



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

October 11, 2016

MB Highland Reserve, LLC
1686 E. Gude Drive
Rockville, MD 20850

Dear Sir or Madam:

RE: WP-17-023, Regan Property (F-16-026
and SDP-16-015)

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of **Section 16.144(p)** requiring the payment fees, posting of financial obligations and completion of the developer's agreement within 120-days of plan approval; **Section 16.144 (q)** requiring the submission of the final plan mylars within 180-days of plan approval, and **Section 16.156(m)** requiring the submission of the site development plan mylars within 180-days of plan approval. The developer is requesting a 60-day extension for the completion of the developer's agreement and payment of all sureties and a 60-day extension for the submission of the both plan mylars.

Approval is subject to the following conditions:

1. The payment of fees and posting of financial obligations for F-16-026 and SDP-16-015 is hereby reactivated and extended for 60-days **on or before December 10, 2016**.
2. The original mylar of the Final Plan, F-16-026 is extended for 60-days for County signatures **on or before December 10, 2016**.
3. The original mylar of the Site Development Plan, SDP-16-015 is extended for 60-days for County signatures **on or before December 10, 2016**.
4. On the final plan (F-16-026) and site development plan (SDP-16-015) all subsequent plans and/or plats, provide a brief description of alternative compliance, WP-17-023, as a general note to include requests, sections of the regulations, action and date.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The extraordinary hardship or practical difficulty involved with this alternative compliance request would require the developer to submit a new final plan and site development plan. The developer has requested the extension to allow additional time to complete the developer's agreement. An error was discovered in the title report which prevented DPW from preparing the developer's agreement. In addition, this error prevented the developer from meeting the deadline date for the submission of the original mylars for the final plan and site development plan. If the alternative compliance request is not approved, the developer will be required to submit a new Final Plan and new Site Development Plan. Denial of this request will also impact the County since the Final Plan will correct an error in the ownership of one of the preservation parcels.

Not Detrimental to the Public Interest - Approval of the alternative compliance request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding properties. The design of the final plan and site development plan will not change, but will allow the developer additional time to correct the title report and complete the developer's agreement. The granting of the alternative compliance request for an extension of the APFO milestone deadline date will not change the design of the site and will not be detrimental to the public interest. The alternative compliance request does not provide a relaxation in the design regulations; therefore, the approval of this alternative compliance request will not be detrimental to the public.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of the alternative compliance request will not nullify the intent or purpose of the regulations since the design of the final plan and site development plan will not change, but will allow the developer additional time to provide the corrected time report and complete the developer's agreement. Since the mylars cannot be submitted prior to the completion of the developer's agreement, an extension to the mylar submission deadline date is required. Extending the submission date for the original mylars will not change the proposed design.

Indicate this alternative compliance 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 alternative compliance will remain valid for the time period specified in the conditions of approval.

If you have any questions, please contact Brenda Luber at (410) 313-2350 or email at BLuber@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/BL

cc: Research
DED
Real Estate Services
Benchmark Engineering
Ecotone
SDP-16-015
F-16-026