



Howard County Department Of Planning And Zoning  
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Marsha S. McLaughlin, Director

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June 3, 2010

Montevideo Crossing  
8850 Columbia 100 Parkway, Suite 400  
Columbia, Maryland 21045  
ATT: Patrick McCuan

RE: WP 10-157/MontevideoCrossing, Parcels A & C  
(F-10-47/Montevideo Crossing, Parcels A, B & C )

Dear Mr. McCuan:

The Director of the Department of Planning and Zoning considered your request for waivers from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for waivers to Section 16.155(a)(1)(i) requiring a site development plan for mass grading of non-residential property identified as Parcel A of the Montevideo Crossing Subdivision, Parcels A, B & C; Section 16.1202(a) requiring submission of a forest conservation plan on Parcel A and Section 16.1205(a)(10) requiring the retention of specimen trees so as to remove three specimen trees on Parcel A and one specimen tree on Parcel C. Approval of the waivers is subject to the following conditions:

1. Waiver of the site development plan for mass grading as shown on the Grading Plan Exhibit on Parcel A is approved. All future development on Parcel A and/or grading and development on Parcel C will require the submission of a site development plan. The property owner shall be required to meet forest conservation obligations on each parcel as applicable and storm water management requirements at the time of site development plan submission.
2. Removal of Specimen Tree Nos. 1, 2 and 3 located on Parcel A and Specimen Tree No. 4 located on Parcel C of the Montevideo Crossing Subdivision and as shown on the Forest Stand Delineation Plan Exhibit is approved. The developer shall provide enhanced shade tree plantings at a ratio of 2 per 1 specimen tree removed in addition to required perimeter landscaping under the site development plan for Parcel A.
3. Compliance with the enclosed comments from the Development Engineering Division dated May 21, 2010.
4. The waiver approval of Section 16.1202(a) is only for a temporary deferral of the forest conservation plan requirement until the site is developed with a site development plan for site improvements. If a site development plan is not submitted in a timely manner, the developer is required to address the forest conservation obligation for the limit of disturbance indicated for this site under the grading plan and grading permit application.

**JUSTIFICATION FOR APPROVAL:**

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The owner is in the process of selling Parcel A of the Montevideo Crossing Subdivision consisting of Parcels A to C. Existing conditions on the property, however, is making it difficult to present a marketable site. The owner would like to establish proposed building pad elevations as shown on the Design Advisory Panel Plan Waiver Exhibit and

clear grade Parcel A. Parcel A consists of 4 acres and contains commercial structures identified as the 999 Tavern, the Greenway Motel, a two-story office/warehouse building and several accessory storage buildings. These buildings were constructed many years ago and are in need of repair. Parcel C consists of 1.13 acres and contains a storage building that is also in disrepair. Parcel C has been created to provide for future realignment of Montevideo Road. Parcel B has been designated for future development of a new County Fire Department facility.

Parcels A and C have forest resources subject to the Forest Conservation Regulations and contain four specimen trees over 30" in diameter. Forest Stand No. 1 is centrally located on Parcel A, consisting of mixed oaks with an understory of invasive species and contains Specimen Tree Nos: 1 - 31.5" Red Oak in good condition; 2 - 33.5" Scarlet Oak in poor condition, and 3 - 34" Scarlet Oak in fair condition. A majority of Forest Stand No. 2 is situated to the south on Parcel C and also extends onto the southern portion of Parcel A. This stand consists of mixed oaks and has minimum invasive species. Approximately 5,000 sq.ft. of Forest Stand No. 2 is located across Parcel A, and will be removed upon mass grading of the site. Specimen Tree No. 4 is a 30" White Oak in good condition and is located in the northern portion of Parcel C, outside of Forest Stand No. 2. The request to remove this tree is in preparation for grading of Parcel C which will be shown on the site development plan for Parcels A and C. No streams, wetlands, their buffers or steep slopes exist on either parcel, therefore, there are no priority forest retention areas.

To deny the waivers would cause considerable financial hardship to the owner and would further delay enhancement to the Route 1 Corridor. Removal of the antiquated structures located on Parcel A will better prepare the site for a more pleasing streetscape and bring the site into zoning compliance since several structures are located within required setbacks. The alternate solution to submission of a site plan is to approve the waiver for mass grading subject to approval of a Sediment and Erosion Control Plan and grading plan, allow removal of the specimen trees and defer forest conservation obligation of Parcels A and C until time of site development plan submission.


2. The requested waivers will not be detrimental to the interest of the public. The owner is not circumventing the intent of the Subdivision or Zoning Regulations but only requires temporary delay in submission of a site development plan so as to mass grade Parcel A to present a more marketable site to potential developers. This delay will also permit developers more time to properly design buildings, parking and amenities to better conform to new storm water management requirements, the Route 1 Manual and Design Advisory Panel comments. The site currently contains older structures in disrepair which will be replaced with more aesthetically conforming buildings that meet setbacks, fire and safety codes and better fit into a modern neighborhood design. Adjoining property to the west consists of Parcel B of the Montevideo Crossing Subdivision and property to the south contains a commercial structure and is zoned CE-CLI. All other surrounding properties are zoned M-2 (Manufacturing/Heavy). The owner has processed a subdivision plat identified as the Montevideo Crossing Subdivision, Parcels A to C. The purpose of the final plat was to remove interior lot lines for preparation of development and to assist the County by setting aside Parcel C as road right-of-way for the future realignment of Montevideo Road and Parcel B for a new County fires station. The public's interest will be protected by the required grading plan and grading permit process and ultimately approval of a site development plan for new mixed use structures.

3. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The owner is in the process of moving forward with development of the site by meeting with agencies to address design issues. A plan has been submitted to the Design Advisory Panel (DAP) and has received approval. The owner is further cooperating with the County by setting aside road right-of-way dedication and creating a parcel for a future fire department facility. All other County and state agency comments will be addressed under a site development plan for

development of Parcels A and C. Landscaping and Forest Conservation obligations will be addressed at that time. The applicant's request is only for the temporary deferral of the forest conservation requirements for this redevelopment of an existing developed site. Enhanced landscaping will be required at a 2:1 ratio per specimen tree removal and further screening will be provided in accordance with the Route 1 Manual, Design Advisory Panel comments and the Landscape Manual. Approval of a Sediment and Erosion Control Plan shall be required prior to application of the mass grading permit and temporary storm water management controls shall be installed on Parcel A. The request to demolish and remove the older unsafe structures and to allow mass grading to prepare the site for future building pad sites is a reasonable alternative in this circumstance.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related plats, 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 development plans remain in process. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: [bbarth@howardcountymd.gov](mailto:bbarth@howardcountymd.gov).

Sincerely,

  
Kent Sheubrooks, Acting Chief  
Division of Land Development

  
:btb

cc: Research  
Benchmark Engineering  
Marion Honecny, DNR  
F-10-47