

Howard County Department of Planning and Zoning
 Division of Land Development
WAIVER PETITION APPLICATION
 [Waiver from Subdivision and Land Development Regulations]

Date Submitted/Accepted 6/18/14 DPZ File Number WP-14-152
 I. **Site Description** Maple Lawn Farms, Business District, Area 2
 Subdivision Name/Property Identification: Parcel C-29, Office Bldg B, SDP 14-007
 Location of property: 8115 Maple Lawn Blvd.
 (Street Address and/or Road Name)

<u>Vacant</u> (Existing Use)	<u>Office Building</u> (Proposed Use)		
<u>46</u> (Tax Map No.)	<u>314</u> (Grid/Block No.)	<u>C-29</u> (Parcel No.)	<u>5</u> (Election District)
<u>MXD-3</u> (Zoning District)		<u>5.73 Ac.</u> (Total Site Area)	

Provide a brief site history including reference to all previously submitted or currently active plans on file with the County (subdivision plans, Board of Appeals petitions, waiver petitions, etc.)
S-01-17, ZB-995M, PB-353, S-06-16, ZB-1039M, WVP-01-111(*), WP-02-54(**), P-02-12, F-03-07, F-05-112, SDP-03-010, WP-12-180, F-12-59, F-12-86, SDP-12-59.

II. **Waiver Request**

In accordance with Section 16.104 of the Howard County Subdivision and Land Development Regulations, the Department of Planning and Zoning, in conjunction with the Subdivision Review Committee **may grant waivers or modifications to the minimum requirements stipulated within the Regulations if it is determined that extraordinary hardships or practical difficulties may result from strict compliance with the regulations, or if it is determined that the regulations may be served to a greater extent by an alternative proposal.**

In the area below, the petitioner shall enumerate the specific numerical section(s) from the Subdivision and Land Development Regulations for which a waiver is being requested and provide a brief summary of the regulation. Attach a separate sheet if additional information is appropriate.

Section Reference No.	Summary of Regulation
1. <u>16.156.(1) & (m).</u>	<u>Payment of fees, execution of developer agreement, Submittal of site plan originals within 180 days of approval of SDP.</u>
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____

III. *Justification*

All waiver requests must be fully justified by the petitioner. Incomplete or inadequate justification may result in rejection of the application at the time of submission. Justification must be specific to the subject property. The justification provided by the petitioner should include all factors which rationalize or substantiate the request in accordance with the following criteria:

- a. Summarize any extraordinary hardships or practical difficulties which may result from strict compliance with the Regulations.
- b. Verify that the intent of the Regulations will be served to a greater extent through the implementation of the alternative proposal.
- c. Substantiate that approval of the waiver will not be detrimental to the public interests.
- d. Confirm that approval of the waiver will not nullify the intent of the Regulations.

PLEASE ATTACH A SEPARATE LETTER OF JUSTIFICATION TO SUPPORT THE WAIVER REQUESTS.

IV. *Pre-Submission Meeting Requirements*

- a. **Community Meeting Requirement** - If no previous subdivision plans and/or zoning or conditional use petitions were processed, a pre-submission community meeting is required for the initial plan submittal of all new residential development and for new non-residential development located within 200 feet of a residential zoning district or an existing non-residential development which is located within 200 feet of a residential zoning district and proposed for a floor area expansion of more than 25% in accordance with Sections 16.156(a) and 16.128 of the Subdivision and Land Development Regulations for waivers of the site development plan requirement. [See DPZ policy memo dated 3/22/04 for existing lots/parcels]. The property owner/developer must provide 3 weeks advance notice regarding the community meeting's date, time and location to all adjoining property owners identified in the records of the State Department of Assessments and Taxation and any community association that represents the geographic area of the subject property by first class mail; and sent electronically to any community association registered with the County for projects in a certain geographic area; the Howard County Council; and DPZ, which will place the meeting notice on the DPZ's website. The developer shall send a copy of the minutes and written responses to the meeting attendees and DPZ, either electronically or by first class mail. **A certification that meeting notices were mailed, contact information for the attendees and a copy of the minutes and a written response with a dated return mail receipt or dated email attached to all of the major comments recorded at the meeting must be submitted to DPZ along with the initial plan application. The meeting minutes, including a written response to all questions, shall be sent to all meeting attendees within 60 days of the meeting either electronically or by first class mail [Council Bill 6-2011].**
- b. **HDC Meeting Requirement** - A pre-submission advisory meeting with the Historic District Commission is required for new development located within a Historic District or if the site contains a historic structure (50 years or older) in accordance with Section 16.603A of the Howard County Code. Verify this requirement by checking the Historic Sites Inventory list and maps available at the DPZ public service desk or checking with the Resource Conservation Division. The property owner/developer must contact the DPZ, Resource Conservation Division for the HDC scheduling process and procedures. **The property owner/developer must submit a copy of the minutes from the HDC Advisory Meeting to DPZ along with the initial subdivision or site development plan application.**
- c. **MAA Meeting Requirement** - For all proposed subdivisions or developments located within the BWI Airport Noise Zone or the Airport Zoning District (4 mile radius from the center of the airport), the review and approval by the Maryland Aviation Administration is required prior to signature approval of final plan road and SWM construction drawings, and/or site development plans, or waiver approval of SDP. Please contact the MAA at P.O. Box 8766, BWI Airport, Maryland, 21240-0766, or (410) 859-7100. A copy of the MAA approval letter must accompany the submission of the final road/SWM construction plan original drawings, and/or site development plan original, or waiver petition application.

- d. **Design Advisory Panel (DAP)** – A pre-submission advisory meeting with the Design Advisory Panel is required for sketch and preliminary equivalent sketch plans that are submitted on or after November 3, 2008 for new development or redevelopment projects on parcels located in the U.S. Route 1 corridor that are zoned 'CE', 'CAC' or 'TOD' or that adjoin the Route 1 right-of-way and that are subject to the Route 1 Design Manual; on parcels located within the U.S. Route 40 corridor that are zoned 'TNC' or that are subject to the Route 40 Design Manual; on parcels which age-restricted adult housing is to be constructed pursuant to a conditional use; on redevelopment parcels located in the New Town Village Centers with boundaries proposed by a property owner or established by the Zoning Board or County Council; and for revitalization and redevelopment of Downtown Columbia in accordance with Sections 16.1501 and 16.1504 of the Howard County Code. The property owner/developer must contact the DPZ, Division of Comprehensive and Community Planning to verify this requirement and for information concerning the DAP meeting scheduling process and procedures. **The property owner/developer must submit a copy of the DAP project design recommendations to DPZ along with the initial subdivision plan application.**

V. **Plan Exhibit**

A. **Number of Copies Required**

The waiver petition application must be accompanied by copies of a detailed plot plan, subdivision plat or site development plan (**15 sets of the completed waiver application and plan exhibit if the subject property adjoins a County road; 19 sets for properties adjoining a State road**). In instances where the waiver request concerns an approval extension or if an associated plan is in active processing, only 2 sets of plans are required along with 15 or 19 copies of the application form. **Plans must be folded to a size no larger than 7-1/2" x 12". The pre-packaging of plans and supplemental reports by SRC agency will be permitted by DPZ provided that each package contains a cover letter which itemizes all plans, reports and documents included in the package.**

Please be advised that all plan application submissions are ACCEPTED BY APPOINTMENT ONLY. All plan submission appointments must be scheduled with the Division of Land Development at (410) 313-2350.

Plan applications are available on the DPZ website at <http://www.co.ho.md.us/DPZ/formsfeesapplications.htm>.

B. **Plan Requirement Checklist**

The detailed waiver petition exhibit, plot plan, subdivision plan or site development plan must indicate the following required information relevant to the waiver request to ensure acceptance of the waiver petition application for processing.

Legend:	<input checked="" type="checkbox"/>	Information Provided	<input checked="" type="checkbox"/> Information Not Provided,
	<input type="checkbox"/>	Not Applicable	Justification Attached

- N/A 1. Vicinity map scale 1" = 2,000' indicating and identifying the total boundary of the property, exact site location, vicinity roads and north arrow.
- N/A 2. Bearings and distances of property boundary lines for the entire tract and size of tract area.
- N/A 3. North arrow and scale of plan.
- N/A 4. Location, extent, boundary lines and area of any proposed lots.
- N/A 5. Any existing or proposed building(s), structures, points of access, driveways, topography, natural features and other objects and/or uses on the subject and adjacent properties which may be relevant to the petition; i.e. historic structures, cemeteries or environmentally sensitive areas.
- N/A 6. Delineation of building setback lines.
- N/A 7. Delineation of all existing public road and/or proposed street systems.
- N/A 8. Identification and location of all easements.

- N/A 9. Approximate delineation of floodplain, streams, wetland and forested areas, if applicable, and/or provide a professional certification that environmental features do not exist on the property.
- N/A 10. Road profile to evaluate sight distance, if the application includes a request for direct access to a major collector or more restrictive roadway classification.
- N/A 11. Any additional information to allow proper evaluation (e.g. for waivers to wetland buffers an alternative analysis and mitigation proposal are needed; for waivers to SDP requirements where there is no subdivision of land, an APFO Roads Test evaluation may be needed, for waivers of final plat or SDP, a copy of property deeds to confirm legal creation or status of property is needed).
- N/A 12. Photographs, perspective sketches or cross-sections as necessary to adequately portray the waiver request.
- N/A 13. The exhibit plans should be highlighted to accurately illustrate the requested waiver(s) to allow proper evaluation (i.e. proposed grading, tree clearing or other disturbances within environmentally sensitive areas or buffers).
- N/A 14. Submit 2 sets of photographs for all existing on-site structures.
- N/A 15. Identify the location of any existing wells and/or private septic systems.

N/A 16. **Route 1 Manual**
 Compliance with the Route 1 Manual is required for new development and some alterations or enlargements located in the CE, TOD and CAC zoning districts and for other zoning districts located within the Route 1 corridor. All plan submissions, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 1 Manual's requirements and recommendations. All plan submissions shall provide a written summary of how the proposed design achieves the objectives of the Route 1 Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

N/A 17. **Route 40 Design Manual**
 Compliance with the Route 40 Design Manual is required for new development and redevelopment projects located in the Traditional Neighborhood Center (TNC) zoning districts and on parcels located within the Route 40 Corridor as defined in the Route 40 Design Manual. All plan submissions within the Route 40 corridor, beginning with the initial subdivision or site development plan, shall show all applicable streetscape, site and building designs responding to the Route 40 Design Manual's requirements and recommendations. All plan submissions within the Route 40 corridor shall provide a written summary of how the proposed design achieves the objectives of the Route 40 Design Manual. Also, building design and schematic architectural elevation details must be included with the initial subdivision or site development plan submission.

N/A 18. **Property Deeds** – Information to confirm the legal creation or status of the property to be improved. (Copy of deeds from Howard County Land Records Office or record plat name and recording reference number). **A complete chronological deed history is required for all deeded residential properties. Provide 2 copies of the recorded deeds for the subject property tracing its history back to 1960.**

N/A 19. Please complete the following:

A pre-submission meeting was held with DPZ on _____ with
 [date] _____, if applicable.
 [DPZ, Director, DLD Division Chief or other SRC representatives]

VI. **Fees**

The Waiver Petition application fee shall be in accordance with the adopted fee schedule. All checks shall be made payable to the *Director of Finance*. **The petition will not be accepted for processing until the fee has been paid. Incomplete, incorrect or missing information may result in the rejection of the application and could cause additional time to be required to revise the petition for resubmittal and re-review.** For more information or questions, contact DPZ at (410) 313-2350.

VII. **Owner's/Petitioner's Certification**

I/WE the undersigned fee simple owner(s) hereby make application to the Howard County Department of Planning and Zoning to relax the minimum requirements of the Howard County Subdivision and Land Development Regulations. The undersigned hereby certifies the information supplied herewith is correct and complete, confirms that the regulations and policies as referred to in the attached are understood, and authorizes periodic on-site inspections by the Howard County Subdivision Review Committee agencies. ***If the applicant is the owner's agent, written documentation from owner granting that authority is required at the time of the submission.**

Owner's authorization attached *

See attached

(Signature of Property Owner)
(Fee Simple Owner Only)

(Date)

Karen Watsic 6/13/14

(Signature of Petition Preparer) *

(Date)

See attached

(Name of Property Owner)

St. John Properties

(Name of Petition Preparer, Surveyor/Engineering/Architect or Agent/Developer)

2560 Lord Baltimore Dr

(Address)

2560 Lord Baltimore Drive

(Address)

Baltimore Md 21244

(City, State, Zip Code)

Baltimore Md 21244

(City, State, Zip Code)

E-Mail kwatsic@sjpi.com

E-Mail kwatsic@sjpi.com

410 369 1208

(Telephone)

(Fax)

410 369 1208

(Telephone)

(Fax)

Contact Person: Karen Watsic

Contact Person: Karen Watsic

OWNER / DEVELOPER:

MAPLE LAWN OFFICE VIII STATUTORY TRUST, A Maryland trust

BY: MAPLE LAWN CC STATUTORY TRUST, A Maryland trust, trustee

BY: MAPLE LAWN CORPORATE CENTER, LLC, a Maryland LLC, trustee

By: Maple Lawn Office Realty, LLC, a Maryland LLC, Managing Member

By: Edward St. John LLC, a Delaware LLC, Manager

By: , Date 6/17/14

Edward A. St. John, General Manager



June 13, 2014

Howard County Department of Planning and Zoning
Division of Land Development
3430 Court House Drive
Ellicott City, MD 21043

SDP 14-007 Maple Lawn Farms, Business District, Area 2, Parcel C-29

Dear Sirs:

Please accept this letter as authorization for Karen Watsic to act as Authorized Agent on behalf of the property owner below:

MAPLE LAWN OFFICE VIII STATUTORY TRUST, A Maryland trust
BY: MAPLE LAWN CC STATUTORY TRUST, A Maryland trust, trustee
BY: MAPLE LAWN CORPORATE CENTER, LLC, a Maryland LLC, trustee
By: Maple Lawn Office Realty, LLC, a Maryland LLC, Managing Member
By: Edward St. John LLC, a Delaware LLC, Manager

By: , Date 6/17/14

Edward A. St. John, General Manager

2560 Lord Baltimore Dr Baltimore MD 21244
Ofc | 410 788- 0100 Fax | 410 788 0851

www.stjohnpropertiesinc.com



**WAIVER PETITION AND
STATEMENT OF JUSTIFICATION**

A. The Petitioner, Maple Lawn Office VIII Statutory Trust ("Petitioner"), is the owner of the subject Property, which consists of 5.73 acres of land located in the 5th Election District on West Market Place in Maple Lawn (the "Property"). The Property is being developed pursuant to SDP-14-007 (the "SDP"). The SDP provides for one four story office building (Office Building 8).

B. Petitioner submits this Waiver Petition pursuant to Section 16.104 of the Subdivision and Land Development Regulations of Howard County, Maryland (the "Regulations") to request an extension of the time limit imposed by:

Section 16.156(l) and (m) of the Regulations, requiring that within 180 days of approval of the site development plan the payment of fees; posting of financial obligations; and submittal of original SDP for signature approval are required.

This request is due to the extraordinary hardships and practical difficulties that arise from strict compliance with the Regulations.

C. Petitioner's SDP received signature approval on February 21, 2014, pursuant to a letter dated February 21, 2014 from the Division of Land Development, which letter is attached hereto as Exhibit A.

D. Strict compliance with the Regulations would result in extraordinary hardships and practical difficulties. The Petitioner has made significant

investment and has recently completed construction of the adjacent Office Building 6 on Parcel C-28. Despite diligent efforts, the newly constructed building is not yet leased. The market conditions have made leasing difficult and therefore financially impractical for Petitioner to commence the construction process (which includes the payment of fees and posting of significant securities associated with the Developer's Agreement for this project) for Office Building 8 on a speculative basis.

F. Granting this waiver request and permitting an extension of time for Petitioner to execute the developer's agreement and submit site plan originals for signature will allow Petitioner more time to market the currently vacant adjacent Office Building 6 and obtain the financing needed to proceed with construction of Office Building 8 as shown on SDP 14-007.

G. Approval of this waiver petition will not be detrimental to the public interests and will not nullify the intent and purposes of the Regulations. There are no public facilities, other than the water and sewer that serve the subject building proposed under SDP 14-007. Denial of the waiver request, however, will result in extraordinary hardship to Petitioner as the financing (including posting of fees and related securities) for Office Building 8 is not practical until Office Building 6 is leased.

H. The requested waiver is necessary in order for Petitioner to ensure the orderly and financially viable development of its land.

WHEREFORE, Petitioner respectfully requests that the instant Waiver Petition Application be approved and that the deadline requiring Petitioner to apply to submit site development plan originals for signature by one year to August 20, 2015.