



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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February 20, 2015

Blue Stream LLC
P.O. Box 416
Ellicott City, MD. 21041
ATTN: Arnold Sagner

RE: WP-15-101 (Blue Stream-Phases V-VII)
[also associated with SDP-14-029 ("Blue Stream
Towns, Section 2"), SDP-14-077 ("Brompton House-
Grosvenor House-Phase II") and P-14-002 ("Blue
Stream-Phase VII")]

Dear Mr. Sagner:

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 16.1106(d)** which outlines timing (milestone dates) for residential projects (for 101+ housing units-9 months after starting date) and a waiver to **Section 16.1106(e)** which outlines timing (milestone dates) for non-residential projects (9 months after starting date).

Approval is subject to the following conditions:

1. The required Final Plans or Site Development Plans for the remainder of Phase V, which include 66,667 square feet of shopping center and 96,667 square feet of office carried over from Phases I through III, 263,334 square feet of commercial development carried over from Phase IV and 145 remaining housing units in Phase V shall be submitted **on or before October 24, 2015**. The Final Plan or Site Development Plan for Phase VI, which includes 56,000 square feet of office and 176 housing units, shall be submitted **on before November 7, 2015**. The Final Plan or Site Development Plan for Phase VII, which includes 40,667 square feet of office and 176 housing units, shall be submitted **on before February 27, 2016**.
2. Per Section 127.5.E.3.e., "The phasing of residential and commercial construction and open space amenity areas should be roughly proportional. No more than 50% of the residential units shall be constructed prior to commencing a roughly proportional amount of commercial construction and open space amenity areas. For developments of 800 units or more, no more than 60% of the residential units shall be constructed prior to commencing the construction of the non-residential portions of the development."

Therefore, the shopping center and general office components for the "Blue Stream" project shall begin no later than the 807th residential unit. Phase V includes 66,667 square feet of shopping center and 96,667 square feet of office carried over from Phases I through III and 263,334 square feet of commercial development carried over from Phase IV. Phase VI includes 56,000 square feet of office and Phase VII includes 40,667 square feet of office.

The Planning Director's Decision was made based on the following justification:

Extraordinary hardships or practical difficulties:

Denial of the waiver petition would result in undue hardship because it would result in the loss of tentatively approved allocations and compromise financing, resulting in a hardship. The applicant would need to obtain new allocations, which is time consuming and costly, considering the original infrastructure, cost of bonding, taxes and other fees. Per the applicant's justification, "the financing for the higher density apartment aspects of the project has been secured through H.U.D. If the allocations are not preserved and predictable, the availability to retain and obtain future financing and bonding would be jeopardized". In addition, the ability to obtain secure project financing is based on the availability and predictability of the allocations and schools.

Detrimental to the Public Interest or nullify the Intent or Purpose of the Regulations:

The granting of the waiver would not be detrimental to the Public Interest or Nullify the Intent of the Regulations because the waiver does not request relaxation of any technical subdivision or development requirements, but merely allows additional time to complete current plan processing. "The granting of the waiver provides for the continuation of the "Blue Stream" project in an orderly and consistent progression."

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 2015/Blue Stream Phase VI WP-15-101 approval 2-20-15

cc: Research

DED

Vogel Engineering, Inc.

P-14-002 file

SDP-14-029 file

SDP-14-077 file