



# 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 11, 2023

Matthew Taylor  
Lisbon Plaza, LLC  
2560 Lord Baltimore Drive  
Baltimore, MD 21244

RE: WP-23-054, Lisbon Shopping Center

Dear Mr. Taylor:

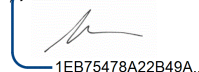
This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On December 22, 2022 and pursuant to Section 16.1216, 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 16.1202(v)** of the Subdivision and Land Development Regulations to reduce the net tract area for forest conservation requirements to the proposed limit of disturbance in an existing shopping center. 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 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:



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Anthony Cataldo, AICP, Chief  
Division of Land Development

AC/jam

cc: Research  
DLD - Julia Sauer  
Real Estate Services  
Marian Honeczy- DNR  
John Conoles  
Sang Oh  
DCC



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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-23-054, Lisbon Shopping Center (Route 94 Business Center)**  
*Request for a variance to Section 16.1201(v) of the Subdivision and Land Development Regulations.*

**Applicant:** Matthew Taylor  
Lisbon Plaza, LLC  
2560 Lord Baltimore Drive  
Baltimore, MD 21244

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 16.1201(v)** of the Forest Conservation Regulations. The purpose is to use the LOD as the Net Tract Area. The Directors deliberated the application in a meeting on December 22, 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 26.02-acre property was approved and developed with a shopping center prior to the enactment of the MD Forest Conservation Act, including the area proposed for disturbance. Limited improvements are being proposed, included the redevelopment of a currently impervious pad site, the conversion of an asphalt drive to a seating area and pathway, and two future pad sites that were previously mass graded and grass-stabilized. The impervious areas would be exempt from forest conservation obligations if the property was located within the priority funding area. Due to the limited areas of disturbance and the lack of environmental features in these areas, it would be an unwarranted hardship to require the entire 26.02-acre property be used to calculate forest conservation requirement for a small portion of the property to be redeveloped.

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

Most of the zoning outside the planned service area is Rural Residential (RR) and Rural Conservation (RC). The subject property is one of the few properties in the Rural West zoned as B-1 and developed as a shopping

center. Similar properties in the B-1 zoning district are likely to be in the planned service area and would be exempt from addressing forest conservation for the redevelopment of a previously developed and impervious area on site. Using the net tract area for redevelopment projects is commonly enjoyed by landowners in similar areas with similar site conditions. Alternative compliance of planting trees beyond what is required for landscaping can help meet the goal of increasing the tree canopy outside the planned service area.

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

The project area is currently impervious or previously mass graded. Except for a few landscape islands at the former Pizza Hut size, there is no vegetation in the areas proposed for improvement. New parking and circulation will merit new landscaping requirements. There will be the addition of a bioretention facility as part of the development, to improve water quality, and sediment and erosion control will be utilized during development activity. Therefore, granting of the variance will not adversely affect water quality.

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

Due to the limited scope of this project, the existing impervious nature of the site, and the uniqueness of having a shopping center development outside the planned service area, granting this variance will not confer on the applicant a special privilege that would be denied to other applicants. This alternative compliance does not eliminate the forest conservation regulations, rather it applies the regulations to the specific portions of the site which are being redeveloped/disturbed.

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

The request for a variance provides a right enjoyed by similar projects to the applicant and is not based on actions made by the applicant.

**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.**

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 16.1201(v) is subject to the following conditions:

1. Either a new SDP or a redline to an existing SDP will be required for the proposed changes to the pad site. Add a note identifying the alternative compliance file number, date of approval, and condition of approval. Identify the Net Tract Area as the 1.79 acres.
2. Add the forest conservation chart to the site development plan.
3. Plant 6 additional native species 2" caliper shade trees on Parcel 82.

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



**ALTERNATIVE COMPLIANCE APPLICATION**

**Site Description:** Lisbon Shopping Center (Parcels G & H)

**Subdivision Name/Property Identification:** Route 94 Business Center

**Location of property:** 700 Lisbon Center Drive, Woodbine, MD 21797

**Existing Use:** Shopping Center      **Proposed Use:** Shopping Center

**Tax Map:** 2      **Grid:** 24      **Parcel No:** 82      **Election District:** 04

**Zoning District:** B-2/RC-DEO      **Total site area:** 26.02 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:

GP-87-66, F-87-64, SDP-87-194, SDP 88-173, SDP-94-22, SDP-97-161, SDP-01-108, F-02-132, SDP-05-041, BA 14-030-C, BA 96-02E, SDP-02-96, ECP-22-064

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   |
|---|--|
| Sec. 16. Subtitle 12.<br>Net Tract<br>Determination | Strict application of the Forest Conservation Act requirements over the entire project are will create a hardship in that a large afforestation obligation would be generated based on the size of the property and the split zoning. Forcing the project to assess and address its FCA obligation based on the whole site would be particularly difficult given that the residentially zoned portion of the project is utilized to support the existing commercial development and that any forest present within the existing septic reserve areas would be required to be considered cleared even though no change in use is proposed for the site. This hardship becomes unwarranted and unreasonable when considered in the context of the project. As noted above, the proposed redevelopment project will impact only seven percent of the project area and the redevelopment will occur primarily (59%) on existing impervious surfaces. |
|   |  |



| Section Reference No. | Brief Summary of Request |
|-----------------------|--------------------------|
|                       |                          |
|                       |                          |
|                       |                          |

Signature of Property Owner:



Date:

6/7/22

Signature of Petitioner Preparer:

John Canoles

Digitally signed by John Canoles  
DN: c=US, E=espijc@aol.com,  
CN=John Canoles  
Date: 2022.06.07 15:29:25-0400

Date:

6/1/22

Name of Property Owner:

Lisbon Plaza LLC

Name of Petitioner Preparer:

John Canoles

Address:

2560 Lord Baltimore Drive

Address:

P.O. Box 5006

City, State, Zip:

Baltimore, MD 21244

City, State, Zip:

Glen Arm, MD 21087

E-Mail:

mtaylor@smpi.com

E-Mail:

espijc@aol.com

Phone No.:

(410) 788-0100

Phone No.:

(410) 683-7840

Contact Person:

Matthew Taylor

Contact Person:

John Canoles



Owner's Authorization Attached

Department of **Planning & Zoning**

HOWARD COUNTY MARYLAND GOVERNMENT

3430 Court House Drive, Ellicott City, Maryland 21043 410-313-2350

[www.howardcountymd.gov](http://www.howardcountymd.gov)

FAX: 410-313-3467

TDD: 410-313-2323

**Certification of Applicant**

Advisory Comment – In accordance with Section 16.1103 of Subtitle 11, “Adequate Public Facilities Ordinance” (APFO), all residential subdivisions or site development plans (if subdivision is not required) are required to pass the tests for adequate public school facilities as a condition of approval, except those listed as exemptions under Section 16.1107.

I hereby certify that the information supplied herewith is correct and complete and authorize such periodic on-site inspections by the Department of Planning and Zoning and the Subdivision Review Committee agencies as may be necessary to review this application and any waiver petitions filed in connection herewith and to enforce the Subdivision Regulations and other applicable laws. This right-of-entry shall continue until all administrative appeals pertaining to the property have been exhausted. **\*If the applicant is the owner's agent, written documentation from the property owner granting that authority is required.**

Edward St. John      Edward St. John      5/24/22  
(Signature of Property Owner/Agent)\*      (Print Name of Owner/Agent)      (Date)

mtaylor@sjpi.com  
(Property Owner's Email Address)

2500 Lord Baltimore Dr.  
(Property Owner's Address)

Maryland 21244  
(State and Zip Code)

410 309 1821  
(Property Owner's Fax Number)\*