



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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April 1, 2013

S. Bruce Jaffe, Member
B.S. Land Acquisition, LLC
5100 Dorsey Hall Drive
Ellicott City, MD 21042
Attn: Gary Evans

RE: B.S. Land Acquisition, LLC
WP-13-135 (SDP-08-083)

Dear Mr. Evans:

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), (l) & (m)** of the Subdivision and Land Development regulations for a twenty-five(25) day time extension (denying the request for a forty-five(45)-day time extension), subject to the following conditions:

1. Compliance with the attached comments from the Development Engineering Division dated March 19, 2013.
2. 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:
 - 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. The developer must receive approval (signed by SCD) prior to this date so that a grading permit can be obtained and the project can continue to construction completion.
3. In order to meet the May 4, 2013 SWM deadline noted above, the developer must:
 - Pay all fees, post surety, execute Developer's Agreement(s) within twenty-five(25) days of the previously extended deadline date of March 18, 2013 (on or before April 12, 2013). Real Estate Services, DPW requires a minimum of three(3) weeks to execute the agreement(s).
 - Submit the site development plan original mylars for signature approval within twenty-five(25) days of the previously extended deadline date of March 18, 2013 (on or before April 12, 2013). It generally takes 2-3 weeks to obtain signature approval on site development plan original mylars from the date of submission to DPZ.
4. Compliance with all SRC Agency comments generated with the review of the site development plan, SDP-08-083.
5. Compliance with the conditions of approval of Hearing Examiner Case #BA-07-008C as outlined in George Beisser's letter dated June 12, 2007.
6. Please be advised that the Conditional Use, BA-07-008C will remain valid only as long as SDP-08-083 remains actively processed.

7. Please be advised that the grandfathering administrative waiver for the State's 2000 SWM Regulations is also conditioned that the developer will make timely construction progress and completion by May 4, 2017.

JUSTIFICATION FOR TWENTY-FIVE(25) DAY TIME EXTENSION APPROVAL RECOMMENDATION:

- Extraordinary Hardship or Practical Difficulty – 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 SWM Regulations. The developer has invested a great deal of time and money to reach this near final level in the land development process for SDP-08-083. 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 which must be executed by both BS Land Acquisition LLC and Temple Beth Shalom. Furthermore, due to the current economic environment the owner / developer requires additional time to secure construction funding and surety.
- Not Detrimental to the Public Interests – 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 meet the grandfathering conditions of the MDE SWM Regulations while dealing with the constraints imposed through current economic conditions.
- Will not nullify the intent or purpose of the regulations – Approval of this waiver request will not nullify the intent or purpose of the regulations since the design of the site development plan has been reviewed and approved by the County's Subdivision Review Committee.

JUSTIFICATION FOR FORTY-FIVE(45) DAY TIME EXTENSION DENIAL RECOMMENDATION: DPZ cannot grant the requested forty-five(45) day time extension based on conflicting dates as outlined below:

- 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:
 - 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.
- **Real Estate Services, DPW requires a minimum of three(3) weeks to execute the agreement(s). This should be anticipated by the developer in scheduling submittal of the originals.** The developer was initially advised of this timeframe in DPZ's "Technically Complete" letter for SDP-08-083 dated March 26, 2009, Page 1, Item #1, Paragraph 2.

- It generally takes 2-3 weeks to obtain signature approval on site development plan original mylars from the date of submission to DPZ. 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 SWM grandfathering deadline dates. For that reason the original mylar SDP's may take additional processing time.
- A twenty-five(25) day time extension (to on or before April 12, 2013) should allow the developer and the County time to process the necessary documents / plans which in-turn will allow the developer to meet these established deadline dates. The requested forty-five(45) day time extension (to on or before May 2, 2013) is unrealistic as it would allow the County only one(1) work day to execute the Developer's Agreement and obtain signature approval of the site development plan originals before the May 4, 2013 deadline.

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.

If you have any questions, please contact Ms. Pat Britt-Fendlay at 410-313-3371 or via e-mail at pfendlay@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/MPB 

Attachment: DED Comments

cc: Research
Heather Pandullo – Development Engineering Division
Real Estate Services Division, DPW
DPZ Files: SDP-08-083 & BA-07-008C
Vogel Engineering

