



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

April 25, 2019

Emerson Development IV, LLC
One Texas Station Court, Suite 200
Timonium, MD. 21093
ATTN: Kate Sanft

RE: **WP-19-090 (Emerson Corporate Commons North)**

Dear Ms. Sanft:

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)** which establishes deadlines for submission of plat mylars and an alternative compliance request to **Section 16.156(k)**, **Section 16.156(l)** and **Section 16.156(m)** which establish deadlines for submission of developer's agreements, fees, posting of financial obligations, and the submission of plan originals in relation to site development plans.

Approval is subject to the following conditions:

- 1.** The developer must submit updated/corrected mylars for F-17-035 **within 90 days** of approval of WP-19-090 (**on or before July 24, 2019**). Plat mylars must be signed and recorded prior to final signature of SDP-16-060. See attached "Original's Only" comments dated 10-4-16.

NOTE: If the applicant wishes to amend the "Originals Only" request (e.g. address road name change and right-of-way dedication only), a NEW request must be submitted to Kent Sheubrooks, Chief **within 90 days** of the approval of WP-19-090 (**on or before July 24, 2019**).

- 2.** The developer must submit Environmental Concept Plan originals for signature in association with ECP-15-068 **within 60 days** of approval of WP-19-090 (**on or before June 24, 2019**). ECP mylars must be signed prior to final signature of SDP-16-060.
- 3.** The developer must submit Developer's Agreements, post financial sureties, and if applicable, submit payment to DPW, RES of the balance of the Department of Public Works, Engineering Review Fee in association with SDP-16-060 within 1 year of the current deadline date of April 6, 2019 (**on or before April 6, 2020**).
- 4.** The developer must submit site development plan originals for signature in association with SDP-16-060 within 1 year of the current deadline date of April 6, 2019 (**on or before April 6, 2020**).
- 5.** Address all DED comments (see attached) on ECP-15-068 and prior to submission of SDP mylars.
- 6.** 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 SDP-16-060.

The Planning Director's decision was made based on the following:

The applicant would incur practical difficulty and unnecessary hardship if the Alternative Compliance request were not approved. Denial of the petition would result in undue hardship because it would require the submission of a new Original's Only request and plat, new Environmental Concept Plan and a new Site Development Plan. The current Site Development Plan was designed for a specific governmental tenant, with certain "Federal Government" setbacks, parking and utility criteria. The layout therefore may not be conducive to standard office users. For example, parking areas are 66' away from the front door per required governmental setbacks." Strict compliance with the deadline could result in the hardship of leasing the building, as designed. The project has already been subject to a complete site plan review and has an established file history. Submission of a plans would be repetitive for all involved and would subject County Staff to redundant plan reviews. Approval of this alternative compliance promotes efficiency of the overall plan review process. "By approving the extension request, the County would be granting the Owner additional opportunity to secure a least with a long-term government tenant."

The extension of deadline dates for the paying of fees, signing developer's agreements, providing sureties and submitting an environmental concept plan, plat and site development plan would not be detrimental to the Public Interest. The plans have already been approved and the delay will not alter the essential character of the surrounding neighborhood or substantially impair the appropriate use of the surrounding properties. The petitioner is not asking that Code requirements be waived in their entirety, but rather be provided a reasonable and necessary extension of time to both, pursue a tenant and to obtain legal documentation and plan completion. Per the applicant's justification, "in today's economy, leasing contracts are subject to many variables and time frames are unfortunately extended. The potential tenant user was delayed and the extension would allow for the potential approval within the next government cycle."

If granted, the approved Alternative Compliance request will not alter the Essential Character of the surrounding neighborhood (an already developed site which is part of a larger development) nor will it impair the appropriate use of the surrounding properties. This project has received a "technically complete" from the County. All agreements, sureties and fees must be addressed prior to commencement of any project work. "Providing the extension will allow for expansion of potential governmental tenants similar to Section 3, Area 1. To date the owner has designed, constructed and permitted construction of the public roads servicing the site" and continues to keep the County abreast of the current situation via meetings held on August 17, 2018, August 30, 2018, October 23, 2018 and January 31, 2019.

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 Tanya Krista-Maenhardt, AICP at (410) 313-2350 or email at tmaenhardt@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

attachments

KS/TKM/WP-19-090/Emerson Corporate Commons North approval WP-19-090 4-25-19

cc: Research
DED
Real Estate Services
Century Engineering