



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

June 20, 2016

Mr. Walter Lynch
1058 Thomas Jefferson Street, NW
Washington, DC 20007

Dear Mr. Lynch:

RE: WP-16-136, Laurel Park Station (P-11-004, SDP-15-043, and SDP-15-063)

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 16.120(b)(4)(iii)d** which prohibits residential condominium units and rental apartments within 15 feet of the protected environmental feature buffer. **Section 16.120(c) (1)** which requires all commercial, industrial or apartment parcels or lots shall have a minimum frontage of 60 feet on a public road. **Section 16.120(b)(12)** which requires off-street parking within 200 feet from the main entrance of an apartment building or the midpoint of a group of single-family attached units.

Approval is subject to the following conditions:

1. Compliance with Subdivision Review Committee comments issued for Site Developments Plans, SDP-15-043 and SDP-15-063.
2. On all future subdivision plans and site development plans, provide a brief description of waiver petition, WP-16-136, as a general note to include requests, sections of the regulations, action and date.
3. Approval of any State of Maryland permits required for the environmental disturbances. The MDE tracking permit number must be shown as a general note on the final plan and site development plans.
4. Compliance with all deadlines as established in the most recent approved APFO phasing chart schedule.
5. Approval for a waiver to Section 16. 120(b)(4)(iii)d authorizes disturbances into the 15-foot environmental setback as depicted on the waiver petition plan exhibit dated May 13, 2016. No additional activities within the 15' residential environmental setback are authorized by approval of this waiver, unless it can be demonstrated at the Site Development Plan stage to be justified.
6. Signage and markings for guest and commercial use parking should be provided by the developer or some other alternate method to ensure adequate parking for the different uses (2 over 2's, apartment units and commercial tenants).
7. A Memorandum of Understanding will be prepared which allows public access to the TOD site, (private roads, parking garages, transit stops and MARC station).

8. The property management company that manages the Laurel Park Station” property will need to monitor and regulate the parking situation on the property. Parking spaces will need to be assigned to specific residence types and uses. Signage or space numbering will need to be provided to regulate parking for both the residential and commercial elements. A note shall be added to the general notes on the Site Development Plans stating this on the updated plans. The owner or management company for this project shall manage and monitor the on-site parking on a regular basis and respond to any parking inadequacies immediately should any parking problems arise in the future.

Our decision was made based on the following:

Extraordinary hardship or practical difficulties which may result from strict compliance with the Regulations.

The waiver petition requires that the applicant demonstrate that extraordinary hardships or practical difficulties may result from strict compliance with the regulations or that the regulations may be served to a greater extent by an alternative proposal. The applicant has demonstrated that through the waiver petition exhibit that all required parking for Buildings 1-4 (SDP-15-043) will be provided within 200’ of the main entrance of each building. However, guest parking will be provided in various locations. For Units 1-64, parking spaces are located within the parking lots for Buildings 1 and 2 or in the parallel spaces provided in the front of Units 41-56. The guest parking for Units 65-156 is provided in the parking lots for Buildings 3 and 4. The most remote Units (65/66 and 115/116) are located approximately 400 feet from the designated guest parking spaces. The units are all connected by convenient sidewalks to the guest parking spaces. Considering that this project is transit oriented development and is an urban format, the additional walking distance for guests to certain units is appropriate. Future sections of Laurel Park Station will include additional parking within the structured garages.

The project has been redesigned several times. Because the developer’s road network does not comply with the Design Manual standards, the County and developer agreed that the site would be better served by private roads. Given this agreement, it would be impossible for the developer to provide public road frontage for the parcels within the subdivision. Allowing the parcels to have frontage on private roads instead of fee-simple frontage on a public road will facilitate the character, functionality and streetscape aesthetics of a Transit Oriented Development. In addition, the County will not be responsible for road maintenance and trash pick-up.

Prior waiver petitions were approved which would allow the developer to fill the wetlands and their buffers, thus eliminating the need for the environmental setback. However, the Maryland Department of the Environment (MDE) determined the non-tidal wetlands could not be disturbed. This decision now requires the 15’ environmental residential unit setback from the 25’ wetlands buffer for the construction of Buildings A and B. Allowing the encroachment into the 15’ environmental setback will still provide protection to the stream and wetlands because the developer has reduced the disturbances from those approved under the Sketch and Preliminary Plans. All environmental disturbances now have approval from MDE.

Not Detrimental to the Public Interest - Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding properties.

The waiver to public road frontage will not be detrimental to the public since the roads will not be maintained by the County. In addition, the private roads will allow for a better design of the TOD site. In addition, a Memorandum of Understanding will be executed between the developer and the County to ensure public access to the site including the MARC station.

The developer has demonstrated that the parking that will serve the residents will be in close proximity to their residences. Only guest parking will be located at a further distance away. However, as the TOD site is developed, various garages will be constructed and will be available for anyone to use.

The wetland disturbances have been approved by MDE. Under the latest site design, the encroachment to the wetland and its buffer has been significantly reduced; thus requiring a lesser impact into the 15’ environmental setback area. In

addition, the granting of the prior waiver petition for the disturbance to the intermittent stream, wetland and buffers would have a favorable impact to the adjacent properties. The stream, which is in poor quality, was created from uncontrolled storm drain discharge from the adjacent mobile home park. The construction of the new storm drain system is needed to reduce upstream drainage concerns, flooding and erosion potential. By adding the residential component to the building, the 15' environmental setback is now required. However, within the construction of the new storm drainage system, the upstream drainage concerns and flooding will be resolved.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of this waiver request will not nullify the intent or purpose of the regulations since the residential units have the required number of residential parking within 200 feet of the main entrance of the building or at the midpoint of the group of single-family attached dwellings. Although, guest parking for certain units are not located within the 200 feet as required by the Subdivision Regulations, closer spaces will be provided as the overall site is developed. In addition, signage will be provided for the stacked townhouses guest parking spaces to avoid confusion for other users.

Since the site will be served by private roads, the developer will be responsible for its maintenance. Therefore, the need for the parcels to have frontage on a public road is not as important. In addition, the developer and the County will enter into a Memorandum of Understanding so that the public will have access to the site including the MARC station and transit stops.

Approval of this waiver request will not nullify the intent or purpose of the regulations since a prior waiver petition granted disturbance of an intermittent stream, wetland and their buffers. The stream, in poor quality, is created from uncontrolled storm drain discharge from the adjacent mobile home park. The construction of the new storm drainage system will have an overall favorable impact to the development and the surrounding community. Since the developer changed the building product to a residential component within the area of the site, the 15' environmental setback is now required. The prior waiver petition granted disturbance within the stream, wetlands and their buffers, allowing the minor encroachment into the 15' environmental setback will not have an impact on the environmental features. As justified in the prior waiver petition, the intent of the Regulations will be served through their alternative proposal (construction of the new storm drainage system).

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 subdivision/site development plan remains in active processing.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/bl

cc: Research
DED
Real Estate Services
Vogel Engineering
P-11-004
SDP-15-043
SDP-15-063