



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

October 1, 2014

Liberty Sands Court, LLC
500 Chesterfield Pkwy.
Malvern, PA 19355
C/o Lisa Goodwin for Howard Brill

RE: WP-15-025 (Baltimore Washington Industrial Park (BWIP))

Dear Ms. Goodwin and Mr. Brill:

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 16.1201(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.

Approval is subject to the following conditions:

1. The LOD area of plan submission shall not exceed 43,250 square feet as shown on the simplified ECP and waiver exhibit unless sufficient information is submitted to justify an increased LOD area.
2. An updated Forest Conservation Worksheet shall be submitted, reflecting a Total Tract Area of 20.127 acres and a Limit of Disturbance/Net Tract Area of 43,250 square feet, with an afforestation obligation of 0.15 acres.
3. Forest Conservation (0.15 acres of obligation) shall be addressed via fee-in-lieu, purchased forest easement credits at a Forest Mitigation Bank or off-site easement for the 43,250 square feet of plan submission associated with the proposed parking area.
4. Forest Conservation shall be addressed at Site Development Plan stage (or red-line to SDP-80-087, SDP-82-060 and/or SDP-84-130) if this process is approved by the Development Engineering Division.

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

Extraordinary hardships or practical difficulties:

To use the entire property to calculate forest conservation requirements when the proposed development is only 43,250 square feet would be a hardship. The proposed footprint only covers a small portion of the total site and represents a relatively small disturbance footprint (most of the site has been previously developed and will be left undisturbed by this project). Should the applicant be required to address forest conservation for the entire 20.127-acre site, this would significantly increase the cost of the project, which would be a hardship. Per the applicant's justification, "the goal of the project is to create new parking areas that will revitalize this previously developed property so that it can be used to its highest possible use. This benefits the County by insuring that this previously developed facility will not sit vacant while other lands are being

developed for commercial uses. If the cost of regulatory compliance required for the revitalization outweighs the benefits, the project could be lost. The project serves as an example of adaptive re-use of a property that ultimately benefits the County".

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

Allowing the LOD to act as the Net Tract Area (Section 16.1201(n) and 16.1202(b)(1)(i)) for forest conservation requirements does not nullify the Intent and Purpose of the Regulations, it just allows for a decrease in scope. "The FCA regulations were designed to balance forest protection with land development and using flexibility in the application of the regulations serves the intent of the regulations better than strict compliance which could adversely impact the project.....flexibility of the FCA regulations is also appropriate as there is no forest clearing proposed. In this case, "the goal is to insure that 15% of commercially zoned property has met its forest conservation obligation. The applicant is proposing to meet the 15% afforestation requirement for the current phase of development". Any future development outside of the currently proposed LOD will also be required to meet Forest Conservation regulations. No development of the site can occur without compliance with the standard FCA regulations. No loss of forest habitat will occur should this waiver requested be granted.

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/grading plan remains in active processing.

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/TKM/waivers 2014/BWIP WP-15-025 approval 10-1-14

cc: Research

DED

Lisa Goodwin-9755 Patuxent Woods Drive

John Canoles

FC Coordinator-B. Luber

DNR-Marion Honeczy