



# 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

November 1, 2021

Gabe Chung  
Clover Acquisitions, LLC  
c/o Howard Hughes Corporation  
PO BOX 131298  
Carlsbad, CA 92013

RE: WP-22-018, Southlake (Downtown Columbia, Lakefront  
Core Neighborhood)

Dear Mr. Chung:

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 October 29, 2021 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, upon the advice of the Department of Public Works, Department of Recreation and Parks, Department of Licenses and Permits, and the Soil Conservation District, considered and **approved** your request for alternative compliance with respect to **Section 16.115(c)(2)** of the Subdivision and Land Development Regulations to permit grading, construct a building and relocate utilities in the floodplain.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.115(c)(2) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the four (4) items you were required to address, pursuant to Section 16.104(a)(1):

**1. Strict conformance with the requirements will deprive the applicant of rights commonly enjoyed by others in similar areas;**

The site was identified in the Downtown Columbia general plan amendment as a developable parcel. It is currently covered with impervious surface parking lot, 60% of which is in the floodplain with the changes in the regulations and additional development in the watershed since the property was first disturbed in the early 1970s. However, the site is 500 feet from the river and accounts for approximately 3% of the of the overall floodplain volume. Without approval of this alternative compliance the site will remain as an asphalt parking lot. Alternative compliance to Section 16.115(c)(2) improves the overall floodplain conditional by removing the parked cars from the active floodplain area and creating a floodplain storage chamber during a 100-year event. Strict conformance of the regulations does not permit any development on this parcel, as called for in the Downtown Columbia Plan. Property owners are commonly afforded the ability to disturb the floodplain if mitigation measures are provided to improve the floodplain condition.

**2. Uniqueness of the property or topographical conditions would result in practical difficulty; other than economic, or unreasonable hardship from strict adherence to the regulations;**

As previously stated, the site is over 500 feet from the Little Patuxent River with a berm between the site and the Lakefront. The current condition as an asphalt parking lot provides little floodplain benefit. There is an opportunity to have the site redeveloped in a manner that would increase floodplain storage and improve stormwater management quality. The unique location of the property along the Lakefront and identified as a developable property in the Downtown Columbia Plan, which in part seeks to bring activity to the Lakefront, further adds to the uniqueness of this property.

**3. The Variance will not confer to the applicant a special privilege that would be denied to other applicants and;**

Section 16.115(c) permits development within the floodplain with the advice of the Department of Inspections, Licenses and Permits, the Department of Public Works, the Department of Recreation and Parks, the Soil Conservation District, or the Maryland Department of the Environment. Authorizing development within the floodplain in a manner which improves the overflow storage of the floodplain during a 100-year event would not result in a special privilege that could not be considered for another property in a similar circumstance.

**4. The modification is not detrimental to the public health; safety or welfare, or injurious to other properties.**

The proposed development will not be detrimental and will likely be more beneficial to public health and safety. Currently cars are parking at grade within the 100-year floodplain which can become volatile debris and safety hazard during a flood event. This site has been designed to ensure no net loss of floodplain volume and to provide overflow storage within the floodplain. The proposed development will raise this parking safely 2 feet above the floodplain elevation. Further, stormwater quality will also be improved by exceeding stormwater management requirements for a drainage area that includes this existing asphalt parking lot and the Whole Foods drainage area. Finally, the developer will be replacing a portion of sewer line that is over 50 years old.

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

1. Submit a floodplain study using the current FEMA 100-year flow rate and analyze any changes to the water surface elevation or flow rates using the ultimate development of this parcel. The study will be reviewed by DPZ and verified with DPW, Stormwater Division. The expectation is that no storage volume will be lost within the limits of the floodplain.
2. Stormwater management should be provided for the limit of disturbance using ESD practices assuming greenfield conditions. All options and methods for providing management for the first inch of runoff are available, including redevelopment practices. Providing management of offsite impervious area at a 1:1 ratio may also be considered.
3. Although waste management areas cannot be intentionally directed to stormwater management devices, the existing storm drain at the Whole Foods loading dock area appears to be an opportunity to treat current runoff that is discharging to the lake and treat it for water quality. This could be done with a filter practice or bioretention type facility. Please investigate as part of the site design.
4. Please review and address the comments provided by the Development Engineering Division with the SDP submission (attached).

5. Provide a revised exhibit to modify the site design to include adding fill along the southern boundary in order to raise the elevation to tie into the existing sewer off-site, which will reduce the length of a sewer pipe required in the forested area south of the site currently shown on Exhibit D. Consult with DED and DPW if the additional fill has any impacts on the floodplain calculations.
6. The floodplain disturbance approved is limited to the ultimate area of floodplain on Parcel B and the minimum area required south of the site to tie the relocated sewer line to the existing sewer offsite.

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](mailto:jmanion@howardcountymd.gov).

Sincerely,

 DocuSigned by:  
1EB75478A22B49A

Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/jam

cc: Research  
DED  
DLD - Julia Sauer  
Real Estate Services  
GLW- Dan Sweeney



**DPZ Office Use only:**  
 File No: *WP-22-018*  
 Date Filed

**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** Southlake

**Subdivision Name/Property Identification:** Downtown Columbia - Lakefront Core - Parcel B

**Location of property:** 10285 Little Patuxent Pkwy

**Existing Use:** Parking Lot      **Proposed Use:** Office

**Tax Map:** 36      **Grid:** 2      **Parcel No:** 321      **Election District:** 5

**Zoning District:** NT      **Total site area:** 1.42

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:

SDP-73-23 (approved), ECP-22-005 (in review)

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 16.115.(c)(2)	Practical difficulties and unnecessary hardships result from the strict application of Section 16.115(c)(2). The Applicant is requesting Alternative Compliance to permit grading and relocating utilities within a floodplain.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: August 18, 2021

Signature of Petitioner Preparer:  Date: 8/19/21

Name of Property Owner: CLOVER ACQUISITIONS LLC Name of Petition Preparer: GLW

Address: PO BOX 131298 Address: 3909 National Drive, Suite 250

City, State, Zip: CARLSBAD CA 92013 City, State, Zip: Burtonsville, MD 20866

E-Mail: gabriel.chung@howardhughes.com E-Mail: dsweeney@glwpa.com

Phone No.: 410-964-4800 Phone No.: 410-880-1820

Contact Person: Gabriel Chung Contact Person: Dan Sweeney

Owner's Authorization Attached