



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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June 2, 2010

Louis Mangione
Mangione Enterprises of Turf Valley, LP
1205 York Road, Penthouse
Lutherville, Maryland 21093

Re: Turf Valley
Waiver Petition WP-10-159
(F-07-158, Fairways at Turf Valley, Phase I
F-08-057, Vantage Condominiums at Turf Valley
F-08-060, Villages at Turf Valley, Phase 1, Section 2
F-08-084, Villages at Turf Valley, Phase 2, Section 1
F-08-085, Villages at Turf Valley, Phase 3
F-08-086, Villages at Turf Valley, Phase 4
F-10-026, Villages at Turf Valley, Phase 1, Section 1
F-10-078, Villages at Turf Valley, Phase 2, Section 2
S-08-001, Turf Valley Clubhouse
SDP-08-032, Vantage Condominiums at Turf Valley
SDP-08-096, Turf Valley Maintenance Shop
SDP-10-026, Villages at Turf Valley, Phase 1, Section 2
SDP-10-034, Villages at Turf Valley, Phase 4
SDP-10-037, Fairways at Turf Valley, Phase I
SDP-10-056, Turf Valley Resort, Wetland Mitigation Site)

Dear Mr. Mangione:

The Director of the Department of Planning and Zoning considered your request for a waiver of the Howard County Subdivision and Land Development Regulations. As of the date of this letter, the Planning Director approved your request to waive Subsections 16.144(g)(3)(iii), 16.144(p), 16.144(q), 16.156(l), and 16.156(m) as applicable to the plans referenced above. Waiver approval extends certain submission deadlines relating to subdivision and site development plans.

Approval is subject to the following conditions:

1. Petitioner shall submit to the Department of Planning and Zoning a preliminary plan in accordance with approved Sketch Plan S-08-001 and the requirements of Section 16.146 of the Howard County Code **on or before June 5, 2011**. Failure to comply with this condition shall result in S-08-001 being voided and the application for plan approval being considered withdrawn in accordance with Subsection 16.144(r)(1)(i) of the Code.
2. Petitioner shall pay all required fees to the County, submit Developer's Agreements to the Department of Public Works, Real Estate Services Division, and post financial surety for construction of public facilities relating to Final Plans F-07-158, F-08-057, F-08-060, F-08-084, F-08-085, F-08-086, and F-10-078 **on or before June 5, 2011**. Plans listed in this condition and failing to meet the June 5, 2011 deadline shall be voided and

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the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(5) of the Code.

3. Petitioner shall submit final plat originals for Final Plans F-07-158, F-08-057, F-08-060, F-08-084, F-08-085, F-08-086, F-10-026, and F-10-078 to the Department of Planning and Zoning for signature approval **on or before August 3, 2011**. Plans listed in this condition and failing to meet the August 3, 2011 deadline shall be voided and the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(6) of the Code.
4. Petitioner shall pay all required fees to the County, submit Developer's Agreements to the Department of Public Works, Real Estate Services Division, and post financial surety for construction of public facilities relating to Site Development Plans SDP-08-032 and SDP-08-096 **on or before August 3, 2011**. Plans listed in this condition and failing to meet the August 3, 2011 deadline shall be voided and the application for plan approval considered withdrawn.
5. Petitioner shall submit site development plan originals for Site Development Plans SDP-08-032, SDP-08-096, SDP-10-026, SDP-10-034, SDP-10-037, and SDP-10-056 to the Department of Planning and Zoning for signature approval **on or before August 3, 2011**. Approval of plans failing to meet the deadline will expire and a new site development plan submission will be required in accordance with Subsection 16.156(m) of the Code.

Petitioner is advised to consult previous Department correspondence (e.g. respective plan "technically complete" letters) for additional information regarding submission requirements.

Our decision was made based on the following justification:

Extraordinary Hardship or Practical Difficulty

Extraordinary hardship to the Petitioner would result if the waiver were denied. Subsection 16.101(a)(1) of the Howard County Code states that "[t]he purpose of the Subdivision and Land Development Regulations is to promote the health, safety, and general welfare of the residents of the County by assisting orderly, efficient, and integrated development of land." A definition of "efficient" by Merriam-Webster includes "productive without waste". Waiver denial would invite the potential for inefficient, or counterproductive and wasteful, development by placing extraordinary hardship on the Petitioner, expecting the Petitioner to comply with regulations establishing plan and plan submission and fee and surety payment deadlines during a period when it is prohibitive to do so due to the poor economy and credit market.

In addition, appeals and lawsuits are before the courts which may have an impact on the viability of the plans relevant to this petition. The outstanding litigation also adversely affects the ability on the part of the petitioner to obtain project financing, and inhibits potential buyers from real estate purchases. Waiver denial would likely result in voiding of plans fully reviewed by the Department or in the highly undesirable scenario of plan, surety, and plat submission by the Petitioner, initiation of construction, and project abandonment due to market forces or court decisions unfavorable to the Petitioner. Voiding of the plans to which this waiver pertains or forcing the Petitioner to initiate development in questionable economic or legal

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conditions is contrary to Subsection 16.101(a)(1). Waiver approval ensures that these possibilities are avoided, and promotes the health, safety, and general welfare of the residents of the County.

Alternative Proposal

The only alternative to waiver approval and submission deadline extension is to require submission of the required information on the dates previously established regardless of poor market conditions and outstanding litigation, both resulting in dubious project viability. Failure on the part of the Petitioner to submit the necessary information would result in the plans becoming void and previous approvals being rescinded. The status of all plans subject to this waiver is such that the alternative to waiver approval would be counterproductive and is not recommended by this Division.

Not Detrimental to the Public Interest

The waiver request will not be detrimental to the public interest since subdivision plans have already been processed and approved or determined "approvable" subject to Planning Board approval or "technically complete". Extensions of the plan submission deadlines will have no adverse effect on surrounding properties and the adjacent community.

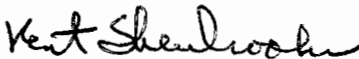
Will Not Nullify the Intent or Purpose of the Regulations

Approval of this waiver will not nullify the intent or purpose of the regulations. As discussed above, waiver approval will fulfill the purpose of the Subdivision and Land Development Regulations by assisting orderly, efficient, and integrated development of land.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related subdivision plans, plats, and site development plans. Waiver approval remains valid until August 3, 2011.

Should you have any questions please contact Dave Boellner at 410-313-3956 or dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Acting Chief
Division of Land Development

KS/DBB:dbb

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