



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

October 23, 2014

Triangle Montgomery Associates
Triangle Old Annapolis Associates
attn: J. Chris Pippen
453 South Polk Drive
Sarasota FL 34236

RE: **WP-15-036 Long Gate Overlook** (SDP-14-074 and F-15-018)
A Residential Townhome Development

Dear Mr. Pippen:

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 sections of the Subdivision and Land Development Regulations:

Section 16.120(c)(4) of the Amended Fifth Edition – Requires single-family attached lots to have a minimum of 15-feet of frontage on a public road, or front on a commonly owned area containing a parking area or private road not exceeding 200 feet in length measured from the edge of the public right-of-way. Proposed private ‘Road A’ is about 900’ in length from the Montgomery Road right-of-way.

Section 16.121(a)(4)(vi) of the Amended Fifth Edition – The amount of open space required: Single Family Detached (R-A-15) 400 sq. ft./unit (or 31,600 square feet of recreation open space for this project). This development will be providing a total of 14,251 square feet of land for recreation open space.

Section 16.144 and **Section 16.145** of the Amended Fifth Edition – Requires the submission of a sketch plan and/or preliminary equivalent sketch plan. The applicant is proposing 79 single-family attached in-fee simple lots which is considered a major subdivision rather than proposing condominium units on one parcel or multiple parcels of land.

Approval is subject to the following eight (8) conditions:

- 1) A 45’ turning radius must be provided for all the roads and alleys within this development and all of the alleys must be at a minimum paved width of 18 feet to ensure emergency vehicles and public safety equipment have adequate spacing to maneuver through the development in accordance with the attached comments from the Department of Fire and Rescue Services.
- 2) All of the planned residential lots shall front on and obtain access from the proposed, private roads within the project area. The applicant shall be responsible for establishing safe vehicular access to all residential lots, maintenance of the private road system including for snow removal, snow plowing services and trash collection on the private road.

- 3) The proposed private roads within the project area shall be located on properties owned by a homeowners association (HOA) and be maintained by the same HOA. A note must be added to the plat and site development plan that the private roads will be owned and maintained by the HOA.
- 4) The proposed private roads within the project area shall meet setback requirements for the R-A-15 zoning district and be designed and constructed in accordance with the requirements and plan review comments provided by the Development Engineering Division, the Department of Fire and Rescue Services and Department of Public Works.
- 5) Proposed private alleys 'B', 'C' and 'D' must comply with the 25 foot setback from the Montgomery Road right-of-way, as granted by A.A. Case No. 14-014.
- 6) On the final plat and the site development plan, provide a brief description of waiver petition, WP-15-036, as a general note that includes the waiver requests, sections of the regulations, action and date of the waiver approval.
- 7) The recreational open space shall be provided by tot lots, a tennis court, a pathway, benches and gazebos.
- 8) Compliance with the SRC agency comments for F-15-018 and SDP-14-074.

The decision of this waiver petition is based on the following justification:

Extraordinary Hardship:

Please see the justification provided on the waiver petition application. In addition, regarding Section 16.120(c)(4), a private road system would be adequate and safe for this type of development which is similar to other SFA unit developments located within Howard County. Secondly, the nature of the proposed site design does not require a public road because the private road can be maintained by the Homeowners Association and such maintenance would be burdensome to the County. And lastly, road connections to adjacent properties will not be necessary, since all of the abutting properties have direct access to public roads.

The developer is unable to fulfill the minimum land area (31,600 square feet) requirement for recreational open space due to the physical configuration of the project area and the loss of land area that shall provide road access to the adjacent church property. In lieu of meeting the minimum land area for recreational open space, the developer shall provide tot lots, gazebos, a pathway, a tennis court and benches to be used by the residents. In addition, the residents shall have immediate access to the adjacent elementary school ball fields and the YMCA facility.

In regards to Sections 16.144 and 16.145, since it has been determined that a private road system would be adequate and be constructed at County road design standards, the submission of a sketch plan or preliminary equivalent sketch plan will not be necessary, since the road design will be provided with the Site Development Plan. Site layout, boundary line survey, easements, and all other related subdivision information will be provided on the plat.

Alternative:

The developer has submitted a final plan (plat) and a SDP that features all of the necessary site information to satisfy the plan evaluation requirements. Furthermore, the SDP will include the proposed private road design, sidewalk improvements, stormwater management, drainage systems, public water/sewer service and other related infrastructure improvements.

The developer shall design the private roads and alleys to meet the minimum requirements and standards for safe, efficient and orderly access to and from the development in accordance with the minimum DPW standards.

This development shall provide on-site recreational amenities (a pathway, playground equipment, gazebos) along with 14,250 square feet of land area for recreational open space.

Not detrimental to public interest:

Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding residential and institutional use properties. The subject properties were granted R-A-15 zoning for "attached" dwelling units during the 2013 comprehensive rezoning process and all subdivision and site plan requirements will be fulfilled with a plat and SDP. The proposed use (townhomes) is appropriate for the land. A waiver to public road frontage will not be detrimental to the public since the roads will all be privately maintained and will not only serve those who reside in the community but will provide access to the adjoining church property. In addition, these private roads will be required to meet County minimum design standards.

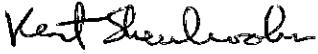
Not nullify the intent or purpose of the regulations:

Approval of this waiver request will not nullify the intent or purpose of the regulations since the overall purpose of the project is to assemble eight (8) separate tax parcels into a subdivision of fee-simple lots in order to construct single-family attached residential dwellings and to provide ingress/egress for this development and for the adjoining church property. The proposed improvements are detailed on the SDP which clearly demonstrates how all site improvements are planned. The proposed private roads will meet County standards and the fee-simple lots and open space lots will be recorded on a plat.

***This requested waiver will remain valid for 1 year from the date of this letter or for as long the final plat (F-15-018) and/or the SDP (SDP-14-074) remains in active processing.**

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/dj
attch: Fire
cc: Research
DED
Fire Dept. – Dan Merson
Vogel Engineering

