



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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October 15, 2012

Mr. Tom Rossi
Sysco
8000 Dorsey Run Road
Jessup, MD 20794

Dear Mr. Rossi:

RE: WP-13-042, MWFC, Sysco, Parcel A,
Section 3, Block C, (SDP-96-063)

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 16.1201(n)** – which defines “Net Tract Area” for the purpose of calculating the Forest Conservation obligation. The applicant is requesting a waiver to allow the limit of disturbance (1.52 acres) to serve as the net tract area for purposing of calculating their Forest Conservation obligation.

Approval is subject to the following conditions:

1. The Net Tract Area used to calculate the Forest Conservation Obligation is based on the 1.52 acres Limit of Disturbance (LOD) for construction of two buildings totaling 30,313 square feet for freezer and dry goods storage. Before the building permit will be approved, the applicant is required to Pay a Fee-in-Lieu in the amount of \$7,514.10 for the reforestation obligation of .23 acres (10,018.80 square feet) calculated at the rate of \$0.75 per square foot. A copy of the payment receipt for the Forest Conservation Fee-in-lieu payment shall be submitted to Ms. Brenda Luber, DPZ, Division of Land Development for reporting purposes to the State. Also, a completed Forest Conservation Data Summary for this project shall be submitted to Ms. Brenda Luber. You may access this document on-line at: <http://countyofhowardmd.us> – Forms and Applications – Forest Conservation Plat Application.
2. No disturbance is permitted beyond the limit of disturbance as shown on this waiver petition exhibit, WP-13-042 unless it can be sufficiently justified by applicant.
3. On plans (including red-lines) and applications for all applicable permits, provide as a General Note a brief description of the waiver petition, WP-13-042 which includes the required sections of the Regulations, approval date and action taken.

Our decision was made based on the following:

JUSTIFICATION FOR RECOMMENDATION:

Extraordinary Hardship or Practical Difficulty - Twenty-four (24) acres of the site is developed with a warehouse/office building, paved access and parking, and SWM needed to adequately perform the operations for the warehousing and distribution facility. The applicant intends to construct the proposed buildings on 1.5 acres of the site. Since the majority of the site has been developed, requiring the applicant to fulfill their Forest Conservation on the entire 28.4 acres would exceed their budget and would prohibit them from constructing the proposed 30,313 square foot freezer and dry goods storage buildings. Allowing the applicant to fulfill their Forest Conservation obligation based on the limit of disturbance of 1.52 acres will allow the applicant to stay within their proposed budget.

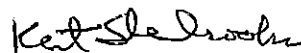
Not Detrimental to the Public Interest – The proposed buildings are located within an area of the site which was previously disturbed. The location of the proposed buildings will not impact the adjacent properties. The approval of this waiver will not have a detrimental impact to the public interest, will not alter the essential character of the area and will not impair the use or development of the surrounding properties. The site is zoned for manufacturing/warehousing and the majority of the site has been developed. Allowing the applicant to fulfill their Forest Conservation obligation based on their limit of disturbance will satisfy the requirements of the regulations. In addition, no forest will be impacted by the proposed improvements.

Will Not Nullify the Intent or Purpose of the Regulations – The intent and purpose of the Regulations will not be nullified with the approval of the requested waiver. No forest resources will be impacted by the proposed construction. The proposed waiver does not seek to exempt the project entirely, but merely wishes to use the limit of disturbance as the net tract area. The applicant has proffered a fee-in-lieu of .23 acres of the forest conservation obligation based on a Net Tract Area equal to the limit of disturbance (1.5 acres).

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 remains in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Real Estate Services
Marian Honecny, DNR
BPR, Inc.