



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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June 2, 2015

Mrs. Kim Taylor
The Chatterbox, Inc.
t/a Harbin Farms
9944 Route 99
Ellicott City, MD 21042

Dear Mrs. Taylor:

RE: WP-15-123, Harbin Produce Stand (SDP-15-016)

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 16.156(g) (2)** – requiring additional information and revised plans to be provided within 45 days of receiving such indication; and **Section 16.134(a) (2)** – requiring the developer of non-residential site development plans to provide sidewalks on one or both sides of the street, to provide access to transit stops, or to make connections to surrounding land uses. The applicant is requesting a two year extension for the resubmission of the revised plans and is seeking a waiver to the sidewalk requirement along Old Frederick Road, Maryland Route 99 and/or a fee-in-lieu for the sidewalk construction.

Approval is subject to the following conditions:

1. The revised site development plan packet must be resubmitted to DPZ for processing within two-years of the previous deadline date of April 5, 2015, on or before **April 5, 2017**.
2. Compliance with all SRC comments.
3. On the site development plan, provide a brief description of waiver petition, WP-15-123 as a general note to include request(s), section(s) of the regulations, action and date.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The extraordinary hardship or practical difficulty involved with this waiver request would require the developer to submit a new site development plan and the applicant would lose the approval of their conditional use. If the waiver petition was not approved, the conditional use and site development plan would be voided and a new conditional use and site development plan would be required thus placing a hardship on the applicant. The additional time will allow the developer to secure their required financial sureties needed for the improvements and developer's agreement. The developer is experiencing financial hardships given the current economic conditions.

The sidewalk regulation requires nonresidential developments to construct sidewalks on one or both sides of the street, if DPZ deems it necessary to serve anticipated internal pedestrian traffic, to provide access to transit stops, or to make connections to surrounding land uses. There are no public bus stops within walking distance of this site, and school bus stops on Route 99 are at the residential driveways not at commercial facilities. There are no sidewalks along Route 99 for a mile in either direction of the site. East of the site, near Mount Hebron High School, a small section of sidewalk has been constructed and connects to Saint Johns Lane. West of the site, a small segment of sidewalk exists on the north side of Route 99 just before the Waverly Elementary School site, and no sidewalk segment exists along the south side of Route 99. There are no pedestrian destination land uses along Route 99 between these school sites. Therefore, requiring the applicant to construct a sidewalk along its Route 99 frontage would be an unnecessary expense given the lack of pedestrian connectivity and pedestrian destination land uses in this area. For those individuals who are unable to walk or drive to the produce stand, the owners and/or their employees routinely deliver its produce to those who request this service. Providing this service, allows

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everyone within walking distance to utilize this service, if they so desire. The State Highway Administration has not requested or required sidewalk improvements along Maryland Route 99 for their review of SDP-15-016.

Not Detrimental to the Public Interest - Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties. Allowing the applicant additional time to secure the finances needed for the Developer's Agreement will not be detrimental to the public since the design is not changing. The extension of time will allow for a possible change in the economic market, but also, allow for adequate time for the developer to secure the required monies necessary to develop the site and post their required securities.

It is not in the public interest for the developer to construct a sidewalk or pedestrian walkway which does not provide a continuous pedestrian walkway for the community. Those individuals who are in walking distance of the produce stand may take advantage of their home delivery service, if they are unable to visit the site. The produce stand has existed at this location for half a century and has served the community without the needed of a sidewalk. Approval for the wavier for the sidewalk construction or a fee-in-lieu was recommended for several reasons by the Howard County Office of Transportation (see attached comments).

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this waiver request will not nullify the intent or purpose of the regulations since the design of the previously submitted site development plan will not change and that Site Development Plan, SDP-13-024 had been determined technically complete by the SRC review with no sidewalk requirement.

Waiving the sidewalk requirement will not nullify the intent of the Regulations since the sidewalk, if provided, would not provide continuous pedestrian walkway for the surroundings communities. There are no County or State transit stops, County parks, Schools or other commercial establishments within close proximity of this site. In addition, 2006/2007 Pedestrian Plan does not explicitly require a sidewalk at this location. Approval for the wavier for the sidewalk construction or a fee-in-lieu was recommended for several reasons by the Howard County Office of Transportation (see attached comments). The State Highway Administration has not requested or required sidewalk improvements along Maryland Route 99 for their review of SDP-15-016.

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 for the time period specified in the conditions of approval or as long as the site development plan remains 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

cc: Research
DED
Real Estate Services
AB Consultants
SDP-15-016
Tamara Franks, PS&ZA