



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

October 15, 2012

Jack and Louise Kaulfuss  
13715 Old Rover Road  
West Friendship, MD 21794

John and Martha Calabrese  
3262 Old Fence Road  
Ellicott City, MD 21042

RE: WP-13-046/Rite Aid Corporation  
(SDP-09-044) Ext. of Time

Dear Property Owners:

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

As of the date of this letter, the Planning Director **approved** your request for waiver to Section 16.156(o)(1)(ii) requiring the application of building permits within one year of site development plan signature approval, subject to the following conditions:

1. An extension of time by which to apply for building permit on the subject site is approved for a **one-year period** from the previous due date of October 12, 2012. The new due date by which to make application for building permit for improvements as shown on SDP-09-044/Rite Aid Corporation, is on or before **October 12, 2013**.
2. See enclosed comments from the Development Engineering Division. The applicant is advised that all storm water management facilities on the site must be **constructed** by May 1, 2017, or redesign using current Maryland Department of the Environment practices will be required.
3. Any further extensions beyond October 12, 2013, deadline will require submission of a new waiver petition request.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. The Rite Aid Corporation (developer) has negotiated with the property owners to develop the site with a 14,607 sq.ft. retail building with drive-thru pharmacy. A final plat has been recorded to consolidate parcels and a site development plan was subsequently processed, receiving signature approval on October 12, 2010. Due to financial constraints of the present economy, however, the developer is unable to initiate building construction and has found it necessary to request a second extension of time by which to file for building permit(s). To void the site plan at this stage would create extraordinary hardship to the property owners and developer by requiring the resubmission of a new site development plan. This would result in practical difficulties between the owners and the developer in re-negotiating legal contracts, processing of developer's agreements and may result in extensive redesign of the site due to new storm water management regulations. A better solution would be to grant a one year extension from the previously extended date of October 12, 2013, by which to apply for building permit(s) to initiate construction on the site. In addition, the applicants shall be advised that the Developers Agreement must be executed and fees paid for SDP-09-044 by May 4,

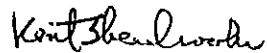
2013, the date of expiration for grandfathering of the 2000 SWM Regulations and construction completed for storm water management facilities by May 1, 2017, or redesign using current MDE storm water management regulations will be required.

2. The intent of the Regulations will be served to a greater extent by approving the requested waiver. The developer has processed a plat of consolidation, previous waiver petitions, MDE permits, filed access cross easement agreements and has received site development plan approval for construction of a retail building, parking lots, storm water management and on-site Forest Conservation easement. The developer has continuously moved forward with development plans for this project and is only requesting a temporary delay until the financial market improves to allow construction of a proposed Rite Aid Building.

3. Approval of this waiver request will not adversely affect the interests of the public nor nullify the intent of the Regulations. The developer is not seeking to circumvent or nullify the intent of the Regulations. The property will be developed in accordance with the approved site plan and all permits will be filed as applicable. Any further extension to the due date will require application of a new waiver petition.

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

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development



:btb  
cc: Research/DED/RES  
Rite Aid Corporation  
Bohler Engineering  
SDP-09-044