



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

January 10, 2012

Emerson Development VI, LLC
1 Texas Station Court, Suite 200
Timonium, MD. 21093-8288
ATTN: James Knott

RE: WP-12-102 (Emerson: Parcel G-1)
Associated with SDP-11-025

Dear Mr. Knott:

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 **Section 16.156 (k), Section 16.156(l) and Section 16.156(m)** which establish deadlines for submission of developer's agreements, fees, posting of financial obligations, and the submission of plan originals in relation to site development plans.

Approval is subject to the following conditions:

1. The developer must submit Developer's Agreements for the installation of public water and sewerage, road construction (if applicable), post financial sureties, and if applicable, submit payment to DPW, RES of the balance of the Department of Public Works, Engineering Review Fee in association with SDP-11-025 within **1 year** of the date of January 3, 2012 (**on or before January 3, 2013**).
2. The developer must submit site development plan originals for signature in association with SDP-11-025 within **1 year** of the date of January 3, 2012 (**on or before January 3, 2013**).

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition would result in undue hardship because it would require the submission of a new site development plan. No site changes would occur with a new submission. The project has already been subject to a complete site plan review and has an established file history. Per the applicant's justification "due to the current economic condition and lack of potential tenant commitment, payment of final fees and financial obligations to Howard County would present an economic hardship for the Owner/Developer. This economic hardship would put strain on financial obligations necessary for the completion process of more active projects in Howard County".

Detrimental to the Public Interest:

The extension of deadline dates for the paying of fees, signing developer's agreements, providing sureties and submitting a site development plan will not be detrimental to the Public Interest. The site development plan has already been approved. Per the applicant's justification, "expedient building occupancy and employment opportunities are necessary milestones for economic recovery. The proposed "Emerson parcel G-1, five-story commercial office building" will in the near future be occupied.

This brief delay in construction will not have any detriment to public interest, but rather have positive impacts to the surrounding community by allowing other projects to move forward”.

Nullifies the Intent or Purpose of the Regulations:

Granting of this waiver would not nullify the intent or purpose of the regulations. This project has received a “technically complete” from the County. The associated final plat (F-11-094) has been recorded in land records and the public water and sewer plan mylars (Contract No. 24-4698-D) are currently being circulated. The applicant is to be working on the developer’s agreement and remaining sureties and fees. Per the applicant’s justification, “once the requested one-year milestone deadlines are reached, it will only be a brief period (~ 4 weeks) before construction begins”.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all related plats, and site development plans, and building permits. This requested waiver will remain valid for the time period specified in the conditions of approval or as long as this site development plan remains in active processing.

If you have any questions, please contact Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

Attachment

KS/TKM/waivers 2011/Emerson Parcel G-1 WP-12-102 approval 1-10-12

cc: Research
DED
DMW
SDP-11-025 file