



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Ellicott City, Maryland 21043

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Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

December 18, 2018

Legacy Investment, LLC
2661 Riva Road, Suite 300
Annapolis MD 21401

RE: **WP-19-039 Brightview Columbia**
(F-19-037, SDP-19-032)

Dear Legacy Investment:

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 **Sections 16.1205(a)(7) and 16.120(c)(1)**.

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

1. The removal of the two (2) specimen trees (Black Cherry) will require mitigation with the planting of 2:1 replacement trees (4 total) with a minimum 3" caliper native plant species as part of this subdivision's landscaping plan. Surety for the four shade trees will be incorporated into the landscape surety with the site development plan.
2. The parcel for where the existing Athol Manor house (to be used as an art gallery, meeting space and offices) may be created without public road frontage, provided that a 24' wide (minimum) use-in-common access easement is established and recorded between the owner of the Brightview Columbia parcel and the Athol Manor parcel.
3. Provide a note on the final subdivision plat and site development plans regarding this alternative compliance petition approval. This note shall include the regulation sections petitioned, the date of the alternative compliance approval, and the conditions of approval.

Our decision was made based on the following:

Section 16.1205(a)(7) – Removal of Specimen Trees

The petitioner has provided justification regarding the challenges and difficulties involved in saving the two specimen trees (32" Black Cherry), Specimen Tree #2 and #3. These two trees are located within the proximity where site improvements are proposed for the Brightview senior living facility.

Specimen Trees #2 and #3 are in poor condition with broken limbs and trunk damage. Preserving these two trees would be difficult due to their location in relation to the developed portion of the site. The alternative compliance exhibit details the location of the two trees in relation to the proposed site development of the property.

The approval of this alternative compliance petition will not nullify the intent or purpose of the Regulations. Given the proximity of the two Cherry trees to where site development shall occur, the retention of these two trees would not be practicable.

Plan review staff located the marked specimen trees on a site visit made on December 3, 2018 and concurs with the specimen tree assessment provided in this alternative compliance justification statement. There were no objections of this request from County review offices.

Section 16.120(c)(1) – Minimum Frontage

The current configuration of the entire Athol Manor property is comprised of three deeded parcels: Parcels 4, 108 and 495. Parcel 495 is a landlocked parcel; it has no public road frontage and fee-simple access to Martin Road. The Athol Manor house is currently situated on Parcel 495. The petitioner is proposing to adjust the three existing deeded parcels by a plat to allow the proposed senior living facility (Brightview Columbia), the existing Athol Manor house and the environmental resources to be on separate parcels. This parcel adjustment would again leave the Athol Manor house parcel without fee-simple frontage. The petitioner states that, "since the Brightview Columbia senior living project will provide parking along the front of the building, establishing a fee-simple access to Martin Road for the Athol Manor house would require a non-conventional lot line shape and will serve minimal purpose." The petitioner has demonstrated that legal access to and from the Athol Manor house can be secured through the site design related to the Brightview Columbia project and the establishment of a use-in-common access easement. In addition, the site design and development for this project was approved by the Zoning Board during the re-zoning case (ZB-1115m) to rezone this property from R-12 to CEF-M. The Zoning Board and this Department has no object to the site design and development proposed for these parcels and, therefore, supports this petition to waive the minimum frontage requirement for the newly proposed parcel for the Athol Manor house.

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 Derrick Jones at (410) 313-2350 or email at djones@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj

cc:

Research

DED

Brightview Columbia, LLC

Benchmark Engineering