



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

January 24, 2019

Dave Woessner

Centennial Reserve
308 Magothy Road
Severna Park, MD 21146

RE: WP-19-047, Centennial Reserve
Approve 2 Sections and Defer 2 Sections

Dear Mr. Woessner:

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 16.147 – Final Subdivision Plan and final plat** and **Section 16.121(e)(1) – Access and Frontage**.

Approval is subject to the following conditions:

1. Approval of relief from Section 16.147 – (Final Subdivision Plan and final plat) is to allow transfer of a portion (approximately 0.25 AC or less, see condition 2) of Parcel 6 (Mattupalli Property) to Parcel 5 by adjoinder deed. Approval does not constitute approval of future subdivision of Parcel 6 of Tax Map 30 (Mattupalli Property) as outlined in meeting notes and supporting documentation submitted with application. Any future subdivision of this property will be submitted and reviewed through the standard subdivision process.
2. The owner of Parcel 6 shall be notified by certified letter that the re-subdivision potential of the remaining portion of Parcel 6 is dependent on retaining one full acre per Section 108.0.F.2, which states that: one net acre is required to subdivide lots classified as neighborhood infill. The certified letter shall emphasize that an acre residue for Parcel 6 only ensures subdivision "potential". Submissions to subdivide Parcel 6 at a later date will be reviewed for compliance with the regulations in effect at the time.
3. The transfer of property from Parcel 6 to Parcel 5 shall be complete prior to Final Plan Approval of Centennial Reserve. Please include a reference to County File Number WP-19-047 in the adjoinder deed and provide a copy (after recording in the Land Records of Howard County) as part of the Final Plan submission.
4. Final plans for re-subdivision of Lot 1 East Side into Lot 5 and Non-Buildable Parcel A (F-19-050) shall achieve technically complete status, or be recorded in the Land Records of Howard County prior to signature approval of SP-19-001.
5. Final plans for re-subdivision of Lot 1 East Side into Lot 5 and Non-Buildable Parcel A shall include the following:
 - a. a note indicating file references to WP-19-047 and SP-19-001,
 - b. a clear label identifying the parcel as non-buildable,
 - c. a purpose statement indicating the creation of non-buildable Parcel A is for ultimate incorporation into Centennial Reserve Subdivision as an open space lot,
 - d. Add a note stating that should the parcel not be conveyed to the Centennial Reserve Developer and/or the Centennial Reserve Subdivision fails to be recorded as proposed, Parcel A remains unbuildable until such time a revision plat is reviewed and recorded that reconfigures lot lines to grant road frontage, establish required setbacks and meet all other requirements in effect at the time for buildable lots. **THIS CONDITION AND NOTE DOES NOT GUARANTEE APPROVAL OF THIS PARCEL AT A FUTURE DATE.**
6. Approval of relief from **Section 16.147 – Final Subdivision Plan and final plat** and **Section 16.121(e)(1) – Access and Frontage** does not constitute approval of SP-19-001 Centennial Reserve.
7. Per DED Comments: As part of the development of Parcel 5, the proposed public right-of-way and public utilities (and easements) must be extended to the property line of Parcel 6 for their future connection.
8. Per DED Comments: The adjoinder transfer between Parcel 5 and 6 must be completed prior to plat or final plan approval. The recording references must be shown on the plans.

9. Please provide an updated "Existing Conditions" exhibit for the Alternative Compliance file that better illustrates the 5 existing parcels. Please be sure to show all the boundaries and metes and bounds for the Chateau Builders piece to confirm it shares a boundary with East Side Lot 1. Show in a separate exhibit the proposed ultimate Boundaries of Centennial Reserve.
10. Approval of this request is to allow transfer of part of Parcel 6 to Parcel 5 and create a temporary landlocked non-buildable Parcel A from Lot 1 Eastside Section 2. No other lots or parcels are being legally endorsed. No additional lots are to be created and no new development, construction or improvements are permitted under this request.
11. These conditions of approval must be illustrated on the associated Road Construction Drawings.

As of the date of this letter, the Planning Director **defers your request** for relief from **Section 16.1205(a)(7) – On-site Forest Retention** and **Section 16.119(f)(1) – Access Restrictions**, until SP-19-001 Centennial Reserve is approved by the Planning Board. Upon approval of the Planning Board, the applicant shall submit a revised application for the deferred sections. The revised application shall reflect any conditions of approval required by the Planning Board. Also, please be advised of the following comments from DED and DLD. More detailed comments from the SRC may be made upon resubmission.

1. Per DED Comments: Direct access onto Centennial Lane will only be permitted if the proposed access meets all current design standards regarding layout, slopes, and sight distances. Any deficiency must be remediated or the direct access to Centennial Lane will not be permitted.
2. Removal of Specimen Tree #15 shall be mitigated 2:1 by planting 2 native trees of 2.5" caliper, preferably within the Forest Conservation Easement. Please add the trees for mitigation to the landscape plans with a note identifying which trees satisfy this condition of approval.
3. For relief of Section 16.119(f)(1) (Access Restrictions) – As an alternative compliance, the developer shall provide the proposed paved walking path that connects Centennial Reserve with Centennial Woods Lane. The ultimate location may change based on SRC and Planning Board comments.

Our decision was made based on the following:

Extraordinary Hardships or Practical Difficulties:

Section 16.147 Final Plat

The adjoiner transfer proposed is between Parcel 5 and Parcel 6. Should the Regulations be strictly enforced, it would create a hardship and practical difficulty for the developer and the owners of Parcel 6. Since the owners of Parcel 6 would need to sign the record plats, the remainder of their property would be locked into the process. The time needed to complete the entire process is unpredictable and requiring a plat for this transfer would unnecessarily encumber the entire property until the Plat is finalized and signed. The owners of Parcel 6 have agreed to the transfer, and having their involvement for a shorter period of time is better for both the developer and the owners of Parcel 6. By allowing the transfer to be done through an adjoiner deed, the owners of Parcel 6 will be free to make improvements to their lot and/or sell the remaining lot and house, and the developer secures additional certainty to the open space that will be provided for the subdivision. To not allow relief would require them to wait until the final plat is recorded for Centennial Reserve. Preventing them from improving or transferring the remainder of their property for an extended time period (when their only contribution to the project is a portion for Forest Conservation) is an extraordinary hardship and creates practical difficulties.

Section 16.121(e)(1) Access and Frontage

This request is to allow the creation of a non-buildable parcel under a resubdivision of East Side, Lot 1 which will ultimately become part of the open space lot under the Centennial Reserve subdivision. The owners of East Side, Lot 1 have agreed to sell the developers of Parcel 5 a portion of their land that will become part of the proposed Open Space Lot 18. This exchange of land between owners is desired over the inclusion of East Side Lot 1 into the subdivision so that the owners of Lot 1 East Side won't need to sign the Centennial Reserve record plat at the time the subdivision is approved.

Should the Regulations be strictly enforced, it would create a hardship and practical difficulty for the developer and the owners of Lot 1 Eastside. The bulk parcel will ultimately become part of the Centennial Reserve, Open Space Lot 18 and will not need the frontage on Maxine Street since it will have frontage on the proposed public roads being created. The land locked condition will be temporary. By allowing the creation of a lot that will be temporarily landlocked, the owners of Lot 1 East Side will be free to make improvements to their lot and/or sell the remaining

lot and house. To not allow relief would require them to wait until the final plat is recorded for Centennial Reserve. Preventing them from improving or transferring the remainder of their property for an extended time period (when their only contribution to the project is a portion for Open Space/Forest Conservation) is an extraordinary hardship and creates practical difficulties.

Alternative Proposal:

Section 16.147 Final Plat

This exchange of land via deed, will provide the ability for the owners of Parcel 6 to be involved in the transaction for a short period of time rather than the longer timeframe to reach record plat. Once incorporated, the land will become open space and be recorded on the final plat associated with the Centennial Reserve subdivision.

Section 16.121(e)(1) Access and Frontage

Not requiring frontage for the bulk parcel will be for a temporary condition only. The developer will be required to complete the subdivision for Centennial Reserve, granting access through the newly created public roads or replat the bulk parcel to comply with the regulations. The temporarily landlocked non-buildable Parcel will ultimately become part of Centennial Reserve Open Space Lot 18. Through conditions in place as part of this alternative compliance, the plat shall clearly label the parcel as non-buildable, and notes outline the requirements that must be fulfilled if it is to become buildable at a future date.

Not Detrimental to the Public Interest:

Section 16.147 Final Plat

This exchange of land via deed allows the owners of Parcel 6 to be involved in the transaction for a short period of time rather than the longer timeframe to reach record plat. Once incorporated, the land will become open space and be recorded on the final plat associated with the Centennial Reserve subdivision. If the remainder of Parcel 6 is subdivided, a Plat will be required. Neither the County nor the public gains an advantage by requiring a Plat now. Granting the request merely defers the Plat requirement to future plan submissions. Approval of this alternative compliance request is not detrimental to the public interests.

Section 16.121(e)(1) Access and Frontage

Temporarily not requiring frontage for the proposed non-buildable bulk parcel will not alter the density potential and will require the owners of Lot 1 Eastside to be involved in the transaction for a short period of time rather than the longer timeframe to reach record plat. Once incorporated, the land will become open space and be recorded on the final plat associated with the Centennial Reserve subdivision. Neither the County nor the public gains an advantage by requiring road frontage for the short term and the property will be clearly labeled as non-buildable. Approval of this alternative compliance request is not detrimental to the public interests.

Will not nullify the intent or purpose of the regulations:

Section 16.147 Final Plat

Although the regulations require submission of a final plat as an "official record of the division of land", the intent of the regulations is to have an "official record" which can be achieved through a Confirmatory Deed description. It will not nullify the intent of the regulations, since Parcel 5 (part of the Centennial Reserve subdivision) will eventually be recorded on a final plat as part of the subdivision process. In the short term, separate Confirmatory Deeds to finalize the transfer between Parcels 5 & 6 will be executed and any subdivision of Parcel 6 will be required to comply with all Regulations, in effect at the time including the submission and recordation of a subdivision on a final plat.

Section 16.121(e)(1) Access and Frontage

Although the regulations require frontage, this request is to allow the creation of a non-buildable parcel under a resubdivision of East Side, Lot 1 without frontage, in the short term, that will eventually become part of the open space lot under the Centennial Reserve subdivision which will have frontage on the proposed public roads. This allows owners of East Side, Lot 1 who have agreed to sell the developers of Parcel 5 a portion of their land to not be a signor on the Centennial Reserve subdivision plat. It will not nullify the intent of the regulations, since Parcel 5 (part of the Centennial Reserve subdivision) will eventually be recorded on a final plat as part of the subdivision process and the parcel will be part of Open Space Lot 18 which will have frontage (as stated above) on the proposed public roads.

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 Donna Despres at (410) 313-3429 or email at ddepres@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JM/DD

Attachment – DED comments

cc: Research

DED

Real Estate Services

Fisher, Collins and Carter

Lennis Hamrick

Robert and Helen Spedden

Prasad and Lakshmi Mattupalli

Charles and Shirley Hardy

Chateau Builders

SP-19-001 Centennial Reserve File