



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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FAX 410-313-3467
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March 19, 2013

TSC/JMJ Snowden River South LLC
8600 Snowden River Parkway #207
Columbia, MD 21045

RE: WP-13-129, Midway Business Center
(SDP-10-005)

Dear Sir/Madam:

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 **Sections 16.156 (k), 16.156(l) and 16.156(m)** which establishes deadlines for the submission of developer agreements, payment of fees, posting of sureties and submission of site development plan mylars for a 45-day extension (instead of the requested 60-days) from the previous deadline of February 24, 2013. The request for a 60-day extension of the deadline date has been **DENIED**.

Approval is subject to the following conditions:

1. The applicant must post surety, execute the Developer's Agreement, and submit the Site Development Plan original mylar within 45 days from the previous deadline date (**on or before April 10, 2013**), in accordance with the attached comments from the Development Engineering Division. Contact Carol Stirn at (410) 313-2350 to set up new a new plan submission appointment within this allotted time period.
2. The applicant is responsible for any processing fee changes that may have occurred since the technically complete letter was issued for SDP-10-005.
3. The applicant is responsible for addressing any remaining comments from the letter dated March 18, 2010.
4. The applicant must pay any fees required to the Department of Public Works, Real Estate Services Division to release the prepared easement documents and to resubmit all easement documents and Developer's Agreements back to that Division prior to the submission of the SDP originals. The Division of Land Development will require a receipt from Real Estate Services indicating all fees have been paid and all documents submitted for recordation and/or execution prior to accepting the SDP originals for signatures.
5. The applicant must submit proof of landscaping approval from the Howard Hughes Corporation or provide a determination from that company in writing that no further landscape review is needed.
6. Please be advised new stormwater management regulations are in effect. Any project not having a signature approved stormwater management and sediment control plan by May 4, 2013 and a facility constructed by May 4, 2017 will require revised plans designed to meet current regulations.

7. Prior to the submission of the Site Development Plan originals, the two requests for original's only plat processing for F-89-192 (Midway Business Center Parcels A, B, & C) to create a 20' public water & utility easement and a 20' sewer & utility easement and F-75-70C (Columbia E.G.U. Parcel L-1 & P-1) to create a 20' sewer & utility easement must be resubmitted to the Department of Planning and Zoning, Division of Land Development Division Chief. These plat originals must also be recorded prior to the signature approval of the site development plan.

Our decision of a 45-day extension from the previous deadline date of February 24, 2013 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 (SDP) and all associated documents and re-review by the Planning Board. Water and sewer construction plans were signed on July 20, 2010. No site changes would occur with a new SDP submittal due to any changes in the regulations. The project has already been subject to a complete site plan review and has an established file history.

Not Detrimental to the Public Interest:

Approval of the waiver request will not alter the essential character of the site and will not impair the appropriate use or development of the surrounding properties. Furthermore, the proposed site development plan has not been altered.

Will Not Nullify the Intent or Purpose of the Regulations:

The granting of this waiver will not nullify the intent of this regulation as the additional time requested is for processing only. The applicant has been working with Real Estate Services to prepare the Developer's Agreement and is seeking construction funding and surety alternatives. The site would not be altered by any new regulations adopted since deemed technically complete, provided that the site's stormwater management facilities is approved through a signed sediment and erosion control plan by May 4, 2013 and the facility is constructed by May 4, 2017. Otherwise, the site will need to be redesigned under the 2007 MDE requirements.

Denial of the 60-day time extension was based on the following reasons:

- o Stormwater management was approved in accordance with the 2000 Maryland Stormwater Management Design Manual Volumes I and II. The grandfathering for the 2000 Regulations will expire on May 4, 2013 unless the Developer's Agreement and all fees are paid.
- o It generally takes 2-3 weeks to obtain signature approval on site development plan original mylars from the date of submission to the Department of Planning and Zoning. It is anticipated that DPZ 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 mylar site development plans may take additional processing time. A 45-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 the site development plan remains in active processing.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/eb/H:/waivers/WP13129MidwayBusinessCenterLetter

cc: Research
DED
Real Estate Services
SDP-10-005
Vogel Engineering

