



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive

Ellicott City, Maryland 21043

410-313-2350

Voice/Relay

Valdis Lazdins, Director

FAX 410-313-3467

December 14, 2018

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

RE: WP-19-031, Athol Woods (F-16-007)

Dear Applicant:

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**. The applicant is seeking a 1 year extension of the deadline processing dates for F-16-007 while the Site Development plan SDP-19-032 for Brightview Columbia is being processed with the CEF zoning.

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 developers agreement and final plat originals within **1 year of the alternative compliance approval (on or before December 13, 2019)**. (The Developers agreement must be submitted three (3) weeks prior to submission of the final plat originals.)
3. Contact Carol Stirn at (410) 313-4351 to set up 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.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

The applicant would have experienced 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 change of the zoning to CEF was approved on March 14, 2018. The new plans are currently being reviewed by DPZ for the proposed assisted living facility. The settlement on the property between Legacy Investments, LLC and Brightview will not occur until late Spring 2019. Legacy Investments would like to protect their approved Final Plan until the settlement occurs and the property can be transferred to Brightview.

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 would allow the approved final plans to remain viable if the settlement and transfer of the property to Brightview does not go through as planned. Maintaining the valid status of the previous plan will also not adversely affect the new assisted living plan processing.

Not Detrimental to the Public Interest:

Allowing the Athol Woods project to continue processing would not have been 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 until the property settlement is complete and the alternative assisted living facility plans are being reviewed.

Will not nullify the intent or purpose of the regulations:

The intent of the regulations is to keep the project submissions 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 until the property settlement is completed. The submitted plans for the new project design can still be reviewed while maintaining the valid status of the previous residential layout (F-16-007).

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 requested alternative compliance will remain valid for the time period specified in the conditions of approval.

If you have any questions, please contact Nicholas Haines at (410) 313-4333 or email at nhaines@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/NH

cc: Research
DED
Real Estate Services
Benchmark Engineering