



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

September 17, 2015

David P. Scheffenacker, Jr.
Kellogg – CCP, LLC
2330 West Joppa Road, Suite 190
Lutherville, Maryland 21093

Re: Oxford Square
Waiver Petition WP-16-020
(F-15-008: Oxford Square, Parcels 'V' thru 'Z', 'A-A' thru 'C-C' and Open Space Lots 244 and 245,
S-11-001: Oxford Square, Parcels 'A' thru 'L', 'M-1' and Open Space Lots 1 & 2,
S-14-001: Oxford Square, Parcels 'B' thru 'G', 'I' thru 'L', 'M-1' and Open Space Lots 1 thru 3)

Dear Mr. Scheffenacker:

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 16.144(p), 16.144(q) and 16.1106(d) of the Howard County Subdivision and Land Development Regulations. A waiver of these regulations would allow for extension of the deadlines established for payment of fees, posting of financial obligations and submission of plat originals related to Final Plan F-15-008, and would allow for the rescheduling of the milestone date for submission of plans in order to transfer housing unit allocations from S-11-001 to S-14-001 and to establish a single milestone date for submission of plans containing those allocations.

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

1. Petitioner shall execute developer agreements and pay all required fees to the Department of Public Works, Real Estate Services Division and address all items listed under Step 2 of our letter of April 23, 2015 regarding F-15-008 **on or before November 19, 2015**. Failure to comply with this condition shall result in the plan being voided in accordance with Subsection 16.144(r)(5) of the Subdivision and Land Development Regulations.
2. Petitioner shall submit the final subdivision plan originals for signature approval and recordation to the Department of Planning and Zoning, Division of Land Development and address all items listed under Step 3 of letter of April 23, 2015 regarding F-15-008 **on or before January 8, 2016**. Failure to comply with this condition shall result in the plan being voided in accordance with Subsection 16.144(r)(6) of the Subdivision and Land Development Regulations.
3. Petitioner may submit site development plan(s) containing no more than 150 housing unit allocations for Allocation Year 2018 **on or before April 1, 2016**.

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.

Subsections 16.144(p) and 16.144(q), Final Plan F-15-008: The petitioner has adequately demonstrated that strict compliance with the regulations would present extraordinary hardship and practical difficulty in achieving the established deadlines. As a follow-up to the meeting held on August 5, 2015 with regard to processing of F-16-003 it was resolved that F-15-008 deadline extensions would be required in order to allow for additional time for review and approval of the off-site forest conservation plan located on the Berman Property. Strict compliance with the regulations may result in executing developer agreements and submitting plat originals based on a forest conservation plan subject to revision.

The intent of the regulations will be served to a greater extent through the implementation of the alternative proposal.

Subsections 16.144(p) and 16.144(q), Final Plan F-15-008: Since F-15-008 and F-16-003 are being processed independently and are at different steps in the approval process, but have the goal of supporting each other, the regulations would be served to a greater extent by allowing for additional time to execute developer agreements and submit plat originals for F-15-008 so that F-16-003 may be adequately reviewed and approved.

Subsection 16.1106(d), Sketch Plan S-14-001: Approval of the waiver will allow the site development plan submission milestones associated with the 2018 allocation year and established by approval of S-14-001 to be consolidated with those associated with the 2018 allocation year established by approval of S-11-001. This serves the intent and purpose of Section 16.1106 of the Subdivision and Land Development Regulations to a greater extent by combining housing unit allocations granted by two plans for the 2018 allocation year and simplifying the timing of the project by establishing a single site development plan submission milestone.

Waiver approval will not be detrimental to the public interest.

Subsections 16.144(p) and 16.144(q), Final Plan F-15-008: The petitioner has adequately demonstrated that approval of this waiver will not alter the essential character of the TOD neighborhood and will not impair the appropriate use or development of surrounding properties.

Subsection 16.1106(d), Sketch Plan S-14-001: Approval of this waiver will not alter the essential character of the TOD neighborhood and will not impair the appropriate use or development of surrounding properties. Adjustment to the allocation schedule will allow for a more comprehensive site development plan submission that works best for the type of architecture proposed at Oxford Square.

Approval of the waiver will not nullify the intent of the regulations.

Subsection 16.1106(d), Sketch Plan S-14-001: Approval of this waiver will not nullify the intent or purpose of the regulations. The intent of the regulations includes assurance that housing unit allocations are utilized. Waiver approval will consolidate two allocation schedules, thereby simplifying the planning and design of site development plans and their use of available allocations.

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Indicate this waiver petition file number, section of the regulations, action, conditions of approval, and date on all related plats and site development plans. This waiver will remain valid per the deadline dates specified in the above conditions.

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
Fisher, Collins & Carter, Inc.