



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

January 21, 2016

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

RE: WP-16-085 ("The Vine" Buch Apartments)
(associated with SDP-15-044 "Buch Apartments"- "The Vine")

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).

Approval is subject to the following conditions:

1. A revised waiver exhibit (which is also serving as the FSD Plan Sheet for the impacted area for the emergency access) **shall be submitted within 2 weeks of waiver approval (on or before February 4, 2016)** and will address the following information:
 - Provide a Table on the FSD/waiver exhibit which includes acreage amounts for all environmental features contained within the LOD. If none exist, please indicate 0.00 acres for each different feature.
 - Provide ALL required FSD notes on the FSD/waiver exhibit. Use all notes that were shown on the FSD Plan Sheet for ECP-15-018 as a guide.
 - Provide a Forest Stand Data Chart (0.24 acres), a Wetland Data Chart (if applicable) and a Soils Chart for the entire area dedicated to the access road.
 - Depict and label any and all floodplain, streams, stream buffers, wetlands, wetland buffers and steep slopes (greater than 25%) on the FSD/waiver exhibit.
 - An ORIGINAL signature from John Canoles must also be provided on the FSD/waiver exhibit.
 - Provide a Vicinity Map on the FSD/waiver exhibit that reflects the requirements of FSD Checklist 1R.
 - Provide watershed and DNR listing number on the FSD.
2. A revised and completed FC Worksheet (containing ALL letters 'A'-'R'), indicating amount of proposed clearing and reforestation/afforestation obligation **shall be submitted within 2 weeks of waiver approval (on or before February 4, 2016)**.
3. Waiver approval is limited to the removal of specimen trees #4, #5, #6 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.
4. A minimum of 6 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.

5. 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 #1, Specimen Tree #2 and Specimen Tree #3, 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 SDP-15-044 ("The Vine"-Buch apartments).
6. The petitioner shall remove the existing chain link security fence (located inside the property line of Parcel 288). This security fencing shall be relocated to the property line (as shown on the waiver exhibit) and shall be of the same fencing material as the existing fencing located within the Police Station parking lot.
7. SDP-15-044 ("The Vine"-Buch apartments) shall be amended (via Direct Submission) per the conditions set forth above. A forest conservation fee-in-lieu shall be provided with the submission of SDP-15-044 mylars.

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

Extraordinary hardships or practical difficulties:

The location of the Buch property and the restrictions of the PEPCO and SHA right-of-way restrictions significantly reduce the ability to pursue alternative designs and other means of emergency access. This particular situation is considered a "practical difficulty". Alternative locations for the emergency access were pursued but failed to result in a suitable agreement.

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 outside the LOD of the emergency access on Parcel 288. Three other specimen trees which are in the vicinity of the proposed improvements will be retained. The balance of the wooded resources on the County's property will not be affected. The three specimen trees to be removed are not adjacent to existing residential properties and therefore will not alter the essential character of the neighborhood nor will their removal impair the appropriate use or development of the surrounding open space, businesses or any residential properties.

The public will benefit from the improvement of the public water main network and the emergency access will benefit future residents of the apartment complex by providing an alternative to emergency personnel (fire and police) should an accident or other catastrophic event would occur. The requested security fence improvements will benefit the Police Department and help maintain public safety.

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 this 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/RIM/Buch Apartments The Vine WP-16-085 approved 1-21-16

cc: Research
DED
Real Estate Services
Vogel Engineering
Forest Conservation Coordinator
Marion Honeczy-DNR
SDP-15-044 file