



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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January 17, 2014

Howard County Department of
Public Works
6751 Columbia Gateway Drive, Suite 514
Columbia, Maryland 21046
ATT: Mark Richmond

RE: WP-14-078/Ellicott City Parking Lot E
Reconstruction, Lot 4 (Par.181) and Parcel 188

Dear Mr. Richmond:

The Director of the Department of Planning and Zoning considered your request for waiver(s) from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** the request for waivers to Section 16.155(a)(1)(ii) requiring submission of a site development plan for non-residential construction and Section 16.115(c) prohibiting disturbance in the 100 Year floodplain for reconstruction of a retaining wall along the eastern perimeter of an existing parking lot and for a series of six retaining walls constructed in conjunction with a proposed staircase from the eastern portion of adjoining Parcel 188 to Court Avenue. Approval is subject to the following conditions:

1. Acquisition of adjoining Parcel 188 by Howard County Department of Public Works/Real Estate Services Division shall be required. All comments must be complied with from the Real Estate Services Division as applicable. Parcel 188 shall be maintained as a separate parcel from Lot No. 4 (Parcel 181). Merger of Parcel 188 into Lot 4 (Parcel 181) will require a Plat of Resubdivision for Plat No. 11559/The Talbott Lumber Company.
2. The applicant shall obtain approval from the Historic District Commission and shall comply with any Conditions of Approval.
3. All required Maryland Department of the Environment Permits for work within the 100 Year Floodplain shall be obtained as applicable by the applicant and referenced on future permits.
4. The applicant shall obtain grading/and or building permits with the Department of Inspections, Licenses and Permits and shall comply with any comments from that reviewing agency as applicable.
5. Subject to compliance with the comments dated January 13, 2014 from the Department of Inspections, Licenses and Permits (DILP) regarding handicapped access for the project. The applicant shall address these comments directly with DILP and prior to application of the building/grading permits.

Justification for Approval:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The County is currently owner of Lot 4 (Parcel 181) which is utilized as a parking lot and is identified as Parking Lot E in the Historic District of Ellicott City, situated behind the Ellicott Mills Brewery Restaurant. The parking lot will be upgraded and retaining walls will be reconstructed under Capital Project D-1165. A new staircase to provide pedestrian access to Court Avenue will also be constructed on adjacent Parcel 188 which will necessitate disturbance in the floodplain area and steep slopes. A series of six retaining walls will be constructed in the floodplain area and steep slopes in order to provide the correct slope for the staircase. Since disturbance in the steep slopes is less than 20,000 sq.ft. of contiguous area, a waiver to grade in the steep slope area is not required. A large retaining wall along the eastern perimeter of Parking Lot E has collapsed and the area now consists of a grass slope with concrete jersey barriers at the base that were constructed as a temporary repair until a permanent retaining wall can be installed. In addition, a second retaining wall will be constructed to the west and in conjunction with providing a new entrance to the site from Court Avenue. This wall will be approximately 5' in height. The retaining wall to the north will be constructed basically on the same footprint as the previous failed wall and within the floodplain area, and will average 5' to 10' in height. Setbacks for the retaining walls will not apply since the HC Zoning District has no bulk minimum setback requirements. The parking lot will be restriped and the entrance from Frederick Road (Main Street) will be closed. The drive isle area from Frederick Road will be transformed into a pedestrian walkway with easy access to the parking lot. The western entranceway from Court Avenue will be upgraded to allow for better traffic flow from the parking lot onto Frederick Road. To deny the waiver requests will cause extraordinary hardships to the County by presenting a public safety hazard if not addressed in an expeditious manner due to the nature of the collapsed wall and configuration of the existing parking spaces. In addition, previous waivers have been approved to the platting of the floodplain area, as well as, platting of the wetlands and stream buffers that exit along the northeastern portion of the site (WP-95-058). A waiver to the submission of a site development plan for initial construction of the parking lot was also approved under WP-95-088.

2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The applicant is not proposing any new structures or building additions, is not constructing any new public roadways and will only be removing minimum vegetation. The parking lot improvements and retaining wall construction will be within the previous limit of disturbance and the installation of a staircase to Court Avenue will not increase grading in steep slopes over a total of 7,000 sq. ft. In addition, because the size of the project is less than 40,000 sq.ft. in total land area, the development will be exempt from Forest Conservation obligations. The County is moving forward quickly with restoration of the parking lot and walls due to the safety nature of the project and will comply with all reviewing agency comments. This project has been scheduled for presentation to the Historic District Commission for review and approval. All permits from County and State agencies will be applicable and the grading/building permit exhibit will be an adequate substitute for the site development plan. The intent of the regulations will be met by providing safety to the public and orderly development of the property will still be met. The intensity of the proposed land use is not out of character with the surrounding properties and follows the previous use. The natural, environmental, historic, and architectural use of the site will be considered during review by all agencies and the County will apply for all permits as applicable.

3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The applicant is attempting to reconstruct and revitalize the subject site in a safe and timely manner. All improvements are in the best interests of the public and will create better pedestrian access and safer vehicular ingress/egress to the parking lot. The entrance from Main Street will be closed and the current Court Avenue exit will be widened to allow for two way traffic from the parking lot. The applicant shall add several Filterra tree boxes to the parking lot for aesthetic quality and will better landscape the area. The failing eastern retaining wall will be reconstructed and will eliminate the existing temporary construction. A Sweeping staircase from Court Avenue down to the parking lot will provide


pedestrian access from the Court House parking lot area and allow visitors and employees to easily reach Main Street amenities. A series of retaining walls will be needed to create the staircase slopes, however, they will be landscaped and have small water features. The parking lot will be resurfaced and restriped to provide new circulation patterns and a bioretention facility to treat flow from Court Avenue will be installed. Approval of the waiver will allow the project to move forward in a quick and cost effective manner and will resolve existing slope problems, improve water quality and better protect the health and welfare of the general public.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. Approval of the requested waiver(s) will remain valid for the time period necessary to complete the proposed parking lot improvements. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



:btb/DILP Comments Attached

cc: Research/DED/RES

Annette Merson/Zoning Administration

Jim Hobson/DILP

Samantha Holmes/RCD

