



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING  
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

[www.howardcountymd.gov](http://www.howardcountymd.gov)  
FAX 410-313-3467  
TDD 410-313-2323

April 10, 2012

Louis Mangione  
Mangione Enterprises of Turf Valley, LP  
1205 York Road, Penthouse  
Lutherville, Maryland 21093

Re: Turf Valley  
Waiver Petition WP-12-129  
(F-07-158, Fairways at Turf Valley, Phase I  
F-08-057, Vantage Condominiums at Turf Valley  
F-08-060, Villages at Turf Valley, Phase 1, Section 2  
F-08-084, Villages at Turf Valley, Phase 2, Section 1  
F-08-085, Villages at Turf Valley, Phase 3  
F-08-086, Villages at Turf Valley, Phase 4  
F-10-026, Villages at Turf Valley, Phase 1, Section 1  
F-10-078, Villages at Turf Valley, Phase 2, Section 2  
F-10-084, Fairways at Turf Valley, Phase II  
F-10-086, Fairways at Turf Valley, Phase III  
S-08-001, Turf Valley Clubhouse  
S-11-002, The Bluffs at Turf Valley  
S-11-003, Turf Valley Clubhouse, Phase II  
S-11-004, Turf Valley, Pod E-1  
SDP-07-062, Oakmont at Turf Valley  
SDP-08-032, Vantage Condominiums at Turf Valley  
SDP-08-096, Turf Valley Maintenance Shop  
SDP-10-026, Villages at Turf Valley, Phase 1, Section 2  
SDP-10-027, Town Square at Turf Valley  
SDP-10-034, Villages at Turf Valley, Phase 4  
SDP-10-037, Fairways at Turf Valley, Phase I  
SDP-10-056, Turf Valley Resort, Wetland Mitigation Site)

Dear Mr. Mangione:

The Director of the Department of Planning and Zoning considered your request for a waiver of the Howard County Subdivision and Land Development Regulations. As of the date of this letter, the Planning Director approved your request to waive Subsections 16.144(g)(3)(ii), 16.144(g)(3)(iii), 16.144(p), 16.144(q), 16.144(r)(1)(i), 16.144(r)(5), 16.144(r)(6), 16.156(l), 16.156(m), 16.156(o)(1)(i), and 16.156(o)(1)(ii) as they apply to the plans referenced above. Waiver approval extends certain submission and building permit application deadlines relating to the subdivision and site development plans referenced.

The regulations included in the waiver approval and the projects to which they apply are as follows:

Subsection 16.144(g)(3)(ii): "*Submission of Preliminary Plan*: If the sketch plan is approved..., the developer shall submit...a preliminary plan which shall be...within 6 months of sketch plan approval (subdivisions of 51 – 100 housing units)." (Sketch Plans S-08-001, S-11-002 and S-11-004.)

Subsection 16.144(g)(3)(iii): "*Submission of Preliminary Plan*: If the sketch plan is approved..., the developer shall submit...a preliminary plan which shall be...within 9 months of sketch plan approval (subdivisions of 101 or more housing units)." (Sketch Plan S-11-003.)

Subsection 16.144(p): "*Payment of Fees; Posting of Financial Obligations*: Within 120 days of receiving approval of the final plan the developer shall: 1) Pay all required fees to the County; and 2) If subject to a developer agreement or major facility agreement, shall post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements." (Final Plans F-07-158, F-08-057, F-08-060, F-08-084, F-08-085, F-08-086, F-10-078, F-10-084 and F-10-086.)

Subsection 16.144(q): "*Final Subdivision Plat*: Within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation." (Final Plans F-07-158, F-08-057, F-08-060, F-08-084, F-08-085, F-08-086, F-10-026, F-10-078, F-10-084 and F-10-086.)

Subsection 16.144(r)(1)(i): "*Miss milestone for preliminary plan submission*: Except where delay is caused by government action, a project which misses the deadline for preliminary plan submission shall be voided and the application for plan approval shall be considered withdrawn. The developer may resubmit the subdivision for sketch plan approval." (Sketch Plans S-08-001, S-11-002, S-11-003, S-11-004.)

Subsection 16.144(r)(5): "*Failure to pay fees, sign developer's agreement, provide surety*: Except where delay is caused by government action, failure to pay fees, post monies, sign developer agreements and major facilities agreement, and provide appropriate surety within 120 days of final plan approval shall void previous approvals and the application shall be considered withdrawn." (Final Plans F-07-158, F-08-057, F-08-060, F-08-084, F-08-085, F-08-086, F-10-078, F-10-084 and F-10-086.)

Subsection 16.144(r)(6): "*Failure to submit final plat*: Except where delay is caused by government action, failure to submit the final plat within 180 days of final plan approval shall void previous approvals and the application shall be considered withdrawn." (Final Plans F-07-158, F-08-057, F-08-060, F-08-084, F-08-085, F-08-086, F-10-026, F-10-078, F-10-084 and F-10-086.)

Subsection 16.156(l): "*Payment of Fees; Posting of Financial Obligations*: Within 180 days of receiving approval of the site development plan the developer shall: 1) Pay all required fees to the County; and 2) If subject to a developer agreement or major facility agreement, post all monies and/or file appropriate surety covering the developer's financial obligations for the required improvements." (Site Development Plans SDP-08-032 and SDP-08-096.)

Subsection 16.156(m): "*Submission of Originals for Signature*: Within 180 days of approval of the site development plan, the developer shall submit the original mylar plans...If the corrected originals are not submitted within 180 days of approval of the site development plan, the approval will expire and a new site development plan submission will be required." (Site Development Plans SDP-08-032, SDP-08-096, SDP-10-026, SDP-10-034, SDP-10-037, and SDP-10-056.)

Subsection 16.156(o)(1)(i): "*Building Permits: Application time limits:* Within 1 year of signature approval of the site development plan original, the developer shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site." (Site Development Plan SDP-07-062.)

Subsection 16.156(o)(1)(ii): "*Building Permits: Application time limits:* For single family attached, apartment and nonresidential developments involving multiple buildings or staged construction, the developer shall apply for building permits for all construction authorized by the approved site development plan within 2 years of signature approval." (Site Development Plans SDP-07-062 and SDP-10-027.)

Approval is subject to the following conditions:

1. Petitioner shall submit to the Department of Planning and Zoning preliminary plans in accordance with approved Sketch Plans S-08-001, S-11-002 and S-11-004 and the requirements of Section 16.146 of the Howard County Code **on or before June 5, 2013**. Any plan listed in this condition failing to meet the June 5, 2013 deadline shall be voided and the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(1)(i) of the Code.
2. Petitioner shall submit to the Department of Planning and Zoning a preliminary plan in accordance with approved Sketch Plan S-11-003 and the requirements of Section 16.146 of the Howard County Code **on or before December 5, 2013**. Failure to comply with this condition shall result in the plan being voided and the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(1)(i) of the Code.
3. Petitioner shall pay all required fees to the County, submit Developer's Agreements to the Department of Public Works, Real Estate Services Division, and post financial surety for construction of public facilities relating to Final Plans F-07-158, F-08-057, F-08-060, F-08-084, F-08-085, F-08-086, F-10-078, F-10-084 and F-10-086 **on or before June 5, 2013**. Any plan listed in this condition failing to meet the June 5, 2013 deadline shall be voided and the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(5) of the Code.
4. Petitioner shall submit the final subdivision plat originals for Final Plans F-07-158, F-08-057, F-08-060, F-08-084, F-08-085, F-08-086, F-10-026, F-10-078, F-10-084 and F-10-086 to the Department of Planning and Zoning for signature approval **on or before August 3, 2013**. Any plans listed in this condition failing to meet the August 3, 2013 deadline shall be voided and the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(6) of the Code.
5. Petitioner shall pay all required fees to the County, submit Developer's Agreements to the Department of Public Works, Real Estate Services Division, and post financial surety for construction of public facilities relating to Site Development Plans SDP-08-032 and SDP-08-096 **on or before April 19, 2013**. Should any plan listed in this condition fail to meet the April 19, 2013 deadline, the respective plan approval shall expire and a new site development plan submission will be required in accordance with Subsection 16.156(m) of the Code.
6. Petitioner shall submit the original mylar plans for Site Development Plans SDP-08-032, SDP-08-096, SDP-10-026, SDP-10-034, SDP-10-037, and SDP-10-056 to the Department of Planning and Zoning for signature approval **on or before April 19, 2013**. Should any plan listed in this condition fail to meet the April 19, 2013 deadline, the respective plan approval shall expire and a new site development plan submission will be required in accordance with Subsection 16.156(m) of the Code.

7. Petitioner shall apply to the Department of Inspections, Licenses and Permits for building permits:
  - a. To initiate construction on the site relating to Site Development Plan SDP-07-062 **on or before September 2, 2013;**
  - b. For all construction authorized by Site Development Plan SDP-07-062 **on or before September 2, 2014;** and,
  - c. For all construction authorized by Site Development Plan SDP-10-027 **on or before May 3, 2013.**Failure to meet application deadlines shall cause respective plan approvals to expire. A new site development plan submission will be required in accordance with Subsection 16.156(m) of the Code.
8. **Petitioner is advised that current grandfathering provisions of the State of Maryland 2000 regulations for stormwater management as they apply to construction plan approval will expire on May 4, 2013.** The deadlines established by Conditions 5 and 6 above allow for processing of fees, developer agreements, and sureties and routing of site development plan originals for signature approval prior to expiration of grandfathering provisions. (See also DED advisory comment below.)
9. Petitioner is advised to consult previous Department correspondence (e.g. respective plan "technically complete" letters) for additional information regarding submission requirements.

The following DED comment is included as advisory to waiver approval:

1. Projects currently within the review process meeting the State's criteria for preliminary project approval may be permitted to use the State's 2000 regulations for stormwater management. Projects meeting this requirement will be considered grandfathered to the 2000 regulations by submission and approval of an administrative waiver. Expiration of administrative waivers for grandfathering shall be May 4, 2013 if the developer does not receive approval (signed by SCD) prior to this date so that a grading permit could be obtained and the project continue to construction completion. The grandfathering administrative waiver is also conditioned that the developer will make timely construction progress and completion by May 4, 2017.

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

***Extraordinary hardship or practical difficulty will result from strict compliance with the regulations.***

Extraordinary hardship or practical difficulty to the Petitioner may result from strict compliance with the relevant regulations. The petitioner has made a significant investment of resources with the planned goal of achieving the proposed development. Uncertainty of the outcome of pending litigation, in conjunction with the current poor economic climate, inability to obtain financing while litigation is pending, and the potential for further appeals, present obstacles to the petitioner. Strict compliance with the regulations at this time either is not possible or presents an extraordinary hardship to the petitioner.

***Waiver approval will not be detrimental to the public interest.***

The waiver request will not be detrimental to the public interest since the relevant plans have been reviewed, found compliant with relevant regulations, and approved. Extensions of the submission

Louis Mangione  
April 10, 2012  
Page 5 of 5

deadlines will have no adverse effect on adjacent properties, neighboring communities, or Howard County as a whole.

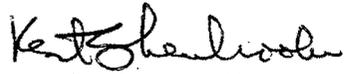
*Waiver approval will not nullify the intent or purpose of the regulations.*

Approval of this waiver will not nullify the intent or purpose of the regulations. To the contrary, waiver approval will help fulfill the purpose of the Subdivision and Land Development Regulations by assisting orderly, efficient, and integrated development of land [Subsection 16.101(a)(1)] and by following the uniform procedures and standards that have been established for the processing of plans in pending litigation and during times of economic hardship [Subsection 16.101(a)(13)].

Indicate this waiver petition file number on all related plats, site development plans, and building permits. Waiver approval as it applies to each plan referenced remains valid for the time periods designated above in the conditions of approval.

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

Sincerely,



Kent Sheubrooks, Chief  
DPZ, Division of Land Development

KS/DBB:dbb

- CC: DPZ, Research
- DPZ, DED
- DPW, Real Estate Services
- Benchmark Engineering, Inc.
- KCE Engineering
- Sill, Adcock & Associates, LLC
- Marc Norman
- Paul Kendall
- Frank Martin
- Helen Carey
- Angie Beltram
- Linda Spencer