



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
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Marsha S. McLaughlin, Director

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November 22, 2013

Robert Mowrey
826 Frog Mortar Road
Middle River, MD. 21220

RE: WP-14-036 (Kindler Overlook II) RECONSIDERATION
(associated with F-10-051)

Dear Mr. Mowrey:

The Director of the Department of Planning and Zoning considered your RECONSIDERATION 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 16.144(r)(5)** and **Section 16.144(r)(6)** which state that except where delay is caused by government action, failure to pay fees, sign developer's agreements, provide surety and to submit a final plat original for recording shall void previous approvals and the application shall be considered withdrawn. A waiver to **Section 16.144(p)** and **Section 16.144(q)** which establish deadline dates to submit payment of fees, to post financial obligations and to submit final subdivision plats.

Waiver approval is subject to the following:

1. The developer must re-design the project using the new ESD methods for stormwater management and submit an Environmental Concept Plan in association with Kindler Overlook II within **3 months of waiver approval (on or before February 20, 2014)**.
2. The developer must complete the red-line revision to the Road Construction Drawings in association with F-10-051 within **6 months of waiver approval (on or before May 21, 2014)**.
3. The developer must complete Developer's Agreements and pay any remaining DPW fees in association with F-10-051 within **9 months of waiver approval (on or before August 19, 2014)**.
4. The developer must submit final plat originals in association with F-10-051 for signature and recordation within **1 year of waiver approval (on or before November 22, 2014)**.
5. Contact Carol Stirn at 410-313-4351 to set up an original plan submittal appointment within the allotted time period. The applicant is responsible for any processing fee changes that may have occurred since the "technically complete" letter was issued for F-10-051.

The Planning Director's decision for the above referenced milestone dates was made based on the following:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition would result in undue hardship because it would require the submission of a new subdivision plat. The project has already been subject to complete subdivision review and has an established file history. The extension would give the developer adequate time to finalize the developer's agreement and to acquire associated monies to execute that document. The developer would now like to redesign the current approved plans to use Environmental Site Design (ESD) methods for storm water management. Road construction plans were originally signed on April 23, 2013. "Re-design will require the need to process an ECP, perform geotechnical work to support the SWM practices, prepare sheet substitution redline to the approved road drawings, revise the plat and process a new developer's agreement"-all of which will require additional time.

Detrimental to the Public Interest:

The extension of deadline dates for the paying of fees, signing developer's agreements and submitting plan originals will not be detrimental to the Public Interest. The subdivision has already been approved and all requirements will be met. Per the applicant's justification, "the intent of the regulation is to provide a timetable for developers, builders and engineers in order to maintain adequate public services. The necessary allocations required for this development have already been approved and accounted for. The obligation of the Developer's Agreement and the submission of the plat are not to be waived completely, just delayed. "The storm water management pond will be eliminated and the grading will be reworked to accommodate ESD practices. The redesign will be more environmentally friendly by eliminating storm drain piping, grading associated with the pond and saving a large amount of trees that would otherwise be removed to construct the pond". See also the justification provided by the consultant submitted on September 24, 2013 and November 12, 2013.

Nullifies the Intent or Purpose of the Regulations:

The intent of the regulations shall not be nullified. The Intent and Purpose of the Regulations will be upheld through the required process. The developer is not asking to waive the execution of the Developer's Agreement or recordation of the plat, the developer is simply asking for a delay. A request for modification of timing is a permitted request through the waiver process. See also the justification provided by the consultant submitted on September 24, 2013 and November 12, 2013.

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

attachment

KS/tkm/waivers 2013/Kindler Overlook II WP-14-036 RECONSIDERATION approval 11-22-13

cc: Research
DED
RES
F-10-051 file
Benchmark Engineering