



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

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October 13, 2014

Columbia Association
9450 Gerwig Lane
Columbia, Maryland

RE: WP-15-002, Columbia, Village of Hickory Ridge

Dear Owner:

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 reconsideration request to waive Section 16.134(a)(2) of the Subdivision and Land Development Regulations, which indicates that developer shall construct sidewalks on one or both sides of the street for nonresidential subdivisions and site developments if the Department of Planning and Zoning deems it necessary to serve anticipated internal pedestrian traffic, to provide access to transit stops, or to make connections to surrounding land uses.

Approval is subject to the following conditions:

1. The Columbia Association should monitor the pedestrian traffic along Road 1, from Quarterstaff Road, once the community park has been constructed. If Road 1 has large volumes of pedestrian traffic due to the community park, the Columbia Association should provide safe and direct connectivity between the park and Quarterstaff Road, as either an individual project managed by the Columbia Association or in partnership with the Village of Hickory Ridge. If and when the Village of Hickory Ridge provides Village Center improvements, the Columbia Association should work in conjunction with the Village Center to promote appropriate connectivity between the park and the surrounding land uses, if not already provided.
2. Approval of this waiver petition is subject to the review and approval of the plan revision for SDP-91-047, and Planning Board approval.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

The land directly adjacent to Road 1, as shown the waiver petition exhibit, is owned by Kimco Realty Corporation. The applicant, Columbia Association, has been in contact with Kimco over the past 20 months working on a parking agreement that requires no commitment or construction funding from Kimco. Negotiations have been difficult. Obtaining an entry agreement or easement from Kimco to construct physical elements on their property will require agreements for liability, maintenance responsibilities, and/or monetary cost for easement acquisition. In communication, Kimco does not support the proposed sidewalk along Road 1, stating it is a service drive lane that is not intended for pedestrian traffic. Therefore, this is not a viable option at this time.

In order to construct a walkway entirely within the Columbia Association property adjacent to Road 1 (Open Space Lot 110), the walkway would need to be offset approximately 15 feet from the existing curb line and require 800 linear feet of sidewalk (compared to 300 linear feet if located on the Kimco Property). Having the walkway setback 15 feet places the walkway in the middle of an 18 foot embankment with 2:1 side slopes. Construction would require significant excavation, the removal of several mature maple canopy trees, possible construction of a retaining wall, and relocation of two BG&E transformer boxes. The substantial excavation may also impact underground utility lines and potential grading of existing floodplain.

Furthermore, both of the above options will substantially increase construction costs, which were not accounted for in the fund allocation for the fiscal year budget of this project. Consequently, these additional costs may potentially result in the project being terminated entirely due to lack of available funding; therefore creating an extreme hardship for the applicant.

Alternative Proposal & Not Detrimental to the Public Interest

Although sidewalk/walkway connection to the surrounding residential community off of Quarterstaff Road is a priority, it is not feasible at this time; therefore pedestrians will have to utilize the existing pathways through the Village Center Shopping Center. Although this is not the most direct or desirable route it still provides a safe means of access to the community park.

Will Not Nullify the Intent or Purpose of the Regulations

The intent of the Regulation is to provide access to serve anticipated internal pedestrian traffic, to provide access to transit stops, or to make connections to surrounding land uses. The applicant will be providing sidewalk access from the community park/Village of Hickory Ridge to Cedar Lane, and although not the most desirable access, pedestrians will have a safe route from Quarterstaff Road through the Village Center to the community park. The Columbia Association will monitor the pedestrian volume on Road 1, via Quarterstaff Road, after the construction of the community park. If needed at that time, the Columbia Association will manage and individual project to provide safe access to the park, and/or will partner with the Village of Hickory Ridge to provide such access when the Village Center entertains new improvements/revitalization.

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 (plan revision) and grading plan remains in active processing.

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/jb

cc: Research
DED
SDP-91-047
Brudis and Associates