



## Howard County Department of Planning and Zoning

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Marsha S. McLaughlin, Director

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July 6, 2010

Howard County Department of  
Recreation and Parks  
Attn. Paul Walsky  
7120 Oakland Mills Road  
Columbia, Md. 21046

**RE: Troy Park and Tennis Center, Phase 1, (Troy Hill Corporate Center), Parcel "A-21",  
(ECP-10-08) WP-10-173**

Dear Mr. Walsky:

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 for a waiver from the following sections of the Subdivision and Land Development Regulations:

1. **Section 16.116(a)(2)(iv)** – Requires that grading, removal of vegetative cover and trees, paving and new structures shall not be permitted within 50 feet of a perennial stream bank buffer in non-residential zoning districts. The waiver is to allow minimal disturbance to provide emergency access road improvements to widen an existing road with a culvert extension to provide a second means of emergency access from the County Park to U.S. Route 1.
2. **Section 16.1202(a)(2)** – Requires the submission of a Forest Conservation Plan for approval for the entire project as part of the site development plan submission. The waiver is to allow the forest conservation requirements for this project to be reviewed in phases rather than under one submission for the entire County Park.
3. **Section 16.1204(d)(8)** – Requires the recording of a Plat of Forest Conservation Easement (FCE) for the entire project along with the establishment of forest conservation easements with the Forest Conservation Plan. The waiver is to allow for the temporary deferral for submission and recording of the Plat of FCE until the last phase of development for the County Park.
4. **Section 16.1205(a)(7) and (10)** – Requires that priority on-site retention of State champion trees, trees 75% of the diameter of State champion trees, trees 30" in diameter or larger and specimen trees be left undisturbed during the grading and construction process. The waiver is to allow for the removal of 4 specimen trees within Phase 1 of the County Park project.

**Approval** is granted for waivers from **Sections 16.116(a)(2)(iv), 16.1202(a)(2), 16.1204(d)(8) and 16.1205(a)(7) and (10)**, subject to the following conditions:

1. Compliance with the attached comments dated July 1, 2010 from the Development Engineering Division.

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2. Petitioner is advised that approval of Section 16.1204(d)(8) is only for a temporary deferral for submission and recordation of the Plat of Forest Conservation Easement for the Troy Park and Tennis Center until the last phase of Park development. The Plat of FCE shall include the forest conservation obligation for the entire Park including each phase of park development processed under each site development plan. The processing of SDP's for each phase of Park development must continue to the Park's final completion. If the development of the Park ceases for any reason or for an extended period of time, the petitioner will be required to address the forest conservation obligation requirement for the limit of disturbance indicated on the approved site development plan(s) for the completed phase(s).
3. A Forest Conservation Plan (FCP) shall be submitted for each phase of the Troy Park development with the processing of the required site development plan. The total forest conservation obligation worksheet calculations for the entire property shall be provided with a breakdown of the required obligation per each phase of development. The FCP submitted for each phase shall depict the proposed FCE areas being used to satisfy the forest conservation obligation for that phase of the Troy Park development.
4. The approval of Section 16.116(a)(2)(iv) pertains only to the limit of disturbance and road construction activity within the 50' stream bank buffer as shown on the waiver petition plan exhibit and as approved on the site development plan.

The waiver approval is based on the following justifications:

**Extraordinary Hardship or Practical Difficulty** - See the enclosed justification statement submitted by the applicant. Strict compliance with the Regulations will cause unnecessary hardship and practical difficulties to occur if the proposed project is required to record FCE areas for each phase of development as approved because redesign changes may occur as the project plans proceed through the design and review process for subsequent phases causing the petitioner to abandon and re-record a plat for earlier phases of FCE areas should the design change. Also, due to the uncertainty of the final site design at this time, any added burdens will prove to be costly in time and money to the County to correct and revise previously recorded FCE plats. The four specimen trees intended for removal were given great consideration in the plan design as was all other environmental site constraints to limit the impacts and balance the overall Park design for large ball fields, play areas, tennis courts and parking areas, etc. Approval of this waiver will allow for greater flexibility in the Park planning and design process.

The Howard County Fire Marshall requires that two emergency access roads be provided to serve the proposed Park and Tennis Center due to anticipated large crowds and traffic volumes. Because of this requirement, the petitioner has no other alternative other than to widen the existing access drive with a culvert extension which causes the minimal impact to the 50' stream bank buffer. In this case, the public's health and safety concerns are considered more important than the proposed minimal environmental impact to the 50' stream buffer in order to achieve a reasonable balance for development of this County Park.

**Alternative Proposal** - In accordance with the attached justification statement submitted by the applicant. The alternative proposal requested for the temporary deferral of the total forest conservation obligation and recording of FCE areas with the first SDP plan submission is the

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best option available to the applicant at this time because the County is in the process of purchasing additional parcels of land adjoining the property to increase the overall Park size. As a result of this ongoing real estate acquisition process, the final forest conservation obligation for the Troy Park cannot be calculated at this time and is a reasonable processing alternative.

**Not Detrimental to the Public Interest** - In accordance with the attached justification statement submitted by the applicant. Approval of this waiver request will not be detrimental to the public interest because review and approval of site development plans and permits are required to ensure compliance with the various Regulations. The requested waivers will not alter the essential character of the neighborhood or be detrimental to the public interest because the proposed County Park is located adjacent to an existing developed industrial center and surrounded on the other 3 sides by principal highways. Large areas of priority forest will be protected and preserved with the proposed Park design. The stream bank buffer impact is necessary to provide a critical second exit to the Park to ensure the health, safety and welfare of the park patrons. This new County Park and Tennis Center will benefit the community by providing a new regional park with several multi-purpose ball fields for recreational uses by County residents and the Tennis Center will bolster the local economy along U.S. Route 1 corridor creating a demand for restaurants, retail centers and hotels during major sporting events.

**Not Nullify the Intent or Purpose of the Regulations** - In accordance with the attached justification statement submitted by the applicant. Approval of the waiver request will not nullify the intent or purpose of the Regulations since it is only a mechanism for the temporary deferral of the forest conservation obligation until the Park size and design is finalized under future phases. The Troy Park project will ultimately provide the required forest conservation obligation upon completion of the last phase of development. The proposed Park development will meet the new MDE storm water management regulations for ESD (Environmental Site Design) practices to the MEP (Maximum Extent Practicable). Phase 1 of the Park and Tennis Center is on an accelerated schedule to be constructed and open for public use by July, 2011 and therefore, time is of the essence to get the plans and permits approved to begin construction by the fall of 2010.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, road construction drawings, 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(s) for all phases of the project remain in active processing. If you have any questions, please contact Kent Sheubrooks at (410) 313-2350 or by e-mail at [ksheubrooks@howardcountymd.gov](mailto:ksheubrooks@howardcountymd.gov).

Sincerely,

  
Kent Sheubrooks, Acting Chief  
Division of Land Development

attachments

CH/LKS/F:/Letters/WP10173appd

cc: Research, DED, DPW Real Estate Services  
ECP-10-08  
Site Resources, Inc.