



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Ellicott City, Maryland 21043

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Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

April 21, 2016

Richard Gasparotti
Howard County Department of Public Works
Bureau of Facilities
9250 Bendix Road
Columbia, Maryland 21045

RE: WP-16-094, HCLS Elkridge Branch and 50+ Center

Dear Mr. Gasparotti:

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 16.1205(a)(7)&(10)** of the Subdivision and Land Development Regulations, which requires the retention of state champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger, and **Section 16.116(a)(1)** of the Subdivision and Land Development Regulations, which prohibits grading, removal of vegetative cover and trees, paving and new structures within 25 feet of a wetland. The applicant is requesting to remove two specimen trees and disturb wetland buffer.

Approval is subject to the following conditions:

1. Approval is for the removal of two (2) specimen trees identified as Specimen Trees #3 & #4 on the waiver petition exhibit and site development plan. No other specimen trees may be removed. Removal of the two specimen trees will require mitigation of 2, 3" – 4" caliper shade trees. If the site design allows, these mitigation trees should be planted along the perimeter of this project in order to provide enhanced screening for the existing adjacent developed properties. Review for compliance with this mitigation requirement will be conducted with the review of the landscape plan for the site development plan.
2. Impact is restricted to wetland buffer as shown and indicated on the waiver exhibit. Any proposal to increase the impact to the wetland buffer will require an additional waiver petition to be submitted or a reconsideration of this waiver petition file. Best management practices for working within the wetland buffer shall be used by all contractors during construction of the parking area and pathway.
3. The proposed wetland buffer disturbances are subject to obtaining all necessary permits from the Maryland Department of the Environment and the U.S. Army Corps of Engineers, as required.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

Section 16.1205(a)(7)&(10):

Specimen trees #3 & #4 are located in the center of Parcel 96. This area will be purchased by the County for the purposes of providing parking for the library and senior center expansion. Saving the trees or attempting to save the trees would severely impact the parking layout and site grading. The parking layout would have to be changed resulting in the loss of parking spaces and poor circulation for this area. The Tulip Poplar will likely suffer from any construction impacts due to the inherent nature of the species (shallow root system, overall weakness of the tree), and decline with the possibility that it will fall at some point in the near future after construction is complete. The Green Ash is in poor condition and would be placed under more stress during construction.

Section 16.116(a)(1):

The parking provided with the expansion is the minimum required per the parking study (submitted with the site development plan). Strict compliance with the regulation will limit the expansion of the parking on site, which will impact the function of the government facility. Loss of parking to preserve the wetland buffer would increase the cost of parking spaces in this area. A single loaded drive, compared to the double loaded drive, would result in a higher cost per space. The elevated pathway is required to provide a direct, accessible connection from the adjoining neighborhoods to the library and senior center. The pathway must be ADA compliant. Due to the topography along the route and the location of the existing stormwater management pond, the pathway will require selective clearing and installation of footers within the wetland buffer.

Alternative Proposal Will Serve the Regulations to a Greater Extent

Section 16.1205(a)(7)&(10):

The facility expansion is necessary in order to meet the growing population trend in Elkridge. Removal of the specimen trees will allow for safe internal parking lot circulation for the expanded facility. Redevelopment of the site will include required perimeter and parking lot landscaping, and forest conservation.

Section 16.116(a)(1):

The parking spaces by the wetland buffer will consist of pervious pavement. This material will provide recharge to the wetlands and slow the runoff of water in to the wetlands, performing many of the same functions that a wetland buffer would provide. The unpaved disturbed areas will be re-vegetated. The clearing associated with the proposed pathway will be limited and the grading within the buffer will be very minimal. Upon completion of construction, the buffer and disturbed areas will be re-vegetated, allowing this area to function as it does today.

Not Detrimental to the Public Interest

Section 16.1205(a)(7)&(10) & Section 16.116(a)(1):

Approval of the waiver will not be detrimental to the public interest. The improvements associated with the public facility expansion will serve the need for the growing population and their ability to efficiently access and use the site.

Will not Nullify the Intent or Purpose of the Regulations

Section 16.1205(a)(7)&(10):

The intent of this regulation is to place high priority on protecting specific vegetation on proposed development sites. Although retention of these priority areas are highly encouraged, the Department of Planning and Zoning may authorize disturbance of these specific areas, via a waiver petition, if the applicant can demonstrate that reasonable efforts to protect them cannot be implemented, that the uses allowed by right cannot occur without such disturbances, or that forest planting within an alternative location would have greater environmental benefit. The public facility is being expanded to meet the growing population in the Elkridge area. This expansion requires additional land to be purchased by the County for parking. Saving the specimen trees would severely interrupt the parking layout and access flow to the library and senior center. Removal of the specimen trees will require mitigation in addition to the required landscaping and forest conservation.

Section 16.116(a)(1):

The intent of the regulation is to protect wetlands and their required buffers. The location of the existing library and senior center, stormwater management pond, and access point dictates the redevelopment of the site. In order to provide adequate parking and access and maintain the existing stormwater management pond, necessary minor disturbances are required in the isolated wetland buffer. These disturbances have been approved by the Maryland Department of the Environment.

Please 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.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jb

cc: Research
DED
Real Estate Services
Pennoni
SDP-16-038 (PDox Waiver Petition Folder)