



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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February 2, 2011

Bruce Gist
Howard County Public School System
10910 Maryland Route 108
Ellicott City, MD 21042

RE: WP-11-112, Phelps Luck Elementary School

Dear Mr. Gist:

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)** of the Howard County Subdivision and Land Development Regulations, which requires a site development plan for new or expanded nonresidential development, including institutional development, public buildings, schools and other public facilities. The applicant is proposing to relocate five existing portable classrooms on-site along with adding one portable classroom from Northfield Elementary School.

Approval is subject to the following conditions:

Based upon an evaluation of this waiver application in accordance with Section 16.104 of the Subdivision and Land Development Regulations, the Division of Land Development recommends approval for a waiver of Section 16.155(a)(1) to waive the site development plan process in accordance with the following:

1. The applicant shall submit a detailed plot plan of the site, similar to the waiver petition plan exhibit, subject to the attached comments from the Department of Inspections, Licenses & Permits (DILP) with the building permit application as required by the DILP for all relocatable classroom units.
2. All relocatable classroom units shall comply with the minimum bulk requirements established with Final Development Plan Phase 77-A-III, including the building setbacks and lot coverage.
3. Once the relocatable units are removed, the site shall be stabilized as necessary with seed, sod or other suitable ground cover. This also includes any school site which is sending a relocatable unit to another school site.
4. Grading, removal of vegetative cover and trees, paving and new structures are not permitted within the 100-year floodplain area, forest conservation easements, wetlands, streams, or their required buffers in accordance with Sections 16.115, 16.116 and 16.1200 of the Howard County Code for the placement of the relocatable units.
5. The petitioner shall comply with all applicable County and State regulations and obtain all necessary permits.
6. Subject to the attached comments from the Department of Fire and Rescue Services (DFRS). DFRS's comments must be addressed with the building permit application. Please contact DFRS at (410) 313-6000 regarding the attached comments.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

The extraordinary hardships and practical difficulties associated with submitting a site development plan for review, especially for minor site revisions for temporary structures, is the amount of time it takes to prepare, process and review a standard site development plan. As noted by the applicant, there are five existing on-site portable classrooms that are required to be relocated due to a future building expansion of the school, and there is only one portable classroom that will be relocated on-site from another school location.

Alternative Proposal

The alternate proposal to the waiver petition would be to submit a new site development plan for standard review or submit a Redline Revision to SDP-88-147 to show the location of the temporary classrooms. In this particular case, the Department of Planning and Zoning does not recommend a Redline Revision to SDP-88-147 because the classrooms are temporary and would require future redlines if the classrooms are relocated or removed. The implementation of 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 Regulations and provides all necessary site information.

Not Detrimental to the Public Interest

The proposed waiver petition will not be detrimental to the public interest because the proposed temporary relocatable classroom units are being moved to accommodate the students during the school expansion.

Will not Nullify the Intent or Purpose of the Regulations

The proposed waiver petition will not nullify the intent or purpose of the Regulations. The proposed classroom units meet the current bulk requirements established under FDP-77-A-III, and the limit of disturbance for this site is only for the foundation piers that the portable classrooms will sit on and will not require stormwater management, removal of any existing vegetation, or create any need for road improvements or parking. Overall, the waiver petition exhibit represents an adequate alternative to the site development plan by including the necessary information for review and compliance with the Regulations.

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 **(on or before February 2, 2012)**.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/TKM/jb
enclosure: DILP, DED, DFRS
cc: Research
DED
FCC
DILP- Jim Hobson
DFRS- Tim Diehl