



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

FAX 410-313-3467

December 19, 2019

Towery Properties, LLC
attn: Lee Lightner, Managing Member
800 Geipe Road
Catonsville MD 21228

RE: **WP-20-052 Giant Food Distribution Center** (SDP-20-019)

Dear Mr. Lightner:

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)(1)** – the disturbance of a wetland area associated with site development plan, SDP-20-019.

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

1. Compliance with SRC comments for SDP-20-019 for the proposed site development of the storage area and associated proposed improvements.
2. The required MDE permits for wetland disturbance must be granted prior the signature approval of SDP-20-019 and note regarding these permits must be included on the SDP.
3. Provide a note on the SDP-20-019 and the final plat regarding this alternative compliance petition approval. This note shall include the Regulation section requested, the date of the alternative compliance approval, and the conditions of approval.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulties

The petitioner is requesting to disturb a small, isolated wetland area near the northern edge of Parcel 19. This wetland area has been delineated on a plan exhibit and consists of two small isolated pockets that do not have a surface tributary connection to jurisdictional waters of the U.S. The petitioner states that "Parcel 19 had been significantly disturbed over the past 25 years and, over that period, the property had contained a large building, a storage yard, and several smaller buildings, thus validating that this area has undergone disturbance in the past which has resulted in soil compacting due to these activities". The petitioner's land consultants and engineers need the subject location to expand their existing operations. Due to the unique shape of the lot and required setbacks, the area available for necessary truck storage is limited. This reduced footprint results in a practical difficulty to strict compliance of the regulations. The minor encroachment allows for adequate storage of vehicles and does not result in adverse impacts to environmental resources.

Implementation of the Alternative Proposal

The petitioner's justification references that within the context of the Subdivision/Land Development Regulations and the Zoning Regulations, the proposed plan pertains to the M-2 zone and it the best overall proposal, notwithstanding the loss of a small area of isolated wetlands.

Not Detrimental to the Public Interest

The wetlands proposed for disturbance appear to be the result of previous developed/disturbed areas which are poorly graded and poorly drain. Further, the isolated wetlands are not connected to an ecological system that provides habitation for wildlife. The petitioner proposes the use of a sub-merged gravel wetland stormwater management facility, which will be larger than the wetland area that is proposed to be disturbed and, therefore, will function to manage runoff.

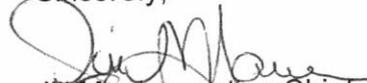
Not Nullify the Intent of the Regulations

The intent of the regulations shall not be nullified by this request since these isolated, man-made wetlands are not part of an ecological system. The petitioner has received a letter of authorization, dated October 1, 2019, from the Maryland Department of the Environment to conduct regulated activity in the wetland area and its buffer in accordance with the development plan filed as SDP-20-019, titled "Giant Distribution Center".

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 the 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,



Jill Manion, acting Chief
Division of Land Development

JM/dj

cc: Research
DED
GLW – Todd Reddan
File: SDP-20-019