



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Marsha S. McLaughlin, Director

www.howardcountymd.gov
FAX 410-313-3467
TDD 410-313-2323

June 8, 2015

Steve Breeden
Columbia Junction LLC
P.O. Box 417
Ellicott City, MD 21041

RE: WP-15-141, Columbia Junction

Dear Mr. Breeden:

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 16.156(o)(1)(i)**, **Section 16.156(o)(1)(ii)**, and **Section 16.156(o)(2)**. These sections state that within 1 year of signature approval of the site development plan original the developer shall apply to the Department of Inspections, Licenses and Permits for building permits to initiate construction on the site, and 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. **Section 16.156(o)(2)** states that if the developer does not apply for building permits as required by Paragraph (1) of Section 16.156(o), the site development plan shall expire and a new site development plan will be required.

Approval is subject to the following conditions:

- 1) The applicant shall apply to the Department of Inspections Licenses and Permits for a building permit to initiate construction on the property within one year of approval of the waiver petition (on or before June 8, 2016) and permits for all development shall be applied for within two years from the date of the waiver petition approval (on or before June 8, 2017).
- 2) The applicant is advised that new stormwater management regulations are in effect. In order to maintain the grandfathering of the previously approved SWM, the developer shall complete all construction for this project by May 4, 2017. Please be advised that this may be the last extension granted for this project unless the project is redesigned to the current SWM requirements.
- 3) The applicant is advised that any major changes made to this approved SDP for a new tenant may require a new site development plan depending on the extent of the site improvement changes. Please be advised that a pre-submission community meeting, and a DAP meeting may be required depending on the changes made to the approved site development plan. A plan revision (redline) is required for any minor site design changes prior to submission of a grading and building permit application. Include this waiver petition request, decision, and date of approval as a general note on any plan revisions to SDP-08-100.

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty - The applicant would have experienced practical difficulties with the submission due to potential businesses backing out of leasing the proposed property. The applicant has been pursuing potential businesses to lease the property before they commit to building a structure. Currently the applicant has a letter of intent for the site. Strict compliance with the regulations would require the submission of a new Site Development Plan in order to develop the property. This would result in additional fees for the owner and further delay for construction and use. Review of the new SDP would also require additional effort put forth from the owners and the County.

Implementation of an Alternative Proposal – Alternatively, if this waiver was not approved, a new Site Development Plan could be submitted. The new SDP would virtually be a copy of the previous plans and would require another full review. Since the plans have already received a thorough review, the resubmittal would have placed a burden on the Howard County Department of Planning and Zoning as well as the developer. Approval of this waiver request will allow the original SDP to be reactivated and allow the developer time to finalize a deal and pull a building permit.

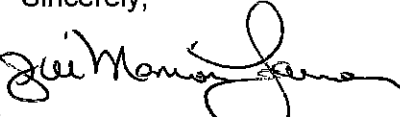
Not Detrimental to the Public Interest - Approval of this waiver request will reactivate the SDP to allow the application of building permits. Placing the SDP back into active status will in no way be detrimental to the public interest in that there are no additional impacts to the surrounding public facilities other than those previously accounted for in the previous submission. It would be in the public's best interest to provide project stability by maintaining the current approved plan and the expectations created by the Site Development Plans approval.

Will Not Nullify the Intent or Purpose of the Regulations - Approval of the waiver request will not nullify the intent of the regulations and would allow the SDP to be reactivated. The project can continue toward completion without the need to submit, review, and approve an entirely new Site Development Plan.

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 one year from the date of this letter or as long as this site development plan redline remains in active processing.

If you have any questions, please contact Nicholas Haines at (410) 313-2350 or email at nhaines@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/JMF/NH

cc: Benchmark Engineering, Inc.
Research
DED
Real Estate Services