



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

November 22, 2013

Red Stone, LLP
P.O. Box 416
Ellicott City, MD 21041

Dear Sir or Madam:

RE: WP-14-028, 9251 Baltimore National Pike,
"Red Stone, LLP"

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)(2) (i)** – requires the submission of a site development plan for all new or expanded non-residential development; **Section 16.116(a)** – which prohibits disturbance to wetlands, streams and buffers; and **Section 16.115(c)(2)** which prohibits disturbance to floodplain.

Approval is subject to the following conditions:

1. No disturbance is permitted beyond the limit of disturbance as shown on this waiver petition exhibit, WP-14-028. All disturbed areas must be stabilized, as appropriate.
2. On plans and applications for all applicable permits, provide as a General Note a brief description of the waiver petition, WP-14-028 which includes the required sections of the Regulations, approval date and action taken.
3. Submission of a Developer's Agreement to the Department of Public Works, Real Estate Services Division, and posting of financial surety for storm drains and landscaping [\$300.00].

Once the cost estimates are approved by the Development Engineering Division and/or this Division, the information will be forwarded to Real Estate Services, DPW. RES, DPW will contact you regarding requirements for preparation of a Developer's agreement. Real Estate Services requires a minimum of three (3) weeks to execute the agreement(s). This should be anticipated by the developer in scheduling submittal of the originals.

4. You will be required to execute a Developer's Agreement which will include **\$300.00** of surety to ensure the completion of your landscaping obligations for this project. This Department will perform an inspection to verify installation of the required plant materials. The inspection fee required for this project is **\$100.00**. This fee must be paid to **SAP acct number 1000000000-3000-3000000000-PWPW0000000000-432105** at the time the plan originals are submitted for signatures (check payable to the Director of Finance).
5. The applicant shall submit a mylar original for the approved waiver plan exhibit within **60** days of this letter (**on or before January 21, 2014**). The Department of Public Works will provide a written receipt indicating the above developer's agreement conditions have been met. The receipt from Real Estate Services must accompany the submission of the waiver plan originals.

6. A distribution fee of **\$15.00** per plan sheet must accompany the original drawings. Additional print orders may also be submitted at this time with the originals. After distribution is complete, the original WP plan exhibit will be held by the DPZ.
7. Payment to the Director of Finance, Howard County, of a fee-in-lieu to the Forest Conservation Fund (to be paid concurrently with the submission of the original WP plan for signature approval).

Forest Conservation Fund – Section 16.1211

Fee **\$1,307.00**

SAP Acct 2060000000-3000-3000000000-PWPW000000000000-432521

8. Provide a completed Forest Conservation Data Summary chart.
9. Compliance with the Development Engineering Division comments dated November 14, 2013.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The disturbance is needed to repair the stream outfall in order to prevent further erosion of the stream bank which is undermining the existing parking area. In order to stabilize the site and prevent future erosion, disturbance to the floodplain, stream, wetland and their buffers is required. The applicant was granted a permit for encroachments into the environmental features. In addition, if the applicant were required to submit a formal Site Development Plan, repairs to the stream may not occur. Strict compliance of the Regulations would require additional time, effort, and cost. The additional work would include a forest stand delineation report, extensive survey field work, additional computations, mapping, reports, plans and exhibit preparation. Full compliance with the regulations and the expenditure of the design team's resources would not improve the final design for repairing the erosion to the stream bank and expansion of the parking area. The waiver petition exhibit adequately represents the requirements for a Site Development Plan. In addition, the waiver petition exhibit will be signed by the required County agencies and the original mylar will be retained by the County. In addition, the developer will be required to enter into a developer's agreement for the proposed improvements.

Not Detrimental to the Public Interest – The regulations are meant to assure that development occurs per County requirements. The waiver petition exhibit is an acceptable alternative to the required Site Development Plan. In addition, allowing the applicant to encroach into environmental features will not be detrimental to the public interest because the repair to the stream is required in order to stop further erosion to the streambank.

Will Not Nullify the Intent or Purpose of the Regulations - The waiver request is not intended to exempt the project from County Regulations, but rather to more appropriately match the goals and resources of the project to the overall intent of the regulations which will not be nullified by the granting of the waiver requests. Since the waiver petition exhibit contains information typically provided on a Site Development Plan, the intent or purpose of the Regulations will be fulfilled. In addition, disturbance to the environmental features is necessary in order to repair the stream bank. The Maryland Department of Environment has approved a permit allowing disturbance to these features.

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 the waiver plan original and/or permits remain in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

Enclosure (DED)

cc: Research
DED
Real Estate Services
Robert Vogel Engineering, Inc.

