

HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
Division of Land Development

DATE: May 11, 2018

DPZ File No. WP-18-121

Department of Planning and Zoning

- 1 Research
1 Resource Conservation (Historic/Ag Pres)
Public Service and Zoning Administration
Address Coordinator

- 1 Comprehensive & Community Planning
2 Development Engineering Division
Other
1 File

See: SDP-16-045

Agencies

- 1 Soil Conservation District
1 Department of Inspections, Licenses & Permits
1 Department of Fire and Rescue Services
5 State Highway Administration
1 Health Department
1 Public School System
1 Recreation and Parks
1 Office of Transportation
MD Aviation Administration
WSSC (Non-Residential Only)

- Tax Assessment
Verizon
BGE
Cable TV
Police
MTA
Finance
1 DPW, Real Estate Services
DPW, Construction and Inspection
DPW, Bureau of Utilities

RE: High Point

ENCLOSED FOR YOUR Signature Approval [] Review & Comments [x] Files []
THE ENCLOSED Original [] Pre-Packaged Plan Set []

Table with 2 columns: Plans, # of Plans. Lists various plan types like Sketch Plan, Prel Equiv Sketch Plan, etc.

Table with 1 column: Supplemental Documents. Lists documents like Wetlands Report, Soils/Topo Map, etc.

Table with 2 columns: Applications, # of Plans. Lists applications like Alternative Compliance Application, Planning Board Application, etc.

WAS: [x] Received [] Tentatively Approved [] Recorded
[] Received and Revised [] Approved On May 11, 2018

COMMENTS: Due- 17 Working Days: 6/6/18

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

DPZ STAFF INITIALS: KTB

**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 _____ DPZ File Number _____

I. Site Description

Subdivision Name/Property Identification: HIGH POINT

Location of property: 8654 BALTIMORE NATIONAL AVE
(Street Address and/or Road Name)

VACANT
(Existing Use)

RETAIL
(Proposed Use)

24
(Tax Map No.)

6
(Grid/Block No.)

850
(Parcel No.)

215
(Election District)

B-2
(Zoning District)

0.69 AC
(Total Site Area)

Provide a brief site history including reference to all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.)

SDP - 15-045
WP - 18-021

II. Alternative Compliance Request

In accordance with Section 16.104 of the Howard County Subdivision and Land Development Regulations, the Department of Planning and Zoning, in conjunction with the Subdivision Review Committee **may grant alternative compliances or modifications to the minimum requirements stipulated within the Regulations if it is determined that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, or if it is determined that the regulations may be served to a greater extent by an alternative proposal.**

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 regulation. Attach a separate sheet if additional information is appropriate.

<u>Section Reference No.</u>	<u>Summary of Regulation</u>
1. <u>16.156 (i)</u>	<u>180 DAYS TO SUBMIT SITE DEVELOPMENT PLAN ORIGINAL DRAWINGS</u>
2. <u>16.156 (m)</u>	<u>180-DAYS TO SUBMIT / COMPLETE ALL FEES, SURETY AND AGREEMENTS</u>
3. _____	_____
4. _____	_____
5. _____	_____

III. *Justification*

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:

- a. 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*

- a. **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].**
- b. **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.**
- c. **MAA Meeting Requirement** - 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.



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

April 17, 2018

COPY MR
DZ

TSC/8654 BN Pike LLC
attn: Bruce Jaffe
8600 Snowden River Parkway
Suite 207
Columbia MD 21045

RE: **SDP-16-045 High Point** (8654 Baltimore National Pike)

Dear Mr. Jaffe:

On October 12, 2017, this Department granted you a 180-day extension from the September 3, 2017 due date to file the developer agreements, pay associated fees, and to submit the site development plan (SDP) original drawings for the above referenced project under WP-18-031 (see attached letter). The new due date would be March 2, 2018.

This Department did not receive the SDP original drawings by the March 2, 2018 due date and the Department of Public Works (Real Estate Services Division) has confirmed that the developer agreement and associated fees were not submitted/paid.

Please let us know what your intentions are for this project. If you intend to resume processing this plan, the filing of an Alternative Compliance Petition will be required to reactivate processing.

Please contact staff planner, Derrick Jones, by email at: djones@howardcountymd.gov or by regular mail at the above address to state your intentions.

Should we not hear from you by Friday May 11, 2018, we will void this plan from processing and a new application for site development review will be required.

In the meantime, if you have questions, please contact Derrick Jones at (410) 313-4330.

Sincerely,

Kent Sheubrooks, Chief
Division of Land Development

KS/dj
Att: WP-18-031 approval letter
cc: Vogel+Timmons Engineering
File: SDP-16-045

HIGH POINT
SDP-16-045

III JUSTIFICATION

The purpose of this alternative compliance petition is to request the reactivation of SDP-16-045 and an extension to deadlines outlined in the “technically complete” letter. The original “technically complete” letter dated March 7, 2017 specifies a September 3, 2017 date to complete the payment of fees, posting of financial surety and submission of the site development plan originals. Subsequently, the Department of Planning and Zoning approved WP-18-031 which extended the deadline to March 2, 2018.

The subject project has completed all phases of the development process including the Environmental Concept Plan, Design Advisory Panel, Site Development Plan and MSHA plan review and approval. However, the owner/developer is experiencing financial difficulties preventing the completion of the Developer Agreement. The developer is in the process of selling the property and the new property owner will complete the Developer Agreement process. Therefore, on behalf of the owner/developer, we are requesting the reactivation of the site development plan and a 180-day extension from the March 2, 2018 deadline.

The owner/developer has expended significant effort and financial resources to achieve the technically complete status including engineering and architectural fees and County fees. Should this Alternative Compliance request not be granted, the petitioner would be subject to significant hardship including the loss of the ability to complete the real estate transaction.

If the Alternative Compliance Petition is granted there would not be any relief from technical material requirements. It would be in the best interest of Howard County, the public and the property owner to grant the requested relief and allow additional time to complete the property sale and process the Developer Agreement and site development plan originals.

The Regulations are not compromised by the granting of this Alternative Compliance request.

In response to the Department of Planning and Zoning letter dated April 17, 2018 we are requesting the reactivation of the subject site development plan and a 180-day extension to the current March 2, 2018 deadline.

- d. **Design Advisory Panel (DAP)** – A pre-submission advisory meeting with the Design Advisory Panel is required for sketch and preliminary equivalent sketch plans that are submitted on or after November 3, 2008 for new development or redevelopment projects on parcels located in the U.S. Route 1 corridor that are zoned 'CE', 'CAC' or 'TOD' or that adjoin the Route 1 right-of-way and that are subject to the Route 1 Design Manual; on parcels located within the U.S. Route 40 corridor that are zoned 'TNC' or that are subject to the Route 40 Design Manual; on parcels which age-restricted adult housing is to be constructed pursuant to a conditional use; on redevelopment parcels located in the New Town Village Centers with boundaries proposed by a property owner or established by the Zoning Board or County Council; and for revitalization and redevelopment of Downtown Columbia in accordance with Sections 16.1501 and 16.1504 of the Howard County Code. The property owner/developer must contact the DPZ, Division of Comprehensive and Community Planning to verify this requirement and for information concerning the DAP meeting scheduling process and procedures. **The property owner/developer must submit a copy of the DAP project design recommendations to DPZ along with the initial subdivision plan application.**

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.**

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.

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:	<input checked="" type="checkbox"/> Information Provided	<input checked="" type="checkbox"/> Information Not Provided, Justification Attached
	<input type="checkbox"/> NA	

1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.
2. Bearings and distances of property boundary lines for the entire tract and size of tract area.
3. North arrow and scale of plan.
4. Location, extent, boundary lines and area of any proposed lots.
5. 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.
6. 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 certification that environmental features do not exist on the property.
- n/a 10. Road profile to evaluate sight distance, if the application includes a request for direct access to a major collector or more restrictive roadway classification.
- n/a 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 SDP 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 or status of property is needed).
- n/a 12. Photographs, perspective sketches or cross-sections as necessary to adequately portray the alternative compliance request.
- n/a 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).
- n/a 14. Submit 2 sets of photographs for all existing on-site structures.
- n/a 15. Identify the location of any existing wells and/or private septic systems.
- n/a 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.
- n/a 17. **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.
- n/a 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.**
- n/a 19. Please complete the following:

A pre-submission meeting was held with DPZ on _____ with
[date] _____, if applicable.
[DPZ, Director, DLD Division Chief or other SRC representatives]

VI. Fees

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 re-review. For more information or questions, contact DPZ at (410) 313-2350.

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

**INITIAL SUBMISSION
ALTERNATIVE COMPLIANCE WORKSHEET
(For DPZ Use Only)**

Project Name _____ **DPZ File No.** _____
DPZ Plan Reviewer _____ **Submission Date** _____
Plan Consultant Representative _____ **Time** _____

- I. Application Requirements** *Indicate Yes, No or N/A*
- a. Application is complete _____
 - b. Required number of plans and applications are provided _____
 ___ Plans (15 sets on County Road or
 ___ Applications 19 sets on State Road)
 - c. Supplemental Information is provided _____
 - 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 of existing structures (for Historic Preservation Review) _____
 - g. MAA Approval Letter (if applicable) _____
 - h. Written summary of Route 1 Manual/Route 40 Design Manual compliance (if applic) _____
 - i. DAP project design recommendation for Route 1/Route 40 projects _____

- II. Fee Computation** **Fee**
- Number of alternative compliance sections requested _____
 - * Base Fee for first two alternative compliance sections (**\$450**) _____
 - Fee for each additional alternative compliance section (___ additional alternative compliances x **\$50** each) _____
- _____
- * (Maximum fee of **\$350** for Agricultural Preservation parcels)

TOTAL _____

III. Certification

Cash Receipt No. _____ Amount _____
SAP Acct 1000000000-3000-3000000000-PWPW000000000000-432530

Check issued by _____

- ___ Alternative Compliance application is accepted for processing.
- ___ Scheduled SRC meeting date.
- ___ Alternative Compliance application is rejected.

Reason: _____

___ Resubmission is accepted. Date _____ Staff initials _____

Comments/Notes _____
