



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

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June 1, 2015

Robert Jenkins
Howard Research and Development Corporation
10221 Wincopin Circle, Suite 300
Columbia, Maryland 21044

Re: Downtown Columbia Multi-Use Pathway (Phases 3 and 4)
Waiver Petition WP-15-148
(Site Development Plan SDP-13-020)

Dear Mr. Jenkins:

The purpose of this letter is to inform you that the Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.156(k), 16.156(l) and 16.156(m) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow for extension of the deadlines by which developer agreements must be executed, fees paid and plan originals submitted by the petitioner with respect to Phases 3 and 4 of the Downtown Columbia Multi-Use Pathway (SDP-13-020).

As of the date of this letter the Planning Director approved your request, subject to the following conditions:

1. Petitioner shall execute developer agreements, post sureties and pay all required fees for SDP-13-020, Phases 3 and 4 to the Department of Public Works, Real Estate Services Division **on or before August 21, 2015.**
2. Petitioner shall submit site development plan originals for SDP-13-020, Phases 3 and 4 for signature approval to the Department of Planning and Zoning, Division of Land Development and shall address other items listed in our letter of November 24, 2014, **on or before August 21, 2015.**

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

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

The petitioner has adequately demonstrated that strict compliance with the regulations would present extraordinary hardship and practical difficulty in achieving the project goals. The pathway is a major public amenity, and requiring the petitioner to repeat already completed elements of the approval process would delay the construction and ultimate availability of the pathway for residents, workers and visitors to Columbia. It could also jeopardize those easements that have been obtained based on existing approvals. If required, it would be extraordinarily difficult and time consuming to go back to each property owner seeking approval of a new easement under a separate underlying approval. That process

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alone could delay the construction of this amenity for many months and could result in additional redesign or impossibility of performance if property owners were unwilling to grant additional easements. Delays in construction could also impact the development of Parcels C-1 and C-2 in the Warfield Neighborhood based on existing approvals.

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

The petitioner has worked diligently to obtain the needed easements; it is simply the magnitude of the effort that requires additional time to complete. By continuing to act in this manner, the petitioner will be able to complete construction as expeditiously as possible. As with Phases 1 and 2, work will commence on Phases 3 and 4 once the required easements and agreements are in place, and work will continue until the pathway is completed.

Waiver approval will not be detrimental to the public interest.

The petitioner has adequately demonstrated that approval of this waiver will not be detrimental to the public interest. To the contrary, approval will facilitate the implementation of SDP-13-020 as expeditiously as possible. Significantly, approval will not alter the character of the pathway as approved by the Planning Board or otherwise affect the Board's approval or intended development of the pathway as set forth in the Downtown Columbia Plan. The waiver is needed to allow sufficient time to accomplish what is required in a diligent and prudent manner. The end result will be an outstanding public amenity and completion of a major CEPPA under the Downtown Columbia Plan. This, in turn, will facilitate other revitalization efforts in Downtown Columbia which are dependent on CEPPA completion.

Indicate this waiver petition file number, section of the regulations, action, conditions of approval, and date on all related site development plans. This waiver will remain valid for the time period specified in 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
Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
DPW, Real Estate Services
SDP-13-020