

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

February 25, 2019

Dr. Bruce Taylor 8 Park Center Court, Suite 200 Owings Mills, MD 21117

RE:

WP-19-072 Gatherings at Taylor Place

Dear Dr. Taylor:

The purpose of this letter is to notify you that the above referenced alternative compliance petition cannot receive approval from the Department of Planning and Zoning for the following reason.

In accordance with Council Bill No. 56-2018 adopted on July 27, 2018, the bill temporarily prohibits issuing certain permits, development plan approvals and zoning changes for properties located within the Tiber Branch and Plumtree Branch Watersheds for 'one year'. While the bill allows the development plan review process to continue, plans (including alternative compliance petition plans) cannot be considered for approval by DPZ until the bill expires.

The bill also requires DPZ to notify current or future applicants in the development review process of potential changes to County laws that could apply to the plans before a permit is issued. Likewise, the Department of Inspections, Licenses and Permits cannot issue a permit for any property within the Tiber Branch and Plumtree Branch Watersheds during the effective period of this bill.

The processing of your alternative compliance petition has been placed on hold temporarily until the expiration date of CB56-2018. You will be notified by letter when plan processing may resume.

If you have any questions, please contact Eric Buschman at (410) 313-0729 or email at ebuschman@howardcountymd.gov.

Sincerely,

Kent Sheubrooks, Chief

Division of Land Development

KS/eb

CC:

Research

DED

Vogel + Timmons



Howard Soil Conservation District Phote (410) 313-0680 FAX (410) 489-5674 www.howardsed.org

14735 Frederick Road, Cooksville, MD 21723

Vogel Engineering & Timmons Group 3300 North Ridge Road, Ste 110 Ellicott City, MD 21043 Date: February 28, 2019

Re: Gatherings & Taylor Place

WP-19-72

The above referenced plan has been reviewed by the Howard Soil Conservation District for compliance with sediment control, pond safety, temporary stormwater management, and sensitive area protection requirements. Results of the review are as follows:

- (X) Howard SCD approval is not required. However, the following recommendations and requests are being made to the Department of Planning & Zoning.
- () The plan is approved, subject to signatures being placed on the original(s). Any alterations to the plan shall void approval.
- () Address all comments which, due to their minor nature, may be addressed directly on the original(s) at the time of formal signature approval. There is no need to resubmit the plan.
- () Address all comments as noted below and resubmit the plan for further review.

REVIEW COMMENTS:

- 1. ST #'s 61, 68, 69, 64, 63 no objection to granting of "alternative compliance".
- 2. ST #'s 66, 67, 146 Reconfiguration of SWMF, MBR, or lessening of grading does not seem unreasonable in order to preserve these trees.

Recommend denial of Section 16.205(a)(7) for these trees until further justification is provided.

Warning: All soils have limitations, ranging from slight to severe, for building homes, constructing roads and ponds, and various other uses. Please consult the *Soil Survey of Howard County* for determining soil types and their suitability for development, engineering and building.

Technical Review by:

Bob Robertson

DEPARTMENT OF PLANNING AND ZONING DEVELOPMENT ENGINEERING DIVISION

| | | February 25, 2019 |
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| TO: | Kent Sheubrooks, Chief Division of Land Developme | - 1.55A |
| FROM: | Chad Edmondson, Chief (Development Engineering D | ivision FEB 2- 7-3 |
| | Project Engineer: | |
| RE: | DP&Z File #: | WP-19-072 Department of Processing Services o |
| | | Gatherings at Taylor Place |

After review of the submitted information requesting a waiver of the Subdivision and Land Development Regulations, Section 16.1205.(a)(7), regarding removing trees 30" in diameter or larger, this Division has no objection, and defers the decision to the Division of Land Development. This project cannot be approved since this site is located in the Ellicott City Watershed.

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| FAST TRACK PLAN |
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Division of Land Development

| DATE: _ | February 1, 2019 | _ | | DPZ File No. | WP-19-072 | |
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Check, initial and return to the Department of Planning and Zoning if plan is approved with no comments.

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Check, initial and return to the Department of Planning and Zoning if plan is approved with no comments.

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Howard County Department of Planning and Zoning **Division of Land Development**

ALTERNATIVE COMPLIANCE APPLICATION

[Alternative Compliance from Subdivision and Land Development Regulations]

Date Submitted/Accepted 2/1119

Site Description

DLD/AC

DPZ File Number <u>WP-19-07</u>Z

rev June 2016

| 1. | Site Description | | | | | | | | |
|-----|---|---|-----------------------------------|--|--|--|--|--|--|
| | Subdivision Name/Property Identifica | | | | | | | | |
| | Location of property: Causes 1 | Ove No Creened View (7) Street Address and/or Road Name) | ecrcsed) | | | | | | |
| | HOSATHY DER RESTRICTED (POR) | | | | | | | | |
| | (Existing Use) | (Proposed Use) | | | | | | | |
| | 75 % | 73 74 +93 | Sm | | | | | | |
| | (Tax Map No.) (Grid/Block N | lo.) (Párcel No.) | (Election District) | | | | | | |
| | 306 | <u> </u> | | | | | | | |
| | (Zoning District) | (Total Site Area) | | | | | | | |
| | Provide a brief site history including re | eference to all previously submitted or cu | rrently active plans on file with | | | | | | |
| | the County (subdivision plans, Board | of Appeals petitions, alternative complia | ince petitions, etc.) | | | | | | |
| | SSD-81-623 | | | | | | | | |
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| 11. | Alternative Compliance Request | | | | | | | | |
| | In accordance with Section 16 104 of | the Howard County Subdivision and Land | Development Regulations, the | | | | | | |
| | Department of Planning and Zoning | g, in conjunction with the Subdivision R | leview Committee may grant | | | | | | |
| | alternative compliances or mod | ifications to the minimum requirem | ents stipulated within the | | | | | | |
| | Regulations if it is determined that | it extraordinary hardships or practical | i difficulties may result from | | | | | | |
| | strict compliance with the regulati | ions, or if it is determined that the reg | ulations may be served to a | | | | | | |
| | greater extent by an alternative pro- | oposal. | | | | | | | |
| | La the area halow the notitioner shall | n the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and | | | | | | | |
| | In the area below, the petitioner shall and Development Regulations for v | which an alternative compliance is being | requested and provide a brief | | | | | | |
| | summary of the regulation. Attach a | separate sheet if additional information i | s appropriate. | | | | | | |
| | Section Reference No. | Summary of Regulation | | | | | | | |
| | | | | | | | | | |
| | 1. Secrico 16.1205(a)(7) | TREES 36" IN DIAMETER OR | 354 73356 | | | | | | |
| | | FOREST RETENTION PRIORITIES | | | | | | | |
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THE GATHERINGS AT TAYLOR PLACE ECP-18-028 ALTERNATIVE COMPLIANCE

III JUSTIFICATION

The purpose of this Alternative Compliance Application is to request the removal of 8 specimen trees (diameter 30" or greater) in conjunction with the proposed Gatherings at Taylor Place development.

The petitioner is proposing the establishment of a 35' forest conservation easement adjacent to College Avenue, which is beyond the required scenic road buffer. The existing trees located in this area, adjacent to existing College Avenue, will be retained and permanently protected.

There is approximately 50' of vertical topography from the northwest corner of the project to the southeast corner. This portion of the overall hospital property had previously included various structures, drives and parking areas. The age-restricted townhouse product is proposed due to the flexibility in accommodating vertical grade. The front door can be located on the garage level on the first floor. Additionally, the townhouses can break elevation between units and buildings. The project is also constrained by existing wetlands and associated buffers.

The removal of the 8 specimen trees is required to provide reasonable development of the property in accordance with zoning and designation Regulations. If the Alternative Compliance request were denied, the proposed development would be significantly impacted. The grading and development would need to be designed to avoid disturbance to the critical root zone of each of the specimen trees. This would result in minimal development potential and the project would not be financially viable, creating a financial hardship for the petitioner/property owner.

The alternative proposal would include 2:1 mitigation for each of the 8 trees removed. These trees would be native species of street tree caliber, planted in suitable locations within the project.

The specimen trees to be removed include 4 white ash trees that are in good-fair condition and are also subject to the Emerald Ash Borer. The other 4 trees consist of tulip poplars and silver maples that are in good-fair condition and neither of which is a desirable, high value tree. Therefore, the removal and 2:1 replacement results in serving the Regulations to a greater extent.

The removal of the specimen trees is not detrimental to the public's interest as it eliminates questionable and undesirable trees and provides for the planting of healthy and appropriately located trees, which will provide a greater benefit to the public.

The overall project provides for the retention of substantial wooded resources located in environmental, high priority areas. The subject specimen trees are of minimal value and have questionable longevity. This would replace them with healthy trees (2:1 ratio), which will provide a long-term benefit and therefore, will not nullify the intent or purpose of the Regulations.

All alternative compliance requests must be fully justified by the petitioner. Incomplete or inadequate justification may result in rejection of the application at the time of submission. Justification must be specific to the subject property. The justification provided by the petitioner should include all factors which rationalize or substantiate the request in accordance with the following criteria:

- Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations.
- b. Verify that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal.
- c. Substantiate that approval of the alternative compliance will not be detrimental to the public interests.
- d. Confirm that approval of the alternative compliance will not nullify the intent of the Regulations.

PLEASE ATTACH A SEPARATE LETTER OF JUSTIFICATION TO SUPPORT THE ALTERNATIVE COMPLIANCE REQUESTS.

IV. Pre-Submission Meeting Requirements



Community Meeting Requirement - If no previous subdivision plans and/or zoning or conditional use petitions were processed, a pre-submission community meeting is required for the initial plan submittal of all new residential development and for new non-residential development located within 200 feet of a residential zoning district or an existing non-residential development which is located within 200 feet of a residential zoning district and proposed for a floor area expansion of more than 25% in accordance with Sections 16.156(a) and 16.128 of the Subdivision and Land Development Regulations for alternative compliance of the site development plan requirement. [See DPZ policy memo dated 3/22/04 for existing lots/parcels]. The property owner/developer must provide 3 weeks advance notice regarding the community meeting's date, time and location to all adjoining property owners identified in the records of the State Department of Assessments and Taxation and any community association that represents the geographic area of the subject property by first class mail; and sent electronically to any community association registered with the County for projects in a certain geographic area; the Howard County Council; and DPZ, which will place the meeting notice on the DPZ's website. The developer shall send a copy of the minutes and written responses to the meeting attendees and DPZ, either electronically or by first class mail. A certification that meeting notices were mailed, contact information for the attendees and a copy of the minutes and a written response with a dated return mail receipt or dated email attached to all of the major comments recorded at the meeting must be submitted to DPZ along with the initial plan application. The meeting minutes, including a written response to all questions, shall be sent to all meeting attendees within 60 days of the meeting either electronically or by first class mail [Council Bill 6-2011].



HPC Meeting Requirement - A pre-submission advisory meeting with the Historic Preservation Commission is required for new development located within a Historic District or if the site contains a historic structure (50 years or older) in accordance with Section 16.603A of the Howard County Code. Verify this requirement by checking the Historic Sites Inventory list and maps available at the DPZ public service desk or checking with the Resource Conservation Division. The property owner/developer must contact the DPZ, Resource Conservation Division for the HPC scheduling process and procedures. The property owner/developer must submit a copy of the minutes from the HPC Advisory Meeting to DPZ along with the initial subdivision or site development plan application.



<u>MAA Meeting Requirement</u> - For all proposed subdivisions or developments located within the BWI Airport Noise Zone or the Airport Zoning District (4 mile radius from the center of the airport), the review and approval by the Maryland Aviation Administration is required prior to signature approval of final plan road and SWM construction drawings, and/or site development plans, or alternative compliance approval of SDP. Please contact the MAA at P.O. Box 8766, BWI Airport, Maryland, 21240-0766, or (410) 859-7100. A copy of the MAA approval letter must accompany the submission of the final road/SWM construction plan original drawings, and/or site development plan original, or alternative compliance application.

→→→d.

V. Plan Exhibit

A. Number of Copies Required

The alternative compliance application must be accompanied by copies of a detailed plot plan, subdivision plat or site development plan (15 sets of the completed alternative compliance application and plan exhibit if the subject property adjoins a County road; 19 sets for properties adjoining a State road). In instances where the alternative compliance request concerns an approval extension or if an associated plan is in active processing, only 2 sets of plans are required along with 15 or 19 copies of the application form. Plans must be folded to a size no larger than 7-1/2" x 12". The pre-packaging of plans and supplemental reports by SRC agency will be permitted by DPZ provided that each package contains a cover letter which itemizes all plans, reports and documents included in the package.

<u>Please be advised that all plan application submissions are ACCEPTED BY APPOINTMENT ONLY. All plan submission appointments must be scheduled with the Division of Land Development at (410) 313-2350.</u>

Plan applications are available on the DPZ website at https://howardcountymd.gov/Departments/Planning-and-Zoning/Land-Development.

B. Plan Requirement Checklist

The detailed alternative compliance exhibit, plot plan, subdivision plan or site development plan must indicate the following required information relevant to the alternative compliance request to ensure acceptance of the alternative compliance application for processing.

| Legend: | NA | Information Provided Not Applicable | _X Information Not Provided, Justification Attached |
|---------|----|--|--|

1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.

Bearings and distances of property boundary lines for the entire tract and size of tract area.

North arrow and scale of plan.

Location, extent, boundary lines and area of any proposed lots.

. Any existing or proposed building(s), structures, points of access, driveways, topography, natural features and other objects and/or uses on the subject and adjacent properties which may be relevant to the petition; i.e. historic structures, cemeteries or environmentally sensitive areas.

Delineation of building setback lines.

7. Delineation of all existing public road and/or proposed street systems.

8. Identification and location of all easements.

9. Approximate delineation of floodplain, streams, wetland and forested areas, if applicable, and/or

| | provide a professional artification that environmental features not exist on the property. Road profile to evaluate sight distance, if the application includes a request for direct access to a major collector or more restrictive roadway classification. |
|---------------|--|
| <u>/</u> 11. | Any additional information to allow proper evaluation (e.g. for alternative compliance to wetland buffers an alternative analysis and mitigation proposal are needed; for alternative compliance to SDF requirements where there is no subdivision of land, an APFO Roads Test evaluation may be needed for alternative compliance of final plat or SDP, a copy of property deeds to confirm legal creation of status of property is needed). |
| <u>M</u> 12. | Photographs, perspective sketches or cross-sections as necessary to adequately portray the alternative compliance request. |
| <u>/</u> 13. | The exhibit plans should be highlighted to accurately illustrate the requested alternative compliance(s) to allow proper evaluation (i.e. proposed grading, tree clearing or other disturbances within environmentally sensitive areas or buffers). |
| | Submit 2 sets of photographs for all existing on-site structures. |
| | Identify the location of any existing wells and/or private septic systems. |
| <u>M</u> 16. | Route 1 Manual Compliance with the Route 1 Manual is required for new development and some alterations or enlargements located in the CE, TOD and CAC zoning districts and for other zoning districts located within the Route 1 corridor. All plan submissions, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 1 Manual's requirements and recommendations. All plan submissions shall provide a written summary of how the proposed design achieves the objectives of the Route 1 Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission. |
| | Route 40 Design Manual Compliance with the Route 40 Design Manual is required for new development and redevelopment projects located in the Traditional Neighborhood Center (TNC) zoning districts and on parcels located within the Route 40 Corridor as defined in the Route 40 Design Manual. All plan submissions within the Route 40 corridor, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 40 Design Manual's requirements and recommendations. All plan submissions within the Route 40 corridor shall provide a written summary of how the proposed design achieves the objectives of the Route 40 Design Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission. |
| <u>JA</u> 18. | Property Deeds – Information to confirm the legal creation or status of the property to be improved. (Copy of deeds from Howard County Land Records Office or record plat name and recording reference number). A complete chronological deed history is required for all deeded residential properties. Provide 2 copies of the recorded deeds for the subject property tracing its history back to 1960. |
| <u>NA</u> 19. | Please complete the following: |
| | A pre-submission meeting was held with DPZ on with with, if applicable. |
| | [DPZ, Director, DLD Division Chief or other SRC representatives] |
| Fees | |

VI.

The Alternative Compliance application fee shall be in accordance with the adopted fee schedule. All checks shall be made payable to the Director of Finance. The petition will not be accepted for processing until the fee has been paid. Incomplete, incorrect or missing information may result in the rejection of the application and could cause additional time to be required to revise the application for resubmittal and rereview. For more information or questions, contact DPZ at (410) 313-2350.

VII. Owner's/Petitioner's Certification

I/WE the undersigned fee simple owner(s) hereby make application to the Howard County Department of Planning and Zoning to provide an alternative compliance request of the minimum requirements of the Howard County Subdivision and Land Development Regulations. The undersigned hereby certifies the information supplied herewith is correct and complete, confirms that the regulations and policies as referred to in the attached are understood, and authorizes periodic on-site inspections by the Howard County Subdivision Review Committee agencies. *If the applicant is the owner's agent, written documentation from owner granting that authority is required at the time of the submission.

| Owner's authorization attached * | | | | | | | | |
|--|--|--|--|--|--|--|--|--|
| Tarrow Davense LLC (Signature of Property Owner) (Fee Simple Owner Only) (Date) | (Signature of Petition Preparer) * (Date) | | | | | | | |
| (Name of Property Owner) | Name of Petition Preparer, Surveyor/Engineering/Architect or Agent/Developer | | | | | | | |
| Eter Center Court, Site 200 (Address) | 3300 North Ridge Road, Scite110 Address) | | | | | | | |
| City, State, Zip Code) | Ellicott City, M.D. 21043 (City, State, Zip Code) | | | | | | | |
| E-Mail braylore toylorservice. com | E-Mail Cob. Vogelatimmons. com | | | | | | | |
| (Telephone) (Fax) | <u>410-461-7666</u> <u>410-461-8961</u> (Telephone) (Fax) | | | | | | | |
| Contact Person: DR. BEVE TEYEOR | Contact Person: Robert H. Voyel | | | | | | | |

Howar Jounty Department of Planning and ning Division of Land Development

INITIAL SUBMISSION ALTERNATIVE COMPLIANCE WORKSHEET (For DPZ Use Only)

| Project Name | | Gaberings @ Taylor Place | | | DPZ File No. | WP-19-072 | | | |
|-------------------|---|---|---|----------------------|-----------------------------------|-----------|----------------|--|--|
| DPZ Plan Reviewer | | | | | Submission Date _ Time | | 1 | | |
| г Ia . | Application Requ | | 100 | | Time | | Yes, No or N/A | | |
| 1. | | | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | | | | 8 . | | |
| | b. Required number of plans and applications are provided | | | | | | | | |
| | Plan: | Plans (15 sets on County Road or 15 Applications 19 sets on State Road) | | | | | | | |
| | | | | | | | . Yes | | |
| | d. Certification of | pre-submission c | ommunity r | meeting and su | mmary of communi | tv | | | |
| | | d. Certification of pre-submission community meeting and summary of community comments with dated responses to all meeting attendees within 60 days is provided | | | | | | | |
| | | and three week notice given to DPZ and County Council, if applicable | | | | | | | |
| | | e. Certification of pre-submission HPC advisory meeting for new projects in Historic District or listed in Historic Sites Inventory | | | | | | | |
| | f. Photographs o | t or listed in mistor f existing structure | es (for Histo | oric Preservatio | n Review) | | | | |
| | | | | | | | | | |
| | h. Written summa | | | | nual compliance (if | | | | |
| | i. DAP project de | sign recommenda | ation for Ro | oute 1/Route 40 |) projects | | · | | |
| II. | Fee Computation | | | | | | Fee | | |
| + | | | | | | | | | |
| | Fee for each addit | wo alternative con ional alternative c | npliance se compliance | section (a | dditional alternative | complian | | | |
| | | | | | | | M | | |
| * | (Maximum fee of \$ | 350 for Agricultura | al Preserva | ation parcels) | | | • | | |
| | | | | | TOTAL | | 450 | | |
| III. | Certification Cash Receipt No SAP | |)-3000-300 | 0000000-P W P | Amou :W00000000000000-4 | | 450.00 | | |
| | Check issued by | | | | | | | | |
| | | | | | | | | | |
| | Alternative Co | mpliance applicati | ion is acce | pted for proces | ssing. | | | | |
| | Scheduled SF | RC meeting date. | | | | | | | |
| | Alternative Co | mpliance applicati | ion is rejec | ted. | | | | | |
| | Reason: _ | | | | | | | | |
| | Resubmission | is accepted. | Date | | Staff | initials | | | |
| | Comments/Notes | | | | | | | | |
| | | | | | | | | | |