



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 15, 2013

Blue Stream, LLC
P.O. Box 416
Ellicott City, MD. 21041
ATTN: A. Sagner

RE: WP-13-142 ("Blue Stream")
Associated with:
(P-10-005, Blue Stream Phases I through III)
(P-11-003, Blue Stream, Phase IV)
(P-12-003, Blue Stream, Phase V)

Dear Mr. Sagner:

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 16.1106(h)(2)(i)** which states that if a bulk parcel for apartment, single-family attached or mobile home development is recorded and tentative allocations have been assigned, the project must proceed with a site development plan for the project in accordance with the milestones provided for in Section 16.1106(d) and a waiver to **Section 16.1106(d)** which outlines timing (milestone dates) for residential projects (for 101+ housing units-9 months after starting date) and a waiver to **Section 16.1106(e)** which outlines timing (milestone dates) for non-residential projects (9 months after starting date).

Waiver approval is subject to the following:

1. The required site development plans for Phases III, IV and V which includes 25,000 square feet of shopping center, 80,000 square feet of general office and 161 housing units in Phase III, 177 housing units and 263,334 square feet of commercial development in Phase IV and 177 housing units in Phase V shall be submitted on or before October 26, 2013.

The Planning Director's decision was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition would result in undue hardship because it would result in "the loss of tentatively approved allocations and compromise financing, resulting in a hardship. The applicant would need to obtain new allocations, which is time consuming and costly, considering the original infrastructure, cost of bonding, taxes and other fees." The granting of the waiver provides for the continuation of the orderly development of the "Blue Stream" project.

Detrimental to the Public Interest or nullify the Intent or Purpose of the Regulations:

Per the applicant's justification, "the preservation of the allocations is vital for the successful continuation of the project. The current bonding and financing is based on the orderly development of the project and the allocations reserved for the "Blue Stream" project. In the event the allocations were not retained, the banks and HUD may not continue to finance the project. Not only are the next two phases currently in design, the developer is attempting to obtain bond reduction for the original infrastructure so that additional bonding can be provided for the upcoming phases". There are 89 units in Phase III which must

be combined with 177 Phase IV units to provide the required number of units for the next multi-family project. Currently there is a design underway for the next single-family-attached phase within "Blue Stream" which will utilize the 177 Phase V units."

"The granting of the waiver would not be detrimental to the Public Interest or Nullify the Intent of the Regulations because the waiver does not request relaxation of any technical subdivision or development requirements, but merely allows additional time to complete current plan processing."

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 Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/TKM/waivers 2013/Blue Stream Phases III, IV & V WP-13-142 approval 4-15-13

cc: Research
DED
Vogel Engineering
F-10-055 file
P-10-005 file
P-11-003 file
P-12-003 file