



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

Marsha S. McLaughlin, Director

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January 31, 2013

Emerson Development VI, LLC
1 Texas Station Court, Suite 200
Timonium, MD. 21093-8288
ATTN: James Knott, Jr.

RE: WP-13-104 (Emerson-Parcel G-1)
(associated with SDP-11-025)

Dear Mr. Knott:

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

As of the date of this letter, the Planning Director **approved** your request to waive **Section 16.156 (k), Section 16.156(l) and Section 16.156(m)** which establish deadlines for submission of developer's agreements, fees, posting of financial obligations, and the submission of plan originals in relation to site development plans.

Approval of the 87-day extension is subject to the following conditions:

1. The developer must submit Developer's Agreements for the installation of public water and sewerage, road construction (if applicable), post financial sureties, and if applicable, submit payment to DPW, RES of the balance of the Department of Public Works, Engineering Review Fee in association with SDP-11-025 within **87 days** of the date of January 3, 2013 (**on or before April 1, 2013**).
2. The developer must submit site development plan originals for signature in association with SDP-11-025 within **87 days** of the date of January 3, 2013 (**on or before April 1, 2013**).
3. Compliance with all DED comments as outlined in the attached letter from Charles Dammers, Chief, dated January 16, 2013. New stormwater management regulations are in effect. Any project not having a signature approved stormwater management and sediment control plan by May 4, 2013 will require revised plans designed to meet current regulations.
4. Contact Carol Stirn at 410-313-4351 to set up an original plan submittal appointment within the allotted time period. The applicant is responsible for any processing fee changes that may have occurred since the 'technically complete' letter was issued for SDP-11-025.

The Planning Director's decision for an 87-day extension was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition would result in undue hardship because it would require the submission of a new site development plan. No site changes would occur with a new submission. The project has already been subject to a complete site plan review and has an established file history. Per the applicant's

justification "due to the current economic condition and lack of potential tenant commitment, payment of final fees and financial obligations to Howard County would present an economic hardship for the Owner/Developer. This economic hardship would put strain on financial obligations necessary for the completion process of more active projects in Howard County".

Detrimental to the Public Interest:

The extension of deadline dates for the paying of fees, signing developer's agreements, providing sureties and submitting a site development plan will not be detrimental to the Public Interest. The site development plan has already been approved. Per the applicant's justification, "expedient building occupancy and employment opportunities are necessary milestones for economic recovery. The proposed "Emerson parcel G-1, five-story commercial office building" will in the near future be occupied. This brief delay in construction will not have any detriment to public interest, but rather have positive impacts to the surrounding community by allowing other projects to move forward".

Nullifies the Intent or Purpose of the Regulations:

Granting of this waiver would not nullify the intent or purpose of the regulations. This project has received a "technically complete" from the County. The associated final plat (F-11-094) has been recorded in land records and the public water and sewer plan mylars (Contract No. 24-4698-D) have been submitted for circulation.

Denial of the applicant's request for a 121-day extension was based on the following reasons:

1. The Department of Planning and Zoning, Development Engineering Division, after review of the submitted information, recommends DENIAL of the waiver as the stormwater management designed for this project is under the MDE 2000 Regulations and the grandfathering of the project shall expire if the following conditions are not met: (see also attached DED comments).
 - Projects currently within the review process that meet 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 the 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 Soil Conservation) prior to this date so that a grading permit could be obtained and the project continue to project completion.
 - The grandfathering administrative waiver is also conditioned that the developer makes timely construction progress and complete the project by May 4, 2017.
2. It generally takes 2-3 weeks to obtain signature approval of site development plan original mylars from the date of submission at the Department of Planning and Zoning. It is anticipated that the Department of Planning and Zoning will be processing a very heavy backlog of plans that have been granted similar extensions which must meet the aforementioned stormwater management grandfathering deadline dates. For that reason, the original site development plan mylars may take additional processing time. An 87-day time extension should allow the developer and the County ample time to process the necessary documents/plans which in-turn will allow the developer to meet these established deadline dates.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested waiver will remain valid for the time period specified in the conditions of approval or as long as this site development plan remains in active processing.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

attachment

KS/tkm/waivers 2012/Emerson Parcel G-1 WP-13-104 approval 1-31-13

cc: Research
DED
DMW
SDP-11-025

