



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

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May 31, 2012

Barry Mehta
CBM, LLC
5551 Oakland Mills Road
Columbia, Maryland 21045

RE: WP-12-161, Shadowbrook Downs
(SP-04-008)

Dear Mr. Mehta:

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 16.144(k)(3)(i)** of the Howard County Subdivision and Land Development Regulations, which states that the developer shall submit a final plan within four months of the preliminary equivalent sketch plan approval. The applicant is requesting an extension of time of the milestone date to submit the final plan.

Approval is subject to the following conditions:

1. The applicant shall submit the final plan to the Department of Planning and Zoning within four months from the previous deadline date of June 6, 2012 (**on or before October 6, 2012**). If the above deadline is not met, the plan will become null and void, all previous approvals will be rescinded and the project will lose its tentative housing unit allocations in accordance with Section 16.144 of the Howard County Subdivision and Land Development Regulations. In accordance with the current State stormwater management regulations, final plans that utilize the previous stormwater management techniques must meet the established grandfathering date of May 4, 2013, which require construction drawings to receive signature approval and all stormwater practices to be bonded through an executed Developer's Agreement, in order to proceed with developing under the previous regulations. Therefore, in order to allow adequate processing time for the final plan, the Department of Planning and Zoning will only grant a four month time extension. The applicant shall be advised that additional plan extensions beyond October 6, 2012 may not be considered.
2. Subject to the attached comments from the Development Engineering Division.

Advisory Comment:

3. *The Department of Planning and Zoning highly recommends the applicant schedule a meeting with DPZ to discuss the proposed plan design per the attached comments from the Development Engineering Division dated May 17, 2012 and the plan processing deadlines for completion of this project in a timely manner.*

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty

The applicant plans to precede with the currently approved preliminary equivalent sketch plan, except they wish to investigate the various approvals needed and the cost analysis about the sewer line going

under I-95 as shown on the current plan that was submitted by the previous owners. The applicant is currently researching the cost implications of drilling a new sewer sleeve under I-95 and all of the various permissions necessary to do this work. The procedural complexity of the sewer going under I-95 makes the development of this project challenging. In addition, the close proximity to I-95 presents another challenge for the noise barrier needed for this location. Due to the high cost estimates to develop this project based on the challenges listed above, it should be done only when house lot prices are high enough to absorb those costs. Based on the current market conditions, and the fact that the applicant had recently acquired the property in the past year, the applicant needs more time to prepare and submit a proper final plan.

Not Detrimental to the Public Interest

The proposed waiver petition will not be detrimental to the public interest because the preliminary equivalent sketch plan has been reviewed by the Subdivision Review Committee and the Howard County Planning Board for compliance with all State and County Regulations, the project has been granted approval to proceed to the final plan process and the project has received tentative housing unit allocations by the Department of Planning and Zoning. The new owner is not circumventing the intent of the Regulations but is only seeking a temporary deferral of the final plan submission milestone date to prepare final plans for this project in an uncertain real estate market.

Will not Nullify the Intent or Purpose of the Regulations

The proposed waiver petition will not nullify the intent or purpose of the Regulations since the preliminary equivalent sketch plan, which complied with all State and County regulations upon review, has received signature approval. This waiver was not submitted to waive the above cited Regulation, but only to allow additional time to submit the final plan for processing.

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 subdivision remains in active processing.

If you have any questions, please contact Julia Boone at (410) 313-2350 or email at jboone@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JB:jb

cc: Research
DED
SP-04-008
Frank Federico