



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

April 14, 2015

Ms. Rosalie Welsh
4738 Ilchester Road
Ellicott City, MD 21043

RE: WP-15-120 ("Locust Chapel")
[associated with S-06-006: Locust Chapel Section II]

Dear Ms. Welsh:

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 16.144(g)** which establishes a deadline date for the submittal of a preliminary plan within 4 months of sketch plan approval for subdivisions of 50 or fewer housing units, **Section 16.104(b)(1)** which indicates that if the County requests additional justifying information, the information must be submitted within 45 days of the Department's letter of request, **and Section 16.1106(d)** which outlines milestone dates for the timing of residential projects.

Approval is subject to the following conditions:

1. The developer's consultant must submit a revised exhibit and supplemental information for WP-15-086 (based on potential re-design) within 90 days of the current milestone date of April 8, 2015 (**on or before July 7, 2015**).
2. The developer must submit a Preliminary Plan or Preliminary Equivalent Sketch Plan for Locust Chapel, Section II within 120 days of the current milestone date of April 25, 2015 (**on or before August 23, 2015**).
3. Contact Carol Stirn at (410) 313-2350 to set up a submittal appointment for a Preliminary Plan or Preliminary Equivalent Sketch Plan associated with Locust Chapel, Section II within the allotted time period.

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

Extraordinary hardships or practical difficulties:

The waiver exhibit submitted for WP-15-086 assumes the project would be approved for 26 lots and the request for removal of 6 specimen trees under that waiver request is based on a design incorporating those 26 lots. The County cannot, in good conscious, approve any proposal for removal of specimen trees based on a 26-lot subdivision when the County has indicated in e-mail correspondence dated December 15, 2015 that "Locust Chapel, Section II" will not be permitted to use any of the unused residential density units, and excess open space and recreational open space area approved under the Green Neighborhood Plan for Section 1 unless Section 2 of Locust Chapel will also be approved in compliance with the Green Neighborhood standards and allocations. Section 2 will be considered as a separate stand-alone subdivision plan for processing that must comply with the maximum density based on its net area per the R-20/R-ED Zoning Regulations and the minimum open space and recreational

open space requirements for its gross site area per the Subdivision and Land Development Regulations.

Based on the above initial information, a 26-lot subdivision may not be feasible and therefore any decision on removal of specimen trees based on a 26-lot subdivision was deferred, until it is confirmed that the proposed design is viable OR a re-design (with fewer lots) is formally submitted for review.

Without extension of time, the applicant and consultant experience practical difficulty to have sufficient time to adequately address the outlined issues and update the waiver exhibit. These issues must also be addressed prior to submittal the next step in the process, being either a Preliminary Plan or Preliminary Equivalent Sketch Plan.

Detrimental to the Public Interest /Nullifies the Intent or Purpose of the Regulations:

Granting of this waiver for extension of time to submit a revised waiver exhibit, additional supplementary information and subsequent new Preliminary Plan or Preliminary Equivalent Sketch Plan would not be detrimental to the public interest nor would it nullify the intent or purpose of the regulations. The requests for time extensions are being made after "discussions with Staff and the Planning director on March 9, 2015 regarding several issues to be resolved concerning the project, including, but limited to; designing proposed Section II of Locust Chapel as a "Green Neighborhood"; joint HOA matters between existing Section I and proposed Section II of Locust Chapel, open space provisions, recreational open space requirements, density calculations and holding a pre-submission community meeting outlining the ultimate the design of the project."

The waiver would allow adequate time for the applicant and the applicant's consultant to correctly address the intricacies and demands of the proposed project.

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

attachment
KS/TKM/Waivers 2015/Locust Chapel Section II WP-15-120 approval 4-14-15

cc: Research
DED
Real Estate Services
MRA
S-06-006 file
WP-15-086 file