



# 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

April 19, 2016

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

Re: Turf Valley  
Waiver Petition WP-16-104  
(F-07-158, Fairways at Turf Valley, Phase I  
F-08-085, Villages at Turf Valley, Phase 3  
F-10-084, Fairways at Turf Valley, Phase II  
F-10-086, Fairways at Turf Valley, Phase III  
F-16-004, The Bluffs at Turf Valley, Non-Buildable Bulk Parcels 'A' and 'B'  
SDP-10-027, Town Square at Turf Valley  
SDP-10-037, Fairways at Turf Valley, Phase I)

Dear Mr. Mangione:

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), 16.144(r)(5), 16.144(r)(6), 16.156(m), and 16.156(o)(l)(ii) of the Howard County Subdivision and Land Development Regulations as they apply to the plans referenced. As of the date of this letter the Planning Director approved your request, subject to the following conditions:

1. Petitioner shall pay all required fees to the County, submit Developer's Agreements to the Department of Public Works, Real Estate Services Division, and post financial surety for construction of public facilities relating to Final Plans F-08-085, F-10-084 and F-10-086 on or before June 5, 2017. Any plan listed in this condition failing to meet the June 5, 2017 deadline shall be voided and the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(5) of the Code.
2. Petitioner shall submit the final subdivision plat originals for Final Plans F-07-158, F-08-085, F-10-084, F-10-086 and F-16-004 to the Department of Planning and Zoning for signature approval on or before August 3, 2017. Any plan listed in this condition failing to meet the August 3, 2017 deadline shall be voided and the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(6) of the Code.
3. Petitioner shall submit the original mylar plans for Site Development Plan SDP-10-037 to the Department of Planning and Zoning for signature approval on or before April 19, 2017. Should this plan fail to meet the April 19, 2017 deadline, the respective plan approval shall expire and a new site development plan submission will be required in accordance with Subsection 16.156(m) of the Code.

4. Petitioner shall apply to the Department of Inspections Licenses and Permits for building permits for all construction authorized by Site Development Plans SDP-10-027 on or before May 3, 2017. Failure to meet the application deadline shall cause the respective plan approval to expire. A new site development plan submission will be required in accordance with Subsection 16.156(m) of the Code.
5. Petitioner is advised to consult previous Department correspondence (e.g. respective plan "technically complete" letters) for additional information regarding submission requirements.

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

- I. Turf Valley is a planned, mixed-use development consisting of approximately 808 acres, being developed over a 20-year or longer period (the "Development"). The Development requires plan coordination and sequencing, particularly in light of the history of numerous appeals, intervening environmental legislation and related Capital Projects.
- II. Turf Valley has been processing plans in accordance with an approved phasing plan and applicable milestones. The plans for the Development include a substantial number of residential dwelling units. Some of these plans and developments are dependent upon sequential approval and development of other sections of Turf Valley.
- III. The Fairways projects are located on the east side of Turf Valley. Deadline Extensions were granted in the past which enabled the Developer to:
  - a. Complete the extension of Resort Road from Marriottsville Road to Turf Valley Road thereby greatly decreasing construction traffic impact to the existing residential community on Turf Valley Road and provide a second means of emergency vehicle access for existing and proposed neighborhoods.
  - b. Commence construction of Fairways Phase 1 to extend Resort Road eastward thru the golf course during non-peak season in order to minimize construction impact to golf course operations and to provide construction access for the new replacement green of Hole #10.
  - c. Complete construction of the new green during the appropriate months while utilizing the existing green for continuous golf operations.
  - d. Upon substantial completion of the new golf hole, the golf course operators and their architect expressed grave concerns with the amount of tree clearing proposed for Phase 1. The first ten (10) lots in the community would be too close to the golf course with insufficient tree protection. Fortunately the land is available, within the Limits of Disturbance, to redesign the proposed local road (Vardon Lane) and affected lots to move them at least fifty (50) feet to the east thereby maintaining a minimum fifty (50) feet deep forest line buffer in place. It should be noted that in conjunction with relocating the road and lots, the developer is responding to market forces by reducing the SFA lot width from 32 to 30 feet. The redline revision was uploaded to Project Dux on 3/1/16. The deadline to submit the plat originals is 8/3/16. Given the fact the final plans require considerable revision which will in turn require amendments to the executed Developer Agreements, five (5) months may not be enough time to complete the process without causing undue pressure to both the Developer and reviewing County agencies. Fortunately, there are no new environmental impacts. This petition seeks to extend the plat mylar submittal deadline for at least six (6) months.
  - e. Since Phase 2 and Phase 3 cannot proceed to plat until the Phase 1 plat is recorded this petition seeks to extend the deadlines for Phase 2 at least nine (9) months and Phase 3 at least one (1) year.

- IV. Regarding F-08-085, Villages at Turf Valley Phase 3, the developer of Turf Valley has been in contact with the public school system of Howard County for several years about the possibility of an elementary school on all or part of the Phase 3 land. For reason beyond the control of the developer, Howard County has moved slowly due to openings of new schools in other sections of the county and recent environmental concerns at a school facility. The school system continues to show a clear interest in the school site on Phase 3. On 3/2/16, the Petitioner spoke to Joel Gallihue, Manager of School Planning, Howard County Public School System. Mr. Gallihue confirmed the continued interest of the School System and indicated a willingness to push for a final decision by the Board this year. It would be unproductive and a waste of valuable time and money to execute the Developer Agreement and record the plats until the school system makes a firm decision.
- V. The Bluffs at Turf Valley, Non-Buildable Bulk Parcels 'A' and 'B' (Resort Road Extension) is the eastern extension of Resort Road from Fairways Phase 1. There are no residential buildable lots associated with F-16-004. The final plat for this project should be recorded after the recordation of the Fairways Phase 1 Plat.
- VI. Regarding Town Square at Turf Valley, and Section 16.156(o)(1)(ii) the Building Permit Application has not been filed for the building shown as Building C on SDP-10-027. Construction is completed for all other Town Square Buildings. Building C is a proposed 52,000 SF office building. The Turf Valley area has traditionally not been considered an area conducive for large office buildings, especially in view of the fact Marriottsville Road, including the bridge over Interstate 70, consists of single lanes in both the north and south direction. Accordingly, the development of the office building has been anticipated to coincide with the widening of Marriottsville Road. The developer of Turf Valley is responsible for a major portion of the Marriottsville Road widening between US 40 and Interstate 70. Likewise, Howard County is also responsible for some of the widening work. The developer and Howard County Department of Public Works have been coordinating the engineering of the widening of Marriottsville Road since 2009. In the fall of 2013, the County expanded its scope of work within the Joint Capital Project to include improvements to Marriottsville Road between US 40 and US 144. Plans for the intersection of US 40/Marriottsville Road were submitted to SHIA for comment. At a meeting with DPW on 2/18/16, DPW advised the Developer of SHIA's comments. Additionally, DPW advised the decision has been made to move forward with the design of the bridge over Interstate 70 which will ultimately be 5 travel lanes. A remaining issue is the presence of a high-security federal government fiber-optic cable in the Marriottsville Road right-of-way. It was agreed the Developer would proceed with the design of Marriottsville Road between Interstate 70 and US 40 as shown as the County provides the location of the fiber-optic cable. The County is now prepared to engage JMT to complete final engineer drawings for the balance of Marriottsville Road and US 144. Based on this positive movement, the Developer is prepared to engage the Architectural/Engineering team to design Building C.

It is essential for the success of the office building that its construction be completed when the widening of Marriottsville Road is substantially underway, if not completed. This petition seeks to extend the building permit application deadline for at least one year to allow the necessary time for coordination with the roadwork.

- VII. The purposes of the Subdivision and Land Development Regulations will be served to a greater extent by granting the requested waiver for time periods to be extended as necessary to properly sequence the design and construction of Turf Valley projects; and the intent and purposes of APFO and the Subdivision and Land Development Regulations would not be undermined by the granting

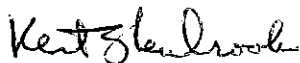
of the requested waiver. Such extension would allow the Petitioner more time to process plans, and to cause construction of site improvements and residential units at appropriate times consistent with orderly development. The extension of time will not only assist but will promote orderly, efficient and integrated development of land.

- VIII. Housing unit allocations for this development, where applicable, are not subject to being voided at this time, and the extension of time would not delay construction while allowing for an orderly processing of plans and plats. Strict compliance with regulations (especially regarding Fairways and Bluffs) would result in recordation of plats which would need to be re-subdivided in as little as one or two months.

Indicate this waiver petition file number, section(s) of the regulations, action, conditions of approval, and date on all related plats, site development plans and building permits. This waiver will remain valid for the time period specified in the conditions of approval or as long as the subdivision plans, site development plans and building permits remain in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at [dboellner@howardcountymd.gov](mailto:dboellner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/DBB:dbb

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