



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Amy Gowan, Director

FAX 410-313-3467

January 19, 2021

Tom Pilon
Lisbon Center, LLC
2560 Lord Baltimore Drive
Baltimore, MD 21244

RE: WP-21-022, Route 94 Business Center

Dear Mr. Pilon:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On December 16, 2020 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Recreation and Parks and Administrator of the Office of Community Sustainability considered and **approved** your request for a variance with respect to **Section 16.1201(v)** of the Subdivision and Land Development Regulations to use the Limit of Disturbance as the net tract area to determine forest conservation requirements for a previously developed property outside the Priority Funding Area. Please see the attached Final Decision Action Report for more information.

Approval of this Alternative Compliance is subject to the following conditions:

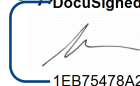
1. Either a new SDP or a redline to an existing SDP will be required the proposed changes to the pad site. Add a note identifying the alternative compliance file number, date of approval, and condition of approval. Identify the Net Tract Area as the .26 acres.
2. Add the forest conservation chart to the site development plan.
3. Plant four (4) native species 2" caliper shade trees on Parcel 82 (either at pad site or elsewhere on the property). Submit a revised exhibit identifying the location of the mitigation trees. In addition, identify the location of these trees on the future redline/SDP, and place a note on both the revised exhibit and the future plan to describe the purpose of the trees as mitigation to use the Net Tract Area to calculate forest conservation requirements for the project in accordance with WP-21-022.

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 Jill Manion at (410) 313-2350 or email at jmanion@howardcountymd.gov.

Sincerely,

DocuSigned by:



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Anthony Cataldo, AICP, Chief
Division of Land Development

AC/JAM

cc: Research
DED
DLD - Julia Sauer
Real Estate Services
Marian Honeczy- DNR
Nicholas Brader – NJB Engineering

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ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF RECREATION AND PARKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-21-022 Route 94 Business Center**
Request for a variance to Section 16.1201(v) of the Subdivision and Land Development Regulations.

Applicant: **Lisbon Center, LLC**
2560 Lord Baltimore Drive
Baltimore, MD 21244
Contact: Tom Pilon

Pursuant to Section 16.1216, the Director of the Department of Planning Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for a variance with respect to **Section 16.1201(v)** of the Forest Conservation Regulations. The purpose is to use the 0.26-acre Limit of Disturbance as the Net Tract Area. The Directors deliberated the application in a meeting on or about December 17, 2020.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in an unwarranted hardship. This determination is made with consideration of the alternative compliance application and the seven (7) items the applicant was required to address, pursuant to Section 16.1216:

1. Describe the special conditions peculiar to the property which would cause the unwarranted hardship.

The 26.02-acre property was approved and developed with a shopping center prior to the enactment of the MD Forest Conservation Act, including the area within the 0.26-acre Limit of Disturbance. The project as proposed would be exempt if the property was located within the priority funding area. Due to the small size of the limit of disturbance, which was already impervious area on the site prior to the enactment of the forest conservation act, it would be an unwarranted hardship to require the entire 26.02-acre property be used to calculate forest conservation requirement for a small portion of the property to be redeveloped.

2. Describe how enforcement of the regulations would deprive the landowner of rights commonly enjoyed by others in similar areas;

Most of the zoning outside the planned service area is Rural Residential (RR) and Rural Conservation (RC). The subject property is one of the few properties in the Rural West zoned as B-1 and developed as a shopping center. Similar properties in the B-1 zoning district are likely to be in the planned service area and would be exempt from addressing forest conservation for the redevelopment of a previously developed and impervious pad site. Alternative compliance of planting trees beyond what is required for landscaping can help meet the goal of increasing the tree canopy outside the planned service area.

3. Verify that the granting of a variance will not adversely affect water quality;

The project area is currently impervious. There will be a reduction of impervious area with the proposed improvements, including the addition of a bioretention facility, which aims to improve water quality.

4. Verify that the granting of a variance will not confer on the applicant a special privilege that would be denied to other applicants;

Due to the limited scope of this project, the existing impervious nature of the site, and the uniqueness of having a shopping center development outside the planned service area, granting this variance will not confer on the applicant a special privilege that would be denied to other applicants.

5. Verify that the variance request is not based on conditions or circumstances which are the result of actions by the applicant;

There is no evidence that the request for a variance is based on conditions or circumstances resulting from actions made by the applicant.

6. Verify that the condition did not arise from a condition relating to land or building use, either permitted or nonconforming on a neighboring property; and

There is no evidence that the conditions arose from a condition relating to land or building use, either permitted or nonconforming on a neighboring property)

7. Provide any other information appropriate to support the request.

None provided

Directors Action: Approval of alternative compliance of Section 16.1201(v) is subject to the following conditions:

1. Either a new SDP or a redline to an existing SDP will be required the proposed changes to the pad site. Add a note identifying the alternative compliance file number, date of approval, and condition of approval. Identify the Net Tract Area as the .26 acres.
2. Add the forest conservation chart to the site development plan.
3. Plant four (4) native species 2" caliper shade trees on Parcel 82 (either at pad site or elsewhere on the property). Submit a revised exhibit identifying the location of the mitigation trees. In addition, identify the location of these trees on the future redline/SDP, and place a note on both the revised exhibit and the future plan to describe the purpose of the trees as mitigation to use the Net Tract Area to calculate forest conservation requirements for the project in accordance with WP-21-022.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Raul Delerme

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Raul Delerme, Director
Department of Recreation and Parks

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
DED
OCS, Joshua Feldmark
DRP, Raul Delerme
File: WP-21-022
NJB Engineering



DPZ Office Use only:
File No.
Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Lisbon Center - Razing and reconstruction of #706 Lisbon Center Drive

Subdivision Name/Property Identification: Route 94 Business Center

Location of property: Northeast of Md Route 94 and Frederick Road

Existing Use: Commercial/Shopping Center **Proposed Use:** Commercial/Shopping Center

Tax Map: 0002 **Grid:** 0024 **Parcel No:** 0082 **Election District:**

Zoning District: B-2 **Total site area:** 14.1986

Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

GP87-66, F87-64, SDP 87-194, SDP 88-173, SDP 94-22, SDP 97-161, SDP 01-08, F 02-132, SDP 05-041, BA 14-030-C, BA 96-02E, SDP 02-96

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
16.1201.v	The Alternative Compliance request is to allow for the net tract area to be determined based the proposed limit of disturbance.

Section Reference No.	Brief Summary of Request

Signature of Property Owner: [Redacted] **Date:** September 2, 2020

Signature of Petitioner Preparer: [Redacted] **Date:** September 2, 2020

Name of Property Owner: Lisbon Plaza, LLC **Name of Petition Preparer:** NJB Engineering, Inc.

Address: 2560 Lord Baltimore Drive **Address:** 810 Gleneagles Court, Suite 311

City, State, Zip: Baltimore, MD 21244 **City, State, Zip:** Towson, MD 21286

E-Mail: tpilon@sjpi.com **E-Mail:** nick@njbengineering.com

Phone No.: 410-788-0100 **Phone No.:** 410-832-7691

Contact Person: Tom Pilon **Contact Person:** Nick Brader

Owner's Authorization Attached