



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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FAX 410-313-3467
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November 19, 2010

Greg Reed
Enchanted Forest, LLC
3333 New Hyde Park Road
New Hyde Park, New York 11042

Re: Enchanted Forest Commercial Center, Parcel 'A'
Waiver Petition WP-11-061

Dear Mr. Reed:

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 16.156(l) and 16.156(m) of the Howard County Code. Waiver approval allows developer agreement and plan original submission deadlines to be extended, and is subject to the following conditions:

1. Petitioner shall submit to the DPW, Real Estate Services Division a developer agreement, shall post financial surety for storm drains, SWM construction and maintenance, and landscaping, and shall submit the balance of the Engineering Review Fee listed under Step 2 of our letter of August 4, 2009 **on or before December 27, 2011.**
2. Petitioner shall submit to the DPZ the site development plan originals for signature approval and other items listed under Step 3 of our letter of August 4, 2009 **on or before December 27, 2011.**
3. The DPZ extends the validity of authorization of "original only" processing of the revision plat. Petitioner shall address the items listed in our letter of August 10, 2009 **on or before October 28, 2011.**

Furthermore, please be advised of the following:

1. Petitioner is advised that the 2007 Stormwater Management Regulations are in effect. Any projects not having an approved stormwater management plan and sediment and erosion control plan by May 4, 2010 will be required to submit revised plans designed to current regulations.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

Extraordinary hardship to the petitioner would result if the waiver was denied, the existing "technically complete" plan was voided, and the petitioner required to submit and process a new site development plan for this project. The now well-documented deflationary real estate market and restrictive lending practices have made viable development difficult if not impossible.

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Not Detrimental to the Public Interest

The waiver will not be detrimental to the public interest since the site development plan has already been processed and determined "technically complete". Therefore, the requested extensions of the site development plan submission deadlines will have no adverse effect on the surrounding properties or the community where the property is located.

Will Not Nullify the Intent or Purpose of the Regulations

Approval of this waiver request will not nullify the intent or purpose of the regulations. Therefore, approval of this waiver request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures.

The justification for recommendation was supported by information provided by the petitioner.

Indicate this waiver petition file number on all related plats, site development plans, and building permits. **This waiver shall expire on December 28, 2011.**

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

Sincerely,



Kent Sheubrooks, Acting Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
Bohler Engineering
Marc Norman
Paul Kendall
Angie Beltram
SDP-08-040 file
Revision plat (original only) file