



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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September 12, 2012

WR Grace and Co.
7500 Grace Drive
Columbia, MD. 21044
ATTN: Nizam Usta

RE: WP-13-031 (Grace Tech Park)
Associated with SDP-12-077 (Grace Tech Park-
Parcel 'A')

Dear Mr. Usta:

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 the following:

- A waiver to **Section 16.115(d)** which requires delineation of floodplain on final plats and site development plans.
- A waiver to **Section 16.157(b)(11)** which requires the delineation of ponds, wetlands, wetland buffers, streams and stream buffers on the site development plan.
- A waiver to **Section 16.1204(c)** which requires a forest stand delineation to be conducted on the entire property to be developed.
- A waiver to **Section 16.1201(n): Definitions: "Net Tract Area" and Section 16.1202(b)(1)(i): Applicability; Exemptions; Declaration of Intent** to allow the Limit of Disturbance to serve as the Net Tract Area when determining the forest conservation easement obligation.
- A waiver to **Section 16.1205(a)(7) and 16.1205(a)(10)** to allow removal of specimen trees.

Approval is subject to the following conditions:

1. The area of plan submission shall not exceed 8.40 acres as shown on SDP-12-077 (Grace Tech Park).
2. A Forest Stand Delineation, Forest Conservation Plan and Wetlands Delineation Report shall be conducted for the project area of 8.40 acres and shall be submitted and approved under SDP-12-077 (Grace Tech Park).
3. Forest Conservation shall be addressed for the 8.40 acres of plan submission associated with SDP-12-077. A Forest Conservation retention easement shall be provided on-site (on Parcel 'A') within the PEC zoning district.

4. Removal of specimen trees shall be limited to **only** specimen tree Numbers #1-4, #12 and #17, as shown on the Forest Conservation Plan submitted with this waiver petition and with SDP-12-077.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Per the applicant's justification, "the entire property is 54.80 acres and is largely developed with the Grace Tech Park campus. The proposed development (8.4 acres), along with the proposed forest retention area (~1.6 acres), cover only a small portion of the total site. It would be impractical to investigate the entire 54.80 acre campus for floodplain and other environmental features, when the proposed development and forest conservation area represent a fraction of the total property. It is also unnecessary to delineate floodplain and other environmental features in areas where no development or disturbance is proposed." It should also be noted that per FEMA floodplain maps, floodplain does not occur within the project area or within the area of proposed forest conservation.

The applicant's justification to allowing the LOD to act as the Net Tract Area is that "it would be a practical hardship for the property owner to use the entire property to calculate forest conservation requirements when the proposed development is only 8.4 acres. The proposed footprint only covers a small portion of the total site and represents a relatively small disturbance footprint."

The applicant is also seeking permission to remove 6 specimen trees in order to construct a proposed office building and associated parking. These trees occur within open, lawn area (non-priority area), in the location proposed for the new construction. Without an approved waiver that would allow the removal of these trees, practical difficulty would result because the project could not move forward as designed.

Detrimental to the Public Interest /Nullifies the Intent or Purpose of the Regulations:

Allowing waiver to Section 16.115(d), 16.157(b)(11) and 16.1204(c) would not be detrimental to the public interest nor nullify the intent and purpose of the regulations, as floodplain does not occur within the project area and the waiver simply limits the scope of the requirement to the project area at this time. If in the future, development should occur within the remainder of Parcel 'A', the delineation of floodplain, wetlands, wetland buffers, streams and stream buffers will be addressed at the time of that particular development. The applicant has submitted a Wetland Delineation Report, Forest Stand Delineation and Forest Conservation Plan for the project area and the area of proposed forest conservation under SDP-12-077.

Allowing the LOD to act as the Net Tract Area (Section 16.1201(n) and 16.1202(b)(1)(i)) for forest conservation requirements does not nullify the Intent and Purpose of the Regulations, it just allows for a decrease in scope. The applicant is proposing to meet forest conservation requirements with on-site retention in a priority area containing a perennial stream and associated buffers.

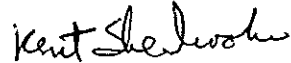
Allowing removal of 6 specimen trees (Section 16.1205(a)(7) and 16.1205(a)(10)) would not nullify the intent and purpose of the regulations, but does allow for the project to move forward as designed. The applicant has limited their development footprint to only the area necessary to construct the proposed office building, parking and stormwater management facilities.

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 this site development plan/grading plan remains in active processing.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

attachment

KS/tkm/waivers 2012/Grace Tech Park WP-13-031 approval 9-12-12

cc: Research

DED

Marian Honeczy-DNR

MRA-C. Galiber

SDP-12-077 file

