



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

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August 23, 2012

S. Bruce Jaffe, Member
TSG/JMJ Snowden River South, LLC
8600 Snowden River Parkway, #207
Columbia, MD 21045

RE: WP-13-017, Midway Business Center
(SDP-10-005)

Dear Mr. Jaffe:

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)**, which requires the Developer to execute developer agreements concurrent with the approval of the site development plan; **Section 16.156(l)**, which requires the developer shall pay all fees to the County and post all monies and/or file appropriate surety covering the developer's financial obligations for the required improvements within 180 days of site development plan approval; and **Section 16.156(m)**, which states that within 180 days of site development plan approval, the developer shall submit the original mylar plans.

Approval is subject to the following conditions:

1. The applicant must post surety, execute the Developer's Agreement, and submit the Site Development Plan original mylar within 6 months from the approval of this waiver (**on or before February 24, 2013**), in accordance with the attached comments from the Development Engineering Division. Contact Carol Stirn at (410) 313-2350 to set up a new plan submission appointment within this allotted time period.
2. The applicant is responsible for any processing fee changes that may have occurred since the technically complete letter was issued for SDP-10-005.
3. The applicant is responsible for addressing any remaining comments from the letter dated March 18, 2010.
4. The applicant must pay any fees required to the Department of Public Works, Real Estate Services Division to release the prepared easement documents and to resubmit all easement documents and Developer's Agreements back to that Division prior to the submission of the SDP originals. The Division of Land Development will require a receipt from Real Estate Services indicating all fees have been paid and all documents submitted for recordation and/or execution prior to accepting the SDP originals for signatures.
5. The applicant must submit proof of landscaping approval from the Howard Hughes Corporation or provide a determination from that company in writing that no further landscape review is needed.
6. Please be advised new stormwater management regulations are in effect. Any project not having

a signature approved stormwater management and sediment control plan by May 4, 2013 and a facility constructed by May 4, 2017 will require revised plans designed to meet current regulations.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty – Denial of the waiver petition would result in undue hardship because it would require the submission of a new Site Development Plan (SDP) and all associated documents and re-review by the Planning Board. Water and sewer construction plans were signed on July 20, 2010. No site changes would occur with a new SDP submittal due to any changes in the regulations. The project has already been subject to a complete site plan review and has an established file history.

Implementation of an Alternative Proposal – One alternative would be to void the site development plan. This would create an extraordinary hardship as the plans would have to be resubmitted with new fees and re-circulated through the County for review even though the subdivision plan has not be altered, thereby wasting County resources and creating an unnecessary additional expense for the applicant. The applicant could also submit the originals by the due date, but will only be able to do so if surety and bonds can be posted, which requires bank financing, which will be difficult to obtain in the current banking climate.


Not Detrimental to the Public Interest - Approval of the waiver request will not alter the essential character of the site and will not impair the appropriate use or development of the surrounding properties. Furthermore, the proposed site development plan has not been altered.

Will Not Nullify the Intent or Purpose of the Regulations - The granting of this waiver will not nullify the intent of this regulation as the additional time requested is for processing only. The applicant has been working with Real Estate Services to prepare the Developer's Agreement and is seeking construction funding and surety alternatives. The site would not be altered by any new regulations adopted since deemed technically complete, provided that, as advised in condition #3, the site's stormwater management facilities is approved through a signed sediment and erosion control plan by May 4, 2013 and the facility is constructed by May 4, 2017. Otherwise, the site will need to be redesigned under the 2007 MDE requirements.

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 Jill Manion-Farrar at (410) 313-2350 or email at jfarrar@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/JMF



cc: Research
DED
Vogel Engineering
Landscape Coordinator
SDP-10-005