



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

May 14, 2010

Laurence G. Moore, Family LLP
1960 Old Annapolis Road
Woodbine, MD 21797

RE: WP-10-137, Larriland Farms, T-Mobile (BA-09-043C)

Dear Mr. Moore:

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 16.155(a)(1)(i)** of the Amended Fifth Edition – Nonresidential: A site development plan is required for new or expanded nonresidential development, including commercial, industrial, institutional, and utility development for the installation of the proposed 25' x 35' leased gravel compound area enclosed with a 6' high board on board fence, containing a 143' high monopole, 2 equipment cabinets, a power cabinet and battery cabinet located on a 10' x 20' concrete pad, an 8' high utility backboard, a MESA cabinet, an ice bridge, a transformer and required landscape screening and **Section 16.1201(n)** to allow the forest conservation obligation to be based solely on the proposed limit of disturbance (LOD) rather than the net tract area for this 126 acre farm property.

Approval is subject to the following conditions:

1. No disturbance shall be permitted beyond the 1,125 square feet of LOD that is shown on this waiver petition plan exhibit nor should any trees be removed on the site.
2. The proposed monopole with antennas and equipment shelter compound yard must comply with all local and state laws and the applicant must acquire the proper permits prior to commencing the work or completing the installation.
3. The attached comments from Joy Levy, Howard County Agricultural Program, dated May 3, 2010.
4. The attached comments from the Development Engineering Division, dated April 12, 2010.
5. The proposed telecommunication facility must meet all conditions granted in BA-09-043C as approved in the Decision and Order dated February 12, 2010. (See attached)
 - The Conditional Use shall be conducted in conformance with and shall apply only to the proposed 143-foot monopole/antenna and equipment compound.
 - No additional lighting is permitted other than that required by the Federal Communications Commission or the Federal Aviation Administration.
 - The Monopole shall be grey or similar color
 - If no longer used, the communication tower shall be removed from the site within one year of the date the use ceases.
 - A landscape buffer is to be provided as approved under the conditional use (BA-09-043C) and shown on the waiver petition exhibit.
6. As a condition to use the limit of disturbance, instead of the Net Tract Area for the forest conservation calculation the Dept. of Planning and Zoning requires that a fee-in-lieu in the amount of \$653.40 (.02 acres x \$0.75 per square foot) be paid to the Dept. of Planning and Zoning before construction is initiated on-site

(this is consistent with WP-10-102, O'Keefe Property T-Mobile Facility). Please be advised this fee is only applicable for this project. If the applicant decides to further develop the site, they will be required to comply with the forest conservation requirement for the entire site.

7. The required landscaping must be in accordance with BA-09-043C and the Howard County Landscape Manual. As part of the grading permit application, you will be required to post \$4,200.00 (28 evergreens x \$150.00 each) surety to ensure the completion of your landscaping obligation for this project. This Department will perform an inspection to verify installation of the required plant materials. The inspection fee required for this project is \$100.00 and must be paid to the Department of Planning and Zoning before construction is initiated on-site. If a grading plan permit application is not required the \$4,200.00 surety will not be bonded, but the \$100.00 inspection fee must still be paid to the Department of Planning and Zoning with the submission of applicable grading and/or building permits.

Justification for Recommendation:

Extraordinary Hardship or Practical Difficulty – See the enclosed justification letter submitted by the applicant dated April 2, 2010. If the waiver petition is not granted, the applicant will be required to prepare a site development plan. The waiver plan exhibit is a reasonable alternative to a site development plan showing all required site information to properly evaluate this request. In addition, this Department will require that this project comply with all required permits issued by DILP as well as other state/local and utility communication regulations.

Alternative Proposal – See the enclosed justification letters submitted by the applicant dated April 2, 2010. The alternate proposal to waive Section 16.155(a)(1) would be to submit a new site development plan under standard review. The detailed plan exhibit submitted with this waiver petition is a suitable substitute for the SDP requirement showing information necessary to evaluate this request for compliance with the Regulations.

The alternate proposal to the waive petition for Section 16.1202(n) would be to include the NTA (126.17 acres) in the calculations for the total forest conservation obligation. This would require the applicant to either pay a significant fee-in-lieu or submit a plat of easement to establish the forest conservation easement area(s) and enter into a forest conservation maintenance agreement.

Not Detrimental to the Public Interest – See the enclosed justification letters submitted by the applicant dated April 2, 2010. Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential properties because the waiver petition exhibit complies with the Decision and Order issued by the Howard County Hearing Examiner and complies with current Regulations.


Will not Nullify the Intent or Purpose of the Regulations – See the enclosed justification letters submitted by the applicant dated April 2, 2010. The waiver petition proposal is an acceptable alternative to submitting a site development plan for standard review because the waiver petition exhibit complies with the Decision and Order issued by the Howard County Hearing Examiner and complies with the current Regulations. The site does not initiate the need for stormwater management since it is less than 5,000 square feet, access to the proposed site is existing and landscaping requirements are being addressed through this waiver petition.

It was recommended by the DPZ that the applicant apply for a waiver to use the LOD rather than the NTA for the forest conservation obligation since the primary use of the parcel is agricultural and the total area of disturbance for the proposed commercial use is only 1,125' square feet. As a condition, the DPZ has required that a fee-in-lieu for forest conservation be paid based on the forest conservation calculations. Also, DPZ will require that any development, other than what is shown in this waiver exhibit, must conform to the full Forest Conservation Regulations at that time.

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 the grading permit remains in active processing.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Acting Chief
Division of Land Development

KS/jw

cc: Research
DED
WP-10-137
BA-09-043C
Marian Honecny, MD Forest Service
DMW