



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

November 9, 2017

Legacy Investments
2661 Riva Road, Suite 300
Annapolis, Maryland 21401

RE: WP-18-041 Athol Woods
(F-16-007)

To Whom It May Concern:

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(r)(1)(ii) General Procedures Regarding the Subdivision Process**, which references the status of plans which do not meet the deadlines, or which fail to provide information in a timely manner. A project which misses the deadline for final plan submission shall be voided and the application for plan approval shall be considered withdrawn.

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 November 9, 2018)**. (The Developer's Agreement must be submitted three (3) weeks prior to submission of the final plat originals.)
3. Contact Carol Stirn at 410-313-4351 to setup 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:

Extraordinary Hardships or Practical Difficulties: The applicant would experience hardship and practical difficulty with the development of the property through strict compliance with the regulations. The Road Construction Drawings were submitted 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 is now actively pursuing the rezoning of the property to the CEF Zone. The applicant is intent on pursuing an assisted living facility in lieu of the proposed development but is hoping to accrue approvals in the event the CEF Zoning change is not achieved.

Alternative Proposal: Alternatively, the regulations may be served to a greater extent through the implementation of the alternative proposal since the assisted living facility would greatly enhance the area and provide for the essential need for assisted living alternatives in the area. Approving the alternative compliance

request will allow the approved plans to remain viable if the rezoning of the property does not go through.

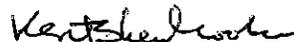
Not Detrimental to the Public Interest: Allowing the Athol Woods project to continue processing would not be detrimental to the public interest as the plan extension would only allow the project to proceed forward with the approved submission. The initial project plat and layout could be preserved while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

Will Not Nullify the Intent or Purpose of the Regulations: The intent of the regulations is to keep the project submission on a schedule for the timely and efficient submission of documents and information. Approval of this alternative compliance request will not nullify the intent of the regulations as it would allow the already approved plans to proceed forward while the rezoning request is processed.

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 alternative compliance approval will remain valid for one year from the date of this letter or as long as a subdivision or site development plan is being actively processed in accordance with the processing provisions of the Regulations.

If you have any questions, please contact Nick Haines at (410) 313-2350 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/ktb

cc: Research
DED
Real Estate Services
Benchmark Engineering, Inc.