



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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June 30, 2010

COPT T-11, LLC
attn: Roger A. Waesche, Jr.
6711 Columbia Gateway Drive, Suite 300
Columbia, MD 21046

RE: **WP-10-153 Columbia Gateway, Parcel T-11**

Dear Mr. Waesche:

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

As of the date of this letter, the Planning Director **approved** your request to waive the following two (2) sections of the Subdivision and Land Development Regulations:

Section 16.156(o)(1)(ii) of the Amended Fifth Edition – Within 2 years of signature approval of the site development plan original, the developer shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site for nonresidential developments involving multiple buildings or staged construction.

Section 16.156(o)(2) of the Amended Fifth Edition – If the developer does not apply for building permits as required by Paragraph (1) of this Subsection, the site development plan shall expire and a new site development plan submission will be required.

Approval is subject to the following two (2) conditions:

- 1) Within **2 years** from the date of this approval, (**on or before June 30, 2012**) the developer/owner shall apply to the Department of Inspections, Licenses and Permits for building permits for all construction authorized by the approved site development plan.
- 2) The process of extending and meeting the DPW Developer's Agreement requirements for this project **must be coordinated through the Real Estate Services Division of DPW (RES)**. Contact RES to initiate process

The decision of this waiver petition is based on the following justification:

Hardship:

The purpose of this waiver is to reactivate and extend the approval deadline to file for a building permit for a SDP that received signature approval by DPZ. The owner had a deadline date of November 14, 2008 (2 years after plan approval) to apply for building permits in order to initiate construction. The owner/developer delayed construction on the site due to the economic challenges created by the recent recession, land cost basis and over development throughout the market (office space saturation). The owner has indicated that vacancy rates remain above 12%, however indicators point to a growing recovery. The owner has stated that demand for office space has shown recent improvement and since significant time and resources has been invested into the site development plan, now is the time to execute the plan to meet future tenant space needs.

Not detrimental to public interest:

By granting this waiver, it will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties. The site is zoned for office and commercial uses and has received site development plan approval. No changes are occurring to the SDP and it shall remain compliant with all County and State laws.

Not nullify the intent or purpose of the regulations:

Based upon all of the above justifications, approval of this waiver request will not nullify the intent of the Regulations which requires the developer, within 2 years of receiving signature approval of the site development plan original, to apply to the Department of Inspections, Licenses and Permits for building permits. The developer had met all requirements to allow them to initiate the building permitting process and went through the appropriate process to make limited changes to the approved SDP, which was approved in November of 2006.

* Indicate this waiver petition file number, request, section of the regulations, action, condition of approval, and date of approval on all future building permits. **This requested waiver will remain valid for the period specified above.**

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development

KS/dj

cc: Research

DED

DPW- Real Estate Services

DILP