



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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December 20, 2013

Chetan Mehta
5551 Oakland Mills Road
Columbia, MD. 21045
ATTN: Barry Mehta

Re: WP-14-062: "ELKRIDGE CROSSING"
Related To:
F-12-001 (Elkridge Crossing: Lots 1-36, O.S. Lot 37, & Bulk Parcel "F")
SDP-06-078 (Elkridge Crossing: Phase 2, Parcels 'A' through 'E')
SDP-07-055 (Elkridge Crossing Phases 3 & 4, Parcels 'A through D')

Dear Mr. Mehta:

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(q)** which dictates that within 180 days of final plan approval, the developer shall submit the final subdivision plat mylars to the Department of Planning and Zoning for signatures and recordation and a waiver to **Section 16.156 (o)(1)(ii)** which states that for single family attached, apartment and 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 conditions:

1. The applicant/developer or builder shall start the process with DPW, Real Estate Services Division for re-assignment of the associated developer's agreements and bonds for SDP-06-078 and SDP-07-055 as applicable from Gwenridge, LLC (Brantly Development Group) to the new developer's name within 60 days of December 31, 2013 (on or before **March 1, 2014**).
2. The applicant/developer or builder shall submit a Red-Line Revision to SDP-06-078 and SDP-07-055 as applicable (it appears from the approved SDP's the proposed SFA units are shown partially under SDP-06-078 for Phase 2 and partially within SDP-07-055 for Phase 3) to change the plans for the new house model types for KB Homes for the twenty-two (22) 2 over 2 house models and the 36 SFA townhouse lots (F-12-001) within 60 days of December 31, 2013 (on or before **March 01, 2014**).

As part of the Red-Line revisions for SDP-06-078 (Phase 2) and SDP-07-055 (Phases 3 and 4) the applicant shall note that all previously approved structures (hotel and office retail building and any residential units beyond those residential units to be built by KB Homes) will be rephrased and the Developer Agreement(s) and bonds adjusted accordingly.

3. The applicant/developer shall submit the final plat originals in association with F-12-001 for signature and recording within 60 days of December 31, 2013 on or before **March 1, 2014**.

NOTE: It is recommended that the final plat originals NOT be submitted until the redlines for SDP-06-078 and SDP-07-055 have been submitted and approved. The final plat mylars should reflect any and all associated changes approved with the redlined plans, including all existing and proposed easements. Plat mylars should also be updated to reflect current subdivision regulations and associated checklists.

4. The applicant/developer shall submit a new Amended Sketch Plan for the overall Elkridge Crossing project previously approved under S-04-011 showing the existing development and the proposed new redesigned project per the "Alexander Design" Concept Plan for residential and non-residential changes with a proposed APFO Phasing Schedule for the remaining proposed development within four months of December 31, 2013 on or before **April 30, 2014**. This Amended Sketch Plan must also include the clubhouse and pool, located at the terminus of Mehta Circle.
5. The applicant/developer or builder shall apply for building permits for all construction shown on the redlined and approved **SDP-06-078**, Phase 2 within 6 months of December 31, 2013 (on or before **June 30, 2014**).
6. The applicant/developer or builder shall apply for building permits for all construction shown on the redlined and approved **SDP-07-055**, Phases 3 and 4 within 6 months of December 31, 2013 (on or before **June 30, 2014**). See attached DED comments.
7. The applicant/developer shall adhere to all attached Development Engineering Division (DED) comments.
8. The applicant/developer shall submit a site development plan for the Community Clubhouse and Swimming Pool within 6 months of December 31, 2013 (on or before **June 30, 2014**). The maximum number of building permits to be issued for this project will be limited to 58 KB Homes units (the 22 – 2 over 2 units and the 36 SFA lots) until the building permits are approved for the Community Clubhouse and Pool. No additional building permits will be issued for this project until the building permits are issued for the Community Clubhouse and Pool.
9. The building permits for the remaining residential units and non-residential structures will be issued in accordance with the revised APFO phasing schedule approved under the Amended Sketch Plan for the project based on the approval of new Site Development Plans. Developer agreements shall be amended accordingly.

The Planning Director's decision 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 and two new site development plans. The applicant requests the waiver extension with hopes of keeping all allocations and previous approvals intact. The projects have already been subject to complete subdivision and site development plan review and have established file histories. Per the applicant's justification, "until now, the applicant has been constrained by the slow real estate market

and could not achieve progress until the signing of a contract with a reputable builder and customizing the project to their specific requirements. KB Homes has now signed a purchase contract for 22 two-over-two units as well as another contract to purchase 36 town house lots per...the F-12-001 plan. The pads for the twenty two-over-two units are ready in all respects and KB Homes plans to submit red-line revisions to the Site Development Plans and apply for building permits shortly. For the 36 townhouse units, utilities are available within the street and the final plan submission will be made this month with no anticipated change in design, expect for modifications to satisfy remaining County comments". KB Homes will submit a red line revision to the Site Development Plan for the 36 single-family units.

Detrimental to the Public Interest:

The extension of the deadline date for submitting plan originals will not be detrimental to the Public Interest. The subdivision and site development plans have already been approved. Per the applicant's justification, "allowing the project to move forward will be a significant asset to the neighborhood, instead of being an ugly unfinished looking site. We plan to have assistance of competent land development experts and reputed civil engineers...and the county property tax base will be expanded as well."

The applicant's justification goes on to explain that the "twenty-seven acres site contains ten acres of the Harper site, owned by the previous developer, and seventeen acres of the Mehta site. The Harper site is built out and it does not provide any amenities for the Harper community, and additionally there is no self-contained storm water management on the Harper site. The Mehta parcel has been used as the site for the storm water management. Without the waiver extension, Mehta would have no obligation to provide any amenities to the 195 Harper homeowners. In addition, it would also create a difficult situation-either requiring the current homeowners association to somehow provide their own storm water management on the Harper site or end up paying a fee to Mehta to provide for their storm water obligations on the Mehta land."


Nullifies the Intent or Purpose of the Regulations:

The Intent and Purpose of the Regulations have been upheld through the required review process.

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/Elkridge Crossing WP-14-062 approval 12-20-13
cc: Research
DED
RES-Tina Hackett
Office of Law-L. O'Brien
Vogel Engineering
APR Associates

