



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

May 1, 2024

Enchanted Forest, LLC.
Attn: Ryan McCoy
500 N. Broadway, Ste. 201
Jericho, NY 11753
Via email: rmccoy@kimcorealty.com

RE: WP-24-085 Popeye's Enchanted Forest

Dear Mr. McCoy:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On May 1, 2024, and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Section 16.156(l) and Section 16.156(m)** of the Subdivision and Land Development Regulations to request a 60-day extension to the current submission deadline for the Developer's Agreement and SDP originals.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.156(l) and Section 16.156(m) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

1. Unreasonable hardship or practical difficulties may result from strict compliance with the regulations.

The petitioner/property owner has been working toward and actively complying with the required Howard County Regulations and County Agencies. A title report, lease contract, and entity information sheet were submitted to Real Estate services on February 21, 2024. The remainder of the Request for Information package, including the owner information sheet was provided on February 27, 2024. At the request of Real Estate Services, the petitioner/property owner is currently in the process of obtaining additional information for each ownership member. Strict compliance with the regulations would require the applicant to submit a new Site Development Plan for the proposed project. This would result in an unreasonable hardship since the plan review is complete and the petitioner/property owner is currently working through the Developers Agreement process. Approval of the alternative compliance promotes efficiency of the plan review process as all technical requirements have been met, but additional time was necessary to correctly gather the information for the preparation of the required Developer's Agreement documents.

Approval of this Alternative Compliance is subject to the following conditions:

1. The applicant must submit the developer agreements and the posting of monies within 60 days from the approval date of this alternative compliance (**on or before June 30, 2024**).

2. The applicant must submit the site development plan for signatures and recordation within 60 days from the approval date of this alternative compliance (**on or before June 30, 2024**).
3. Include this alternative compliance petition decision as a general note on the site development plan (SDP-23-015). This note shall include the petition's file number, the regulatory sections, the decision date, and the conditions of approval.

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 approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Kathryn Bolton at (410) 313-2350 or email at kbolton@howardcountymd.gov.

Sincerely,

DocuSigned by:



1EB75478A22B49A...

Anthony Cataldo, AICP, Chief
Division of Land Development

AC/kb

cc: Research
DLD - Julia Sauer
Real Estate Services
Vogel + Timmons



DPZ Office Use only: File No. Date Filed

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: Popeyes Enchanted Forest

Subdivision Name/Property Identification: Popeyes Enchanted Forest

Location of property: 10070 Baltimore National Pike

Existing Use: Vacant **Proposed Use:** Commercial

Tax Map: 24 **Grid:** 2 **Parcel No:** 454 **Election District:** 2nd

Zoning District: B-2 **Total site area:** 2.04 AC


Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

- SDP-90-074
- SDP-90-187
- SDP-08-040
- F-13-088
- SDP-23-015

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
16.156(k)	Milestone for Developer Agreement
16.156(m)	Milestone for submission of original drawings for signature

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  For Owner. Date: 3/13/24

Signature of Petitioner Preparer:  Date: 3/13/24

Name of Property Owner: Enchanted Forest, LLC Name of Petition Preparer: Vogel Engineering + Timmons Group

Address: 500 North Broadway, Suite 201 Address: 3300 North Ridge Road - Suite 110

City, State, Zip: Jericho, New York 11753 City, State, Zip: Ellicott City, Maryland 21043

E-Mail: rmccoy@kimcorealty.com E-Mail: rob.vogel@timmons.com

Phone No.: 410-427-4437 Phone No.: 410-461-7666

Contact Person: Ryan McCoy Contact Person: Robert H. Vogel

Owner's Authorization Attached