



Howard County Department Of Planning And Zoning
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

April 26, 2010

Plogger, LLC
6800 Deerpath Road, Suite 150
Elkridge, Maryland 21075
ATT: Jacob Hikmat

RE: WP 10-145/Plogger Property (SP 10-02)
Extension of Time

Dear Mr. Hikmat:

The Director of the Department of Planning and Zoning considered your request for waiver from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request to waiver of Section 16.144(d)(2), requiring the submission of revised plans within 45 days of receiving such request from the Department of Planning and Zoning, subject to the following conditions:

1. In accordance with House Bill 921, local jurisdictions are required to extend plan approvals through June 30, 2010, and additionally, this Department will also grant a **180 day extension** from June 30, 2010. The new deadline date by which to submit revised plans for SP 10-02/Plogger Property, is on or before **December 30, 2010**.
2. Submission of revised exhibits and justification in accordance with a Revised Plan Letter Request transmitted separately under WP 10-105, shall also be required or before **December 30, 2010**.
3. Please be aware that the 2007 Storm Water Management Regulations are currently in effect but that the new State regulations will go into effect on May 4, 2010. Any projects not having an approved storm water management plan and sediment and erosion control plan by May 4, 2010, will require revised plans designed to meet current regulations.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The preliminary equivalent sketch plan, SP 10-02, for development of 15 buildable lots and four open space lots was submitted on March 4, 2010. A waiver petition application, WP 10-105, for waiver of Section 16.121(e)(1) to reduce the required 40' of public road frontage to 0' for Open Space Lot 16 was also submitted simultaneously with the preliminary equivalent sketch plan. Comments were received from Recreation and Parks requesting dedication of O.S.Lot 16 to Howard County. This issue, as well as, comments from the Development Engineering Division regarding storm water management and comments from the Division of Land Development regarding redesign of O.S.Lot 16 resulted in the request for revised plans and deferral of action on the waiver petition. Revised plans for SP 10-02 were due on or before April 23, 2010.

The developer, consultants and staff of the Division of Land Development, Recreation and Parks and Development Engineering Division have met at various times to discuss design issues. In an attempt to better understand and resolve storm water management (SWM) concerns, the developer attended the SWM Seminar offered by the Department of Planning and Zoning on April 21, 2010. In doing so, however, the few days afforded the developer from April 21 until April 23, 2010, to apply new SWM regulations, address all comments and redesign the project could not be accomplished by the deadline date, thus necessitating the waiver request. The developer has shown legitimate attempts to address all concerns and move forward with development of this site. To deny the extension request would cause considerable delay and financial hardship to the property owner. Additionally, in accordance with House Bill 921, local jurisdictions are required to extend all due dates until June 30, 2010. This Department will also grant an additional **180 days** from June 30, 2010, by which to submit revised plans. The new due date to submit revised plans for SP 10-02 and for WP 10-105 is on or before **December 30, 2010**.

2. The requested waiver will not be detrimental to the interest of the public. The developer is not circumventing the intent of the Subdivision or Zoning Regulations but only requires additional time to redesign the site and to comply with new storm water management regulations. Other comments generated from meetings with the Department of Recreation and Parks, Division of Land Development and the Development Engineering Division will also be addressed under a revised plan submission for SP 10-02. Processing of the waiver petition, WP 10-105, will resume and that waiver request will be revised to include additional waivers as necessary based upon discussions regarding open space frontage, grading and specimen tree removal. In accordance with House Bill 921, local jurisdictions are required to extend all due dates, and additionally this Department will also grant a **180 day extension** from June 30, 2010. The new deadline date by which to submit revised plans for SP 10-02/Plogger Property, is on or before **December 30, 2010**. Any request for further extensions will require submission of a new waiver petition application.
3. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. Reactivation of the preliminary equivalent sketch plan, SP 10-02, will be the better alternative than voiding the plan and requiring resubmission. The plan will not significantly changed in design and no new roadways or additional lots are proposed. Approval of the waiver request will afford the applicant better opportunity to apply new storm water management regulations and to consider other issues in redesigning the site to be in more compliance with all requirements. The better design will reduce the possibility of any further revised plan submissions, allowing this project to move forward.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related plats, site development plans and building permits. This requested waiver will remain active as long as the development plans remains active. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development



cc: Research/DED

Mildenberg, Boender & Assoc.

SP 10-02