



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

March 13, 2019

7461 Montevideo Road LLC
2842 Stuart Drive
Falls Church, VA 22042

RE: WP-19-074- 7461 Montevideo Road

Dear Sir/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 16.115(c)(2)**, **Section 16.116(a)(1)** and **Section 16.116(a)(2)(iv)**.

Approval is subject to the following conditions:

1. Approval of a site development plan will be required for the proposed stream and wetland restoration, construction of the paved areas and associated site improvements, and establishment of the existing use. A site development plan for stream and wetland restoration shall be submitted to DPZ within 90 days (on or before June 11, 2019). The site development plan shall demonstrate compliance with all Maryland Department of the Environment requirements for stream and wetland restoration and mitigation.
2. A pre-submission community meeting will be required prior to acceptance of a site development plan for stream and wetland restoration or site improvements in accordance with Sections 16.128 and 16.156(a) of the Subdivision and Land Development Regulations.
3. The proposed stream crossing shall be the minimum width required for safe single-lane vehicular traffic. All remaining sections of the existing 24" HDPE pipe shall be removed from the stream channel as shown on the plan exhibit.
4. All equipment, storage materials, gravel and pavement shall be removed from the wetlands, streams and their required buffers. The portion of the existing rear garage building and adjacent concrete pad and retaining wall will be permitted to remain within the stream buffer as shown on the plan exhibit. The existing carport structure shall be removed from the wetland and wetland buffer.
5. All disturbed areas within the stream and wetland buffers shall be replanted with a mix of native canopy and understory trees. The species, density and planting specifications shall be shown on the site development plan and shall be in accordance with the Forest Conservation Manual. The plantings will be bonded with a Developer Agreement and inspected for survivability as part of the site development plan approval.
6. All driveways, parking areas and storage areas shall be constructed of asphalt or concrete surface and identified on the site development plan. The storage areas shall be square or rectangular shaped and clearly defined on the plan by dimension and use.

7. A physical barrier shall be constructed along the stream and wetland buffers adjacent to any pavement or storage area. The physical barrier shall be approved by DPZ on a site development plan and shall consist of fencing, guardrail or other permanent structure to discourage encroachment into the environmental areas.
8. Forest conservation for Lots 3 and 4 shall be addressed on the site development plan in accordance with Section 16.1202 of the Howard County Code. The forest conservation calculations will be based on the existing conditions prior to the unpermitted disturbance. Aerial photographs prior to 2017 can be used to determine the extent of the previous treeline. The site contains priority areas for forest conservation and any obligation should be satisfied onsite through the recordation of forest conservation easements. The restored environmental areas will be the highest priority for retention within an easement. A forest stand delineation and forest conservation plan will be required as part of the site development plan.
9. The applicant shall coordinate with the owner of adjacent Parcel 586 to restore the existing forest conservation easement to its previous condition through the replanting of forest resources. A revision to the approved forest conservation plan will be required to identify the reforestation areas and planting specifications. The plantings will be bonded with a Developer Agreement and inspected for survivability as part of the site development plan approval and/or a redline revision to the approved site development plan for Parcel 586.
10. Stormwater management specifications will be required on the site development plan. The use of non-structural practices will not be permitted since the site includes vehicle maintenance. No part of the stormwater management facilities will be permitted within an environmental area or buffer. Outfall pipes may be permitted within buffers on a case-by-case basis by DPZ as determined as part of the environmental concept plan and/or site development plan review process.
11. The site development plan shall identify all existing and proposed utilities and their connections to public infrastructure. This includes house connections and associated meter locations.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The proposed disturbance to streams, wetlands, buffers and 100-year floodplain is required to restore a previously disturbed perennial stream and wetlands. Grading activities and removal of existing gravel, culvert pipe, contractor equipment and a carport structure are proposed within the environmental areas. The proposed work is necessary to comply with MD Department of the Environment requirements to abate an active violation. The construction work is necessary to restore the stream and wetlands to their previously undisturbed condition. The applicant is also proposing a single stream crossing that enables access to an existing unpermitted garage building in the rear of the site, which is currently being utilized as a maintenance shop for mechanical equipment. This stream crossing enables access to about 50% of the site, which the applicant claims is vital to the owner's ability to continue operating its business.

Not Detrimental to the Public Interest:

The stream and wetland restoration plan proposes the minimum amount of disturbance necessary to comply with MDE requirements, while still allowing the owner to continue operating business activities on the site. It is in the public's best interest to restore the previously disturbed stream and wetlands. Properly restored streams and wetlands provide benefits such as improving water quality, wildlife habitat and natural flood control.

Will Not Nullify the Intent or Purpose of the Regulations:

The proposed alternative compliance request will not nullify the intent or purpose of the Regulations. The purpose of the request is to permit the restoration of a previously disturbed stream and wetlands. The intent of the Regulations will be met by restoring and protecting the environmental areas from further encroachment.

Essential and Necessary Disturbance Request:

The Planning Director also approved the necessary disturbance request included with the alternative compliance petition for a portion of the existing driveway entrance, parking and retaining wall adjacent to Montevideo Road to remain within the 50' stream buffer in accordance with Section 16.116(c) of the Subdivision and Land Development Regulations. The driveway entrance was created by Howard County after the vertical realignment of Montevideo Road was completed under a capital project. The driveway entrance existed when the current owner purchased the property in 2017. To accommodate safe two-way traffic into and out of the property, the owner constructed a short timber retaining wall (under 3-feet in height). In accordance with the Design Manual, commercial driveway entrances must be at least 24' wide and the existing entrance is approximately 27' wide. Approval of the necessary disturbance is subject to compliance with the proposed mitigation measures and approval conditions stated in this letter.

The request for necessary disturbance for the proposed stormwater management outfall pipes to be permitted within the 50' stream buffer and 100-year floodplain is deferred until review of the Environmental Concept Plan and/or Site Development Plan for the proposed restoration and site improvements. Submit a detailed written request for necessary disturbance with the submission of the plans to DPZ.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval and date on all related plats, site development plans and building permits. This requested alternative compliance will remain valid for the time period specified in the conditions of approval.

If you have any questions, please contact Eric Buschman at (410) 313-0729 or email at ebuschman@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb

cc: Research
DED
Real Estate Services
DPZ- Zoning Division
DPW- Environmental Services
FSH Associates