



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Voice/Relay

Valdis Lazdins, Director

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April 29, 2019

Chetan Mehta
5192 Talbots Landing
Ellicott City, MD 21046

RE: WP-19-086, Elkridge Crossing II

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 16.116(a)(2)(i) Streams and Wetlands** and **Section 16.116(b)(1) Steep Slopes**. The applicant is requesting this alternative compliance request for the disturbance of the existing 25% steep slopes and removal of the existing stream to allow development of the mixed-use property as originally approved and intended under S-04-011 when the project began development.

Approval is subject to the following conditions:

1. Compliance with all applicable County and State Regulations and obtain all necessary permits prior to initiating construction on site.
2. The alternative compliance file number, requested sections, decision date and conditions of approval shall be indicated on the final plans and site development plans as a general note.
3. The applicant shall obtain all required authorization and permits from the Maryland Department of the Environment and the U.S. Army Corps of Engineers for disturbance within wetlands, wetland buffers, stream, stream buffer, and 100-year floodplain. Reference all required MDE and/or USACOE permits or tracking numbers on all associated plans and building or grading permits.
4. Disturbance to the 25% and greater steep slopes shall be limited to the extent of necessary disturbance shown on the alternative compliance exhibit with the construction of retaining walls.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The property is designated as a Growth and Revitalization place type in PlanHoward2030. The applicant would have incurred practical difficulties and unnecessary hardships if the alternative compliance request was not approved. Strict compliance with development regulations creates practical difficulties and does not permit the development to be implemented as proposed. The identified environmental features, which have resulted from previous construction activity on the property, make reasonable development extremely difficult. A stream and related buffers result from temporary, mass site grading, soil storage, and a temporary sediment control pond – done

as part of the first phase of the Elkridge Crossing development. The MDE has concurred with this assessment and approved disturbances and/or removal of these features as part of a formal application request by the applicant.

The same is the case for steep slopes, which result from previous development activity on the site; including the former Elkridge Drive-in movie theater and the initial phases of the Elkridge Crossing development. To not allow the site to now be regraded constitutes both a practical difficulty and an unnecessary hardship.

Alternative Proposal:

Alternatively, approval of this alternative compliance request would allow the proposed development to proceed forward. Allowing the alternative compliance to proceed forward will serve the intent of the regulations to a better extent by allowing proper grading and stabilization practices within an area where temporary grading measures currently exist. The steep slopes that occur within the limits of disturbance are man-made from the limits of disturbance with SDP-04-017 or the Elkridge Drive-in. Agreement with the request for alternative compliance would serve the regulations to a greater extent by allowing the previously disturbed area to be properly graded and stabilized that will promote the health, safety, and general welfare of the surrounding community.

Not Detrimental to the Public Interest:

Approval of this alternative compliance request would not be detrimental to the public interest as the existence of the stream and its associated buffers is a consequence of a delay due to changing market conditions not anticipated when the development began in 2004. Removal of the existing stream will allow proper grading and stabilization practices within an area where temporary grading measures currently exist. The ability to execute the proposed design will provide planned environmental safeguards and permanent stabilization measures that will create a new community over the neglected parcel of land. The MDE implicitly concurs since they have approved the application to disturb/remove the affected stream.

Will not Nullify the Intent or Purpose of the Regulations:

The intent of the regulations would not be nullified by the approval of the alternative compliance request. The existing stream and steep slopes were the result of previous earth work, temporary drainage practices, and development on the property. The existence of the stream and its associated buffers is a consequence of a failure to proceed with the planned development in 2004 with permanent storm water management devices. The stream removal will allow proper grading and stabilization practices within an area where temporary grading measures currently exist per the regulations. Alternative compliance approval will allow the developer to execute the proposed design to provide planned environmental safeguards and permanent stabilization measures to the property in accordance with the regulations and complete the Elkridge Crossing community.

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
FCC
SP-19-005