



# 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

April 3, 2017

David P. Scheffenacker, Jr.  
Kellogg – CCP, LLC  
100 West Road, Suite 304  
Towson, Maryland 21204

Re: Oxford Square, Parcel 'W'  
Alternative Compliance WP-17-082

Dear Mr. Scheffenacker:

The purpose of this letter is to inform you that the Director of the Department of Planning and Zoning considered your request for alternative compliance from the Howard County Subdivision and Land Development Regulations. The alternative compliance requested seeks relief from Subsection 16.1106(d) of the Howard County Subdivision and Land Development Regulations, which establishes milestones for residential projects depending on the number of their housing units. Alternative compliance approval would extend a milestone established by this regulation and enumerated in the letter of July 6, 2015. A 120-day extension was requested to coincide with the next scheduled allocation release date of July 1, 2017. Additionally, the applicant requests that 16 allocations for this year and not used to date be added to the allocations available on July 1, 2017.

As of the date of this letter, the Planning Director approved your request subject to the following conditions:

1. The newly established milestone dates for this subdivision are between July 1, 2017 and March 31, 2018. A total of 464 housing unit allocations for Allocation Year must be submitted as preliminary or site development plan submissions.
2. If the preliminary or site development plan is not received by the milestone dates, your plan approval will become null and void and your project will lose its tentative housing unit allocations in accordance with Section 16.144(g) and/or (k) of the Howard County Subdivision and Land Development Regulations.
3. If the milestone date is missed, any plans resubmitted must be processed as a new sketch plan. The plan will be required to comply with all plan submission requirements and regulations in effect at the time of resubmission. This Department cannot consider requests for extensions of time for your project beyond the deadlines and milestones established by the Adequate Facilities Ordinance.
4. The alternative compliance petition shall be valid for the milestone dates indicated under Condition #1 or as long as a subdivision or site development plan is being actively processed in accordance with Sections 16.144 and 16.156.
5. Final project build-out shall occur no later than the Year 2020 in accordance with DED's comments of March 1, 2017.

Our decision to approve the alternative compliance was made based on the following justification submitted by Fisher, Collins & Carter, Inc.:

***Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the regulations.***

The proposed development of Parcel 'W' will include the construction of a multi-story apartment building similar to that approved on the adjacent Parcel 'F-F' (formerly Parcel 'X') under SDP-15-053. Currently, there are 150

allocations available for use under the S-14-001 allocation letter of July 6, 2015. As of July 1, 2017 another 298 units will become available for use for the project, bringing the total to 448 + 16, or 464. The difficulty is that the apartment building to be constructed will be designed to hold approximately 258 or more units like SDP-15-053, but only 150 allocations are available for a plan to be submitted before March 31, 2017. Since there is slightly more than a 3-month overlap between this writing and the next allocation release date that would support the plan, we are respectfully requesting a 120-day extension to the March 31, 2017 date.

***Verify that the intent of the regulations will be served to a greater extent through the implementation of the alternative proposal.***

It is felt that the intent of the Regulations will be served to a greater extent through the implementation of this 120-day extension rather than a more formal re-evaluation of the overall project allocation schedule since the Owner/Developer is looking to bridge a short gap from one time frame until the other. Should the Owner/Developer been looking for a much longer time frame to bridge across in terms of years the available 1-in-4-year re-phasing option or new sketch plan would have been more appropriate.

***Substantiate that approval of the Alternative Compliance will not be detrimental to the public interests.***

Approval of this alternative will not be detrimental to the public interest because it will allow for a submission and review of the full site development plan for the ultimate building by the Developer. A partial review of a 150-unit building would not be the best use of County review time.

***Confirm that approval of the Alternative Compliance will not nullify the intent of the regulations.***

Approval of this alternative compliance will allow the development of Parcel 'W' to proceed as currently outlined on the latest Sketch Plan S-15-001 without any interim steps.

Indicate this alternative compliance petition file number, section of the regulations, action, conditions of approval, and date on all related plats and site development plans. See Condition #4 for the term of validity of this alternative compliance approval.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at [dboellner@howardcountymd.gov](mailto:dboellner@howardcountymd.gov).

Sincerely,



Kent Sheubrooks, Chief  
Division of Land Development

KS/DBB:dbb

C: DPZ, Research  
DPZ, DED  
Fisher, Collins & Carter, Inc.