



Howard County Department Of Planning And Zoning
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Valdis Lazdins, Director

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January 6, 2016

Howard County Housing Commission
c/o Thomas Carbo
6751 Columbia Gateway Dr.
3rd Floor
Columbia MD 21046

RE: WP-16-018 Burgess Mill Station II (ECP-15-067)

Dear Mr. Carbo:

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 two sections of the Subdivision and Land Development Regulations:

Section 16.116(b)(1) of the Subdivision and Land Development Regulations (Amended Fifth Edition) – Grading, removal of vegetative cover and trees, new structures, and paving shall not be permitted on land with existing steep slopes that average 25% or greater over 10 vertical feet. The applicant is requesting to grade 0.49 acres of the steep slopes.

Section 16.1205(a)(7) of the Subdivision and Land Development Regulations (Amended Fifth Edition) - On-site forest retention of 30" in diameter or larger specimen trees is considered priority for on-site retention and protection in the County. The applicant is requesting to remove one specimen tree (a 31" tulip poplar) from the subject site.

Approval is subject to the following six (6) conditions:

- 1) No additional disturbance or grading shall occur beyond the limit of disturbance (L.O.D.) of the 25% steep slopes that are detailed on the waiver plan exhibit unless it can be sufficiently demonstrated to be warranted or justified.
- 2) Enhanced management such as accelerated stabilization and redundant erosion and sediment controls will be required, per the enclosed Howard Soil Conservation District comments.
- 3) The removal of the one specimen tree will require mitigation with the planting of 2:1 replacement trees (2 total) with a minimum 3" caliper native plant species. The replacement trees shall be bonded and shown on the landscape plan with the forthcoming site development plan.
- 4) Any additional removal of specimen trees during construction activity shall require the submittal of a new waiver petition application. Any remaining specimen trees shall be saved and protected during the construction activity.

- 5) Provide a note on all future plan submittals that includes this waiver's file number, the sections waived, the waiver decision, the date of the decision and all conditions of approval.
- 6) Compliance with the attached DED comments.

Justification for Recommendation

Section 16.116(b)(1)

This property was originally developed within existing steep slopes. The proposed grading of the existing steep slopes is a function of the demolition of the two existing buildings and parking, the construction of the new building (Building #2), connection to the public sewer main, construction of the retaining wall, parking and a bio-retention facility. The petitioner is requesting to grade 0.49 acres of the 0.88 acres of the 25% or greater steep slopes. This proposed grading of these steep slopes is considered to be a necessity to improve this site and to stabilize it for redevelopment. There are two separate areas where the grading of the 25% steep slopes shall occur. Area #1 (as depicted on the waiver exhibit) highlights where 0.29 acres of steep slopes shall be graded. This area will require these steep slopes to be graded to accommodate the proposed sidewalk and storm drain improvements, bio-retention facilities and the removal of a portion of the existing parking lot. Area #2 (as depicted on the waiver exhibit) also highlights where 0.19 acres of steep slopes shall be graded. This area is where the connection to the public sewer main shall occur, the construction of a new building, a retaining wall and new parking. Without the approval of this waiver, the petitioner shall endure a hardship of connecting to the sewer main, providing sidewalk and storm drain improvements, and stormwater management facilities.

There are no other alternative proposals. This waiver will help to facilitate the redevelopment of this property by improving an existing residential apartment community with a group of new residential apartment buildings, parking, and the necessary infrastructure to make the site more functional and complete. In order for the petitioner to improve the physical quality of this community, the proposed grading to the steep slopes is necessary.

Approval of the waiver request will not alter the essential character of the community and will not substantially impair the appropriate use or development of the surrounding properties, since the subject property is properly zoned for the uses. Furthermore, the grading of the steep slopes shall improve the physical quality of the subject property by stabilizing the site with retaining walls and improved grades that will sustain the soil integrity and result in a more efficient discharge of drainage from the site.

Approval of this waiver request will not nullify the intent or purpose of the regulations. As stated previously, the grading of the steep slopes shall improve the physical quality of the subject property by stabilizing the site for the proposed site improvements. The regulations shall be served to a greater extent due to the fact that the requested grading of the steep slopes are deemed essential to facilitate the proposed upgrades to the property with more modern housing and infrastructure improvements.

Section 16.1205(a)(7)

The petitioner has provided justification regarding the challenges encountered in designing this subdivision without damaging the specimen tree – a 31” tulip poplar. This tree is located at the top of the existing slope in close proximity to the proposed bio-retention facility and storm drain outfall. The removal of this tree is considered essential, based on its location within the limits of disturbance for the proposed site improvements.

Approval of the waiver request will not alter the essential character of the community and will not substantially impair the appropriate use or development of the surrounding properties, since the one specimen tree is located where intense improvements of this proposed development shall occur.

Approval of this waiver request will not nullify the intent or purpose of the regulations since the primary purpose of the project is to redevelop the property with new residential apartment buildings. The loss of the 1 specimen tree shall be mitigated by the planting of two additional trees to be included as part of the landscape plan.

* Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date of approval on the forthcoming site development plan. **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 Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj
enc: DED, SCD
cc: Research
DED
SCD
Vogel Engineering