



Howard County Department Of Planning And Zoning

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Valdis Lazdins, Director

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March 7, 2018

Downtown Columbia Arts and Culture Commission
attn: Ian Kennedy
10475 Little Patuxent Parkway
Columbia MD 21045

RE: WP-18-079 Merriweather Post Pavilion (SDP-16-018)

Dear Mr. Kennedy:

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 section of the Subdivision and Land Development Regulations:

Section 16.156.(o)(1)(ii) of the Subdivision and Land Development Regulations (Amended Fifth Edition) – For single family attached, apartment and nonresidential developments involving multiple buildings or staged construction, the developer shall apply for building permits for all construction authorized by the approved site development plan within 2 years of signature approval.

Approval is subject to the following two (2) conditions:

- 1) Within **two years** from the date of this approval (**on or before March 7, 2020**), the developer/owner shall apply to the Department of Inspections, Licenses and Permits for building permits for all construction authorized by the approved site development plan.
- 2) This SDP is subject to a DPW Developer's Agreement for specific site improvements as outlined in the SDP technical complete letter dated December 21, 2015. Compliance with these requirements must be coordinated through the Real Estate Services Division of DPW (RES). Contact RES to initiate process.

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

Hardship:

The petitioner has stated that there are extraordinary hardships and practical difficulties in complying with the March 2, 2018 deadline date to apply for building permits for all construction authorized on SDP-16-018. These hardships and difficulties pertain to the operational schedule of the Pavilion; site construction and renovation activities can only occur during the off-season (October through March) and, although there has been substantial progress made over the past two years that includes the issuance of permits for Buildings A, B, and C, the petitioner is not prepared to apply for permits for the remaining construction and renovation activities. Should this alternative compliance not be approved, the petitioner would be required to file a new site development plan that would feature 'as-built' site improvements (Buildings A, B and C) that were previously approved and for other proposed improvements that have yet received permit approvals.

Alternative proposal:

The petitioner has stated that most of the infrastructure has been installed and building permits have been issued for several buildings approved on the SDP. There is not an alternative proposal to this request; the petitioner has provided satisfactory justification for why this project warrants additional time to apply for permits.

Not detrimental to public interest:

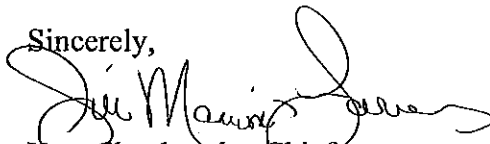
By granting this waiver, it will not have any detrimental impacts to the public interests, will not alter the essential character of the area and will not impair the use or development of the surrounding properties. The site is part of the Downtown Columbia Plan for redevelopment and renovations to the Merriweather Post Pavilion is an integral component to the Plan. No changes are occurring to the SDP as part of this request; the SDP remains compliant with all County and State laws.

Not nullify the intent or purpose of the regulations:

The approval of this alternative compliance petition will not nullify the intent of the Regulations which requires the petitioner, within 2 years of receiving signature approval of the site development plan original, to apply to the Department of Inspections, Licenses and Permits for building permits for all construction authorized by the approved SDP. The petitioner had met all requirements for SDP approval and to initiate the building permitting process. By granting the additional 2 years to apply for permits will not nullify the intent of the regulations.

This requested alternative compliance petition will remain valid for the 2-year period stated in this approval letter.

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

DILP – Cathy Anest

Real Estate Services

GLW – Dan Sweeney

Zoning – Annette Merson-Sacks

File: SDP-16-018