



Howard County Department of Planning And Zoning

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Marsha S. McLaughlin, Director

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April 9, 2015

Hardman-Meyers Associates, Inc.
attn: Scott Cherry
2800 Quarry Lake Drive, Suite 340
Baltimore MD 21209

RE: **WP-15-118 Chipotle Mexican Grille at St John's Plaza**
(SDP-13-057)

Dear Mr. Cherry:

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 the following sections of the Subdivision and Land Development Regulations:

Section 16.156(k) of the Amended Fifth Edition - Concurrent with the approval of the site development plan, the developer shall execute the developer agreement for required improvements. The applicant is seeking to reactivate an expired site development plan to commence the DPW developer agreement process.

Section 16.156(m) of the Amended Fifth Edition - Within 180 days of approval of the site development plan, the developer shall submit the original mylar plans corrected to meet the requirements of the various State and County agencies and the Planning Board (if required by the Zoning Regulations). The applicant is seeking to reactivate an expired site development plan for the purpose of completing the developer agreement and to submit the mylar plans for signature.

Approval is subject to the following four (4) conditions:

- 1) Within 180 days from the date of this waiver approval, (on or before **October 6, 2015**), the developer/owner shall initiate and complete the DPW developer agreement process and submit the SDP mylars for signatures.
- 2) Satisfy all previous county agency and SHA comments for SDP-13-057 prior to the submittal of the mylar originals.
- 3) Submit a *plat of revision* to correct the structure and use setback lines and access restrictions for the St. John's Plaza plat (plat no. 5114).
- 4) Indicate this waiver petition file number (WP-15-118) section of the regulations, request, action and conditions of approval, and approval date in a detailed general note on sheet 1 of SDP-13-057.

Justification for RecommendationHardship:

The purpose of this waiver is to reactivate an expired SDP to initiate the DPW developer agreement process and to submit the SDP mylars for signature. The applicant had a deadline date of December 16, 2014 to satisfy these requirements, but was not able to proceed with the project due to financial difficulties and, therefore, the viability of the project was questionable. This uncertainty caused the project to be placed on hold.

Not detrimental to public interest:

By granting this waiver, it will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties, because the site is zoned for commercial use (B-2) and has received site development plan approval. No site or structural changes are proposed to the SDP beyond what is approved on the SDP. The applicant understands that the approved SDP must remain in compliance with all County and State laws.

Not nullify the intent or purpose of the regulations:

Based upon all of the above justifications, approval of this waiver request will not nullify the intent of the Regulations which requires the developer, within 180 days of receiving a technically complete approval of the site development plan, to initiate the DPW developer agreement process and to submit the SDP mylars for signature. The applicant shall remain in compliance with all conditions of approval, as documented in the technically complete letter dated June 19, 2014.

This requested waiver will remain valid for the 180 day period specified in this letter.

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/dj

cc: Research
DED
Real Estate Services
Bowman Engineering – David Peterson
File: SDP-13-057