



Howard County Department Of Planning And Zoning

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Marsha S. McLaughlin, Director

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December 07, 2011

Mr. John Eidberger
McDonald's USA, LLC
6903 Rockledge Drive, Suite 100
Bethesda, MD 20817

RE: WP-12-089, McDonald's Restaurant, Parker Subdivision, Parcels A-1, D-1 and F, southwest corner of U.S. Route 40 and North Ridge Road (F-12-005 & SDP-10-088)

Dear Mr. Eidberger:

The Director of the Department of Planning and Zoning considered your requests for waivers from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your requests to waive Subdivision Sections:

1. 16.144(p), for resubdivision plat, F-12-005, and granted a one year extension from the deadline date of 12/24/11 until 12/24/12 to submit the deed for the dedication of public road right-of-way for road widening to the Real Estate Services Division of the DPW, and;
2. 16.144(p)(1), 16.144(q), 16.144(r)(5) and (6), for resubdivision plat, F-12-005, and granted a one year extension from the deadline date of 02/22/12 until 02/22/13 to pay all required fees and submit the resubdivision plat originals for signature processing and recording, and;
3. 16.156(k), (l) and (m), for site development plan, SDP-10-088, and granted a one year extension from the deadline date of 03/05/12 until 03/05/13 to execute the Developer's Agreement(s), pay all required fees, post all required sureties and submit the site development plan originals for signature approval.

Subject to compliance with the following conditions of approval:

1. The above cited extended deadline dates of 12/24/12 and 02/22/13 for resubdivision plat, F-12-005, shall be complied with, or it shall become null and void and be removed from processing.
2. The above cited extended deadline date of 03/05/13 for site development plan, SDP-10-088, shall be complied with, or it shall become null and void and be removed from processing.
3. Indicate this waiver petition file number, sections of the regulations, request, action, conditions of approval, and approval date in a detailed note on sheet 1 of resubdivision plat, F-12-005, and sheet 1 of site development plan, SDP-10-088.

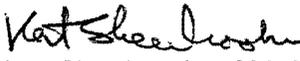
Justification for the approval recommendation for this waiver petition:

1. Undo hardships and practical difficulties would result from strict compliance with the Regulations because the development of the McDonald's site per SDP-10-088 is contingent upon the relocation/construction of the fuel tanks and canopy on the site per SDP-10-064, which has not occurred to date.
2. This waiver petition, if approved as cited above, will not nullify the intent and purpose of the Regulations, because:
 - A. The site development plan and resubdivision plat have been completely processed, complied with all applicable requirements and were issued "Approval" and "Technically Complete" letters, and;
 - B. The request is not to waive the Regulations entirely, but to request additional time to comply with them after the relocation/construction of the fuel tanks and canopy on the site per SDP-10-064 has been completed, and the ongoing contractual obligations with the Parker Fuel Company are finalized.

The approval of this waiver petition will remain valid in accordance with compliance with the above cited deadline dates of 12/24/12 and 02/22/13 for resubdivision plat, F-12-005, and 03/05/13 for site development plan, SDP-10-088.

If you have any questions, please contact Michael Antol at (410) 313-2350 or email at mantol@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/MA/WP12089.appr.ltr.

cc: File
Research
RES/DPW
DED
BLDG, Inc.
J. A. Parker, Jr. and G. A. Parker, T/E
McDonald's Corp.
SDP-10-088
F-12-005