



Howard County Department Of Planning And Zoning

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Marsha S. McLaughlin, Director

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March 27, 2012

3330 Rogers Avenue, LLC
5300 Dorsey Hall Drive, Suite 102
Ellicott City, Maryland 21042
ATT: Donald Reuwer

RE: WP-12-138/Ellicott Mills Overlook
Parcels A thru I and Future Parcel J (S-12-001)

Dear Mr. Reuwer:

The Director of the Department of Planning and Zoning considered your request for waiver(s) from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for waiver to Section 16.146(a)(1) requiring the submission of a preliminary plan, subject to the following conditions:

1. A final plan submission for all phases shown on the approved Sketch Plan, S-12-001, shall be submitted within **nine months** from the date of this letter (**on or before December 27, 2012**). Failure to submit the final plat by the newly established due date may result in the Comprehensive Sketch Plan (S-12-001) as approved by the Planning Board under PB Case No. 391 to become null and void.
2. Reference this waiver petition file number, section waived, date and action on all future plans and building permits.

JUSTIFICATION FOR APPROVAL:


1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. This site shall be developed with 136 townhouses, 32 age-restricted adult apartment units, a 17,000 sq.ft. retail/office building, associated parking, open space areas and recreational areas. Parcels A thru I are owned by Howard County and at one time was considered for development as the Howard County Office Complex. Subsequently, the County did decide not to pursue development of the site and has contracted with the applicant (and owner of Future Parcel J) in the purchasing of Parcels A thru I. The applicant has conducted numerous public meetings, petitioned the Zoning Board to rezone the property from POR to MXD-6, has attended several Planning Board hearings and is attempting to move forward with all processing requirements to develop the site. A final plat was recorded (F-12-014), a waiver petition application was approved, an Erosion Control Plan processed and a Comprehensive Sketch Plan (S-12-001) approved by the Planning Board under PB Case No. 391 on February 16, 2012. In addition, Howard County has begun grading of the site and shall construct the public road extension of Ellicott Center Drive from its present terminus to Rogers Avenue. Road improvements will also be made along Rogers Avenue in conjunction with development of the site and sidewalks installed. To deny the waiver request at this time would cause practical difficulties to not only the applicant but also to Howard County with further development negotiations. The better solution is to waive the preliminary plan requirement and allow the developer to move forward with submission of the final plan.

2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The developer has diligently moved forward with the processing of all required waivers and development plans for this site. The Zoning Board has reviewed and approved the Preliminary Development Plan and the Subdivision Review Committee and the Planning Board have approved the Comprehensive Sketch Plan (S-12-001). This plan is consistent with the density and intensity of development as regulated in the Zoning and Land Development Regulations. All major design issues have been resolved, and the plan will not change with regard to parcel layout, building design, grading, roadway construction, landscaping or proposed forest conservation. The site has passed the Adequate Public Facilities Ordinance and has met all applicable road tests and has received tentative housing unit allocations. Therefore, the Comprehensive Sketch Plan is an adequate substitution for a preliminary plan submission and the intent of the Regulations will be met. The developer shall be required to submit the final plan within nine months from the date of this waiver petition approval letter.

3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The owner is not circumventing the intent of the regulations, but has shown continuous effort to meet all requirements and to promote the health, safety and general welfare of the surrounding residents wherever possible. The approved Comprehensive Sketch Plan reflects the uniqueness of the site and responds to its topography, wetlands, streams, their buffers, floodplain and existing forests in relationship to adjoining land uses and existing roadway systems. The preliminary plan would not, therefore, provide any further detail. Accordingly, allowing this development to move forward by submission of a final plan will not be detrimental to the interests of the neighborhood or surrounding properties.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. This requested waiver will remain valid for the time period as specified above or as long as development plans are in process. Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



cc: Research/DED
James Irvin, DPW Director
Fisher, Collins & Carter
S-12-006