



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

September 3, 2013

Normandy Venture LTD. PTSP
8480 Baltimore National Pike
Ellicott City, MD. 21043
ATTN: David Moxley

RE: WP-14-013 (Ellicott Mills at Normandy-Parcels 'A'-'C')
(associated with ECP-14-005, "Ellicott Mills at Normandy")

Dear Mr. Moxley:

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 Section 16.116(b)(1)** which prohibits grading, removal of vegetative cover and trees, structures and paving on land with existing steep slopes.

Approval is subject to the following conditions:

1. Impacts to steep slopes (25% or greater) may not be greater than a total of 0.69 acres of existing slope (as depicted on the waiver exhibit) unless it can be sufficiently demonstrated by the applicant to be justified.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition would result in undue hardship because "vehicular access to the building would only be available on the southern and eastern sides (or half) the building. Trash collection, loading and unloading would need to take place within the area adjacent to the commercial portion of the property, which could be unsightly and disruptive. In addition, access to the parking garage would need to be revised to this area, which would generate more traffic at the junction of the residential and commercial areas-which could be construed as counter-intuitive to the TNC overlay, which calls for pedestrian-friendly design."

Based on the unique physical conditions inherent to the subject property, the applicant does experience extraordinary hardship and practical difficulty in complying with the Regulations for the proposed site improvements. The proposed site design does use engineered retaining walls to limit proposed disturbances within the steep slope area.

Detrimental to the Public Interest:

The public interest will be served to a greater extent with the approval of the waiver because fire and other emergency services would be better served to residents and employees, since access to the building could be provided from all sides. In addition, per the applicant's justification, "this disturbance would allow the developer to provide water quality stormwater management for the site which currently had little to no water quality as the existing facility was created prior to regulated stormwater management regulations."

Nullifies the Intent or Purpose of the Regulations:

The Intent and Purpose of the Regulations will be upheld through the required review process.

In order for the subdivision to move forward, 0.69 acres of steep slopes (25% or greater) will need to be disturbed to allow for enough room to accommodate a drive aisle around the proposed apartment building. The drive aisle would serve as access to and from the parking garage, emergency vehicle access, as well as, access to the trash collection area, and loading and unloading areas.

In addition, the proposed retaining walls can be considered a safety feature and/or necessary to the project and thus will not nullify the intent or purpose of the regulations nor be detrimental to the public interest.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested waiver will remain valid for one year from the date of this letter or as long as this site development plan remains in active processing.

PLEASE NOTE: If the applicant wishes to pursue a waiver petition application to allow the LOD to serve as the Net Tract Area, a waiver to Section 16.1201(n): Definitions: "Net Tract Area" and Section 16.1202(b)(1)(i): 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 is required. Submit a request for reconsideration of waiver WP-14-013 within 30 days of this approval letter (on or before October 3, 2013), along with amended waiver request and justification.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

attachment
KS/ikm/Ellicott Mills at Normandy WP-14-013 approval 9-3-13

cc: Research
DED
Benchmark Engineering
ECP-14-005 file