



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Courthouse Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

December 14, 2015

The Realty Associates Fund XLP
8601 Robert Fulton Drive, Ste. 200
Columbia, MD 21046

RE: WP-16-034, 7079 Oakland Mill Road
EGU (SDP-73-015c)

Dear Sir or Madam:

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 16.155(a)(1)(i) of the Subdivision Regulations for a New or expanded nonresidential development, including commercial, industrial, institutional and utility development, plus public buildings, schools and other public facilities.

Approval is subject to the following conditions:

1. Submittal of an original mylar for SDP73-015c through the red-line revision process is required showing existing conditions signed and sealed by the Owner and Engineer in accordance with the attached DED comments dated December 8, 2015.
2. The Owner of this property must comply with the required number of parking spaces for industrial warehouse and office use. A total of 357 parking spaces will be required (333 for industrial warehouse & 24 for office use) per Section 133.O.D of the Zoning Regulations, as shown on the Waiver Petition Exhibit.
3. Compliance with all applicable County and State Regulations and obtain all necessary permits from the Department of Inspections, Licenses and Permits prior to initiating development on-site.
4. Any new grading, land clearing or new building construction on this site beyond this waiver request will require a submission of a site development plan for approval in the future.
5. Compliance with the "M-1" Zoning District requirements.
6. Advisory Comment: The Department of Fire and Rescue Services has no additional comments and has recommended approval of this waiver request.

Our decision was made based on the following

Justification for Recommendation:

Extraordinary Hardship or Practical Difficulty – If the waiver petition is not granted, the applicant will be required to submit a new site development plan for the sole purpose of minor exterior site modifications. The additional time that it shall take to prepare such plans would constitute extraordinary hardship to both the owner and the tenant. The waiver plan exhibit is a reasonable alternative to a site development plan showing all required site information to properly evaluate this request. In addition, this Department will require that this project comply with all required permits issued by DILP as well as any other state/local requirements.

Alternative Proposal –The alternate proposal to waive Section 16.155(a)(1) would be to submit a new site development plan application under the standard review process. The detailed plan exhibit submitted with this waiver petition is a suitable substitute for SDP requirement showing information necessary to evaluate this request for compliance with the Regulations. The applicant is still required to comply with all building permits as well as other state/local requirements. As part of the approval conditions for this request, the owner must submit a red-line revision and replacement mylar original for the misplaced SDP-73-015 plan original for our permanent records.

Not Detrimental to the Public Interest –Approval of the waiver request will not alter the essential character of the neighborhood and will not substantially impair the appropriate use or development of the surrounding properties. DPZ and various SRC agencies have reviewed the waiver exhibit in accordance with the current requirements, including the Howard County Code.

Will not Nullify the Intent or Purpose of the Regulations –The waiver request will not nullify the intent or purpose of the regulations since the site plan requirements are being met with a plan exhibit that will feature the proposed improvements. The Subdivision Review Committee has reviewed the waiver request for compliance with the Regulations and has no objection to the request. A replacement SDP mylar original will be submitted as part of the required red-line revision to SDP-73-015.

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 remains in active processing.

If you have any questions, please contact Jennifer Wellen at (410) 313-2350 or email at jwellen@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/jw

cc: Research
DED
Real Estate Services
Pennoni Associates