



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

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December 4, 2012

J. Chris Phippen
Jessup Park, LLC
453 S. Park Drive
Sarasota, Florida 34236

Re: Phippen Property
Waiver Petition WP-13-084
(Site Development Plan SDP-10-030)

Dear Mr. Phippen:

The Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.156(k), 16.156(l) and 16.156(m) of the Howard County Subdivision and Land Development Regulations. Waiver approval would allow for extension of the deadlines by which developer agreements must be executed, fees paid and sureties filed, and the original mylar site development plan referenced submitted to the County for signature approval. The waiver petition submitted sought a one-year extension from the current submission deadlines established by approval of WP-12-084.

As of the date of this letter, the Planning Director **APPROVED** your request to waive Subsections 16.156(k), 16.156(l) and 16.156(m) as they pertain to SDP-10-030. The request for a one-year extension of the existing deadlines was **DENIED**.

Waiver approval is subject to the following conditions:

1. Petitioner shall execute developer agreements, post sureties and pay all required fees to the Department of Public Works, Real Estate Services Division **on or before April 3, 2013**.
2. Petitioner shall submit the site development plan original for signature approval to the Department of Planning and Zoning, Division of Land Development and shall address other items listed under Step 2 of our letter of June 7, 2010 **on or before April 3, 2013**.

Our decision to approve the waiver of Subsections 16.156(k), 16.156(l) and 16.156(m) was made based on the following justification:

1. The petitioner has invested a great deal of time and money to reach this near final level in the land development process for SDP-10-030 but needs additional time to finalize preparation of the plat of forest conservation easement and easement abandonment required for this project. As a result, the petitioner would experience under hardship and practical difficulty if strict compliance with the regulations was enforced.
2. This waiver petition, if approved as cited above, will not nullify the intent and purpose of the regulations since SDP-10-030 has been completely processed, complies with all applicable

requirements, is considered "technically complete", and is now waiting for the project engineer to finalize preparation of the required plat of forest easement and easement abandonment.

Denial of the one-year extension of the existing deadlines was based on the following reasons:

1. The DPZ, Development Engineering Division, after review of the submitted information, recommended denial of the waiver as the stormwater management designed for the project is under the MDE 2000 regulations and the grandfathering of the project shall expire if the following conditions are not met:
 - a. Projects currently within the review process meeting the State's criteria for preliminary project approval may be permitted to use the State's 2000 regulations for stormwater management. Projects meeting this requirement will be considered grandfathered to the 2000 regulations by submission and approval of an administrative waiver. Expiration of administrative waivers for grandfathering shall be May 4, 2013 if the developer does not receive approval (signed by SCD) prior to this date so that a grading permit could be obtained and the project continue to construction completion. The grandfathering administrative waiver is also conditioned that the developer will make timely construction progress and completion by May 4, 2017.

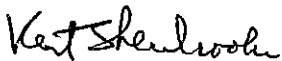
(See attached Development Engineering Division comments.)

The DPZ, Division of Land Development recommended a 120-day extension to the submission deadlines, with which the Director concurred, allowing the petitioner an opportunity to comply with the provisions of administrative waivers for grandfathering to the MDE 2000 stormwater management regulations.

Indicate this waiver petition file number, section of the regulations, action, conditions of approval, and date on all related site development plans. Waiver approval will remain valid for the time period specified in the conditions of approval.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
DPZ, DED
DPW, Real Estate Services
Vogel Engineering