



Howard County Department Of Planning And Zoning
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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December 7, 2011

Guilford Road, LLC
attn: Peter DeJana
30 Sagamore Hill Drive
Port Washington NY 11050

RE: WP-12-014 Guilford Property
Parcels A and B (F-12-011)

Dear Mr. DeJana:

The Director of the Department of Planning and Zoning considered your request for a waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request to waive the following sections of the Subdivision and Land Development Regulations:

Sections 16.147(d)(1), 16.147(d)(2), 16.147(d)(5), and 16.147(d)(12) of the Amended Fifth Edition – A forest conservation plan, including locations and specifications for forest retention, reforestation or afforestation. A landscape plan, including locations and specifications for required landscape planting and street trees. A final storm water management plan and traffic study shall accompany all final plans for subdivision which are required to pass the test for adequate road facilities pursuant to Subtitle 11, “Adequate Public Facilities”.

Approval is subject to the following six (6) conditions:

- 1) A landscape plan and storm water management plan shall be submitted with the site development plan for any proposed future development for the newly created buildable parcel (future Parcel B) and any redevelopment of proposed Parcel A.
- 2) An APFO traffic study shall be submitted with the site development plan for any proposed future development for the newly created buildable parcel (future Parcel B) and any redevelopment of Proposed Parcel A.
- 3) Submission of a notarized, completed Forest Conservation *Declaration of Intent for Real Estate Transaction* with the original signature of the property owner shall be included as a part of the final subdivision plat originals submission. Any future development of proposed Parcel A and B shall comply with the forest conservation requirements.

- 4) The submission and approval of an Environmental Concept Plan prior to the submission of a site development plan for future Parcel B and any redevelopment of proposed Parcel A.
- 5) Compliance with the enclosed DED comments dated November 8, 2011.
- 6) Compliance with comments from final plan F-12-011.

The decision of this approval is based on the following justification:

Hardship:

The purpose of this waiver is to defer landscaping, storm water management, and traffic analysis/studies until the site development plan stage for future proposed Parcel B and any redevelopment of Parcel A. All necessary County requirements for landscaping, storm water management, and traffic analysis shall be evaluated at the site development plan stage. By allowing this deferral until the site development plan stage, it would provide the Petitioner the flexibility to better market the newly created parcel (Parcel B) and it would create a practical difficulty for the Petitioner to provide the required information at this time when the proposed use for the future parcel (Parcel B) has not been determined.

Not detrimental to public interest:

By granting this waiver, it will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties. The site is zoned for manufacturing and industrial use and the site has been evaluated for its capabilities for providing for future development. Future proposed improvements to future Parcel B are planned and, at that time, this Department shall require the said above plans and studies to further evaluate the proposed development. Furthermore, no changes are occurring to the property beyond what is approved on the plat and is considered just for real estate purposes at this time. The plat shall comply with all County and State laws and is not affected by changes in the storm water management regulations. The petitioner will be required to install a public sidewalk along the property frontage on Guilford Road.

Not nullify the intent or purpose of the regulations:

Based upon all of the above justifications, approval of this waiver request will not nullify the intent and purpose of the Regulations, and will not be detrimental to the public safety and welfare, as the Petitioner's request does not propose any on-site development at this time, and all applicable County and/or State requirements will be complied with upon any further resubdivision and/or development of future Parcel B and redevelopment of Parcel A. The site is zoned for industrial/manufacturing uses and any plans for future development must comply with the uses designated for this zone. The Petitioner shall address the said above requirements on a forthcoming site development plan for future Parcel B.

The Division of Land Development recommends **DENIAL** for waiver of Section 16.134(a)(2) and 16.134(c) to allow payment of a fee-in-lieu for sidewalk improvements.

This denial is based on the following six (6) reasons:


- 1) In accordance with the enclosed DED comments dated November 8, 2011.
- 2) To encourage connectivity between the existing sidewalk and cross walk area at the corner of Guilford Road and Dorsey Run Road, this Department requires that a sidewalk be constructed along the subject site east of the existing driveway entrance and adjacent Lot 67A frontage along the Guilford Road right of way to the existing sidewalk at Dorsey Run Road.
- 3) Currently, there is not an existing DPW capital project in this area that a proposed fee-in-lieu payment can be placed into as a funding source.
- 4) Sufficient spacing along the Guilford Road right of way to install the sidewalk improvements is available at the subject site's Parcel A frontage and adjacent Lot 67A.
- 5) The applicant shall revise the Supplemental Plan drawings for F-12-011 to show the sidewalk construction details.
- 6) This section of Guilford Road is in the "*Anticipated Committed Timeframe for Pedestrian Improvements*" as shown on the Pedestrian Master Plan.

Waiver of Section 16.119(f) regarding vehicular access onto major collector roads, Dorsey Run Road and Guilford Road were determined **not applicable** for this project because commercial or industrial driveways are not restricted to access onto major collectors per Section 16.119(f)(2) of the Regulations.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on final plan F-12-011; on all future DPZ plans and on future building permits. **This requested waiver will remain valid for one year from the date of this letter or as long as the plat of subdivision (F-12-011) remains in active processing.**

If you have any questions, about this letter, please contact Derrick Jones at (410) 313-2350. If you have questions about this project, contact Mrs. Pat Britt-Fendlay on or after January 3, 2012.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development