

Debra Clinton

From: Lynne Galletti
Sent: Tuesday, May 10, 2022 8:22 PM
To: Barney Quinn; Holly McCleary
Cc: John Breeding; Debra Clinton; David Warrington; tmccarron@semmes.com
Subject: Re: Online Form Submission #7277 for PUBLIC INFORMATION REQUEST FORM

My response to this PIA request:

- a. I have no paper and/or electronic correspondence other than when 2021-16 and 2021-17 were sent to me with the agenda prior to those council meetings. 2020-1 - prior to my election, n/a. 2019-10 - prior to my election, n/a
- b. I have no paper and/or electronic correspondence with Kaz Brothers, employees, representatives nor consultants. - I have NEVER corresponded with the Kaz brothers.
- c. I have no correspondence with the Kaz brothers relating to ordinance 2021-17 - I have NEVER corresponded with the Kaz brothers.
- d. I have no correspondence with the Kaz brothers, relating to amendments to Town APFO. I have NEVER corresponded with the Kaz brothers.
- e. I have no correspondence with the Kaz brothers, relating to Ordinance 2021-16. I have NEVER corresponded with the Kaz brothers.
- f. I have no correspondence with the Kaz brothers, relating to ordinance 2019-10. I have NEVER corresponded with the Kaz brothers and this was BEFORE my election to council.
- g. I have no correspondence with the Kaz brothers, relating to establishing a date by which the town would extend Center Street.. I have NEVER corresponded with the Kaz brothers and this was BEFORE my election to council.
- h. PRIOR TO MY ELECTION
- i. Addressed in e above (2021-16), c above (2021-17), h above (2020-1), f above (2019-10).

AGAIN, I have NEVER had direct correspondence with the KAZ brothers.

Councilmember Galletti

From: Barney Quinn <bquinn@mountairymd.gov>
Sent: Tuesday, May 10, 2022 6:23 PM
To: Holly McCleary <hmcclary@mountairymd.gov>
Cc: Jason Poirier <councilmemberpoirier@mountairymd.org>; Karl Munder <councilmembermunder@mountairymd.gov>; Lynne Galletti <councilmembergalletti@mountairymd.gov>; Mayor Larry Hushour <mayorhushour@mountairymd.gov>; Pamela Reed <councilmemberreed@mountairymd.gov>; Stephen

Domotor <councilmemberdomotor@mountairymd.gov>; John Breeding <jbreeding@mountairymd.gov>; Debra Clinton <dclinton@mountairymd.gov>; David Warrington <dwarrington@mountairymd.gov>; tmccarron@semmes.com <tmccarron@semmes.com>

Subject: Re: Online Form Submission #7277 for PUBLIC INFORMATION REQUEST FORM

Thanks Holly.

On May 10, 2022, at 6:12 PM, Holly McCleary <hmcclary@mountairymd.gov> wrote:

Hi Barney!

She has accepted the anticipated fees and authorized us to move forward with her request.

Thanks,

Holly McCleary

Town Clerk
Human Resource Manager
Accounts Receivable Clerk
Town of Mount Airy
110 S. Main Street
PO Box 50
Mount Airy, MD 21771
P: 301-829-1477
F: 301-829-1259

From: Barney Quinn <bquinn@mountairymd.gov>

Sent: Tuesday, May 10, 2022 6:11 PM

To: Holly McCleary <hmcclary@mountairymd.gov>; Jason Poirier <councilmemberpoirier@mountairymd.org>; Karl Munder <councilmembermunder@mountairymd.gov>; Lynne Galletti <councilmembergalletti@mountairymd.gov>; Mayor Larry Hushour <mayorhushour@mountairymd.gov>; Pamela Reed <councilmemberreed@mountairymd.gov>; Stephen Domotor <councilmemberdomotor@mountairymd.gov>; John Breeding <jbreeding@mountairymd.gov>; Debra Clinton <dclinton@mountairymd.gov>; David Warrington <dwarrington@mountairymd.gov>

Cc: tmccarron@semmes.com

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Holly,

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Thanks,
Barney

From: Holly McCleary <hmcclary@mountairymd.gov>

Sent: Tuesday, May 10, 2022 3:46 PM

To: Mayor And Council <mayorandcouncil@mountairymd.gov>; Barney Quinn

<bquinn@mountairymd.gov>; John Breeding <jbreeding@mountairymd.gov>; Debra Clinton
<dclinton@mountairymd.gov>; David Warrington <dwarrington@mountairymd.gov>
Cc: tmccarron@semmes.com
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DEADLINE to provide correspondence to me will be Tuesday, May 24th. This will allow Tom time to review the documentation before providing to [REDACTED] on Tuesday, June 7th.

Let me know if you have any questions.

Warmest Regards,

Holly McCleary
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Accounts Receivable Clerk
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Mount Airy, MD 21771
P: 301-829-1477
F: 301-829-1259

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Saturday, May 7, 2022 11:57 AM
To: Colleen Reilly <creilly@mountairymd.gov>; Holly McCleary <hmcclary@mountairymd.gov>
Subject: Online Form Submission #7277 for PUBLIC INFORMATION REQUEST FORM

PUBLIC INFORMATION REQUEST FORM

Name

Email Address

Company

Phone Number

Cell Phone Number

Address

City



State

Zip Code

Information Requested

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If any portion of this request is denied or any portion of any document redacted, please provide a written statement of the grounds for denial or redaction. Responses may be provided via email to [REDACTED] Thank you in advance.

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Debra Clinton

From: Barney Quinn
Sent: Tuesday, May 10, 2022 6:24 PM
To: Holly McCleary
Cc: Jason Poirier; Karl Munder; Lynne Galletti; Mayor Larry Hushour; Pamela Reed; Stephen Domotor; John Breeding; Debra Clinton; David Warrington; tmccarron@semmes.com
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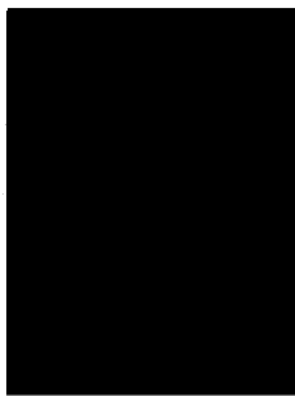
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Debra Clinton

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Sent: Tuesday, May 10, 2022 6:13 PM
To: Barney Quinn; Jason Poirier; Karl Munder; Lynne Galletti; Mayor Larry Hushour; Pamela Reed; Stephen Domotor; John Breeding; Debra Clinton; David Warrington
Cc: tmccarron@semmes.com
Subject: RE: Online Form Submission #7277 for PUBLIC INFORMATION REQUEST FORM

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PO Box 50
Mount Airy, MD 21771
P: 301-829-1477
F: 301-829-1259

From: noreply@civicplus.com <noreply@civicplus.com>

Sent: Saturday, May 7, 2022 11:57 AM

To: Colleen Reilly <creilly@mountairymd.gov>; Holly McCleary <hmcclary@mountairymd.gov>

Subject: Online Form Submission #7277 for PUBLIC INFORMATION REQUEST FORM

PUBLIC INFORMATION REQUEST FORM

Name

Email Address

Company

Phone Number

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Address

City

State



Zip Code

21771

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Attachments: [REDACTED]

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Information Requested

Pursuant to Maryland's Public Information Act (Md. General Provisions Code Title 4) please make available for review and copying the following public records within your custody:

a. Paper and/or electronic correspondence between elected or appointed representatives, employees, and/or consultants of the Town of Mt. Airy ("Town Representatives") related to Ordinance 2021-16 (Ordinance to amend 25-5 Adequate Facilities), Ordinance 2021-17 (Ordinance to rezone the Beck property to MXD), Ordinance 2020-1 (Creating New 32 Section 112-37.2 Entitled "Mixed Use District (MXD)), and Resolution 2019-10 (A Resolution of the Mayor and Town Council of the Town of Mount Airy to Extend Center Street to Maryland Route 27 if by June 30, 2023 Center Street has Not Been Extended by Means of the Normal Development Process).

b. Paper and/or electronic correspondence between Town Representatives and Kaz Brothers, L.C. employees, representatives, or consultants ("Kaz Brothers, L.C. Representatives") relating to rezoning the Beck Property to Mixed Use District (MXD).

c. Paper and/or electronic correspondence between Town Representatives and Kaz Brothers, L.C. Representatives relating to Ordinance 2021-17.

d. Paper and/or electronic correspondence between Town Representatives and Kaz Brothers, L.C. Representatives relating to amendments to Town Adequate Facilities requirements.

e. Paper and/or electronic correspondence between Town Representatives and Kaz Brothers, L.C. Representatives relating to Ordinance 2021-16.

f. Paper and/or electronic correspondence between Town Representatives and Kaz Brothers, L.C. Representatives relating to Resolution 2019-10.

g. Paper and/or electronic correspondence between Town Representatives and Kaz Brothers L.C. Representatives relating to establishing a date by which the town would extend Center Street.

h. Paper and/or electronic correspondence between Town Representatives and Kaz Brothers, L.C. Representatives relating to Ordinance 2020-1 and MXD zoning.

i. All reports and memoranda relating to Ordinance 2021-16, Ordinance 2021-17, Ordinance, 2020-1, and Resolution 2019-10 prepared by Town Representatives or Kaz Brothers, L.C. Representatives.

If any portion of this request is denied or any portion of any document redacted, please provide a written statement of the grounds for denial or redaction. Responses may be provided via email to [REDACTED] Thank you in advance.

Date Information is Needed 5/20/2022

Once this form is received and the estimated staff time and number of documents (if necessary) to comply with this request is calculated, you will receive a letter from the Town Clerk explaining what the maximum cost will be of the requested information. After the Town Clerk receives a signed acceptance of this cost from you, the Town Clerk will then proceed to reply to the public information request or deny the request under the Public Information Act. Annotated Code of Maryland Sections. 10-611 – 10-630. For your information, the Town's regulations "Access to Public Records" is found in the Mount Airy Town Code, which is on the Mount Airy website, under sections 1-19 – 1-24.

P. O. Box, Mount Airy, MD 21771
Telephone: (301) 829-1424 * Fax: (301) 829-1259
Email: town@mountairymd.gov * Web Page:
www.mountairymd.gov

Email not displaying correctly? [View it in your browser.](#)

Debra Clinton

From: John Breeding
Sent: Wednesday, May 4, 2022 4:23 PM
To: Bob Blubaugh
Cc: roxmtairypandz@[REDACTED]; Debra Clinton
Subject: re: 6-2-2022 remote location

Hello, Bob

I wanted to reach out again about the request to support the Town of Mount Airy on June 2, 2022, at the activity building at the carnival grounds. The Planning Commission and Town Council will be holding a work session with the engineer and developer on the proposed Beck property development. The Planning Commission and Town Council have requested this location due to the public concerns with this development and the number of attendees at the last work session.

Let me know if CMC will be able to support this event so I can plan a contingency plan if you are unable to provide support.

Thanks in advance, John,

John Breeding

Director of Planning and Zoning
Town of Mount Airy
Office 301-829-1424 / [REDACTED]

Debra Clinton

From: David Warrington
Sent: Monday, May 2, 2022 2:32 PM
To: All Town Hall; Public Works; Doug Reitz
Subject: Project Status Report
Attachments: STAFF PROJECT STATUS REPORT 5-1-2022.docx

Please find attached Budget Year's projects with recent changes highlighted.
David

STAFF PROJECT STATUS REPORT BY DEPARTMENT

This document is being prepared in order to allow a quick overview of a project, current status, and anticipated next step to move the project forward. (End of APRIL 2022)

GREEN SPACE: ACTIVE AND PASSIVE PARKLAND

Rails to Trails Facilities Plan East: (Recreational Trail Grant \$320,000)

Old B&O Railroad Location (Town View Boardwalk)

Phase 1 – Running from Downtown to Watkins Park, a grant has been provided to install a boardwalk and address stormwater management along this branch of the trail. The Mylar requested drawings (10/1/19) from our engineer were forwarded to the Town Attorney for deed mosaic recordation. This needs to occur before we can go ahead on the construction portion of the Recreational Trail grant. SHA is reviewing deed mosaic and structural details. Staff met and performed a site visit with SHA (1/21/20). Staff transmitted all requested documentation to the participating agencies in an attempt to clear all hurdles impeding the boardwalk construction. An on-site meeting was held (7/22/20) with the consultant SHA, DNR, MDE and Dam Safety. Settlement with Town View occurred (8/26/20) Comments from all agencies have been addressed and construction mylars are in circulation for final signatures. Staff will solicit bids during the next couple of months and easement agreements are being sought for sheds on the property. Staff submitted documents to Dam Safety (5/10/21), when finalized, staff will work with SHA on the bid package. Staff held a pre-bid conference (6/23/21). The bid opening was held 7/21/21. The apparent low bidder is Kibler Construction. A recommendation of award will be announced at the August Town Council Meeting. The State issued a Concurrence of Award to Kibler Construction on 9/24/21. There have been additional delays from the State and County.

*Next Step The Rails to Trails will be closed during the construction (Feb-August). Work is currently underway with approximately 65% completion of the Eastern abutment and retaining walls. The boardwalk piers and boardwalk construction will be next. The completion date has been moved to end of August due to a number of reasons.

Phase 2 – Running from Watkins Park, across Route 27 to the main line traveling east to Baltimore. At a meeting with Carroll County Staff (1/22/20) this item was presented as a notation for consideration in the upcoming Carroll County Transportation Master Plan.

*Next Step is to determine the feasibility of traveling over, under or at grade/signalized at Route 27 for this connection. SHA Transportation Enhancement Program Grant (TEP) could be sought. Mount Airy Staff discussed with Carroll County and MDOT as a result of the meeting with the Lt. Governor. A letter has been sent requesting Route 27 corridor improvements into their Carroll County Consolidated Transportation Plan request. A virtual meeting was held between Carroll County and the Secretary of Transportation and improvements were noted in the future and the need for planning. Route 27 corridor improvements made the Carroll County Consolidated Transportation Plan Request to MDOT.

*On Hold is to obtain a pedestrian/cyclist easement along the Knill's property.

CSX Property Acquisition COMPLETED

Phase 3 – the western trail branch will begin at downtown Main Street and extend westward. There have been discussions with CSX representatives regarding this matter (8/23/2019). A grant was submitted to Maryland DER and they had additional requirements. The period for grant approval has expired (11/10/19) and a new application must be submitted by staff. Current Program Open Space allocation from Frederick County for acquisition. Town Attorney spoke with CSX (12/13/19) regarding purchase and culvert repair per August letter. The Town Attorney has re-opened a dialogue with a new employee of CSX and a purchase price has been presented. Staff submitted (1/28/20) the Worksheet for Miscellaneous Capital Projects to justify the \$300,000 and submitted testimony for the March 7th review. The funding secured via the General Assembly (\$300,000) combined with the POS funding (\$637,426) totals \$937,426. Refreshed appraisals were ordered, received and submitted to DNR for a POS funding release. The Town has signed the agreement and returned it to CSX with an \$86,000 deposit. The POS funding request has been submitted to DNR and is awaiting presentation before the Board of Public Works. The appraisal and bond paperwork has been submitted to DGS and the funding approval will be scheduled before the Board of Public Works. Additional state-requested soil samples have been taken and submitted for lab analysis. A report will summarize the findings and provide next steps towards a modified capping plan.

East-West Connection is the link connecting the two halves of the trail at the Main Street division.

*Next Step submissions for reimbursement have been provided to DNR for POS (\$575,000) waiting on the attorneys to finalize language for the deed. Bond Bill funds (\$300,000) have been received.

Rails to Trails Facilities Plan West

The Town has submitted a Brownfields Grant Application. The Town has a contractor working to repair of the collapsed culvert to address the Inflow and Infiltration issue with ARPA funding. The Town's Brownfield Grant was denied. CSX has removed the ties and rails per the contract of sale.

*Next Step is to seek alternative means to address the need to cap the half mile trail property. To have the Town's consultant collect soil samples at the abutting property lines for MDE. In the meantime a bid package is being prepared to cap the soils on the upper part of the trail.

Nottingham Trail

The Town staff met with the HOA (1/20) to discuss the trail to be deeded to the Town as a precursor to the release of the developer's bond. This is a part of the overall hiker/biker trail

mosaic. Nottingham is not planning to build their portion of the trail all the way to Locksley Lane in exchange for the Developer to improve an existing playground. The Developer is still required to build the Town's portion of the trail along Town property, connecting the WWTP access road to Longbow Road. Town Council agreed to modify Public Works Agreement (7/20). The developer has begun surveying the property.

*Next Step is for the Developer to build the improvements. The Town is having the Developer construct the portion of the trail for which it is responsible. Project is ongoing.

Windy Ridge Park:

88 acres of passive recreation areas and potential active recreation.

Completed Master Plan (FY08-09) includes camping areas, picnic areas, conservation areas, outdoor amphitheater and a variety of other nature related educational opportunities.

The potential for active recreation to include a dog park, a recreation center and ball fields have been designated for the topmost portion of the park. A funding submission for trail design was submitted under the General Assembly's recent Local Parks and Playgrounds Infrastructure (LPPI) funding program. The budgeted \$5,000 design is underway by Greenstone Trail Craft. BPW approved of the LPPI submittal and the RFP for a hiker/biker trail design was prepared by staff and issued. Bids were too high.

*Next Step bids were found to be too high and staff is adjusting scope to keep within budget to have the Town's consultant utilize the funding to design the critical area water crossings.

Windy Ridge Park: Nature Cameras

This project was funded, and camera purchased pre-Covid shutdown. These cameras will allow the Park Naturalist to capture wildlife activity and utilize this video for educational presentations. Staff has now located the areas for installation and provided them to the Department of Public Works.

*Next Step they have been installed and are functional.

Parkland Acquisition: Annexation Resolution

Negotiation for a land purchase to increase the amount of Park Open Space. Staff was authorized to present an offer (10/4/2019). The offer was rejected. Discussion held (2/5/20) with a developer working with the property owner in an attempt to continually seek an alternative Windy Ridge access point in order to avoid access via residential streets is being explored. The proposed development did not incorporate the area discussed in February for the Town to purchase. The developer did not submit the configuration as planned. The Town Attorney has included a clause in the Annexation Agreement to insure this happens. The Planning Board issued a favorable report to the Council.

*Next Step the Annexation Agreement is before the Council for consideration.

Watkins Park: Contingent Grant Funds

Two anticipated grants will fund the Inclusive playground and the amphitheater. Funding notification from the State for the Community Parks and Playground was provided in May 2020. One of the grant requests was approved, but not for the full amount. Ava's T21 would have been able to make-up the difference had the pandemic not brought fundraising to a halt. The Town Council approved Phase 1 of the project contingent on the State DPW approval. Phase 1 construction was completed and is available for community use. Phase 2 was installed in March.

*Next Step a Program Open Space application is being prepared for Phase 3.

Watkins Park: Skate Pump Track

The Town Engineer and Director of Planning have performed a site visit and have a recommended location to be forwarded to the Recreation and Parks Commission. A location has been finalized.

*Next Step construct the track. Board of Parks and Recreation has approved the donation of \$5,000 to the group fundraising, pending storm water management approval from Barney.

East West Park:

This project includes paving access.

*Next Step recommendation for award of contraction at the May 2 Town Council Meeting.

Summit Ridge Park:

This project includes a cantilever for the baseball field, if necessary. An application was submitted for the removal and replacement of the old and damaged playground structure. The Department of Public Works has already had to remove portions deemed unsafe. The Community Parks and Playground application was submitted to DNR. This application was denied.

*Next Step prepare a Carroll County Program Open Space application.

Prospect Park:

This project calls for the rehabilitation of the basketball court.

*Next Step Fence installation to occur in spring and we are not adding pad/bench. Working on pickleball post pricing.

Wildwood Park Swings Set: DELETED

This calls for the replacement of a swing set that was removed. Includes a wheelchair bay. The Beautification Commission Chair does not want swings re-installed in the park. This item was placed on hold until January/February at which time the mayor addressed.

*Next Step None

Wildwood Park Parking Facility: DELETED

The goal is to provide adequate parking for patrons of the park. This item was funded in the FY 23 Budget.

*Next Step None

PUBLIC SAFETY

Police Vehicle: COMPLETED

This is a new vehicle for the Chief of Police and his current vehicle will be cycled into the patrol fleet.

*Next Step completed.

Code Enforcement Vehicle: COMPLETED

The Department is incorporating a used Public Works vehicle for Code Enforcement.

*Next Step.

Police Station Engineering and Design

The Architect has shown multiple renderings for Town's approval in our most recent meetings in April and May 2020. The Town addressed the Feasibility Study and requires choosing a site prior to moving to Phase II in engineering and design of the structure.

*Next Step is site acquisition followed by design of the facility.

GENERAL GOVERNMENT

Town Hall HVAC Replacement COMPLETED

This project involves improvements to the Town Hall Heating, Ventilation and Air Conditioning system.

*Next Step.

Caboose Lighting COMPLETED

This project involves improvements to the caboose area lighting. Conduit and wiring was installed (3/2020). Fixtures arrived and half have been installed.

*Next step.

Flat Iron Building

The Town acquired the building in 1951. The building has structural issues and there has been a good deal of discussion regarding the future of the building. The design was stopped after a public hearing that was held for Phase 1 of the Flat Iron Building on March 20, 2017. A Request For Information/Interest was issued (12/7/19). There were no submittals for the Request for Information/Interest which were due February 3, 2020. Waiting to see Town survey (2/2020) results. Town survey 2020 results found considerably more people interested in the option of

removing the existing structure and replacing with a larger building. The FY22 Budget has \$250k to do “something”. The survey results had 7.45% to retain the building, 17.58% didn’t comment and 74.97% favored its removal and some variation of replacement. A public hearing has been set for the 9/2021 Council Meeting. A consultant was approved at the January meeting to provide 3 or 4 alternative scenarios for the building/site by May. Simultaneously meetings and information will be gathered in concert with the Preservation Society of Maryland.

*Next Step to decide the next step as to what to do with the structure. A discussion is scheduled in May.

STREETS, ROADS AND INFRASTRUCTURE

Mobile Equipment:

This project involves the addition of another mobile sign. This will be the third mobile sign.

*Next Step obtain prices.

Mobile Equipment: COMPLETED

The Department of Public Works will be replacing the scissor-lift piece of equipment with a boom lift in its FY 22 Budget. Due to supply chain issues, this item is not available in FY22. Funds were reallocated at the December Town Meeting to meet another equipment need in the Department.

*Next Step the one-yard bucket truck was purchased and is in service.

Street and Road Construction

The FY 22 allocation is \$300,000.

*Next Step is to finalize design of Prospect Road widening and move FY22 funds to FY23. A bid package will be prepared for FY23 paving funds.

Storm Drain Improvements:

Additional improvements to the system to improve storm inlet boxes that are failing.

*Next Step work is underway.

Storm Drain Improvements – Fencing:

Address fencing (replacement) along the Town’s stormwater management pond.

*Next Step continue to make 2021 improvements.

Center Street Improvements

This item is linked to the Kazanijan Brothers’ request for MXD zoning on the 4 Beck parcels along the roadway. If the properties are developed, then they will provide the roadway construction that will complete Center Street. The completion of Center Street will move forward the Downtown Vision Plan in a domino effect. A meeting was held with the developers

and property owners (11/21/19). An MXD Ordinance was introduced at the Town Council Meeting (1/6/20) and referred to the Planning Commission. The Planning Commission had a Workshop (2/6/20) and discussed the Ordinance. The Ordinance returned to the Council in (7/20) and was re-introduced. MXD Zoning approved by the Council (8/3/20). The contractor is finished with the Phase I improvements. The Kazanijan Brothers met with Staff and Counsel (10/15/20) to discuss the process of moving the Beck Property Development forward. The Department of General Services was again (9/18/20) asked about the timing for the Agreement for acquisition funding. Response was agreement would be here on Monday (9/28/20). Matching funds have been approved for the State grant. After a zoom meeting with the Becks' attorney and potential developer of the site, they indicated that they were not willing to move forward with an appraisal and sale of the roadway. Thus, unless the Town exercises its power of eminent domain, the project cannot move forward. The developer indicated that when the zoning is changed, a Developer's Agreement has been completed and a pattern book in place, then a sale could be considered. An Ordinance to change the zoning was before the Council and referred to the Planning Commission. A favorable Planning Commission recommendation has been transmitted to the Council. The MXD was approved at the October Town Meeting.

*Next Step to present a concept plan in the effort to get to the point of a Developer Requirements and Rights Agreement. Begin the Prospect Road water line replacement with approval from the Town Council.

South Main Street Roundabout

This will provide for engineering and design for the anticipated construction of a roundabout to accommodate current and future traffic and development in the area. It was on the June agenda to provide background. Basic Engineering Consulting Services contract was awarded in February for Phase 1, a feasibility study. Phase 2 and 3, engineering design, were awarded at the June Town Council Meeting. The design is 90% complete.

*Next Step obtain ownership of the three needed land parcels and secure a funding source for construction.

WATER, SEWER AND STORMWATER INFRASTRUCTURE

Center Street Water Line Improvements:

This project is for the design and upgrade from an 8-inch line to a 12-inch line. Design is complete and submitted for permit. Construction anticipated to begin in June. The project was bid and awarded at the May Town Meeting. To complete this project in four phases beginning at the Watkins Park entrance and ending at Cross Street by working their way down Center Street towards Main Street with temporary water lines as they replace the existing. The contractor has completed the work and is waiting for warmer weather to pave.

*Next Step close the project after receipt of final paperwork and payment.

East/West Stormwater Management Pond COMPLETED

This is the design phase for NPDES compliance in cooperation with Carroll County. Design was submitted to MDE for review and comment. Carroll County has completed the bids and Kibler Construction is the apparent low bidder at around \$1.07M and has been awarded the project. Construction started in February and is anticipated to be completed by December 2021. Contractor hit rock and additional funds are budgeted for FY22 to cover those anticipated costs.

WWTP-Press Building Addition COMPLETED

This project calls for the engineering and construction of an addition to the current plant to house press materials from being rehydrated while waiting for shipping. It will also allow for the garage doors to be closed, due to the length of the hauling vehicle. Preliminary drawings are complete and being reviewed by all Agencies. The final design is complete and submitted for permit. Bids have been solicited and a recommendation went to the Council in June. Construction began in July.

*Next Step none.

Inflow and Infiltration Reduction

This project involves the contractor performing slip lining to the Town's sewer lines. The Town Staff has worked diligently to find the sources for inflow and infiltration. They are currently working with the contractor to complete repairs and have an impact on I&I. Access along the sewer easement was necessary between Village Gate tennis courts and the CSX right-of-way (near the collapsed culvert). This will allow access for equipment to make repairs which could not be reached otherwise. Manhole work has been done throughout the Town, rings have been tarred and frames and lids have been repaired or replaced. The budget only allowed \$200,000 for this project for this year. Only approximately 60 manholes out of the 88 were repaired. Awarded \$600,000 of ARPA funds to address this issue.

*Next Step complete the work per the funding allocation.

Water Meter Replacement Project

This is the purchase of replacement water meters. This upgrade will correct the issues with the current meter failures and upgrade/modernize the administrative operations. There will be two bids for this project. The first will be for the purchase of the meters and the second will be for the installation of the meters. Solicitation of Bids have started on 9/20. There will be no Pre-bid meeting for this purchase. Bids are due 10/21, then a recommendation at the November Town Council meeting. The first round and bulk of the meters were ordered in January 2022. The Town started receiving some parts with the remaining due by the end of July. The installation was also awarded.

*Next Step have the contractor begin the work in the Spring.

Purchase of Mowing Equipment: COMPLETED

This is the purchase of a John Deere Tractor and an X-mark Z mower.

*Next Step

Public Works Vehicle:

These funds are slated for the purchase of a pick-up truck. This vehicle will replace the current vehicle that has been repurposed into a Code Enforcement vehicle. Due to supply chain issues, this item is not available in FY22. Funds were reallocated in the FY 22 Budget and replacement funds will be included in the FY 23 Budget process

*Next Step the reallocated funds were utilized to purchase a one-yard loader.

ANNEXATION**Rigler Property:**

This property is currently seeking annexation into the Town and the request has been referred to the Planning Commission. This Annexation Agreement will contain a clause to allow access to Windy Ridge Park. There was a positive report from the Planning Board.

*Next Step it is now before the Council.

Debra Clinton

From: David Warrington
Sent: Tuesday, April 19, 2022 2:24 PM
To: Mayor Larry Hushour; Debra Clinton; John Breeding
Subject: RE: Consultant for MXD

Larry,

I went back to this email with the impending meeting Friday regarding hiring a consultant to review the MXD proposals on the Beck property. If the decision is to go that route and to either forward the invoices to the property owner or to start charging their "account" with the Town, I think we should let the property owners know this in advance of signing a contract and engaging a consultant.

I would not want them to be able to accuse the Town of not being fully transparent.

Just my opinion,
David

From: Mayor Larry Hushour <mayorhushour@mountairymd.gov>
Sent: Wednesday, April 13, 2022 2:04 PM
To: Debra Clinton <dclinton@mountairymd.gov>; John Breeding <jbreeding@mountairymd.gov>
Cc: David Warrington <dwarrington@mountairymd.gov>
Subject: Consultant for MXD

John, Debra, David,

I've attached a string that included Tom, Steve and Jason as well.

MXD zoning indicates that we (the town) may hire a consultant for review Of the plans at various stages and the developer would absorb the cost. The verbiage is:

"Throughout the development review process, should the Planning Commission determine that additional assistance to review an application is required, the Town may hire licensed professionals (such as a landscape architect, architect, and/or engineer) to assist in the review of the application. The cost of any outside professionals shall be paid for by the applicant. The Town shall make every effort to minimize all costs associated with any outside professional assistance."

The question is, if we decide to go this way and hire a consultant, what are your thoughts toward how this would logistically work? Would we "budget" and hire the consultant and seek reimbursement afterward? Or would you think the developer would pay this consultant up front?

I think it would be similar to Attorney fees... budgeted up front and paid for in the end?

What are your thoughts and experiences?

Thanks!
Larry Hushour
Mayor

Attorney-Client Privileged Communication

Thomas V. McCarron

Principal

25 South Charles Street, Ste 1400, Baltimore, MD 21201

Tel: 410-576-4854 | Fax: 410-539-5223 | [REDACTED]

tmccarron@semmes.com

<https://www.semmes.com>



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Attorney-Client Privileged Communication

Larry

Attorney-Client Privileged Communication

Attorney-Client Privileged Communication

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Attorney-Client Privileged Communication

Larry Hushour
Mayor

Attorney-Client Privileged Communication

Attorney-Client Privileged Communication



Council Member Domotor

Debra Clinton

From: Barney Quinn
Sent: Saturday, April 9, 2022 2:10 AM
To: craig@kazbrothers.com
Cc: victor@[REDACTED]; Chaslyn Derexson; David Warrington; John Breeding; Debra Clinton; Mayor Larry Hushour; Jason Poirier; Lynne Galletti; Pamela Reed; Karl Munder; Stephen Domotor; billbutts@[REDACTED]; dickinson1law@[REDACTED]; martina.hatley@[REDACTED]; roxmtairypandz@[REDACTED]; Scott Sirchio; bbieda25@[REDACTED]; ron@[REDACTED]
Subject: Initial Staff Comments - Beck MXD Preconcept Sketch Plans
Attachments: Beck - Preconcept Review - 04-08-2022.pdf

Craig,

As promised you will find attached the initial staff review comments for the Beck MXD preconcept sketch plans. I am copying the Mayor, Town Council, and Planning Commission for their information. Please let me know if you have any questions.

Thanks,

Barney

Bernard M. Quinn, P.E.
Town Engineer of Mount Airy
110 S. Main Street
Mount Airy, MD 21771
bquinn@mountairymd.gov
301-829-1424 (office)
[REDACTED]

TOWN OF MOUNT AIRY

PRECONCEPT SKETCH PLAN REVIEW

Developer: Craig & Victor Kazanjian
Kaz Brothers, L.C.

Office phone: 301-438-2211

Initial Date: 04-08-2022

Status Date: 04-08-2022

Project Title: Beck MXD West and East

Preconcept Sketch Plan Review

ITEM NO.	COMMENTS	DATE CHANGES COMPLETED
	Beck MXD - West	
1	Relocate the drive-thru facility for commercial building I to a location fronting a street: Center, Beck, or MD27 near the medium box store.	
2	Show a future police station where the drive thru location is currently on a minimum 2-acre site with dedicated access to Center Street. Relocate building A if needed to a location fronting a street and create a new, second access point for buildings B and C.	
3	Keep the existing, adjacent 2-acre future municipal building site which will count towards the open space requirement. The land along the entire stretch bordering the existing/future rail trail and Watkins Park shall be dedicated to the Town, including the potential well site.	
4	All other commercial buildings should be fronting a street as you currently have them. The apartments should not be clustered together and should not be towering nearby the Town's community pool. Relocate the apartments to be along the streets, distributed (not clustered adjacent to each other), and preferably located in upper floors above the commercial with the exception of the medium box store. Center Street and Beck Drive especially should have a similar feel as the Downtown Zone in the sense of having all multi-story buildings facing the street with mixed retail, office, and residential uses.	
5	The Beck Drive roadway connection must be kept for an adequate, two-way connection of Park Avenue and Center Street. There are several communities along Merridale Avenue and Park Ave that will benefit from a good road connection to the new mixed-use area. The existing road connections (Veterans Lane, Cross Street and Lookout Avenue) are all inadequate to provide good cross connections for emergency services, in particular the police department and fire company. These should be considered for one way traffic each (Cross St - northbound and Lookout - southbound).	
6	Open Space is an APFO requirement which will be tested at the Concept Plan stage, however consideration for what the Town is in need of should be looked at this time. The Town is particularly short on ballfields and all fields shall be leveled, developed and fenced by the Developer. With the minimum 10% requirement the Developer is challenged to provide one ballfield on each side of	

TOWN OF MOUNT AIRY

PRECONCEPT SKETCH PLAN REVIEW

Developer: Craig & Victor Kazanjian
Kaz Brothers, L.C.

Office phone: 301-438-2211

Initial Date: 04-08-2022

Status Date: 04-08-2022

Project Title: Beck MXD West and East

Preconcept Sketch Plan Review

ITEM NO.	COMMENTS	DATE CHANGES COMPLETED
	MD27. For the West side, locating a ballfield on the north edge near Watkins Park is a challenge due to the proximity of Center Street and trying to maintain the commercial element along that street. The second-best location for this open space is adjacent to the community pool. This provides a good buffer between the pool and the commercial and high-density residential component. This area should be large enough (4+/- acres) to provide a multi-purpose field for soccer, lacrosse, and general play area. This area should also be lighted for evening use. There is potential that the parking could be shared with the adjacent needs for parking based on time-of-day calculations per the Town Code.	
7	The buffer between the new residential lots to the existing Industrial lot on Center Street needs to be a minimum of 50 feet with a dense, multi-layer of tree plantings. Having residential too close to industrial is constantly a problem in Town.	
8	General Note: provide sidewalks from the commercial building fronts to the rear parking.	
9	The side BRL for the single-family lots must be larger than 6 feet for utility easements. A minimum of 10 feet is recommended. The front and rear BRLs should not be any less than 20 feet and 25 feet, respectively, for both single-family and townhome lots.	
10	General Note: permeable concrete and permeable asphalt will not be allowed due to the failures that have occurred throughout the Town. All roads, driveways, and parking lots shall be Town standard asphalt and/or concrete.	
11	Both Center Street and the new portion of Beck Drive will act as collector roads and must be a minimum of 40 feet wide. The residential streets shall be a minimum of 34 feet wide. Creating an island in Center Street as mentioned at the workshop is acceptable, though the eastbound and westbound lanes shall remain 20 feet in width each.	

TOWN OF MOUNT AIRY

PRECONCEPT SKETCH PLAN REVIEW

Developer: Craig & Victor Kazanjian
Kaz Brothers, L.C.

Office phone: 301-438-2211

Initial Date: 04-08-2022

Status Date: 04-08-2022

Project Title: Beck MXD West and East

Preconcept Sketch Plan Review

ITEM NO.	COMMENTS	DATE CHANGES COMPLETED
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	Beck MXD - East	
1	General Note: show all potential well sites with adequate green space (approx.. 1 acre or 100 foot radius) around each. This is an APFO requirement which will be tested at the Concept Plan stage, though the review by the Town should begin at its earliest opportunity to help prepare for the development adequacy. Provide anticipated yield studies and testing data to the Town Engineer.	
2	Coordinate with SHA to provide an at-grade crossing with signalization at the MD27 and Center Street intersection. A traffic study will be required at Concept Plan stage to meet APFO requirements and the intersections to be studied shall be determined by the Town. The Developer shall provide coordination with SHA for the widening of MD27 to four lanes from Twin Arch Road to beyond Center Street consistent with the MD27 Corridor Study.	
3	Center Street shall continue on the East side as a minimum 40 foot wide roadway, similar to the West side. No new street or driveway connections shall be allowed in the first 800 feet of roadway. Consideration shall be given to provide a better Church access point as their existing access point may become a problem after development has occurred. Consideration should also be given to providing the Knill property a better access point aligned with the first access point into the development.	
4	If lots 1-5 are to be considered for a daycare or related other MXD use, then its access point(s) shall be to the internal street and not directly to Center Street.	
5	An access point from Center Street to the Tank site shall be 40 feet wide and same roadway shall be considered to connect to the Twin Arch Shopping Center to minimize additional traffic on Century Drive and MD27. This roadway should be designed as a collector road with no residential driveway connections. Show access driveway to tank site from collector road.	
6	The Open Space requirement on the East side should also be considered for a field, in particular a baseball field, and located in a more level area and where lighting will have the least impact on the new homes. It seems the area immediately north of the shopping center (HomeGoods) and along the new collector road might be ideal for this field. The Developer shall develop this	

TOWN OF MOUNT AIRY

PRECONCEPT SKETCH PLAN REVIEW

Developer: Craig & Victor Kazanjian
Kaz Brothers, L.C.

Office phone: 301-438-2211

Initial Date: 04-08-2022

Status Date: 04-08-2022

Project Title: Beck MXD West and East

Preconcept Sketch Plan Review

ITEM NO.	COMMENTS	DATE CHANGES COMPLETED
	field with level ground, parking, field lighting, dugouts, bleachers, backstop, and fencing.	
7	The buffer area between the new residential lots and all existing industrial lots shall be a minimum of 50 feet with a dense, multi-layer of tree plantings.	
8	A four-way intersection shall be provided in lieu of the curvature in roadway where the Wastewater Treatment Plant Road separates from Center Street. This should be the delineation where Century Drive and Center Street meet with a four-way stop. The future connection to the Knill property at this point will be the planned continuation of Century Drive to Watersville Road consistent with the Town's Master Plan.	
9	Sidewalks shall be provided on both sides of Center Street and Century Drive, although one side could be replaced with an 8 to 10 foot wide ped/bike path. Both Center Street and Century Drive shall be 40 feet in width meeting the Town's collector road standard without any residential driveway access points.	
10	Provide a better mix and arrangement of single-family homes to townhomes as discussed at the workshop.	

TOWN OF MOUNT AIRY

Bernard M. Quinn, P.E.
Town Engineer

Date

Debra Clinton

From: noreply@civicplus.com
Sent: Thursday, April 7, 2022 3:50 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7220 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

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[REDACTED]

Email Address

[REDACTED]

Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Phone Number

[REDACTED]

Enter your message...

We live within the town limits and the Beck Property is our backyard. We do not want the Beck Drive property to be approved in its current plan and disagree that this will benefit the town. We are VERY disappointed with the town council's decision to move forward. The current plan will absolutely take away from the charm of Mt Airy. It will create overcrowding, in addition to traffic issues in an already congested corridor (route 27) into Montgomery County...where many residents commute to work. We moved away from Montgomery County 17 years ago to get away from all of this! We don't disagree with the development of the property, as disappointing as it is to swap open space for concrete, brick and mortar. We do believe it's YOUR JOB to make sure our town doesn't look like something straight out of Montgomery County. We need fewer homes, NO APARTMENTS, limit the commercial building size and ADD MORE GREEN SPACE. We realize that's not conducive to a big paycheck, but we didn't think that's what this town was about...we thought it was about balance.

[REDACTED]

Email not displaying correctly? [View it in your browser.](#)

Debra Clinton

From: Karl Munder
Sent: Thursday, April 7, 2022 3:44 PM
To: dickinson1law@[REDACTED]
Cc: martina.hatley@[REDACTED]; Jason Poirier; John Breeding; Pamela Reed; Lynne Galletti; Stephen Domotor; roxmtairypandz@[REDACTED]; billbutts@[REDACTED]m; Scott Sirchio; Debra Clinton; Mayor Larry Hushour; tmccarron@semmes.com
Subject: RE: Citizen comments about Beck property

Thanks Leslie.

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Cc: martina.hatley@[REDACTED]; Jason Poirier <councilmemberpoirier@mountairymd.org>; John Breeding <jbreeding@mountairymd.gov>; Pamela Reed <councilmemberreed@mountairymd.gov>; Lynne Galletti <councilmembergalletti@mountairymd.gov>; Stephen Domotor <councilmemberdomotor@mountairymd.gov>; roxmtairypandz@[REDACTED]; billbutts@[REDACTED]; Scott Sirchio <sirchio@[REDACTED]>; Debra Clinton <dclinton@mountairymd.gov>; Mayor Larry Hushour <mayorhushour@mountairymd.gov>; tmccarron@semmes.com
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To make matters worse, the East side of Rt.27 is masquerading as MXD, when it is really high density residential, that will -unless something changes - be crammed with 100's of houses and minimal to no open space.

I think it would be disingenuous and rather insulting to residents to present a 'fact' sheet of processes that have not been followed in this instance.

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John

John Breeding

Director of Planning and Zoning

Town of Mount Airy

Office 301-829-1424 / [REDACTED]

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Phone Number

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Enter your message...

Regarding the development of Center Street/Beck Property.

I have been an avid supporter of opening up center street, as well as many other town development plans that have the benefit of making our town a more successful, more enjoyable place to live. I have been interested in and supportive of the connective of center street because I have hopes to one day open an interesting business here in town down the road, and the connection of 27 to main street makes the entire center street corridor suddenly viable.

The directions that the town and developer appear to be going in is incredibly disappointing.

I brought up at the townhall meeting for the beck property that this proposal didn't meet the visions of the town that were collected from the Vision Plan meetings in years prior, things like walkable parks, interactive sculptures (think the sign language Frederick bike rack, or the plaza in Philly with built in sculpture chairs in front of a stage), unique architecture, etc.

The design shown to the town looks like someone did a quick

sketch of the required businesses and then filled every last inch with their money maker, houses, and then put the bare minimum of green space and called it done.

Things I would like to see based on the drawings provided by the developer/town:

1. We don't need another grocery store location, we have plenty of those and it adds very little to the town character. Instead, replace that building with a Community Center. I suspect that it will require less parking which will open up more land for green space/parks, and the town actually wants, and desperately needs a community center.

2. All of the parking and building up against rails to trails should be green space. This is one of the towns most endearing features, and putting a giant parking lot right against one of the entrances of it will destroy the feel of it. I suggest instead of parking in the rear of these buildings, create built in small patios and picnic benches for each of the buildings, so instead of seeing buildings, cars, trash, and parking lots from the path, you see what looks like just another picnic area to match the park on the other end of the entrance. You could even connect the trail in that direction at the end of the path, instead of needing to create barriers to protect the path from cars and such.

3. The amount of houses is ridiculous. The town and developer are aware of this, as said by the developer "We start high because we know people are going to try to talk us down". I'm a big fan of the diversity that townhouses and apartment buildings bring, and that being said this is not the way to do it. It was stated at the meeting that the town doesn't have the resources to accommodate this many houses (water, roads, emergency response, etc.). I don't know exactly how many houses you could cut from this plan, but looking at it I would say that you could easily cut over half of them and still have plenty of new real-estate for incoming residents, while freeing up a considerable amount of space for green space, while alleviating the stress on resources this would place on our town.

4. The municipal building. For similar reasons, this should not be placed against rails to trails.

5. Addressing schooling, 27, and the rest of center street. It seems that there was no actual plan in place at the time of the town meetings to address any of this. There isn't enough

schooling for the residents in town as it stands, 27 already isn't capable of handling all of mount airy's growth, let alone allowing people to cross from beck east to west, and slapping an updated business corridor onto the end of center street without a cohesive plan for sidewalks, bike lanes, etc. is going to make our town look like frankenstein's monster instead of a unique an interesting community.

We have the opportunity to really add to the character and life of the town. I don't think there is anything wrong with urbana or germantown or any of those other urban sprawl places, but I do think they are completely devoid of character, and there are examples all over the country and world of small towns growing while amplifying their character and charm in incredibly unique ways, and I would like to see the town take any of this into consideration before letting a developer destroy several acres of beautiful woodland for nothing more than money.

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From: John Breeding <jbreeding@mountairymd.gov>
Sent: Thursday, April 7, 2022 11:44 AM
To: Jason Poirier <councilmemberpoirier@mountairymd.org>; Pamela Reed <councilmemberreed@mountairymd.gov>; Karl Munder <councilmembermunder@mountairymd.gov>; Lynne Galletti <councilmembergalletti@mountairymd.gov>; Stephen Domotor <councilmemberdomotor@mountairymd.gov>; [roxmtairypandz@\[REDACTED\]](mailto:roxmtairypandz@[REDACTED]) <[roxmtairypandz@\[REDACTED\]](mailto:roxmtairypandz@[REDACTED])>; [billbutts@\[REDACTED\]](mailto:billbutts@[REDACTED]) <[billbutts@\[REDACTED\]](mailto:billbutts@[REDACTED])>; Scott Sirchio <[sirchio@\[REDACTED\]](mailto:sirchio@[REDACTED])>; [dickinson1law@\[REDACTED\]](mailto:dickinson1law@[REDACTED]) <[dickinson1law@\[REDACTED\]](mailto:dickinson1law@[REDACTED])>; [martina.hatley@\[REDACTED\]](mailto:martina.hatley@[REDACTED]) <[martina.hatley@\[REDACTED\]](mailto:martina.hatley@[REDACTED])>; Debra Clinton <dclinton@mountairymd.gov>; [bbieda25@\[REDACTED\]](mailto:bbieda25@[REDACTED]) <[bbieda25@\[REDACTED\]](mailto:bbieda25@[REDACTED])>
Cc: Mayor Larry Hushour <mayorhushour@mountairymd.gov>; David Warrington <dwarrington@mountairymd.gov>
Subject: RE: re: Citizen comments about Beck property

Hello, Everyone,

I wanted to let you know that we have received word that some citizens could be protesting in front of Town Hall tonight before the meeting. If you want to park out back and use the rear stairs or come early that is up to you, I will be upstairs around 6:00 p.m.

John

John Breeding

Director of Planning and Zoning
Town of Mount Airy
Office 301-829-1424 / [REDACTED]

Debra Clinton

From: Martina Hatley <martina.hatley@gmail.com>
Sent: Thursday, April 7, 2022 12:46 PM
To: Jason Poirier
Cc: John Breeding; Pamela Reed; Karl Munder; Lynne Galletti; Stephen Domotor; roxmtairypandz@[REDACTED]; billbutts@[REDACTED]; Scott Sirchio; dickinson1law@[REDACTED]; Debra Clinton; Mayor Larry Hushour; tmccarron@semmes.com
Subject: Re: Citizen comments about Beck property

Hello Everyone,

A few Mount Airy residents have said that developers have gotten whatever they wanted in the past. If this has happened, what can we do going forward to help our citizens realize that we are not doing the bidding of every developer, but are going through the admittedly confusing & difficult process? Do we need a public relations person to help work with the town to restore public trust?

Martina

On Apr 7, 2022, at 11:59 AM, Jason Poirier <councilmemberpoirier@mountairymd.org> wrote:

Thank you for letting us know.

Thank you,
Jason Poirier
Council President - Town of Mount Airy

From: John Breeding <jbreeding@mountairymd.gov>
Sent: Thursday, April 7, 2022 11:44 AM
To: Jason Poirier <councilmemberpoirier@mountairymd.org>; Pamela Reed <councilmemberreed@mountairymd.gov>; Karl Munder <councilmembermunder@mountairymd.gov>; Lynne Galletti <councilmembergalletti@mountairymd.gov>; Stephen Domotor <councilmemberdomotor@mountairymd.gov>; roxmtairypandz@[REDACTED]; <roxmtairypandz@[REDACTED]>; billbutts@[REDACTED] <billbutts@[REDACTED]>; Scott Sirchio <sirchio@[REDACTED]>; dickinson1law@[REDACTED] <dickinson1law@[REDACTED]>; martina.hatley@[REDACTED] <martina.hatley@[REDACTED]>; Debra Clinton <dclinton@mountairymd.gov>; bbieda25@[REDACTED] <bbieda25@[REDACTED]>
Cc: Mayor Larry Hushour <mayorhushour@mountairymd.gov>; David Warrington <dwarrington@mountairymd.gov>
Subject: RE: re: Citizen comments about Beck property

Hello, Everyone,

I wanted to let you know that we have received word that some citizens could be protesting in front of Town Hall tonight before the meeting. If you want to park out back and use the rear stairs or come early that is up to you, I will be upstairs around 6:00 p.m.

John

John Breeding

Director of Planning and Zoning

Town of Mount Airy

Office 301-829-1424 / [REDACTED]

Debra Clinton

From: Jason Poirier
Sent: Thursday, April 7, 2022 12:00 PM
To: John Breeding; Pamela Reed; Karl Munder; Lynne Galletti; Stephen Domotor; roxmtairypandz@[REDACTED]; billbutts@[REDACTED]; Scott Sirchio; dickinson1law@[REDACTED]; martina.hatley@[REDACTED]; Debra Clinton; bbieda25@[REDACTED]
Cc: Mayor Larry Hushour; David Warrington
Subject: Re: re: Citizen comments about Beck property

Thank you for letting us know.

Thank you,
Jason Poirier
Council President - Town of Mount Airy

From: John Breeding <jbreeding@mountairymd.gov>
Sent: Thursday, April 7, 2022 11:44 AM
To: Jason Poirier <councilmemberpoirier@mountairymd.org>; Pamela Reed <councilmemberreed@mountairymd.gov>; Karl Munder <councilmembermunder@mountairymd.gov>; Lynne Galletti <councilmembergalletti@mountairymd.gov>; Stephen Domotor <councilmemberdomotor@mountairymd.gov>; roxmtairypandz@[REDACTED] <roxmtairypandz@[REDACTED]>; billbutts@[REDACTED] <billbutts@[REDACTED]>; Scott Sirchio <sirchio@[REDACTED]>; dickinson1law@[REDACTED] <dickinson1law@[REDACTED]>; martina.hatley@[REDACTED] <martina.hatley@[REDACTED]>; Debra Clinton <dclinton@mountairymd.gov>; bbieda25@[REDACTED] <bbieda25@[REDACTED]>
Cc: Mayor Larry Hushour <mayorhushour@mountairymd.gov>; David Warrington <dwarrington@mountairymd.gov>
Subject: RE: re: Citizen comments about Beck property

Hello, Everyone,

I wanted to let you know that we have received word that some citizens could be protesting in front of Town Hall tonight before the meeting. If you want to park out back and use the rear stairs or come early that is up to you, I will be upstairs around 6:00 p.m.

John

John Breeding

Director of Planning and Zoning
Town of Mount Airy
Office 301-829-1424 / [REDACTED]

Debra Clinton

From: John Breeding
Sent: Thursday, April 7, 2022 11:45 AM
To: Jason Poirier; Pamela Reed; Karl Munder; Lynne Galletti; Stephen Domotor; roxmtairypanz@[REDACTED]; billbutts@[REDACTED]; Scott Sirchio; dickinson1law@[REDACTED]; martina.hatley@[REDACTED]; Debra Clinton; bbieda25@[REDACTED]
Cc: Mayor Larry Hushour; David Warrington
Subject: RE: re: Citizen comments about Beck property

Hello, Everyone,

I wanted to let you know that we have received word that some citizens could be protesting in front of Town Hall tonight before the meeting. If you want to park out back and use the rear stairs or come early that is up to you, I will be upstairs around 6:00 p.m.

John

John Breeding
Director of Planning and Zoning
Town of Mount Airy
Office 301-829-1424 / [REDACTED]

Debra Clinton

From: John Breeding
Sent: Thursday, April 7, 2022 11:30 AM
To: bbieda25@[REDACTED]
Cc: Debra Clinton
Subject: FW: re: Citizen comments about Beck property
Attachments: Public comment on Beck Property.pdf

I just want to forward these letters received by the Planning Department.

Tonight's meeting starts at 7:00 pm Sharpe, I do want you to know that there might be a public protest out in front of Townhall tonight.

John,

From: John Breeding
Sent: Tuesday, April 5, 2022 3:39 PM
To: Jason Poirier <councilmemberpoirier@mountairymd.org>; Pamela Reed <councilmemberreed@mountairymd.gov>; Karl Munder <councilmembermunder@mountairymd.gov>; Lynne Galletti <councilmemborgalletti@mountairymd.gov>; Stephen Domotor <councilmemberdomotor@mountairymd.gov>; Roxanne Hemphill (Chairwoman) <roxmtairypanz@[REDACTED]>; Bill Butts <billbutts@[REDACTED]>; Scott Sirchio <sirchio@[REDACTED]>; Leslie Dickinson <dickinson1law@[REDACTED]>; martina.hatley@[REDACTED]; Debra Clinton <dclinton@mountairymd.gov>; Holly McCleary <hmcclary@mountairymd.gov>
Cc: Mayor Larry Hushour <mayorhushour@mountairymd.gov>; David Warrington <dwarrington@mountairymd.gov>
Subject: re: Citizen comments about Beck property

Hello, Everybody

I wanted to forward letters to the Planning Commission before the Joint Work session this coming Thursday, the 7th of April. I have hard copies of these citizen concerns available at Town Hall for pick up before the meeting or available to you at the Work Session.

John

John Breeding

Director of Planning and Zoning
Town of Mount Airy
Office 301-829-1424 / [REDACTED]

John Breeding

From: noreply@civicplus.com
Sent: Tuesday, April 5, 2022 2:14 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7213 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

Email Address

Address

City

State

Zip Code

Phone Number

Field not completed.

Enter your message...

"Dear Mount Airy Town Council and Planning Commission members,

I am writing to express my strong opposition to the proposed development and rezoning on both sides of MD Rt. 27/Ridge Road known as "the Beck Property". Further actions on this proposal have not been properly vetted by the community.

When my family and I moved to Mount Airy, MD we came here looking and finding a small town charm. My story is identical to hundreds of families who moved here to get away from loud traffic, over crowded schools, crime, and other community resource constraints.

The addition of hundreds of homes will add more traffic to an oversaturated MD route 26. By calculations that is an estimated additional 2700 vehicles in the heart of our small town. How will anyone be able to get anywhere? In the master plan it is outlined the intersection level of service is degraded at this point and with future development will have significant risk. Center Street is being expanded, however there is a safety issue in front of the MAPD station. Tri-Star has students that

have to cross that very busy road and it'll just be a matter of time before there is an accident with a pedestrian.

Where is the extra water to supply these houses and businesses going to come from? We are constantly running into a water issue. Rezoning just to do it now and not having a plan approved to cover any expansion is reckless. This tactic to "figure it out later" is gambling with this town's future and my family's stability. That's not what we voted people into these positions to do.

The addition of another grocery store is completely asinine. We have 3 grocery stores. That is the last thing we need. Where in "the Beck Property" plans is there more green space for these homes children to play?

Emergency resource buildout.. what is the plan there? With hundreds of homes, come at least triple the occupancy increase. How will our volunteer fire department support the influx of calls? Where is the analysis of how the town will support fire, medical and police emergencies?

I want to once again say I STRONGLY OPPOSE the CURRENT proposed development and rezoning on both sides of MD Rt. 27/Ridge Road known as "the Beck Property".

Thank you

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Monday, April 4, 2022 8:52 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7210 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

[REDACTED]

Email Address

[REDACTED]

Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Phone Number

[REDACTED]

Enter your message...

Dear Mount Airy Town Council Members,

I am writing to express my strong opposition to the proposed development and rezoning on both sides of MD Rt. 27/Ridge Road known as "the Beck Property". Further actions on this proposal have not been properly vetted by the community.

I've lived in Mount Airy pretty much my entire life. I loved growing up here in our small town. I loved it so much that my husband and I decided to raise our children here. Hearing the news of all of the building plans has created a dark cloud over our household and our community. My family lives here because we DO NOT want to raise our boys in a city like Urbana, Germantown, Columbia, etc. where it is overcrowded. The extra homes, apartment buildings, and single family homes will cause our schools to be overcrowded. It's not fair to the children who already live here or the school staff. How about building more baseball fields, soccer fields, football fields, lacrosse fields, and parks for the children that live here in our community instead of adding more to our population.

The addition of hundreds of homes will add more traffic to an

oversaturated MD route 26. By calculations that is an estimated additional 2700 vehicles in the heart of our small town. How will anyone be able to get anywhere? In the master plan it is outlined the intersection level of service is degraded at this point and with future development will have significant risk. Center Street is being expanded, however there is a safety issue in front of the MAPD station. Tri-Star has students that have to cross that very busy road and it'll just be a matter of time before there is an accident with a pedestrian.


Where is the extra water to supply these houses and businesses going to come from? We are constantly running into a water issue. Rezoning just to do it now and not having a plan approved to cover any expansion is reckless. This tactic to "figure it out later" is gambling with this town's future and my family's stability. That's not what we voted people into these positions to do.

The addition of another grocery store is completely asinine. We have 3 grocery stores. That is the last thing we need. Where in "the Beck Property" plans is there more green space for these homes children to play?

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I want to once again say I STRONGLY OPPOSE the CURRENT proposed development and rezoning on both sides of MD Rt. 27/Ridge Road known as "the Beck Property".

Thank you!



Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Sunday, April 3, 2022 8:58 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7205 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

Email Address

Address

City

State

Zip Code

Phone Number

Enter your message...

Good evening,

I will not be able to attend tomorrow's council meeting due to a prior commitment, but I ask that the following comments about the Greentree property be taken into consideration by the mayor, council, and the planning commission before rushing yet another decision on this property:

Open space that isn't really...

First, the open space proposed by Greentree (situated at a distance from the actual homes) does nothing for the community of Mount Airy. The area designated for open space is heavily wooded and hardly accessible to the public. This is an obvious "check in the box" by the developer. The only use this supposed "open/green space" will get is from residents in Summit Ridge/Greentree and even that will likely be minimal. So, let's not kid ourselves into thinking this is contributing anything useful for the town. Mount Airy is seriously lacking in open/recreational space for youth athletics. You are allowing a developer to eat up any usable space with pavement, a commercial building plopped in the middle of a residential neighborhood (??), and homes--which will bring more people

into a community that already doesn't have adequate recreational space. And please don't tell me Harrison-Leishear is the answer for future recreational space because the planning commission just reminded us a week ago during public comments that it is outside of town limits.

Townhomes that don't match existing homes
Greentree development's 3-story homes will dwarf all homes in the vicinity--for that matter, most homes in Mount Airy. Why isn't the town demanding homes that match the existing character of the surrounding residential area and the town? During one of the recent public meetings about the Beck property, it was mentioned the townhomes in Beck West would be the same/similar to Greentree with rear-entry garages and "alley-ways" between the homes. It was said that this style of townhome is more "urban" and therefore Beck East would have "traditional" townhomes. Have you driven by the Greentree property? There is nothing urban around or within miles of it. I am not entirely opposed to a small townhome community in an existing residential area. However, this style of townhome should be out of the question. The town is letting this and other developers get away with changing the character of our town, little by little. It is bad enough that you allowed MXD zoning on this property, but I assume that was done in anticipation of annexing Harrison Leishear. In any event, a commercial building is going to stick out like a sore thumb there. Let's not also allow the developer/builder to build homes that are completely out of place compared to surrounding neighborhoods and look like they belong in Clarksburg or Rockville.

Impact to surrounding communities

There are property owners across N. Main Street that currently have a breathtaking view of the mountains in the distance and gorgeous sunsets. They will no longer be able to see past the roofs of the homes in front of them. This is such a shame. I am also extremely concerned with potential runoff issues for the surrounding neighborhood on Candice Drive. We cannot keep pretending that because a neighbor across the street isn't part of "town," they don't exist or matter. We're all in the same zip code.

Traffic

There may have been a light installed at N. Main St & 27, but that doesn't alleviate the volume of traffic that ends up on 27 during rush hour. More homes, more people, more traffic. This is also going to impact secondary roads such as Watersville, N. Main St, and Candice. Where is the traffic study??

Holistic View of Mount Airy's Future

Properties such as Greentree keep coming up as their own agenda topic and, maybe for legal reasons, that's what has to be. However, we all know what the vision is for certain people on town council and the planning commission--massive amounts of development! So, while you may have adequate water for a planned development like Greentree, when taken as a whole, do you have it for all of the planned development? The answer is no. When taken as a whole, have you accounted for what this development and all others will do to the character of this town? The answer is no. Have you considered the fact that Mount Airy Middle will be over capacity? Unlikely.

You're eating up the town's green space with development. You're adding more people and businesses without the infrastructure and foundation for them. The reality is--we don't want more infrastructure. We don't want 27 to be a 4 lane highway. My guess is that if you did a REAL town survey--not one that was tailored to the answers you wanted to see and then answered by hardly anyone in town--you would find the majority of residents do not want this type of growth. Most people moved here to get away from the rat race. They don't like Urbana, Clarksburg, Rockville, Columbia, and Ellicott City.

Certain people in town government are taking advantage of the fact that Mount Airy is a bedroom community. Many, if not a majority, of the town commute many miles for work. They commute, work, commute again and, after cooking dinner, going to activities, and taking care of their families, they don't have much time to get involved in local politics. Local politicians here are not exactly vocal about their intentions and we no longer have a town newspaper, so it is difficult for people to know what's happening. I urge you to consider a new survey that will reach all residents--especially now that we are post-COVID--and use a combination of modern technology and traditional means to do so. Ensure the questions are worded appropriately, not leading, and find a way to maximize participation in the survey.

Please remember who you are representing. Please remember that people didn't move here for the long commute to work. They moved here for the atmosphere of our small town. If we wanted to be closer to work, live in a "walkable" community (cracks me up considering how cold it gets here!), or an urban environment, we could have moved to a really crowded area that looks a lot like what the Beck property is set to turn into. Let's not turn Mount Airy into another sad story about how

greed ruined a town.



P.S. In the interest of openness and transparency, please speak directly into your microphones for this and ALL other meetings. The recordings of the meetings are often difficult to hear. Also, please consider providing the ability for the public to comment at these hearings virtually. For more sensitive subjects, such as rezoning, developments, etc., many of our community want to participate, but don't have the ability to stand in the hallway to wait for extended periods of time. Since you were able to use the Zoom capability during COVID, it seems there should be a way to incorporate that capability to allow for public comment.

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Monday, April 4, 2022 4:56 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7209 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

[REDACTED]

Email Address

[REDACTED]

Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Phone Number

[REDACTED]

Enter your message...

Dear Mount Airy Town Council,

I am writing to express my strong opposition to the proposed development and rezoning on both sides of MD Rt. 27/Ridge Road known as "the Beck Property". Further actions on this proposal have not been properly vetted by the community.

When my family and I moved to Mount Airy, MD we came here looking and finding a small town charm. My story is identical to hundreds of families who moved here to get away from loud traffic, over crowded schools, crime, and other community resource constraints.

The addition of hundreds of homes will add more traffic to an oversaturated MD route 26. By calculations that is an estimated additional 2700 vehicles in the heart of our small town. How will anyone be able to get anywhere? In the master plan it is outlined the intersection level of service is degraded at this point and with future development will have significant risk. Center Street is being expanded, however there is a safety issue in front of the MAPD station. Tri-Star has students that have to cross that very busy road and it'll just be a matter of

time before there is an accident with a pedestrian.

Where is the extra water to supply these houses and businesses going to come from? We are constantly running into a water issue. Rezoning just to do it now and not having a plan approved to cover any expansion is reckless. This tactic to "figure it out later" is gambling with this town's future and my family's stability. That's not what we voted people into these positions to do.

The addition of another grocery store is completely asinine. We have 3 grocery stores. That is the last thing we need. Where in "the Beck Property" plans is there more green space for these homes children to play?

Emergency resource buildout.. what is the plan there? With hundreds of homes, come at least triple the occupancy increase. How will our volunteer fire department support the influx of calls? Where is the analysis of how the town will support fire, medical and police emergencies?

I want to once again say I STRONGLY OPPOSE the CURRENT proposed development and rezoning on both sides of MD Rt. 27/Ridge Road known as "the Beck Property".

Thank you-

[REDACTED]








Email not displaying correctly? [View it in your browser.](#)


John Breeding

From: noreply@civicplus.com
Sent: Tuesday, March 29, 2022 4:21 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7187 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name 
Email Address 
Address 
City 
State 
Zip Code 
Phone Number 
Enter your message...

Hello! My name is , and I am a resident of Mount Airy. I am writing to you today in concern for the proposal of three new developments: Greentree Village, Beck Property-West side of MD 27, and Beck Property-East side of MD 27.

All 3 developments can affect our current water, traffic on MD Route 27 (Ridge Rd.), schools, and our police / fire / EMS services. Outside of infrastructure changes, it will also change the quality of life for current residents of the town, in many, many ways.

- Beck-East plan does not comply with the Town's written zoning criterion for a Multiuse District (MXD).
- Based upon the 2019 Carroll City Water + Sewer Master Plan (using 2016 use data), Mt. Airy needs an additional 262,000 gals/day to meet its projected demand (which didn't include the 3 latest developments with 776 homes plus commercial).
- Same County Plan said in 2019 that our one waste water treatment plant cannot be expanded further, yet this Beck development will push effluent load on it past its mandated limit.
- Our town Adequate Public Facilities Ordinance requires the

Town to certify that ALL roads affected by the development to be adequate to handle the increased load.

I understand the need for growth, but I think it is wise to do so responsibly and not "stuff" as many homes as possible into an area. When looking at surrounding counties (Howard, Montgomery), they have grown at such a massive rate - something many who live in Mount Airy hope to escape. My family loves Mount Airy because it is more rural and a small town. We enjoy low crime and less crowded streets and schools. If these three properties move forward, it will certainly make many residents uncomfortable with their choice to make Mount Airy their long term place to live. Please do not submit our home of Mount Airy to the awful condition that so many other surrounding towns now are.

Thank you for the time!

[REDACTED]

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Tuesday, March 29, 2022 10:39 AM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7186 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

[REDACTED]

Email Address

[REDACTED]

Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Phone Number

[REDACTED]

Enter your message...

(Revised)

Dear Mayor and Town of Mount Airy: There is a message pertaining to proposed growth that is now circulating around town, and it's very concerning. I know the potential revenue from building hundreds of more homes and businesses is enticing to the town, but I'm sure that most of us who currently live here are not happy about it. And I believe I may speak for many of us when I say, if this does happen, we sadly will plan on moving away because the kind of congestion it will bring and the burden it will put on our town's resources will ruin the very reason we live here. It will conflict with and spoil the highly valued, quaint, family-oriented, small-town hallmarks we enjoy, such as Rails to Trails, Knills' Farm, Watkins Park, Main Street, Pub Runners, Farmers Market, Oktoberfest, the Fireman's Carnival, community projects, various 5ks, school events, etc. and Mount Airy will no longer be the small, peaceful, tightly-knit town we all know and love. We need the funds to go towards improving and building on the charm and family-friendly aspects of the town, rather than increasing the population. We don't want to become just another town that puts money before its people.

Thank you [REDACTED]

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Tuesday, March 29, 2022 10:13 AM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7185 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name [REDACTED]

Email Address [REDACTED]

Address [REDACTED]

City [REDACTED]

State [REDACTED]

Zip Code [REDACTED]

Phone Number *Field not completed.*

Enter your message... I have heard that there are some plans for developing the area between Twin Arch and North Main Street with apartments, townhomes, single family homes, and some commercial buildings. I am writing to express my desire that the city not move forward with these plans. A large part of the charm of Mount Airy is it's small-town feel, and adding so many buildings on 27 will move the town farther away from that feeling, not to mention the influx of people in the shopping centers, schools, etc.

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Tuesday, March 29, 2022 9:23 AM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7184 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

Email Address

Address

City

State

Zip Code

Phone Number

Enter your message...

Dear Mayor and Town of Mount Airy Planning Commission:
There is a message about potential growth that is now circulating around town, and it's very concerning. I know the potential plans to build hundreds of more homes and businesses is enticing, revenue-wise, for the town, but I'm sure that most of us who currently live here are not happy about it all. And I believe I may speak for many of us when I say, if this happens, we sadly will plan on moving away because the kind of congestion it will bring and the burden it will put on our town's resources will ruin the very reason we live here. It will conflict with and spoil the important, quaint, family-oriented, small-town ideals, such as Rails to Trails, Knills' Farm, Watkins Park, Main Street, Pub Runners, Farmers Market, Oktoberfest, the Fireman's Carnival, community projects, various 5ks, school events, etc. and Mount Airy will no longer be the small, peaceful, tightly-knit town we all know and love. We need the funds to go towards improving and building on the charm and family-friendly aspects of the town, rather than increasing the population. We don't want to become just another town that puts money before its people.

Thank you,

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Monday, March 28, 2022 7:42 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7183 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

Email Address

Address

City

State

Zip Code

Phone Number

Enter your message...

Please, do not allow the proposed building on the Beck, Rigler, and other proposed developments whether residential or commercial. Please keep Mt. airy a small town. Don't let it become another Urbana or Clarksburg. I know there will always be those who want the growth, but time and again the town residents have said they don't want that. While I'm outside the town limits, Mt. airy is my home and the proposed growth would ruin it. Especially with the Rigler property being right next to my development. I worry the added homes will impact my well, let alone the town well right behind my house.

Sincerely,

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Monday, March 28, 2022 6:54 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7182 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

[REDACTED]

Email Address

[REDACTED]

Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Phone Number

[REDACTED]

Enter your message...

As a citizen of the town of Mt Airy I am concerned with the amount of development that is being considered within our town limits. I moved to this town because I loved the small town feel. I am also concerned about the water shortages that Mt Airy has had in the past. How are you planning to provide water to so many new houses and apartments? Do we have enough fire and police services for so many new residents? Has the increased traffic that these developments been studied? This town went crazy over the increase in traffic that Chick-fil-A was going to bring.

I do not want to live in an over developed town. I want small town Mt Airy!

Thank you

[REDACTED]

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Monday, March 28, 2022 5:43 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7181 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

[REDACTED]

Email Address

[REDACTED]

Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Phone Number

Field not completed.

Enter your message...

Dear Mr. Mayor and Members of the Town Council,

It has been brought to my attention that there will possibly be more houses built along route 27. I know I speak for many, when I say "PLEASE DON'T DO THIS!" We moved to Mt. Airy because of the small-town charm and the quaint atmosphere. If I wanted a more city-like town, I could have moved to Columbia or Eldersburg. The town does not have enough resources to handle as many homes that are being discussed. I know progress must go on, but must it go on at the expense of so many? Could not some agreement be reached at the very least, to build a much-smaller number of houses? Or not any at all?

Thank you for your time,

[REDACTED]

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Tuesday, March 22, 2022 5:55 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7168 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

Email Address

Address

City

State

Zip Code

Phone Number

Enter your message...

I sent a letter to Councilman Poirier earlier today addressing my concerns but I do have some questions for you to address.

What added costs are there going to be for the additional single family homes, townhouses, apartments, and businesses that are being built? Do we have to add police? Did you do a study to see how many children will be moving here and their ages? How will this affect schools? (Roxanne mentioned last week that we almost shut down a school a few years back. That does not answer the question.) What additional strains will this add to our EMS and volunteer fire department? Will there be upgrades to the water purification plant? Does the sewer treatment plant need to be upgraded to handle the additional flow? How much will the sanitation contract go up? What will the tax payments be on these new homes and businesses? Will it cover all of the additional costs that we will have due to all of this development? Thank you for your time. I look forward to hearing the responses.

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Tuesday, March 22, 2022 2:58 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7166 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

Email Address

Address

City

State

Zip Code

Phone Number

Enter your message...

Dear Members of Mount Airy Planning Commission,

I am writing to you all as I am very concerned about the sheer number of residential units that are proposed in various locations within our town. If you add the potential # up it's close to 700!

I have a number of concerns about this, but one at the top of the list is how it could significantly impact our excellent schools in a negative way by overcrowding them. I am hoping that you will consider the following as you move forward in your decision making process.

1. Carroll County Public Schools has recently created a "Southern Redistricting Committee" that has been tasked with balancing enrollment and redistricting in the southern portion of the county. This committee was formed due to overcrowding in some Eldersburg area schools. As you probably know they have added several new residential neighborhoods in this area and it has affected enrollment numbers and community schools. I am not personally on this committee, but I would assume that the end result will likely look like an East-West-

South push. Students in Eldersburg will be pushed out to the Winfield area schools, which will require more Winfield districted kids to come to Mount Airy schools. The committee will make their final recommendations in September of this year. There is a link on the CCPS website if you are interested in learning more.

2. The Kirwan Commission developed a "Blueprint for MD's Future Act", which is intended to improve education in our state. This was recently signed into law, and is expected to be phased in to all MD public school systems by 2030. A portion of this law will require public schools to facilitate free and universal all day Pre-K to families that wish to receive it. This will require more square footage in our schools than is currently utilized for pre-k education. Our schools will need room for this. During the most recent Board of Education/County Commissioner meeting, this was discussed at length. The Blueprint is MD law, but the level and caveats of funding coming with it remains unclear and is concerning to both CCPS and our Board of County Commissioners.

3. If you take a look at current CCPS enrollment, you will find that Parrs Ridge and Mount Airy Elementary have some open capacity. Today, they are not at capacity or overcrowded. However, enrollments are projected to continue to increase each year....just based on the families that are here now. Mount Airy Middle School is currently in the 90% range, and also projected to increase.

4. There are many negative impacts of overcrowded schools on students and staff that we can all name, but one that very much concerns me is the use of portables. I would hate to see Mount Airy students in portable classrooms as a result of poor planning. Especially given the fact that Parrs Ridge is situated in the center of a public park. The children at Parrs are our youngest learners (pre-k to 2nd), it would not be optimal to have them in portables and going in and out of the building throughout the day.

I'm hoping that you will strongly consider our town schools as you move forward in the process. Thank you all for your service to our great town!

Respectfully,

A black rectangular box redacting the signature of the sender.

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Tuesday, March 22, 2022 1:16 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7165 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name	<input type="text"/>
Email Address	<input type="text"/>
Address	<input type="text"/>
City	<input type="text"/>
State	<input type="text"/>
Zip Code	<input type="text"/>
Phone Number	<input type="text"/>
Enter your message...	<p>In regards to the Beck and Greentree properties, as a resident of the Sterling Glen Community, my husband and I are very concerned about the development of these two properties. One of our concerns is the traffic that these developments will generate and the existing infrastructure will not be able to handle the volume of traffic generated. Another concern is the fact that our schools in Mt. Airy are crowded now. This will impact the problem further. What about the Towns Water Supply and Waster Management issues. How much development is enough? Our police department has enough to handle with the size of our town already. You'll have to enlarge the PD which will increase our taxes in order to pay their salaries. You're pricing those of us that are over 65 right out of the town.</p>

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Tuesday, March 22, 2022 11:53 AM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7164 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name [REDACTED]

Email Address [REDACTED]

Address [REDACTED]

City [REDACTED]

State [REDACTED]

Zip Code [REDACTED]

Phone Number [REDACTED]

Enter your message...

Growth is inevitable, but smart growth is paramount. The number and depth of current projects the town is considering is staggering, and quite frankly, not smart. Beck, Greentree, Harrison Leishear, the potential for Cold Storage and Vosloh... no one can say for certain how any one of these developments will affect our town's infrastructure and way of life. Yet the Planning Commission seems comfortable with favorably recommending these developments. Adding additional commercial space via MXD when there is a surplus of available commercial space is short sighted at best. Changing the APFO to benefit developers is dangerous and, quite frankly, unethical. The town doesn't need the developers, they need us. If development is to come, the town should be the winner, not the developer. Dense development is not what our small town needs or wants. Green space, ball fields, and minimal building is what says "small town charm". Not endless storefronts, apartments, insane amounts of traffic, and another drive through. I live near Greentree and the proposed development is far too dense for the area. Single family homes or a retirement community (as was originally intended) I can support. High density and negligible open space, I cannot support. The impact to the residents adjacent to Greentree

should be of great importance to the town, however residents concerns seem to fall on deaf ears. I implore you, LISTEN to your neighbors and residents. Look past the money and look at quality of life. Your decisions affect thousands of people, not just the town's bottom line.

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Tuesday, March 22, 2022 7:51 AM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7163 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

Email Address

Address

City

State

Zip Code

Phone Number

Enter your message...

I am extremely concerned that the council is entertaining the Greentree and Beck developments. Our infrastructure is already overwhelmed. There is constant congestion and back ups on the roads in between, the schools are already at capacity, the water system routinely loses pressure or produces particles in the water, and cable etc constantly has issues. Adding to the area without addressing these issues in advances is a recipe for disaster.

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Monday, March 21, 2022 11:21 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7162 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

[REDACTED]

Email Address

[REDACTED]

Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Phone Number

[REDACTED]

Enter your message...

I'm concerned about the Greentree and Beck property developments moving forward. These will create a massive increase in traffic, especially through traffic on Candice drive. I'm concerned for my children's safety when they play outside. I'm also concerned for their future education quality since there will undoubtedly be a large increase in number of students. Please reconsider development of these properties.

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Monday, March 21, 2022 10:29 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7161 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

[REDACTED]

Email Address

[REDACTED]

Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Phone Number

[REDACTED]

Enter your message...

The amount of housing and no green space or plan for more schools/infrastructure improvement in Mount Airy is unacceptable.

Email not displaying correctly? [View it in your browser.](#)

John Breeding

From: noreply@civicplus.com
Sent: Monday, March 21, 2022 10:20 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7160 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name	<input type="text"/>
Email Address	<input type="text"/>
Address	<input type="text"/>
City	<input type="text"/>
State	<input type="text"/>
Zip Code	<input type="text"/>
Phone Number	<input type="text"/>
Enter your message...	<input type="text" value="What is being proposed in our town is ridiculous. We all moved her because we wanted a small town. You are going to ruin that. Our schools are crowded, the traffic on 27 is already bad and Main Street is overcrowded. Don't make it a Gaithersburg"/>

Email not displaying correctly? [View it in your browser.](#)

Debra Clinton

From: noreply@civicplus.com
Sent: Thursday, April 7, 2022 6:38 AM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7215 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

Email Address

Address

City

State

Zip Code

Phone Number *Field not completed.*

Enter your message... "Dear Mount Airy Town Council Members,

I am writing to express my strong opposition to the proposed development and rezoning on both sides of MD Rt. 27/Ridge Road known as "the Beck Property". Further actions on this proposal have not been properly vetted by the community.

When my family and I moved to Mount Airy, MD we came here looking and finding a small town charm. My story is identical to hundreds of families who moved here to get away from loud traffic, over crowded schools, crime, and other community resource constraints.

The addition of hundreds of homes will add more traffic to an oversaturated MD route 27. By calculations that is an estimated additional 2700 vehicles in the heart of our small town. How will anyone be able to get anywhere? In the master plan it is outlined the intersection level of service is degraded at this point and with future development will have significant risk. Center Street is being expanded, however there is a safety issue in front of the MAPD station. Tri-Star has students that have to cross that very busy road and it'll just be a matter of

time before there is an accident with a pedestrian.

Where is the extra water to supply these houses and businesses going to come from? We are constantly running into a water issue. Rezoning just to do it now and not having a plan approved to cover any expansion is reckless. This tactic to "figure it out later" is gambling with this town's future and my family's stability. That's not what we voted people into these positions to do.

The addition of another grocery store is completely asinine. We have 3 grocery stores. That is the last thing we need. Where in "the Beck Property" plans is there more green space for these homes children to play?

Emergency resource buildout.. what is the plan there? With hundreds of homes, come at least triple the occupancy increase. How will our volunteer fire department support the influx of calls? Where is the analysis of how the town will support fire, medical and police emergencies?

I want to once again say I STRONGLY OPPOSE the CURRENT proposed development and rezoning on both sides of MD Rt. 27/Ridge Road known as "the Beck Property".

Thank you

Email not displaying correctly? [View it in your browser.](#)

Debra Clinton

From: Bill Butts <billbutts@[REDACTED]>
Sent: Tuesday, April 5, 2022 6:04 PM
To: John Breeding; Jason Poirier; Pamela Reed; Karl Munder; Lynne Galletti; Stephen Domotor; roxmtairypandz@[REDACTED]; Scott Sirchio ; dickinson1law@[REDACTED]; martina.hatley@[REDACTED]; Debra Clinton; Holly McCleary
Cc: Mayor Larry Hushour; David Warrington
Subject: Re: Citizen comments about Beck property

Many thanks John. This feedback is a great resource for our joint work session this Thursday. Will review the attachments and we appreciate you having some printed copies available at the work session.

/bill

From: John Breeding <jbreeding@mountairymd.gov>
Sent: Tuesday, April 5, 2022 3:38 PM
To: Jason Poirier <councilmemberpoirier@mountairymd.org>; Pamela Reed <councilmemberreed@mountairymd.gov>; Karl Munder <councilmembermunder@mountairymd.gov>; Lynne Galletti <councilmembergalletti@mountairymd.gov>; Stephen Domotor <councilmemberdomotor@mountairymd.gov>; roxmtairypandz@[REDACTED] <roxmtairypandz@[REDACTED]>; billbutts@[REDACTED] <billbutts@[REDACTED]>; Scott Sirchio <sirchio@[REDACTED]>; dickinson1law@[REDACTED] <dickinson1law@[REDACTED]>; martina.hatley@[REDACTED] <martina.hatley@[REDACTED]>; Debra Clinton <dclinton@mountairymd.gov>; Holly McCleary <hmcclary@mountairymd.gov>
Cc: Mayor Larry Hushour <mayorhushour@mountairymd.gov>; David Warrington <dwarrington@mountairymd.gov>
Subject: re: Citizen comments about Beck property

Hello, Everybody

I wanted to forward letters to the Planning Commission before the Joint Work session this coming Thursday, the 7th of April. I have hard copies of these citizen concerns available at Town Hall for pick up before the meeting or available to you at the Work Session.

John

John Breeding

Director of Planning and Zoning
Town of Mount Airy
Office 301-829-1424 / [REDACTED]

Debra Clinton

From: John Breeding
Sent: Tuesday, April 5, 2022 3:39 PM
To: Jason Poirier; Pamela Reed; Karl Munder; Lynne Galletti; Stephen Domotor; roxmtairypandz@[REDACTED]; billbutts@[REDACTED]; Scott Sirchio ; dickinson1law@[REDACTED]; martina.hatley@gmail.com; Debra Clinton; Holly McCleary
Cc: Mayor Larry Hushour; David Warrington
Subject: re: Citizen comments about Beck property
Attachments: Public comment on Beck Property.pdf

Hello, Everybody

I wanted to forward letters to the Planning Commission before the Joint Work session this coming Thursday, the 7th of April. I have hard copies of these citizen concerns available at Town Hall for pick up before the meeting or available to you at the Work Session.

John

John Breeding

Director of Planning and Zoning
Town of Mount Airy
Office 301-829-1424 / Cell 240-285-5486

From: noreply@civicplus.com
Sent: Monday, April 4, 2022 8:52 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7210 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

[REDACTED]

Email Address

[REDACTED]

Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Phone Number

[REDACTED]

Enter your message...

Dear Mount Airy Town Council Members,

I am writing to express my strong opposition to the proposed development and rezoning on both sides of MD Rt. 27/Ridge Road known as "the Beck Property". Further actions on this proposal have not been properly vetted by the community.

I've lived in Mount Airy pretty much my entire life. I loved growing up here in our small town. I loved it so much that my husband and I decided to raise our children here. Hearing the news of all of the building plans has created a dark cloud over our household and our community. My family lives here because we DO NOT want to raise our boys in a city like Urbana, Germantown, Columbia, etc. where it is overcrowded. The extra homes, apartment buildings, and single family homes will cause our schools to be overcrowded. It's not fair to the children who already live here or the school staff. How about building more baseball fields, soccer fields, football fields, lacrosse fields, and parks for the children that live here in our community instead of adding more to our population.

The addition of hundreds of homes will add more traffic to an

oversaturated MD route 26. By calculations that is an estimated additional 2700 vehicles in the heart of our small town. How will anyone be able to get anywhere? In the master plan it is outlined the intersection level of service is degraded at this point and with future development will have significant risk. Center Street is being expanded, however there is a safety issue in front of the MAPD station. Tri-Star has students that have to cross that very busy road and it'll just be a matter of time before there is an accident with a pedestrian.

Where is the extra water to supply these houses and businesses going to come from? We are constantly running into a water issue. Rezoning just to do it now and not having a plan approved to cover any expansion is reckless. This tactic to "figure it out later" is gambling with this town's future and my family's stability. That's not what we voted people into these positions to do.

The addition of another grocery store is completely asinine. We have 3 grocery stores. That is the last thing we need. Where in "the Beck Property" plans is there more green space for these homes children to play?

Emergency resource buildout.. what is the plan there? With hundreds of homes, come at least triple the occupancy increase. How will our volunteer fire department support the influx of calls? Where is the analysis of how the town will support fire, medical and police emergencies?

I want to once again say I STRONGLY OPPOSE the CURRENT proposed development and rezoning on both sides of MD Rt. 27/Ridge Road known as "the Beck Property".

Thank you!



Email not displaying correctly? [View it in your browser.](#)

Debra Clinton

From: Leslie Dickinson <dickinson1law@[REDACTED]>
Sent: Monday, April 4, 2022 5:22 PM
To: John Breeding
Cc: Karl Munder; roxmtairypandz@[REDACTED]; Debra Clinton; Mayor Larry Hushour; Scott Sirchio; tmccarron@semmes.com; billbutts@[REDACTED]; martina.hatley@[REDACTED]
Subject: Re: Hearing/meeting dates for next week

John,
I won't be attending this evening's meeting, but will be there on Thursday.

thanks,
Leslie

Leslie K Dickinson
Tel: 301-639-9469
[Dickinson1law@\[REDACTED\]](mailto:Dickinson1law@[REDACTED])

On Mon, Apr 4, 2022 at 11:27 AM John Breeding <jbreeding@mountairymd.gov> wrote:

Hello Everyone,

I wanted to get back to you about the questions and concerns, I did speak with Tom McCarron about the scheduling of meetings. Let's first understand that tonight's meeting is on the Greentree property is for public comments and does not require a quorum from Planning Commission.

The Beck property is not on tonight's Town Council agenda. Roxanne and I feel that we should continue with the joint work session this Thursday the 7th on the Beck Property, and provide them feedback with regards to the proposed Pre-Concept plan.

If an additional work session needs to be scheduled to review a revised plan from comments from Thursday's work session then a date can be scheduled later.

If we want to change the approved schedule we should do so at a public meeting and provide advance warning to the developer and engineer so they can attend.

Thanks, John

From: Karl Munder <councilmembermunder@mountairymd.gov>

Sent: Sunday, April 3, 2022 5:59 PM

To: roxmtairypandz@[REDACTED]; dickinson1law@[REDACTED]

Cc: Debra Clinton <dclinton@mountairymd.gov>; John Breeding <jbreeding@mountairymd.gov>; Mayor Larry Hushour <mayorhushour@mountairymd.gov>; Scott Sirchio <sirchio@[REDACTED]>; tmccarron@semmes.com; billbutts@hotmail.com; martina.hatley@gmail.com

Subject: RE: Hearing/meeting dates for next week

Think postponing them for a couple of weeks is a good idea. We run the risk of overloading the town with all the plans and workshops coming up, and this give people time to look over what is being proposed and get the meetings worked in with their schedules since spring a busy time for people due to sports and other items.

With what is being proposed, may I suggest we break Beck down into two workshops/hrgs, one for the West Side and one for the East, but the project should be approved as a whole, not separate sections. Having separate workshops/hrgs for each section will help with us focusing on an individual section and will make this process easier.

Karl

From: Roxanne Hemphill <roxmtairypandz@[REDACTED]>

Sent: Saturday, April 2, 2022 4:41 PM

To: dickinson1law@[REDACTED]

Cc: Debra Clinton <dclinton@mountairymd.gov>; John Breeding <jbreeding@mountairymd.gov>; Karl Munder <councilmembermunder@mountairymd.gov>; Mayor Larry Hushour <mayorhushour@mountairymd.gov>; Scott Sirchio <sirchio@[REDACTED]>; tmccarron@semmes.com; billbutts@[REDACTED]; martina.hatley@[REDACTED]

Subject: Re: Hearing/meeting dates for next week

I can see your point. We did have the monthly calendars out when we went through this. I am ok with postponing I get the Beck workshop, until the week after. I think the joint workshop will help to work out some of the concerns about Beck West.

On Fri, Apr 1, 2022 at 4:57 PM Leslie Dickinson <dickinson1law@[REDACTED]> wrote:

Hey all,

I was reminded of this because I got a couple messages from people asking about the status of these two projects. So, I checked the website, since even I can't keep up.

I'm wondering about this schedule next week. We've got a joint hearing on Monday for Greentree, and a joint meeting on Thursday on Beck. We don't usually have two meetings a week -i.e., when we have a PC meeting on a Monday, we change the workshop to the following week. As most of you know, it's a lot when you're also working full time.

I didn;t think about how this would play out in practice when we were rapidly scheduling these meetings, but it's also a potential hardship for town residents who may want to participate, but there's so much going on so quickly it's difficult to keep up. I think perhaps the intent of the notice requirements was that there be some time between meetings; we may be following the 'letter' of the law, but certainly not the spirit.

Moreover, we didn't know the Kaz Bros. would be proposing hundreds of houses on the East side, while pretending it's MXD, as well as not having sufficient information regarding many aspects of the AFPO, as required by Town code.

I think we should postpone and repost the joint Beck meeting for whatever the required time period for posting.

thanks,

Leslie K Dickinson

Tel: 301-639-9469

Dickinson1law@ [REDACTED]

On Thu, Mar 31, 2022 at 10:07 AM John Breeding <jbreeding@mountairymd.gov> wrote:

Link to Shiny Shell car wash video below if you want to see what they offer.

<https://www.youtube.com/watch?v=eHIMlapSLOM>

Roxanne Hemphill

Chairperson, Mt. Airy Planning & Zoning Commission

Secretary MPCA

email: roxmtairybandz@

phone: 703-732-4440

Debra Clinton

From: noreply@civicplus.com
Sent: Monday, April 4, 2022 4:56 PM
To: John Breeding; Debra Clinton
Subject: Online Form Submission #7209 for Share Your Feedback with the Planning Commission

Share Your Feedback with the Planning Commission

Mount Airy Planning Commission is listening! Please submit your questions, thoughts, concerns here using the form below.

Name

[REDACTED]

Email Address

[REDACTED]

Address

[REDACTED]

City

[REDACTED]

State

[REDACTED]

Zip Code

[REDACTED]

Phone Number

[REDACTED]

Enter your message...

Dear Mount Airy Town Council,

I am writing to express my strong opposition to the proposed development and rezoning on both sides of MD Rt. 27/Ridge Road known as "the Beck Property". Further actions on this proposal have not been properly vetted by the community.

When my family and I moved to Mount Airy, MD we came here looking and finding a small town charm. My story is identical to hundreds of families who moved here to get away from loud traffic, over crowded schools, crime, and other community resource constraints.

The addition of hundreds of homes will add more traffic to an oversaturated MD route 26. By calculations that is an estimated additional 2700 vehicles in the heart of our small town. How will anyone be able to get anywhere? In the master plan it is outlined the intersection level of service is degraded at this point and with future development will have significant risk. Center Street is being expanded, however there is a safety issue in front of the MAPD station. Tri-Star has students that have to cross that very busy road and it'll just be a matter of

time before there is an accident with a pedestrian.

Where is the extra water to supply these houses and businesses going to come from? We are constantly running into a water issue. Rezoning just to do it now and not having a plan approved to cover any expansion is reckless. This tactic to "figure it out later" is gambling with this town's future and my family's stability. That's not what we voted people into these positions to do.

The addition of another grocery store is completely asinine. We have 3 grocery stores. That is the last thing we need. Where in "the Beck Property" plans is there more green space for these homes children to play?

Emergency resource buildout.. what is the plan there? With hundreds of homes, come at least triple the occupancy increase. How will our volunteer fire department support the influx of calls? Where is the analysis of how the town will support fire, medical and police emergencies?

I want to once again say I STRONGLY OPPOSE the CURRENT proposed development and rezoning on both sides of MD Rt. 27/Ridge Road known as "the Beck Property".

Thank you-



Email not displaying correctly? [View it in your browser.](#)

Debra Clinton

From: Mayor Larry Hushour
Sent: Monday, April 4, 2022 1:40 PM
To: Karl Munder; John Breeding; roxmtairypandz@[REDACTED]; dickinson1law@[REDACTED]
Cc: Debra Clinton; Scott Sirchio; tmccarron@semmes.com; billbutts@[REDACTED]; martina.hatley@[REDACTED]; Jason Poirier
Subject: RE: Hearing/meeting dates for next week

All, (Council Pres. added)

Thanks John for clarifying some items with Tom.

As Mayor, I would offer that if another workshop is needed due to many unanswered questions, or the need to see modified concepts and such, please call for that added workshop.

I suggest you NOT set that "additional workshop" date on April 7, but wait until the April 25, Planning Commission meeting, or the May Town Council meeting to set that date some time in May, so all participants may look at their calendars.

That would give the PC and elected officials a chance to absorb, and adjust items for what has been a very busy couple of months. I also feel the added time might serve in the interest of the developer to make suitable alterations based on the April 7, workshop.

Larry Hushour
Mayor

Sent from [Mail](#) for Windows

From: Karl Munder
Sent: Monday, April 4, 2022 12:28 PM
To: John Breeding; roxmtairypandz@[REDACTED]; dickinson1law@[REDACTED]
Cc: Debra Clinton; Mayor Larry Hushour; Scott Sirchio; tmccarron@semmes.com; billbutts@[REDACTED]; martina.hatley@[REDACTED]
Subject: RE: Hearing/meeting dates for next week

Thanks John.

Karl

From: John Breeding <jbreeding@mountairymd.gov>
Sent: Monday, April 4, 2022 11:28 AM
To: Karl Munder <councilmembermunder@mountairymd.gov>; roxmtairypandz@[REDACTED]; dickinson1law@[REDACTED]
Cc: Debra Clinton <dclinton@mountairymd.gov>; Mayor Larry Hushour <mayorhushour@mountairymd.gov>; Scott Sirchio <sirchio@[REDACTED]>; tmccarron@semmes.com; billbutts@[REDACTED]; martina.hatley@[REDACTED]
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Thanks, John

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From: Roxanne Hemphill <roxmtairypandz@[REDACTED]>

Sent: Saturday, April 2, 2022 4:41 PM

To: dickinson1law@[REDACTED]

Cc: Debra Clinton <dclinton@mountairymd.gov>; John Breeding <jbreeding@mountairymd.gov>; Karl Munder <councilmembermunder@mountairymd.gov>; Mayor Larry Hushour <mayorhushour@mountairymd.gov>; Scott Sirchio <sirchio@[REDACTED]>; tmccarron@semmes.com; billbutts@[REDACTED]; martina.hatley@[REDACTED]

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Dickinson1law@ [REDACTED]

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Chairperson, Mt. Airy Planning & Zoning Commission

Secretary MPCA

email: roxmtairypandz@ [REDACTED]

phone: 703-732-4440

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Secretary MPCA

email: roxmtairybandz@ [REDACTED]

phone: 703-732-4440

Debra Clinton

From: Craig Kazanjian <craig@[REDACTED]>
Sent: Wednesday, February 16, 2022 12:09 PM
To: Ron Thompson; John Breeding
Cc: Debra Clinton; Victor Kazanjian
Subject: RE: BECK MXD PRECONCEPT SKETCH (COLOR) ROAD CONNECTION

Ron,
I just spoke with John. We are not going to show any streets at this time. Can you please remove all the streets, and email him the picture with just an outline of the property.
Thx, Craig

From: Ron Thompson <ron@vanmar.com>
Sent: Wednesday, February 16, 2022 11:03 AM
To: John Breeding <jbreeding@mountairymd.gov>
Cc: Debra Clinton <dclinton@mountairymd.gov>; Victor Kazanjian <victor@kazbrothers.com>; Craig Kazanjian <craig@kazbrothers.com>
Subject: RE: BECK MXD PRECONCEPT SKETCH (COLOR) ROAD CONNECTION

We totally disagree at this time. Future Center Street is not an integral part of the subdivision.

Ronald E. Thompson, PE*
VANMAR ASSOCIATES
310 South Main Street PO Box 328
Mount Airy, Maryland 21771
O 301-829-2890 / [REDACTED] / F 301-831-5603

(*licensed in MD, VA, DE, DC, SC, GA, FL, NC, MA)

From: John Breeding <jbreeding@mountairymd.gov>
Sent: Wednesday, February 16, 2022 10:26 AM
To: Ron Thompson <ron@[REDACTED]>
Cc: Debra Clinton <dclinton@mountairymd.gov>; Victor Kazanjian (victor@[REDACTED]) <victor@[REDACTED]>; Craig Kazanjian (craig@[REDACTED]) <craig@[REDACTED]>
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Ron,

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John,

John Breeding
Director of Planning and Zoning
Town of Mount Airy
Office 301-829-1424 / [REDACTED]

From: Ron Thompson <ron@[REDACTED]>
Sent: Tuesday, February 15, 2022 2:55 PM
To: John Breeding <jbreeding@mountairymd.gov>
Cc: Debra Clinton <dclinton@mountairymd.gov>; Victor Kazanjian (victor@[REDACTED])
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John:

Per our discussion, attached is a pdf of a Notification Display Plan for the Beck Charette Process.

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310 South Main Street PO Box 328
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From: Roma Joshi <roma@[REDACTED]>
Sent: Tuesday, February 15, 2022 2:50 PM
To: Ron Thompson <ron@[REDACTED]>
Subject: BECK MXD PRECONCEPT SKETCH (COLOR) ROAD CONNECTION

Debra Clinton

From: Craig Kazanjian <craig@[REDACTED]>
Sent: Wednesday, February 16, 2022 11:35 AM
To: John Breeding; Ron Thompson
Cc: Debra Clinton; Victor Kazanjian
Subject: Re: BECK MXD PRECONCEPT SKETCH (COLOR) ROAD CONNECTION

John,
Please give me a call to discuss...301-370-8513.
Thx, Craig

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: John Breeding <jbreeding@mountairymd.gov>
Sent: Wednesday, February 16, 2022 10:25:53 AM
To: Ron Thompson <ron@[REDACTED]>
Cc: Debra Clinton <dclinton@mountairymd.gov>; Victor Kazanjian <victor@[REDACTED]>; Craig Kazanjian <craig@[REDACTED]>
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Attorney-Client Privileged Communication



Thomas V. McCarron

Principal

25 South Charles Street, Ste 1400, Baltimore, MD 21201

Tel: 410.576.4854 | Cell: 410.960.6743 | Fax: 410.539.5223

tmccarron@semmes.com

NOTICE: This message constitutes a confidential attorney-client communication. It is not intended for transmission to, or receipt by, any unauthorized persons. If you have received this e-mail in error, do not read it. Please delete it from your system without copying it, and notify the sender by reply e-mail.

2/24/20, 3/30/20

For:
Introduction and referral to Planning Commission: 1/6/20
Planning Commission Review and Recommendation: 1/27/20, 2/6/20,
Public Hearing _____
Adoption _____

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**REDLINED CHANGES FROM PLANNING COMMISSION
MEETINGS 1/27/20, 2/6/20, AND 2/24/20
FOR REVIEW AT PLANNING COMMISSION MEETING
ON MARCH 30, 2020 – changes from 2/24/20 meeting
are highlighted in yellow**

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THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2020-1

**AN ORDINANCE TO AMEND PART II
OF THE CODE OF THE TOWN OF MOUNT AIRY
ENTITLED “GENERAL LEGISLATION,”
CHAPTER 98 ENTITLED “SUBDIVISION OF LAND AND SITE PLAN REVIEW”,
ARTICLE VI ENTITLED “CONSTRUCTION, ARCHITECTURE AND DESIGN
STANDARDS”, SECTION 98-23 ENTITLED “REQUIRED OPEN
SPACE/RECREATION AREAS TO BE DEDICATED,” ARTICLE XVII ENTITLED
“SPECIAL DEVELOPMENT REGULATIONS”, SECTION 98-60 ENTITLED
“TOWNHOUSE DEVELOPMENTS” AND TO CREATE NEW SECTION 98-61
ENTITLED “MIXED USE DISTRICT (MXD) DEVELOPMENTS”;
CHAPTER 112 ENTITLED “ZONING”,
ARTICLE V ENTITLED “PROVISIONS GOVERNING
COMMERCIAL DISTRICTS” AND CREATING NEW
SECTION 112-37.2 ENTITLED “MIXED USE DISTRICT” (MXD),
AMENDING ARTICLE VIII ENTITLED “BOARD OF APPEALS”,
SECTION 112-62 ENTITLED “SPECIAL EXCEPTIONS”**

WHEREAS, the Planning Commission and Town Planning Staff have recommended the creation of a Mixed Use District (MXD); and

WHEREAS, the Town’s current zones do not provide within a single zoning district the kind of flexibility and mixture of residential and non-residential uses that the Planning Commission and Town Planning Staff envision for the MXD; and

WHEREAS, the Town Council has determined that the MXD would foster economic development within the Town and would facilitate the integrated and orderly development of commercial, office, employment, and residential uses on vacant tracts of commercial, industrial,

and high density residential zoned land within the Town of Mount Airy where high quality mixed use developments can occur in harmony with surrounding land uses, especially in parts of the downtown area, among other benefits; and

WHEREAS, changes to Chapter 98 creating supplemental development plan approval requirements and process for the MXD separate and apart from the townhouse regulations set forth in Section 98-60, and to Section 112-62 concerning specific standards for the granting of special exceptions, have been determined to be necessary and desirable in light of the creation of this new zoning district; and

WHEREAS, this ordinance was introduced at the Town Council meeting that occurred on 1/6/20 and, pursuant to the Town Code, Section 112-67, referred to the Town Planning Commission for review and recommendation; and

WHEREAS, the Planning Commission reviewed this ordinance at its regular meetings on January 27, 2020 and February 24, 2020; and

WHEREAS, at its regular meeting on _____, the Planning Commission recommended _____; and

WHEREAS, at its regular meeting on _____, the Town Council reintroduced this ordinance as reflected and set a public hearing for _____ pursuant to the Town Code, Section 112-66A and the Land Use Article of the Maryland Code, Section 4-203(b), which was held on the aforementioned date.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

That Chapter 98, Article VI of the Code of the Town of Mount Airy is hereby amended to repeal and reenact with amendments Section 98-23 as follows:

§98-23. Required open space/recreation areas to be dedicated.

* * *

- B. Open space development shall be required in the Town of Mount Airy and shall apply, along with the provisions of this section, to all residential zones, the Mixed Use District (MXD), or special exemption residential uses in commercial zones, and any development with a residential component located in the Downtown Zone (DTZ) in accordance with the requirements set forth in this Code applicable thereto, except that plats recorded before the adoption of this section are exempt from the provisions of this section. *[Edit note: this section may need to change if Ord. 2012-12 is enacted]* *[Note: change due to 2019-12]* .

* * *

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- I. Except for developments with a residential component located in the Downtown Zone (DTZ), (The total area of dedicated open space shall equal the amount by which all dwelling unit lots are reduced below the base zoning and shall meet the requirements outlined in Table 1 below. *[Note:change due to 2019-12]*

Table 1: Open Space Required For Various Densities

Base Density (du/ac)	Open Space Required (percentage of net developable acreage)
Conservation/R-1	25%
R-2/RE	35%
R-3 – R-5	45%
R-5 – R-7	50%
<u>MXD</u>	<u>10%</u>

(1) A request for the adjustment of the above percentages can be made to the Planning Commission based upon any unique features of the parcel. The Planning Commission, in its discretion, may grant an adjustment to the percentages set forth in Table 1 if it is established by the property owner that the adjustment will be more beneficial to the needs of the community for that specific parcel. In determining whether to grant such an adjustment, the Planning Commission may seek input from the Board of Parks and Recreation or from any other source that the Planning Commission deems beneficial. The open space requirement for developments in the Mixed Use District (MXD) shall be 10% of the total gross acreage of the project.

(2) A request for the adjustment of the above percentages can be made to the Planning Commission based upon any unique features of the parcel. The Planning Commission, in its discretion, may grant an adjustment to the percentages set forth in Table 1 and the open space percentage for the MXD as set forth in subsection (1) above, if it is established by the property owner that the adjustment will be more beneficial to the needs of the community for that specific parcel. In determining whether to grant such an adjustment, the Planning Commission may seek input from the Board of Parks and Recreation or from any other source that the Planning Commission deems beneficial.

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[Was not sure if the PC was recommending that the % open space for MXD would likewise be subject to the adjustment provision. I have drafted this so that it is]

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§98-60. Townhouse developments.

- A. Purpose and scope. The purpose and intent of this section is to provide minimum standards for townhouse developments to ensure the necessary amenities normally associated with such developments; to provide for design requirements that will promote appropriate and acceptable layout and grouping of such units to create a quality environment to live in; to provide minimum standards for the ownership and maintenance of common areas; to ensure adequate public improvements such as streets, walks, etc., are provided, to prevent detrimental effects on the use and development of adjoining properties; and to promote the health, safety and welfare of the residents of the development and neighborhood. The provisions of this section shall apply to all townhouse developments regardless of zoning district in which located, except that this section shall not apply to properties in the Mixed Use District (MXD) or approved as mixed-use developments within the CC District (MXU-CC).

* * *

§98-61. Mixed-use Development within CC District (MXU-CC) and Mixed Use District (MXD) developments.

- A. Purpose and scope. The purpose and intent of this section is to provide supplemental requirements for the approval of development plans for properties zoned in the CC District and in the Mixed Use District (MXD) in order to implement the mixed-use development as set forth in §§ 112-39C(12) and 112-62F(29), and in Section 112-37.2.
- B. Pattern Book. As part of the ~~site plan~~ initial phase of the development approval process, the applicant shall provide the Commission with a Pattern Book and concept layout plan that will address the site planning, architectural, and signage requirements for the proposed development. Once approved by the Commission, the Pattern Book shall govern development of the MXU-CC mixed use development. The applicant will follow the Design Guideline provisions adopted by the Town of Mount Airy. The Pattern Book shall be prepared by a licensed professional landscape architect, architect, or engineer. The Pattern Book shall include, at a minimum, the following sections:

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- (1) An introduction that shall contain:

- (a) Description of the overall development.

- (b) Market ~~analysis summary~~ for the proposed uses. ~~Comments were that this should be no more than an executive summary, this was already done by the Town in its Downtown Vision Plan~~

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- (c) Relationship between the proposed development and the existing Town limits.

(2) Site Planning Components

- (a) Relationship of uses within the development.
- (b) Focal points of the development and how they have been maximized.
- (c) Vehicular and pedestrian connectivity within the development and to the Town, to include walking and cycling paths.
- (d) Proposed recreational areas within and adjacent to residential areas, including proposed improvements to recreational areas to serve the intended residential population.
- (e) Building and parking setbacks.
- (f) Parking ratios per use shall be in accordance with § 112-7.
- (g) Proposed service and loading spaces.
- (h) Pedestrian oriented scale and design.
- (i) Any area utilized for outdoor storage, as defined in §112-71.
- (j) The locations for outdoor displays.
- (k) Drive through service location and layout. ~~Comments here included with multiple allowable uses that allow drive throughs, should there be provisions to space out the drive throughs or only allow a certain number within a certain amount of space; some power in PC to cut off the number of drive thrus~~
- (l) Set back requirements from public streets, other structures within the development, the property boundaries and, with respect to property lines that abut less intensive zoning districts, buffers.

(m)In the Mixed Use District (MXD), front yard setbacks within Priority Areas, especially along Center Street, shall be similar to the Downtown Zoning District with wide sidewalks and buildings near the street, or a distance equal to the average of the front yard setbacks for existing improved properties immediately adjacent to the subject property. [Edit

note: probably belongs in Section 112-37.2K. Also need to determine if we want this section to apply to MXU-CC] *[Comment received that set backs should not be drawn from adjacent property. set back should be closer to the street in MXD, comment was made that this should be pulled out or some guidelines for PC need to be developed on what to be approved and what not to be approved]]*

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(3) Architectural Design.

- (a) Architectural style and overall design principles.
- (b) Graphic examples of selected style.
- (c) Design details and materials.
- (d) Green initiatives.

(4) Landscape Architectural Design.

- (a) Public spaces.
- (b) Hardscape and softscape design details and materials.
- (c) Streetscape design.
- (d) Site furnishing details and products.
- (e) Landscape screening (perimeter buffers, parking lots, service and loading areas).
- (f) Lighting details and materials.

(5) Signage Plan. All sign regulations under Town Code Section 112-11 shall apply unless expressly waived by the Planning Commission or are otherwise expressly waived or made inapplicable by the provisions of this Code that apply to MXU-CC or the MXD.

(6) Management and Maintenance Program.

- (a) For privately owned property.
- (b) For common areas.

(7) Phasing of the Development.

- (a) The anticipated timeframe when various milestones of the development are anticipated to be developed. Consideration as to balancing the development of various uses to maximize the fiscal benefit to the development and the Town should

be given. In addition, consideration as to the availability of planned community amenities should be balanced with the development of retail services.

- (b) The relative mix of uses and the development milestones and phasing of permits for each stage of development shall be determined to be reasonable in the discretion of the Planning Commission.

C. The Pattern Book shall be evaluated based on the Purpose and Objectives of the Mixed Use Development as outlined in § 112-39.1A and B or, as applicable, the Mixed Use District as outlined in § 112-37.2.

D. Approval process. ~~A MXU-CC and MXD development approval shall follow the two-step approval process of concept plan and final site plan following process in accordance with Article VIII of this chapter. A development in the MXD shall follow the three-step approval process of Concept Plan, Preliminary Plan, and Final Site Plan or Final Subdivision Plan in accordance with Articles VIII, IX or X of this Chapter, whichever shall be applicable. In addition, the Planning Commission may require a charrette(s) or special work session(s) to facilitate collaboration on the conceptual design and layout.~~

- (1) An applicant shall submit the Pattern Book in accordance with this Section and a concept layout plan showing *need to describe what it will require, not require – I assume layout?* all concept, preliminary (if applicable) and final plans to the Planning Commission for consideration, in order for the Commission to have sufficient information to determine the practicality and suitability of the proposed development.

- (2) The Planning Commission may require charrette(s) or special work session(s) to facilitate collaboration on the sketch plan design and layout ~~shall hold at least one public hearing when considering the final plan (including the Pattern Book). *[Edit note: the MXD draft from Engineering said at concept and preliminary. Final is in this existing subsection]*~~
The following notice shall be given:

- (a) At least 30 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town.
- (b) ~~The~~ Property upon which a mixed-use development is proposed shall be posted conspicuously by a notice at least 24 inches by 36 inches in size, for at least 30 consecutive days before the date of the hearing.
- (c) Notice of the hearing shall be sent by first-class mail to that person making application to the Commission no less than 30 days prior to the first scheduled hearing.

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(d) At least 30 days prior to the first scheduled hearing, notice of the hearing shall be sent by first-class mail to those persons identified by the applicant as persons owning property contiguous to the property which is the subject of the proceeding. Notice shall be sufficient if given to the person shown as the owner on the tax rolls and sent to the address where tax bills are sent.

(3) Once the Pattern Book and sketch plan are reviewed, commented upon by the Planning Commission and the public at public meeting(s) or work sessions, and are agreed upon in final form between the Planning Commission and developer, the developer shall submit a concept plan in accordance with Article VIII (for site plans), IX (for subdivision plans) or X (for minor subdivision plans) of this Chapter, as applicable, for water and sewer allocation review pursuant to Chapters 91 and 109 and for Adequate Public Facilities Ordinance (APFO) review pursuant to Chapter 25, Sections 25-4, *et seq.* [Note: here is where in the process I assume Developers Rights and Resonponsibilities Agreement would be entered into].

(4) After a concept plan has been approved, the developer shall submit a final plan and Pattern Book for review and approval by the Planning Commission. The Planning Commission shall hold at least one public hearing when considering the final plan (including the Pattern Book) for which the following notice shall be given:

(a) At least 30 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town.

(b) Property upon which a mixed-use development is proposed shall be posted conspicuously by a notice at least 24 inches by 36 inches in size, for at least 30 consecutive days before the date of the hearing.

(c) Notice of the hearing shall be sent by first-class mail to that person making application to the Commission no less than 30 days prior to the first scheduled hearing.

(d) At least 30 days prior to the first scheduled hearing, notice of the hearing shall be sent by first-class mail to those persons identified by the applicant as persons owning property contiguous to the property which is the subject of the proceeding. Notice shall be sufficient if given to the person shown as the owner on the tax rolls and sent to the address where tax bills are sent. [Note: discussion was had as to the need for a public hearing, as opposed to public meetings. Also, do we want this to occur at the final plan stage or the concept plan stage?]

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~~(3)~~(5) The Commission may approve or disapprove the ~~concept~~ final plan (including the Pattern Book) ~~after a public hearing.~~ *[Note: generally, the PC does not approve final plans unless there is a material change or something. See subsection (6) below].*

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[Note, we have eliminated any preliminary plan review. Large subdivisions have preliminary plan review. To clarify, are we saying that for MXD subdivisions, no preliminary is required? Will we even have MXD subdivisions? I assume we will. Also, supposing we have an MXD subdivision, are we going to insist on individual site plans for each non-residential lot, with separate PWAs like Twin Arch Business Park? If so, we will need to codify that.]

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~~(4)~~(6) Should the Planning Commission determine that additional assistance to review an application is required, the Town may hire licensed professionals (such as a landscape architect, architect, and/or engineer) to assist in the review of the application. The cost of any outside professionals shall be paid for by the applicant. The Town shall make every effort to minimize all costs associated with any outside professional assistance.

~~(5)~~(7) Amendments to ~~concept layout, or if applicable preliminary,~~ plans must be approved by the Planning Commission in the following instances:

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(a) A material change in use is involved;

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(b) Increases in the height of building structures by 10 feet or more provided the increase does not exceed the building height standard set forth in § 112-37.2H or § 112-39.1F;

(c) Material changes in the orientation or location of buildings or parking areas;

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(d) Any decrease in the number of off-street parking spaces required by code or as agreed upon by the Planning Commission;

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(e) An increase of nonresidential building floor area by more than 10% or by more than 5,000 square feet; and

(f) An increase in the number of residential dwelling units by more than 10% or more than five units.

~~(6)~~(8) Any application for amendment of concept plans, preliminary plans and final site plans that must be approved by the Planning Commission must be submitted in accordance with Appendix A and Appendix E to this chapter.

~~(7)(9)~~ Elements of a concept, or if applicable preliminary, plan not materially affected by a proposed amendment may move forward in the development process while the amendment is processed and considered by the Planning Commission.

E. Drive-Through Services. Drive-Through Services permitted pursuant to § 112-39.1C(1)(c), (f), (h) and (k) and ~~§ 112-37.2C(1)(b), (f), (h) and (k)~~ in the Mixed Use District (MXD) zone shall be subject to the following development standards unless the Planning Commission grants a variation pursuant to Section 98-49:

- (1) Drive-through lanes and service windows shall be located only in the back or sides of buildings.
- (2) Drive-through lanes shall not be located along the street frontage(s) of a building.
- (3) A maximum of two lanes shall be permitted.
- (4) Drive-through services must be designed so as to not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, sidewalks, or drive aisles.
- (5) Drive-through speakers shall not be audible from adjacent residential uses or residentially zoned properties.
- (6) Drive-through canopies and other structures, where present, shall be constructed from the same material as the primary building and with a similar level of architectural quality and detailing.

~~(6)(7)~~ No more than 1 drive-through shall be permitted for the first 50,000 square feet in footprint of commercial space, and thereafter no more than 1 drive-through for each additional 50,000 square feet in footprint of commercial space, shall be permitted, and the Planning Commission shall have the power to further limit drive-throughs in terms of their number, layout, and location taking into account their impact on vehicular and pedestrian traffic.

F. Outdoor Storage Areas. Inventory shall be delineated on the Final Site Plan or Preliminary Subdivision Plan and shall be screened from view of public and private right(s) of way and adjacent property. Landscaping, or screening, will be required along the perimeter of the outdoor storage area in a manner acceptable to the Planning Commission. Only those outdoor storage areas approved on the approved Final Site Plan or Preliminary Plan shall be permitted in the MXD.

G. Seasonal Displays. Seasonal sidewalk displays shall ~~be conducted in a manner which does not unreasonably interfere with vehicular or pedestrian traffic or with any other business establishment or residences~~ comply with applicable provisions of the Town Code. *[Note: my notes are not clear on this, but I think the suggestion was to simply refer to applicable*

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provisions of the Town Code which already preclude interference with pedestrian and vehicular traffic – Chapter 96 – See Section 96-11 and 96-18- -19].

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Section 3. That Chapter 112, Article V of the Code of the Town of Mount Airy is hereby amended to enact new Section 112-37.2 of the Code as follows:

§112-37.2. Mixed Use District (MXD).

- A. Purpose. The purpose of the Mixed Use District (MXD) is to facilitate the integrated and orderly development of residential uses and non-residential uses where high quality mixed use developments can occur in harmony with surrounding land uses.
- B. Objectives. The following objectives are sought in the MXD:
- (1) Provide a more attractive residential and non-residential environment than would be possible through the strict application of conventional zoning district requirements.
 - (2) Encourage harmonious and coordinated development of sites that is consistent with the existing natural features, bicycle, pedestrian and vehicular circulation and compatibility with surrounding uses.
 - (3) Encourage development that is of excellent design and architecture with a mix of uses that will create synergy, efficiency of design, and a reduction of vehicle miles traveled.
 - (4) Create a mixture of office, retail, cultural, art, recreational, and residential uses, along with restaurants, eateries and cafes, where all related structures, parking, and open spaces are designed to establish and maintain a cohesive community while protecting the character of surrounding neighborhoods and the overall natural environment.
 - (5) Expand the opportunity to support diversified housing options within an integrated site design of varying land uses.
 - (6) Encourage development of sites that promote and support a diverse artistic and if possible cultural entertainment entity and that creates a community with live-work space for artists.
- C. Permitted Uses. No building, structure, or land to which this zone applies shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained on land to which this zone applies, except for one or more of the uses listed in Subsection C (1) below combined with one or more of the uses listed in Subsection C (2) below, up to a maximum of 25,000 square feet of floor space per single user subject to Site Plan review and approval. [Note: much discussion had about whether to have permitted uses, whether to only have non-permitted uses, if you have permitted uses, make them exhaustive and

perhaps more generic like “retail uses” or “service or professional uses”, should allow combination of all the other uses, and should focus on non-permitted uses. Other municipal ordinances to be consulted e.g., Sykesville, Frederick as models]

(1) The following are the non-residential permitted uses:

- (a) Administrative, financial, real estate, bank and professional offices.
- (b) Alcohol sales.
- ~~(b)(c)~~ Banks and savings and loan institutions with or without drive-through service compliant with Section 98-61E.
- ~~(c)(d)~~ Bed and Breakfast establishments.
- ~~(d)(c)~~ Bookstores, with the exception of adult entertainment.
- ~~(e)(f)~~ Breweries, distilleries, and wineries.
- ~~(f)(g)~~ Coffee shops, with or without drive-through services compliant with Section 98-61E that may facilitate live performances or readings.
- (h) Crafts and artisan services.
- ~~(g)(i)~~ Day-care facilities.
- ~~(h)(i)~~ Drugstores, with or without drive-through services compliant with Section 98-61E.
- (k) Educational centers.
- (l) Furniture upholstery and repair, no chemical uses.
- ~~(i)(m)~~ Health services such as medical, dental, optical offices.
- (n) Hotels, with or without conference rooms.
- ~~(j)(o)~~ Home occupations.
- ~~(k)(p)~~ Laundry or dry-cleaning establishments with or without drive-through service compliant with Section 98-61E.
- (q) Municipal government services.
- ~~(l)(r)~~ Physical fitness facilities.
- (s) Professional offices.
- ~~(m)(t)~~ Public buildings, structures and properties.
- ~~(n)(u)~~ Recreational entertainment and amusements.

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~~(e)(v)~~ Restaurants and lunchrooms, including outside or sidewalk dining without drive-through service. [Question raised what about coffee shops? Also, see earlier comments about drive throughs? Comment made should drive throughs be a special exception?]

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~~(p)(w)~~ Retail sales and service, without outdoor storage,

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~~(q)~~ Short-term rentals or Airbnb's

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~~(r)(x)~~ Veterinary Clinic, Animal Hospital, without overnight boarding,

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~~(v)~~ Video rental establishments, with the exception of adult entertainment,

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~~(s)(z)~~ Any other uses not listed above that the Planning Commission determines are similar to and/or compatible with the commercial uses set forth above.

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(2) The following are the residential uses permitted:

- (a) Townhouse,
- (b) Dwelling, Multifamily, to include apartments and condominiums.
- (c) Duplex or Semi-Detached Dwelling
- (d) Single Family or Detached Dwelling

(3) Accessory uses. The accessory uses allowed in mixed use developments shall be those uses and structures customarily accessory and incidental to any permitted principal use or authorized conditional use. Accessory uses shall be screened from public view by walls, fencing, landscaping, or a combination of the three.

(4) The Planning Commission may consider One building use may exceed 25,000 square feet up to 65,000 square feet of floor space. Any additional uses that exceed 25,000 square feet shall require Planning Commission approval up to a maximum of 65,000 square feet of floor space per single user.

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D. Special Exceptions. The Board of Appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Article VIII, § 112-62:

- (1) Clubs, Fraternal Organizations and Service Organizations. [§ 112-62F(3)]
- (2) Hotels. [General standards, § 112-62E] [Edit note: Special standards? How many levels, etc.?] [comment made here by developer of Beck property – should be a use of right, not conditional use]
- (3) Nursing Home, including assisted living centers. [§ 112-62F(4)]

E. Minimum Use Percentage Guidelines. Mixed Use Developments shall incorporate the following residential to non-residential ratios with respect to the site design and proposed land use:

(1) Required Land Use Mix. Residential to non-residential land use mix shall represent a ratio of no greater than 75% residential and no less than 25% non-residential, and no less than 25% residential and no greater than 75% non-residential, of the net developable acreage.

(a) The developer shall propose a ratio of the overall mix in its Pattern Book concept plan and provide a table showing the number of acres proposed for non-residential, residential, and relative land use mix percentage. The developer shall propose a ratio of open space to net developable acreage (see reference 98-23).

(b) The burden shall be on the developer to establish that the proposed ratio meets the overall intent of this zone in consideration of the project size, location, access to existing or planning community amenities, infrastructure and the character of the properties surrounding the project.

F. Conditions to use. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste or otherwise create a nuisance.

G. Density. A maximum of seven- eight person dwelling units per net developable acre shall be permitted. *[Beck property developer indicates that this needs to change. Concept of net developable acreage is not workable (see open space comment above), referral should be made to Town's Vision Plan, I have a note saying "10 acres or so?" but am not sure of the meaning!]*

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H. Building Height. No structure shall exceed 40 feet in height or a maximum of three stories. *[Edit note: MXU-CC allows 40 feet without saying how many stories. Should that be corrected?]* *[Developer of Beck Property: note that 4 story Townhomes with rooftop deck in Town Center style are very popular right now]*

I. Off-street parking and loading. There shall be provided in the MXD adequate off-street parking and loading areas in accordance with the requirements in Article II. Temporary storage of motor vehicles and motor equipment is subject to the requirements for off-street parking set forth in Section 112-7F, related to paving.

J. Location, and layout requirements. Mixed Use Development design shall promote a pedestrian oriented environment through the placement of buildings in relation to public walkways, massing of buildings and related architectural elements, and give consideration as to the appropriate location of necessary amenities such as parking areas, trash containers, alleys, loading areas, etc. so as to limit them as much as possible from public view.

K. Setbacks and Buffer Requirements. During the Concept Plan phase of the development approval process, the applicant shall provide the Planning Commission with a list of building setback requirements from public streets, or other structures within the development, and the property boundaries to be similar to existing individual zoning requirements. Once approved by the Commission, these bulk requirements shall be included in the Pattern Book described in Section 98-61B and govern development of the MXD. Property boundaries that abut less intensive zoning districts shall contain suitable buffers to be delineated in the development plans and Pattern Book and approved by the Planning Commission. Buffer requirements may not be eliminated through consolidation of parcels outside the MXD with parcels located within the MXD. Buildings with commercial, townhomes, and/or apartments that abut an existing residential district must maintain a fifty-foot yard buffer with no impervious area, except parking within half the yard distance. [Question raised by developer of Beck Property why do this for townhomes, at least those that abut residential anyway? Shy need a buffer?]

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L. Development plans. Any new use or a change of use involving structural additions or changes and any site improvements, to include grading and parking, to be undertaken within the MXD shall require submission and approval of site and/or subdivision plans, as may be applicable, pursuant the Chapter 98 including Section 98-61.

Section 4. That Chapter 112, Article VIII of the Code of the Town of Mount Airy, Section 112-62 is hereby amended to repeal and enact with amendments as follows:

§ 112-62. Special exceptions.

* * *

F. Specific standards for special exception uses. In addition to the general standards for all special exceptions as contained in § 112-62E, the following specific standards for particular uses must be met prior to the granting of a special exception:

* * *

(3) Clubs, fraternal and service organizations. In R-5, ~~and R-7~~ and Mixed Use Districts and subject to the requirements of the district in which located except as herein provided:

(a) Lot area: 20,000 square feet minimum.

(b) Lot width: 150 feet minimum.

(c) Yards, minimum for each yard: front 50 feet, side 30 feet, rear 60 feet.

(d) Building coverage: 15% of the total lot area maximum.

(e) Access must be on a major street as designated in the Town Master Plan.

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- (4) Convalescent or nursing home. In R-5, R-7, and CC and Mixed Use Districts and subject to the requirements of the district in which located except as herein provided.

* * *

~~(30) Hotels. Section 62-F(30). [Edit notes: Specific standards?]~~

[A couple of notes: (1) I have a note about a comment on "need standards to apply for APFO" but not sure what that refers to; (2) also discussed DRRAs, which TVM will have to draft enabling legislation for, but in this ordinance, we'd make accommodation for this in the Pattern Book section perhaps, would protect developer from changes in law after approval of concept plan/water allocation, perhaps changes in APFO (which may be what the first note was about!)]

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BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that
this Ordinance shall take effect on the ____ day of _____, 2020.

Introduced this 6th day of January, 2020.

Enacted this ____ day of _____, 2020 by a vote of ____ in favor and
____ opposed.

ATTEST:

Jason Poirier, Secretary

Larry G. Hushour
President of the Town Council

Approved this ____ day of _____, 2020.

ATTEST:

Jason Poirier, Secretary

Patrick T. Rockinberg, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This _____ day of _____, 2020.

Thomas V. McCarron, Town Attorney

TVM0041

Debra Clinton

Attorney-Client Privileged Communication

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Debra Clinton
Community Planning Administrative Assistant
P.O. Box 50
110 South Main Street
Mount Airy, MD 21771
301-703-1269
dclinton@mountairymd.gov

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Subject: AtRE: [EXTERNAL] RE: MXD Ordinance - for public hearing on 6/1/20

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I attach a copy of the MXD ordinance with mark ups, some in red and some in blue. At least, I hope they come out on your end in those colors. This version combines (1) the changes recommended by the Planning Commission, the PC's comments and then some of my comments where there was discussion on certain issues, but I wasn't sure that the Planning Commission had fully and finally made a determination as to what to recommend, all in red; and (2) in blue, changes that individual Town Council members suggested to Town Staff in 2 at a time meetings with Staff (so as to avoid the Open Meetings Act). As to the blue changes, some of them require that I go through to make sure that a change suggested in one place doesn't contradict other parts of what is drafted. One change presents a legal issue that I have been asked to look into. I should say that all the blue changes as well as the red ones were for the most part reviewed, and for the most part seemed acceptable to everyone.

The major changes are:

- (1) The Town Council would like to have the Planning Commission recommend adoption of the Pattern Book, but the Town Council wants to review and approve the final Pattern Book. This is the legal issue that I have to look at to see if the Town Council can do that.
- (2) Town Council generally wants to delete under the permissible provision (y) that gives the Planning Commission the right to determine that a use not specifically enumerated among the permitted uses be approved if similar or compatible with other commercial uses allowed.
- (3) They want to put short term rentals such as Air B&B's back into the uses.
- (4) They want dispensaries, pawn shops and vape shops, as prohibited uses.

From: Victor Kazanjian [mailto:Victor@[REDACTED]]
Sent: Tuesday, June 2, 2020 12:38 PM
To: McCarron, Tom <TMcCarron@semmes.com>; 'Ron Thompson' <ron@[REDACTED]>
Subject: [EXTERNAL] RE: MXD Ordinance - for public hearing on 6/1/20

TOM – Did anything happen with the MXD Ordinance at the Town Council meeting on 6/1?

Thanks.

Victor M. Kazanjian
Kaz Brothers, L.C.
14660 Rothgeb Drive, Suite 201
Rockville, MD 20850
Work 301-438-2211
[REDACTED]
Fax 301-438-3625

www.kazbrothers.com

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From: McCarron, Tom
Sent: Tuesday, May 26, 2020 12:45 PM
To: Ron Thompson <ron@[REDACTED]>; Victor Kazanjian <Victor@[REDACTED]>
Subject: MXD Ordinance - for public hearing on 6/1/20

Ron and Victor:

In anticipation of the public hearing on 6/1 for this ordinance before the Town Council, attached please find: (1) Ord. 2020-1 as reintroduced on 5/4/20, and then (2) a redlined version of the same ordinance showing the Planning Commission recommended changes, comments and then a few of my comments to the Planning Commission that I was not sure were addressed by the PC (some of which convey some of your comments that I wasn't sure got addressed by the PC – wanted to do this to convey some key discussion points that took place at the PC that the Town Council may want to take up).

My expectations are that even though this ordinance could be adopted on 6/1, and is on the TC agenda for that purpose, that the Town Council may have a number of changes or want an additional month or so to continue to review this. Adoption, in other words, may not come on 6/1. But we will see.



Open for business and working remotely to serve you.

Thomas V. McCarron

Principal

25 South Charles Street, Ste 1400, Baltimore, MD 21201

Tel: 410.576.4854 | Cell: 410.960.6743 | Fax: 410.539.5223

tmccarron@semmes.com

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Debra Clinton

Attorney-Client Privileged Communication

Colleen Reilly
Administrative Assistant
Town of Mount Airy
301-829-1424

Attorney-Client Privileged Communication



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For:
Introduction and referral to Planning Commission: 1/6/20
Planning Commission Review and Recommendation: 4/27/20
Re-introduction w/ amendment: 5/4/20¹
Public Hearing 6/1/20
Adoption _____

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2020-1

**AN ORDINANCE TO AMEND PART II
OF THE CODE OF THE TOWN OF MOUNT AIRY
ENTITLED “GENERAL LEGISLATION,”
CHAPTER 98 ENTITLED “SUBDIVISION OF LAND AND SITE PLAN REVIEW”,
ARTICLE VI ENTITLED “CONSTRUCTION, ARCHITECTURE AND DESIGN
STANDARDS”, SECTION 98-23 ENTITLED “REQUIRED OPEN
SPACE/RECREATION AREAS TO BE DEDICATED,” ARTICLE XVII ENTITLED
“SPECIAL DEVELOPMENT REGULATIONS”, SECTION 98-60 ENTITLED
“TOWNHOUSE DEVELOPMENTS” AND SECTION 98-61 ENTITLED “MIXED USE
DEVELOPMENT WITHIN CC DISTRICT (MXU-CC)”;
CHAPTER 112 ENTITLED “ZONING”,
ARTICLE V ENTITLED “PROVISIONS GOVERNING
COMMERCIAL DISTRICTS” AND CREATING NEW
SECTION 112-37.2 ENTITLED “MIXED USE DISTRICT” (MXD),
AMENDING ARTICLE VIII ENTITLED “BOARD OF APPEALS”,
SECTION 112-62 ENTITLED “SPECIAL EXCEPTIONS”**

WHEREAS, the Planning Commission and Town Planning Staff have recommended the creation of a Mixed Use District (MXD); and

WHEREAS, the Town’s current zones do not provide within a single zoning district the kind of flexibility and mixture of residential and non-residential uses that the Planning Commission and Town Planning Staff envision for the MXD; and

WHEREAS, the Town Council has determined that the MXD would foster economic development within the Town and would facilitate the integrated and orderly development of commercial, office, employment, and residential uses on vacant tracts of commercial, industrial, and high density residential zoned land within the Town of Mount Airy where high quality mixed use developments can occur in harmony with surrounding land uses, especially in parts of the downtown area, among other benefits; and

¹ In interim since original introduction on 1/6/20, Section 98-23 underwent some changes by virtue of Ordinance 2019-12.

WHEREAS, changes to Chapter 98 and to Section 112-62 have been determined to be necessary and desirable in light of the creation of this new zoning district; and

WHEREAS, this ordinance was introduced at the Town Council meeting that occurred on January 6, 2020 and, pursuant to the Town Code, Section 112-67, referred to the Town Planning Commission for review and recommendation; and

WHEREAS, the Planning Commission reviewed this ordinance at its regular meetings on January 27, 2020, February 24, 2020 and April 27, 2020, and at a workshop on February 6, 2020; and

WHEREAS, pursuant to Emergency Ordinance 2020-14, in response to the COVID-19 State of Emergency, the Town Council extended the 60 day deadline under Section 112-67 to make a recommendation as to this Ordinance to April 27, 2020 or be deemed to have approved same; and

WHEREAS, at its regular meeting on April 27, 2020, the Planning Commission recommended approval of this ordinance with modifications; and

WHEREAS, at its regular meeting on May 4, 2020, the Town Council reintroduced this ordinance as reflected above, with slight modification, and set a public hearing for _____ pursuant to the Town Code, Section 112-66A and the Land Use Article of the Maryland Code, Section 4-203(b), which was held on the aforementioned date.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

That Chapter 98, Article VI of the Code of the Town of Mount Airy is hereby amended to repeal and reenact with amendments Section 98-23 as follows:

§98-23. Required open space/recreation areas to be dedicated.

* * *

- B. Open space development shall be required in the Town of Mount Airy and shall apply, along with the provisions of this section, to all residential zones, the Mixed Use District (MXD), or special exemption residential uses in commercial zones, and any development with a residential component located in the Downtown Zone (DTZ) in accordance with the requirements set forth in this Code applicable thereto, except that plats recorded before the adoption of this section are exempt from the provisions of this section.

* * *

- I. Except for developments with a residential component located in the Downtown Zone (DTZ), the total area of dedicated open space shall equal the amount by which all

dwelling unit lots are reduced below the base zoning and shall meet the requirements outlined in Table 1 below.

Table 1: Open Space Required For Various Densities

Base Density (du/ac)	Open Space Required (percentage of net developable acreage)
Conservation/R-1	25%
R-2/RE	35%
R-3 – R-5	45%
R-5 – R-7	50%
<u>MXD</u>	<u>10%</u>

* * *

§98-60. Townhouse developments.

- A. Purpose and scope. The purpose and intent of this section is to provide minimum standards for townhouse developments to ensure the necessary amenities normally associated with such developments; to provide for design requirements that will promote appropriate and acceptable layout and grouping of such units to create a quality environment to live in; to provide minimum standards for the ownership and maintenance of common areas; to ensure adequate public improvements such as streets, walks, etc., are provided, to prevent detrimental effects on the use and development of adjoining properties; and to promote the health, safety and welfare of the residents of the development and neighborhood. The provisions of this section shall apply to all townhouse developments regardless of zoning district in which located, except that this section shall not apply to properties in the Mixed Use District (MXD) or approved as mixed-use developments within the CC District (MXU-CC).

* * *

§98-61. Mixed-use Development within CC District (MXU-CC) and Mixed Use District (MXD) developments.

- A. Purpose and scope. The purpose and intent of this section is to provide supplemental requirements for the approval of development plans for properties zoned in the CC District and in the Mixed Use District (MXD) in order to implement the mixed-use development as set forth in §§ 112-39C(12) and 112-62F(29), and in Section 112-37.2.
- B. Pattern Book. As part of the site plan phase of the development approval process, the applicant shall provide the Commission with a Pattern Book that will address the site planning, architectural, and signage requirements for the proposed development. Once approved by the Commission, the Pattern Book shall govern development of the ~~MXU-CC~~ mixed use development. The applicant will follow the Design Guideline provisions adopted by the Town of Mount Airy. The Pattern Book shall be prepared by a licensed professional landscape architect, architect, or engineer. The Pattern Book shall include, at a minimum, the following sections:
- (1) An introduction that shall contain:
- (a) Description of the overall development.
 - (b) Market analysis for the proposed uses.
 - (c) Relationship between the proposed development and the existing Town limits.
- (2) Site Planning Components
- (a) Relationship of uses within the development.
 - (b) Focal points of the development and how they have been maximized.
 - (c) Vehicular and pedestrian connectivity within the development and to the Town, to include walking and cycling paths.
 - (d) Proposed recreational areas within and adjacent to residential areas, including proposed improvements to recreational areas to serve the intended residential population.
 - (e) Building and parking setbacks.
 - (f) Parking ratios per use shall be in accordance with § 112-7.
 - (g) Proposed service and loading spaces.
 - (h) Pedestrian oriented scale and design.

- (i) Any area utilized for outdoor storage, as defined in §112-71.
- (j) The locations for outdoor displays.
- (k) Drive through service location and layout.
- (l) Set back requirements from public streets, other structures within the development, the property boundaries and, with respect to property lines that abut less intensive zoning districts, buffers.

(m) In the Mixed Use District (MXD), front yard setbacks within Priority Areas, especially along Center Street, shall be similar to the Downtown Zoning District with wide sidewalks and buildings near the street, or a distance equal to the average of the front yard setbacks for existing improved properties immediately adjacent to the subject property. [Edit note: probably belongs in Section 112-37.2K. Also need to determine if we want this section to apply to MXU-CC]

(3) Architectural Design.

- (a) Architectural style and overall design principles.
- (b) Graphic examples of selected style.
- (c) Design details and materials.
- (d) Green initiatives.

(4) Landscape Architectural Design.

- (a) Public spaces.
- (b) Hardscape and softscape design details and materials.
- (c) Streetscape design.
- (d) Site furnishing details and products.
- (e) Landscape screening (perimeter buffers, parking lots, service and loading areas).
- (f) Lighting details and materials.

(5) Signage Plan. All sign regulations under Town Code Section 112-11 shall apply unless expressly waived by the Planning Commission or are otherwise expressly waived or made inapplicable by the provisions of this Code that apply to MXU-CC or the MXD.

(6) Management and Maintenance Program.

- (a) For privately owned property.
- (b) For common areas.

(7) Phasing of the Development.

- (a) The anticipated timeframe when various milestones of the development are anticipated to be developed. Consideration as to balancing the development of various uses to maximize the fiscal benefit to the development and the Town should be given. In addition, consideration as to the availability of planned community amenities should be balanced with the development of retail services.
- (b) The relative mix of uses and the development milestones and phasing of permits for each stage of development shall be determined to be reasonable in the discretion of the Planning Commission.

C. The Pattern Book shall be evaluated based on the Purpose and Objectives of the Mixed Use Development as outlined in § 112-39.1A and B or, as applicable, the Mixed Use District as outlined in § 112-37.2.

D. Approval process. A MXU-CC development shall follow the two-step approval process of concept plan and final site plan in accordance with Article VIII of this chapter. A development in the MXD shall follow the three step approval process of Concept Plan, Preliminary Plan, and Final Site Plan or Final Subdivision Plan in accordance with Articles VIII, IX or X of this Chapter, whichever shall be applicable. In addition, the Planning Commission may require a charrette(s) or special work session(s) to facilitate collaboration on the conceptual design and layout.

- (1) An applicant shall submit all concept, preliminary (if applicable) and final plans to the Planning Commission for consideration, in order for the Commission to have sufficient information to determine the practicality and suitability of the proposed development.
- (2) The Planning Commission shall hold at least one public hearing when considering the final plan (including the Pattern Book). ***[Edit note: the MXD draft from Engineering said at concept and preliminary. Final is in this existing subsection]*** The following notice shall be given:
 - (a) At least 30 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town.

- (b) The Property upon which a mixed-use development is proposed shall be posted conspicuously by a notice at least 24 inches by 36 inches in size, for at least 30 consecutive days before the date of the hearing.
 - (c) Notice of the hearing shall be sent by first-class mail to that person making application to the Commission no less than 30 days prior to the first scheduled hearing.
 - (d) At least 30 days prior to the first scheduled hearing, notice of the hearing shall be sent by first-class mail to those persons identified by the applicant as persons owning property contiguous to the property which is the subject of the proceeding. Notice shall be sufficient if given to the person shown as the owner on the tax rolls and sent to the address where tax bills are sent.
- (3) The Commission may approve or disapprove the ~~concept~~ final plan (including the Pattern Book) after a public hearing.
- (4) Should the Planning Commission determine that additional assistance to review an application is required, the Town may hire licensed professionals (such as a landscape architect, architect, and/or engineer) to assist in the review of the application. The cost of any outside professionals shall be paid for by the applicant. The Town shall make every effort to minimize all costs associated with any outside professional assistance.
- (5) Amendments to concept, or if applicable preliminary, plans must be approved by the Planning Commission in the following instances:
- (a) A change in use is involved;
 - (b) Increases in the height of building structures by 10 feet or more provided the increase does not exceed the building height standard set forth in § 112-37.2H or § 112-39.1F;
 - (c) Changes in the orientation or location of buildings or parking areas;
 - (d) Any decrease in the number of off-street parking spaces required by code or as agreed upon by the Planning Commission;
 - (e) An increase of nonresidential building floor area by more than 10% or by more than 5,000 square feet; and

(f) An increase in the number of residential dwelling units by more than 10% or more than five units.

(6) Any application for amendment of concept plans, preliminary plans and final site plans that must be approved by the Planning Commission must be submitted in accordance with Appendix A and Appendix E to this chapter.

(7) Elements of a concept, or if applicable preliminary, plan not materially affected by a proposed amendment may move forward in the development process while the amendment is processed and considered by the Planning Commission.

E. Drive-Through Services. Drive-Through Services permitted pursuant to § 112-39.1C(1)(c), (f), (h) and (k) and § 112-37.2C(1)(b), (f), (h) and (k) shall be subject to the following development standards unless the Planning Commission grants a variation pursuant to Section 98-49:

(1) Drive-through lanes and service windows shall be located only in the back or sides of buildings.

(2) Drive-through lanes shall not be located along the street frontage(s) of a building.

(3) A maximum of two lanes shall be permitted.

(4) Drive-through services must be designed so as to not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, sidewalks, or drive aisles.

(5) Drive-through speakers shall not be audible from adjacent residential uses or residentially zoned properties.

(6) Drive-through canopies and other structures, where present, shall be constructed from the same material as the primary building and with a similar level of architectural quality and detailing.

F. Outdoor Storage Areas. Inventory shall be delineated on the Final Site Plan or Preliminary Subdivision Plan and shall be screened from view of public and private right(s) of way and adjacent property. Landscaping, or screening, will be required along the perimeter of the outdoor storage area in a manner acceptable to the Planning Commission. Only those outdoor storage areas approved on the approved Final Site Plan or Preliminary Plan shall be permitted in the MXD.

G. Seasonal Displays. Seasonal sidewalk displays shall be conducted in a manner which does not unreasonably interfere with vehicular or pedestrian traffic or with any other business establishment or residences.

Section 3. That Chapter 112, Article V of the Code of the Town of Mount Airy is hereby amended to enact new Section 112-37.2 of the Code as follows:

§112-37.2. Mixed Use District (MXD).

- A. Purpose. The purpose of the Mixed Use District (MXD) is to facilitate the integrated and orderly development of residential uses and non-residential uses where high quality mixed use developments can occur in harmony with surrounding land uses.
- B. Objectives. The following objectives are sought in the MXD:
- (1) Provide a more attractive residential and non-residential environment than would be possible through the strict application of conventional zoning district requirements.
 - (2) Encourage harmonious and coordinated development of sites that is consistent with the existing natural features, bicycle, pedestrian and vehicular circulation and compatibility with surrounding uses.
 - (3) Encourage development that is of excellent design and architecture with a mix of uses that will create synergy, efficiency of design, and a reduction of vehicle miles traveled.
 - (4) Create a mixture of office, retail, cultural, art, recreational, and residential uses, along with restaurants, eateries and cafes, where all related structures, parking, and open spaces are designed to establish and maintain a cohesive community while protecting the character of surrounding neighborhoods and the overall natural environment.
 - (5) Expand the opportunity to support diversified housing options within an integrated site design of varying land uses.
 - (6) Encourage development of sites that promote and support a diverse artistic and cultural entertainment entity and that creates a community with live-work space for artists.
- C. Permitted Uses. No building, structure, or land to which this zone applies shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained on land to which this zone applies, except for one or more of the uses listed in Subsection C (1) below combined with one or more of the uses listed in Subsection C (2) below, up to a maximum of 25,000 square feet of floor space per single user subject to Site Plan review and approval.
- (1) The following are the non-residential permitted uses:
 - (a) Administrative, financial, real estate, bank and professional offices.

- (b) Banks and savings and loan institutions with or without drive-through service compliant with Section 98-61E.
- (c) Bed and Breakfast establishments.
- (d) Bookstores, with the exception of adult entertainment.
- (e) Breweries, distilleries
- (f) Coffee shops, with or without drive-through services compliant with Section 98-61E that may facilitate live performances or readings.
- (g) Day-care facilities.
- (h) Drugstores, with or without drive-through services compliant with Section 98-61E.
- (i) Health services such as medical, dental, optical offices.
- (j) Home occupations.
- (k) Laundry or dry-cleaning establishments with or without drive-through service compliant with Section 98-61E.
- (l) Physical fitness facilities.
- (m) Public buildings, structures and properties.
- (n) Recreational Entertainment
- (o) Restaurants and lunchrooms, without drive-through service.
- (p) Retail sales and service.
- (q) Short-term rentals or Airbnb's
- (r) Veterinary Clinic, Animal Hospital.
- (s) Video rental establishments, with the exception of adult entertainment.
- (2) The following are the residential uses permitted:
 - (a) Townhouse.
 - (b) Dwelling, Multifamily, to include apartments and condominiums.
 - (c) Duplex or Semi-Detached Dwelling
 - (d) Single Family or Detached Dwelling
- (3) Accessory uses. The accessory uses allowed in mixed use developments shall be those uses and structures customarily accessory and incidental to any permitted principal use or

authorized conditional use. Accessory uses shall be screened from public view by walls, fencing, landscaping, or a combination of the three.

(4) The Planning Commission may consider uses that exceed 25,000 square feet up to a maximum of 65,000 square feet of floor space per single user.

D. Special Exceptions. The Board of Appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Article VIII, § 112-62:

(1) Clubs, Fraternal Organizations and Service Organizations. [§ 112-62F(3)]

(2) Hotels. [General standards, § 112-62E] *[Edit note: Special standards?]*

(3) Nursing Home, including assisted living centers. [§ 112-62F(4)]

E. Minimum Use Percentage Guidelines. Mixed Use Developments shall incorporate the following residential to non-residential ratios with respect to the site design and proposed land use:

(1) Required Land Use Mix. Residential to non-residential land use mix shall represent a ratio of no greater than 75% residential and no less than 25% non-residential, and no less than 25% residential and no greater than 75% non-residential, of the net developable acreage.

(a) The developer shall propose a ratio of the overall mix in its concept plan and provide a table showing the number of acres proposed for non-residential, residential, and relative land use mix percentage. The developer shall propose a ratio of open space to net developable acreage (see reference 98-23).

(b) The burden shall be on the developer to establish that the proposed ratio meets the overall intent of this zone in consideration of the project size, location, access to existing or planning community amenities, infrastructure and the character of the properties surrounding the project.

F. Conditions to use. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste or otherwise create a nuisance.

G. Density. A maximum of seven dwelling units per net developable acre shall be permitted.

H. Building Height. No structure shall exceed 40 feet in height or a maximum of three stories. *[Edit note: MXU-CC allows 40 feet without saying how many stories. Should that be corrected?]*

I. Off-street parking and loading. There shall be provided in the MXD adequate off-street parking and loading areas in accordance with the requirements in Article II. Temporary

storage of motor vehicles and motor equipment is subject to the requirements for off-street parking set forth in Section 112-7F, related to paving.

- J. Location, and layout requirements. Mixed Use Development design shall promote a pedestrian oriented environment through the placement of buildings in relation to public walkways, massing of buildings and related architectural elements, and give consideration as to the appropriate location of necessary amenities such as parking areas, trash containers, alleys, loading areas, etc. so as to limit them as much as possible from public view.
- K. Setbacks and Buffer Requirements. During the Concept Plan phase of the development approval process, the applicant shall provide the Planning Commission with a list of building setback requirements from public streets, or other structures within the development, and the property boundaries to be similar to existing individual zoning requirements. Once approved by the Commission, these bulk requirements shall be included in the Pattern Book described in Section 98-61B and govern development of the MXD. Property boundaries that abut less intensive zoning districts shall contain suitable buffers to be delineated in the development plans and Pattern Book and approved by the Planning Commission. Buffer requirements may not be eliminated through consolidation of parcels outside the MXD with parcels located within the MXD. Buildings with commercial, townhomes, and/or apartments that abut an existing residential district must maintain a fifty-foot yard buffer with no impervious area, except parking within half the yard distance.
- L. Development plans. Any new use or a change of use involving structural additions or changes and any site improvements, to include grading and parking, to be undertaken within the MXD shall require submission and approval of site and/or subdivision plans, as may be applicable, pursuant the Chapter 98 including Section 98-61.

Section 4. That Chapter 112, Article VIII of the Code of the Town of Mount Airy, Section 112-62 is hereby amended to repeal and enact with amendments as follows:

§ 112-62. Special exceptions.

* * *

- F. Specific standards for special exception uses. In addition to the general standards for all special exceptions as contained in § 112-62E, the following specific standards for particular uses must be met prior to the granting of a special exception:

* * *

- (3) Clubs, fraternal and service organizations. In R-5, ~~and~~ R-7 and Mixed Use Districts and subject to the requirements of the district in which located except as herein provided:

- (4) Convalescent or nursing home. In R-5, R-7, ~~and~~ CC and Mixed Use Districts and

subject to the requirements of the district in which located except as herein provided.

* * *

(30) Hotels. Section 62-F(30). [Edit note: Specific standards?]

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that
this Ordinance shall take effect on the _____ day of _____, 2020.

Introduced on the 6th day of January, 2020.

Reintroduced with slight amendment on the 4th day of May, 2020.

Enacted this _____ day of _____, 2020 by a vote of _____ in favor and
_____ opposed.

ATTEST:

Jason Poirier, Secretary

Larry G. Hushour
President of the Town Council

Approved this _____ day of _____, 2020.

ATTEST:

Jason Poirier, Secretary

Patrick T. Rockinberg, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This _____ day of _____, 2020.

Thomas V. McCarron, Town Attorney

B2286380

For:
Introduction and referral to Planning Commission: 1/6/20
Planning Commission Review and Recommendation: 1/27/20, 2/6/20,
2/24/20, 4/27/20
Re-introduced: 5/4/20¹
Public Hearing 6/1/20
Adoption _____

**REDLINES REFLECT RECOMMENDED CHANGES AND COMMENTS FROM
PLANNING COMMISSION AT
MEETINGS ON 1/27/20, 2/6/20, 2/24/20 and 4/27/20**

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2020-1

**AN ORDINANCE TO AMEND PART II
OF THE CODE OF THE TOWN OF MOUNT AIRY
ENTITLED "GENERAL LEGISLATION,"
CHAPTER 98 ENTITLED "SUBDIVISION OF LAND AND SITE PLAN REVIEW",
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STANDARDS", SECTION 98-23 ENTITLED "REQUIRED OPEN
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"SPECIAL DEVELOPMENT REGULATIONS", SECTION 98-60 ENTITLED
"TOWNHOUSE DEVELOPMENTS" AND SECTION 98-61 ENTITLED "MIXED USE
DEVELOPMENT WITHIN CC DISTRICT (MXU-CC)";
CHAPTER 112 ENTITLED "ZONING",
ARTICLE V ENTITLED "PROVISIONS GOVERNING
COMMERCIAL DISTRICTS" AND CREATING NEW
SECTION 112-37.2 ENTITLED "MIXED USE DISTRICT "(MXD)",
AMENDING ARTICLE VIII ENTITLED "BOARD OF APPEALS",
SECTION 112-62 ENTITLED "SPECIAL EXCEPTIONS"**

WHEREAS, the Planning Commission and Town Planning Staff have recommended the creation of a Mixed Use District (MXD); and

WHEREAS, the Town's current zones do not provide within a single zoning district the kind of flexibility and mixture of residential and non-residential uses that the Planning Commission and Town Planning Staff envision for the MXD; and

WHEREAS, the Town Council has determined that the MXD would foster economic development within the Town and would facilitate the integrated and orderly development of

¹ In interim since original introduction on 1/6/20, Section 98-23 underwent some changes by virtue of Ordinance 2019-12.

commercial, office, employment, and residential uses on vacant tracts of commercial, industrial, and high density residential zoned land within the Town of Mount Airy where high quality mixed use developments can occur in harmony with surrounding land uses, especially in parts of the downtown area, among other benefits; and

WHEREAS, changes to Chapter 98 ~~creating~~ extending supplemental development plan approval requirements and process for the MXD, the same as for Mixed Use Development within the Community Commercial District (MXU-CC), separate and apart from the townhouse regulations set forth in Section 98-60, and to Section 112-62 concerning specific standards for the granting of special exceptions, have been determined to be necessary and desirable in light of the creation of this new zoning district; and

WHEREAS, this ordinance was introduced at the Town Council meeting that occurred on 1/6/20 and, pursuant to the Town Code, Section 112-67, referred to the Town Planning Commission for review and recommendation; and

WHEREAS, the Planning Commission reviewed this ordinance at its regular meetings on January 27, 2020, February 24, 2020 and April 27, 2020, and at a workshop on February 6, 2020; and

WHEREAS, pursuant to Emergency Ordinance 2020-14, in response to the COVID-19 State of Emergency, the Town Council extended the 60 day deadline under Section 112-67 to make a recommendation as to this Ordinance to April 27, 2020 or be deemed to have approved same; and

WHEREAS, at its regular meeting on April 27, 2020, the Planning Commission recommended enactment of this ordinance with modifications; and

WHEREAS, at its regular meeting on May 4, 2020, the Town Council reintroduced this ordinance as reflected above, with slight modification, and set a public hearing for June 1, 2020 pursuant to the Town Code, Section 112-66A and the Land Use Article of the Maryland Code, Section 4-203(b), which was held on the aforementioned date.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF MOUNT AIRY:

That Chapter 98, Article VI of the Code of the Town of Mount Airy is hereby amended to repeal and reenact with amendments Section 98-23 as follows:

§98-23. Required open space/recreation areas to be dedicated.

* * *

- B. Open space development shall be required in the Town of Mount Airy and shall apply, along with the provisions of this section, to all residential zones, the Mixed Use District (MXD), or special exemption residential uses in commercial zones, and any development

with a residential component located in the Downtown Zone (DTZ) in accordance with the requirements set forth in this Code applicable thereto, except that plats recorded before the adoption of this section are exempt from the provisions of this section.

* * *

- I. Except for developments with a residential component located in the Downtown Zone (DTZ), the total area of dedicated open space shall equal the amount by which all dwelling unit lots are reduced below the base zoning and shall meet the requirements outlined in Table 1 below. [Note:change due to 2019-12]

Table 1: Open Space Required For Various Densities

Base Density (du/ac)	Open Space Required (percentage of net developable acreage)
Conservation/R-1	25%
R-2/RE	35%
R-3 – R-5	45%
R-5 – R-7	50%
<u>MXD</u>	<u>10%</u>

(1) A request for the adjustment of the above percentages can be made to the Planning Commission based upon any unique features of the parcel. The Planning Commission, in its discretion, may grant an adjustment to the percentages set forth in Table 1 if it is established by the property owner that the adjustment will be more beneficial to the needs of the community for that specific parcel. In determining whether to grant such an adjustment, the Planning Commission may seek input from the Board of Parks and Recreation or from any other source that the Planning Commission deems beneficial. The open space requirement for developments in the Mixed Use District (MXD) shall be 10% of the total gross acreage of the project.

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(2) A request for the adjustment of the above percentages can be made to the Planning Commission based upon any unique features of the parcel. The Planning Commission, in its discretion, may grant an adjustment to the percentages set forth in Table 1 and the open space percentage for the MXD as set forth in

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subsection (1) above, if it is established by the property owner that the adjustment will be more beneficial to the needs of the community for that specific parcel. In determining whether to grant such an adjustment, the Planning Commission may seek input from the Board of Parks and Recreation or from any other source that the Planning Commission deems beneficial.

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* * *

§98-60. Townhouse developments.

- A. Purpose and scope. The purpose and intent of this section is to provide minimum standards for townhouse developments to ensure the necessary amenities normally associated with such developments; to provide for design requirements that will promote appropriate and acceptable layout and grouping of such units to create a quality environment to live in; to provide minimum standards for the ownership and maintenance of common areas; to ensure adequate public improvements such as streets, walks, etc., are provided, to prevent detrimental effects on the use and development of adjoining properties; and to promote the health, safety and welfare of the residents of the development and neighborhood. The provisions of this section shall apply to all townhouse developments regardless of zoning district in which located, except that this section shall not apply to properties in the Mixed Use District (MXD) or approved as mixed-use developments within the CC District (MXU-CC).

* * *

§98-61. Mixed-use Development within CC District (MXU-CC) and Mixed Use District (MXD) developments.

- A. Purpose and scope. The purpose and intent of this section is to provide supplemental requirements for the approval of development plans for properties zoned in the CC District and in the Mixed Use District (MXD) in order to implement the mixed-use development as set forth in §§ 112-39C(12) and 112-62F(29), and in Section 112-37.2.
- B. Pattern Book. As part of the ~~site plan~~ initial phase of the development approval process, the applicant shall provide the Commission with a Pattern Book and concept layout plan that will address the site planning, architectural, and signage requirements for the proposed development. Once approved by the Commission, the Pattern Book shall govern development of the ~~MXU-CC mixed use development~~. The applicant will follow the Design Guideline provisions adopted by the Town of Mount Airy. The Pattern Book shall be prepared by a licensed professional landscape architect, architect, or engineer. The Pattern Book shall include, at a minimum, the following sections:

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- (1) An introduction that shall contain:

(a) Description of the overall development.

(b) Market ~~analysis summary~~ for the proposed uses. ~~Comments were that this should be no more than an executive summary, this was already done by the Town in its Downtown Vision Plan~~

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(c) Relationship between the proposed development and the existing Town limits.

(2) Site Planning Components

(a) Relationship of uses within the development.

(b) Focal points of the development and how they have been maximized.

(c) Vehicular and pedestrian connectivity within the development and to the Town, to include walking and cycling paths.

(d) Proposed recreational areas within and adjacent to residential areas, including proposed improvements to recreational areas to serve the intended residential population.

(e) Building and parking setbacks.

(f) Parking ratios per use shall be in accordance with § 112-7.

(g) Proposed service and loading spaces.

(h) Pedestrian oriented scale and design.

(i) Any area utilized for outdoor storage, as defined in §112-71.

(j) The locations for outdoor displays.

(k) Drive through service location and layout.

(l) Set back requirements from public streets, other structures within the development, the property boundaries and, with respect to property lines that abut less intensive zoning districts, buffers.

(m) In the Mixed Use District (MXD), front yard setbacks within Priority Areas, especially along Center Street, shall be similar to the Downtown Zoning District with wide sidewalks and buildings near the street, or a distance equal to the average of the front yard setbacks for existing improved properties immediately adjacent to the subject property. [Edit

note: probably belongs in Section 112-37.2K. Also need to determine if we want this section to apply to MXU-CC] *[Comment received that set backs should not be drawn from adjacent property, set back should be closer to the street in MXD, comment was made that this should be pulled out or some guidelines for PC need to be developed on what to be approved and what not to be approved]]*

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(3) Architectural Design.

- (a) Architectural style and overall design principles.
- (b) Graphic examples of selected style.
- (c) Design details and materials.
- (d) Green initiatives.

(4) Landscape Architectural Design.

- (a) Public spaces.
- (b) Hardscape and softscape design details and materials.
- (c) Streetscape design.
- (d) Site furnishing details and products.
- (e) Landscape screening (perimeter buffers, parking lots, service and loading areas).
- (f) Lighting details and materials.

(5) Signage Plan. All sign regulations under Town Code Section 112-11 shall apply unless expressly waived by the Planning Commission or are otherwise expressly waived or made inapplicable by the provisions of this Code that apply to MXU-CC or the MXD.

(6) Management and Maintenance Program.

- (a) For privately owned property.
- (b) For common areas.

(7) Phasing of the Development.

- (a) The anticipated timeframe when various milestones of the development are anticipated to be developed. Consideration as to balancing the development of various uses to maximize the fiscal benefit to the development and the Town should

be given. In addition, consideration as to the availability of planned community amenities should be balanced with the development of retail services.

- (b) The relative mix of uses and the development milestones and phasing of permits for each stage of development shall be determined to be reasonable in the discretion of the Planning Commission.

C. The Pattern Book shall be evaluated based on the Purpose and Objectives of the Mixed Use Development as outlined in § 112-39.1A and B or, as applicable, the Mixed Use District as outlined in § 112-37.2.

D. Approval process. ~~A MXU-CC and MXD development approval shall follow the two-step approval process of concept plan and final site plan following process: in accordance with Article VIII of this chapter. A development in the MXD shall follow the three-step approval process of Concept Plan, Preliminary Plan, and Final Site Plan or Final Subdivision Plan in accordance with Articles VIII, IX or X of this Chapter, whichever shall be applicable. In addition, the Planning Commission may require a charrette(s) or special work session(s) to facilitate collaboration on the conceptual design and layout.~~

- (1) An applicant shall submit the Pattern Book in accordance with this Section and a concept layout plan showing *Describe what it will require, not require?* ~~all concept, preliminary (if applicable) and final plans to the Planning Commission for consideration, in order for the Commission to have sufficient information to determine the practicality and suitability of the proposed development.~~

- (2) The Planning Commission may require charrette(s) or special work session(s) to facilitate collaboration on the sketch plan design and layout shall hold at least one public hearing when considering the final plan (including the Pattern Book). ~~*[Edit note: the MXD draft from Engineering said at concept and preliminary. Final is in this existing subsection]*~~
The following notice shall be given:

- (a) At least 30 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town.
- (b) ~~The~~ Property upon which a mixed-use development is proposed shall be posted conspicuously by a notice at least 24 inches by 36 inches in size, for at least 30 consecutive days before the date of the hearing.
- (c) Notice of the hearing shall be sent by first-class mail to that person making application to the Commission no less than 30 days prior to the first scheduled hearing.

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(d) ~~At least 30 days prior to the first scheduled hearing, notice of the hearing shall be sent by first-class mail to those persons identified by the applicant as persons owning property contiguous to the property which is the subject of the proceeding. Notice shall be sufficient if given to the person shown as the owner on the tax rolls and sent to the address where tax bills are sent.~~

(3) ~~Once the Pattern Book and sketch plan are reviewed, commented upon by the Planning Commission and the public at public meeting(s) or work sessions, and are agreed upon in final form between the Planning Commission and developer, the developer shall submit a concept plan in accordance with Article VIII (for site plans), IX (for subdivision plans) or X (for minor subdivision plans) of this Chapter, as applicable, for water and sewer allocation review pursuant to Chapters 91 and 109 and for Adequate Public Facilities Ordinance (APFO) review pursuant to Chapter 25, Sections 25-4, et seq. [Town Attorney Note to PC: Developers Rights and Resonponsibilities Agreement (DRRAs) recommended be entered into by Town and Developer was commented upon to protect developer from changes in law – likely will require a separate enabling ordinance for DRRAs – not clear that this was embraced by Planning Commission, but was a comment during discussion].~~

(4) ~~After a concept plan has been approved, the developer shall submit a final plan and Pattern Book for review and approval by the Planning Commission. The Planning Commission shall hold at least one public hearing when considering the final plan (including the Pattern Book) for which the following notice shall be given:~~

(a) ~~At least 30 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the Town.~~

(b) ~~Property upon which a mixed-use development is proposed shall be posted conspicuously by a notice at least 24 inches by 36 inches in size, for at least 30 consecutive days before the date of the hearing.~~

(c) ~~Notice of the hearing shall be sent by first-class mail to that person making application to the Commission no less than 30 days prior to the first scheduled hearing.~~

(d) ~~At least 30 days prior to the first scheduled hearing, notice of the hearing shall be sent by first-class mail to those persons identified by the applicant as persons owning property contiguous to the property which is the subject of the proceeding. Notice shall be sufficient if given to the person shown as the owner on the tax rolls and sent to the address where tax bills are sent. [Town Attorney Note to PC: discussion was~~

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had as to the need for a public hearing, as opposed to public meetings. Also, do we want this to occur at the final plan stage or the concept plan stage?

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(3)(5) The Commission may approve or disapprove the ~~concept~~ final plan (including the Pattern Book) ~~after a public hearing.~~ Town Attorney Note to PC: generally, the PC does not approve final plans unless there is a material change or something. See subsection (6) below.

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Town Attorney Note to PC: preliminary plan review eliminated. Large subdivisions have preliminary plan review. Also, supposing we have an MXD subdivision, are we going to insist on individual site plans for each non-residential lot, with separate PWAs like Twin Arch Business Park? If so, we will need to codify that.

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(4)(6) Should the Planning Commission determine that additional assistance to review an application is required, the Town may hire licensed professionals (such as a landscape architect, architect, and/or engineer) to assist in the review of the application. The cost of any outside professionals shall be paid for by the applicant. The Town shall make every effort to minimize all costs associated with any outside professional assistance.

(5)(7) Amendments to ~~concept layout, or if applicable preliminary,~~ plans must be approved by the Planning Commission in the following instances:

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(a) A material change in use is involved;

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(b) Increases in the height of building structures by 10 feet or more provided the increase does not exceed the building height standard set forth in § 112-37.2H or § 112-39.1F;

(c) Material ~~c~~Changes in the orientation or location of buildings or parking areas;

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(d) Any decrease in the number of off-street parking spaces required by code or as agreed upon by the Planning Commission;

(e) An increase of nonresidential building floor area by more than 10% or by more than 5,000 square feet; and

(f) An increase in the number of residential dwelling units by more than 10% or more than five units.

~~(6)~~(8) Any application for amendment of concept plans, preliminary plans and final site plans that must be approved by the Planning Commission must be submitted in accordance with Appendix A and Appendix E to this chapter.

~~(7)~~(9) Elements of a concept, or if applicable preliminary, plan not materially affected by a proposed amendment may move forward in the development process while the amendment is processed and considered by the Planning Commission.

E. Drive-Through Services. Drive-Through Services permitted pursuant to § 112-39.1C(1)(c), (f), (h) and (k) and § 112-37.2C(1)(b), (f), (h) and (k) in the Mixed Use District (MXD) zone shall be subject to the following development standards unless the Planning Commission grants a variation pursuant to Section 98-49:

- (1) Drive-through lanes and service windows shall be located only in the back or sides of buildings.
- (2) Drive-through lanes shall not be located along the street frontage(s) of a building.
- (3) A maximum of two lanes shall be permitted.
- (4) Drive-through services must be designed so as to not interfere with the circulation of pedestrian or vehicular traffic on the adjoining streets, sidewalks, or drive aisles.
- (5) Drive-through speakers shall not be audible from adjacent residential uses or residentially zoned properties.
- ~~(6)~~ Drive-through canopies and other structures, where present, shall be constructed from the same material as the primary building and with a similar level of architectural quality and detailing.
- ^A~~(6)~~(7) No more than 1 drive-through shall be permitted for the first 50,000 square feet in footprint of commercial space, and thereafter no more than 1 drive-through for each additional 50,000 square feet in footprint of commercial space, shall be permitted, and the Planning Commission shall have the power to further limit drive-throughs in terms of their number, layout, and location taking into account their impact on vehicular and pedestrian traffic.

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F. Outdoor Storage Areas. Inventory shall be delineated on the Final Site Plan or Preliminary Subdivision Plan and shall be screened from view of public and private right(s) of way and adjacent property. Landscaping, or screening, will be required along the perimeter of the outdoor storage area in a manner acceptable to the Planning Commission. Only those outdoor storage areas approved on the approved Final Site Plan or Preliminary Plan shall be permitted in the MXD.

G. Seasonal Displays. Seasonal sidewalk displays shall ~~be conducted in a manner which does not unreasonably interfere with vehicular or pedestrian traffic or with any other business establishment or residences~~ comply with applicable provisions of the Town Code.

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Section 3. That Chapter 112, Article V of the Code of the Town of Mount Airy is hereby amended to enact new Section 112-37.2 of the Code as follows:

§112-37.2. Mixed Use District (MXD).

A. Purpose. ~~The purpose of the Mixed Use District (MXD) is to facilitate the integrated and orderly development of residential uses and non-residential uses where high quality mixed use developments can occur in harmony with surrounding land uses.~~

B. Objectives. ~~The following objectives are sought in the MXD:~~

- ~~(1) Provide a more attractive residential and non-residential environment than would be possible through the strict application of conventional zoning district requirements.~~
- ~~(2) Encourage harmonious and coordinated development of sites that is consistent with the existing natural features, bicycle, pedestrian and vehicular circulation and compatibility with surrounding uses.~~
- ~~(3) Encourage development that is of excellent design and architecture with a mix of uses that will create synergy, efficiency of design, and a reduction of vehicle miles traveled.~~
- ~~(4) Create a mixture of office, retail, cultural, art, recreational, and residential uses, along with restaurants, eateries and cafes, where all related structures, parking, and open spaces are designed to establish and maintain a cohesive community while protecting the character of surrounding neighborhoods and the overall natural environment.~~
- ~~(5) Expand the opportunity to support diversified housing options within an integrated site design of varying land uses.~~
- ~~(6) Encourage development of sites that promote and support a diverse artistic and if possible cultural entertainment entity and that creates a community with live-work space for artists.~~

C. ~~Permitted Uses. No building, structure, or land to which this zone applies shall be used and no building or structure shall hereafter be erected, structurally altered, enlarged or maintained on land to which this zone applies, except for one or more of the uses listed in Subsection C (1) below combined with one or more of the uses listed in Subsection C (2) below, up to a maximum of 25,000 square feet of floor space per single user subject to Site Plan review and approval.~~

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(1) The following are the non-residential permitted uses: *

- (a) Administrative, financial, real estate, bank and professional offices.
- (b) Alcohol sales, Banks and savings and loan institutions with or without drive-through service compliant with Section 98-61E.
- (c) Bed and Breakfast establishments.
- (d) Bookstores, with the exception of adult entertainment.
- (e) Breweries, distilleries, and wineries.
- (f) Coffee shops with or without drive-through services compliant with Section 98-61E that may facilitate live performances or readings.
- (g) Crafts and artisan services.
- (g)(h) Day-care facilities.
- (h)(i) Drugstores with or without drive-through services compliant with Section 98-61E.
- (j) Educational centers.
- (k) Furniture upholstery and repair, no chemical uses.
- (i)(l) Health services such as medical, dental, optical offices.
- (m) Hotels, with or without conference rooms.
- (f)(n) Home occupations.
- (k)(o) Laundry or dry-cleaning establishments with or without drive-through service compliant with Section 98-61E.
- (p) Municipal government services.
- (f)(q) Physical fitness facilities.
- (r) Professional offices.
- (n)(s) Public buildings, structures and properties.
- (n)(t) Recreational entertainment and amusements.
- (n)(u) Restaurants and lunchrooms, including outside or sidewalk dining without drive-through service.
- (p)(v) Retail sales and service, without outdoor storage.
- (q) Short-term rentals or Airbnb's

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~~(f)(w)~~ Veterinary Clinic, Animal Hospital, without overnight boarding,

~~(x)~~ Video rental establishments, with the exception of adult entertainment,

~~(s)(v)~~ Any other uses not listed above that the Planning Commission determines are similar to and/or compatible with the commercial uses set forth above.

(2) The following are the residential uses permitted:

(a) Townhouse,

(b) Dwelling, Multifamily, to include apartments and condominiums.

(c) Duplex or Semi-Detached Dwelling

(d) Single Family or Detached Dwelling

(3) Accessory uses. The accessory uses allowed in mixed use developments shall be those uses and structures customarily accessory and incidental to any permitted principal use or authorized conditional use. Accessory uses shall be screened from public view by walls, fencing, landscaping, or a combination of the three.

(4) The Planning Commission may consider One building use may exceed 25,000 square feet up to 65,000 square feet of floor space. Any additional uses that exceed 25,000 square feet shall require Planning Commission approval up to a maximum of 65,000 square feet of floor space per single user.

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D.C. Special Exceptions. The Board of Appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Article VIII, § 112-62:

(1) Clubs, Fraternal Organizations and Service Organizations. [§ 112-62F(3)]

(2) Hotels. [General standards, § 112-62F]

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~~(3)(2)~~ Nursing Home, including assisted living centers. [§ 112-62F(4)]

E.D. Minimum Use Percentage Guidelines. Mixed Use Developments shall incorporate the following residential to non-residential ratios with respect to the site design and proposed land use:

(1) Required Land Use Mix. Residential to non-residential land use mix shall represent a ratio of no greater than 75% residential and no less than 25% non-residential, and no less than 25% residential and no greater than 75% non-residential, of the net developable acreage.

(a) The developer shall propose a ratio of the overall mix in its Pattern Book concept plan and provide a table showing the number of acres proposed for non-residential,

residential, and relative land use mix percentage. The developer shall propose a ratio of open space to net developable acreage (see reference 98-23).

- (b) The burden shall be on the developer to establish that the proposed ratio meets the overall intent of this zone in consideration of the project size, location, access to existing or planning community amenities, infrastructure and the character of the properties surrounding the project.

F.F. Conditions to use. Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste or otherwise create a nuisance.

G.F. Density. A maximum of seven dwelling units per net developable acre shall be permitted.

H.G. Building Height. No structure shall exceed 40 feet in height or a maximum of three stories. [Edit note: MXU-CC allows 40 feet without saying how many stories. Should that be corrected? – Planning ultimately recommended that the number of stories be kept out of this. If this changes, however, and the number of stories is changed, should same provision for MXU-CC be changed to reflect this in separate ordinance?][Developer of Beck Property: note that 4 story Townhomes with rooftop deck in Town Center style are very popular right now]

H.H. Off-street parking and loading. There shall be provided in the MXD adequate off-street parking and loading areas in accordance with the requirements in Article II. Temporary storage of motor vehicles and motor equipment is subject to the requirements for off-street parking set forth in Section 112-7F, related to paving.

H.I. Location, and layout requirements. Mixed Use Development design shall promote a pedestrian oriented environment through the placement of buildings in relation to public walkways, massing of buildings and related architectural elements, and give consideration as to the appropriate location of necessary amenities such as parking areas, trash containers, alleys, loading areas, etc. so as to limit them as much as possible from public view.

K.I. Setbacks and Buffer Requirements. During the Concept Plan phase of the development approval process, the applicant shall provide the Planning Commission with a list of building setback requirements from public streets, or other structures within the development, and the property boundaries to be similar to existing individual zoning requirements. Once approved by the Commission, these bulk requirements shall be included in the Pattern Book described in Section 98-61B and govern development of the MXD. Property boundaries that abut less intensive zoning districts shall contain suitable buffers to be delineated in the development plans and Pattern Book and approved by the Planning Commission. Buffer requirements may not be eliminated through consolidation of parcels outside the MXD with parcels located within the MXD. Buildings with commercial, townhomes, and/or apartments that abut an existing residential district must maintain a fifty-foot yard buffer with no impervious area, except parking within half the yard distance. [Town Attorney note: Question raised by

developer of Beck Property why do this for townhomes, at least those that abut residential anyway?]

F.K. Development plans. Any new use or a change of use involving structural additions or changes and any site improvements, to include grading and parking, to be undertaken within the MXD shall require submission and approval of site and/or subdivision plans, as may be applicable, pursuant the Chapter 98 including Section 98-61.

Section 4. That Chapter 112, Article VIII of the Code of the Town of Mount Airy, Section 112-62 is hereby amended to repeal and enact with amendments as follows:

§ 112-62. Special exceptions.

* * *

F. Specific standards for special exception uses. In addition to the general standards for all special exceptions as contained in § 112-62E, the following specific standards for particular uses must be met prior to the granting of a special exception:

* * *

(3) Clubs, fraternal and service organizations. In R-5, and R-7 and Mixed Use Districts and subject to the requirements of the district in which located except as herein provided:

(a) Lot area: 20,000 square feet minimum.

(b) Lot width: 150 feet minimum.

(c) Yards, minimum for each yard: front 50 feet, side 30 feet, rear 60 feet.

(d) Building coverage: 15% of the total lot area maximum.

(e) Access must be on a major street as designated in the Town Master Plan.

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(4)(3) Convalescent or nursing home. In R-5, R-7, and CC and Mixed Use Districts and subject to the requirements of the district in which located except as herein provided.

* * *

(30) Hotels, Section 62-F(30). [Edit note: Specific standards?]

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BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that

this Ordinance shall take effect on the _____ day of _____, 2020.

Introduced the 6th day of January, 2020.

Reintroduced with slight amendment on the 4th day of May, 2020.

Enacted this _____ day of _____, 2020 by a vote of _____ in favor and _____ opposed.

ATTEST:

Jason Poirier, Secretary

Larry G. Hushour
President of the Town Council

Approved this _____ day of _____, 2020.

ATTEST:

Jason Poirier, Secretary

Patrick T. Rockinberg, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This _____ day of _____, 2020.

Thomas V. McCarron, Town Attorney

B2286380B2297490

Debra Clinton

Attorney-Client Privileged Communication

Thanks!

Attorney-Client Privileged Communication

Thank you,

Debra Clinton
Community Planning Administrative Assistant
P.O. Box 50
110 South Main Street
Mount Airy, MD 21771
301-703-1269
dclinton@mountairymd.gov

Attorney-Client Privileged Communication

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Subject: RE: AtRE: [EXTERNAL] RE: MXD Ordinance - for public hearing on 6/1/20

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Subject: RE: AtRE: [EXTERNAL] RE: MXD Ordinance - for public hearing on 6/1/20

Tom,

I was reading through the revised MXD Ordinance and found the term "net developable acreage" was still included in TABLE 1 on page 3, ITEM D(1) on page 14, and ITEM F on page 14. If you will recall, my biggest objection to this document was using the term "net developable acreage" as defined by Barney Quinn. That definition essentially made

the Beck Property and most other sites undevelopable with a broad number of items included in the net figure (e.g. roadways).

It was my understanding that the Planning Commission was agreeable to the term "gross acreage" as it applied to the various provisions in the MXD Ordinance; or, alternatively, defining "net developable acreage" as the gross acreage minus the acreage in the flood plain. Using Barney's definition will make this document and most development moot.

Please let me know if you have any questions or would like to discuss.

Thanks.

Victor M. Kazanjian
Kaz Brothers, L.C.
14660 Rothgeb Drive, Suite 201
Rockville, MD 20850
Work 301-438-2211
[REDACTED]
Fax 301-438-3625

www.kazbrothers.com

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From: McCarron, Tom
Sent: Tuesday, June 2, 2020 2:31 PM
To: Victor Kazanjian <Victor@[REDACTED]>; 'Ron Thompson' <ron@[REDACTED]>
Subject: AtRE: [EXTERNAL] RE: MXD Ordinance - for public hearing on 6/1/20

There were no comments during the public hearing. It was not yet enacted given the number of changes from the Planning Commission vs. what was originally introduced. Discussion was had on most of them. It looks like the Town Council is supportive of this ordinance and the vast majority of the changes proposed by the Planning Commission. I have been instructed to draft a "clean" version with the changes proposed by the PC, as well as some proposed by the Town Council. I would expect that to be enacted at the July 1 meeting.

I attach a copy of the MXD ordinance with mark ups, some in red and some in blue. At least, I hope they come out on your end in those colors. This version combines (1) the changes recommended by the Planning Commission, the PC's comments and then some of my comments where there was discussion on certain issues, but I wasn't sure that the Planning Commission had fully and finally made a determination as to what to recommend, all in red; and (2) in blue, changes that individual Town Council members suggested to Town Staff in 2 at a time meetings with Staff (so as to avoid the Open Meetings Act). As to the blue changes, some of them require that I go through to make sure that a change suggested in one place doesn't contradict other parts of what is drafted. One change presents a legal issue that I have been asked to look into. I should say that all the blue changes as well as the red ones were for the most part reviewed, and for the most part seemed acceptable to everyone.

The major changes are:

1. The Town Council would like to have the Planning Commission recommend adoption of the Pattern Book, but the Town Council wants to review and approve the final Pattern Book. This is the legal issue that I have to look at to see if the Town Council can do that.
2. Town Council generally wants to delete under the permissible provision (y) that gives the Planning Commission the right to determine that a use not specifically enumerated among the permitted uses be approved if similar or compatible with other commercial uses allowed.
3. They want to put short term rentals such as Air B&B's back into the uses.
4. They want dispensaries, pawn shops and vape shops, as prohibited uses.

From: Victor Kazanjian [mailto:Victor@[REDACTED]]

Sent: Tuesday, June 2, 2020 12:38 PM

To: McCarron, Tom <TMcCarron@[REDACTED]>; 'Ron Thompson' <ron@[REDACTED]>

Subject: [EXTERNAL] RE: MXD Ordinance - for public hearing on 6/1/20

TOM – Did anything happen with the MXD Ordinance at the Town Council meeting on 6/1?

Thanks.

Victor M. Kazanjian
Kaz Brothers, L.C.
14660 Rothgeb Drive, Suite 201
Rockville, MD 20850
Work 301-438-2211

Fax 301-438-3625

www.kazbrothers.com

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From: McCarron, Tom

Sent: Tuesday, May 26, 2020 12:45 PM

To: Ron Thompson <ron@[REDACTED]>; Victor Kazanjian <Victor@[REDACTED]>

Subject: MXD Ordinance - for public hearing on 6/1/20

Ron and Victor:

In anticipation of the public hearing on 6/1 for this ordinance before the Town Council, attached please find: (1) Ord. 2020-1 as reintroduced on 5/4/20, and then (2) a redlined version of the same ordinance showing the Planning Commission recommended changes, comments and then a few of my comments to the Planning Commission that I was not sure were addressed by the PC (some of which convey some of your comments that I wasn't sure got addressed by the PC – wanted to do this to convey some key discussion points that took place at the PC that the Town Council may want to take up).

My expectations are that even though this ordinance could be adopted on 6/1, and is on the TC agenda for that purpose, that the Town Council may have a number of changes or want an additional month or so to continue to review this. Adoption, in other words, may not come on 6/1. But we will see.



Open for business and working remotely to serve you.

Thomas V. McCarron

Principal

25 South Charles Street, Ste 1400, Baltimore, MD 21201

Tel: 410.576.4854 | Cell: 410.960.6743 | Fax: 410.539.5223

tmccarron@semmes.com

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Attorney-Client Privileged Communication



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Debra Clinton

From: Debra Clinton
Sent: Wednesday, October 7, 2020 12:57 PM
To: John Breeding
Subject: Accepted: Discussion of the development of the Beck property and Center Street

Debra Clinton

From: David Warrington
Sent: Thursday, October 15, 2020 3:12 PM
To: John Breeding; Barney Quinn
Cc: Chaslyn Derexson; Debra Clinton
Subject: Beck Property Development Meeting
Attachments: MEETING BECK PROPERTY.docx

I got confused at the end regarding what was to happen when. Please take a look and let me know what needs correcting. The timing of the Ordinance – DARR – Pre-Concept Plan and who got/reviewed what when got a little muddled for me.

Any help would be greatly appreciated.
David

MEETING NOTES
BECK PROPERTY DEVELOPMENT
October 15, 2020

Present: Barney Quinn, John Breeding, Chaslyn Derexson, Debra Clinton, David Warrington, Tom McCarron (Esq.), Victor Kazanjian and Mr. David Bowersox (Esq.)

Victor – requested a final version of the signed MXD Ordinance (the Town Clerk was able to provide an unsigned final version). The big question for us is the Developer Responsibilities and Rights Agreement (DRRA). We want to work out the format for the DRRA. The bigger question is how are we going to get the property zoned MXD. What is the timing and the process? There is an East and West side to this development.

The West side will consist of the Town Center format (public green, etc.). The East side will mostly be residential. With Day Care as a big need in this area, it may be an element on the East Side. We want to develop it in a scheduled way. We will want to do some western and some eastern side development and grow these two areas together because they depend on each other. I will have builders lining-up for the residential lots. The retail will be there, but not with the same demand. We have done some market studies and on the retail side we could have and support a Harris-Teeter. I have pizza places by the dozens, but we don't want 12 Popeye's or Arby's as well. We have an opportunity for some medium based eateries with some upper as well, for example a Long Horn Steak House is a mid-tier type.

John – regarding housing we have a 25 building permit issuance limit for homes in a given calendar year. So, how will you break them up?

David D. – there is a part to change that at the County level. If the Town has its own APFO then they can supersede the County's restrictions.

Victor – you want a connection to the houses on the West side.

David D. – we are likely around 75 for a calendar year from 25. Sounds like the thresholds can be address in the DRRA. Perhaps the designated ratio for the East & West can be in the DRR Agreement. What will this look like before it is going in place? This is the logical place to start deliberating over these items and it will provide something for Council input.

Victor – it will take 2 to 3 years to get to a point of approval. First thing is likely Center Street and then Century to 27. This will put all the intersections at a passing grade. These amenities, water and sewer and grading will take a least a year. Then you may see some construction on commercial lots. Construction will begin in bits and pieces, but you will see half of the in the first year. Even if 80 permits are issued per year, then you are talking 6-7 ears of construction to build those things out. It's a good 10 year project from start to finish. The key is the ECONOMICS! We are in a lull right now due to Covid and I don't see any economic slack coming after we begin to get past this.

Tom – we have a lot in the concept phase to address.

David D. – these are all the contributing factors that drive the concept plan and DRRA.

Tom – I think we will have a draft DRRA during the concept process.

Victor – I don't think this will "diminish" the small town feel and it will actually be an enhancement to the small town.

David D – is there a meeting to get the re-zoning prior to waiting for the Comprehensive Plan?

Tom – we could do a mid-stream change. The State you can amend, adopt and change which is not unheard of, but not common place.

David D. – if MXD was contemplated in the Master Plan can there be grounds for a mid-term Master Plan correction?

Tom – my argument would be that the contemplation of the MXD is in the current Master Plan.

Victor – enabling legislation and the DRRA need to move together and get approved. We need an Ordinance to get the zoning changed rather than wait for the Master Plan process amendment.

Tom – this is a very simple Ordinance and we just need to draft and introduce.

Victor – the pre-concept plan, comes with a charrette, public input then the pre-concept site layout plan and DRRA come together to the Council. The Council will then refer them to the Planning Commission and then we can go from there.

Debra Clinton

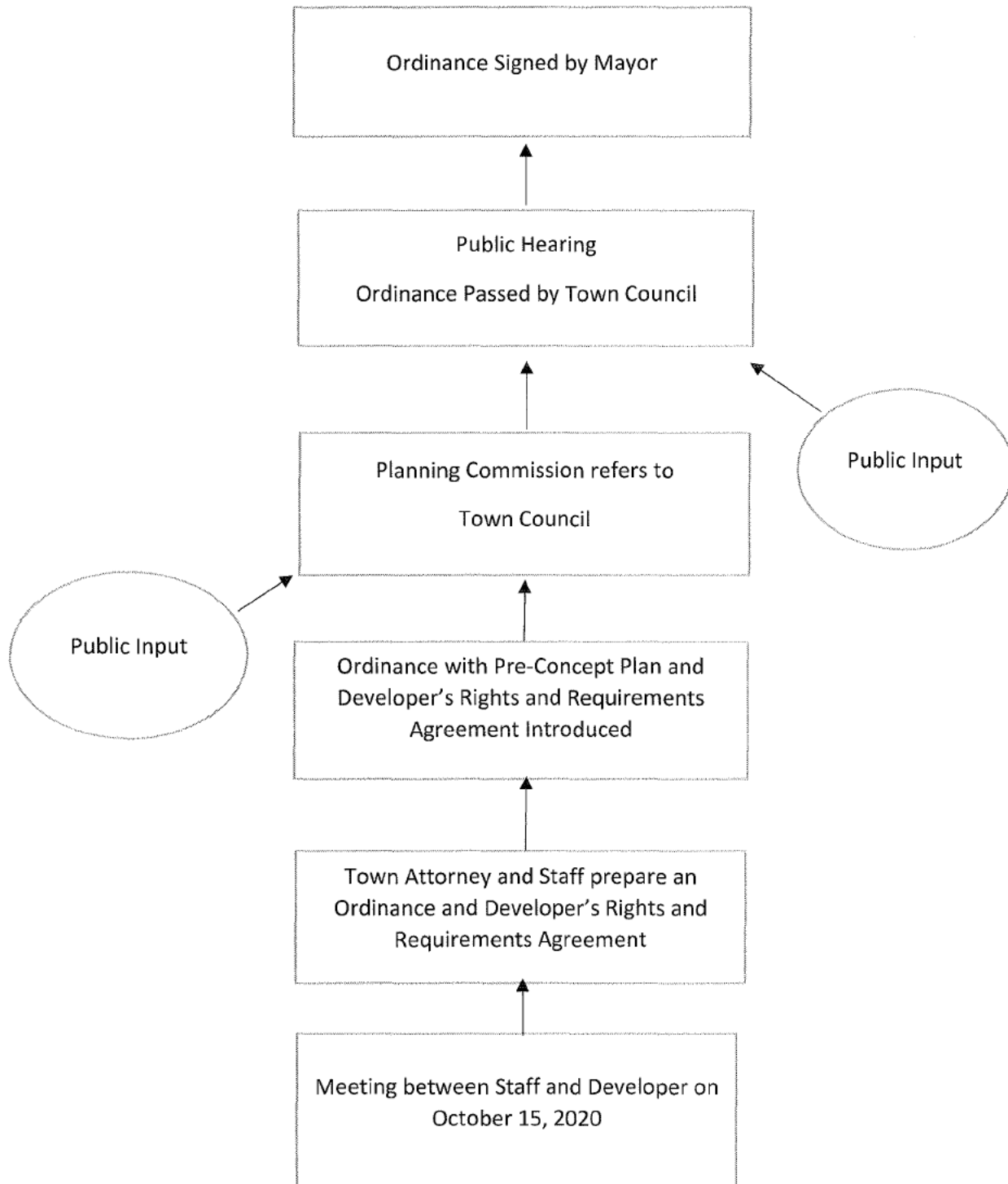
From: David Warrington
Sent: Friday, October 16, 2020 11:14 AM
To: John Breeding; Barney Quinn
Cc: Chaslyn Derexson; Debra Clinton
Subject: Beck Rezoning to MXD
Attachments: Beck Property Zoning Flow Chart.docx

John, Barney, Chas & Debra,

As noted in my previous email, I got a bit confused/lost at the end of yesterday's meeting regarding process. I don't want to bother Tom to explain since he has enough on his plate. Could you look at the attached flow chart and advise me what needs to be corrected in the process or if I am missing any steps.

Thanks,
David

BECK PROPERTY REZONING TO MXD



Debra Clinton

From: David Warrington
Sent: Thursday, February 25, 2021 12:37 PM
To: John Breeding
Cc: Debra Clinton
Subject: Mount Airy Master Plan MXD Zoning - Beck Property
Attachments: doc01967420210225123349.pdf

John,
Thank you for sending Resolution this morning. Could you send the attached along to Mr. Bowersox as well and note to him that this was the language we were referring to in our discussions that may or may not allow re-zoning now.
Appreciated,
David

MAVFC	36	R-2	CC	0	9,300
Beck	13	R-3	R-3	45	11,250
Beck	36	R-7	R-7	140	31,500
Beck	18	I	I	0	4,500
Pank	40.00	I	I	0	10,000
Pank	10.00	I	I	0	2,500
Beck- Center St	23.00	CC	CC	0	4,250
Center Street- Redevelopment		CC/I	CC/I	0	20,850
Downtown Zone Redevelopment		DTZ/CC/I	DTZ	0	16,000
Other Redevelopment		CC/I	CC/I	0	31,100

Source: Town of Mount Airy, Maryland. Water and Sewer APFO Document. Dec 2013

The residential portion of this chart represents 482 units of additional residential growth within the Town infill properties. This figure is slightly more than projected in the previous chapter of this plan. The “*Buildable Land Inventory and Potential Population*” chart, located in the Land Use and Zoning Chapter, represents the gross developable acreage assuming a density yield of 75%. The above chart takes into account specific site constraints and increased density provision to project realistic development scenarios for each individual property. Such scenarios are provided below for a few of the more significant infill and redevelopment opportunities.

INFILL AND REDEVELOPMENT OPPORTUNITIES:

Center Street Corridor (Beck): This opportunity includes several parcels of land located along MD 27 at Center Street that are currently owned by the Beck Family and offers medium to high density residential, commercial, or mixed use development capabilities. One of the parcels, containing 36 acres, is currently zoned R-7 residential and located on the east side of MD 27 at Center street. The topography and heavily forested areas will likely restrict this property from achieving permitted development density. The Town estimates this parcel could possibly yield 140 townhomes. The property owner has requested commercial rezoning of this property during the 2013 Master Plan Update, but was not supported at this time. Rather, this property has been identified to be among potential candidates for a mixed-use commercial development opportunity with a residential component in the future should a Mixed Use Zoning District become available. The other parcel is zoned CC- Community Commercial and located on the

west side of MD 27, and totals 23 acres. Adjacent to the west is a parcel residentially zoned that totals approximately 13 acres and is zoned R-3 residential, and could yield approximately 39-45 residential units depending on exact acreage and site restrictions.

Fireman's Carnival Grounds: This 36-acre parcel is located at a primary commercial intersection along MD 27 and is zoned R-2 residential. Currently, the grounds are used for intramural sports and other community activities such as dinners, meetings, public hearings, annual carnivals, and a variety of other community activities. The Mount Airy Volunteer Fire Company has requested commercial rezoning of this property during the last two Town Master Plan Updates. This property development would require additional water sources to be completed. This property has been recommended for a rezoning classification change to CC – Community Commercial to allow consideration of this property for future commercial development.

Pank Land LLC: This 39-acre parcel is located directly east of the Firemen's Carnival Grounds. This parcel is currently zoned industrial but may have the potential with an additional water supply for a mixed-use commercial redevelopment opportunity. The property has direct access to Twin Arch Road leading to the main intersection with MD 27 north and south.

Cramer Property (Wildwood Park Section VII): This 5.25-acre property is slated to be the last section of senior housing for the existing Wildwood Park Development. Proposed zoning on the property will be R-3 residential to allow low-level senior condominiums to be built on the land. A special exception for senior housing is approved on the property and will allow up to 60 units may be constructed on this parcel; however the development can only go forward with adequate water supply.

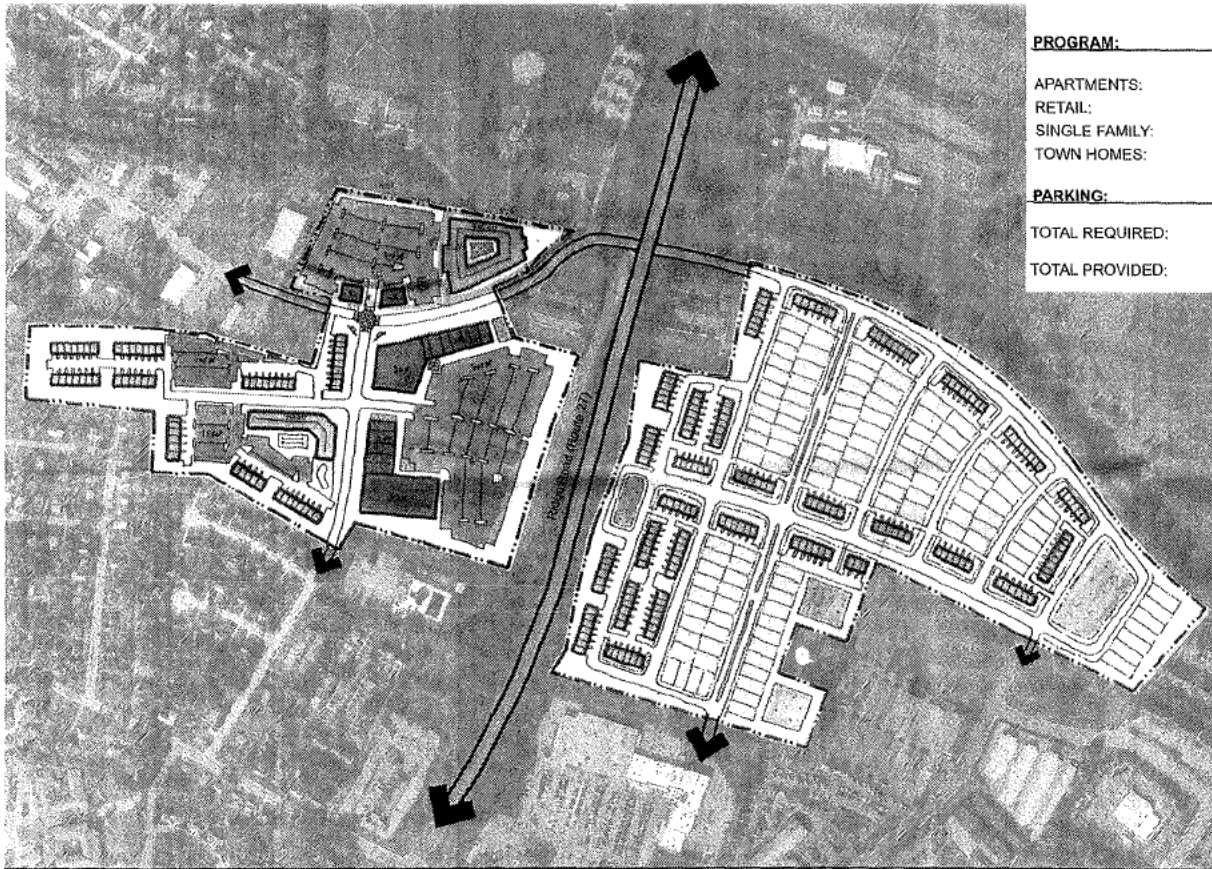
Downtown Revitalization Area: This area involves the Main downtown development district. The downtown revitalization has seen tremendous private investment in the last seven years. This revitalization is greatly supported by the Town and the State of Maryland Department of Housing and Community Development. Continued revitalization projects will continue to be given high priority for existing water allocations. All Town APFO Certifications are required in highly prioritized redevelopment areas.

Cold Storage Property: This property lies adjoining the Main Street downtown corridor to the west. The old railroad right-of-way is also a part of this property and provides for a unique and critical opportunity for a mixed-use redevelopment project. A mixed-use development with a minor residential component will need additional water allocation to achieve build-out.

Debra Clinton

From: Barney Quinn
Sent: Friday, May 14, 2021 1:29 PM
To: John Breeding; tmccarron@semmes.com; David Warrington; Debra Clinton
Cc: Chaslyn Derexson
Subject: Emailing: Beck Property - 2017 option A - reduced
Attachments: Beck Property - 2017 option A - reduced.pdf

For your reference, in case you don't have a copy of this. This was not a formal submission and therefore should not be shared.



PROGRAM:

APARTMENTS:	+/- 355 DU	@ 2 SP/DU = 710 SP
RETAIL:	+/- 120,000 SF	@ 5 SP/1000 SF = 600 SP
SINGLE FAMILY:	+/- 117 DU (50' WIDE LOT)	
TOWN HOMES:	245 DU	

PARKING:

TOTAL REQUIRED:	1,310 SP
TOTAL PROVIDED:	1,395 SP

LEGEND:

- SINGLE FAMILY LOTS
+/-175 DU
(50' WIDE LOT)
- TOWNHOUSES
- APARTMENT /
MULTI-FAMILY
- COMMERCIAL
- PARK
- PROPERTY LINE
- STREET

0 FT 175' 350'



MOUNT AIRY - BECK PROPERTY

OPTION A
SITE PLAN

04.06.17

TG
the eisen group
a community development company

Debra Clinton

From: Weber, Hannah G <hweber@carrollcountymd.gov>
Sent: Wednesday, July 14, 2021 9:05 AM
To: John Breeding; Debra Clinton; tmccarron@semmes.com
Cc: mlane@carrollcountymd.gov
Subject: Beck Property Rezoning- CC Planning Comments
Attachments: Beck Property CC Planning Comments.pdf; Engineering- no comments.pdf; Public Safety- no comments.pdf; Public Works- no comments.pdf

Good morning, all! Hope everyone is doing well.

I am attaching our comments on the proposed Beck Property rezoning. During my transmittal, I sent the rezoning information to CC Department of Engineering, Public Safety, Public Works, and Land and Resource Management for comment. I have heard back from three of the agencies expressing no comments, attached. I have yet to hear back from the Department of Land and Resource Management but will send you their comments, if any, when they are received. As always, please reach out if you have any questions. Thank you for the opportunity to comment.

Thanks,

Hannah Weber

Carroll County Department of Planning

410-386-5145



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MEMORANDUM

Department of Planning

Lynda Eisenberg, Director
(410) 386-5145

DATE: July 14th, 2021

TO: John Breeding, Director of Planning and Zoning, Town of Mt. Airy
Debra Clinton, Planning and Zoning Review Coordinator, Town of Mt. Airy
Tom McCarron, Attorney, Town of Mt. Airy

FROM: Hannah Weber, Planning Technician

RE: Beck Property Rezoning

To whom it may concern,

Thank you for the opportunity to comment on the proposed rezoning of the Beck Properties located in the Town of Mt. Airy. The two parcels located across Ridge Road (MD 27) from one another are zoned R3, R7, Community Commercial (CC), and Industrial (I) in the *2013 Town of Mt. Airy Master Plan*. The proposed rezoning of these properties would bring both properties into the Mixed-Use District (MXD) adopted in Ordinance 2020-01. We have reviewed the proposed rezoning in accordance with the *Carroll County Master Plan for Water & Sewerage* and other functional plans and policies:

Carroll County Master Plan for Water & Sewerage

- Water and sewer designations of Existing (W-1, S-1), Priority (W-3, S-3), and Long-Range (W-6, S-6).
- Before development, an amendment to the Water and Sewer Master Plan may be needed.

2019 Bicycle-Pedestrian Master Plan

- There are three Bicycle Pedestrian connections on or around the Beck Properties that could be constructed at the time of development. These trails will be reviewed during the site plan process.
 - **Rails to Trails- Extension East-** Watkins Park to County border, SW to Twin Arch Road located on the northern edge of the Beck Properties
 - *Table 3-13: Mount Airy Adopted/Planned Trails and Bicycle Infrastructure*
 - **W Watersville Road to Century Drive Trail-** W Watersville Road to Century Drive. This trail is a future connection running through Beck Property on the eastern side of MD 27
 - *Table 4-9: Mount Airy Future Trails and Bicycle Infrastructure*
 - **Beck Drive-** Park Avenue to dead end. This trail is future connection that would connect the Beck Property on the western side of MD 27 to Park Avenue.
 - *Table 4-9: Mount Airy Future Trails and Bicycle Infrastructure*

Transportation

- There are four Planned Road Improvements on or around the Beck Properties. These road improvements will be reviewed during the site plan process.

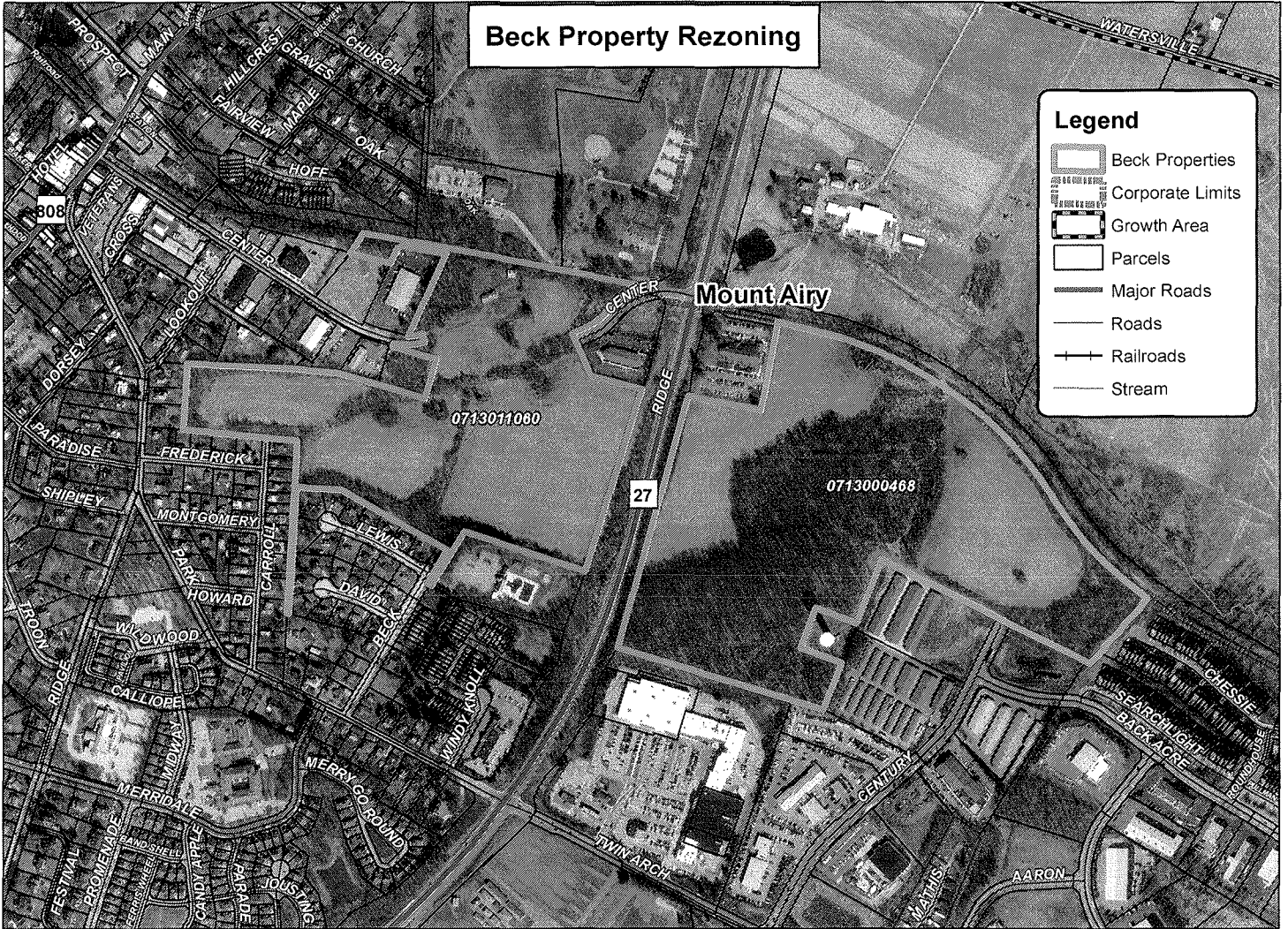
- **Maryland 27 (Ridge Road)-** MD 27 reconstruction from Ridgeville Blvd. to MD 808 (North Main Street). This road improvement is located between the Beck Properties.
- **Center Street-** Center Street extended to Century Drive. This road improvement connects Center Street to MD 27 through the western side of MD 27.
- **Century Drive Extended-** Extend Century Drive North to meet MD 27 at Center Street. This road improvement is located on the eastern side of MD 27 connecting Century Drive to MD 27.
- **Beck Drive-** Beck Drive extended to Center Street. This road improvement is located on the western side of MD 27.

Thank you for the opportunity to comment.

Hannah Weber

Hannah Weber, Planning Technician
Carroll County Department of Planning

Beck Property Rezoning



Weber, Hannah G

From: Letnaunchyn, Christopher S
Sent: Tuesday, July 6, 2021 7:50 AM
To: Weber, Hannah G
Subject: RE: Beck Property Rezoning- Town of Mt. Airy

Bureau of Engineering does not have any comments.

Christopher S. Letnaunchyn, P.E.
Chief, Bureau of Engineering
Maryland's Carroll County
Department of Public Works
Office: 410-386-2157
Direct: 410-386-2169
[REDACTED]
Fax: 410-876-2431

From: Weber, Hannah G <hweber@carrollcountymd.gov>
Sent: Tuesday, June 29, 2021 1:41 PM
To: Castonguay, Jeffrey <jcastonguay@carrollcountymd.gov>; Campbell, Scott R. <scampbell@carrollcountymd.gov>; Letnaunchyn, Christopher S <cletnaunchyn@carrollcountymd.gov>; Heyn, Chris <cheyn@carrollcountymd.gov>
Cc: Dubbert, Kim <kdubbert@carrollcountymd.gov>; Lane, Mary S <mlane@carrollcountymd.gov>; Eisenberg, Lynda <leisenberg@carrollcountymd.gov>
Subject: Beck Property Rezoning- Town of Mt. Airy

Good afternoon all –

The Department of Planning has been made aware of an upcoming rezoning of the *Beck Properties* located in the Town of Mt. Airy. Per the Town/County Agreements, the County is forwarded this information by the Towns for our comments. At this time, this is just a rezoning of the property to a Mixed Use District (MXD). I am forwarding you this transmittal for any comments you or your department may have. Please return any comments by **July 20th**. If you have any questions or concerns, feel free to reach out via email or phone. I appreciate you taking time to review this. Thank you!

Thanks,
Hannah Weber
Carroll County Department of Planning
410-386-5145



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Weber, Hannah G


From: Campbell, Scott R.
Sent: Tuesday, June 29, 2021 3:37 PM
To: Weber, Hannah G; Castonguay, Jeffrey; Letnaunchyn, Christopher S; Heyn, Chris
Cc: Dubbert, Kim; Lane, Mary S; Eisenberg, Lynda
Subject: RE: Beck Property Rezoning- Town of Mt. Airy

Hi Hannah –

Both Bryan Van Fossen and I have reviewed this proposal; we have no comments or concerns.

Thanx,
Scott

Scott R. Campbell, FPE
Director, Dept. of Public Safety
Carroll County, Maryland
(O) 410-386-2297


scampbell@carrollcountymd.gov



911
CALL IF YOU CAN
TEXT IF YOU CAN'T

From: Weber, Hannah G <hweber@carrollcountymd.gov>
Sent: Tuesday, June 29, 2021 1:41 PM
To: Castonguay, Jeffrey <jcastonguay@carrollcountymd.gov>; Campbell, Scott R. <scampbell@carrollcountymd.gov>; Letnaunchyn, Christopher S <cletnaunchyn@carrollcountymd.gov>; Heyn, Chris <cheyn@carrollcountymd.gov>
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Hannah Weber
Carroll County Department of Planning
410-386-5145

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Weber, Hannah G

From: Castonguay, Jeffrey
Sent: Wednesday, June 30, 2021 2:58 PM
To: Weber, Hannah G; Campbell, Scott R.; Letnaunchyn, Christopher S; Heyn, Chris
Cc: Dubbert, Kim; Lane, Mary S; Eisenberg, Lynda
Subject: RE: Beck Property Rezoning- Town of Mt. Airy

Hannah
No comments from Public Works.
Thank you
Jeff

Jeffrey D. Castonguay, Director
Maryland's Carroll County
Department of Public Works



225 N. Center St., Room 200
Westminster, MD 21157-5194
Office: 410.386.2248

www.carrollcountymd.gov



From: Weber, Hannah G <hweber@carrollcountymd.gov>
Sent: Tuesday, June 29, 2021 1:41 PM
To: Castonguay, Jeffrey <jcastonguay@carrollcountymd.gov>; Campbell, Scott R. <scampbell@carrollcountymd.gov>; Letnaunchyn, Christopher S <cletnaunchyn@carrollcountymd.gov>; Heyn, Chris <cheyn@carrollcountymd.gov>
Cc: Dubbert, Kim <kdubbert@carrollcountymd.gov>; Lane, Mary S <mlane@carrollcountymd.gov>; Eisenberg, Lynda <leisenberg@carrollcountymd.gov>
Subject: Beck Property Rezoning- Town of Mt. Airy

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Thanks,
Hannah Weber
Carroll County Department of Planning
410-386-5145

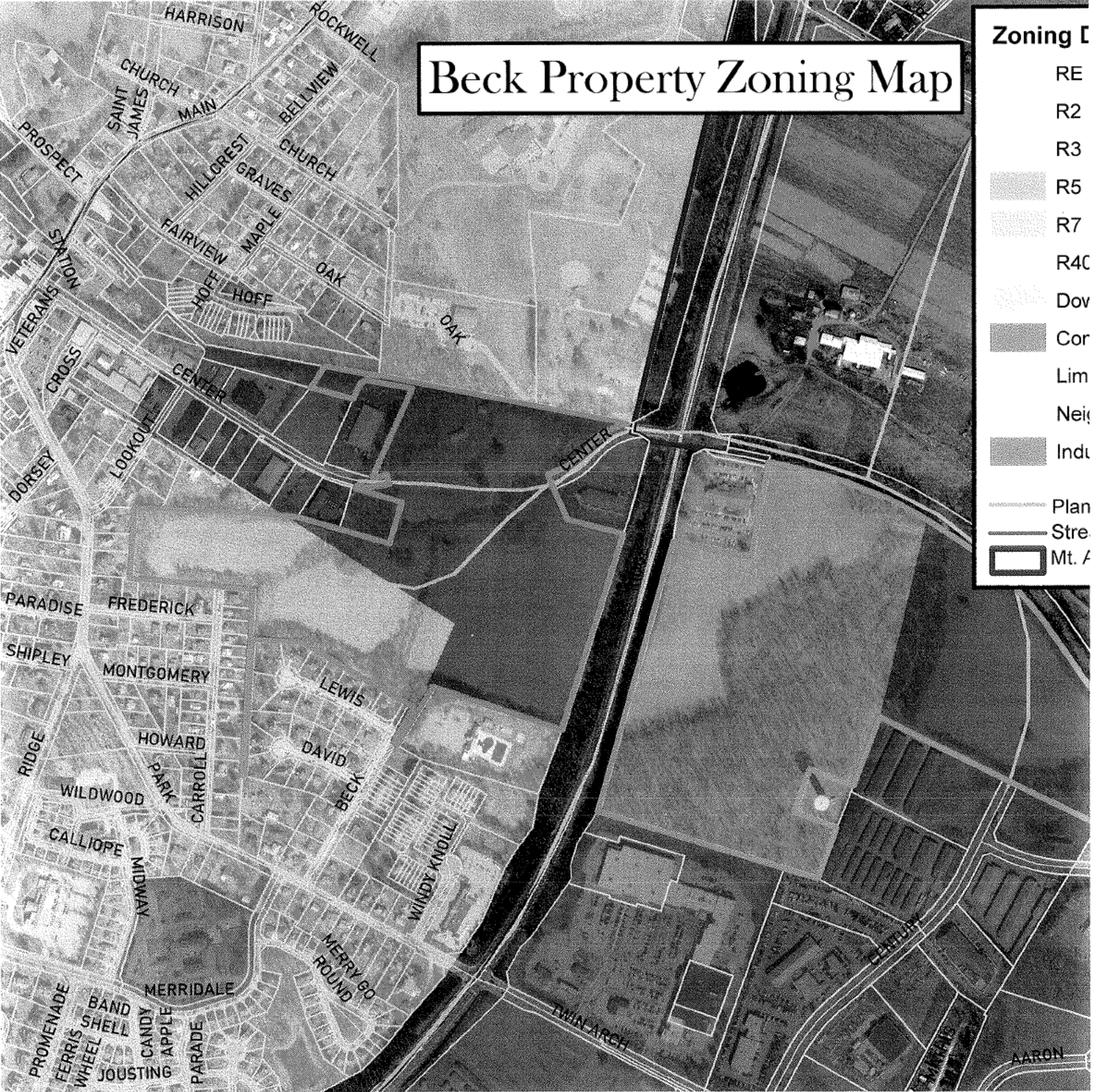


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Beck Property Zoning Map

- Zoning Legend**
- RE
 - R2
 - R3
 - R5
 - R7
 - R40
 - Dov
 - Cor
 - Lim
 - Neig
 - Indu
 - Plan
 - Stre
 - Mt. A



Debra Clinton

From: John Breeding
Sent: Tuesday, August 17, 2021 2:42 PM
To: Weber, Hannah G
Cc: Debra Clinton
Subject: RE: Beck Rezoning

Thanks Hannah,

Could you make a small change, I want to remove the Planned Road Improvements from the map. The exact location of the proposed road on the Beck property are not shown as I think they will be installed and don't want to provide this as of now.

Can we also reduce the legend so the Beck property can be seen in Full.

Thanks

John,

John Breeding

Director of Planning and Zoning
Town of Mount Airy
Office 301-829-1424 / [REDACTED]

From: Weber, Hannah G <hweber@carrollcountymd.gov>
Sent: Tuesday, August 17, 2021 1:42 PM
To: John Breeding <jbreeding@mountairymd.gov>
Cc: Debra Clinton <dclinton@mountairymd.gov>
Subject: RE: Beck Rezoning

Hi, John! I have attached the Beck property zoning map you requested. I will be on vacation the rest of the week and returning Monday the 23rd, so please let me know ASAP if you need any changes. Thanks!

Thanks,

Hannah Weber
Carroll County Department of Planning
410-386-5145

From: John Breeding <jbreeding@mountairymd.gov>
Sent: Tuesday, August 17, 2021 8:18 AM
To: Weber, Hannah G <hweber@carrollcountymd.gov>
Cc: Debra Clinton <dclinton@mountairymd.gov>
Subject: re: Beck Rezoning

.....
This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.
.....

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Director of Planning and Zoning

Town of Mount Airy

Office 301-829-1424 / [REDACTED]

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Debra Clinton

From: John Breeding
Sent: Tuesday, August 17, 2021 3:15 PM
To: Weber, Hannah G
Cc: Debra Clinton
Subject: RE: Beck Rezoning

Perfect

From: Weber, Hannah G <hweber@carrollcountymd.gov>
Sent: Tuesday, August 17, 2021 2:50 PM
To: John Breeding <jbreeding@mountairymd.gov>
Cc: Debra Clinton <dclinton@mountairymd.gov>
Subject: RE: Beck Rezoning

John –
Please let me know if this is better. Thanks!

Thanks,
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Carroll County Department of Planning
410-386-5145

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Debra Clinton

From: Ron Thompson <ron@vanmar.com>
Sent: Tuesday, January 4, 2022 9:30 AM
To: John Breeding
Cc: Debra Clinton; roxpazmtairy@[REDACTED]; Pamela Reed
Subject: Beck Property MXD Preconcept Sketch Plan

Good Morning John:

I am working on finalizing the Beck Property MXD Preconcept Sketch Plan. Please add to the January 29th Planning Commission agenda the discussion of setting the following dates for the MXD Beck Property;

Planning Commission Charrette –. REQUIRES 30 day notice.

Planning Commission Public Hearing –REQUIRES 30 day notice. This notice can overlap the PC Charrette 30 day notice.

Workshop with Planning Commission members, Town Council members, staff and Development Team – Requires both Planning Commission and Town Council approval of the date. REQUIRES normal notice and not 30 day notice.

JOINT Planning Commission/Town Council Public Hearing –Before Town Council meeting. REQUIRES normal notice and not 30 day notice.

Thank you.

Ronald E. Thompson, PE*
VANMAR ASSOCIATES
310 South Main Street PO Box 328
Mount Airy, Maryland 21771
O 301-829-2890 / C [REDACTED] / F 301-831-5603

(*licensed in MD, VA, DE, DC, SC, GA, FL, NC, MA)