



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

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March 30, 2017

DCT Industrial
12011 Guilford Road, Suite 102
Annapolis Junction, MD 20701

RE: WP-17-087, Terrapin Commerce Center – Building B
(SDP-17-037)

Dear Applicant:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of **Section 16.1205(a)(7) On-Site Forest Retention** which requires that State champion trees, trees 75% of the diameter of state champion trees, and trees 30" in diameter or larger are considered priority for on-site retention and protection in the County. This alternative compliance request will allow for the removal of 9 of 10 specimen trees for the proposed development as shown on the alternative compliance exhibit as Specimen Tree numbers 1, 2, 3, 4, 6, 7, 8, 9, and 10.

Approval is subject to the following conditions:

1. Compliance with all SRC Agency comments generated with the review of the submitted Site Development Plan, SDP-17-037.
2. Eighteen (18) 2.5"-3" caliper, native shade trees shall be provided as mitigation for the removal of the 9 specimen trees from the property. Surety for the mitigation trees shall be added to the landscape surety with the Site Development Plan, SDP-17-037.
3. Include the alternative compliance request number, description, and decision on all associated plans, plats, and any future site plans.

Our decision was made based on the following:

Self-Created Hardship:

The applicant would have experienced hardship and practical difficulty with the development of the property through strict compliance with the regulations. The proposed warehouse structure with its accompanying shipping and receiving dock will require a significant amount of grading to create a relatively flat area. Based on the location of the proposed development and the special requirements there is no practical alternative design for the development. The development for the proposed property is a small industrial building and necessary truck circulation. The property was designed to the minimum extent before becoming economically unfeasible. The locations of the trees within the property boundaries make strict compliance with the regulations unattainable.

Implementation of Alternative Proposal:

The intent of the regulations is to protect existing trees 30" in diameter or larger as they are considered priority for on-site retention and protection in the County. The intent of the regulations would be better served through the implementation of an alternative proposal and approval of the alternative compliance

request. Alternatively, eighteen (18) new shade trees will be planted as mitigation for the removed specimen trees. The mitigation plantings will be in addition to the landscape plantings currently required per the Howard County Landscape Manual.

Detrimental to the Public Interests:

Approval of the alternative compliance request would not be detrimental to the public interest. The applicant is attempting to develop the property in a safe and orderly manner while meeting required setbacks, stormwater management, and protection of stream buffer and floodplain areas. In doing so, however removal of nine (9) specimen trees for construction of the industrial building and truck circulation area is necessary. The location of the specimen trees spread out within the property make preserving them not possible with the building and infrastructure. Removal of the specimen trees and planting additional landscape shade trees would better serve this subdivision and provides a better solution.

Nullifies the Intent or Purpose of the Regulations:

Approval of the alternative compliance request would not nullify the intent of the regulations. The regulations allow for the removal of specimen trees with County approval. The intent of the regulations is to retain specimen trees unless their retention is not practicable within the context of the site development. Given that the layout of the project was designed with the smallest fiscally viable building possible and the location of the trees within the property, removal of the nine (9) trees would not be a nullification of the intent of the regulations. The removal of the specimen trees is necessary for the successful and practical construction of the proposed building, vehicular access, and infrastructure.

Indicate this alternative compliance 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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Nicholas Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services
Pennoni
Forest Conservation Coordinator
Marian Honeczy, DNR
SDP-17-037