



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 21, 2014

Bethany Marketplace, LLC
8808-C Pear Tree Court
Alexandria, VA 22309
ATT: Charles Fairchild

RE: WP-15-040/Bethany Marketplace
Parcel B, 3240 Bethany Lane (SDP-14-089)

Dear Mr. Fairchild:

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 your waiver request to Section 16.120(a)(7) which requires the retention of specimen trees having a diameter of 30" or more, so as to remove one specimen tree on the above referenced property and identified as a 30" Tulip Poplar for proposed development. Approval is subject to the following conditions:

1. Approval is granted for the removal of one 30" Tulip Poplar Specimen Tree and as identified on the waiver petition exhibit.
2. The development proposes the placement of approximately .20 acres of existing forest and .07 acres of reforestation into an on-site forest conservation easement. In addition perimeter landscaping, storm water management plantings and street trees will be provided. All proposed landscape plantings and creation of forest conservation easement area will serve to mitigate the removal of one specimen tree.

Justification for Approval:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The applicant proposes the development of the site with a one-story 15,000 sq.ft. retail building and parking areas. One specimen tree is located on the northeast corner of the parcel and identified as a 30.5" Tulip Poplar in good condition. The applicant has considered all alternatives for the preservation of this tree, however, due to environmental constraints to the rear of the property and required front setbacks from Bethany Lane, the shifting of the building and parking cannot occur without elimination of a significant portion of proposed development. A large western portion of the parcel is encumbered with a perennial stream and wetlands, their buffers, existing forest and drainage and utility easements. The proposed retail building cannot be shifted away from the specimen tree without affecting grading in the stream bank or wetlands buffers and requiring the removal of further trees. In addition, due to a 30' front structure and use setback from Bethany Lane (a minor arterial), providing location of and minimum parking spaces is very restrictive. Saving the specimen tree would cause a reduction in required parking and possible disturbance of environmental features, causing further hardships in developing the site. The better alternative is to allow the removal of one specimen tree.

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. Retention of all specimen trees is the intent of the Forest Conservation Regulations. However, due to a stream, wetlands and their buffers, existing forest and drainage and utility easements, as well as restricted public road frontage, the developer is restrained from altering the lot layout. Allowing the removal of one specimen tree will serve to preserve environmental features and reduce disturbance of existing forest. Mitigation will be provided by placement of the environmental features and forest with proposed reforestation into a forest conservation easement area and providing perimeter landscaping, storm water management screening and street trees plantings.

3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The applicant is attempting to develop the site in a safe and orderly manner while meeting storm water management, forest conservation obligations and zoning requirements. Removal of one specimen tree will not adversely affect the neighborhood since surrounding properties are zoned B-1 and have been developed with commercial buildings. In addition, the specimen tree will be replaced with safer and sturdier tree types which will serve to enhance the streetscape of the subject site.

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. This requested waiver will remain valid for as long as the applicable development plans are active. 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

cc: Research/DED
Robert Vogel Engineering, Inc.
SDP-14-089
Marion Honeczy/MDNR
Forest Conservation Coordinator