



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

July 13, 2016

Crossroads Rock, LLC  
6800 Deerpath Road, Suite 100  
Elkridge, MD 21075

Dear Sir or Madam:

RE: WP-16-145, Dorsey Run Center (SDP-16-<sup>064</sup>~~145~~)

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance from **Section 16.1205(a) (7)** to allow for the removal of one (1) specimen tree.

Approval is subject to the following conditions:

1. As mitigation for the requested removal of one (1) specimen tree located within this site, the developer is required to plant two 3" caliper native shade trees along the western edge of the Forest Conservation Easement. These trees will be shown on the landscaping plan and will be bonded with the landscaping surety.
2. On the site development plan (SDP-16-064) and all subsequent plans and/or plats, provide a brief description of alternative compliance, WP-16-145, as a general note to include requests, sections 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 alternative compliance request would require the developer to redesign the site. The existing lot is irregular in shape and contains a stream, wetlands and their buffers. Under the ECP, the developer proposed 2 buildings. The current proposal protects the stream, wetlands and their buffers, but requires the removal of the specimen tree. Because of the environmental features and the required bulk setbacks, the location of the building is limited, especially for a warehouse use which typically requires larger entrances for vehicular access. The proposed building is small with a drive thru access so that vehicles have easy access to both sides of the site. The developer will retain the trees located within the environmental features. This area will be recorded as a Forest Conservation Easement.

**Not Detrimental to the Public Interest** - Approval of the alternative compliance will not alter the essential character of the neighborhood since the applicant will be required to plant two 3" caliper native trees as replacement trees. The alternative proposed by the County to have the developer plant 3" caliper shade trees for the required plantings will help to mitigate the removal of the specimen tree and serve the public interest as an alternative compliance.

**Will Not Nullify the Intent or Purpose of the Regulations** - Approval of this alternative compliance will not nullify the intent or purpose of the Regulations because the Subdivision Regulations allow the Department of Planning and Zoning to authorize planting in an alternative location if it is deemed to have a greater environmental benefit. The intent of the Regulations is not to restrict clearing of all forested areas or areas that include specimen trees. Retaining a suitable margin around large trees provides a better chance of survival. When trees are stand alone and in an area that must be cleared for other reasons, the efforts to save a specific tree would likely be unsuccessful and would not accomplish the goals of the forest conservation Regulations.

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 Brenda Luber at (410) 313-2350 or email at [BLuber@howardcountymd.gov](mailto:BLuber@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/BL

cc: Research  
DED  
Real Estate Services  
Benchmark Engineering, Inc.  
SDP-16-~~1506~~  
Marion Honeczy, DNR