



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

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February 14, 2013

McDonald's USA, LLC
6903 Rockledge Drive, Suite 1100
Bethesda, Maryland 20817
Attn: John Eidberger

RE: WP-13-119, Parker Subdivision (F-12-005) & McDonald's (SDP-10-088)

Dear Mr. Eidberger:

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(p)** of the Subdivision and Land Development Regulations, which states that within 120 days of final plan approval, the developer must pay all required fees to the County and shall post all monies and file appropriate surety; **Section 16.144(q)** of the Subdivision and Land Development Regulations, which states that within 180 days of final plan approval, the developer shall submit the final subdivision plat original to the Department of Planning and Zoning for signatures and recordation; and **Sections 16.156(k), (l) & (m)** of the Subdivision and Land Development Regulations, which states that within 180 days of receiving approval of the site development plan the developer shall pay all required fees to the County, post all monies and/or file appropriate surety covering the developer's financial obligations for the required improvements submit the site development plan original to the Department of Planning and Zoning for signature approval.

Approval is subject to the following conditions:

1. Compliance with all SRC Agency comments generated with the review of the final plan, F-12-005, and the site development plan, SDP-10-088.
2. The deadline date for the Parker Subdivision, F-12-005, is hereby extended for an additional one year from the February 22, 2013 deadline date **until February 22, 2014** to pay all required fees, post all required sureties, and submit the plat originals for signature approval and recordation.
3. The deadline date for the McDonald's site development plan, SDP-10-088, is hereby extended for an additional one year from the March 5, 2013 deadline date **until March 5, 2014** to execute the Developer's Agreement(s), pay all required fees, post all required sureties, and submit the site development plan originals for signature approval.
4. Indicate this waiver petition file number, sections of the regulations, request, action, conditions of approval, and approval date in a detailed note on sheet #1 of the plat (F-12-005) and sheet #1 of the site development plan (SDP-10-08)

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty (Please see the justification from the applicant)

The proposed development on the subject site is contingent upon the relocation of the existing above ground fuel tanks on the Parker Fuel Company site. The optimum time for the relocation of these fuel tanks is late spring/early summer during the company's off peak season. Furthermore, shared access and parking easements as well as several real estate contractual obligations between McDonald's USA, LLC and the Parker Fuel Company still need to be ratified.

Not Detrimental to the Public Interest

The proposed waiver petition will not be detrimental to the public interest because the final subdivision plat and site development plan has been reviewed by the Subdivision Review Committee for compliance with all State and County Regulations and has been found Technically Complete by the Department of Planning and Zoning.

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 final subdivision plat, F-12-005, and site development plan, SDP-10-088, has been reviewed in compliance with all State and County Regulations. This waiver is not intended to waive the above cited Regulation, but only to allow additional time to complete the Developer's Agreement(s), post all required fees and sureties, and submit the plans for signature approval. This plan is in accordance with the 2007 Stormwater Management ESD 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 subdivision and site development plan 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
Real Estate Services
Baltimore Land Design Group
F-12-005
SDP-10-088