



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

August 8, 2019

Chetan Mehta
5192 Talbots Landing
Ellicott City, MD 21046

RE: WP-20-001, Elkridge Crossing II

Dear Mr. Mehta:

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 16.146(a)(1) Preliminary Plan** and **Section 16.120(c)(4) Minimum Frontages**. The applicant is requesting this alternative compliance request for the plans to proceed to Final Plan Stage and to allow the proposed 158 single family attached lots access to private roads.

Approval is subject to the following conditions:

1. Submission of a final plan application, including a final subdivision plat and road construction plan drawings within 9 months from the date of the alternative compliance approval letter.
2. All proposed infrastructure and improvements for the entire project must be shown and bonded through a Developer's Agreement with the subdivision plat, supplemental plans, and site development plans.
3. The private roadways will be constructed in accordance with the approved Design Manual requirements issued by the Development Engineering Division. Furthermore the drive must be designed and constructed in accordance with any requirements provided by the Development Engineering Division, Department of Public Works, and the Department of Fire Rescue Services as part of the final plan process.
4. The private roads shall be maintained and repaired by the HOA. The HOA will also be responsible for trash collection, snow removal, parking enforcement, etc.
5. A use in common access easement for the private roadways, and maintenance agreement must be prepared and recorded for all the proposed housing lots and open space lots.
6. Include the alternative compliance request file number, description, and action on all subsequent plan and permit submissions.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The applicant would have incurred practical difficulties and unnecessary hardships if the alternative compliance request was not approved. By allowing the project to proceed forward to the Final Plan stage, The Department of Planning and Zoning will have more detailed information with which to evaluate the proposed site design and details. DPZ will be able to make a more complete and comprehensive assessment of the development proposal. The applicant believes the Final Plan and Site Plan design stage of the development will provide confirmation of the plan layout approved on S-19-005 but will provide much more detailed and refined construction detail. The development is designed with all internal roads as private roads. The private road system is permitted to be located on private common areas owned and maintained by the HOA. A homeowners' association shall be created for the single family attached private roadway development area of the site in accordance with Section 16.121(c)(2) of the Subdivision Regulations.

Alternative Proposal:

Alternatively, the project can proceed to the Final Plan and Site Development Plan stages where more detailed information can be provided toward the review of the subdivision. The detailed information to be provided at the final plan and SDP stage will be an adequate substitution for a preliminary plan submission. Alternative to the public road frontage, the proposed private roadways will serve the townhome lots. The private roads will comply with the Howard County design and construction standards and will provide the residents with greater control over the access to their community. The private roads will be maintained by the Elkridge Crossing II Homeowner's Association.

Not Detrimental to the Public Interest:

Approval of the alternative compliance request will not have been detrimental to the public interests since an Environmental Concept Plan and Sketch Plan have been submitted which address many of the Preliminary Plan requirements. Additionally, a Final Plan and SDP will be submitted which will contain much more detailed information to evaluate the proposed design. The proposed townhouse lots will be developed in accordance with current Zoning and Subdivision and Land Development Regulations. The proposed private roads will comply with the Howard County design and construction standards and will be maintained by the Elkridge Crossing II Homeowner's Association.


Will Not Nullify the Intent or Purpose of the Regulations:

The intent of the regulations would not have been nullified by the approval of the alternative compliance request. The Sketch Plan S-19-005 was reviewed and approved on June 5, 2019 and reflects the major design layout and issues for the project. A Final Plan and SDP will be submitted which will contain much more detailed information for SRC agencies to evaluate the proposed design. The proposed townhouse lots will have safe vehicular and pedestrian access provided to meet the intent of the Regulations. The proposed private roads will comply with the Howard County design and construction standards and will be maintained by the Elkridge Crossing II Homeowner's Association. Numerous single family attached subdivisions have been approved for fee simple lots fronting on private roads with the provision that a homeowners' association shall be created for the ownership and maintenance for the private access and that the lots be served by public water and sewer.

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 alternative compliance must meet the processing requirements as indicated in Condition #1.

If you have any questions, please contact Nicholas Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services
FCC