



Howard County Department Of Planning And Zoning
3430 Courthouse Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Valdis Lazdins, Director

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June 8, 2017

Triangle Montgomery Associates, LLC
Triangle Old Annapolis Associates, LLC
attn: Chris Pippen
453 South Polk Drive
Sarasota FL 34236

Bethel Baptist Church
4261 Montgomery Road
attn: Jeff Warren
Ellicott City MD 21043

RE: WP-17-120 Long Gate Overlook and Bethel Baptist Church

Dear Mr. Pippen and Mr. Warren:

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 to the following two sections of the Subdivision and Land Development Regulations:

Section 16.102 and 16.147 of the Amended Fifth Edition – All divisions of land shall be in compliance with the Subdivision Regulations requiring a final subdivision plat. This alternative compliance request is to reconfigure/combine 8 contiguous parcels by deed in lieu of a subdivision plat to create two parcels.

Approval is subject to the following five (5) conditions:

- 1) A deed of consolidation or parcel reconfiguration for the 12.68 acres between the affected 8 parcels stated in this request must be recorded with the Howard County Land Records within **120 days** of the date of this alternative compliance petition approval (on or before **October 6, 2017**). ** A copy of the recorded deed with an exhibit that displays the reconfigured parcels must be submitted to the Division of Land Development within 30 days of recording the deed. The applicant is advised that the adjoinder or consolidation deeds must be recorded prior to submission of the plan originals for SDP-14-074, SDP-15-011, F-15-018 or F-16-048.*
- 2) Approval of this alternative compliance petition is for the stated 8 parcels included in this petition; no new lots or parcels are to be created or endorsed under this request.

- 3) The new deeds of adjoinder or consolidation shall make reference to this alternative compliance petition file number (WP-17-120).
- 4) The applicant shall ensure that SDP-14-074, SDP-15-011, F-15-018 and F-16-048 are consistent with the property boundaries established by the recording of the adjoinder or consolidation deeds.
- 5) Provide as a general note on all related plats and SDPs for these subject parcels, this alternative compliance petition file number, request, approval date, and conditions of approval.

The decision of this alternative compliance petition is based on the following justification:

Hardship:

The petitioners have provided justification stating that there is an undue hardship inherent to these properties, because of the complexity involved between coordinating two projects (church site improvements and a proposed townhome development) over 8 contiguous parcels that are owned by two parties. Furthermore, the petitioners have stated that there are various builders, lenders and developers involved in the project's comprehensive plan and may require all 8 parcels to be in final form and ownership prior to the commencement of the development process. None of the subject parcels have ever been subdivided and have remained in their current property line configurations since the inception of the County Subdivision Regulations. The petitioners are requesting that the 8 parcels be reconfigured into 2 parcels prior to any formal resubdivision occurring; by doing so, it would reduce the complexity in the preparation and completion of the DPW developer agreements since each project would consist of one parcel owned by the corresponding property owner/developer and would establish each parcel in its final "form" and ownership prior to commencing financial contracts, agreements and title work.

Alternative proposal:

The only other alternative proposal is to proceed to the DPW developer agreement process for the 8 individual referenced parcels. This proposal could (as the petitioner states) cause "significant difficulties" in terms of financing, executing agreements/contracts and recording the final plats due to the complexity of the ownership in relation to how the current parcels are assembled.

Not detrimental to public interest:

Granting this alternative compliance petition will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties. This request will not involve the acquisition of additional land or the loss of land – the 12.68 acres encompasses the same project area that has been approved under the final plan (F-15-018) for the subdivision of the referenced 8 parcels. The two proposed projects have already been reviewed for technical compliance with County and State Highway regulations - the proposed townhome development shall proceed to DPW developer agreements and plan signatures after July 5, 2017 once it passes the APFO school test and comes out of the APFO hold bin.

Not nullify the intent or purpose of the regulations:

Based upon all of the above justifications, approval of this alternative compliance petition will not nullify the intent of the Regulations. For this project, the most prudent and efficient way to reconfigure the 8 parcels are through the recording of a deed of parcel consolidation/reconfiguration prior to the preparation of developer agreements, the recordation of the final plat (to create the 79 townhome lots) and the signatures of the site development plan originals (for the townhome development and the church's parking lot and SWM improvements).

This requested waiver will remain valid for the time period specified in the conditions of approval.

If you have any questions, please contact Derrick Jones at (410) 313-2350.

Sincerely,


Kent Sheubrooks, Chief
Division of Land Development

KS/dj
cc: Research
DED
Vogel Engineering