



Howard County Department Of Planning And Zoning
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Marsha S. McLaughlin, Director

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June 11, 2013

Executive Center Parcel D Limited Partnership
attn: Louis Mangione
1205 York Road, Penthouse
Lutherville MD 21093

RE: WP-13-163 Executive Center, Ellicott City Walmart
Parcel D (SDP-06-094)

Dear Mr. Mangione:

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 the following sections of the Subdivision and Land Development Regulations:

Section 16.156(o)(1)(i) of the Amended Fifth Edition – Within 1 year of signature approval of the site development plan original, the developer shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site.

Section 16.156(o)(1)(ii) of the Amended Fifth Edition – For nonresidential developments involving multiple buildings or staged construction, the developer shall apply for building permits for all construction authorized by the approved site development plan within 2 years of signature approval.

Approval is subject to the following five (5) conditions:

- 1) Within 1 year from the current deadline date of May 16, 2013 or **May 16, 2014**, the developer/owner shall apply to the Department of Inspections, Licenses and Permits to initiate construction on the site or SDP-06-094 shall become void in accordance with Section 16.156(o)(1)(i) of the Subdivision and Land Development Regulations, and;
- 2) Within 2 years from the date of the current deadline date of May 16, 2013 or until **May 16, 2015**, the developer/owner shall apply to the Department of Inspections, Licenses and Permits for all construction on the site or SDP-06-094 shall become void in accordance with Section 16.156(o)(2) of the Subdivision and Land Development Regulations.

- 3) Indicate this waiver petition file number (WP-13-163) section of the regulations, request, action and conditions of approval, and approval date in a detailed general note on sheet 1 of SDP-06-094 should an approved red-line revision change is ever necessary to the SDP originals.
- 4) Subject to compliance with the attached DED comments dated April 30, 2013.
- 5) Please be advised that this project was approved using the 2000 stormwater management (SWM) requirements which requires construction completion by **May 4, 2017** for grandfathering. Please be advised that this will be the last extension granted for this project, unless this project is redesigned to the current 2007 SWM requirements.

The decision of this waiver petition is based on the following justification:

Hardship:

The purpose of this waiver is to grant a 1 year extension to apply for all necessary permits to initiate construction and a 2 year extension for all development that was authorized by the approved site development plan (SDP-06-094). The petitioner had a deadline date of May 16, 2013 to apply for building permits to initiate construction, but based on the petitioner's written justification, "*current economic conditions continue to make permanent financing for speculative office building subject to strict underwriting criteria*" has made it very difficult to secure financing. The petitioner further details that "*the uncertainty of when the road (North Ridge Road) would be completed and opened for public use and the unknown impact of the size and location of apartment building #1 (of the nearby Orchard Meadows apartment project) on the marketability of the office buildings.*" And because of these uncertainties, the project was not ready to advance.

Not detrimental to public interest:

By granting this waiver, it will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties, because the site is zoned for office and research and development, and limited commercial uses and has received site development plan approval. No site or structural changes are proposed to the SDP beyond what is approved on the SDP. The SDP shall remain compliant with all County and State laws.

Not nullify the intent or purpose of the regulations:

Based upon all of the above justifications, approval of this waiver request will not nullify the intent of the Regulations which requires the developer, within 1 year of receiving signature approval of the site development plan original, to apply to the Department of Inspections, Licenses and Permits for building permits and 2 years to apply for all building permits for all construction. The petitioner should be able to execute the obligations associated with this plan and has noted (in this waiver petition) that site grading has commenced which indicates a commitment to the completion of the work.

Indicate this waiver petition file number, request, section of the regulations, action, conditions of approval, and date on all future DPZ plans that are related to the subject property and building permits. This requested waiver will remain valid for the time period specified in the approval conditions.

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj
Enc: DED
cc: Research
DED
DILP – Permits Processing
File: SDP-06-094