



Howard County Department Of Planning And Zoning

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Valdis Lazdins, Director

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January 27, 2017

Howard County Housing Commission
Attn: Marcus Ervin, Sr. Development Officer
6751 Columbia Gateway Drive, 3rd Floor
Columbia MD 21046

RE: **WP-17-055 Burgess Mill Station, Phase 2 (SDP-16-016)**

Dear Mr. Ervin:

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 to the following two sections of the Subdivision and Land Development Regulations:

Section 16.1205(a)(7) of the Subdivision and Land Development Regulations (Amended Fifth Edition) – On-site forest retention of 30” in diameter or larger specimen trees is considered a priority for on-site retention and protection in the County. The petitioner is requesting to remove one (1) specimen tree (a black willow) from the subject residential subdivision. The tree is referenced on the alternative compliance petition exhibit as specimen tree no. 1.

Section 16.121(a)(4) of the Subdivision and Land Development Regulations (Amended Fifth Edition) – A portion of the open space which is accessible and usable for recreation shall be provided. The petitioner is requesting to amend a condition of approval of a previously approved alternative compliance petition (WP-16-091) that stated, “should there be a loss of credited amenity recreational area, the property owner must replace the loss within either Phase 1 or Phase 2 or file a new waiver petition (alternative compliance petition).” The proposed development has had a reduction in the number of apartments units from 60 to 53 and, therefore, the amount of required credited recreational open space has been reduced from 24,000 square feet to 21,200 square feet. And as a result, a gazebo and a bench have been removed from the plan; both amenities had received credit for the project’s recreational open space requirement.

Approval is subject to the following four (4) conditions:

1. The removal of specimen tree no. 1 (a black willow) will require mitigation with the planting of 2:1 replacement trees (2 total) with a minimum 3” caliper native plant species. The replacement trees shall be bonded and shown on the landscape plan with the SDP-16-016.
2. The amount of credited amenity recreational area to be provided for Phase 2 must be based on 53 apartment units.

3. The amount of credited amenity recreational area must remain at 13,140 square feet for Phase 1 and at 6,303 square feet for Phase 2. Should there be a loss of credited amenity recreational area, the property owner must replace the loss within either Phase 1 or Phase 2 or file a new alternative compliance petition.
4. Provide a note on SDP-16-016 this alternative compliance petition request, approval date, and the conditions of approval.

The decision of this alternative compliance petition is based on the following justification:

Section 16.1205(a)(7)

The petitioner has provided justification regarding the inability to save a specimen tree (a 36" black willow tree) that is situated within an existing County public utility easement. Within this easement, a sewer main shall be adjusted so that the redevelopment of the property does not adversely impact the sewer main. Furthermore, it has been confirmed by DPW that the removal of this specimen tree is required for the purposes of keeping the existing public sewer easement clear and to facilitate the reconstruction (adjustment) of the existing sewer main.

The approval of this alternative compliance petition will not alter the essential character of this community and will not substantially impair the appropriate use or development of the surrounding properties, since the two specimen trees in question are located where site grading and construction is permitted.

The approval of this alternative compliance petition will not nullify the intent or purpose of the Regulations since the purpose of this petition is for the removal of a specimen tree that is located within an existing public easement that provides for sewer services. The loss of the black willow tree shall be off-set through the on-site planting as part of the landscape plan (provided with the SDP). Furthermore, no additional site grading and clearing is proposed that will endanger the 2 remaining specimen trees that shall be protected during the redevelopment of this property.

Section 16.121(a)(4)

The petitioner is requesting to amend a previous alternative compliance approval (WP-16-091) for credited amenity recreational open space for this redevelopment project. That approval permitted the developer to share in the credited recreational open space amenities with the Burgess Mill Phase 1 project to satisfy Phase 2's recreational open space obligation. However, due to a reduction in the number of proposed apartment units for Phase 2 (a reduction from 60 units to 53 units), there is no longer a need to provide the same amount of recreational open space (24,000 square feet) for Phase 2. The petitioner is now requesting to amend that previously approved alternative compliance petition approval so that it will be consistent with the amended SDP that provides for 53 apartment units, as opposed to 60. The correct amount of required recreational open space is now 21,200 square feet for Phase 2. And, therefore, the petitioner has stated that because of this reduction, the proposed gazebo and one bench (which qualified as *amenity recreational open space credit*) has now been eliminated from the plan. Although the following amenities do not qualify for recreational open space credit, the developer will replace the gazebo and bench with a patio area, lawn (sod), and a dog refuse station.

* Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date of approval on the SDP (SDP-16-016). **This requested waiver will remain valid for one year from the date of this letter or as long as the site development plan remains in active processing.**

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj

cc: Research

DED

Forest Con. Coord.

DNR – Marian Honeczy

File: SDP-16-016

Vogel Engineering

