



Howard County Department Of Planning And Zoning
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

July 7, 2011

Trinity Homes at Cypress Springs, LLC
attn: Michael Pfau
3675 Park Avenue, Suite 301
Ellicott City, MD 21043

RE: WP-11-202 Cypress Springs, Phase 1 (F-10-028)
Lots 1-13 and Open Space Lots 14-17, and Non-Buildable Bulk Parcels A-D

Dear Mr. Pfau:

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 sections of the Subdivision and Land Development Regulations:

Sections 16.144p(1)(2) and 16.144q of the Amended Fifth Edition – Within 120 days of receiving approval of the final plan the developer shall pay all required fees to the County and if subject to the developer agreement or major facility agreement, shall post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements. Within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation.

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

- 1) The Developer's Agreement process and the submission of the final plat originals must be completed within twelve months from the most recent granted deadline due dates of June 29, 2011 (for the Developer's Agreement) and August 28, 2011 (for the final plat originals). The **new deadline due dates** would be as follows: **June 29, 2012** for the filing of the Developer's Agreement and **August 28, 2012** for the submission of the final plat originals.
- 2) Payment of fees, posting of financial obligations and submissions of final plat originals are subject to compliance with all previous SRC comments and procedures outlined in our technically complete letter of November 18, 2009.
* The applicant shall pay any fee difference that may have changed since our technically complete letter that is dated November 18, 2009.

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

Hardship:

The purpose of this waiver is to grant additional time (12 months) to complete the Developer's Agreement and to submit the final plat originals (F-10-028). The petitioner had a deadline date of June 29, 2011 to submit the Developer's Agreement and has a forthcoming deadline date of August 28, 2011 to submit the final plat originals. The petitioner would encounter a significant financial hardship to grade and construct all infrastructures to accommodate less than one-third of the total number of lots that are planned for the development. The petitioner needs the additional time to secure financing and to get closer to the second phase of this development. Secondly, the petitioner has stated that lending institutions are not willing to provide additional construction loans due to the fact the Howard County Public Schools open/closed school chart has delayed the future phasing of this subdivision.

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, because the site is zoned for residential use and Phase 1 has received subdivision (final plan) and road construction approval. If the petitioner were able to commence construction now, the site would be partially constructed and therefore, not promoting best sediment control practices with the site left open until Phase 2. The petitioner feels it is best to delay construction and site work until his development company is in a better financial position to began and complete construction at one time.


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 120 days of receiving approval of the final plan to pay all required fees to the County and post all monies and/or file appropriate surety covering the developer's financial obligations for the required improvements and within 180 days of final plan approval, submit the final subdivision plan for signatures and recordation. The petitioner should be able to execute the obligations associated with this plan once the current construction financing climate improves.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on the plat (F-10-028). **This requested waiver will remain valid for the time periods specified in the above conditions or as long as the related subdivision remain in active processing.**

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

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/dj

cc: Research

DED

DPW – Real Estate Services

Vogel Engineering

File: F-10-028