



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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June 5, 2012.

Kellogg-CCP, LLC
2330 West Joppa Road, Suite 190
Lutherville, Maryland 21093

Re: Oxford Square, Parcels 'C' thru 'L' and Open Space Lots 1 & 2
Waiver Petition WP-12-109 (Reconsideration)
Final Plan F-12-026

Dear Sirs:

The Director of the Department of Planning and Zoning reviewed your request for reconsideration of Department approval of a waiver of the Howard County Subdivision and Land Development Regulations. The reconsideration requested modification of Condition 2 of the waiver approval dated May 1, 2012.

As of the date of this letter, the Planning Director approved your reconsideration request as applicable to the project referenced. Waiver approval is subject to the following conditions and the revision resulting from the reconsideration is in **bold**:

1. Petitioner shall submit a final plan providing no less than 60 feet of frontage on an approved public road to commercial and apartment parcels prior to or concurrent with the submission of a site development plan for commercial or residential development of said parcels.
2. **Petitioner shall provide no less than 40 feet of frontage on an approved public road to Open Space Lot 1 for access by pedestrians and maintenance vehicles upon signature approval of the road construction drawings which include the traffic circle intersection of Banbury Drive and the private road (Road 'E') located on Parcel 'T' (Final Plan F-12-026). A developer agreement shall be submitted and financial surety posted for construction of said public road no later than 60 days following submission of the associated road construction drawing originals. Public road frontage to Open Space Lot 1 shall be indicated on a subdivision plat to be submitted for signature and recordation no later than 120 days following submission of the associated road construction drawing originals.**
3. Petitioner shall, upon approval of the first site development plan for a residential, office, commercial, or recreational use abutting Saint Margarets Lane, submit a redline revision of Final Plan F-12-026 to include sidewalk improvements on Saint Margarets Lane as required by Section 16.134 and the Design Manual.
4. Petitioner shall, upon approval of the first site development plan for a residential, office, commercial, or recreational use abutting Banbury Drive, submit a redline revision of Final Plan F-12-026 to include sidewalk improvements on Banbury Drive as required by Section 16.134 and the Design Manual.
5. Petitioner shall, upon approval of the first site development plan for a residential, office, commercial, recreational, or institutional use within the limits of Sketch Plan S-11-001, submit a redline revision of the appropriate final road construction drawing(s) to the Department of Planning and Zoning to include sidewalk improvements on both sides of Coca Cola Drive as required by Section 16.134 and the Design Manual, including connection of the existing sidewalk to the intersection of Park Circle Drive and Coca Cola Drive.

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Our decision to approve the waiver and reconsideration was made based on the following justification:

Extraordinary hardships or practical difficulties may result from strict compliance with the regulations.

The petitioner would encounter extraordinary hardship or practical difficulty from strict compliance with the relevant regulations. Since Oxford Square is being planned, designed, and constructed in phases, providing the required road frontage to all commercial and apartment parcels and Open Space Lot 1, essentially recording the ultimate public right-of-way, is not practical at this time since the desired road alignment may change in the future. Enforcement of strict compliance with the regulations could potentially subject the petitioner to numerous resubdivisions to re-record the public right-of-way and associated redline revisions of associated road construction drawings.

Waiver approval will not be detrimental to the public interest.

Waiver approval will not be detrimental to the public interest since no site development plans have been submitted which would generate vehicular or pedestrian traffic and no access to Open Space Lot 1 is needed at this time. Oxford Square is a phased project, and the conditions of waiver approval will ensure that sufficient road frontage is provided prior to site development, public access to open space is assured, and public safety is not compromised. The approval of this waiver will not be detrimental to adjacent properties, the surrounding community, or Howard County as a whole.

The waiver will not nullify the intent or purpose of the regulations.

Approval of Waiver Petition WP-12-109 simply has the effect of deferring the enforcement of the relevant regulations until such a time as the Department has determined it necessary; the intent and purpose of the regulations will not be nullified.

Indicate this waiver petition file number, section of the regulations, action, conditions of approval, and date on all related plans, applications, and permits. This waiver will remain valid for one year from the date of this letter or as long as the grading plan remains in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by e-mail at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief

DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
FC&C