



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

November 9, 2011

Kellogg - CCP, LLC
2330 West Joppa Road, Suite 190
Lutherville, Maryland 21093

Re: Oxford Square (Interim Entrance Landscaping)
Waiver Petition WP-12-051

Dear Sirs:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsection 16.155(a)(1)(ii) of the Howard County Subdivision and Land Development Regulations. Waiver of this regulation as applied to the project referenced would absolve the petitioner of the requirement to submit a site development plan for the proposed activities.

As of the date of this letter, the Planning Director approved the request, subject to the following conditions:

1. The entrance features approved under this waiver petition are for temporary improvements only. All permanent entrance features (walls, signs and fences), landscaping and grading shall be approved and in accordance with Final Plan F-12-026 and as approved by the Department of Public Works and the Department of Inspections, Licenses and Permits.
2. The petitioner shall apply for all applicable permits (building and grading) through the Department of Inspections, Licenses and Permits.

Waiver approval includes the following advisory comment:

3. The petitioner is advised to remove the three Bradford Pears from the right side of the roadway entrance as shown on the waiver plan exhibit. Bradford Pears are considered invasive trees per the DPZ Landscape Manual policy update of July 1, 2010 and are no longer a permitted street tree or landscaping tree in Howard County.

Our decision was made based on the following:

Extraordinary hardships or practical difficulties may result from strict compliance.

The petitioner would encounter extraordinary hardship or practical difficulty from strict compliance with the Subtitle. The scope of work is limited to the interim, and in part temporary, landscaping of a portion of the intersection of two County major collector roads, consisting of street trees and ornamental trees, shrubs, grasses, groundcover, and bulbs along the project frontage. The activity will result in no significant alteration to access, parking, circulation, drainage, structures, or other site features. To require

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a site development plan for this activity would be redundant and wasteful, constituting extraordinary hardship and practical difficulty to the petitioner. Additionally, Final Plan F-12-026 is currently under review and the road construction drawings include the ultimate landscaping plan for this area. Approval is pending full review by the Subdivision Review Committee agencies.

Waiver approval will not be detrimental to the public interest.

Waiver approval will not be detrimental to the public interest. On the contrary, the public interest will be served to a greater extent by the expedited issuance of a grading permit for activities which will enhance an area that has otherwise been neglected aesthetically. Enhancement of the area will help make the area more attractive to commuters, residents, and potential buyers and/or lessees, and will reflect the project character.

The waiver shall not nullify the intent or purpose of the regulations.

Final Plan F-12-026 is currently under review and includes the ultimate landscaping plan for the Oxford Square Coca Cola Drive frontage. Waiver approval in order to expeditiously achieve the interim landscaping plan represented by the waiver exhibit shall not nullify the intent or purpose of the regulations.

Indicate this waiver petition file number on all related plats, road construction drawings and site development plans. This waiver will remain valid as long as Final Plan F-12-026 remains in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by e-mail at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
FC&C