



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

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March 1, 2011

Preston Capital Management, LLC
2330 West Joppa Road, Suite 190
Lutherville, Maryland 21093

Re: Oxford Square TOD Site
Waiver Petition WP-11-130

Dear Sirs:

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 16.120(c)(1), 16.131(c)(2)(i), 16.131(d)(1)(i), and 16.1202(a)(1) of the Howard County Code. Waiver approval is subject to the following conditions:

1. The temporary private access easement provided for Parcels 'A' and 'B' and temporary private water and sewer house connection easement for Parcel 'B' will terminate upon recordation of the public road right-of-way to Parcel 'B'.
2. Petitioner shall fulfill the forest conservation obligation of the Oxford Square, Parcels 'A' and 'B' resubdivision in its entirety upon resubdivision or development of Parcel 'A'.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

Extraordinary hardship and practical difficulty would result if the petitioner was required to provide the road frontage, public water and sewer connections, and forest conservation plan as required by regulation in order to resubdivide the property. The development proposed at this time is limited to construction of a public school on Parcel 'B', and a site development plan is required; no plans have been submitted for resubdivision or development of Parcel 'A'. Construction of the public school on Parcel 'B' is essential to maintaining the timeline of the development of Parcel 'A'. Strict adherence to the regulations would present extraordinary hardship and practical difficulty to the petitioner since provision of public road right-of-way and public water and sewer connections to the school site (Parcel 'B') would require review and approval of a number of plans (ECP, SP, "Green Neighborhood", F) for Parcel 'A', and at this time in the sequence of development this would be premature. In addition, since the ultimate layout of Parcel 'A' is unknown, recordation of on-site forest conservation easements on Parcel 'A' to fulfill the resubdivision's forest conservation obligations should be deferred until the layout is known and Parcel 'A' is further resubdivided or developed.

Not Detrimental to the Public Interest

Waiver approval will not be detrimental to the public interest since access and water and sewer service will be provided to all parcels created as a result of the resubdivision, subdivision forest conservation obligations will be partially met and will be fully met upon resubdivision of Parcel 'A', and review, approval, and

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construction of a new public school will be expedited. Waiver approval will have no adverse effect on the surrounding properties and the community in which 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. The purpose of the regulations includes "guiding public and private policy and action in order to provide infrastructure, including adequate and efficient transportation by a variety of means, including alternatives to the automobile, water systems of adequate size and pressure for water supply and fire protection, sewerage and adequate drainage, and schools". Waiver approval will expedite school construction, provide water supply and attendant fire protection and sewerage to the school by alternate means, and will facilitate completion of a necessary step in the development of the Oxford Square TOD site, which will encourage alternative means of transportation. Waiver approval will also maintain the purpose of "preserving natural resources of the County, including vegetation" by partially fulfilling forest conservation requirements as part of the relevant plan and requiring the balance of the obligation to be fulfilled as part of later resubdivision or development.

The Department of Public Works, Bureau of Engineering by letter dated February 14, 2011 notified the project engineer that a waiver of the Howard County Design Manual, Volume II, Section 1.4 was approved, allowing deferral of preparation and implementation of plans for the extension of public water and sewer services to Parcels 'A' and 'B'.

Indicate this waiver petition file number, sections of the regulations, action, and conditions of approval on all related plats and site development plans. This waiver will remain valid for one year from the date of this letter or as long as this subdivision remains in active processing.

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, Chief

DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
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Fisher, Collins & Carter, Inc.