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HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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

Voice/Relay

FAX 410-313-3467

February 10, 2021

MLT Maple Lawn LLC
attn: Thom McKee
1202 Shady Creek Road
Marriottsville MD 21104

RE: WP-21-041 Gates at Maple Lawn

Dear Mr. McKee:

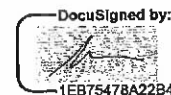
This letter is to inform you that your request for alternative compliance to Section 16.1209(B)(2) of the Howard County Code for the subject project was reviewed.

On February 4, 2021 and pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and approved your request to provide less than the required 75% on-site planting (afforestation) for the subject project (a residential development). Please see the attached Final Decision Action Report for more information.

Indicate this alternative compliance petition file number, request, section of the regulations, action, conditions of approval, and date on all subdivision plans/plats, 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 development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Derrick Jones (410) 313-2350 or email djones@howardcountymd.gov.

Sincerely,



Anthony Cataldo, AICP, Chief
Division of Land Development

att: Action Report
cc: Research
DED
OCS, Joshua Feldmark
DRP, Raul Delerme
GLW – Dan Sweeney
Julia Sauer
Brenda Luber
MD DNR



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ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

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

RE: WP-21-041 Gates at Maple Lawn

Applicant: MLT Maple Lawn, LLC
1202 Shady Creek Road
Marriottsville MD 21104

Pursuant to Section 16.1216, the Director of the Department of Planning and Zoning, the Director of the Department of Recreation and Parks and the Administrator of the Office of Community Sustainability considered and **APPROVED** the applicant's request for a variance with respect to **Section 16.1209(B)(2)** of the County Code (Title 16, Subtitle 12) for forest conservation. The applicant is requesting to provide less than the required 75% on-site planting (afforestation) for a proposed residential development. The development has a 1.3 acre afforestation requirement. A minimum obligation of 75% (or 1.00 acres) must be planted on-site. The applicant is requesting to plant 54% (or 0.70 acres) on-site.

The Directors deliberated the application for this Section in a meeting on February 4, 2021.

Subtitle 12: Section 16.1209(B)(2)

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unwarranted hardship. This determination is made with consideration of the variance application and the seven (7) items the applicant was required to address, pursuant to Section 16.1216(c)(1)-(7):

1. Special Conditions Peculiar to the Property Which Would Cause the Unwarranted Hardship

Strict compliance and adherence to Section 16.1209(b)(2) would create a hardship or practical difficulty to provide the 75% minimum requirement of the project's on-site forest planting. The subject site abuts a county-owned property (Parcel 389) that contains a water tower operated by the Department of Public Works (DPW) Bureau of Utilities. Parcel 389 is accessed by a driveway that has limited sight distance at MD Route 216 and is restricted to a right-turn-out only movement. The applicant, in cooperation with DPW, identified the opportunity to relocate this driveway approximately 50 feet to the east onto the northwest

corner of the subject site to help improve visibility and turning movements to and from MD Route 216. DPW prefers the new alignment because it allows for better visibility looking east and the ability to turn left when exiting the tower driveway. The State Highway Administration had no objection to the driveway being relocated to a different point at MD Route 216. As a result of this change, the northwest corner of the subject site would not be able to provide the remaining on-site forest planting to meet the 75% requirement. The northwest corner of the site is the only feasible area for providing the remaining 0.30 acres of forest planting; the remainder of the site's open space areas are designated for forest planting, stormwater facilities and a community clubhouse. The development design cannot be reconfigured since the zoning only permits the development shown on the DSP. Any changes in site design would nullify the zoning approval. Additionally, the site does not contain any regulated environmental features such as streams, wetlands, specimen trees, floodplains, or steep slopes that would be priority areas to protect with a forest conservation easement.

2. The Enforcement of the Regulations Would Deprive the Landowner of Rights Commonly Enjoyed by Others in Similar Areas

The RSA-8 zoning is contingent on the site's development according to the approved DSP. Strict enforcement of the regulations would deprive the landowner of rights associated with the RSA-8 zoning, as is customary for properties that use the site plan rezoning process. This design allows for this portion of the site to be used as alternative access to the adjacent parcel without affecting the overall design in a way that would conflict with the current Zoning approval. This approach will remedy an access safety concern that DPW supports.

3. The Granting of a Variance will not Adversely Affect Water Quality

There is no evidence that the granting of this variance will adversely affect water quality. The requested disturbance is contained within the site and there are no existing forest resources on site that will be cleared. The development is subject to current Environmental Site Design Criteria that include a combination of water treatment practices to address water quality. Stormwater management and soil erosion and sediment control measures will be implemented under the site development plan.

4. Will Not Confer on the Applicant a Special Privilege That Would be Denied to Other Applicants

This request is for the benefit of the County and not for the sole benefit of the applicant. The granting of this variance will not confer a special privilege that would be denied to other applicants since it is needed to alleviate a safety issue (by relocating the access driveway to and from the water tower) and is based on the location of the driveway in relation to the subject property. Since the granting of this request allows for critical safety improvements for the adjoining property, it will not confer a special privilege to the applicant that would be denied to other applicants.

5. Is Not Based on Conditions or Circumstances Which are the Result of Actions by the Applicant

The applicant has previously met the conditions for rezoning the subject site from RR-DEO to R-SA-8 and the conditions for this variance are not the result of action by the applicant. The driveway entrance will be relocated to accommodate an alternative road alignment to facilitate safer access point for the County's water tower property, which is not the result of an action taken by the Applicant.

6. The Conditions did not Arise from a Condition Relating to Land or Building Use; Either Permitted or Nonconforming on a Neighboring Property

The northwest corner of the site is the only feasible area to plant the remaining forest conservation obligation and maintain the development layout and design approved by the Zoning Board. In coordination with DPW, it was determined this portion of the site could be used to provide a public service to mitigate safety issues for the adjoining public utility use. The existing site is non-forested and does not contain priority locations for afforestation plantings; therefore, although this condition did arise from the land use of the neighboring property, it has been demonstrated that the relocated driveway provides a greater public service.

7. Other Information Appropriate to Support the Request

The applicant has provided documented support from DPW to relocate the water tower driveway onto the subject site.

Directors Action: Approval of this alternative compliance is subject to the following conditions:

1. At least 0.70 acres of afforestation must be provided on the Gates at Maple Lawn site as shown on the Environmental Concept Plan exhibit submitted with this Petition. The afforestation must be provided in accordance with the Forest Conservation Regulations and Forest Conservation Manual.
2. The on-site forest conservation easement areas must be planted with a mixture of larger stock plantings (1- to 3-gallon and 1- and 2-inch caliper) in accordance with the standards in the Forest Conservation Manual.
3. The applicant must satisfy the remaining 0.60 acres of afforestation by purchasing credits from an established forest mitigation bank and/or fulfilling this obligation by planting at a suitable off-site location, preferable within high-priority locations, to be approved by this Department during the final subdivision plan stage.
4. An agreement and an easement for access and maintenance must be prepared, signed and executed between the applicant and Howard County for the relocated driveway onto the subject site (Gates at Maple Lawn). This agreement/easement must be recorded with the final plat and referenced on all subdivision and site plans for this project.
5. Include this alternative compliance petition decision as a general note on the subdivision and site development plans. This note shall include the petition's file number, the regulatory sections, the decision date, and the conditions of approval.

WP-21-041 Gates at Maple Lawn

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DocuSigned by:

Amy Gowan

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Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator
Office of Community Sustainability

DocuSigned by:

Raul Delorme

88D74370827248A...

Raul Delorme, Director
Department of Recreation and Parks

cc: DLD, Derrick Jones
OCS, Joshua Feldmark
Rec and Parks, Raul Delorme



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:

File No.

Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Gates at Maple Lawn

Subdivision Name/Property Identification:

Location of property: 11475 Scaggsville Rd, Fulton MD 20759

Existing Use: Residential, SFD

Proposed Use: Residential, SFA, age restricted

Tax Map: 46

Grid: 3

Parcel No: 282, SHA R.W

Election District: 5th

Zoning District: R-SA-8

Total site area: 8.7 Ac


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:

ZB-1122M approved August, 2020
 ECP-21-016 submitted October, 2020

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
Section 16.1209(b)(2)	Residential developments with more than one acre of obligation shall meet a minimum of 75 percent of their obligation on-site...

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: 10/7/20

Signature of Petitioner Preparer:  Date: 10/7/20

Name of Property Owner: MLT Maple Lawn LLC Name of Petition Preparer: GLW

Address: 1202 Shady Creek Road Address: 3909 National Drive Suite 250

City, State, Zip: Marriottsville, MD 21104 City, State, Zip: Burtonsville, MD 20866

E-Mail: magoo1310@verizon.net E-Mail: dsweeney@glwpa.com

Phone No.: (410) 489-5080 Phone No.: 410-880-1820

Contact Person: Thom McKee Contact Person: Dan Sweeney

Owner's Authorization Attached