



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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November 19, 2013

Blue Stream, LLC
P.O. Box 416
Ellicott City, MD. 21041
ATTN: A. Sagner

RE: WP-14-046 ("Blue Stream")
Associated with:
(P-11-003, Blue Stream, Phase IV)
(P-12-003, Blue Stream, Phase V)
(P-13-004, Blue Stream, Phase VI)

Dear Mr. Sagner:

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 16.1106(h)(2)(i)** which states that if a bulk parcel for apartment, single-family attached or mobile home development is recorded and tentative allocations have been assigned, the project must proceed with a site development plan for the project in accordance with the milestones provided for in Section 16.1106(d) and a waiver to **Section 16.1106(d)** which outlines timing (milestone dates) for residential projects (for 101+ housing units-9 months after starting date) and a waiver to **Section 16.1106(e)** which outlines timing (milestone dates) for non-residential projects (9 months after starting date).

Waiver approval is subject to the following:

1. The required Final Plans or Site Development Plans for Phases IV and V, which include 66,667 square feet of shopping center and 96,667 square feet of office carried over from Phases I through III, 163 housing units and 263,334 square feet of commercial development remaining in Phase IV and 177 housing units in Phase V shall be submitted **on or before April 24, 2014**. The Final Plan or Site Development Plan for Phase VI, which includes 56,000 square feet of office and 176 housing units, shall be submitted **on or before September 7, 2014**.

2. Per Section 127.5.E.3.e., "The phasing of residential and commercial construction and open space amenity areas should be roughly proportional. No more than 50% of the residential units shall be constructed prior to commencing a roughly proportional amount of commercial construction and open space amenity areas. For developments of 800 units or more, no more than 60% of the residential units shall be constructed prior to commencing the construction of the non-residential portions of the development."

Therefore, the shopping center and general office components for the "Blue Stream" project shall begin no later than the 807th residential unit.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition would result in undue hardship because it would result in the loss of tentatively approved allocations and compromise financing, resulting in a hardship. The applicant would need to obtain new allocations, which is time consuming and costly, considering the original infrastructure, cost of bonding, taxes and other fees. "The petitioner is currently working with HUD regarding the financing of the next section of the project. Recently, there has been a concern that the multi-family inventory in the vicinity of this project and region has become significant. HUD and other funding sources are apprehensive in regards to financing additional multi-family projects until leasing of the current vicinal projects has been established. The petitioner is actively proceeding with the engineering and design of the next phase of development."

Detrimental to the Public Interest or nullify the Intent or Purpose of the Regulations:

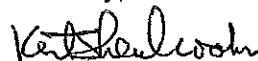
The preservation of the allocations is vital for the successful continuation of the project. The current bonding and financing is based on the orderly development of the project and the allocations reserved for the "Blue Stream" project. "Should the waiver not be approved, the petitioner would lose allocations and HUD and other sources of financing will not proceed with projects for which there are no allocations. Therefore, the extension of the milestone dates and retention of allocations is critical to the orderly continuation of the project."

The granting of the waiver would not be detrimental to the Public Interest or Nullify the Intent of the Regulations because the waiver does not request relaxation of any technical subdivision or development requirements, but merely allows additional time to complete current plan processing. "The granting of the waiver provides for the continuation of the "Blue Stream" project in an orderly and appropriate manner while maintaining the quality image of the current development."

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.

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

attachments

KS/TKM/waivers 2013/Blue Stream Phases IV, V and VI WP-14-046 approval 11-19-13

cc: Research
DED
RES
Transportation Planning-B. Pickar
Vogel Engineering
P-11-003 file
P-12-003 file
P-13-004 file