



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

May 16, 2017

Columbia Association
6310 Hillside Court, Suite 100
Columbia, MD 21046

RE: WP-17-110, Town Center Lake Kittamaqundi

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 16.115(c)(2), Prohibitions on Use of Floodplain Land**, which specifies that no clearing, excavating, filling, altering drainage, or impervious paving, may occur on land located in a floodplain unless required or authorized by the Department of Planning and Zoning upon the advice of the Department of Inspections, Licenses and Permits, the Department of Public Works, the Department of Recreation and Parks, the Soil Conservation District, or the Maryland Department of the Environment. The Planning Director also **approved** your request for an alternative compliance of **Section 16.116(a)(2)(iii), Streams and Wetlands**, which specifies that no grading, removal of vegetative cover and trees, paving, and new structures shall not be permitted within one hundred feet of a perennial stream bank for Use III and IV streams. The alternative compliance request will allow the installation of five Poster Tree art sculptures within the Kennedy Gardens adjacent to Lake Kittamaqundi.

Approval is subject to the following conditions:

1. All grading and clearing shall be minimized to the extent required to install the 5 proposed tree sculptures. Any disturbed areas must be returned to the existing grade, and stabilized as appropriate.
2. The petitioner shall obtain state and federal authorization of regulated activities, if applicable.
3. The petitioner shall obtain all required permits from the Howard County Department of Inspections, Licenses and Permits.
4. Include the alternative compliance request number, description, and decision on all associated plans, and permits.

Our decision was made based on the following:

Self-Created Hardship:

The applicant would have experienced hardship and practical difficulties with the development of the property through strict compliance with the regulations. The proposed Poster Tree art sculptures will be located within the Kennedy Gardens which are completely enclosed within the 100-year floodplain and stream buffer area of the Little Patuxent River with no feasible alternative to their placement. Floodplain and stream buffer impacts were unavoidable as the gardens are located within a narrow isthmus between Lake Kittamaqundi and the Little Patuxent River.

Implementation of Alternative Proposal:

The intent of the regulations is to protect the floodplain and environmental areas from development. The proposed Poster Trees were designed and created to enhance the Kennedy Gardens and to create more of a public focal point. The proposed disturbances to the floodplain and stream buffer areas would be minimal, only be temporary, and would involve the area being restored upon completion of the project. Any material excavated for the structural footings would be removed and properly disposed of, in place of being spread out within the floodplain area.

Detrimental to the Public Interests:

Allowing the proposed Poster Trees would not have been detrimental to the public interest as the improvements would provide enhancements to the existing Kennedy Gardens and increase the public interest to the area. The proposed floodplain and stream buffer impacts would be minimal, and would involve restoration of the area upon completion of the structures installation. There would be no electrical connections made with this project nor changes to the flood capacity or to the land elevations of the project area.

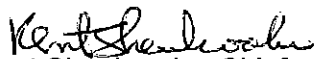
Nullifies the Intent or Purpose of the Regulations:

The intent of the regulations is to preserve and protect floodplain areas. The proposed floodplain and stream buffer impacts would only be temporary to facilitate the installation of the Poster Tree sculptures. Upon completion of the project the disturbed area would be restored to its previous condition. All applicable County and State regulations would still be met for this site, including, sediment control, and floodplain permitting.

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 grading or building permit 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