



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

April 22, 2010

Arthur Ridgely
Mary Anne Ridgely
Steven Ridgely
William Ridgely
2125 Route 97
Cooksville, MD 21723

Dear Messrs. and Ms. Ridgely:

RE: WP-10-138, High's at Glenwood
(SDP-10-054)

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 16.1202 Applicability; Exemptions and Declaration of Intent. The applicants are requesting that the Forest Conservation net tract area be based on the limit of disturbance instead of the total size of the parcel (13.90 acres).

Approval is subject to the following conditions:

1. The limit of disturbance for this project is restricted to the area shown on the Waiver Petition Plan and associated Site Development Plan (SDP-10-054).
2. Further improvements must satisfy the Forest Conservation requirements applicable at that time.
3. Payment of a Fee-in-lieu for Forest Conservation in the amount of \$17,642.00. The fee must be paid with SDP-10-054.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - If the waiver petition is not granted, the applicants will be required to address forest conservation on approximately 13.90 acres. However, the applicants are leasing a portion of the 13.90 acre parcel (7.17 acres). Of the 7.17 acres of leased area, the applicants have asked to address Forest Conservation on the area which is the limit of disturbance (3.57 acres). Addressing Forest Conservation on the 3.57 acres, instead of the entire parcel acreage would be unfair to the applicant since their lease only covers a portion of the parcel. As the leased area is further developed, the applicants will be required to satisfy the Forest Conservation requirements for those improvements at a future date upon submission of a site development plan(s).

Not Detrimental to the Public Interest - 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 properties. Allowing the net tract area to be based on the limit of disturbance will not be detrimental to the public because the forest conservation obligation will be satisfied based on the limit of disturbance. In addition, the area within the non-leased area will be subject to Forest Conservation Law

when this area is developed or improved with structures. In addition, as future improvements are made to the leased area, the applicants will be required to address the Forest Conservation requirements at that time.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this waiver request will not nullify the intent or purpose of the regulations since the unleased area will be subjected to the Forest Conservation requirements when this area is developed. In addition, the acreage within the leased area, but outside the limit of disturbed area, will be required to address Forest Conservation at the time when improvements are made. Approval of this waiver request will satisfy the intent of the Regulations. The forest conservation obligation will be satisfied by the payment of a fee-in-lieu.

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 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.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development

KS/BL

Attachment (applicant's justification to all cc's)

cc: Research

DED

Messick and Associates



Messick & Associates
CONSULTING ENGINEERS,
PLANNERS AND SURVEYORS

WP-10-138

April 8, 2010

Ms. Brenda Luber
Howard County Dept. of Planning & Zoning
3430 Courthouse Drive
Ellicott City, MD 21043

Re: **High's @ Glenwood Farm and Garden
Site Development Plan (SDP-10-054)
Fee in Lieu of Afforestation Request**


Dear Ms. Luber:

Attached for your consideration is a Fee-in Lieu request for the afforestation required on the above referenced project. The leased area consists of 7.17 acres of commercially zoned land (Zoned BR) located at 2101 Roxbury Mills Road, Cookesville Maryland 21723. The site is improved with an existing High's convenience store with gas sales. The site was previously reviewed and approved for a High's and Farm and Garden store in 1996 (SDP#96-64). There are no sensitive areas on site (floodplains, wetlands, steep slopes, etc.) and there are no "forested" areas located on-site or abutting the site. Since the total site (13.90 acres) is not being developed, the applicant is seeking a waiver to reduce the net tract area by the non-leased area and the limit of disturbance previously approved under SDP#96-64. If the waiver is approved, the afforestation requirement (based on a modified net tract area of 3.57 acres) is 0.54 acres.

The site abuts a major road (Roxbury Road is a minor arterial state road) and the existing site is improved with few significant opportunities to afforest on site (a minimum 10,000 sq. ft., 35' wide contiguous area). The undeveloped areas on site are fragmented with no priority reforestation areas (floodplains, wetlands, or other sensitive areas) located on site. The applicant has approached the property owner to secure an afforestation easement on the un-leased area of the site, but was unsuccessful in obtaining approval to do so. Since the afforestation obligation is small and there are no significant reforestation opportunities located on site, no priority reforestation areas located on site and the owner cannot secure an off-site reforestation area, we believe the Fee-in-Lieu proposal is a reasonable alternative in this situation. Based on the current fee schedule of \$0.75 per square foot, a total payment of \$17,641.80 will be made to Howard County's Forest Conservation Fund (providing the waiver is approved and the fee in lieu is acceptable).

If you have any questions, please do not hesitate to contact me at your earliest convenience at (410) 266-3212. If the fee in lieu proposal is acceptable, we will reference it on the SDP and process the appropriate follow up paperwork. Thank for your consideration of our request.

Sincerely,
Messick Group, Inc.
T/A Messick and Associates


Timothy Brenza, RLA
cc: File



2120 Renard Court, Annapolis, Maryland 21401
(410) 266-3212 • FAX (410) 266-3502

Licensed

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