



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

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June 25, 2015

Buch LLLP
10945 Price Manor Way
Laurel, MD. 20723
c/o Mike Buch

RE: WP-15-154 ("The Vine" and "Buch Road Extension")

Dear Mr. Buch:

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 16.1205(a)(7) and 16.1205(a)(10)** which requires the retention of specimen trees (30" dbh or greater) that are not contained within other priority forest retention areas as outlined in Section 16.1205(a)(1-10), a waiver to **Section 16.120(c)(1)** which requires that all commercial, industrial or apartment lots to have a minimum frontage of 60 feet on an approved public road which provides access to the property, and a waiver to **Section 16.116(a)(2)(ii)** which prohibits disturbance within 75' of a perennial streambank for Use I streams.

Approval is subject to the following conditions:

1. Waiver approval is limited to the removal of specimen trees #1, #6, #9 and #10 as depicted on the waiver exhibit. Any proposal to remove additional specimen trees will require a new waiver request or an amendment to this waiver request.
2. A minimum of 8 additional, native, 2-3" caliper trees shall be provided on site as part of the mitigation for the specimen tree removal. This mitigation will be addressed with SDP-15-044 ("The Vine"-Buch apartments) and will be in addition to any required landscape or forest conservation plantings. The mitigation will be shown on the associated Landscape Plan and surety for these additional trees will be required as part of the Site Development Plan.
3. Due to their proximity to the LOD, individual tree protective devices (tree fencing) shall be placed completely around the critical root zones of Specimen tree #2, Specimen Tree #3, Specimen Tree #4, and Specimen Tree #7 PRIOR TO the commencement of any grading. This shall be outlined in the pre-construction management plan of the final Forest Conservation Plan (FCP) and within the sequence of construction provided on the Site Development Plan for "The Vine"-Buch apartments".
4. A Property Management Company will be created that will be the responsible party for the maintenance of the private roads and stormwater conveyance and management facilities. Water and sewer shall be public and be located within a recorded public easement.
5. Impacts to streams and associated buffers and all other environmental areas shall be the least necessary and shall be limited to those disturbances shown on the waive petition and/or outlined in MDE Permit 14-NT-3329/201461731.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition with regard to specimen tree removal would result in undue hardship because it would require re-design and significant decreased unit yield.

In addition there is a practical difficulty with preservation of Tulip Poplars. At maturity, Tulip Poplars can reach heights of 80'-100' and are not suitable retention trees in such close proximity to buildings. They are a soft wood and can be susceptible to knock down during storms and they are not tolerant of dry conditions (they prefer moist soil). Proposed clearing and grading would change the existing environmental setting making them more susceptible to insects, pests, disease, damage and failure.

The location of the Buch property and the restrictions of the PEPCO and SHA right-of-way restrictions (as discussed above) significantly reduces the ability to pursue alternative designs and other means of direct access on to a public road. This particular situation is considered a "practical difficulty".

The property has been significantly impacted by increased drainage from adjacent properties, SHA right-of-way, environmental features and PEPCO right-of-way. Without approval of the waiver, the subject property could not be developed as intended and the zoning dictates.

Detrimental to the Public Interest or Nullifies the Intent or Purpose of the Regulations:

With regard to the waiver to specimen tree removal, the developer intends to retain the forest within the highest retention priority areas (within the stream and wetland areas). These will be placed in permanent easement thus protecting and enhancing the existing forest environment and supporting the public interest. The County will also require mitigation for those trees being removed.

Approval of the waiver will permit the property to be developed in accordance with the recent R-APT zoning designation and will not nullify the intent of the regulations.

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 the site development plan remains in active processing.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

attachment

KS/TKM/waivers 2015/The Vine-Buch apartments SDP-15-044 approved 6-25-15

cc: Research
DED
Real Estate Services
Vogel Engineering
Forest Conservation Coordinator
Marion Honecny-DNR