



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

May 19, 2017

Louis Mangione

Mangione Enterprises of Turf Valley, LP

1205 York Road, Penthouse

Lutherville, Maryland 21093

Re: Turf Valley
Alternative Compliance WP-17-111
(Final Plan F-08-085 and Site Development Plan SDP-10-027)

Dear Mr. Mangione:

The purpose of this letter is to inform you that the Director of the Department of Planning and Zoning considered your request for a waiver of Subsections 16.144(p), 16.144(q), 16.144(r)(5), 16.144(r)(6), 16.156(m), and 16.156(o)(l)(ii) of the Howard County Subdivision and Land Development Regulations as they apply to the plans referenced. As of the date of this letter the Planning Director approved your request, subject to the following conditions:

1. Petitioner shall pay all required fees to the County, submit Developer's Agreements to the Department of Public Works, Real Estate Services Division, and post financial surety for construction of public facilities relating to Final Plan F-08-085 on or before June 5, 2018. Any plan listed in this condition failing to meet the June 5, 2018 deadline shall be voided and the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(5) of the Code.
2. Petitioner shall submit the final subdivision plat originals for Final Plan F-08-085 to the Department of Planning and Zoning for signature approval on or before August 3, 2018. Any plan listed in this condition failing to meet the August 3, 2018 deadline shall be voided and the application for plan approval considered withdrawn in accordance with Subsection 16.144(r)(6) of the Code.
3. Petitioner shall apply to the Department of Inspections Licenses and Permits for building permits for all construction authorized by Site Development Plans SDP-10-027 on or before May 3, 2018. Failure to meet the application deadline shall cause respective plan approvals to expire. A new site development plan submission will be required in accordance with Subsection 16.156(m) of the Code.
4. Petitioner is advised to consult previous Department correspondence (e.g. respective plan "technically complete" letters) for additional information regarding submission requirements.

Our decision to approve the alternative compliance was made based on the following justification submitted by the petitioner:

1. The Petitioner, Mangione Enterprises of Turf Valley Limited Partnership ("MFE"), is the owner of the subject Property ("Turf Valley").
2. By letter dated April 19, 2016, the Department of Planning and Zoning ("DPZ") approved MFE's WP-16-104 (the "Prior Alternative Compliance Application"). The Prior Alternative Compliance Application requested, among other things, time extensions (i) for the payment of fees, submission of Developer's Agreements, and posting of financial surety for construction of public facilities (collectively, the "Financial Obligations") regarding F-08-085, Villages at Turf Valley, Phase 3 (the "Villages"); (ii) to submit final subdivision plat originals (the "Plat Originals") for the Villages; and (iii) to apply for building permits (the "Building Permits") for all construction authorized by Site Development Plan SDP-10-027, Town Square

at Turf Valley (“**Town Square**”). In its approval of the Prior Alternative Compliance Application, DPZ extended the time periods to satisfy the Financial Obligations for the Villages to June 5, 2017 (the “**Financial Obligations Deadline**”); to submit the Plat Originals for the Villages to August 3, 2017 (the “**Plat Originals Deadline**”); and to apply for the Building Permits for Town Square to May 3, 2017 (the “**Building Permits Deadline**” and collectively with the Financial Obligations Deadline and the Plat Originals Deadline, the “**Deadlines**”).

3. MFE submits this Alternative Compliance Application (this “**Application**”) pursuant to Section 16.104 of the Howard County Subdivision and Land Development Regulations (the “**Regulations**”) to request an extension of the Deadlines described above. As detailed below, strict compliance with the Regulations and the Deadlines would result in extraordinary hardships and practical difficulties for MFE.
4. As DPZ is aware, Turf Valley is a planned, mixed-use development consisting of approximately 808 acres, being developed over a 20 year or longer period (the “**Development**”). The Development requires plan coordination and sequencing, particularly in light of the history of numerous appeals, intervening environmental legislation, and related Capital Projects.
5. Turf Valley has been processing plans in accordance with an approved phasing plan and applicable milestones. The plans for the Development include a substantial number of residential dwelling units. Some of these plans and developments are dependent upon sequential approval and development of other sections of Turf Valley.
6. Regarding Town Square, this Application concerns the Building Permits for the building shown as Building C on SDP-10-027 (the “**Office Building**”). Construction is completed for all other Town Square buildings. The Office Building is a proposed 52,000 SF office building. The Turf Valley area has traditionally not been considered an area conducive for large office buildings, especially in view of the fact that Marriottsville Road, including the bridge over Interstate 70, consists of single lanes in both the northbound and southbound directions. Accordingly, the development of the Office Building has been anticipated to coincide with the widening of Marriottsville Road. The developer of Turf Valley is responsible for a major portion of the Marriottsville Road widening between US 40 and Interstate 70. Likewise, Howard County is also responsible for some of the widening work. The developer and Howard County’s Department of Public Works (“**DPW**”) have been coordinating the engineering of the widening of Marriottsville Road since 2009.
7. In the fall of 2013, the County expanded its scope of work within the Joint Capital Project to include improvements to Marriottsville Road between US 40 and US 144. Plans for the intersection of US 40/Marriottsville Road were submitted to SHA for comment. At a meeting with DPW on February 18, 2016, DPW advised the developer of SHA’s comments. Additionally, DPW advised that the decision was made to move forward with the design of the bridge over Interstate 70 which will ultimately be five travel lanes. An additional issue is the presence of a high-security federal government fiber-optic cable in the Marriottsville Road right-of-way. It was agreed the developer would proceed with the design of Marriottsville Road between Interstate 70 and US 40 as shown as the County provides the location of the fiber-optic cable.
8. It is essential for the success of the Office Building that its construction be completed when the widening of Marriottsville Road is substantially underway, if not completed. If construction of the Office Building commenced today, the Office Building would be completed well before the Marriottsville Road widening. The developer intends to meet with the Director of DPW in April, 2017, to discuss the timing and the division of responsibilities of the developer and the County with respect to the road widening. This Application seeks to extend the Building Permits Deadline for one year (to May 3, 2018) to allow the necessary time for coordination and commencement of the roadwork.
9. Regarding the Villages, the developer of Turf Valley has been in contact with the public school system of Howard County for several years about the possibility of an elementary school on all or part of the Phase 3 land. For reasons beyond the control of the developer, Howard County has moved slowly due to openings of new schools in other sections of the county and recent environmental concerns at a school facility. The school system continues to show a clear interest in the school site on Phase 3. On March 2, 2016, the Petitioner spoke to Joel Gallihue, Manager of School Planning with the Howard County Public School

System. Mr. Gallihue confirmed the continued interest of the school system and indicated a willingness to push for a final decision by the School Board. On March 13, 2017, the developer met with Dr. Renee Foose, the Superintendent of the Howard County Public School System, who likewise reiterated that the school system may elect to acquire this land. It would be unproductive and a waste of valuable time and resources to satisfy the Financial Obligations and to submit the Plat Originals until the school system makes a firm decision. This Application seeks to extend the Financial Obligations Deadline and the Plat Originals Deadline for one year each (to June 5, 2018 and August 3, 2018, respectively) to allow the school system additional time to reach a decision.

10. Denial of the alternative compliance request, and strict enforcement of the Regulations, will result in the expiration and voiding of F-08-085 and SDP-10-027. When all that remains to be accomplished is the submission of final plans, applying for building permits, and complying with the Financial Obligations, strict enforcement would work an extraordinary hardship on MFE. MFE would be required to begin plan processing anew, which would be repetitive for all involved, subject DPZ staff to redundant plan reviews, delay construction, increase costs, and result in no benefit to the community whatsoever. The purposes of the Regulations will be served to a greater extent by granting the instant Application to extend the Deadlines to allow for the proper sequencing, design, and construction of the Turf Valley projects in an orderly manner.
11. This proposed alternative compliance request will not contravene any of the Regulations' policy goals. In fact, the requested approval of this Application will actually serve the intent of the Regulations to a greater extent. Regulations Section 16.101(a)(1) provides that one purpose of the Regulations is to promote the health, safety, and welfare of county residents by assisting orderly and efficient land development. Requiring F-08-085 and SDP-10-027 to expire and MFE to begin the plan process again does not promote the efficiency intended by the Regulations. Due to the limited effects of this request, the Regulations would be better served by allowing MFE additional time to resolve the Marriottsville Road widening and school system matters rather than to cause the expiration of plan approvals. The Petitioner is not requesting that the Financial Obligations, Plat Originals, and Building Permits be waived in their entirety, only that MFE be provided a reasonable and necessary extension of time for their completion.
12. This requested extension of the Deadlines will not have any detrimental effect on the public interests whatsoever and will not nullify the intent of the Regulations."

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. This approval will remain valid for the time period specified by the conditions of approval or as long as the subdivision plans, site development plans and building permits remain in active processing.

Should you have any questions please contact Dave Boellner by telephone at 410-313-3956 or by email at dboellner@howardcountymd.gov.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/DBB:dbb

C: DPZ, Research
DPZ, DED
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Talkin & Oh

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Paul Kendall
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