



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

June 20, 2017

Kit Kat Road Partners II
107 Forest Avenue
Catonsville, MD 21228

RE: WP-17-113, Kit Kat Center
Alternative Compliance Approval

Dear Sir or Madam:

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 of **Section 16.1205(a)(7)** to allow removal of the two (2) trees 30" in diameter or larger.

Approval is subject to the following conditions:

1. Removal of the two (2) specimen trees will require replacement mitigation at a ratio of two (2) larger caliper trees (at least three (3) inches dbh) for each specimen tree removed (four trees total). The mitigation planting can be provided as part of the required perimeter landscaping for this project. With the red-line revision for this property (SDP-04-024), you must include plan sheets that show how you plan to address this alternative forest conservation/landscape mitigation. Landscape surety will be assessed as part of the red-line revision approval.
2. Compliance with SRC agency comments issued for the SDP-04-024 red-line revision plan.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Extraordinary hardship would result from the applicant retaining the two specimen trees located on the property due to the location of the trees in relation to the proposed development and the limited project size. Because of these factors, it is not possible to retain the specimen trees and still maintain reasonable development of the property. The retention of the specimen trees cannot be accomplished without severely restricting or completely eliminating the proposed development and intended use of the site.

Alternative Proposal

The alternative proposal would require the applicant to retain the two specimen trees on the parcels. However, due to the location of the trees, retention of the specimen trees cannot be accomplished without severely restricting or completely eliminating the proposed development and intended use of the site. Therefore, in this situation, it is reasonable to allow the applicant to remove the specimen trees and permit alternative compliance with replacement mitigation planting for the removed specimen trees.

Not Detrimental to the Public Interest

The alternative compliance request will not be detrimental to the public interest since the applicant will be required to provide enhanced landscaping around the perimeter of the property. The enhanced perimeter landscaping will require the applicant to provide two (2) large caliper (at least 3" dbh) shade trees for every one (1) specimen tree removed to help mitigate the loss of the specimen trees.

Will not nullify the intent or purpose of the regulations

Approval of this alternative compliance request will not nullify the Intent or Purpose of the Regulation because the Subdivision Regulations allow the Department of Planning and Zoning to authorize, "planting in an alternate location," if it is deemed to have a "greater environmental benefit." This Division has determined that the required enhanced landscaping around the perimeter of the property is deemed to have a "greater environmental benefit" than retention of the specimen trees. The enhanced perimeter landscaping will require the applicant to provide two (2) large caliper (at least 3" dbh) shade trees for every one (1) specimen tree removed, and will help to mitigate the loss of the specimen trees. Therefore, approval of this alternative compliance request will satisfy the Intent of the Regulations by creating an environmental benefit.

Indicate this alternative compliance 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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact J.J. Hartner at (410) 313-2350 or email at jehartner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JH

cc: Research
DED
Real Estate Services
Marion Honezy, DNR
Brenda Luber, Forest Conservation Coordinator
Benchmark Engineering, Inc.
File# F-17-081
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