



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

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FAX 410-313-3467
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December 15, 2011

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

Re: Turf Valley
Waiver Petition WP-12-082
(F-10-084, Fairways at Turf Valley, Phase II,
F-10-086, Fairways at Turf Valley, Phase III,
S-11-003, Turf Valley Clubhouse, Phase II)

Dear Mr. Mangione:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.144(g)(3)(ii), 16.144(p), 16.144(q), 16.144(r)(5) and 16.144(r)(6) of the Howard County Code. Waiver approval would allow for re-establishment of: 1) the milestone by which a preliminary plan in accordance with S-11-003 must be submitted by the petitioner; and, 2) the deadlines by which the petitioner must pay fees, file appropriate sureties, and submit plat originals associated with F-10-084 and F-10-086.

As of the date of this letter, the Planning Director approved your request, 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-11-003 and the requirements of Section 16.146 of the Howard County Code **on or before December 5, 2012**. Failure to comply with this condition shall result in S-11-003 being voided and the application for plan approval being considered withdrawn in accordance with Subsection 16.144(r)(1)(i) of the Code.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-10-084 and F-10-086 **on or before January 8, 2013**. Failure to meet the January 8, 2013 deadline shall result in the plan being voided and the application for plan approval being considered withdrawn in accordance with Subsection 16.144(r)(5) of the Code.
3. Petitioner shall submit the final subdivision plat originals for Final Plans F-10-084 and F-10-086 to the Department of Planning and Zoning for signature approval **on or before February 27, 2013**. Failure to meet the February 27, 2013 deadline shall result in the plan being voided and the application for plan approval being considered withdrawn in accordance with Subsection 16.144(r)(6) of the Code.

Waiver approval includes the following advisory comment:

1. Petitioner is advised that projects currently within the review process meeting the State's criteria for preliminary project approval may be permitted to use the State's 2000 regulations for stormwater management. Projects meeting this requirement will be considered grandfathered to the 2000 regulations by submission and approval of an administrative waiver. Expiration of administrative waivers for grandfathering shall be May 4, 2013 if the developer does not receive approval (signed by SCD) prior to this date so that a grading permit could be obtained and the project continue to construction completion. The grandfathering administrative waiver is also conditioned that the developer will make timely construction progress and completion by May 4, 2017.

Our decision to approve the waiver was made based on the following justification:

Extraordinary hardship or practical difficulty may result from strict compliance with the regulations.

The basis for waiving the regulation currently governing the Turf Valley Clubhouse, Phase II (S-11-003) deadline is that project sequencing suggested by the existing deadlines is simply illogical. Phase II of the project is in fact dependent on Phase I (S-08-001) in terms of infrastructure planning, design, construction and function. Existing plan submission deadlines would require that the Phase II preliminary plan be designed before Phase I has been submitted to the County for review. This is infeasible, and presents an extraordinary hardship and practical difficulty to the Petitioner that may easily be mitigated by waiver approval and a change to the Phase II preliminary plan milestone date so that it follows that of Phase I.

In accordance with the Fourth Amendment to the Turf Valley Comprehensive Sketch Plan, a second means of emergency vehicle access must be provided to additional residential development east of Turf Valley Road, including Fairways at Turf Valley, Phases II and III, as required by the Department of Fire and Rescue Services. The second means of access is proposed to be constructed by the petitioner as part of the Vantage Condominiums at Turf Valley development (SDP-08-032), which is currently in appeals. The requirement of the petitioner to pay fees, post monies and file sureties for improvements at this time, as well as submission of plat originals for signature and recordation, constitutes an extraordinary hardship; the length and outcome of the appeal of SDP-08-032 makes commencement of construction of Fairways at Turf Valley, Phases II and III unknown, and thereby makes required public improvements and residential development impossible for the foreseeable future.

Waiver approval will not nullify the intent or purpose of the regulations.

Approval of this waiver will not nullify the intent or purpose of the regulations. Waiver approval will fulfill the purpose of the Subdivision and Land Development Regulations, which is to promote the health, safety, and general welfare of the residents of the County, by: 1) assisting orderly, efficient, and integrated development of land; 2) ensuring adequate provisions are made for public fire protection; and 3) providing uniform procedures and standards for the processing of subdivision plans.

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Waiver approval will not be detrimental to the public interest.

The waiver request will not be detrimental to the public interest since the relevant plans have been reviewed and approved in accordance with applicable regulations and standards, including the Subdivision and Land Development Regulations, Zoning Regulations, and Design Manual. Extension of the submission deadlines will have no adverse effect on adjacent properties, the surrounding community, or the County as a whole.

This waiver remains valid for the time periods specified in the conditions of approval.

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
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