



HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

3430 Court House Drive ■ Ellicott City, Maryland 21043 ■ 410-313-2350

Lynda D. Eisenberg, AICP, Director

FAX 410-313-3467

October 20, 2023

Matt Taylor
Lisbon Center, LLC
c/o St. Johns Properties
2560 Lord Baltimore Drive
Baltimore, MD 21244

RE: WP-23-046, Lisbon Shopping Center (SDP-23-009)

Dear Mr. Taylor:

This letter is to inform you that your request for alternative compliance to the Howard County Subdivision and Land Development Regulations for the subject project was reviewed.

On October 19, 2023 and pursuant to Section 16.104, the Director of the Department of Planning and Zoning, considered and **approved** your request for alternative compliance with respect to **Section 16.156(o)(1)(i) and Section 16.156(o)(1)(ii)** of the Subdivision and Land Development Regulations to extend the deadline to apply for initial building permits by one year of the signature of the site development plan and to apply all building permits for non-residential development within two years of the signature of the site development plan.

The Department of Planning and Zoning hereby determines that you have demonstrated to its satisfaction that strict enforcement of Section 16.156(o)(1)(i) and Section 16.156(o)(1)(ii) would result in an unreasonable hardship or practical difficulty. This determination is made with consideration of your alternative compliance application and the one (1) item you were required to address, pursuant to Section 16.104(a)(1):

The subject property is the location of an existing shopping center located off the Route 94 and Frederick Road in western Howard County. While the property is zoned B-1 and RC-DEO, the surrounding area is zoned RR-DEO and RC-DEO, with the shopping center serving the local rural population. The renovation and expansion proposed with SDP-23-009 is part of a ten-year plan to provide additional retail space and gathering areas. As proposed on the SDP, the shopping center will have 98,968 SF of retail. The developer pursued a new SDP encompassing all the intended improvements rather than redlining the existing SDP plans and submitting the improvements in a piecemeal fashion. This effort provided the County an updated, comprehensive plan for the site to reflect both existing site conditions and the planned expansion and redevelopment.

Unfortunately, market conditions complicate the ability to find viable tenants for the proposed expansion areas within the statutory timeframes to apply for building permits. Furthermore, recent supply chain issues and inflation have increased the cost of construction, making the construction of new tenant space prior to securing tenants a higher risk factor for the center's management team as they compete in the retail market. For these reasons, the applicant has requested a nine (9) year extension to apply for initial building permits and a ten (10) year extension for all building permits so that they can complete the improvements that only require grading permits in the near term as they market the shopping center to prospective tenant prior to applying for building permits. The requested extension timeframes exceed the relief customarily offered, however in consideration of the unique circumstances of updating a shopping center in the

rural area of the County and the volatile nature of current retail markets and construction prices, the Department of Planning and Zoning has determined that a timeline of five (5) years for initial building permits and an additional (5) years to obtain all remaining permits allows the applicant flexibility to address the aforementioned constraints while ensuring that approval timeframes remain reasonable to ensure that the redevelopment will remain in up-to-date with current regulations.

Providing this flexibility with the approval of the alternative compliance promotes efficiency of the plan review process. The new proposed development is limited within an existing shopping center that seeks to remain competitive while serving a rural population. The pursue and approval of a new, comprehensive SDP for the entire site provides a clear document guiding the future growth of the center. Being outside the Planned Service Area and in consideration of the limited expansion being proposed for an existing shopping center, the extended deadlines set forth in the conditions of approval offers the applicant flexibility to market the redevelopment to prospective tenants while also providing the County an opportunity to reevaluate the proposed improvement within a reasonable time period. If the alternative compliance is not approved, the efforts to modernize the center and provide a comprehensive plan for the site would be voided and require a new site development plan. This would be an unreasonable hardship for the applicant who undertook a new, comprehensive SDP submission, to submit a new plan matching the currently approved plan.

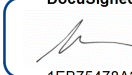
Approval of this Alternative Compliance is subject to the following conditions:

1. The applicant must apply for initial building permits for construction approved with SDP-23-009 within five (5) years from the date of signature of the site development plan (**on or before July 26, 2028**).
2. The applicant must apply for all building permits for construction approved with SDP-23-009 within ten (10) years from the date of signature approval of the site development plan (**on or before July 26, 2033**).
3. This letter must accompany all applications for building permits associated with SDP-23-009.

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 the time period specified in the conditions of approval.

If you have any questions, please contact Jill Manion at (410) 313-2350 or email at jmanion@howardcountymd.gov.

Sincerely,

DocuSigned by:

1EB75478A22B49A...
Anthony Cataldo, AICP, Chief
Division of Land Development

AC/jam

cc: Research
DLD - Julia Sauer
Real Estate Services
Don Mock, DILP
Geoff Goins, DPZ-Zoning and Service Administration
Sang Oh
Andrew Stine, Development Design Consultants (astine@ddcinc.us)



Howard County Maryland
Department of Planning and Zoning
 3430 Courthouse Drive, Ellicott City, MD 21043

(410) 313-2350

DPZ Office Use only:
 File No.
 Date Filed *WP-23-046*

ALTERNATIVE COMPLIANCE APPLICATION

Site Description: **Lisbon Center**

Subdivision Name/Property Identification: **Route 94 Business Center**

Location of property: **700 - 710 Lisbon Center Drive, Lisbon, MD 21797**

Existing Use: **Shopping Center/vacant land** Proposed Use: **Shopping Center/vacant land**

Tax Map: **02** Grid: **24** Parcel No: **82** Election District: **4th**

Zoning District: **B2** Total site area: **26.02**

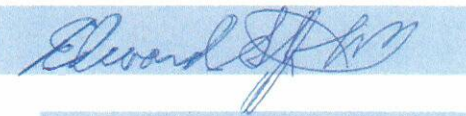
Please list all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, alternative compliance petitions, etc.). If no previous plans have been submitted, please provide a brief history of the site and related information to the request:

GP-97-66; F-87-64; SDP-88-173; SDP-87-194; SDP-94-22; SDP-97-161; F-02-132; SDP-02-096;
 WP-21-022; SDP-01-008; SDP-05-041; SDP-23-009

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which an alternative compliance is being requested and provide a brief summary of the request. Please use the additional page if needed.

Section Reference No.	Brief Summary of Request
<i>16-156.0)(1)(i)</i>	Petitioner seeks the approval of an alternative compliance request to extend the time for obtaining all permits for construction authorized by a site development plan. Petitioner is seeking to replace and add to the existing 87,867 SF at Route 94 Business Center for a total of 98,968 SF. The redevelopment will include both renovation and expansion. Some portion or all of the requested expansion is desired to be in a future phase commensurate with market demand and viable tenants. The strict implementation of this section of the Howard County Code would mandate the construction of vacant retail space. Requiring Petitioner to apply for building permits for all construction approved under the proposed site development plan, including new space which is likely to sit vacant, would be an unwarranted hardship.

Section Reference No.	Brief Summary of Request

Signature of Property Owner:  Date: 10/14/22

Signature of Petitioner Preparer:  Date: 10/17/22

Name of Property Owner: Lisbon Plaza LLC Name of Petition Preparer: Same as Owner

Address: 2560 Lord Baltimore Drive Address: Same as Owner

City, State, Zip: Baltimore MD 21244 City, State, Zip: Same as Owner

E-Mail: mtaylor@sjpi.com E-Mail: Same as Owner

Phone No.: 240-517-3017 Phone No.: Same as Owner

Contact Person: Matt Taylor Contact Person: Same as Owner

Owner's Authorization Attached