



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

August 20, 2015

Cole Schnorf
MCA Assateague Holding, LLC
8601 Robert Fulton Dr.
Columbia, MD. 21046

RE: WP-16-014 (MD Food Center Authority-
Parcel J (7600 Assateague Drive)

Dear Mr. Schnorf:

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 16.1201(n)**: Definitions: "Net Tract Area" and Section 16.1202(b)(1)(i): Applicability; Exemptions; Declaration of Intent to allow the Limit of Disturbance to serve as the Net Tract Area when determining the forest conservation easement obligation.

Approval is subject to the following conditions:

1. A revised waiver exhibit shall be submitted within two weeks of waiver approval (**on or before September 3, 2015**) which clearly shows the newly proposed parcel lines for 'J-1' and 'J-2' AND clearly depicts and labels the acreages of the proposed LODs for both projects on both Parcels 'J-1' and 'J-2' (or an exhibit showing all LODs and corresponding acreages on existing Parcel 'J', if applicable).
2. A Forest Conservation Worksheet shall be submitted within two weeks of waiver approval (**on or before September 3, 2015**) for each project proposed (building additions and improvements on Parcel 'J-2' and new building on proposed Parcel 'J-1' (or a single Worksheet may be submitted for a single, joint project occurring on existing Parcel 'J')).
3. The subdivision plat creating Parcels 'J-1' and 'J-2' shall be submitted **on or before October 4, 2015** and must be recorded PRIOR TO recordation of any required off-site FC easement plats (or if applicable, a plat of revision shall be submitted).
4. Forest Conservation obligations must be met via use of an offsite easement location or through an established forest conservation bank and/or along with a partial fee-in-lieu payment. Any and all easement plats must be recorded prior to final signature of any new SDP associated with Parcel 'J-1' or any redline associated with existing Parcel 'J-2'. Likewise, any required redline of an established forest conservation bank must be completed prior to final signature of any new SDP associated with Parcel 'J-1' or any redline associated with Parcel 'J-2'.
5. The applicant shall obtain all applicable permits (grading and building) through the Department of Inspections, Licenses and Permits.

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

Extraordinary hardships or practical difficulties:

The applicant would incur practical difficulty and unnecessary hardship if the waiver request were not approved. MCA Assateague Holding, LLC is attempting to maintain a Fast Track/Expedited schedule for the building additions and proposed new 159,987 SF building.


To use the entire property to calculate forest conservation requirements, when the proposed LODs are much smaller than the entire parcel, would be a hardship. The proposed footprints only cover a small portion of the total site and represents a relatively small disturbance footprint (most of the site has been previously developed and will be left undisturbed by this project). Should the applicant be required to address forest conservation for the entire 58.9-acre site, this would significantly increase the cost of the project, which would be a hardship. Per the applicant's justification, "the owner of the property is reducing the amount of impervious surfaces on site and is providing ESD (as required) for the LOD for both properties (future Parcels 'J-1' and 'J-2')."

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

Approval of this waiver request will not nullify the Intent of the Regulations nor be Detrimental to the Public Interest. Both projects will undergo a complete review (via red-line review and new Site Development Plan) by County and State review agencies. Approximately 8.8 acres of off-site forest mitigation will still be provided should the applicant be allowed to use the LOD as their Net Tract Area in determining Forest Conservation obligations. No new impervious surfaces are proposed (as the site has already been developed and the additions and new building would be placed on existing impervious surfaces).

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 the time period specified in the conditions of approval or as long as the applicable site development plan or grading plan or red-line 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/MD Food Center Authority parcel J 7600 Assateague Drive WP-16-014 approval 8-20-15

cc: Research
DED
Real Estate Services
ECP-15-035 file
M. Honeczy-DNR
Forest Conservation Coordinator
Vogel Engineering