



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

May 28, 2019

Blue Stream 3 LLC
P.O. Box 416
Ellicott City, MD. 21041
ATTN: Arnold Sagner

RE: WP-19-105 (Blue Stream)
(Related to SDP-18-058 & P-18-002)

Dear Mr. Sagner:

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(k)** which outlines timing (milestone dates) for submittal of Final Plans (for 101+ housing units-9 months from preliminary plan approval) and an alternative compliance request to **Section 16.156(g)(2)** which states that if the Department of Planning and Zoning or the review committee indicates that additional information is needed, in order to decide whether to approve the plan, the developer shall provide the information within 45 days of receiving such indication.

Approval is subject to the following conditions:

1. A revised Site Development Plan for SDP-18-058 ("Blue Stream 3-Apartments & Commercial") shall be submitted within **180** days of the current deadline date of May 10, 2019 (per WP-19-004) to **(on or before November 6, 2019)**.
2. All associated Final Plans and Site Development Plans for remaining allocations associated with Phases VII (161 allocations) and VIII (171 allocations) shall be submitted for review within **180** days of the current deadline date of May 10, 2019 (per WP-19-004) to **(on or before November 6, 2019)**.
3. Any and all remaining commercial obligation for the entire "Blue Stream" project shall be addressed within **180** days of the current deadline date of May 10, 2019 (per WP-19-004) to **(on or before November 6, 2019)**.

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

Extraordinary hardships or practical difficulties:

Per the applicant's justification, "if the resubmission deadline is not extended, the project would be voided and a new plan would be required. Due to the significant submission fees paid, it would be hardship for the petitioner to submit a new Site Development Pan. The plan, SDP-18-058, had been reviewed by the Design Advisory Panel (DAP), but has been determined, by the applicant, to not be financially viable. Therefore, a new concept has been prepared. There have been several meetings with the Director and Petitioner to discuss the revised plan and the future of the currently required commercial component. It is anticipated that the



redesign project will be included in the June 12, 2019 DAP agenda and the revised Site Development Plan could be resubmitted soon after. The request for the time extension will provide the time necessary for DAP review; revisions as needed based on that review; and then resubmission of SDP-18-058. With the redesign, the owner/developer may utilize additional allocations in conjunction with SDP-18-058, which could in turn affect Phases VII and VIII."

Detrimental to the Public Interest or nullify the Intent or Purpose of the Regulations:

The granting of the alternative compliance would not be detrimental to the Public Interest or Nullify the Intent of the Regulations because the alternative compliance does not request relaxation of any technical subdivision or site development requirements, but merely allows additional time to complete current plan processing, providing the relief necessary to determine the ultimate design for the remainder of the site, without losing prime locations. The granting of the alternative compliance request provides for the orderly completion of the balance of the Blue Stream community and is in the best interest of Howard County and the Public.

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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 maenhardt@howardcountymd.gov.

Sincerely,

Kent Sheubrooks, Chief
Division of Land Development

3/TKM/WP-19-105/Blue Stream WP-19-105 approval 5-28-19

cc: Research
DED
Real Estate Services
SDP-18-058 & P-18-002 files