



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

March 27, 2023

Muhammad Saleem
4309 Valley Stream Ave.
Burtonsville MD 20866

RE: WP-23-033 US 1 Joint Venture Parcel E-2 (SDP-22-048)

Dear Mr. Saleem:

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 March 16, 2023, and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered and **approved** your request for alternative compliance with respect to **Section 16.116(a)(1)** of the Subdivision and Land Development Regulations to grade within a wetland and the wetland buffer for a proposed 3-story hotel building, associated parking, and related site improvements at the address of 9530 Lynn Buff Court in Laurel MD.

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 the site development plan and building permit. 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
Real Estate Services
Vogel+Timmons



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Voice/Relay

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ALTERNATIVE COMPLIANCE FINAL DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF PUBLIC WORKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-23-033 US 1 Joint Venture Parcel E-2**
Request for an alternative compliance to Section 16.116(a)(1) of the Subdivision and Land Development Regulations.

Applicant: Muhammad Saleem
4309 Valley Stream Ave.
Burtonsville MD 20866

Pursuant to Section 16.116(d), the Director of the Department of Planning Zoning, Director of the Department of Public Works, and the Administrator of the Office of Community Sustainability considered and **approved** the applicants request for an alternative compliance with respect to **Section 16.116(a)(1)** of the Subdivision and Land Development Regulations. The purpose is to grade within a wetland and the wetland buffer for a proposed 3-story hotel building, associated parking, and related site improvements at the address of 9530 Lynn Buff Court in Laurel MD. The Directors deliberated the application in a meeting on March 16, 2023.

Each Department hereby determines that the applicant has demonstrated to its satisfaction that strict enforcement of the above-cited regulation would result in unreasonable hardship or practical difficulty. 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 16.104(a)(1) and Section 16.116(d):

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

The subject site is mostly forested and contains wetlands; the wetland and its buffer accounts for 0.87 acres of the site. The wetlands consist of an upper and lower area. The upper area includes an old sediment basin with swales, rip rap and outflow pipe, vestiges of prior work on the site that are believed to be contributing to the creation of the wetland in this location. The lower area has a downslope wetland system where a sediment basin outfall flows east across the site drains to. The applicant proposes to impact 0.42 acres of the wetlands and its buffer to construct a 3-story hotel building, surface parking, stormwater management, retaining wall and access driveway. Most of the impact will be in the upper wetland area. Strict compliance with the requirements will deprive the applicant from developing this 1.88-acre area into a usable, buildable site. The applicant did provide an alternative site plan exhibit to demonstrate how strict enforcement of the Regulations would result in a smaller developable area of less than 0.6 acres, thus a significantly reduced building footprint and parking area.

2. The 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 wetlands create a limited development area for the proposed site development. The applicant states that part of the wetlands area was created because of a sediment basin that was never removed from a previous grading activity that occurred on the site. These features are contributing to the creation of the wetland on-site. This is unique to this site and results in a practical difficulty in adhering to the regulations. An alternative site plan exhibit was provided that demonstrates that strict compliance with the Regulations would result in a much smaller buildable area.

3. The 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 construct the hotel building, surface parking and related site improvements, such as the retaining wall. On January 22, 2021, the Maryland Department of Environment has approved and issued the required authorization to disturb the wetlands and its buffer. There is no other reasonable alternative available within the subject area that can accommodate the proposed hotel use at a scale that's feasible for its programming needs.

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

The approval of this alternative compliance is not detrimental to the public health, safety, or welfare, or injurious to other properties. The corresponding site development plan for this hotel project (SDP-22-048) must comply with all stormwater/drainage requirements to ensure that proper techniques are applied to effectively protect surrounding properties from being impacted.

5. Disturbance is returned to its natural condition to the greatest extent possible

The grading, removal of vegetative cover and limits of construction (hotel building, parking, retaining walls, SWM facilities) is the minimum required to reasonably develop the site. It is the intent and shall be the requirement as a condition of this approval, for the applicant to return all impacted areas to their natural condition and revegetated after construction. The applicant states that the impact to the wetland and its buffer will include three bio retention facilities and associated piping. These facilities shall complement the existing wetland system to remain. There are no impervious features proposed in the lower wetland area.

6. Mitigation is provided to minimize adverse impacts to water quality and fish, wildlife, and vegetative habitat.

The development of the subject area proposes the use environmental site design practices, including modular wetland practices and four micro bioretention facilities to improve the biological water quality and hydrological function of the wetlands and its buffer that are to be impacted.

7. Grading, removal of vegetative cover and trees, or construction shall only be the minimum necessary to afford relief and to the extent required to accommodate the necessary improvements. In these cases, the least damaging designs shall be required, such as bridges, bottomless culverts or retaining walls, as well as environmental remediation, including the planting of the areas where grading of vegetative cover or trees has taken place, utilizing best practices for ecological restoration and water quality enhancement projects.

The grading, removal of vegetative cover and trees and limit of construction is the minimum required to reasonably develop the site. The proposed building and parking area have been designed to be as efficient as possible while respecting the wetland and its buffer. A total of 0.42 acres of the 0.87 acres of wetland and wetland buffer area is to be disturbed. The site proposes three micro bioretention facilities and a modular wetland practice to address the environmental site design requirements. The construction of the micro bioretention facilities will enhance and exceed the function of the wetland buffer by improving water quality and removing pollutants and sediment prior to entering the wetland area.

Directors Action: Approval of alternative compliance of Section 16.116(a)(1) is subject to the following conditions:

1. Disturbance should be only for the minimum necessary to construct the hotel building, parking, bio-retention area, utility upgrades, a retaining wall and the necessary grading shown in the limits of disturbance on the exhibit.
2. All disturbances that are beyond the limits of disturbance must be returned to their natural conditions and revegetated after the proposed improvements.
3. MDE authorization (permit no. 20-NT-1412/202062011) must remain valid at the time construction for the hotel project.
4. Compliance with all review agency comments for SDP-22-048. Provide a note on sheet 1 of SDP-22-048 that references this alternative compliance request and the conditions of approval.

DocuSigned by:

Amy Gowan

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Amy Gowan, Director

Department of Planning and Zoning

DocuSigned by:

John Seefried

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John Seefried, Acting Director

Department of Public Works

DocuSigned by:

Joshua Feldmark

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Joshua Feldmark, Administrator

Office of Community Sustainability

cc: Research OCS, Joshua Feldmark DPW, John Seefried



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

December 28, 2022

Muhammad Saleem
4309 Valley Stream Ave.
Burtonsville, MD 20866

RE: WP-23-033 US 1 Joint Venture Parcel E-2

Dear Mr. Saleem:

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 22, 2022 and pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered your request for alternative compliance with respect to **Section 16.116(a)(1)** of the Subdivision and Land Development Regulations to disturb wetland and wetland buffer to construct a hotel building, surface parking, a retaining wall and stormwater management facilities and is requesting you to **Revise and Resubmit** your proposal. Please see the attached Decision Action Report for more information.

The revised and resubmitted alternative compliance application must be submitted within 45 days from the date of this letter (**on or before February 11, 2023***).

***In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.**

Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 20143 or dropped in the bin labeled 'DLD' at the Department of Planning and Zoning Public Service Counter located on the first floor of the George Howard Building.

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

Sincerely,

DocuSigned by:

29266B221B8841E... for
Anthony Cataldo, AICP, Chief
Division of Land Development

cc: Research
DLD - Julia Sauer
Vogel + Timmons Group



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ALTERNATIVE COMPLIANCE DECISION ACTION REPORT

DEPARTMENT OF PLANNING AND ZONING
DEPARTMENT OF PUBLIC WORKS
OFFICE OF COMMUNITY SUSTAINABILITY

RE: **WP-23-033 US 1 Joint Venture Parcel E-2 at 9550 Lynn Buff Court**
Request for an alternative compliance to Section 16.116 of the Subdivision and Land Development Regulations.

Applicant: Muhammad Saleem
4309 Valley Stream Avenue
Burtonsville MD 20866

The above referenced application to disturb wetlands and its buffer to construct a hotel building, surface parking, a retaining wall and stormwater management facilities was reviewed on December 22, 2022. Pursuant to Section 16.116(d), the Director of the Department of Planning and Zoning, Director of the Department of Public Works and Administrator of the Office of Community Sustainability considered the applicant’s request for an alternative compliance with respect to **Section 16.116(a)(1)** of the Howard County Subdivision and Land Development Regulations, including the alternative plan submitted by the applicant, and are requesting that the applicant **Revise and Resubmit** the proposal addressing the following items:

1. According to the Wetland Plan Report prepared by Eco-Science Professionals, Inc., the wetland system includes a man-induced wetland on the graded pad site and a naturally occurring wetland. The wetland occurring on the graded site appears to have been developed within a man-made sediment basin, which drains through a PVC pipe that discharged into a naturally occurring wetland that continues downslope and across the eastern half of the site. Amend the petitioner’s plan exhibit with a site design that does not propose disturbance to the point of the natural wetland or wetland buffer, as identified in the Wetland Plan Report.
2. In addition to item no. 1 above, provide an alternate stormwater management design that will not disturb the downslope wetland or wetland buffer, and show the location of this practice on the exhibit.

DocuSigned by:

Amy Gowan

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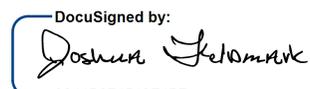
Amy Gowan, Director
Department of Planning and Zoning

DocuSigned by:

John Seefried

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John Seefried
on the behalf of Art Shapiro, Acting Director
Department of Public Works

DocuSigned by:


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Joshua Feldmark, Administrator
Office of Community Sustainability

cc: Research
OCS, Joshua Feldmark
DPW, Art Shapiro



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 12, 2022

Muhammad Saleem
4309 Valley Stream Ave
Burtonsville MD 20866

RE: WP-23-033 US 1 Joint Venture Parcel E-2

Dear Mr. Saleem:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject property was reviewed and no action can be taken until the enclosed comments from the Division of Land Development and the Office of Community Sustainability have been addressed.

Copies of the exhibit/plan and a response letter to the comments must be submitted within **45 days** of the date of this letter (**on or before November 26, 2022***), or this Division will recommend that the Planning Director or Director Committee deny this alternative compliance petition.

Once the requested information has been received and reviewed, this office will coordinate agency comments and will prepare a recommendation for the Planning Director's action. If you have any questions regarding a specific comment, please contact the review agency prior to preparing the revised plans and information. Compliance with all items indicated above is required before the revised plans and information will be accepted.

In accordance with adopted Council Bill 51-2016, effective 10/05/16, if the deadline date is a Saturday, Sunday or holiday or if the County offices are not open, the deadline shall be extended to the end of the next open County office business day.

Submissions can be mailed to Howard County Planning and Zoning, 3430 Court House Drive, Ellicott City, MD 20143 or dropped in the bin labeled 'DLD' at the Department of Planning and Zoning Public Service Counter located on the first floor of the George Howard Building. Submission materials can also be emailed to planning@howardcountymd.gov for processing.

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

Attachments: DLD, OCS

cc: Research DLD - Julia Sauer Vogel+Timmons



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: US 1 JOINT VENTURE PARCEL E-2

Subdivision Name/Property Identification: US 1 JOINT VENTURE PARCEL E-2

Location of property: 9550 LYNN BUFF COURT

Existing Use: VACANT **Proposed Use:** EXTENDED STAY HOTEL

Tax Map: A7 **Grid:** 23 **Parcel No:** 910 **Election District:** 3E0

Zoning District: CE-CU **Total site area:** 1.9 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:

SDP-22-048
 ECP-20-021
 F-95-171
 F-08-189

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
16.116 (a)(1)	PROTECTION OF WETLANDS, STREAMS AND STEEP SLOPES

Section Reference No.	Brief Summary of Request

Signature of Property Owner: Muhammad Saleem Date: 06-10-2022

Signature of Petitioner Preparer: _____ Date: _____

Name of Property Owner: MUHAMMAD SALEEM Name of Petition Preparer: Vogel+Timmons

Address: 4309 VALLEY STREAM AVE Address: 3300 W. RIDGE ROAD #110

City, State, Zip: BURTONSVILLE MD 20864 City, State, Zip: FELICIA CITY MD 21043

E-Mail: SPICONSTRUCTION@yahoo.com E-Mail: Rob.Vogel@Timmons.Con

Phone No.: 301-370-6587 Phone No.: 410 461-7666

Contact Person: MUHAMMAD SALEEM Contact Person: Rob Vogel

Owner's Authorization Attached