



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

February 17, 2016

**LETTER BEING RE-SENT:
CONDITION #2 HAS BEEN AMENDED
TO REFLECT CORRECT LOD**

Emerson Development IV, LLC
One Texas Station Court, Suite 200
Timonium, MD. 21093
ATTN: James F. Knott, Jr.

RE: WP-16-095 (Emerson Campus VCP)

Dear Mr. Knott:

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 16.155(a)(1)(i) Applicability** which requires a Site Development Plan (SDP) for any new or expanded nonresidential development, including commercial, industrial, institutional and utility development, plus public buildings, schools and other public facilities, but excluding road, water, sewer or drainage improvements and development associated with a use permit approved by the Department in accordance with Section 128 of the Zoning Regulations; and waiver to **Section 16.123 Grading, Soils and Sediment Control** which states that no person shall grade, strip, excavate or fill land without first having obtained approval of the Department of Inspections, Licenses and Permits and grading shall be done in accordance with erosion and sediment control plans approved as part of an approved Site Development Plan.

Approval is subject to the following conditions:

1. Approval from the Howard Soil Conservation District and the Department of Inspections, Licenses and Permits is required for the associated grading plan prior to the issuance of any required permits.
2. The limit of disturbance is restricted to **4.12** acres as shown on SDP-16-005 (included as the waiver exhibit).
3. The waiver approval is limited to mass grading within the LOD only. No construction of any structure may begin prior to signature approval of the SDP.
4. The public water plans are approved prior to approval of SDP-16-005.
5. All required easement plats are submitted, reviewed, approved and recorded prior to signature of SDP-16-005.
6. All required developer agreements associated with SDP-16-005 and/or public water plans are executed prior to signature of SDP-16-005.

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

Justification for Recommendation:

The applicant would incur practical difficulty and unnecessary hardship if the waiver request were not approved. Per the applicant's justification, "Emerson Development IV, LLC has a scheduled timeline to construct the Vehicle Control Point (VCP) security improvements which will allow their tenant (the Federal Government) to meet their scheduled occupancy demands" and therefore "time is of the essence thus necessitating every available construction day afforded through the issuance of a mass grading permit".


The Intent of the Regulations will be served to a greater extent by approving this waiver request. The preliminary grading would not impact schools or other public facilities. Forest Conservation and landscaping have been addressed in a previous plan (F-02-111). In addition, a grading permit would be processed through the Howard Soil Conservation District. Per the applicant's justification "the Vehicle Control Point is complex and is long in duration and the logistics of moving over 1,000 Federal Government employees to the Emerson Corporate Commons secure facilities will be difficult and allowance of a mass grading permit (before the finalization of the overall SDP) will maximize the days of allowed construction as well as allowing the occupancy to occur as scheduled."

Issuance of a mass grading permit will not detract from the health, safety or welfare of the public. The activities will be limited to those permitted under the mass grading permit and required sediment control measures will be in place to protect the environment and the public interest. Per the justification, the mass grading permit would "help to protect the interest of up to 1,000 federal employees, will protect the interest of the general public for the national security services those employees will provide, and will protect the interests of the contractors and subcontractors that will be used for the relocation of those 1,000 employees."

If granted, the approved waiver request will not alter the Essential Character of the surrounding neighborhood (an already developed site which is part of a larger development) nor will it impair the appropriate use of the surrounding properties. The granting of the waiver would simply allow for grading to begin on site-a Site Development Plan is still required and will be processed, with associated Developer's Agreements.

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 2016/Emerson Campus VCP WP-16-095 for Val

cc: Research
DED
DILP
SCD
Real Estate Services
Zoning-Geoff Goins and Annette Merson-Sacks
SDP-16-005 file
jburch@knottrealty.com and cbeall@dmw.com