



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

December 4, 2012

Greg Reed
Enchanted Forest, LLC
3333 New Hyde Park Road
New Hyde Park, New York 11042

Re: Chevy Chase Bank, The Enchanted Forest Commercial Center
Waiver Petition WP-13-069
(Site Development Plan SDP-08-040)

Dear Mr. Reed:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.156(k), 16.156(l) and 16.156(m) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow for extension of the deadlines by which developer agreements must be executed, fees paid and sureties filed, and the original mylar site development plan referenced submitted to the County for signature approval.

As of the date of this letter, the Planning Director **APPROVED** your request to waive Subsections 16.156(k), 16.156(l) and 16.156(m) as they pertain to SDP-08-040, subject to the following conditions:

1. Petitioner shall execute the developer agreement for required improvements associated with the plan referenced on or before **March 27, 2013**.
2. Petitioner shall post financial surety for storm drains, SWM construction and maintenance, and landscaping, and shall submit the balance of the Engineering Review Fee listed under Step 2 of our letter of August 4, 2009 on or before **March 27, 2013**.
3. Petitioner shall submit site development plan originals for signature approval and address other items listed under Step 3 of our letter of August 4, 2009 on or before **March 27, 2013**.
4. Petitioner is advised that the DPZ extends the validity of authorization of "original only" processing of the revision plat. Petitioner shall address the items listed in our letter of August 10, 2009 on or before **March 27, 2013**.

Waiver approval includes the following advisory comment:

1. Petitioner is advised that the 2007 Stormwater Management Regulations are in effect. Any projects not having an approved stormwater management plan and sediment and erosion control plan by May 4, 2013 will be required to submit revised plans designed to current regulations.

Greg Reed
December 4, 2012
Page 2 of 2

Our decision to approve the waiver of Subsections 16.156(k), 16.156(l) and 16.156(m) was made based on the following justification:

Extraordinary hardship or practical difficulty will result from strict compliance.

Extraordinary hardship to the petitioner would result if the waiver was denied, the existing "technically complete" plan was voided, and the petitioner required to submit and process a new site development plan for this project. Continuing difficulties in the real estate market and restrictive lending to willing developers have made viable development difficult if not impossible.

Not Detrimental to the Public Interest

The waiver will not be detrimental to the public interest since the site development plan has already been processed and determined "technically complete". Therefore, the requested extensions of the site development plan submission deadlines will have no adverse effect on the surrounding properties or the community where the property is located.

Will Not Nullify the Intent or Purpose of the Regulations

Approval of this waiver request will not nullify the intent or purpose of the regulations. Therefore, approval of this waiver request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures.

The justification for recommendation was supported by information provided by the petitioner.

Indicate this waiver petition file number, section of the regulations, action, conditions of approval, and date on all related site development plans. Waiver approval will remain valid for the time period specified in the conditions of approval.

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

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
DPW, Real Estate Services
Bohler Engineering

Marc Norman
Paul Kendall
Angie Beltram