



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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August 30, 2012

Department of Recreation and Parks
7120 Oakland Mills Road
Columbia, MD 21046
Attn: Paul Walsky

RE: WP-13-028, Schooley Mill Park

Dear Mr. Walsky:

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 **Section 16.155(a)(1)(i)** which requires a Site Development Plan for any new or expanded nonresidential development, including commercial, industrial, institutional and utility development, plus public buildings, schools and other public facilities, for a re-grading plan for multi-purpose fields.

A waiver to **Section 16.1201(n):** Definitions: "Net Tract Area" and **Section 16.1202(a):** Applicability; Exemptions; Declaration of Intent to allow the Limit of Disturbance to serve as the Net Tract Area when determining the forest conservation easement obligation.

Approval is subject to the following conditions:

1. Within 6 months of this waiver petition approval (on or before March 2, 2013) the 11" X 8.5" Grant of Easement Plat for the Forest Conservation Easement (on Tax Map 40, Parcel 113) must be recorded by the Department of Public Works, Real Estate Services Division, and the Forest Conservation Easement must be added to the GIS Forest Conservation overlay.
2. Disturbance of any wetland, stream or their associated buffers is not permitted, unless a determination is made that is essential per Section 16.116(c) of the Subdivision Regulations.
3. Approval of this waiver is only for the site improvements as shown on the waiver plan exhibits submitted on August 29, 2012. The applicant is advised that any additional development of the site may require the submission and approval of a site development plan.
4. The applicant shall obtain all applicable permits (grading and building) through the Department of Inspections, Licenses and Permits.

Justification for Recommendation:

Extraordinary hardships or practical difficulties:

The applicant would incur practical difficulty and unnecessary hardship if the waiver request were not approved. Requiring a site development plan (SDP) to re-grade the multi-purpose fields within an existing park that creates no additional impervious surface, would require a substantial and unwarranted

cost to hire an engineering consulting firm to complete a new SDP and an undue amount of time for processing and review.

Alternative Proposal

The alternate proposal to the waiver petition would be to submit a new site development plan under standard review or a "Redline Revision" to the previous SDP (SDP-85-036) for the existing park. The implementation of the waiver petition proposal is an acceptable alternative to submitting a site development plan for standard review because the waiver petition exhibit complies with the Regulations and provides all necessary site information.

Detrimental to the Public Interest /Nullifies the Intent or Purpose of the Regulations:

Approval of this waiver request will not nullify the Intent of the Regulations nor be Detrimental to the Public Interest. The waiver petition exhibit, along with the associated justification, provides sufficient information necessary to satisfy the intent and purpose of the regulations. Per the submitted justification, "the project was designed with all County and State regulations in mind. All efforts will be made to minimize disturbance within the proposed LOD area and not disturb existing trees. The very nature of the project is to re-grade the existing 27 year old multi-purpose fields and improve the quality of the fields, allow for more flexibility in programmed recreation including field rotation to reduce wear, allow for additional games where field limits can be reduced and the type of games played. There will be no impacts to nearby wetlands or environmentally sensitive areas." Landscaping is not required as there will be no new on-site structures.

Will not Nullify the Intent or Purpose of the Regulations

The proposed waiver petition will not nullify the intent or purpose of the Regulations. The proposed renovations for the multi-purpose fields will not require stormwater management, or create any need for road improvements or parking. Overall, the waiver petition exhibit represents an adequate alternative to the site development plan by including the necessary information for review and compliance with the Regulations.

This requested waiver will remain valid for the time period specified in the conditions of approval or as long as grading plan/building permit remains in active processing.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/TKM 

cc: Research
DED
Real Estate Services
Forest Conservation Coordinator