



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

October 24, 2022

J2J LLC
c/o Robert Hartson
6685 Santa Barbara Court, Suite E
Elkridge MD 21075

RE: WP-23-031 Stonewood 5 Storage (SDP-21-052)

Dear Mr. Hartson:

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 12, 2022 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 16.1205(a)(3)** of the Subdivision and Land Development Regulations to removed 2 specimen trees. 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 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,

DocuSigned by:

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Anthony Cataldo, AICP, Chief

Division of Land Development

AC/dj
cc: Research
DLD - Julia Sauer
Vogel+Timmons
Marian Honecny- DNR



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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-23-031 Stonewood 5 Storage**
Request for a variance to Section 16.1205(a)(3) of the Subdivision and Land Development Regulations.

Applicant: J2J LLC c/o Robert Hartson

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 16.1205(a)(3)** of the Forest Conservation Regulations. The purpose is to remove two specimen trees [a 30" red maple and a 38" tulip poplar]. The Directors deliberated the application in a meeting on Wednesday October 12, 2022.

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 six (6) 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 subject site is part of the Stonewood Business Park. It's a 1.80-acre area that is primarily woodland and contains a stream and wetlands. This 1.80-acre area was incorporated (merged) into the Employment Center-Industrial land use as recorded under FDP-142-A-II to create a 12.17-acre industrial development to allow development associated with Parcel A-1 (filed under SDP-05-105) for two warehouse buildings, parking spaces, a stormwater management facility and related improvements. The applicant proposes to impact the current stream, stream buffer, wetland and wetland buffer for the purpose to construct a 5-story storage building, associated parking, stormwater management and access driveway. These impacts were approved under WP-22-105 on May 20, 2022. The two specimen trees (ST-1 and ST-2) were not originally identified as specimen trees in 2012 when an Environmental Concept Plan (ECP-12-030) was reviewed and approved by DPZ.

The original Forest Stand Delineation (FSD) that was prepared in 2012 did not identify these two trees as specimen trees because they did not meet the 30" DBH requirement at the time. Secondly, this property was not subject to Section 16.1200 (Forest Conservation Act) of the Code when the SDP was initially filed on June 30, 2021, because it was exempt per Section 16.1202(b) for a planned unit development that had preliminary development approval prior to December 31, 1992 (NT Zoning). As of January 3, 2022, however, the property became subject to forest conservation per Council Bill 66-2021 which eliminated the previous exemption and required the site to

be evaluated for specimen trees, Champion/historic protected trees, and identifying trees with a 24" DBH or greater under the Forest Conservation Act. Site inspection by DPZ staff confirmed there are 2 specimen trees on site which will have more than 30% of their CRZ impacted by the proposed development.

The CRZ of ST-1 is impacted due to its location in relation to the proposed building, storm drain and stormwater management facilities. ST-2 is impacted due to its proximity to a proposed headwall and rip rap apron, its location within a 60-foot access easement to adjacent Parcel 50 and its critical root zone is located within the 20-foot public water and utility easement where a storm drain outfall is proposed. The concept for this site included channeling the existing stream in a culvert which was to be mitigated off-site with the creation of wetlands as approved by MDE. Although the channel hasn't been constructed, this off-site mitigation was satisfied, these specific environmental impacts have already been approved, and the proposed work will have significant impacts to the CRZs. Denying the removal of the trees would prevent the previously approved stream channelization to occur which would be an unwarranted hardship as the full mitigation for this project has already been complete off-site.

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

The existing environmental areas located on site and the location of the existing specimen trees and their associate CRZs limit the developable area for the proposed improvements as envisioned under FDP-142-A-II, amended and recorded in 2006. The concept for this site included channeling the existing stream in a culvert which was to be mitigated off-site with the creation of wetlands as approved by MDE. Although the channel wasn't constructed, this off-site mitigation was satisfied and previous Alternative Compliance application WP-22-110 approved impacts to the on-site environmental features for the installation of the proposed SWM facilities which will impact these specimen trees. Since mitigation is typically only required when relief from a requirement is granted and the recent alternative compliance was approved for this work, strict conformance with these regulations would prohibit the owner's ability to channelize the existing stream and deprive the applicant of rights typically afforded to others.

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

There is no evidence that the granting of a variance will adversely affect water quality. The development is subject to the current Environmental Site Design criteria that include a combination of water treatment practices to address water quality. The proposed design will provide a controlled, non-erosive discharge to the existing intermittent stream and the submerged gravel wetland will further enhance water quality. Stormwater management and soil erosion and sediment control measures will be implemented under the grading permit.

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

The relief requested is the minimum necessary to establish the proposed storage facility. The Maryland Department of Environment has approved and issued the required permits. Mitigation for the stream and wetlands disturbance has been approved by the Maryland Department of Environment (MDE), Wetlands and Waterways Program for a wetland mitigation plan approved on December 8, 2016, known as the Rhodes Farm

Wetland Mitigation Plan, Phase II. There is no other reasonable alternative available within the subject area which can accommodate the proposed use. Therefore, the County would not be conferring a special privilege upon the applicant that would be denied to others considering this site-specific situation.

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

The unique conditions of the property, the stream, wetlands, trees now meeting the specifications as specimen trees, are not conditions or circumstances which are the result of actions by the applicant. The previous owner (Howard Research and Development) had incorporated this 1.8-acre property into this FDP land use in 2006 with the intent to develop this site with a permitted industrial use and off-site mitigation was created to address the regulations in effect at that time. At the time of initial planning, these trees did not qualify as specimen trees and the overall plan did not take forest conservation into account. CB66-2021 removed the site's previous exemption requiring the applicant to now address forest conservation which they are proposing to accomplish to extent possible on this challenging site.

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.

Directors Action: Approval of alternative compliance of Section 16.1205(a)(3) is subject to the following conditions:

1. The removal of Specimen Trees 1 and 2 is hereby permitted, as shown on the Alternative Compliance plan exhibit. Protective measures shall be utilized during construction to protect all remaining trees and understory which are proposed to remain. Details shall be provided on the Site Development Plan.
2. The applicant shall mitigate the removal of the two specimen trees by planting a minimum of 4 native shade trees onsite with a planting size of at least 3" diameter at breast height (DBH). Planting details shall be provided with the site development plan/ SDP-21-052. The trees will be bonded with the Developer's Agreement along with the required landscaping. The trees shall be monitored for at least 3 growing seasons and replaced in-kind if the plantings do not survive.
3. A note added to SDP-21-052 with this alternative compliance request, file number, date of approval, and conditions of approval.
4. Compliance with all review agency comments for SDP-21-052.

WP-23-031 Stonewood 5 Storage

Page 4

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
OCS, Joshua Feldmark
DRP, Raul Delerme
File: WP-23-031/ SDP-21-052



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: STONEWOOD BUSINESS CENTER

Subdivision Name/Property Identification: STONEWOOD 5 STORAGE

Location of property: 7205 OAKLAND MILLS ROAD

Existing Use: VACANT Proposed Use: SELF STORAGE FACILITY

Tax Map: 42 Grid: 11 Parcel No: 42 Election District: 6TH

Zoning District: NT Total site area: 12.18

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-21-052
WP-22-066
WP-21-105
FDP-142-A-II
F07-004

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
<u>16.1205 (a)(3)</u>	<u>FOREST RETENTION PRIORITIES</u>

Section Reference No.	Brief Summary of Request

Signature of Property Owner: *Robert Harton* Date: 9-7-21

Signature of Petitioner Preparer: *[Signature]* Date: 12/20/21

Name of Property Owner: 525 LLC Name of Petition Preparer: Vogel Engineering + Timmons Group

Address: 6685 Santa Barbara Court, Suite E Address: 3300 North Ridge Road, Suite 110

City, State, Zip: Elkridge, MD 21075 City, State, Zip: Ellicott City, MD 21043

E-Mail: E-Mail: rob.vogel@timmons.com

Phone No.: 443-459-5080 Phone No.: 410-461-7666

Contact Person: Robert Harton Contact Person: Robert H. Vogel

Owner's Authorization Attached