



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

September 12, 2019

Simpson Oaks CRP3, LLC
4750 Owings Mills Boulevard
Owings Mills, MD 21117

RE: WP-20-010, Cedar Creek, Phase 1 & Phase 2
Alternative Compliance Request

Dear Sir or Madam:

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(p) which requires the developer to pay all required fees to the County within 120 days of receiving approval of the final plan; and, if subject to a developer agreement or major facility agreement, shall post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements. The Planning Director also **approved** your request for an alternative compliance of Section 16.144(q) which requires the developer to submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation within 180 days of final plan approval.

Approval is subject to the following conditions:

F-18-041, Cedar Creek – Phase 1

1. The developer shall pay all required fees to the County; and, if subject to a developer agreement or major facility agreement, shall post all monies and file appropriate surety covering the developer's financial obligations for the required public or private improvements as indicated within the email from Kent Sheubrooks, Division Chief, Division of Land Development, dated July 11, 2019, within 60 days of the previous deadline date of August 18, 2019 (or until **October 17, 2019**).
2. The developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation as indicated within the email from Kent Sheubrooks, Division Chief, Division of Land Development, dated July 11, 2019, within 60 days of the previous deadline date of September 17, 2019 (or until **November 16, 2019**).

F-18-109, Cedar Creek – Phase 2

1. The developer shall submit the final subdivision plat to the Department of Planning and Zoning for signatures and recordation as indicated within the DPZ technically complete letter dated April 11, 2019, within 60 days of the previous deadline date of October 8, 2019 (or until **December 7, 2019**).

Our decision was made based on the following:

Extraordinary Hardship or Practical Difficulty – Extraordinary hardship or practical difficulty would result if the applicant is required to submit a new final plan and pay all the associated fees since the Developer's Agreements were delayed due to multiple parties being subject to the agreements.

Alternative Proposal – The only alternative for not granting the requested deadline extensions is to require the submission of a new final plan for this project. Because the project already went through the entire final subdivision plan review cycle, received a "technically complete" designation, and has an established file history, the alternative for requiring a new final plan is not recommended by this Division.

Not Detrimental to the Public Interest – The alternative compliance request will not be detrimental to the public interest since final subdivision plans have already been processed and approved for this project. The requested deadline extension will not have any adverse effect on the surrounding properties and the community where the property is located. In fact, an extension would allow the developer time to execute the necessary Developer's Agreements for the project. Therefore, approval of this alternative compliance petition would not be detrimental to the public interest.

Will not Nullify the Intent or Purpose of the Regulations – Final subdivision plans have already been processed and approved for this project. Since there have been no significant policy or regulation changes since the approval of the final plan, the approval of this requested extension would not nullify the intent or purpose of the regulations. Additionally, approval of this alternative compliance request will satisfy the intent of the Regulations by permitting fairness and consistency in the application of plan processing procedures.

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 JJ Hartner at (410) 313-2350 or email at jehartner@howardcountymd.gov.

Sincerely,



Kent Sheubrooks, Chief
Division of Land Development

KS/JH

cc: Research
DED
Real Estate Services
Robert H. Vogel Engineering, Inc.
WR Grace