



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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FAX 410-313-3467
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October 29, 2013

Jorge Gonzalez
MD & VA Milk Producers South
1985 Isaac Newton Square West
Reston, VA. 20190

RE: WP-14-039 (MD & VA Milk Producers)
(associated with F-09-061)

Dear Mr. Gonzalez:

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 16.144(p) and Section 16.144(q)** for the submission of developer's agreements, payment of fees, posting of financial obligations and the submission of final subdivision plat mylars.

Approval is subject to the following conditions:

1. The developer must complete Developer's Agreements and pay any remaining DPW fees in association with F-09-061 **within 90 days** of October 9, 2013 (**on or before January 7, 2014**).
2. The developer must submit final plat originals in association with F-09-061 for signature and recordation **within 90 days** of February 7, 2014 (**on or before May 8, 2014**).
3. Contact Carol Stirm 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-09-061.
4. Compliance with all comments submitted by the Development Engineering Division (see attached).
5. PLEASE BE ADVISED, ALL CONSTRUCTION FOR THIS PROJECT MUST BE COMPLETED PRIOR TO MAY 4, 2017.

Justification for Recommendation of a 90-day extension from the date of waiver approval:

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. Final Construction Drawings for F-09-061 were signed on May 3, 2010.

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.

The applicant's agent continues to cite "current economic conditions" as the reason for the need for the extensions. However, this is the sixth request for extension of milestone dates and the applicant has provided no evidence that their client is diligently pursuing the completion of this project. The Planning Director is no longer accepting the justification of "poor economic conditions" as the sole reason to extend milestone dates. Therefore, a 90 day extension is deemed sufficient time to address all remaining requirements.

Nullifies the Intent or Purpose of the Regulations:

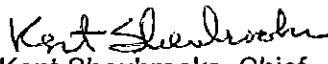
This project has been through an extensive review and all applicable SRC review agencies have approved the subdivision and therefore the Intent and Purpose of the Regulations have been upheld. Ninety days should provide an adequate allotment of time to meet all deadline dates or to find a new prospective owner/developer for the project to follow through to completion.

All construction must be completed by May 4, 2017. Based on current deadlines/milestone dates and a required Site Development Plan submission, review and approval, it will be difficult to meet this 2017 deadline. Due to these time constraints, an extension longer than 90 days is seen as detrimental to the overall project as currently configured. If construction is not completed by May 4, 2017, the plan would need to be re-designed using current MDE SWM regulations (see attached DED comments).

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 or as long as this subdivision remains in active processing.

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/MD & VA Milk Producers WP-14-039 approval 10-29-13

cc: Research
DED
DDC-Lori Cunningham
Nick Danos
James Erbacher
Douglas Isokait
F-09-061 file