



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 4, 2022

David Costello
IHM Columbia, LLC
10207 Wincopin Circle
Columbia, MD 21044

RE: WP-22-024, Columbia Sheraton

Dear Mr. Costello:

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 January 4, 2022 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, 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 the construction of a pathway, stairs and ADA ramp from the Columbia Sheraton hotel to the Lakefront pathway.

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;*

As part of the recent hotel/restaurant reconfiguration and renovation, the applicant seeks to add a patio, which will not encroach into the floodplain but may have limited encroachment of the floodplain during construction at one corner due to the proximity of the floodplain at that location. The applicant also seeks to construct a pedestrian connection between the hotel patio and the existing asphalt pathway surrounding Lake Kittamaquidi, which is within the floodplain. The proposed connection will have both a direct pathway with stairs as well as a series of ramps to provide an ADA accessible connection between the hotel and the lake pathway. The grading of the proposed connection is designed to ensure there is no net loss of floodplain volume on the site, by elevating one section of ramp to recapture floodplain storage volume.

Inlets are proposed in the areas between the ramps to pick up any runoff before it flows across the lake pathway. Sediment control measures including erosion control matting, inlet protection and super silt fence will be used during construction to minimize any sediment running off into the lake. Landscaping will be included to complete the design and soften the ramp and wall that will be constructed as part of the patio wall, ramp and stair system.

The area is currently lawn area and does not have other environmentally sensitive features, such as streams, wetlands, buffers, or significant trees. Given the existing pathway is in the floodplain, connection is not possible without limited additional disturbance. Strict conformance with the regulations would prohibit making the connection to and expanding upon the existing pedestrian pathway system around the lake.

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;

The property is situated in the Downtown Columbia Revitalization area. One of the priorities of the Downtown Columbia Plan is to provide connectivity, with added attention to activating the Lakefront. The existing pathway around Lake Kittamaqundi is within the floodplain and any additional connection requires limited disturbance to the floodplain. Additional connections along the northern end of the Lakefront neighborhood is desirable in order to promote activity to the Lakefront. Strict adherence to the regulations would prevent hotel guests from have a proximate, ADA accessible access to Lakefront amenities.

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

Due to the specific characteristics of the floodplain, the mitigation proposed, and the project being desirable to achieve the goals of the Downtown Columbia Plan, this variance will not confer to the applicant a special privilege that would be denied to other applicants.

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

The proposed improvements provide an improvement to public health and safety by constructing an ADA accessible connection between the hotel and existing trail system where none exists today. The connection also creates better emergency building egress, and was requested by the Department of Inspections, Licenses and Permits during building permit review of the recent hotel addition. Finally, the design aims to have no net loss of floodplain volume.

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

1. Any encroachment and grading within the floodplain must be designed to have no net loss of floodplain storage volume.
2. The encroachment is limited to the LOD as shown on the alternative compliance exhibit, which must be delineated on the final submitted exhibit.
3. More prominently delineate the floodplain line on the final submitted exhibit.
4. Sediment erosion controls including erosion control matting, inlet protection and super silt fence will be used during construction to minimize any sediment running off into the lake.
5. Review and implement recommendations regarding the final landscape and hardscape design from the September 21, 2021 informal Design Advisory Panel (DAP) related to ADA accessibility and softening the view of the retaining walls and ramps.
6. Any improvements or encroachments on Columbia Association land will not be permitted without written documentation from the organization provided with the site development redline revision and with the building permit.

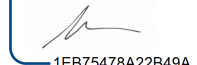
7. The applicant must obtain any required regulatory permits for floodplain disturbance from MDE and Army Corp of Engineers.
8. Please provide reference to this alternative compliance approval on all redline revisions to the site development plan(s) and on the grading and building permit applications.

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 (including redline revisions) 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
Mark Richmond, DPW
Don Mock, DILP
Dan Sweeney, GLW



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

(410) 313-2350

DPZ Office Use only:
 File No. WP-22-029
 Date Filed 9/2/21

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Columbia Sheraton
Subdivision Name/Property Identification: Columbia Town Center, Section 7 Area 1, Lot B-8
Location of property: 10285 Little Patuxent Pkwy
Existing Use: Hotel **Proposed Use:** Hotel
Tax Map: 30 **Grid:** 20 **Parcel No:** 369 **Election District:** 5
Zoning District: NT **Total site area:** 5.97

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-79-44

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:

8/24/21

Signature of Petitioner Preparer:

Date:

9/1/21

Name of Property Owner: IMH Columbia LLC

Name of Petition Preparer: GLW

Address: 10207 Wincopin Circle

Address: 3909 National Drive, Suite 250

City, State, Zip: Columbia, MD 21044

City, State, Zip: Burtonsville, MD 20866

E-Mail: DCostello@costelloconstruction.com

E-Mail: dsweeney@glwpa.com

Phone No.: 410.740.9500

Phone No.: 410-880-1820

Contact Person: Dave Costello

Contact Person: Dan Sweeney

Owner's Authorization Attached

Section Reference No.	Brief Summary of Request

Columbia Sheraton - Alternative Compliance Request

Section 16.115.(c)(2) - *No clearing, excavating, filling, altering drainage, or impervious paving, may occur on land located in a floodplain unless required or authorized by the Department of Planning and Zoning upon 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. Any proposed construction of a structure located within a floodplain shall be subject to the requirements of the Howard County Building Code.*

Project History and Background

The Columbia Sheraton is located at 10209 Wincopin Circle in Columbia, MD. The site, Parcel B-8, is 5.97 acres zoned NT, and contains an existing hotel. The hotel was built in multiple phases. The original lodges were built in the early 70's under SDP-71-14. Although not part of the hotel project, the asphalt pathways surrounding Lake Kittamaqundi were built around the same time. In the early 80's, a 9-story hotel addition and banquet addition were built under SDP-79-44. In 2020, construction started on a further addition of the 9-story hotel. The hotel expansion is expected to open this summer. The 2020 hotel expansion was approved as a redline to SDP-79-44. Recently a redline was submitted to add a patio and retaining wall behind the hotel addition. Eventually the lodges will be redeveloped however, that plan is a few years away.

When the original hotel lodges were constructed, the 100-year floodplain elevation was at 305.8 (Plat Book 26-23). Over the decades, additional development in the Little Patuxent River watershed has taken place and regulations have changed. Now the latest FEMA Floodplain Map, Flood Map 24027C0155D, effective on 11/06/13, shows a 100-year floodplain elevation of 311.2 +/- (See FEMA Flood Map and select pages from FEMA Flood Insurance Study, attached as **Exhibit A.**)

The limit of disturbance for the 2020 hotel addition and recently submitted patio redline do not encroach into the floodplain and the lowest building floor elevation is more than two feet above the floodplain elevation. Once the patio redline is approved, another redline will be submitted to construct a pedestrian connection between the hotel patio and the asphalt pathway surrounding Lake Kittamaqundi. The existing lake pathway is within the 100-year floodplain, therefore making this connection will involve temporarily disturbing the floodplain area. There are no other environmental features such as streams, wetlands, or significant trees within the limit of disturbance for the pathway connection.

This proposed connection will have both a direct pathway with stairs and a series of ramps to provide an ADA accessible connection between the hotel and the lake pathway. The grading of the pathway has been designed so there is no net loss of floodplain volume on the site. One section of ramp will be elevated allowing floodplain volume beneath the ramp. Inlets are proposed in the areas between the ramps

to pick up any runoff before it flows across the lake pathway. Extensive landscaping is proposed in this area to help soften the views from the lake. Sediment control measures, including erosion control matting, inlet protection, and super silt fence will be used during construction to minimize any sediment running off into the lake. (See Grading and Landscape Plan, attached as **Exhibit B**.)

Part of this pathway connection is on Columbia Association property and the owner of the Sheraton is working with them to obtain their approval.

Justification

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

The unwarranted hardship for this project is inability to build the proposed pathway connection without temporarily disturbing the floodplain. As described above, the site is an existing hotel with no environmental features other than the floodplain. The existing Lake Kittamaqundi pathway is located in the floodplain and there is no way to connect to it without disturbing the floodplain.

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;*

The existing trail is completely within the floodplain and strict adherence to the regulations would not allow any future connections or pedestrian improvements to the trail. One of the visions of the Downtown Columbia Master Plan is to activate the lakefront. This vision cannot be achieved without some improvements and disturbance within the floodplain areas surrounding the lake. Without this waiver, the hotel guests will not have a nearby, ADA accessible access to the lakefront amenities. In addition, people using the lakefront trail would not have an easy access to the hotel and its amenities.

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

The approval of the requested alternative compliance to will not confer upon the Applicant any sort of special privilege that would be denied to other similarly situated applicants. Rather, any applicant demonstrating compliance with the alternative compliance criteria for approval would be entitled to the same relief.

Columbia is known for its trail system and many of these trails are located within the floodplain. Disturbing the floodplain to connect to the trail system is inevitable. The disturbance for the pathways that are the subject of this request will be limited to areas that

have previously been developed and there will be no net loss of floodplain volume on the site.

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

The proposed pathway improvements will not be detrimental and will in fact be beneficial to public health and safety. The improvements will provide a safe and ADA accessible pathway connection between the hotel and existing trail system where none exists today. This connection was also requested by the Department of Inspections, Licenses, and Permits during the building permit review for the purposes of better emergency building egress. However, it was put off until a future phase because of the floodplain disturbance implications. Approval of this wavier will allow the connection to me made per DILP's request.

There will be no negative impacts to adjacent properties. The site has been designed so there is no net loss of floodplain volume. The improvements shown on the adjacent Columbia Association lot were done in collaboration with the Columbia Association and will be subject to their written approval prior to the approval of the future redline.