



Howard County Department of Planning and Zoning
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Valdis Lazdins, Director

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

August 13, 2015

Simpson Mill, LLC
P.O. Box 417
Ellicott City, Maryland 21041
ATT: Steve Breeden

RE: WP-15-156/RECONSIDERATION
Simpson Mill, Phase 3 (F-15-093 and SDP-15-057)

Dear Mr. Breeden:

The Director of the Department of Planning and Zoning reconsidered the request for waiver(s) from the Howard County Subdivision and Land Development Regulations for the above referenced project.

As of the date of this letter, the Planning Director approved the added waiver request to Section 16.134(a)(1) requiring construction of sidewalks on both sides of all streets in a project and along the project frontage (F-15-093), subject to the following conditions:

1. In accordance with the petitioner's exhibit, a sidewalk shall be installed along the west side of the private roadway on River Rock Way, and extend to proposed crosswalks across Simpson Mill Drive to the existing northern sidewalk and along the east side of River Rock Way, adjoining the Clubhouse.
2. Street trees shall be provided on both sides of the proposed private roadway of this project (F-15-093).
3. Per previous comments from the Office of Transportation, provide a crosswalk at the Age Restricted Adult Community Center.
4. The Homeowners Association shall be responsible for the maintenance and upkeep of the private access street and sidewalks of this development (F-15-039).

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The subject parcel was created as a separate buildable bulk parcel from adjoining property to the east and is zoned POR. Approval was given under SP-08-002 for a 6-story apartment building and a 4-story apartment building, both with underground parking and both for age restricted adult housing. Access to both buildings was to be from Riverdale Road, a private access street, located on the adjoining single family attached property within the same development. The developer has now decided to subdivide the parcel into 22 single family townhouse lots for age restricted adult units. This determination was based on present day housing demand and economy of the marketplace which dictates preference for townhome development rather than apartment/condo units for the senior population. In moving forward with this project, a waiver petition, WP-15-156, was necessary to waive Section 16.120(c)(4) of the Subdivision Regulations and approved on July 1, 2015, to waive requirement of providing 15' public road frontage for single family attached lots. The developer failed to also include a waiver to Section 16.134(a)(1) to waive the requirement of providing sidewalks on both sides of the proposed private street and along Simpson Mill Road to Cedar Lane. This reconsideration is now intended to waive the sidewalk requirement. Due to the unusual and peculiar shape of Parcel A, restrictive setbacks from Cedar Lane and MD Route 32,

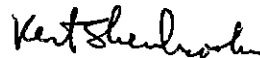
proposed storm water management facilities and entrance features, providing a sidewalk along both sides of the internal public street (River Rock Way) and along Simpson Mill Road to Cedar Lane is not practical. The better solution is to grant the waiver allowing the developer to construct a sidewalk on the western side of River Rock Way to Simpson Mill Road allowing the last phase of this development to move forward to completion.

2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The alternative proposal to allow construction of a sidewalk only along the western side of River Rock Way to Simpson Mill Road will still allow all lot owners to enjoy a walkable community and to access all amenities in the proposed age restrictive development and the adjoining neighborhood. The sidewalk will extend to Simpson Mill Road where a crosswalk will be installed to access the northern existing sidewalk. Proposed ADA ramps will be constructed at the crosswalk on both sides of Simpson Mill Drive. The northern existing sidewalk extends to a 6' wide macadam pathway which circles the entire development and also allows further accessibility to the Robinson Nature Center. Traveling southward along River Rock Way, the western sidewalk will be constructed to the existing sidewalk at the intersection of Green Mill Way of the adjoining development. A crosswalk will be installed at the frontage of the Community Center providing safe access to the amenities on the eastern side of River Rock Way. The Homeowners Association shall be responsible for the upkeep and maintenance of the private access street and sidewalks.

3. Approval of the waiver will not be detrimental to the interests of the public. The owner is not circumventing the intent of the regulations, but is attempting to move forward with proposed Phase 3 development in a safe and orderly manner which will benefit the general welfare of the residents of this subdivision. The developer will be required to construct the private access street to County Design Manual standards and to provide a sidewalk, crosswalks and street tree plantings. Previous waivers to allow private streets in Section 2 and sidewalk on one side of the streets was granted under WP-12-029 which has not caused detriment to the residents of this subdivision or surrounding properties.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. This requested waiver will remain valid for as long as development plans and/or building permits are active. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



cc: Research/DED
Benchmark Engineering, Inc.