



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

July 19, 2019

Harold Orenstein
Toby's General Partnership
10709 Vista Road
Columbia, MD 21044

RE: WP-19-122, New Cultural Center (SDP-17-043 and F-17-080)

Dear Mr. Orenstein:

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 the following code sections:

- 16.144(q): Within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation.
- 16.156(k): Developer Agreements/Major Facilities Agreements. Concurrent with the approval of the site development plan, the developer shall execute the developer agreement(s) and major facilities agreement, if any, for required improvements, including APFO improvements.
- 16.156(l): Payment of Fees; Posting of Financial Obligations. Within 180 days of receiving approval of the site development plan the developer shall pay all required fees to the County and if subject to a developer agreement or major facility agreement, post all monies and/or file appropriate surety covering the developer's financial obligations for the required improvements.
- 16.156(m): Within 180 days of final plan approval, the developer shall submit originals of the site development plan the Department of Planning and Zoning for signatures and recordation.

Approval is subject to the following conditions:

1. The perpetual floodplain easement granting the County a right of entry into the floodplain area on the property as shown on F-17-080 must be prepared, executed by the property owner, and submitted to Real Estate Services for recordation prior to the submission of the F-17-080 final plat (**on or before July 11, 2020**).
2. The final plat F-17-080 must be submitted within one year from the existing extended deadline (**on or before July 11, 2020**).
3. The Developer's Agreement associated with SDP-17-043 must be submitted and the fees and surety must be paid within one year from the existing extended deadline (**on or before September 2, 2020**).
4. The Site Development Plan originals for SDP-17-043 must be submitted within one year from the existing extended deadline (**on or before September 2, 2020**).

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties: The site development plan is for a cultural arts and affordable housing project in keeping with the Downtown Columbia Plan. The final plat associated with the plan is to merge parcels and to establish the floodplain easement on the property. The owner is still working to secure financing for the building including tax credits through Maryland Department of Housing and Community Development. It is a competitive and lengthy process, which will not be complete by the current extended deadline date. Further, the owner will need to pay over \$20,000 in fees and post substantial bonds. The owner does not want to make these financial commitments until the entire building financing has been secured.

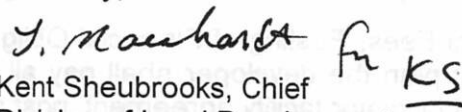
Alternative Proposal: The owner hopes to break ground near the end of 2019. The additional time will allow the owner to secure the complicated financing that the project needs to proceed.

Not Detrimental to the Public Interest: The delay of this plan does not delay any other projects. Construction will not begin until the building is fully financed and it will not make any difference to the public if the developer agreement and plan originals are submitted prior to the current deadlines or a few months later once the financing is complete. The project provides an addition to the Howard County Art world and affordable housing in accordance with the Downtown Columbia plan.

Will Not Nullify the Intent or Purpose of the Regulations: Approval of this waiver will not nullify the intent of the regulations. The developer will still go through all the required steps to get an approved site plan and plat.

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 Jill Manion at (410) 313-2350 or email at jmanion@howardcountymd.gov.

Sincerely,

Kent Sheubrooks, Chief
Division of Land Development

S/JAM
cc: Research
DED
Real Estate Services
Dan Sweeney, GLW
Todd Brown
F-17-080
SDP-17-043