



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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June 17, 2013

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

Re: Turf Valley
Waiver Petition WP-13-164

Dear Mr. Mangione:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.121(c)(5) and 16.121(c)(7) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow proposed open space lots to be conveyed by the developer to the HOA following plat recordation and would allow Department of Planning and Zoning staff review and approval of open space ownership and maintenance documents following final plat recordation. The request also addressed the deferral of the relevant regulations with regard to Villages at Turf Valley, Phase 2, Section 1.

As of the date of this letter, the Planning Director approved your request to waive Subsections 16.121(c)(5) and 16.121(c)(7), subject to the following conditions:

1. Waiver approval applies to all final subdivision plans developed under S-86-013, Turf Valley, to be recorded on or following the date of waiver approval.
 - a. Prior to submission for signature approval and recordation, petitioner shall revise subdivision plats (i.e. general notes) currently "technically complete" to reflect approval of this waiver. Following conveyance of open space lots by the developer to the respective HOA's, correction, resubdivision or revision plats shall include a standard general note reflecting conveyance.
 - b. Petitioner shall submit to the Department of Planning and Zoning, Division of Land Development, within sixty (60) days of plat recordation, one copy of the "Master" HOA Declaration and Covenants reflecting subjection of the open space lots to the "Master" HOA.
 - c. Petitioner shall submit to the Department of Planning and Zoning, Division of Land Development, within sixty (60) days of plat recordation, one copy of the "Neighborhood" HOA Declaration and Covenants reflecting subjection of the open space lots to the "Neighborhood" HOA.
 - d. Petitioner shall submit to the Department of Planning and Zoning, Division of Land Development, within sixty (60) days of plat recordation, the recording reference(s) for the deed(s) conveying the open space lots by the developer to the respective HOA's,
 - e. Petitioner shall submit to the Department of Planning and Zoning, Division of Land Development, within sixty (60) days of plat recordation, a Density Tabulation reflecting the following: a) previously recorded subdivisions; b) residential units or commercial area; c) gross area required per subdistrict density calculation; d) gross area provided; e) open space required per open space calculation; f) open space provided; and, g) excess gross area eligible for applicability to future projects. (See example Plat 18773, Oakmont at Turf Valley.)

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- f. Should the petitioner anticipate, prior to the 60-day deadlines established by Conditions 1.b. – 1.e. above, plan redesign or plat revision resulting in changes to open space configuration and HOA subjection and conveyance, the petitioner may request an extension to the aforementioned deadlines by submitting a request in writing to the Department of Planning and Zoning. The request shall include a detailed description of the anticipated changes and the length of the extension being requested.
2. Waiver approval applies to F-08-084 as follows:
 - a. Petitioner shall submit to the Department of Planning and Zoning, Division of Land Development, within sixty (60) days of recordation of the revision plat resulting from redesign of Villages at Turf Valley, Phase 2, Section 1, one copy of the "Master" HOA Declaration and Covenants reflecting subjection of the open space lots to the "Master" HOA.
 - b. Petitioner shall submit to the Department of Planning and Zoning, Division of Land Development, within sixty (60) days of recordation of the revision plat resulting from redesign of Villages at Turf Valley, Phase 2, Section 1, one copy of the "Neighborhood" HOA Declaration and Covenants reflecting subjection of the open space lots to the "Neighborhood" HOA.
 - c. Petitioner shall submit to the Department of Planning and Zoning, Division of Land Development, within sixty (60) days of recordation of the revision plat resulting from redesign of Villages at Turf Valley, Phase 2, Section 1, the recording reference(s) for the deed(s) conveying the open space lots by the developer to the respective HOA's.
 - d. Since at this time F-10-078, Villages at Turf Valley, Phase 2, Section 2 creates three additional open space lots to be dedicated to the HOA, the petitioner may at his discretion request, in writing, deferral of Conditions 2.a. – 2.c. as they apply to current Villages at Turf Valley, Phase 2, Section 1 revisions until those conditions become applicable to F-10-078, Villages at Turf Valley, Phase 2, Section 2.

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

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

Extraordinary hardship or practical difficulty to the Petitioner may result from strict compliance with the relevant regulations since the process required for subjection of the open space lots to the declarations and covenants of more than one HOA and conveyance of open space lots by the developer to more than one HOA deviates from the standard subdivision plat recordation process. This deviation from the standard process will introduce additional variables, resulting in an increased likelihood of error if conveyance and subjection is required at the time of plat recordation. These variables consist of data such as recordation numbers and dates needed during the more complex conveyance and subjection process. Waiver approval will allow conveyance and subjection to occur following plat recordation, minimizing the likelihood of error and hardship and difficulty to the petitioner in having to repeat one or more steps of the process.

Waiver approval will not be detrimental to the public interest.

The waiver request will not be detrimental to the public interest since the subdivision plats have been reviewed, found compliant with relevant open space regulations, and approved. Waiver approval will have no adverse effect on adjacent properties, neighboring communities, or Howard County as a whole.

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

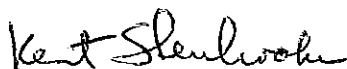
Approval of this waiver will not nullify the intent or purpose of the regulations. To the contrary, waiver approval will help fulfill the purpose of the Subdivision and Land Development Regulations by assisting orderly, efficient, and integrated development of land [Subsection 16.101(a)(1)] and by providing uniform procedures and standards for the processing of Turf Valley subdivision plans [Subsection 16.101(a)(13)]. Furthermore, the conditions of waiver approval will help ensure that the required conveyance takes place and that the subjection is satisfactory.

Subjection and conveyance of open space resulting from the ultimate subdivision of Villages at Turf Valley, Phase 2 are ensured by the conditions of this waiver. Temporary deferral of these requirements does not nullify the intent or purpose of the regulations.

Indicate this waiver petition file number, sections of the regulations, action and date on all related subdivision plats. This waiver shall expire upon approval of additional amendment to the Turf Valley Comprehensive Sketch Plan (S-86-013) or upon failure to meet the deadlines established by 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 Division
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