infill development given their size and scope compared to surrounding uses to the south and the east. Although there are existing residential properties to the west, they are in the IE Zone, which will encourage their future redevelopment with uses that are compatible with development on the subject site. Section 27-61200, Neighborhood Compatibility Standards, of the Prince George's County Zoning Ordinance, will not apply to the proposed development because the existing adjacent single-family detached dwellings are not in a single-family residential zone.

Pursuant to Section 24-4101(b)(1), staff find that the PPS is consistent with Plan 2035.

Master Plan

The master plan recommends industrial land use on the subject property. The proposed use conforms to the recommended land use, as required by Section 24-4101(b)(1).

The master plan also provides policies and strategies to advance the intent and purpose of the plan, which are discussed throughout this technical staff report and as follows:

Development Pattern Element

Policy 3: Design for optimum visibility and accessibility (page 15).

Strategy:

- **Promote design that allows independence, mobility, and a choice of desirable destinations accessible via comfortable pedestrian and bicycle trails and public transit routes (page 16).**

Pedestrian and bicycle access to the site will be required, as discussed in the Transportation section of this technical staff report. Public transit options are available via the Muirkirk MARC Station.

Policy 4: Restore the natural features of the site (page 16).

Strategy:

- **Use environmentally sensitive stormwater techniques, such as bioretention and on-site micromanagement to the fullest extent possible (page 16).**

Conformance with the revised SWM concept plan for the site, once approved, will ensure conformance with this policy, as further discussed in the Stormwater Management and Environmental sections of this technical staff report.

Staff find that, pursuant to Section 24-4101(b)(1) and Section 24-3402(e)(1)(D)(iv) and (v), the proposed development conforms to the master plan, as outlined above and throughout this technical staff report.

Zoning

On November 29, 2021, the Prince George's County District Council approved Prince George's County Council Resolution CR-136-2021, the Countywide Sectional Map Amendment, which reclassified the subject property from the Planned Industrial/Employment Park Zone to the IE Zone, effective April 1, 2022.

4. **Stormwater Management**—Pursuant to Section 24-4303(b) of the Subdivision Regulations, a PPS shall not be approved until evidence is submitted that the Prince George's County Department of Permitting, Inspections and Enforcement (DPIE) has approved a SWM concept plan. An approved SWM Concept Plan (37756-2022-00) was submitted with the SPE and re-submitted with this PPS. The concept plan shows the use of 12 micro-bioretention facilities, 3 bio swales, and 3 submerged gravel wetlands. The concept plan was approved by DPIE on July 11, 2023, and expires on July 11, 2026. There are inconsistencies between stormwater features depicted on the approved concept plan and the PPS, TCP1, SPE, and TCP2.

A revision to the SWM concept plan is currently under review with DPIE, to address these inconsistencies, pursuant to Condition 6 of SPE-2022-005. A revised draft SWM Concept Plan (39858-2024-SDC) was submitted with this PPS and shows the use of 12 micro-bioretention facilities, 3 bio swales, and 2 submerged gravel wetlands. The unapproved revised concept plan is consistent with the layout on the TCP1 and PPS. The approved revised concept plan shall be provided prior to certification of the PPS.

Staff find that development of the site, in conformance with SWM concept plan approval and any subsequent revisions, will ensure that no on-site or downstream flooding occurs. Therefore, this PPS satisfies the requirements of Sections 24-4303 and 24-4403 of the Subdivision Regulations.

5. **Parks and Recreation**—Pursuant to Section 24-4601(b)(1) of the Subdivision Regulations, the proposed nonresidential development is exempt from mandatory dedication of parkland. The project will have no impact on any Maryland-National Capital Park and Planning-owned property.
6. **Transportation (pedestrian, bicycle, and vehicular)**—This PPS was reviewed for conformance with the MPOT, master plan, Zoning Ordinance, and Subdivision Regulations, to provide the appropriate transportation recommendations.

Master Plan Right of Way

The subject property fronts Konterra Drive (A-56), an arterial roadway, along its eastern bounds. The MPOT and master plan recommend this portion of Konterra Drive as a four to six lane arterial roadway constructed within 120–150 feet of right-of-way width. This portion of Konterra Drive is constructed to its full build-out per master plan recommendations.

The subject property also fronts MD 200, a freeway known as the Intercounty Connector, along its northern bounds. The Intercounty Connector has also been constructed to its full build-out. Existing Parcels 171 and 172, as well as Lot 30, were previously owned by the Maryland State Highway Administration (SHA), as part of the right-of-way. However, SHA returned these properties to private ownership between 2014 and 2023, by deeds recorded in the Prince George's County Land Records, in Book 48672 page 429 (for Parcels 171 and 172) and Book 40112 page 341 (for Lot 30). Since SHA deemed these properties as surplus property no longer needed to construct the freeway, staff find that, pursuant to Section 24-139(b) of the prior Subdivision Regulations, a reservation of the land is not desirable.

The subject property fronts Muirkirk Road (MC-106), a major collector roadway, along its southern bounds. The MPOT does not contain any recommendations for this portion of Muirkirk Road. However, the master plan recommends a four-lane major collector roadway constructed within 80–100 feet of right-of-way width.

The subject property falls partially within the Muirkirk MARC Neighborhood Center, as established by Plan 2035. Development within this Center is required to use the Prince George's County Department of Public Works and Transportation Urban Street Design Standards for right-of-way recommendations, as well as bicycle and pedestrian improvements within the roadways. The applicant proposes Urban Major Collector Road Standard 100.02 for Muirkirk Road. An urban major collector road requires 100 feet of right-of-way with 4 total lanes of travel, which is also consistent with right-of-way and lane configuration recommendations in the master plan. The submitted plans show right-of-way dedication sufficient to support the major collector. Staff support the proposed design features of Muirkirk Road and find that the applicant's submission conforms to the requirements of the MPOT, master plan, and Plan 2035 for right-of-way. The proposed design will be adequate to serve the additional traffic generated by the project.

Master Plan Pedestrian and Bike Facilities

The MPOT recommends the following master-planned facilities:

- Planned Bicycle Lane: Konterra Drive and Muirkirk Road

The Complete Streets element of the MPOT reinforces the need for multimodal transportation and includes the following policies regarding the accommodation of pedestrians and bicyclists (MPOT, pages 9 and 10):

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

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

The master plan identifies policies to improve bicycle and pedestrian facilities within the plan limits. Policy 3 is copied below (pages 58–59):

Policy 1: Incorporate appropriate pedestrian oriented and transit-oriented development features in the center and corridor nodes.

Policy 3: Develop bicycle-friendly roadways in conformance with the latest standards and guidelines, including the 1999 AASHTO *Guide for the Development of Bicycle Facilities*.

The site's frontage along Konterra Drive has an existing bicycle lane and a sidewalk. As discussed above, the applicant proposes Urban Major Collector Road Standard 100.02 for Muirkirk Road. This standard includes a 5-foot-wide sidewalk and a 5-foot-wide bicycle lane along the site's frontage of Muirkirk Road.

Staff also recommend bicycle parking be provided throughout the site. Section 27-6309 of the Zoning Ordinance details bicycle parking requirements, and the development shall comply with this standard. Bicycle parking, including locations and number of spaces, was examined with the SPE application and will be further examined at the time of permitting. Crosswalks and associated Americans with Disabilities Act-compliant curb ramps are recommended at all access points and throughout the site. Staff find that providing the above facilities will meet the master plan recommendations for bicycle and pedestrian facilities.

Zoning Ordinance Development Standards - Access and Circulation

Section 27-6104 of the Zoning Ordinance provides the applicability of development standards for the review of PPS applications. Specifically, Section 27-6200 of the Zoning Ordinance provides roadway access, mobility, and circulation standards and requirements. At the time of the SPE, it was found that the proposed development would meet the requirements of Section 27-6200, as stated on page 16 of the ZHE's decision. Subsections of Section 27-6200 relevant to the PPS are discussed further below.

Section 27-6206(d)(1)(A) of the Zoning Ordinance discusses vehicular access and is copied below:

Section 27-6206(d) Vehicular Access Management

(1) Limitation on Direct Access Along Arterial and Collector Streets

Proposed direct driveway access to a development's principal origin or destination points (including individual lots in a subdivision) may be provided directly from an arterial or collector street only if:

- (A) No alternative direct vehicular access from a lower-classified accessway (e.g., local street, driveway, or alley) is available or feasible to provide;**

The subject property has frontage along Konterra Drive, which is an arterial roadway, and Muirkirk Road, which is a major collector, and therefore, a lower-classified accessway. The language of Section 27-6206(d) restricts access from Konterra Drive to the development's principal origin or destination points. At the time of the SPE, it was determined that the development's principal origin and destination points are the truck bays which are used for loading and unloading trucks servicing the proposed distribution warehouses. Access to

these bays is proposed from Muirkirk Road. It was further determined that access from Konterra Drive could still be provided if use of the access was restricted to parking for employee and guest passenger vehicles only, as this parking was not a principal origin or destination point. However, the SPE did not determine how access would be restricted. As provided in a statement of justification (SOJ) for access from Konterra Drive, submitted by the applicant on June 5, 2024, the applicant proposes signage prohibiting truck use along the Konterra Drive access point. The applicant further provided in a point-by-point response letter dated June 4, 2024, that the right-in/right-out entrance design for the Konterra Drive access will not allow large trucks, as the divider island and sharp radius of the entrance would restrict access for these types of vehicles. Staff concur with these findings and recommend that the signage and entrance design be used to restrict access to the site from Konterra Drive to non-truck traffic only.

Regarding the vehicular, pedestrian, and bicycle cross-access requirements of Sections 27-6206, 27-6207, and 27-6208 of the Zoning Ordinance, vehicular cross access is not required for industrial development. The subject site is bounded by roadways to the north, east, and south. A single-family detached dwelling is located west of the subject site, and cross access is not required for this use. No cross access is required between the subject property and adjoining development. Other subsections of Sections 27-6206, 27-6207, and 27-6208 relating to the site's internal vehicular, pedestrian, and bicycle circulation were found to be met at the time of the SPE, when the site layout was evaluated.

Regarding Section 27-6204 of the Zoning Ordinance, the applicant's submission shows two separate pods of development. The eastern pod of development is the focus of the discussion above related to access along a lower classified roadway. The eastern pod will encompass a 122,200-square-foot warehouse. Passenger vehicles entering the site off Konterra Drive immediately enter a dedicated parking area in which trucks are not permitted. Truck access to the eastern pod of development is restricted to Muirkirk Road. The truck court is separated from the areas for passenger vehicles, thereby separating heavy vehicles from standard passenger vehicles.

The western pod will encompass a 147,000-square-foot warehouse. This pod has two points of vehicular access, both along Muirkirk Road. The eastern access point is for trucks only, for a direct connection to the truck court on the east side of the warehouse. The western access point is for passenger vehicles only and leads directly to the parking area. Similar to the eastern pod of development, the truck court is fully separated from the area for passenger vehicles, thereby separating heavy vehicles from standard passenger vehicles.

The internal vehicle circulation is confined to the site, thereby ensuring that no cut-through traffic will take place. The applicant has provided a truck turning plan which shows that heavy vehicles can move throughout the site without any encumbrances. Staff find vehicular access and circulation for the proposed development to be sufficient.

Based on the preceding findings, transportation facilities will exist to serve the proposed subdivision, meet the findings required of Subtitles 24 and 27, and conform to the master plan and MPOT, with the recommended conditions.

7. **Public Facilities**—This PPS was reviewed for conformance to the master plan, in accordance with Section 24-4101(b)(1). The master plan identifies the following policies (pages 74–75):

1. **Establish a standard minimum site size for new construction, rehabilitation, and the adaptive reuse of structures for schools within urban settings. Construct new public schools in accordance with Leadership in Energy and Environmental Design (LEED), silver rating or an equivalent rating under a comparable green building performance measure.**
2. **Preserve, retain and support existing public-school facilities, school sites, and properties owned by the Board of Education (BOE).**
3. **Provide safe connections to schools withing the subregion area.**
4. **Incorporate CPTED (“Crime Prevention Through Environmental Design”) and guidelines into the development review and permitting process.**

The proposed development will not impede achievement of the above-referenced policies. The analysis completed with approved Certificate of Adequacy ADQ-2022-026 demonstrated that, pursuant to adopted tests and standards, public safety facilities are adequate to serve the proposed development. The master plan does not recommend any police, fire and emergency medical service facilities, schools, parks, or libraries on the subject property.

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

The subject property is located in Sustainable Growth Tier I and is served by public water and sewer, as required by Section 24-4404 of the Subdivision Regulations. Pursuant to Section 24-4405 of the Subdivision Regulations, the 2018 Water and Sewer Plan placed this property in Water Category 3, “Community Systems.” Category 3 comprises all developed land (platted or built) on public water and sewer, and undeveloped land with a valid PPS approved for public water and sewer. The Water and Sewer Plan also placed this property in Sewer Category 4, “Community System Adequate for Development Planning”. This category includes all properties inside the sewer envelope, for which the subdivision process is required.

8. **Public Utility Easement**—Section 24-4401 of the Subdivision Regulations requires that PPS and final plats of subdivision be designed to show all utility easements necessary to serve anticipated development on the land being subdivided, consistent with the recommendations and standards relevant to public utility companies. 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.”

Section 24-4205 of the Subdivision Regulations sets forth the design standards for public utilities easements (PUEs), which is in accordance with the standard requirements of public utility companies; all roads, public or private, shall have a PUE at least 10 feet in width. The PUE shall be located outside the sidewalk where a sidewalk is constructed, or where the Subdivision Regulations or Subtitle 27 require a sidewalk. The PUE must also be contiguous to the right-of-way.

The subject site has frontage along the public rights-of-way of MD 200, Konterra Drive, and Muirkirk Road. The PPS shows the required PUEs along all three public rights-of-way.

9. **Historic**—The master plan contains goals and policies related to historic preservation (pages 101–165). However, these are not specific to the subject site, or applicable to the proposed development. A search of current and historic photographs, topographic and historic maps, and locations of currently known archeological sites indicates the probability of archeological sites within the subject property is low. A Phase I archeology survey is not recommended. The subject property contains several properties documented with Maryland Inventory of Historic Properties and Determination of Eligibility forms: Sealing Property (PG:60-37); Thompson Property (PG:60-38); Belle Saunders Property (PG:60-12); and 12800 Virginia Manor Road (DOE-PR-0059). Staff find that the existing documentation is adequate.
10. **Environmental**—Staff find that the PPS is in conformance with the Environmental Regulations in Section 24-4300 of the Subdivision Regulations, and Section 27-6800 of the Zoning Ordinance, subject to the recommended conditions.

The following applications and associated plans were previously reviewed for the subject site:

Development Review Case	Associated Environmental Application	Authority	Status	Action Date	Resolution Number
N/A	NRI-191-2022	Staff	Approved	1/3/2023	N/A
N/A	NRI-191-2022-01	Staff	Approved	6/6/2023	N/A
SPE-2022-005	TCP2-032-2023	Zoning Hearing Examiner	Approved	12/6/2023	N/A
PPS-2022-004	TCP1-019-2024	Planning Board	Pending	Pending	Pending

Grandfathering

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

Environmental Conformance with Applicable Plans

Prince George's Plan 2035

The site is located within Environmental Strategy Area 2 of the Regulated Environmental Protection Areas Map. It is located partially within the Established Communities Growth Policy Area, and partially within the Muirkirk MARC Neighborhood Center, as designated by Plan 2035.

Master Plan

The master plan divides the US 1 Corridor into four different focus areas with specific recommendations and this site falls just west of Focus Area 3. In the master plan, the Environmental Infrastructure Section contains goals, policies, and strategies. The following policies and strategies have been determined to be applicable to the current project. The text in **BOLD** is the text from the master plan, and the plain text provides comments on the plan's conformance.

Focus Area 3 Section

Policy 3: Promote an integrated stormwater management plan that connects existing and future development.

Strategies:

- **Establish a unified stormwater management system, with a coordinated arrangement for shared stormwater management facilities serving multiple properties, in the area to the west of US 1 and north of Muirkirk Road.**

The approved SWM concept plan and the unapproved revision demonstrate control for both managing the stormwater generated from rainfall on-site, and for managing the stormwater entering the site via the existing stream from land located north of the site, to alleviate existing flooding conditions along Muirkirk Road. This will be accomplished by the creation of a gravel wetland located within the existing floodplain on-site. Although this property is located just outside of Focus Area 3, both areas drain to the same Indian Creek subwatershed, and the proposal appropriately addresses the policies and strategies of the focus area.

Environmental Infrastructure Section

Policy 1: Protect, preserve and enhance the identified green infrastructure network within the Subregion 1 plan area.

Strategies:

- **Preserve or restore regulated areas designated in the plan's green infrastructure network or through the development review process during the review of land development proposals.**

The design of the project focuses on protection and improvements along the regulated areas of the green infrastructure network on-site, which is located on either side of the on-site stream. Additional protection of areas immediately adjacent to the regulated area of the site, through woodland preservation and afforestation/reforestation, is also proposed. All areas within the primary management area (PMA) will have to be placed into a protected conservation easement, while all woodland preservation/afforestation/reforestation areas will be protected through a woodland and wildlife habitat conservation easement. Stream stabilization through the creation of gravel wetland areas for stormwater

detention, to prevent flooding downstream, is also proposed to improve the network.

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

Strategies:

- **Encourage the use of conservation landscaping techniques that reduce water consumption and the need for fertilizers or chemical applications.**

The development will be required to conform to the requirements of the 2018 *Prince George's County Landscape Manual* (Landscape Manual), which includes sustainable landscaping requirements (Section 4.9) that will address this strategy.

- **Address existing flooding concerns in conformance with the County Code on all new development and redevelopment.**

The approved SWM concept plan and the unapproved revision demonstrate control for both managing the stormwater generated from rainfall on-site, and for managing the stormwater entering the site via the existing stream from land located north of the site, to alleviate existing flooding conditions along Muirkirk Road.

- **Where development proposals contain extensive areas of impervious surfaces (e.g., parking lots, pavement, buildings), use innovative methods or technologies, such as porous pavement and concrete, turf blocks, water detention facilities, and the placement of stormwater retention facilities, to allow water to infiltrate.**
- **Use Low-Impact Development (LID) stormwater management techniques such as green roofs, rain gardens, innovative stormwater outfalls, underground stormwater management, bioretention with appropriate soil mixtures, green streets, cisterns, rain barrels, grass swales, and stream restoration to the fullest extent possible during the development review process.**

The approved SWM concept plan and the unapproved revision show the creation of a gravel wetland located within the existing floodplain on-site. Conformance with the revised SWM concept plan, once approved, will ensure use of Low-Impact Development techniques and ensure stormwater from the extensive areas of impervious surfaces on the site is addressed.

Policy 4: Implement more environmentally sensitive building techniques and reduce overall energy consumption.

The use of green building techniques and energy conservation techniques are not evaluated during the PPS. However, at the time of the SPE, the applicant provided a SOJ stating that both proposed buildings are intended to meet the green building standards (page 86).

Policy 5: Reduce light pollution and intrusion, especially into the Rural Tier and environmentally sensitive areas.

Minimization of light pollution is encouraged adjacent to the existing stream and wetlands located in the center of the property. It is also encouraged along the western property boundary to minimize light intrusion onto adjacent residential properties. The SPE application included a photometric plan demonstrating conformance with Section 27-6700, Exterior Lighting, of the Zoning Ordinance. Light-level measurements at the property line were shown to be negligible. All exterior luminaries, including security lights, were shown to be full cut-off fixtures that are directed downward.

Conformance with the 2017 Green Infrastructure Plan

The 2017 Countywide Green Infrastructure Plan was approved with the adoption of the *Approved Prince George's County Resource Conservation Plan: A Countywide Functional Master Plan* (CR-11-2017), on March 7, 2017. The mapped green infrastructure network on this site contains regulated and evaluation areas. The following policies and strategies are applicable to the subject application. The text in **BOLD** is the text from the Green Infrastructure Plan and the plain text provides comments on plan conformance.

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

- 1.1 Ensure that areas of connectivity and ecological functions are maintained, restored, and/or established by:**
 - a. Using the designated green infrastructure network as a guide to decision-making and using it as an amenity in the site design and development review processes.**
 - b. Protecting plant, fish, and wildlife habitats and maximizing the retention and/or restoration of the ecological potential of the landscape by prioritizing healthy, connected ecosystems for conservation.**
 - c. Protecting existing resources when constructing stormwater management features and when providing mitigation for impacts.**

- d. Recognizing the ecosystem services provided by diverse land uses, such as woodlands, wetlands, meadows, urban forests, farms and grasslands within the green infrastructure network and work toward maintaining or restoring connections between these.**

Most of the site is designated as an evaluation area associated with one regulated area mapped on-site that corresponds to the existing stream that flows from north to south in the center of the property. Impacts within this regulated area were approved with the SPE for the proposed installation of a gravel wetland and associated grading.

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

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

The site is not located within a Sensitive Species Project Review Area or a Special Conservation Area.

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

2.4 Identify Network Gaps when reviewing land development applications and determine the best method to bridge the gap: preservation of existing forests, vegetation, and/or landscape features, and/or planting of a new corridor with reforestation, landscaping and/or street trees.

The current Green Infrastructure Plan shows that the entire site is mapped as regulated and evaluation areas. These areas are contiguous with existing undeveloped regulated and evaluation areas south of the site (across Muirkirk Road), thus there are no existing network gaps on-site. The area west of the stream represents the cleared areas on the property and is a preferred area for development. On-site reforestation of regulated areas and adjacent evaluation areas on-site is proposed, providing a contiguous tract with the undeveloped resources to the south, thereby ensuring no network gaps will be created by the development.

2.5 Continue to require mitigation during the development review process for impacts to regulated environmental features, with preference given to locations on-site, within the same watershed as the development creating the impact, and within the green infrastructure network.

Mitigation for the isolated wetland and the associated buffer will be determined by the Maryland Department of the Environment (MDE), Non-tidal Wetlands Division, during their review of the permit for the disturbance to the wetland and its associated buffer.

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

Any requirements to locate off-site mitigation for the protection of the green infrastructure network will be determined by MDE, at the time of the permit review, for the disturbance to the wetland and its associated buffer.

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

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

The site contains regulated environmental features (REF) that are proposed to be planted and preserved with conservation and woodland conservation easements as part of the requirements associated with Subtitles 25, 24, and 27.

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

5.8 Limit the placement of stormwater structures within the boundaries of regulated environmental features and their buffers to outfall pipes or other features that cannot be located elsewhere.

Impacts were approved with the SPE for the proposed installation of a gravel wetland and associated grading in the REFs for SWM.

5.9 Prioritize the preservation and replanting of vegetation along streams and wetlands to create and expand forested stream buffers to improve water quality.

Prioritization has been given to the replanting of vegetation along the stream to expand forested stream buffers and to improve water quality.

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

General Strategies for Increasing Forest and Tree Canopy Coverage

7.1 Continue to maximize on-site woodland conservation and limit the use of off-site banking and the use of fee-in-lieu.

A portion of the on-site woodland is proposed to be placed in a woodland conservation easement, as well as all reforestation/afforestation. This project requested to use off-site woodland conservation credits to fulfil the remainder of the project's requirement, which was approved with the SPE.

7.2 Protect, restore, and require the use of native plants. Prioritize the use of species with higher ecological values and plant species that are adaptable to climate change.

The planting of native species on-site is required by both the Environmental Technical Manual (ETM) and the Landscape Manual, which can count toward the tree canopy coverage requirement for the development.

7.4 Ensure that trees that are preserved or planted are provided appropriate soils and adequate canopy and root space to continue growth and reach maturity. Where appropriate, ensure that soil treatments and/ or amendments are used.

An approved TCP2 will ensure that planted materials follow the requirements appropriate for the species in terms of soils and spacing, as provided in the ETM.

Forest Canopy Strategies

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

Edge treatment on the east side of the stream is proposed through areas of reforestation. However, on the west side, the forest edge is being developed with a SWM feature, which is necessary infrastructure for the development. The location of the stormwater feature was approved with the SPE and TCP2.

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

Woodland will be preserved along the stream corridor in the center of the property, which also contains a portion of potential forest interior dwelling species habitat. The site is not located within a sensitive species project review area.

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

This site will provide preservation of woodland and green space along the stream corridor in the center of the property. The development is required to conform to Section 27-6400, Open Space Set-Asides, of the Zoning Ordinance, and the SPE found that the existing woodland preservation will meet the requirement that five percent of the development site area be placed within an open space set aside.

Environmental Review

Existing Conditions/Natural Resource Inventory

Section 27-6802 of the Zoning Ordinance requires an approved natural resources inventory (NRI) with PPS applications. Approved NRI-191-2022-01 was submitted with the application, which shows the existing conditions of the property consistent with the PPS and TCP1. A total of 28 specimen trees have been identified on-site or within the immediate vicinity of the site's boundary. The site was previously graded as part of a sand and gravel mining operation, which has subsequently regenerated with woodlands and wetlands adjoining an existing regulated stream. There are existing houses located on the western portion of the property.

The site contains REFs that include wetlands, streams, and their associated buffers. County-regulated 100-year floodplain is also mapped on-site on either side of the stream. PMA, which includes REFs, the County-regulated 100-year floodplain, and adjoining steep slopes 15 percent or greater, is mapped on-site. The forest stand delineation indicates that there are three separate forest stands on-site, which have high ratings for preservation and high to medium ratings for restoration. The site has a total of 10.32 acres of gross tract woodland, as shown on the NRI; 3.54 acres of which is in the floodplain and 6.78 acres of which are on the net tract. The site is located within the Indian Creek watershed, which is neither a stronghold nor a Tier II watershed.

Woodland Conservation

This property is subject to the provisions of the Prince George's County Woodland and Wildlife Habitat Conservation Ordinance because the property is greater than 40,000 square feet in size, and it contains more than 10,000 square feet of existing woodland. TCP1-019-2024 was submitted with the PPS application. The TCP1 shows 6.78 acres of woodlands in the net tract area and 3.54 acres of woodlands in the floodplain. This application proposes to clear 6.53 acres of woodlands in the net tract and 0.73 acre of woodlands in the floodplain.

Based on the proposed clearing, the total woodland conservation requirement is 6.95 acres. The applicant proposes to meet this requirement with 0.25 acre of on-site woodland preservation, 1.05 acres of afforestation/reforestation, and 5.65 acres in off-site mitigation credits. The limits of disturbance and layout of the TCP1, PPS, revised SWM plan, and final erosion and sediment control plan shall be consistent as indicated in the recommended conditions of approval of this technical staff report.

Specimen Trees

The removal of 21 specimen trees was approved with SPE-2022-005. There are no additional specimen trees requested for removal with this application.

Preservation of Regulated Environmental Features/Primary Management Area

REFs are required to be preserved and/or restored to the fullest extent possible under Section 24-4300, Environmental Standards. The on-site REFs include streams, stream buffers, wetlands, wetland buffers, and steep slopes.

Two impacts were approved by the Zoning Hearing Examiner with SPE-2022-005. Impact 1 is for an SWM system to control both on-site and upstream stormwater via on-site gravel wetlands within the floodplain. Impact 2 is for the removal of an existing, isolated wetland located outside of the PMA. There are no additional impacts proposed with this PPS.

Erosion and Sediment Control

Section 24-4303(d)(7) requires the approval of a concept grading, erosion and sediment control plan by the Prince George's County Soil Conservation District, prior to final approval of the PPS, if required by Subtitle 32: Water Resources Protection and Grading Code, of the Prince George's County Code. The County requires the approval of an erosion and sediment control plan. Development shall comply with the requirements for sedimentation and erosion control in accordance with Subtitle 32, Division 2, Grading, Drainage and Erosion and Sedimentation Control, of the County Code.

Prior to signature approval of the PPS, the concept grading, erosion, and sediment control plan shall be submitted. Prior to issuance of the first permit, the final erosion and sediment control plan shall be submitted. The TCP1, TCP2, and the final erosion and sediment control plan shall be consistent.

Soils

Section 24-4101(c) of the Subdivision Regulations states that the Planning Board shall restrict, or prohibit, the subdivision of land found to be unsafe for development. The restriction or prohibition may be due to: a) natural conditions, including but not limited to flooding, erosive stream action, high water table, unstable soils, severe slopes, or soils that are unstable either because they are highly erodible, prone to significant movement, deformation (factor of safety < 1.5), or b) man-made conditions on the land, including but not limited to unstable fills or slopes.

The predominant soils found to occur, according to the United States Department of Agriculture Natural Resource Conservation Service Web Soil Survey, include Christiana-Downer complex, Croom Gravelly Sandy Loams, Issue-Urban Land complex, Russett-Christiana complex, Sassafras Sandy Loams, Urban Land-Russet-Christiana complex, and Zekiah and Issue soils.

Christiana clay is present on-site; however, no geotechnical issues are anticipated with this application.

11. **Urban Design**—This application proposes to subdivide the existing site into two parcels for 269,200 square feet of industrial development. Specifically, the proposed development consists of a 122,200-square-foot distribution warehouse on the eastern parcel (proposed Parcel 1), and a 147,000-square-foot distribution warehouse on the western parcel (proposed Parcel 2).

Pursuant to Section 27-3604(b)(2) of the Zoning Ordinance, a detailed site plan is not required for this application. Instead, a distribution warehouse in the IE Zone requires the approval of a special exception (SPE). At the time of the applicable SPE review, the applicant was required to demonstrate conformance with the applicable requirements of the Zoning Ordinance, the Landscape Manual, and Subtitle 25, Division 3, the Prince George's County Tree Canopy Coverage Ordinance. Conformance with applicable development standards of the Zoning Ordinance (Part 27-6) was found at the time of the SPE and is discussed on pages 16–19 of the ZHE's decision.

12. **Citizen Feedback**—At the time of the writing of this technical staff report, staff have not received any correspondence from members of the community regarding this project.
13. **Referral to Municipalities**—The subject property is located within one mile of the municipal boundaries of Laurel, Maryland. The PPS application was referred to adjacent municipalities for review and comments on May 10, 2024. At the time of the writing of this technical staff report, no correspondence had been received from the adjacent municipalities.

RECOMMENDATION

APPROVAL, subject to the following conditions:

1. Development of the site shall be in conformance with Stormwater Management Concept Plan 39858-2024-SDC, and any subsequent revisions.
2. Prior to approval, the final plat of subdivision shall include:
 - a. Dedication of 10-foot-wide public utility easements along the public rights-of-way, as delineated on the approved preliminary plan of subdivision.
 - b. Right-of-way dedication along Muirkirk Road, as delineated on the approved preliminary plan of subdivision.
3. Prior to signature approval of the preliminary plan of subdivision, the plan shall be modified as follows:
 - a. In General Note 5, add Special Exception SPE-2022-005.
 - b. Update General Note 21 to reflect the number and approval date of the most recent Stormwater Management Concept Plan (39858-2024-SDC), once it is approved.
 - c. Update General Note 29 to include the number of the Type 1 Tree Conservation Plan (TCP1-019-2024).
 - d. Remove General Note 35 to avoid conflicting with the information in the owner/applicant block.

4. In conformance with the 2009 *Approved Countywide Master Plan of Transportation*, and the 2010 *Approved Master Plan for Subregion 1 (Planning Areas 60, 61, 62, and 64)*, the applicant shall provide the following facilities, and shall show the following facilities on the permit plan prior to its approval:
 - a. A minimum 5-foot-wide sidewalk on the subject property's frontage of Muirkirk Road, unless modified by the operating agency with written correspondence.
 - b. A minimum 5-foot-wide bicycle lane along the subject property's frontage of Muirkirk Road, unless modified by the operating agency with written correspondence.
 - c. Bicycle parking throughout the site, in accordance with Section 27-6309 of the Prince George's County Zoning Ordinance.
 - d. Crosswalks and Americans with Disabilities Act-compliant curb ramps at all access points and throughout the site.
 - e. A signage assembly prohibiting trucks from entering the site from Konterra Drive.
5. Development of this subdivision shall be in conformance with an approved Type 1 Tree Conservation Plan (TCP1-019-2024). The following note shall be placed on the final plat of subdivision:

"This development is subject to restrictions shown on the approved Type 1 Tree Conservation Plan (TCP1-019-2024 or most recent revision), or as modified by the Type 2 Tree Conservation Plan and precludes any disturbance or installation of any structure within specific areas. Failure to comply will mean a violation of an approved Tree Conservation Plan and will make the owner subject to mitigation under the Woodland and Wildlife Habitat Conservation Ordinance (WCO). This property is subject to the notification provisions of CB-60-2005. Copies of all approved Tree Conservation Plans for the subject property are available in the offices of the Maryland-National Capital Park and Planning Commission, Prince George's County Planning Department."
6. Prior to signature approval of the preliminary plan of subdivision, a copy of the approved concept erosion and sediment control plan shall be submitted so that the limit of disturbance for the project can be verified and shown on the Type 1 tree conservation plan.
7. Prior to the issuance of the first permit, the final erosion and sediment control plan shall be submitted. The limits of disturbance shall be consistent with the Type 1 and Type 2 tree conservation plans.
8. Prior to the issuance of permits for this subdivision, a Type 2 tree conservation plan shall be approved. The following note shall be placed on the final plat of subdivision:

"This plat is subject to the recordation of a Woodland Conservation Easement pursuant to Section 25-122(d)(1)(B) with the Liber and folio reflected on the Type 2 Tree Conservation Plan, when approved."

9. At the time of final plat, a conservation easement shall be described by bearings and distances. The conservation easement shall contain the delineated primary management area, except for any 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."

10. Prior to signature approval of the preliminary plan of subdivision (PPS), an approved revised stormwater management concept plan shall be submitted. The limits of disturbance and layout shall be consistent with the PPS and Type 1 tree conservation plan.
11. Prior to the issuance of any permits that impact wetlands, wetland buffers, streams, or, waters of the United States, the applicant shall submit copies of all federal and state wetland permits, evidence that approval conditions were complied with, and associated mitigation plans.

STAFF RECOMMEND:

- Approval of Preliminary Plan of Subdivision PPS-2022-004
- Approval of Type 1 Tree Conservation Plan TCP1-019-2024