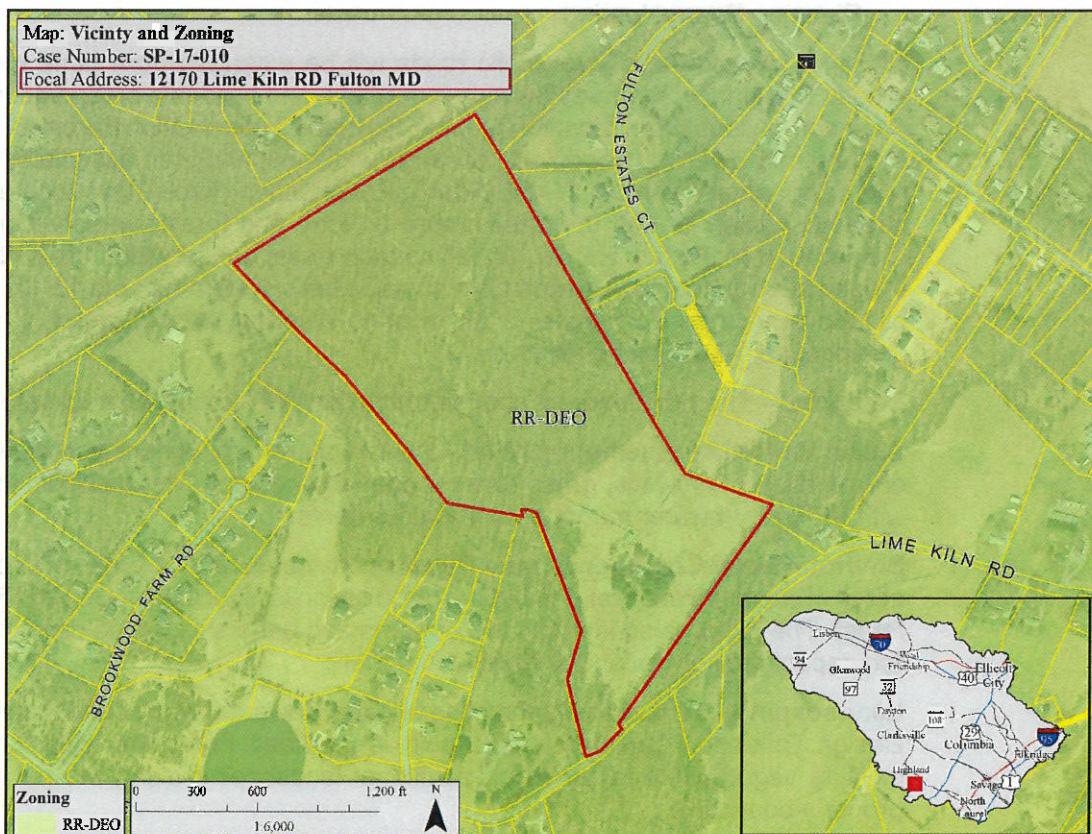




**TECHNICAL STAFF REPORT**  
**Lyhus Property**

Planning Board Hearing of November 15, 2018

- File No./Petitioner:** PB-440, Mitron LLC
- Project Name:** Lyhus Property, (SP-17-010b)
- DPZ Planner:** Nicholas Haines, (410) 313-4333, [nhaines@howardcountymd.gov](mailto:nhaines@howardcountymd.gov)
- Request:** To approve the Preliminary Equivalent Sketch Plan (SP-17-010b) for a 71.09 acre, 28 lot subdivision, one buildable preservation parcel, and three non-buildable preservation parcels. The property is zoned "RR-DEO" (Rural Residential – Density Exchange Option) and is in the Tier III Growth Area. Therefore, it is subject to Senate Bill 236 "The Sustainable Growth and Agricultural Preservation Act of 2012."
- Location:** The property (Tax Map 40, Grid 24, Parcel 135, in the Fifth Election District of Howard County, Maryland) is accessed via Lime Kiln Road.
- DPZ Recommendation:** **Approval**, subject to complying with remaining technical comments from the Subdivision Review Committee (SRC) and any conditions by the Planning Board.



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**Vicinal Properties:**

Surrounding properties are zoned RR-DEO and designated Tier III and Tier IV. They include:

**North** – BGE powerlines - opposite the utilities is an existing 15 Lot subdivision on Hydeaway Court.

**East** – The Fulton Estates subdivision containing single family homes.

**South** – A single family home across Lime Kiln Road.

**West** – The Holly House Meadows and Brookwood Farms subdivisions containing single family homes.

**Legal Notice:**

The property was properly posted and verified by DPZ.

**Regulatory Compliance:**

The Amended Fifth Edition of the Subdivision and Land Development Regulations, the Zoning Regulations (effective October 6, 2013), the Howard County Design Manual, the Adequate Public Facilities Ordinance, the Forest Conservation Manual, and the Landscape Manual all apply.

**History:**

- **ECP-17-056, Environmental Concept Plan** - Submitted June 14, 2017, for the 28 lot and one buildable preservation parcel subdivision. The plan was approved July 17, 2018.
- **WP-18-070** - Submitted January 1, 2018, requesting alternative compliance for Section 16.114 for a necessary disturbance justification, Section 16.116(a) for stream buffer and wetland buffer impacts, 16.120(b)(4)(iii) to allow environmental features and buffers on lots less than 10 acres, and 16.1205(a)(7) to allow removal of specimen trees. The Alternative Compliance request has been deferred until after the Planning Board Hearing.

**Analysis:**

**Site Improvements** – Two public roads will be extended from Lime Kiln Road and Nicolar Drive and will serve 28 single family lots, one buildable preservation parcel, and three non-buildable preservation parcels. Buildable Preservation Parcel 'B' will contain a single family dwelling, floodplain, streams, wetlands, and their associated buffers, and forest conservation areas. Non-Buildable Preservation Parcel 'A' will contain floodplain, streams, wetlands, and their associated buffers, and forest conservation area. Non-Buildable Preservation Parcel 'C', will contain forest conservation area. Non-Buildable Preservation Parcel 'D' will contain a shared septic system for Lots 15-17. There are no historic structures, but there is an existing dwelling, two garages, a shed, and a greenhouse. All are to be removed.

**Setbacks** – The development complies with the "RR" Zoning District setbacks.

**Storm Water Management (SWM)** - Storm water management is achieved through a combination of drywells, grass swales, and surface sand filter facilities, in accordance with MDE stormwater management requirements.

**Environmental Considerations** – The property contains 7.26 acres of floodplain, 12.30 acres of wetlands and wetland buffers, erodible soils, specimen trees, and 52.65 acres of forest. The subdivision impacts two streams and buffers with road crossings and there are impacts to the wetland and wetland buffers

**Landscaping** - Landscaping complies with the Howard County Landscape Manual and Design Criteria. Perimeter landscaping is provided through credits for maintaining existing vegetation and providing additional landscaping along the public street and property boundaries.

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**Forest Conservation** - Forest conservation easements totaling 16.51 credited acres are proposed on Buildable Preservation Parcel 'B' and Non-Buildable Preservation Parcels 'A' and 'C'. The easement will contain 6.08 acres of onsite forest retention. While 6.96 acres of reforestation is required, this obligation will be met by 3.90 acres of on-site and 6.12 acres of reforestation at a forest conservation bank; based on a 2 to 1 ratio for retention of existing forest.

**Adequate Public Facilities** – Allocations in the Rural West Allocation Area are currently available, but will not be finalized until the project has been approved by the Planning Board and the Decision and Order has been executed.

**Adequate Road Facilities** – This plan complies with acceptable levels of service established by Adequate Road Facilities requirements.

**Development Criteria** – This plan complies with the Howard County Subdivision and Land Development Regulations and the October 6, 2013, Howard County Zoning Ordinance.

**Planning Board Criteria:**

The subdivision plan complies with the below requirements of Senate Bill 236 "The Sustainable Growth and Agricultural Preservation Act of 2012":

1. **The cost of providing local governmental services to the residential major subdivision unless a local jurisdiction's Adequate Public Facilities Ordinance already requires a review of government services.**

Howard County has an Adequate Public Facilities ordinance; therefore, this requirement has been met.

2. **The potential environmental issues or a natural resources inventory related to the proposed residential major subdivision.**

The petitioner proposes two stream and stream buffer disturbances. Impacted environmental features include the floodplain, wetlands, streams and their buffers, which are necessary disturbances to accommodate road crossings. The first encroachment is on the southern property edge, along Lime Kiln Road. It was deemed necessary to gain access to the property in accordance with Section 16.116(c) of the Subdivision and Land Development Regulations. The second is a stream crossing near the center of the property. It accommodates a road that serves nine lots and one buildable preservation parcel. The second crossing is subject to Planning Board Approval and Alternative Compliance Request WP-18-070 by the Department of Planning and Zoning. Minor disturbances to wetland buffers result from road construction and SWM facilities.

Of the 52.65 acres of forest cover, the petitioner proposes clearing 29.49. Clearing is minimized to the greatest extent possible and will be mitigated by 3.90 acres of on-site reforestation and 6.12 acres of reforestation at a forest conservation bank. The plan also removes 21 specimen trees. Together, the project disturbs 34.29 acres, or 48% of the site.

Approximately 0.82 acres of environmentally sensitive areas (i.e. 100-year floodplain, wetlands, streams, and their buffers) will be impacted by roads and SWM features. It has been determined that this subdivision design effectively protects, preserves and minimizes disturbances to environmental resources and buffers.

**SRC Action:**

The SRC determined the subdivision plan can be approved, subject to addressing remaining comments that must be corrected prior to DPZ signature approval. Please see the attachment.

**Recommendation:**

The Department of Planning and Zoning recommends approval of Preliminary Equivalent Sketch Plan (SP-17-010b), subject to complying with SRC comments (attached) and any Planning Board conditions.

  
Valdis Lazdins, Director  
Department of Planning and Zoning

10-24-18  
Date

Please note that this file is available for public review by appointment at the Department of Planning and Zoning's public service counter, Monday through Friday, 8:00 a.m. to 5:00 p.m.

## Current Project - Project Markups Listing

SP-17-010b

File Name	Markup Name	Markup Text	Markup Date	Created by
01 - Cover Sheet.dwf	DED-JWW	revise note 14 to specify which facilities meet MD-378 standards.	08/06/2018	James Witmer
10 - SITE PLAN.dwf	DED-JWW	The retaining wall serving SF SWM#2 can not be located on a private lot (lot 7). Please move the wall off the property and provide any needed easement (associated with the geogrid) onto lot 7. Our goal is to reduce offsite easements that extend onto private lots. The easement width can be clarified with the final wall design.	08/06/2018	James Witmer
10 - SITE PLAN.dwf	DED-JWW	Label this intersection angle.	08/06/2018	James Witmer
16 - GRADING-SWM.dwf	DED-JWW2	The larger SWM facilities may meet MD-378 standards. Please confirm. If these standards are met please revise the designs to include the additional requirements.	08/06/2018	James Witmer
16 - GRADING-SWM.dwf	DED-JWW2	Locate the proposed risers within the embankments.	08/06/2018	James Witmer
16 - GRADING-SWM.dwf	DED-JWW2	Revise grading to soften the change of direction along the road A swale to ES-2.	08/06/2018	James Witmer
03 - EX COND & DEMO.dwf	DED-JWW	Please check the soils lines. Several soils divide lines for type "B" soils go through the streams which should not be accurate (see sheet 3 for example).	08/06/2018	James Witmer
18 - GRADING-SWM.dwf	DED-JWW	Front right corner of house is 390 and the grade over the associated drywell for this corner is 400. This will put the drywell over 10-feet below the surface to the top. This is far too deep and must be revised. A few feet would be the maximum allowed.	08/06/2018	James Witmer
18 - GRADING-SWM.dwf	DED-JWW	Corner of house 398, low point of buried pipe around house is 388, cover over drywell is 401. Drywell is too deep. revise.	08/06/2018	James Witmer
18 - GRADING-SWM.dwf	DED-JWW		08/06/2018	James Witmer
18 - GRADING-SWM.dwf	DED-JWW		08/06/2018	James Witmer
18 - GRADING-SWM.dwf	DED-JWW	low point in pipe is 403, ground above drywells at 408. That would be buried a minimum of 5-feet (more with pipe slope). Drywells are too deep.	08/06/2018	James Witmer



## Current Project - Project Markups Listing

18 - GRADING-SWM.dwf	DED-JWW		08/06/2018	James Witmer
18 - GRADING-SWM.dwf	DED-JWW		08/06/2018	James Witmer
18 - GRADING-SWM.dwf	DED-JWW	This by-pass / conveyance swale will have to be analyzed, with a section detail, at F-Plan stage.	08/06/2018	James Witmer
18 - GRADING-SWM.dwf	DED-JWW	Road B outfall from the existing 15" stormdrain appears to drain back onto lot 18 and the across the proposed septic field. This pipe should be extended through lot 18 and outfall behind the spetic field. Also, a public easement will be required.	08/06/2018	James Witmer
01 - Cover Sheet.dwf	DLD Comments	Please note that Alternative Compliance request is being deferred until after the required planning board meeting. Approval of this alternative compliance request is required for the plans to move forward as proposed in the concept. Please note that Section 16.120(b)(4)(iii) for the stream and wetland buffers on lots less than 10 acres for Lots 1-6, and 19 should also be added to WP-18-070.	08/02/2018	Nicholas Haines
01 - Cover Sheet.dwf	DLD Comments	<p>Please make the following updates to the general notes:</p> <p>Include section 16.120(b)(4)(iii) in general note number 8.</p> <p>General note number 38 must be amended to update the forest retention and conservation easement areas. The forest conservation bank information must be completed to provide where the forest conservation requirements are being satisfied.</p> <p>Add a detailed general note explaining that the initial crossing from Lime Kiln Road is considered essential or necessary to gain access to the site in accordance with Section 16.116(c).</p>	08/02/2018	Nicholas Haines

## Current Project - Project Markups Listing

01 - Cover Sheet.dwf	DLD Comments	Please provide adequate justification regarding site limitations and setback restrictions for the location of the wells, private septic systems and storm water management devices to allow for the lot size increases up to the maximum of 60,000 square feet. Lots 5, 10-14, 16-17, and 20-21 all exceed 50,000 square feet.	08/02/2018	Nicholas Haines
01 - Cover Sheet.dwf	DLD Comments	Lot 19 must be adjusted as it exceeds the 60,000 square foot maximum lot size specified in Section 105.0.E.1.c.	08/02/2018	Nicholas Haines
13 - SITE PLAN.dwf	DLD Comments	Lot 19 must be adjusted as it exceeds the 60,000 square foot maximum lot size specified in Section 105.0.E.1.c. Please shift the property lines to get the lot size within the size limits specified in the Regulations.	07/31/2018	Nicholas Haines
11 - SITE PLAN.dwf	Traffic_Yan	Please provide sign and pavement marking plans. Since the roadway pavement is less than 26', please add no parking signs on one side of the road to allow access of emergency vehicles.	07/31/2018	Yan Zhang
09 - OVERALL SITE PLAN.dwf	Traffic - Parris	All traffic control devices must be shown on the site plan drawings on the next submission.	07/31/2018	Jennifer Biddle
16 - GRADING-SWM.dwf	DED-JWW	With the F-Plan, please provide cross sections and discharge data for the grass swale credit. Check DAM's may be required.	07/06/2018	James Witmer
16 - GRADING-SWM.dwf	DED-JWW	The proposed retaining wall can not be located in the public easement but it can also not be located on a private lot unless an appropriate easement is provided. Please note that the wall be owned and maintained by the HOA.	07/06/2018	James Witmer
17 - GRADING-SWM.dwf	DED-JWW	Replace this drywell detail with the current HC drywell detail found in the volume IV design manual.	07/06/2018	James Witmer
17 - GRADING-SWM.dwf	DED-JWW	Below the drywell detail, add a note that a cleanout shall be provided every 100-feet along the roof leaders.	07/06/2018	James Witmer
20 - GRADING-SWM.dwf	DED-JWW	Revise this facility (SF5) to a micro-bioretenention facility. The drainage area is only slightly larger.	07/06/2018	James Witmer
21 - GRADING-SWM.dwf	DED-JWW	the driveway runoff discharges onto steep slopes. Revise the grading / layout to avoid this potential for erosion.	07/06/2018	James Witmer
21 - GRADING-SWM.dwf	DED-JWW	A tee turnaround will be required at the end of this shared driveway. Please adjust with Final Design.	07/06/2018	James Witmer