



Howard County Department Of Planning And Zoning

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Valdis Lazdins, Director

www.howardcountymd.gov

FAX 410-313-3467

TDD 410-313-2323

February 10, 2016

Howard County Housing Commission
attn: Thomas P. Carbo
6751 Columbia Gateway Dr., 3rd Fl.
Columbia MD 21046

RE: **WP-16-091 Burgess Mill Station II** (SDP-16-016)

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 section of the Subdivision and Land Development Regulations:

Section 16.121(a)(4) of the Subdivision and Land Development Regulations (Amended Fifth Edition) - A portion of the open space which is accessible and usable for recreation shall be provided (*recreational open space amenities to be located on the property for which it is required*). The developer is requesting to share the open space recreational amenities between Burgess Mill Phase I and Burgess Mill Station Phase II to satisfy such requirements for Burgess Mill Station Phase II – a proposed 60 unit apartment project.

Approval is subject to the following three (3) conditions:

- 1) A redline revision must be made to the Site Data chart on sheet 1 of SDP-11-051 (the Hilltop Redevelopment-Phase 1 plan) to reflect the correct square footage of recreational open space provided to eliminate the on-site nature trail (2,010 square feet).
- 2) The amount of credited amenity recreational area must remain at 15,340 square feet for Phase 1 and at 6,513 square feet for Phase 2. Should there be a loss of credited amenity recreational area, the property owner must replace the loss within either Phase 1 or Phase 2 or file a new waiver petition.
- 3) Provide a note on SDP-16-016 that includes this waiver's file number, the section waived, the waiver decision, the date of the decision and conditions of approval.

Justification for Recommendation

The petitioner is seeking to share the recreational open space area between Phase I and Phase II of the Burgess Mill apartment developments to fulfill the required recreational open space for Phase II. Phase II requires a total of 24,000 square feet of recreational open space, per Section 16.121(a)(4)(vi) for the 60 proposed apartments. However, due to site constraints, the required parking and other structural requirements to redevelop the subject site, there is not an ample amount of land area for Phase II to meet the 24,000 square feet of recreational amenity area. The petitioner/developer is proposing to provide a total of 2,039 square feet of amenity area for Phase II. However, Phase I has been developed with a major recreational amenity (a community and recreation center), an outdoor playground and basketball court and an indoor/outdoor area for swimming and related activities. Phases I and II will be physically connected by an existing sidewalk that provides a pedestrian link at the Fels Lane and Ellicott Mills Drive intersection to the Roger Carter Community Center of Phase I at Milltowne Drive.

There are no other alternative proposals to provide the amenity recreational area since the site is physically constrained with undevelopable environmentally sensitive area and the necessity for the required parking for the apartment units. In order for the petitioner to improve the physical quality and utility of this community, the sharing of recreational amenity area between Phase I and II would be most practical for this redevelopment.

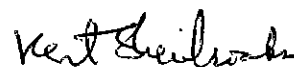
Approval of the waiver request will not alter the essential character of the community and will not substantially impair the appropriate use or development of the surrounding properties, since there is an existing neighboring community (Phase I) that provides indoor and outdoor recreational opportunities to the residents of Phase II. Furthermore, a tot lot with benches, playground equipment and a picnic area with a grill station and tables are being proposed within Phase II (SDP-16-016).

Approval of this waiver request will not nullify the intent or purpose of the regulations. As stated previously, indoor and outdoor recreational amenity areas have been provided off site at the neighboring Burgess Mill Station (Phase I) that shall provide residents of Phase II with recreational opportunities.

* Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date of approval/denial on all forthcoming plans. **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
cc: Research
DED
Vogel Engineering
File: SDP-16-016