



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 1, 2013

Kinsley Holdings, Inc
6259 Reynolds Mill Road
Seven Valleys, PA 17360
ATT: Rick Fink

RE: WP-14-033/Brookdale Industrial Park, Parcel A
(SDP-08-031)

Dear Mr. Fink:

The Director of the Department of Planning and Zoning considered your request for waiver(s) from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for waivers to Section 16.156(o)(1) for an extension of time by which to apply for building permit and Section 16.156(o)(2) reactivation of the approved site development plan (SDP-08-031), **subject to the following conditions:**

1. Approval is given for the reactivation of site development plan, SDP-08-031, and a **one year extension** is granted from the date of this approval letter by which to file for building permit to initiate construction on Parcel A (on or before October 1, 2014).
2. Reference this waiver petition file number, section waived, date and action on all future plans and building permits.
3. The applicant is advised that new storm water management regulations (SWM) are now in effect. In order to maintain the grandfathering of the previously approved SWM, the developer shall complete all construction for this project by May 4, 2017. Please be advised that this may be the last extension granted for this project unless the project is redesigned to the current SWM requirements.

JUSTIFICATION FOR APPROVAL:

1. Extraordinary hardships or practical difficulties will result from strict compliance with the Regulations. Parcel A of the Brookdale Industrial Park was originally approved for construction of a warehouse terminal and office building under SDP-74-034. The new owner, Kinsley Holdings, Inc., intends to redevelop the site by constructing a 60,000 square foot Flex Space/Warehouse Building as approved under SDP-08-031. The owner has been years in the processing of development on Parcel A, however, is unable to move forward with construction due to economic conditions. Substantial site work has been completed including demolition of the old building and removal of over 200 abandoned junk vehicles. The Storm Water Management facility has been partially installed and the sanitary

sewer and water lines have been installed. A retaining wall has been constructed around certain portions of the parcel as approved on the site plan. To deny the waiver requests would cause considerable hardship to the owner at this time by voiding SDP-08-031 and requiring the property owner to start over with development plans. The better solution is to approve reactivation of the site plan and to grant a one year extension of time by which to apply for building permits, allowing this project to move forward.

2. The intent of the Regulations will still be served to a greater extent through implementation of an alternative proposal and approval of the waiver request(s) will not nullify the intent of the Regulations. The owner is diligently moving forward with all development requirements but has encountered economic difficulties at this time. Surety bonds have been renewed at each renewal term and are still in place at 100% of the original bond amount, and the owner will renew the Developer's Agreement with Howard County as applicable. Accordingly, approval of the waiver requests will allow the owner to promote new development in the Brookdale Industrial Park and will provide continuous redevelopment of the Route 1 Corridor in accordance with all Regulations.

3. Approval of the waiver request(s) will not be detrimental to the interests of the public. The owner is not circumventing the intent of the regulations, but is attempting to develop the property with adequate and safe design to meet all code requirements. Adjoining properties are located within the Brookdale Industrial Park, are zoned CE-(CL) and have been developed with warehouse/office buildings. These properties will benefit by the rehabilitation of Parcel A which will be cleared of debris and developed in an orderly manner. To approve reactivation of SDP-08-031 and allow for a one year extension of time to file for building permits will have no detrimental effect to the interests of the surrounding property owners.

Indicate this waiver petition file number, request, section of the regulations, action taken, date and conditions of approval on all related future plats, site development plans and and/or building permits. Approval of the requested waiver(s) will remain valid for a period of one year from the date of this letter (**a building permit must be applied for on or before October 1, 2014**). Should you have any questions regarding this matter, please contact Brenda Barth at (410) 313-2350 or email: bbarth@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development



:btb
cc: Research/DED/RES/Zoning Administration
Site Resources, Inc.