



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

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April 1, 2015

Louis Mangione
Mangione Enterprises of Turf Valley, LP
1205 York Road, Penthouse
Lutherville, Maryland 21093

Re: Turf Valley
Waiver Petition WP-15-111
(F-07-158, Fairways at Turf Valley, Phase I
F-08-085, Villages at Turf Valley, Phase 3
F-10-084, Fairways at Turf Valley, Phase II
F-10-086, Fairways at Turf Valley, Phase III
S-08-001, Turf Valley Clubhouse, Phase I
S-11-002, The Bluffs at Turf Valley
S-11-003, Turf Valley Clubhouse, Phase II
S-11-004, Turf Valley, Pod E-1
SDP-08-032, Vantage Condominiums at Turf Valley
SDP-10-027, Town Square at Turf Valley
SDP-10-037, Fairways at Turf Valley, Phase I)

Dear Mr. Mangione:

The purpose of this letter is to inform you that the Director of the Department of Planning and Zoning considered and approved your request for a waiver of Subsections 16.144(g)(3)(i), 16.144(g)(3)(ii), 16.144(g)(3)(iii), 16.144(p), 16.144(q), 16.144(r)(1)(i), 16.144(r)(5), 16.144(r)(6), 16.156(m), 16.156(o)(1)(i) and 16.156(o)(1)(ii) of the Howard County Subdivision and Land Development Regulations as they apply to the plans referenced. Waiver approval allows for the temporary deferral of certain submission and building permit application deadlines relating to those plans.

The regulations included in the waiver approval and the plans to which they apply are as follows:

Subsection 16.144(g)(3)(i): "*Submission of Preliminary Plan*: If the sketch plan is approved..., the developer shall submit...a preliminary plan which shall be...within 4 months of sketch plan approval (subdivisions of 50 or fewer housing units)." (Sketch Plan S-08-001.)

Subsection 16.144(g)(3)(ii): "*Submission of Preliminary Plan*: If the sketch plan is approved..., the developer shall submit...a preliminary plan which shall be...within 6 months of sketch plan approval (subdivisions of 51 – 100 housing units)." (Sketch Plans S-11-003 and S-11-004.)

Subsection 16.144(g)(3)(iii): "*Submission of Preliminary Plan*: If the sketch plan is approved..., the developer shall submit...a preliminary plan which shall be...within 9 months of sketch plan approval (subdivisions of 101 or more housing units)." (Sketch Plan S-11-002.)

Subsection 16.144(p): "*Payment of Fees; Posting of Financial Obligations*: Within 120 days of receiving approval of the final plan the developer shall: 1) Pay all required fees to the County; and 2) If subject to a

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developer agreement or major facility agreement, shall post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements." (Final Plans F-08-085, F-10-084 and F-10-086.)

Subsection 16.144(q): *Final Subdivision Plat*: Within 180 days of final plan approval, the developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation." (Final Plans F-07-158, F-08-085, F-10-084 and F-10-086.)

Subsection 16.144(r)(1)(i): *Miss milestone for preliminary plan submission*: Except where delay is caused by government action, a project which misses the deadline for preliminary plan submission shall be voided and the application for plan approval shall be considered withdrawn. The developer may resubmit the subdivision for sketch plan approval." (Sketch Plans S-08-001, S-11-002, S-11-003, S-11-004.)

Subsection 16.144(r)(5): *Failure to pay fees, sign developer's agreement, provide surety*: Except where delay is caused by government action, failure to pay fees, post monies, sign developer agreements and major facilities agreement, and provide appropriate surety within 120 days of final plan approval shall void previous approvals and the application shall be considered withdrawn." (Final Plans F-08-085, F-10-084 and F-10-086.)

Subsection 16.144(r)(6): *Failure to submit final plat*: Except where delay is caused by government action, failure to submit the final plat within 180 days of final plan approval shall void previous approvals and the application shall be considered withdrawn." (Final Plans F-07-158, F-08-085, F-10-084 and F-10-086.)

Subsection 16.156(m): *Submission of Originals for Signature*: Within 180 days of approval of the site development plan, the developer shall submit the original mylar plans...If the corrected originals are not submitted within 180 days of approval of the site development plan, the approval will expire and a new site development plan submission will be required." (Site Development Plan SDP-10-037.)

Subsection 16.156(o)(1)(i): *Building Permits: Application time limits*: Within 1 year of signature approval of the site development plan originals, the developer shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site." (Site Development Plan SDP-08-032.)

Subsection 16.156(o)(1)(ii): *Building Permits: Application time limits*: For apartment and nonresidential developments involving multiple buildings or staged construction, the developer shall apply for building permits for all construction authorized by the site development plan within 2 years of approval." (Site Development Plans SDP-08-032 and SDP-10-027.)

Waiver approval is subject to the following conditions:

1. Petitioner shall submit to the Department of Planning and Zoning preliminary plans in accordance with approved Sketch Plans S-08-001, S-11-002 and S-11-004 and the requirements of Section 16.146 of the Howard County Code **on or before June 5, 2016**. Any plan listed in this condition failing to meet the June 5, 2016 deadline shall be voided and the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(1)(i) of the Code.
2. Petitioner shall submit to the Department of Planning and Zoning a preliminary plan in accordance with approved Sketch Plan S-11-003 and the requirements of Section 16.146 of the Howard County Code **on or before December 5, 2016**. Failure to comply with this condition shall result in the plan being voided and the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(1)(i) of the Code.

3. Petitioner shall pay all required fees to the County, submit Developer's Agreements to the Department of Public Works, Real Estate Services Division, and post financial surety for construction of public facilities relating to Final Plans F-08-085, F-10-084 and F-10-086 **on or before June 5, 2016**. Any plan listed in this condition failing to meet the June 5, 2016 deadline shall be voided and the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(5) of the Code.
4. Petitioner shall submit the final subdivision plat originals for Final Plans F-07-158, F-08-085, F-10-084 and F-10-086 to the Department of Planning and Zoning for signature approval **on or before August 3, 2016**. Any plans listed in this condition failing to meet the August 3, 2016 deadline shall be voided and the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(6) of the Code.
5. Petitioner shall submit the original mylar plans for Site Development Plan SDP-10-037 to the Department of Planning and Zoning for signature approval **on or before April 19, 2016**. Should any plan listed in this condition fail to meet the April 19, 2016 deadline, the respective plan approval shall expire and a new site development plan submission will be required in accordance with Subsection 16.156(m) of the Code.
6. Petitioner shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction authorized by Site Development Plans SDP-08-032 **on or before May 3, 2016**. Failure to meet the application deadline shall cause respective plan approvals to expire. A new site development plan submission will be required in accordance with Subsection 16.156(m) of the Code.
7. Petitioner shall apply to the Department of Inspections, Licenses and Permits for building permits for all construction authorized by Site Development Plans SDP-10-027 **on or before May 3, 2016**. Failure to meet the application deadline shall cause respective plan approvals to expire. A new site development plan submission will be required in accordance with Subsection 16.156(m) of the Code.
8. Petitioner shall apply to the Department of Inspections, Licenses and Permits for building permits for all construction authorized by Site Development Plan SDP-08-032 **on or before May 3, 2017**. Failure to meet the application deadline shall cause respective plan approvals to expire. A new site development plan submission will be required in accordance with Subsection 16.156(m) of the Code.
9. Petitioner is advised to consult previous Department correspondence (e.g. respective plan "technically complete" letters) for additional information regarding submission requirements.

Our decision to approve the waiver was made based on the following justification:

Extraordinary hardship or practical difficulty will result from strict compliance with the regulations.

The petitioner has demonstrated that extraordinary hardship or practical difficulty would result from strict compliance with the regulations in that during the period of time in which appeals of plan approvals were being heard, a significant backlog of approved residential units was created. Since resolution of the appeals a number of residential units have progressed to the next stage of development, however a substantial number of units in the backlog remain. Also, certain development has been

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identified by the petitioner as being dependent on infrastructure improvements; some of these improvements have experienced delays. Strict compliance with the regulations with respect to the relevant plans would result in an extraordinary hardship to the petitioner at this time. The petitioner would be forced to move forward prematurely in the development process with respect to plans containing residential units, creating a significant surplus inventory, or move forward with development for which there is insufficient infrastructure.

Waiver approval will not be detrimental to the public interest.

The waiver request will not be detrimental to the public interest since the relevant plans have been reviewed, found compliant with relevant regulations, and approved. Extensions of the submission deadlines will have no adverse effect on adjacent properties, neighboring communities, or Howard County as a whole.

Waiver approval will not nullify the intent or purpose of the regulations.

Approval of this waiver will not nullify the intent or purpose of the regulations. To the contrary, waiver approval will help fulfill the purpose of the Subdivision and Land Development Regulations by assisting orderly, efficient, and integrated development of land [Subsection 16.101(a)(1)].

Indicate this waiver petition file number, sections of the regulations, action, conditions of approval, and date on all related plats and plans. This waiver will remain valid for the time period specified in the conditions of approval.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at dboellner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
DPZ, Division of Land Development

KS/DBB:dbb

CC: DPZ, Research
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