



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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January 24, 2013

Rogers 40 LLC
11255 Dovedale Court, Suite B
Marriottsville, MD 21104

RE: WP-13-110, Ellicott City Exchange
Condominium, TM Parcel 923, proposed
commercial "Bldg. C", (SDP-09-032)

Dear Sir/Madam:

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 **Sections 16.156 (k), 16.156(l) and 16.156(m)** which establishes deadlines for the submission of developer agreements, payment of fees, posting of sureties and submission of site development plan mylars for a 100-day extension (instead of the requested 12 months) from the previous deadline of December 27, 2012. The request for a 12-month extension of the deadline date has been **DENIED**.

Approval is subject to the following conditions:

1. The developer shall execute developer agreements, post sureties and pay all required fees to the Department of Public Works, Real Estate Services on or before April 6, 2013. (Please note that Real Estate Services prefers that the developer agreement process start 3 weeks prior to submission of the Site Development Plan originals).
2. The submission of Site Development Plan originals associated with SDP-09-032 (Ellicott City Exchange Condominium) must be submitted to the Department of Planning and Zoning within **100 days** of previous milestone date of December 27, 2012 (**on or before April 6, 2013**).
3. Contact Carol Stirn at (410) 313-2350 to set up an original plan appointment within this allotted time period. **The applicant is responsible for any processing fee changes that may have occurred since the technically complete letter was issued for SDP-09-032.**
4. New stormwater management regulations are in effect. Any project not having a signature approved stormwater management and sediment control plan by May 4, 2013 will require revised plans designed to meet current regulations. Refer to attached comments from the Development Engineering Division.

Our decision of a 100-day extension from the previous milestone date of December 27, 2012 was made based on the following:

Extraordinary hardships or practical difficulties:

The extraordinary hardship or practical difficulty involved with this waiver request would require the developer to submit a new site development plan which addresses the current MDE Stormwater Management Regulations. The petitioner/developer has invested a great deal of time and money to reach this near final level in the land development process for SDP-09-032, but is unable to obtain financing or surety or tenants for the project at this time due to the poor economy and weak commercial market. Currently, the project is in the final stages of plan approval and the developer is working with the Real Estate Services Division to prepare and coordinate the Developer Agreement and other various public/private easement documents. Per the applicant's justification, "the Developer Agreement has been prepared by the County and sent to the developer. In the last year, the owner has been marketing the site looking for a tenant. To this date, the owner has not been able to secure a lease for the proposed building. The owner will not be able to obtain the required financing or bonds until a lease is secured. Without the bonds, the owner cannot complete the Developer's Agreement".

Not Detrimental to the Public Interest:

Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding properties. Allowing the applicant additional time to execute the Developer's Agreement, pay fees and submit the site development plan original will not be detrimental to the public since the design is not changing. The extension of time will allow the developer additional time to meet the grandfathering conditions of the MDE Stormwater Management Regulations while dealing with the constraints imposed through current economic conditions. In addition, "the future building 'C' will add to the commercial tax base in Howard County and as the economy recovers, will provide needed office space in an appropriate location".

Will Not Nullify the Intent or Purpose of the Regulations:

This waiver petition, if approved as cited above, will not nullify the intent and purpose of the Regulations because SDP-09-032 has been completely processed, complied with all applicable requirements and was issued a "technically complete" letter. The design of the site development plan has been reviewed and approved by the County's Subdivision Review Committee.

Denial of the 1-year time extension was based on the following reasons:

- The Department of Planning and Zoning, Development Engineering Division, after review of the submitted information, recommends DENIAL of the waiver as the stormwater management designed for this project is under the MDE 2000 Regulations and the grandfathering of the project shall expire if the following conditions are not met: (see attached comments)
 - 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 Soil Conservation District) 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.

- o It generally takes 2-3 weeks to obtain signature approval on site development plan original mylars from the date of submission to the Department of Planning and Zoning. It is anticipated that DPZ will be processing a very heavy backlog of plans that have been granted similar extensions which must meet the aforementioned stormwater management grandfathering deadline dates. For that reason the original mylar site development plans may take additional processing time. A 100-day time extension should allow the developer and the County ample time to process the necessary documents/plans which in-turn will allow the developer to meet these established deadline dates.

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 the site development plan remains in active processing.

If you have any questions, please contact Eric Buschman at (410) 313-2350 or email at ebuschman@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/
cc: Research
DED
Real Estate Services
SDP-09-032
GLW

