



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

October 26, 2016

Legacy Investments
c/o Hogan Companies
2661 Riva Road, Suite 300
Annapolis, Maryland 21401

RE: **WP-17-016, Athol Woods (F-16-007)**

Dear Applicant:

The Director of the Department of Planning and Zoning considered your request for an alternative compliance from the Howard County Subdivision and Land Development Regulations.

As of the date of this letter, the Planning Director **approved** your request for an alternative compliance of **Section 16.144(p) Payment of Fees; Posting of Financial Obligations, Section 16.144(q) Final Subdivision Plat, and Section 16.144(r)(1)(ii) General Procedures Regarding the Subdivision Process.**

Approval is subject to the following conditions:

1. Include the alternative compliance petition number, description, and decision on all associated and future submitted plans.
2. The developer must submit the developer's agreement and final plat originals within **1 year of the alternative compliance approval (on or before October 26, 2017)**. (The Developers agreement must be submitted three (3) weeks prior to submission of the final plat originals.)
3. Contact Carol Stirn at (410) 313-4351 to set up an original plan submittal appointment within the allotted time period. The applicant is responsible for any processing fee changes that may have occurred since the "technically complete" Letter was issued for F-16-007.
4. Be advised that an approval of CEF Zoning with new development plans will require a new plan submission.

Our decision was made based on the following:

Self-Created Hardship:

The applicant would have experienced hardship and practical difficulties with the development of the property through strict compliance with the regulations. The Road Construction Drawings have been submitted to the County, and received signature approval on June 30, 2016 meeting the first step of the TC approval letter. The Developer was in the process of purchasing the property and was able to submit some of the developer's agreement documents by the July 27, 2016 deadline but the submission was incomplete. New and updated documentation was required as the property changed ownership, the submission of the completed and updated Developers Agreement, Plat, and associated documents would not be ready by the submission deadline date.

Implementation of Alternative Proposal:

The intent of the regulations is to keep the project submissions on a schedule for the timely and efficient submission of documents and information. Changes in property ownership necessitated new and updated documentation to be provided to the County and the deadlines set in the March 29, 2016 TC letter could not be met in a timely manner. The Developer is also pursuing an alternate design proposal involving a change in the properties zoning designation to the CEF District. Due to site issues involving large amounts of rock discovered onsite during site planning, finding a builder has been problematic for the Developer. An alternative site design for an assisted living facility use is being investigated but will require the Property be changed to the CEF District. The developer has met with the Director of Planning and Zoning to introduce the potential idea of applying for the CEF District Zoning change to the property. The developer wishes to continue and complete the initial submission process of the initial plat and plans in case the rezoning falls through so that existing approvals remain in place.

Detrimental to the Public Interests:

Allowing the Athol Woods project to continue processing would not be detrimental to the public interest as the plan extension would only allow the project to proceed forward with the Plat submission. The initial project plat and layout could be pursued while the alternative CEF District update could be potentially processed.

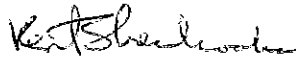
Nullifies the Intent or Purpose of the Regulations:

The intent of the regulations is to keep the project submissions on a schedule for the timely and efficient submission of documents and information. Approval of this alternative compliance request would not nullify the intent of the regulations as the submission delay was caused due to the need for new documents to be prepared and existing documents updated. The project would be allowed to proceed with the submission of the project originals as the project has already received TC status.

Indicate this alternative compliance 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 alternative compliance will remain valid for the time period specified in the conditions of approval, or as long as this subdivision remains in active processing.

If you have any questions, please contact Nicholas Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services
Benchmark Engineering