



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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October 7, 2013

Joseph Fortino  
US Home Corporation  
10211 Wincopin Circle, Suite 300  
Columbia, Maryland 21044

Re: Waiver Petition WP-14-032, Oxford Square  
(F-13-108, Oxford Square, Lots 3 thru 103, Open Space Lots 104 thru 116 and Parcels 'N' and 'O'  
SDP-13-068, Oxford Square, Lots 3 thru 103, Open Space Lots 104 thru 116 and Parcels 'N' and 'O'  
SDP-14-019, Oxford Square, Lots 117 thru 212 and Open Space Lots 213 thru 225)

Dear Mr. Fortino:

The Director of the Department of Planning and Zoning considered the request by US Home Corporation for a waiver of Subsections 16.120(c)(4) and 16.134(a)(1) of the Howard County Subdivision and Land Development Regulations. A waiver of these regulations would allow single-family attached included on the relevant plans to not have the minimum frontage required on a public road, and allow the relevant plans to be designed so as not to include sidewalks on both sides of all streets in the project, respectively.

As of the date of this letter, the Planning Director approved the request to waive Subsections 16.120(c)(4) and 16.134(a)(1) as they apply to the relevant plans referenced, subject to the following conditions:

1. In accordance with Conditions 3, 4 and 5 of the Department approval of Waiver Petition WP-12-109 the petitioner shall:
  - a. Upon approval of the first site development plan for a residential, office, commercial or recreational use abutting Saint Margarets Lane, submit a redline revision of Final Plan F-12-026 to include sidewalk improvements on Saint Margarets Lane as required by Section 16.134 and the Design Manual.
  - b. Upon approval of the first site development plan for a residential, office, commercial, or recreational use abutting Banbury Drive, submit a redline revision of Final Plan F-12-026 to include sidewalk improvements on Banbury Drive as required by Section 16.134 and the Design Manual.
  - c. Submit a redline revision of the appropriate final road construction drawing(s) to the Department of Planning and Zoning to include sidewalk improvements on both sides of Coca Cola Drive as required by Section 16.134 and the Design Manual, including connection of the existing sidewalk to the intersection of Park Circle Drive and Coca Cola Drive.
  - d. The relevant plans may not receive signature approval or recordation until Condition 1.c. is addressed.

2. The petitioner shall revise SDP-13-068 and SDP-14-019 to identify private means of access currently identified as "alleys" to "private streets."
3. The private roads shall be constructed to the minimum public road standards as approved by the Development Engineering Division and Department of Public Works.
4. The following are conditions of approval by the Development Engineering Division:
  - a. Sidewalks must be provided in accordance with final plan and site development plan review.
  - b. A sidewalk shall be in place from any developed parcel to the public schools prior to use and occupancy of any unit in that parcel.
  - c. Sidewalk frontage improvements must be completed along Coca Cola Drive.

Our decision to approve the waiver was made based on the following justification:

*Extraordinary hardships or practical difficulties may result from strict compliance with the regulations.*

The main justification for designing these plans as having fee simple lots with private roads are the bulk regulations of the TOD Zoning District with regard to setbacks from public road rights-of-way. The use of public roads in order to gain access to the various townhome lots with its associated setback dimensions prohibits the higher density from being achieved with this high density zone. The use of private roads allows for fee simple lots to be closer together while still maintaining adequate safe access. The site development plans and supporting documentation such as turning movement analyses show that this concept can function safely.

The proposed sidewalk model for the Oxford Square TOD is unique and as a result there are some locations of private roadway that do not have sidewalk constructed directly along the length of the roadway, particularly the private alleys servicing the townhome lots. The proposed private alleys provide vehicular traffic to and from the rear of each townhome. The fronts of every townhome do have sidewalk connections that provide access to the public roads and the remaining amenity sites and schools. In addition, in accordance with the Green Neighborhood concept these sidewalks also connect to a main pedestrian pathway system surrounding the property. Construction of a sidewalk parallel to the private alleys would not be as safe as the proposed locations internal to the roads. The proposed sidewalk layout provides a safer pedestrian alternative.

*The intent of the regulations will be served to a greater extent through the implementation of the alternative proposal.*

Since there will be a large Homeowner's Association in place for this townhome development as well as an umbrella community HOA for Oxford Square, the maintenance of the private roads will be provided to a greater extent by these associations rather than by County funds. This maintenance will include snow removal and trash collection.

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It is felt that the intent of the regulations will be served to a greater extent through the implementation of the alternative proposal in which the sidewalk model for the overall project has been better served by methods other than a location parallel to a private alley.

*Waiver approval will not be detrimental to the public interest.*

Approval of this waiver request will not alter the essential character of the TOD neighborhood nor will it impair the appropriate use or development of the surrounding properties. The proposed townhome use with private roads is appropriate for this zoning district and since the roads will be privately maintained by an adequately sized community association and will only serve those in the community. In addition, the private roads will be built in accordance with Howard County design standards and paving sections.

*The waiver shall 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 safe vehicular access will be provided to each property. The private roads are being designed and constructed in accordance with County standards such that the fee simple lots will be served by the same road design standards as public roads. The exception is that the cost of maintenance will not be borne by the general public.

The intent of the regulations is to provide the public with safe pedestrian access within the community. The nature of this TOD phased project presents a sidewalk and pathway system that is safe and useful even though it may not include sidewalks parallel to every roadway.

Indicate this waiver petition file number, section of the regulations, action, conditions of approval, and date on all related plats, road construction drawings and site development plans. Waiver approval will remain valid for one year from the date of this letter or as long as the subdivision and site development plans referenced remain in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at [dboellner@howardcountymd.gov](mailto:dboellner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research  
DPZ, DED  
FC&C

