

Attorney Client Privileged Communication

Thanks,

Holly McCleary
Town 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: Roxanne Hemphill <roxmtairypandz@[REDACTED]>
Sent: Sunday, June 5, 2022 2:55 PM
To: Holly McCleary <hmcclary@mountairymd.gov>
Subject: PIA Request

Holly,
I did not have a jump drive to put these on, but these are all of the corresponded i cc'd on or sent my self concerning the request.

Roxanne
Roxanne Hemphill
Chairperson, Mt. Airy Planning & Zoning Commission
Secretary MPCA
email: roxmtairypandz@[REDACTED]
phone: 703-732-4440

Attorney Client Privileged Communication

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.

Wallace, Vanessa L.

From: Bill Butts <billbutts@[REDACTED]>
Sent: Sunday, November 21, 2021 5:36 PM
To: Joe Griffiths; Sarah L. Sularz -MDP-; Doug Wright; Danny Winborne; Roxanne Hemphill
Subject: Fw: Interesting read Re Zoning

Fellow MPCA Exec Committee Members

Here's an article that appeared in this w/e's edition of The Wash Post. In my opinion, the author presents a balance of the issues & needs of local municipal updates that begin to practically deal with local zoning response & consideration of zoning improvements that better support local seniors. Many of our MPCA municipal members are involved with a current update of their Master Plan. And all of us need to adjust our MP Updates going forward to the new state requirement for New Housing Element inclusion in our MP's. This article touches on many of the essential issues in that effort.

/bill

From: Bill Butts <billbutts@[REDACTED]>
Sent: Sunday, November 21, 2021 8:45 AM
To: Leslie Dickinson <dickinson1law@[REDACTED]>; Roxanne Hemphill (roxmtairypanz@[REDACTED]) <roxmtairypanz@[REDACTED]>
Cc: Roxanne Hemphill (roxmtairypanz@[REDACTED]) <roxmtairypanz@[REDACTED]>
Subject: Re: Interesting read Re Zoning

Interesting, insightful and very timely. Also a balanced discussion of the issues and positions, and helpful as we consider we will address the new Housing Element requirement in our MP Update. I also note the Montgomery County plans to take a public position by EOY.

This well-done article should be an attachment to our PC work session(s) on the topic.the article also appears in today's Sunday 11/21 print edition.

/bill

From: Leslie Dickinson <dickinson1law@[REDACTED]>
Sent: Saturday, November 20, 2021 12:47 PM
To: Roxanne Hemphill (roxmtairypanz@[REDACTED]) <roxmtairypanz@[REDACTED]>; Bill Butts <Billbutts@[REDACTED]>
Subject: Interesting read Re Zoning

<https://www.washingtonpost.com/transportation/2021/11/20/single-family-zoning-race-equity/>

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

Wallace, Vanessa L.

From: Leslie Dickinson <dickinson1law@[REDACTED]m>
Sent: Monday, June 8, 2020 4:17 PM
To: Roxanne Hemphill (roxmtairypandz@[REDACTED])
Subject: Fwd: MXD latest draft
Attachments: Ord. 2020-1 - MXD - as reintroduced 5-4-20 and for 6-1-20 public hearing....pdf;
Ordinance 2020-1 - Planning Commission Proposed Changes and Comments...pdf

Attached are the most recent mxd versions John just emailed to me.

Leslie K Dickinson
Dickinson Law Firm, LLC
PO Box 238
Mt Airy, MD 21771
Tel: 301-639-9469
[dickinson1law@\[REDACTED\]](mailto:dickinson1law@[REDACTED])

----- Forwarded message -----

From: John Breeding <jbreeding@mountairymd.gov>
Date: Mon, Jun 8, 2020 at 4:13 PM
Subject: RE: MXD latest draft
To: Leslie Dickinson <[dickinson1law@\[REDACTED\]](mailto:dickinson1law@[REDACTED])>

Here is the clean copy and the suggestions from Planning Commission that had been added to the clean copy. I'm waiting for the cleanest copy to be sent from Tom soon.

From: Leslie Dickinson [mailto:[dickinson1law@\[REDACTED\]](mailto:dickinson1law@[REDACTED])]
Sent: Monday, June 08, 2020 4:08 PM
To: John Breeding <jbreeding@mountairymd.gov>
Subject: Re: MXD latest draft

Great, thanks.

Leslie K Dickinson

Dickinson Law Firm, LLC

PO Box 238

Mt Airy, MD 21771

Tel: 301-639-9469

Dickinson1law@ [REDACTED]

On Mon, Jun 8, 2020 at 4:07 PM John Breeding <jbreeding@mountairymd.gov> wrote:

I will get the latest draft from Tom, I will send you both the ones that were part of the TC Agenda. But Tom need to clean them up there were some wording that should have not been in the clean copy.

John

Sent from my iPhone

On Jun 8, 2020, at 3:55 PM, Leslie Dickinson <dickinson1law@ [REDACTED]> wrote:

Hi John,

I just watched the June 1st TC meeting. Can you email us a copy of the MXD draft the council was using (revision 3 or something?). Also, the most recent agenda I saw on the town's website was for the May meeting.

thanks,

Leslie

Leslie K Dickinson

Dickinson Law Firm, LLC

PO Box 238

Mt Airy, MD 21771

Tel: 301-639-9469

Dickinson1law@ [REDACTED]

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",
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

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.~~

Formatted: Strikethrough
Formatted: Indent Left: 0.5", Hanging: 0.5"

Formatted: Double underline
Formatted: Double underline

~~(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~~

Formatted: Double underline
Formatted: Double underline

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.

Formatted: Double underline

Formatted: Highlight

* * *

§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:

Formatted: Strikethrough

Formatted: Double underline

Formatted: Double underline

- (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]~~

Formatted: Strikethrough

Formatted: Double underline

Formatted: Font: Bold

(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]]

Formatted: Font: Italic

- (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.~~

- Formatted: Strikethrough
- Formatted: Double underline
- Formatted: Strikethrough
- Formatted: Strikethrough
- Formatted: Strikethrough
- Formatted: Strikethrough
- Formatted: Strikethrough
- Formatted: Strikethrough
- Formatted: Strikethrough

(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:~~

- Formatted: Strikethrough
- Formatted: Strikethrough

(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 P~~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.

- Formatted: Strikethrough
- Formatted: Strikethrough

(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) ~~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*~~

- Formatted: No underline
- Formatted: Indent: Left: 0.5", No bullets or
- Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 3 + Alignment: Left + Aligned at: 0.25" + Indent at: 0.5"
- Formatted: Double underline, Not Strikethrough
- Formatted: Double underline
- Formatted: Double underline, Not Strikethrough
- Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"
- Formatted: Indent: Left: 0.75", No bullets or numbering
- Formatted: Double underline, Not Strikethrough
- Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"
- Formatted: Double underline
- Formatted: Indent: Left: 0.49", Hanging: 0.01", No bullets or numbering
- Formatted: Double underline, Not Strikethrough
- Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"
- Formatted: Double underline
- Formatted: Indent: Left: 0.49", Hanging: 0.01", No bullets or numbering
- Formatted: Double underline, Not Strikethrough
- Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Indent at: 0.75"

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?

Formatted: Double underline

Formatted: Indent: Left: 0.5", No bullets or

(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].*

Formatted: Strikethrough

[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.]

Formatted: Normal

Formatted: Font: Bold, Italic

(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.

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

Formatted: Double underline

(a) A material change in use is involved;

Formatted: Double underline

(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 cChanges in the orientation or location of buildings or parking areas;

Formatted: Double underline, Not Strikethrough

Formatted: Strikethrough

(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.
- ~~(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.

Formatted: Font color: Text 1

Formatted: Indent: Left: 0.49", Hanging: 0.01", Line spacing: Multiple 1.12 li, No bullets or numbering

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.

Formatted: Strikethrough

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.

Formatted: No widow/orphan control

Formatted: Double underline

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

Formatted: Font: (Default) Times New Roman, Double underline

Formatted: Font: Bold

- (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.
- (i) 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.
- ~~(i)~~(n) Home occupations.
- ~~(h)~~(o) Laundry or dry-cleaning establishments with or without drive-through service compliant with Section 98-61E.
- (p) Municipal government services.
- ~~(l)~~(q) Physical fitness facilities.
- (r) Professional offices.
- ~~(m)~~(s) Public buildings, structures and properties.
- ~~(h)~~(t) Recreational entertainment and amusements.
- ~~(e)~~(u) Restaurants and lunchrooms, including outside or sidewalk dining without drive-through service.
- ~~(h)~~(v) Retail sales and service, without outdoor storage.
- (q) Short-term rentals or Airbnb's

Formatted: Indent: Left: 1.44", No bullets or numbering

- ~~(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.

Formatted: Font: Bold, Italic

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

Formatted: Indent: Left: 0.25", No bullets or numbering

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.J. 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?!

L.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.

Formatted: Font: (Default) Times New Roman, 12 pt

(b) Lot width: 150 feet minimum.

Formatted: Indent Left: 0.51", First line: 0.49"

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

Formatted: Font: (Default) Times New Roman, 12 pt

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

Formatted: Font: (Default) Times New Roman, 12 pt

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

Formatted: Font: (Default) Times New Roman, 12 pt

~~(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?]~~

Formatted: Font: Bold, Italic

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

B2286389|B2297490

Wallace, Vanessa L.

From: Patrick Rockinberg <prockinberg@[REDACTED]>
Sent: Wednesday, January 29, 2020 7:31 AM
To: Mayor And Council
Cc: Roxanne Hemphill; John Breeding
Subject: MXD Center Street Process

Not to usurp Councilpersons Pam Planning report next Monday, but it wouldn't be in this detail (Reports should be quick summaries). But I wanted to share a mood that is being experienced and my response. The developer asked I attend an earlier staff meeting and I did not as it was a staff level discussion. They were not pleased. So I weighed in on the developers comment to give some assurance while being clear of our processes. Please read bottom up. Council members Party and Karl were also in the audience Monday.

From: Patrick Rockinberg

Sent: Tuesday, January 28, 2020 12:39 PM
To: Victor Kazanjian <victor@[REDACTED]>
Cc: jbreeding@mountairymd.gov; Barney Quinn <bquinn@mountairymd.gov>; Clark Shaffer <Clark@[REDACTED]>; Dave Bowersox <dbowersox@[REDACTED]>; Craig Kazanjian <craig@[REDACTED]>; David Warrington <dwarrington@mountairymd.gov>; Tom McCarron <TMcCarron@semmes.com>; Chaslyn Derexson <cderexson@mountairymd.gov>
Subject: Re: MXD Ordinance

We understand these processes can be frustrating, especially when developing a new zone that may apply elsewhere. We thank you for your patience and value your experience. It is our hope we can find middle ground. You need to make a profit and we would love to improve our community but still need to protect our community from something out of scale. The vision plan was a suggestion and not a Master Plan we plan to follow exactly. I do want you involved in the process so we can understand your views and concerns and that this be a collaborative effort. I'll talk to the Chair to allow your input during the workshop conversation. My only request would be for you to also be sensitive and flexible to our concerns so we can develop a zone that works for both.

Getting frustrated at the hearing or workshop will set an uncomfortable environment for collaboration. Both the petitioner and commission need to keep that in mind. There was also some talk over by one of the Planning members the Chair will need to moderate.

It did appear that both Leslie and myself wanted to remove any open space requirement for the commercial portion. I think the compromise was since we were lowering the percentages for residential we would pick up some by adding commercial in. We do have an APFO that has to be considered and all other developments are held to open space standards. We are only 2% off from the consultants recommendation. I'm sure this can be a discussion point. You may have noted the Chair also has concerns about limiting financing. Not sure if Fannie Mae applies to rentals and commercial. Was your plan to also have condos?

In short we very much want to work with you, but if the expectation is to mirror the vision plan exactly that may not occur. I'd have to look again, but the size and scale appeared a little large.

With your permission I'd like to share this with the Chair, Council Liaison and Commission.

Respectfully,

Sent from my iPhone

On Jan 28, 2020, at 11:27 AM, Victor Kazanjian <victor@[REDACTED]> wrote:

Barney & John,

It is my expectation from last night's Planning Commission that you will be forwarding my document comments on the proposed MXD Ordinance to the members. Please include the comments from my email of 12/16/19 (below) with the information, as I believe they are also relevant to the matter.

Based on the discussion from last night, I hold no optimism that the Town will pass a workable MXD document. The recent revisions you made to the proposed Ordinance pushed the process backwards, and the obstructionists on the Commission are now clinging to those changes and looking to create even more roadblocks to the process. There has been literally no movement on the Town's part to make the process productive for anyone. Almost all of the conversations are about preventing the developer from doing something, rather than allowing the developer and Town to produce a great project.

Your own consultants did a significant market analysis as part of their work. Their general recommendations included:

- A **40,000** square foot grocery store (Section 3.1 page 44)
- The need for 3,060 new households to support existing and "vision" retail/restaurants in the Town (Section 3.1, page 46)
- A residential market that could support up to 62 new for-sale units per year (Section 3.1, page 47)
- And, an additional 60 rental units per year (Section 3.1, page 48)
- Multiple changes to the zoning ordinance to make things easier to develop, including converting special exception uses to permitted uses (Section 5.2, page 88)

Specific to the western portion of the Beck Property (Section 4.4, page 80):

- 126,000 – 175,000 square feet of retail, office, grocery and civic uses
- 290 – 400 residential units, including single family detached, townhouses and apartments (there is a typo in their table)
- A permitted hotel site

The Town paid significant dollars to a consultant to produce a plan for the downtown area, yet this MXD document, as written, will prevent that vision from actually occurring. What was the point of hiring them to (i) get to know your town, (ii) meet with the citizens, (iii) have public meetings and charrettes, (iv) produce a well designed set of conceptual plans, and (v) provide you with a roadmap to making it all happen, if you're going to pick and choose which of their recommendations you're going to

ignore? For example, they recommended open space of 5%-8% in this area, and you changed it to 10%. Why? There is no density cap recommended in the vision plan. Why did you insert one? And why is it based on "net developable area"? That is just a code word for using the smallest possible space to determine density on a project. Effectively, it's your way of preventing the Vision Plan from actually taking place.

We would be willing to develop a project almost exactly as proposed in the Downtown Mount Airy Vision Plan. I think the big question everyone has to answer is – Does the Town want us to do that? If the answer is "Yes", then we need to make significant changes to the proposed MXD Ordinance, AND we need to work together productively and honestly. If the answer is "No", then the Town is well on its way to killing this project and preventing Center Street from ever being connected.

Please let me know if you have any questions.

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. [REDACTED]

Sent from my iPhone

Wallace, Vanessa L.

From: Roxanne Hemphill <roxmtairypanz@[REDACTED]>
Sent: Thursday, April 21, 2016 7:52 AM
To: Lisa Walker
Cc: Leslie Dickinson; Heather Smith; Lindey Brown; lindey@[REDACTED]; Bill Butts (billbutts@[REDACTED]); tonyfalletta.62@[REDACTED]; Robert King; jolinger@[REDACTED]
Subject: Re: ADDITIONAL DOCUMENTS FOR APRIL PACKET

Package received, thanks!

Roxanne Hemphill

[REDACTED]
[REDACTED]
[REDACTED]
Licensed in Maryland & Virginia
[Roxanne.Hemphill@\[REDACTED\]](mailto:Roxanne.Hemphill@[REDACTED])

On Apr 20, 2016, at 5:46 PM, Lisa Walker <lwalker@mountairymd.org> wrote:

Hello

Be advised all packages were delivered so please be sure to check your front door if I did not see you personally.

Thanks

Lisa Walker

On Apr 20, 2016, at 3:59 PM, "Leslie Dickinson" <[dickinson1law@\[REDACTED\]](mailto:dickinson1law@[REDACTED])> wrote:

Heather,

Do you mean the supplemental info will be delivered prior to the meeting or we'll receive it at the meeting?

thanks,
Leslie

Leslie K Dickinson
Dickinson Law Firm, LLC
PO Box 238
Mt Airy, MD 21771
301-639-9469

DickinsonLaw@ [REDACTED]

On Wed, Apr 20, 2016 at 12:10 PM, Heather Smith <hsmith@mountairymd.org> wrote:

Good afternoon everyone,

Due to my failure to communicate as to what we needed to provide with respect to the Jones Annexation, a supplemental package will be provided. My sincere apologies for the highly fragmented delivery of package materials. I always have a well laid plan to have everything come together on time but alas – stuff happens.

Humbly,

Heather

From: Lisa Walker

Sent: Tuesday, April 19, 2016 4:25 PM

To: Lindey Brown <[lab@\[REDACTED\]](mailto:lab@[REDACTED])>; 'Lindey@ [REDACTED]' <[lindey@\[REDACTED\]](mailto:lindey@[REDACTED])>; Bill Butts ([billbutts@\[REDACTED\]](mailto:billbutts@[REDACTED])) <[billbutts@\[REDACTED\]](mailto:billbutts@[REDACTED])>; [dickinsonlaw@\[REDACTED\]](mailto:dickinsonlaw@[REDACTED]); [tonyfalletta.62@\[REDACTED\]](mailto:tonyfalletta.62@[REDACTED]); Roxanne Hemphill ([roxmtairypandz@\[REDACTED\]](mailto:roxmtairypandz@[REDACTED])) <[roxmtairypandz@\[REDACTED\]](mailto:roxmtairypandz@[REDACTED])>; Robert King <councilmemberking@mountairymd.org>; [jolinger@\[REDACTED\]](mailto:jolinger@[REDACTED])

Cc: Heather Smith <hsmith@mountairymd.org>

Subject: ADDITIONAL DOCUMENTS FOR APRIL PACKET

Hello,

Be advised you will receive two mailings – yesterday the first part was mailed out for the April packets. Today I have mailed out another one which includes the attached documents. There ***is no need to print these out*** but please combine both mailings for your April packets. If you have any questions let us know.

Thanks and enjoy the weather!

<image003.png>

Lisa Brent Walker

Administrative Assistant

Mount Airy Town Hall

(o) 301-829-1424 / 410-795-6012

(e) lwalker@mountairymd.org

110 South Main Street - P.O. Box 50

Mount Airy, MD 21771

Take time to BE YOUR BEST!

Attorney Client Privileged Communication

Roxanne

Attorney Client Privileged Communication

John,

Attorney Client Privileged Communication

Attorney Client Privileged Communication

Larry

Attorney Client Privileged Communication

Attorney Client Privileged Communication

Attorney Client Privileged Communication



Wallace, Vanessa L.

From: Roxanne Hemphill <roxmtairypanz@[REDACTED]>
Sent: Monday, May 23, 2022 3:11 PM
To: [REDACTED]
Subject: Re: Beck property plans

[REDACTED]
Thank you for your email. I will make sure these concerns are addressed at the June 2nd meeting.

On Mon, May 23, 2022 at 3:09 PM [REDACTED]@ [REDACTED] > wrote:

- >
- > Dear Planning Commission,
- >
- > I will be at the meeting on June 2nd and would like to hear you address these concerns.
- >
- > It is obvious that Rt. 27 will have to be widened in the future. If housing on the east side is built close to Rt 27, would the state have to use part of Watkins Park to widen the road?
- >
- > Where in the plan is the required 5 acres of green space (natural undisturbed area)?
- >
- > Where is the required 5 acres of open space?
- >
- > The stream on the west side requires a 25' of natural buffer. Will that happen?
- >
- > Almost half of the US is now in a drought. With global warming, we don't know the future. Will we positively have enough water for this HUGE amount of housing density in the future?
- >
- > Trees are nature's natural air conditioning! Will you require that the builder try to build around the large trees? This can be done. It just takes having the will to do it. Trees produce oxygen, increase property values, keeps the area cooler and makes living there more pleasant. I can't imagine living and walking in an area during our future HOT summers without large trees! It would be a crime to take those large trees down in these days of global warming!
- >
- > Looking forward to hearing all of your views on these concerns.
- >
- > [REDACTED]
- >
- >

--
Roxanne Hemphill
Chairperson, Mt. Airy Planning & Zoning Commission
Secretary MPCA
email: [roxmtairypanz@\[REDACTED\]](mailto:roxmtairypanz@[REDACTED])
phone: 703-732-4440

Wallace, Vanessa L.

From: Griesbauer, Michele <mgriesbauer@[REDACTED]>
Sent: Tuesday, February 22, 2022 2:12 PM
To: Debra Clinton; Bob Blubaugh; CMC-generic; PPCLegals-1; Roberta Windham
Cc: All Town Hall; Barney Quinn; billbutts@[REDACTED]; Chaslyn Derexson; Weber, Hannah G; John Breeding; Karl Munder; Mayor Larry Hushour; dickinson1law@[REDACTED]; martina.hatley@[REDACTED]; mlane@carrollcountymd.gov; roxmtairypandz@[REDACTED]; Scott Sirchio; McCarron, Tom
Subject: RE: Beck Property Public Hearing

Confirmed 2/22/22

Michele Griesbauer
Legal Advertising Account Executive

Baltimore Sun Media Group
300 E Cromwell St
Baltimore, MD 21230
410-332-6381 or 410-539-7700 (choose option for legals)
Fax 410-332-6446
Email: [mgriesbauer@\[REDACTED\]](mailto:mgriesbauer@[REDACTED]) or [legals@\[REDACTED\]](mailto:legals@[REDACTED])



Attorney Client Privileged Communication



Best Regards,

Debra Clinton
Planning & Zoning Review Coordinator
P.O. Box 50
110 South Main Street
Mount Airy, MD 21771
301-703-1269
dclinton@mountairymd.gov

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

Wallace, Vanessa L.

From: John Breeding <jbreeding@mountairymd.gov>
Sent: Tuesday, May 31, 2022 1:08 PM
To: roxmtairypanz@[REDACTED]; billbutts@[REDACTED]; martina.hatley@[REDACTED]; dickinson1law@[REDACTED]; Steve O'Malley; Brian Bieda
Cc: Jason Poirier
Subject: re: Beck work session 6-2-2022
Attachments: 6-2-2022 Joint Work Session Agenda Beck Property.docx

Hello, Everyone

I have attached the agenda for this Thursday's work session and an email to Town Council members that Jason had sent for your information.

John,

All,

** Due to quorum, no response, just following up and adding information.

Thank you John for sending this.

Council - I gave input on the agenda that each member would be given 10 minutes to ask his/her questions without the bouncing around of a roundtable discussion. My intention is that each member be given ample opportunity to get answers from the developer without being interrupted by another member.

Please have your questions ready when it is your turn to talk. Please refrain from disrupting someone else, as I'm sure you want your time to be uninterrupted.

I hope that this helps to allow each of you your time to ask questions. When time has ended, please respect that time has ended. I believe that this will also help in distinguishing if another workshop is needed.

John should probably keep track of time.

As you all know, I'm not there as I have work that night. I'll send over my questions.

Thank you all for your time and patience during this process. Much appreciated.

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

John Breeding
Director of Planning and Zoning

Town of Mount Airy
Office 301-829-1424 / [REDACTED]

LARRY HUSHOUR
Mayor

JASON M. POIRIER
Council President



Council Members
PAMELA M. REED
Secretary

KARL L. MUNDER
LYNNE P. GALLETTI
STEPHEN L. DOMOTOR

**Planning Commission / Town Council
Joint Work Session, Agenda
June 2, 2022
7:00 p.m.**

**Mount Airy Volunteer Fire Company, Reception Hall,
1008 Twin Arch Road, Mount Airy, Maryland, 21771**

**This meeting will be broadcast live on local Channel 23; It can be viewed live at
www.carrollmediacenter.org and on the Town's Facebook page
<https://www.facebook.com/TownofMountAiry/>.**

1. Presentation of proposed Beck Pre-Concept sketch plan from the Engineer / Developer. *(30 minutes)*
2. Discussion between the Planning Commission, Town Council, and the Developer and Engineer. *(Provide feedback with regards to the Proposed Pre-Concept sketch plan). (80 minutes divided up between attending members)*
3. Wrap-up discussion (follow-up question to the Developer and Engineer). *(10 minutes)*
4. Work Session closed.

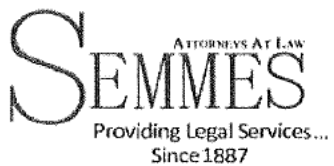
Wallace, Vanessa L.

Attorney Client Privileged Communication

Attorney Client Privileged Communication

Larry

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.



Attorney Client Privileged Communication

Thanks!
Larry

Wallace, Vanessa L.

Attorney Client Privileged Communication

Attorney Client Privileged Communication

/bill

Sent from Samsung Galaxy smartphone.
Get [Outlook for Android](#)

From: Debra Clinton <dclinton@mountairymd.gov>

Sent: Thursday, July 2, 2020, 2:15 PM

To: Roxanne Hemphill; Bill Butts; Scott Sirchio; Judi Olinger; Lindey Camerata; Leslie Dickinson; Martina Hatley

Subject: FW: Materials for MXD Discussion

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

Attorney Client Privileged Communication



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

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.

Wallace, Vanessa L.

Attorney Client Privileged Communication

Attorney Client Privileged Communication

Larry

Wallace, Vanessa L.

From: Bill Butts <billbutts@[REDACTED]>
Sent: Saturday, February 22, 2020 4:17 PM
To: Leslie Dickinson
Cc: Roxanne Hemphill
Subject: Re: [EXTERNAL] Planning meeting 2-24-20

Leslie,

Good work. And you're absolutely correct. One of Design Collective's recommendations prior to implementing the DTVP was to do that very thing: review all our relevant Town code & ordinances and eliminate inconsistencies as well as look ensure harmony of the existing code and ordinances with the planned enhancements, new district specifications, etc.

/bill

Sent from [Outlook](#)

From: Leslie Dickinson <dickinson1law@[REDACTED]>
Sent: Thursday, February 20, 2020 6:06 PM
To: McCarron, Tom <TMcCarron@semmes.com>
Cc: John Breeding <jbreeding@mountairymd.gov>; Roxanne Hemphill (Chairwoman) <roxmtairypanz@[REDACTED]>; Bill Butts <billbutts@[REDACTED]>; Pamela Reed <reedpa01@[REDACTED]>; Pamela Reed <councilmemberreed@mountairymd.gov>; Judi Olinger <jolinger@[REDACTED]>; Scott Sirchio <sirchio@[REDACTED]>; Linda Camerata <linda.camerata@[REDACTED]>; Barney Quinn <bquinn@mountairymd.gov>; Chaslyn Derexson <cderexson@mountairymd.gov>
Subject: Re: [EXTERNAL] Planning meeting 2-24-20

My assignment was to review other zoning ordinances to see whether they listed permissible or non-permissible uses.

LC - Sec. 112-37 - lists both permitted uses (C), prohibited uses (E), and special exceptions (D).

DTZ - Sec. 112-37.1 - lists permitted uses (B); sub-categories (1)-(4) contain extensive detail about permitted non-residential uses. (B)(5) - permitted residential uses. **NP - Sec. 112-38** -

lists both permitted uses (C) and prohibited uses (E).

CC - " 112-39 - lists only permitted uses (B) and special exceptions (C)

MXU-CC - 112-39.1 - lists non-residential permitted (C)(1) and residential permitted (C)(2)

Regardless of what we decide for MXD, we may want to clean up the zoning ordinances, and create consistency.

Leslie K Dickinson
Dickinson Law Firm, LLC
PO Box 238
Mt Airy, MD 21771
Tel: 301-639-9469
[Dickinson1law@\[REDACTED\]](mailto:Dickinson1law@[REDACTED])

On Thu, Feb 20, 2020 at 4:51 PM McCarron, Tom <TMcCarron@semmes.com> wrote:

Here are my redlines and comments as my notes recorded them during our last meeting. John, how much time before this needs to be back from PC to the TC again? What's our 60 day deadline?

From: McCarron, Tom

Sent: Wednesday, February 19, 2020 2:29 PM

To: John Breeding <jbreeding@mountairymd.gov>; Roxanne Hemphill (Chairwoman)

<roxmtairypandz@>; Bill Butts <billbutts@>; Pamela Reed <reedpa01@>;

Pamela Reed <councilmemberreed@mountairymd.gov>; Judi Olinger <jolinger@>; Scott

Sirchio <sirchio@>; Leslie Dickinson <dickinsonllaw@>; Linda Camerata

<linda.camerata@>; Barney Quinn <bquinn@mountairymd.gov>; Chaslyn Derexson

<cderexson@mountairymd.gov>

Subject: RE: [EXTERNAL] Planning meeting 2-24-20

I should have those changes to you tomorrow I expect.

From: John Breeding [mailto:jbreeding@mountairymd.gov]

Sent: Wednesday, February 19, 2020 2:21 PM

To: Roxanne Hemphill (Chairwoman) <roxmtairypandz@>; Bill Butts <billbutts@>;

Pamela Reed <reedpa01@>; Pamela Reed <councilmemberreed@mountairymd.gov>; Judi Olinger

<jolinger@>; Scott Sirchio <sirchio@>; Leslie Dickinson

<dickinsonllaw@>; Linda Camerata <linda.camerata@>; Barney Quinn

<bquinn@mountairymd.gov>; Chaslyn Derexson <cderexson@mountairymd.gov>

Cc: McCarron, Tom <TMcCarron@semmes.com>

Subject: [EXTERNAL] Planning meeting 2-24-20

Everyone,

Here is the Draft agenda for planning Commission meeting 2-24-20, We are going to continue the work on the MXD. I have attached the 2020-1 that we were working through with Tom with none of the changes we talked about at the work session 2-6-20. Tom is to provide any changes to this draft before our meeting so we will be working from the most recent draft.

John,

John Breeding

Community Planning & Zoning Administrator

Town of Mount Airy

P.O. Box 50 / 110 S. Main Street

Mount Airy, MD 21771-2802

301-829-1424



Attorney Client Privileged Communication

From: Leslie Dickinson [dickinson1law@[REDACTED]]
Sent: Monday, August 26, 2019 4:56 PM
To: Roxanne Hemphill
Cc: Debra Clinton; Bill Butts; John Breeding; Judi Olinger; Lindey Camerate (lindey@[REDACTED]); prockinberg@[REDACTED]; Pamela Reed; Scott Sirchio; McCarron, Tom
Subject: [EXTERNAL] Re: Proposed Ordinance 2019-12

Great, thanks.

Leslie K Dickinson
Dickinson Law Firm, LLC
PO Box 238
Mt Airy, MD 21771
Tel: 301-639-9469
[dickinson1law@\[REDACTED\]](mailto:dickinson1law@[REDACTED])

On Mon, Aug 26, 2019 at 4:35 PM Roxanne Hemphill <[roxmtairypandz@\[REDACTED\]](mailto:roxmtairypandz@[REDACTED])> wrote:
Yes Leslie, Karl was the one that put this ordinance together and he will be there tonight to explain it.

On Aug 26, 2019, at 1:40 PM, Leslie Dickinson <[dickinson1law@\[REDACTED\]](mailto:dickinson1law@[REDACTED])> wrote:

Hi All -

I hope someone will be at the meeting to explain the proposed ordinance.

Maybe I'm completely misunderstanding the language, but I don't get how the proposed waiver G (2)(a) (ii), "...less one person for every 200 sq. ft. of commercial space provided..." is a solution, especially for a parcel like Cold storage.

See you this evening.

Thanks,

Leslie

Leslie K Dickinson
Dickinson Law Firm, LLC
PO Box 238
Mt Airy, MD 21771
Tel: 301-639-9469
Dickinson1law@ [REDACTED]

On Mon, Aug 19, 2019 at 5:05 PM Debra Clinton <dclinton@mountairymd.gov> wrote:

Attached is the PC packet for August 26, 2019

Wallace, Vanessa L.

From: Bill Butts <billbutts@[REDACTED]>
Sent: Monday, June 17, 2019 6:18 AM
To: Debra Clinton; John Breeding; Judi Olinger; Leslie K. Dickinson; Lindey Camerata (lindey@[REDACTED]); prockinberg@[REDACTED]; Pamela Reed; Roxanne Hemphill; Scott Sirchio; McCarron, Tom
Subject: RE: June 17th, 2019 Planning Commission Meeting Packet

Thanks Debra & John for the PC meeting packets. Hopefully we can get an update on the timing of the several future items currently in the PC Parking Lot. In the meantime, we should finalize as much as possible, i.e., the revisions to the Sign Ordinance and the new PC Rules & Procedure document.

Unfortunately, I'm not going to be able to attend our meeting tonight. Today, June 17, is Glee's and my 47th wedding anniversary, so I trust you understand that I have a long-standing previous commitment that takes precedence.

Couple of thoughts:

- Per the new sign ordinance, discuss outreach to EDC, MAMSA, the Chamber, etc to intro the revisions and invite their feedback and help in dissemination
- With Pam identified as the new PC liaison, let's schedule preliminary discussion with her on our concerns and issues we see with the PC liaison voting question. In addition, the intro Planning Commission training course will be available at the upcoming MML conference in Ocean City. Otherwise, the online link is easily provided if her training schedule is already full.
- Consider preferred timing for Leslie & my summary of Ex Parte Communications. In the meantime, we can share copies of the presentation that Tom McCarron and I created and gave at last Fall's MPCA Conference in Gaithersburg
- Lastly, 2 important upcoming events:
 - The Next Mt. Airy Commission Info Exchange will be on Tuesday, July 9 at the Mt. Airy Wellness Pavillion
 - MPCA is offering our 2nd regional workshop of the year on Friday, July 19 in Annapolis and all of you will soon be seeing information and the agenda in your email and online

Have a productive meeting tonight (and remind the Mayor that we need an alternate on the PC!).

/bill

From: Debra Clinton <dclinton@mountairymd.gov>
Sent: Friday, June 14, 2019 1:51 PM
To: Bill Butts <billbutts@[REDACTED]>; Debra Clinton <dclinton@mountairymd.gov>; John Breeding <jbreeding@mountairymd.gov>; Judi Olinger <jolinger@[REDACTED]>; Leslie K. Dickinson <dickinson1law@[REDACTED]>; Lindey Camerata (lindey@[REDACTED]) <lindey@[REDACTED]>; prockinberg@[REDACTED]; Pamela Reed <councilmemberreed@mountairymd.gov>; Roxanne Hemphill <roxmtairypanz@[REDACTED]>; Scott Sirchio <sirchio@[REDACTED]>; Tom McCarron (Town Attorney) <tmccarron@semmes.com>
Subject: June 17th, 2019 Planning Commission Meeting Packet

Hello everyone,

The PC meeting packet is attached. See you all Monday, June 17th at 7 p.m.!

HAVE A GREAT WEEKEND AND EAT LOTS OF CHILI 😊

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

Wallace, Vanessa L.

From: Roxanne Hemphill <roxmtairypandz@[REDACTED]>
Sent: Wednesday, February 16, 2022 4:26 PM
To: John Breeding
Subject: Re: letter for Beck Property Public hearing

Ok. Working on it.

On Wed, Feb 16, 2022 at 4:25 PM John Breeding <jbreeding@mountairymd.gov> wrote:

Roxanne,

I need to send that letter out tomorrow, I need your comment or changes asap so I can meet the dead line to notification.

John,

John Breeding

Director of Planning and Zoning

Town of Mount Airy

Office 301-829-1424 / [REDACTED]

--
Roxanne Hemphill
Chairperson, Mt. Airy Planning & Zoning Commission
Secretary MPCA
email: [roxmtairypandz@\[REDACTED\]](mailto:roxmtairypandz@[REDACTED])
phone: 703-732-4440

Wallace, Vanessa L.

Attorney Client Privileged Communication

Get [Outlook for iOS](#)

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.

Wallace, Vanessa L.

From: Roxanne Hemphill <roxmtairypandz@[REDACTED]>
Sent: Monday, May 23, 2022 6:49 PM
To: Jason Poirier
Cc: John Breeding; Karl Munder; Mayor Larry Hushour
Subject: Re: Public comment at workshops

I am good with what Jason has written.

Roxanne

On Mon, May 23, 2022 at 6:07 PM Jason Poirier <councilmemberpoirier@mountairymd.org> wrote:
Not sure where the agenda is after this discussion; however, without prompting council members have shared their opinion and there is now a super-majority of council members that agree by NOT "allowing public comment at workshops". My suggestion at this point is to remove this item.

I'd further like to see a designated 10 minutes for each member to ask their own questions. The skipping around and allowing anyone to speak at any one point is distracting and does not allow one individual to finish their line of questioning. But keep it at 10 mins max. - another workshop if necessary. The developer needs to be drilled down and put on the spot.

If allowed, I'll let the council members know and to have all of their questions ready to go. Please advise.

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

From: Mayor Larry Hushour <mayorhushour@mountairymd.gov>
Sent: Monday, May 23, 2022 9:21 AM
To: Karl Munder <councilmembermunder@mountairymd.gov>; roxmtairypandz@[REDACTED]
<roxmtairypandz@[REDACTED]>
Cc: Jason Poirier <councilmemberpoirier@mountairymd.org>; John Breeding <jbreeding@mountairymd.gov>
Subject: Re: Public comment at workshops

Since this is uncharted in respect to revised sketch plans in front of the Council, or PC... if we made it a "new business" item I think we could hash this out at the June Council meeting.

We need to figure out where Greentree goes anyway, though it might be straight back to Council without any opportunity for public acknowledgement/comment. (I did discuss this with Tom, and while he did not commit, he suggested this "might" be the pathway.)

I would advise NOT voting on a new Greentree plan in June since it is going to be "hot off the presses." But instead get Tom's legal opinion in June and "table" this until July... if that is his suggested course.

Larry

From: Karl Munder <councilmembermunder@mountairymd.gov>
Sent: Monday, May 23, 2022 12:24 AM
To: [roxmtairypandz@\[REDACTED\]](mailto:roxmtairypandz@[REDACTED]) <[roxmtairypandz@\[REDACTED\]](mailto:roxmtairypandz@[REDACTED])>; Mayor Larry Hushour <mayorhushour@mountairymd.gov>
Cc: Jason Poirier <councilmemberpoirier@mountairymd.org>; John Breeding <jbreeding@mountairymd.gov>
Subject: RE: Public comment at workshops

If the no comment rule is self-imposed, we can change it as we see fit, without comments from commission members. While nice, not needed IMHO. Make the rules the same for all workshops moving forward, we are allowed to change processes when it is needed. Since we seem to be in uncharted territory with MXD and no one seems to know where we restart Greentree, now may be a good time to reset the rules for workshops. A possible way to do this is set a new policy something like the following:

1. Set a set time frame for the workshop.
2. At the beginning of the workshop state that the workshop will run for the allotted timeframe and if the discussion ends earlier, then questions may be entertained, but it is at the discretion of whom ever is running the workshop
3. Questions shall be related to the topic of workshop discussion
4. If questions stray from topic, workshop is over
5. Mention for people to stay after the meeting, and feel free to talk with parties that were present for the workshop.

The question also needs to be hammered out for joint workshops, who is in charge, Council or Planning commission? If PC then it is really the mayor's call since commissions fall under the purvey of the Mayor. If Council, then council can vote on a new policy. We cannot be afraid of what people will think about our actions in the past, no matter what we do, all of us well get accused of something, the past is the past but what matters now is how we move forward. If people believe they are being not allowed to speak and offer opinions on ways a development or ordinance can be approved on, then the outcry of special deals and secret meetings will only get louder.

Just thoughts and it is late, so forgive the brashness.

Karl

From: Roxanne Hemphill <[roxmtairypandz@\[REDACTED\]](mailto:roxmtairypandz@[REDACTED])>
Sent: Sunday, May 22, 2022 9:14 PM
To: Mayor Larry Hushour <mayorhushour@mountairymd.gov>
Cc: Jason Poirier <councilmemberpoirier@mountairymd.org>; John Breeding

<jbreeding@mountairymd.gov>; Karl Munder <councilmembermunder@mountairymd.gov>

Subject: Re: Public comment at workshops

While I see both sides of this issue. I am in agreement with Jason. I would like the commission members to weigh in on this as well. This also proves my point that we need to have a joint meeting to discuss the mixed use process and have agreement on them.

On Sat, May 21, 2022 at 8:05 AM Mayor Larry Hushour <mayorhushour@mountairymd.gov> wrote:

Roxanne, (something to think on through the weekend.)

Thought:

While I know we do not allow public comments at “workshops,” I would offer this is a self-imposed policy. (I did talk to Tom.)

My thought is that we should reconsider this policy in light of the fact that we are dealing with new processes in the MXD (Or MXD light) zoning, and now scenarios exist where (Greentree for example) has become modified, and we are figuring out where it goes now. (Back to Council, joint workshop, even charette?) Beck is definitely back to a workshop with, hopefully, significant modifications on June 2.

Perhaps, we should allow public comment on these modifications if/when we go back to a workshop, but explain once the “workshop” officially begins, no further comments will be entertained throughout the rest of the event.

This would allow us to not have to go all the way back to a charette... but allow the people to comment on newly modified plans.

I could see people potentially looking at a modified plan and actually having positive comments. They have to at least acknowledge the changes. I think that would ease some tension in that they are now part of the process.

Thoughts?

Larry

--

Roxanne Hemphill

Chairperson, Mt. Airy Planning & Zoning Commission

Secretary MPCA

email: roxmtairypanz@ [REDACTED]

phone: 703-732-4440

--

Roxanne Hemphill

Chairperson, Mt. Airy Planning & Zoning Commission

Secretary MPCA

email: roxmtairypanz@ [REDACTED]

phone: 703-732-4440

Wallace, Vanessa L.

From: Jason Poirier <councilmemberpoirier@mountairymd.org>
Sent: Tuesday, May 31, 2022 12:31 PM
To: John Breeding; Pamela Reed; Stephen Domotor; Lynne Galletti; Karl Munder
Cc: roxmtairypandz@[REDACTED]
Subject: Re: re; Beck Work Session 6-2-2022

All,

** Due to quorum, no response, just following up and adding information.

Thank you John for sending this.

Council - I gave input on the agenda that each member would be given 10 minutes to ask his/her questions without the bouncing around of a roundtable discussion. My intention is that each member be given ample opportunity to get answers from the developer without being interrupted by another member.

Please have your questions ready when it is your turn to talk. Please refrain from disrupting someone else, as I'm sure you want your time to be uninterrupted.

I hope that this helps to allow each of you your time to ask questions. When time has ended, please respect that time has ended. I believe that this will also help in distinguishing if another workshop is needed.

John should probably keep track of time.

As you all know, I'm not there as I have work that night. I'll send over my questions.

Thank you all for your time and patience during this process. Much appreciated.

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

From: John Breeding <jbreeding@mountairymd.gov>
Sent: Tuesday, May 31, 2022 11:23 AM
To: Jason Poirier <councilmemberpoirier@mountairymd.org>; Pamela Reed <councilmemberreed@mountairymd.gov>; Stephen Domotor <councilmemberdomotor@mountairymd.gov>; Lynne Galletti <councilmembergalletti@mountairymd.gov>; Karl Munder <councilmembermunder@mountairymd.gov>
Cc: roxmtairypandz@[REDACTED] <roxmtairypandz@[REDACTED]>
Subject: re; Beck Work Session 6-2-2022

Hello,

Attached is the agenda for the work session on Thursday night at the reception hall at the carnival ground. If you have any questions, let me know as soon as possible so I can get them answered.

Thanks, John

John Breeding

Director of Planning and Zoning

Town of Mount Airy

Office 301-829-1424 / [REDACTED]

Wallace, Vanessa L.

From: Roxanne Hemphill <roxmtairypanz@[REDACTED]>
Sent: Monday, May 23, 2016 3:34 PM
To: Bill Butts
Subject: Re: reminder to review MXD

Thanks for your support Bill. Ron's traffic is not on the agenda so I do not think it will be discussed.

Roxanne Hemphill
Carrington Real Estate Services
7601 Lewinsville Rd. Suite 301
McLean, VA 22102
Licensed in Maryland & Virginia
[Roxanne.Hemphill@\[REDACTED\]](mailto:Roxanne.Hemphill@[REDACTED])

On May 23, 2016, at 1:54 PM, Bill Butts <[billbutts@\[REDACTED\]](mailto:billbutts@[REDACTED])> wrote:

Roxanne,

While I'm sorry that Patty will not be able to attend, it allows you to participate in the discussion and votes tonight and your opinions and perspective is especially valuable on several of the agenda items. See you tonight.

/bill

From: Washabaugh, Patty [[mailto:Patty.Washabaugh@\[REDACTED\]](mailto:Patty.Washabaugh@[REDACTED])]
Sent: Monday, May 23, 2016 12:36 PM
To: Lindey Brown <[lab@\[REDACTED\]](mailto:lab@[REDACTED])>; tony falletta <[tonyfalletta.62@\[REDACTED\]](mailto:tonyfalletta.62@[REDACTED])>
Cc: [pattytim8@\[REDACTED\]](mailto:pattytim8@[REDACTED]); Bill Butts <[billbutts@\[REDACTED\]](mailto:billbutts@[REDACTED])>; [jolinger@\[REDACTED\]](mailto:jolinger@[REDACTED]); Leslie Dickinson 08-15 <[dickinson1law@\[REDACTED\]](mailto:dickinson1law@[REDACTED])>; Lindey Brown <[lindey@\[REDACTED\]](mailto:lindey@[REDACTED])>; Robert King <councilmemberking@mountairymd.org>; Roxanne Hemphill <[equity2001@\[REDACTED\]](mailto:equity2001@[REDACTED])>; Heather Smith (HSmith@mountairymd.org) <HSmith@mountairymd.org>
Subject: RE: reminder to review MXD

Hi Everyone:

I will not be able to make the meeting tonight unfortunately. I apologize for the late notice but today is one of those days where it needs to have 48 hours not 24. On a positive side the sun is shining!!!

All the best,
Patty

From: Lindey Brown [<mailto:lab@cwpc.com>]
Sent: Monday, May 23, 2016 10:50 AM
To: tony falletta
Cc: [pattytim8@\[REDACTED\]](mailto:pattytim8@[REDACTED]); Bill Butts; [jolinger@\[REDACTED\]](mailto:jolinger@[REDACTED]); Leslie Dickinson 08-15; Lindey Brown;

Washabaugh, Patty; Robert King; Roxanne Hemphill; Heather Smith (HSmith@mountairymd.org)
Subject: RE: reminder to review MXD

Thanks for letting us know Tony!

From: tony falletta [[mailto:tonyfalletta.62@\[REDACTED\]](mailto:tonyfalletta.62@[REDACTED])]
Sent: Monday, May 23, 2016 10:49 AM
To: Lindey Brown <[lab@\[REDACTED\]](mailto:lab@[REDACTED])>
Cc: pattytim8@[REDACTED]; Bill Butts <[billbutts@\[REDACTED\]](mailto:billbutts@[REDACTED])>; jolinger@[REDACTED]; Leslie Dickinson 08-15 <[dickinson1law@\[REDACTED\]](mailto:dickinson1law@[REDACTED])>; Lindey Brown <[lindey@\[REDACTED\]](mailto:lindey@[REDACTED])>; Patty Washabaugh ([Patty.Washabaugh@\[REDACTED\]](mailto:Patty.Washabaugh@[REDACTED])) <[Patty.Washabaugh@\[REDACTED\]](mailto:Patty.Washabaugh@[REDACTED])>; Robert King <councilmemberking@mountairymd.org>; Roxanne Hemphill <[equity2001@\[REDACTED\]](mailto:equity2001@[REDACTED])>; Heather Smith (HSmith@mountairymd.org) <HSmith@mountairymd.org>
Subject: Re: reminder to review MXD

Hi Lindey,

I will be arriving a little late to the meeting. I should be there around 7:15 give or take a few minutes :)

See you tonight,
Tony

On Friday, May 20, 2016, Lindey Brown <[lab@\[REDACTED\]](mailto:lab@[REDACTED])> wrote:

Hi All,

We want to nail down as much as we can on the draft MXD on Monday!

Thanks and enjoy the sunshine while you can.

Lindey

From: Heather Smith [<mailto:hsmith@mountairymd.org>]
Sent: Monday, April 25, 2016 6:19 PM
To: Annelise Niner <aniner@mountairymd.org>; Barney Quinn <bquinn@mountairymd.org>; Bill Butts <[billbutts@\[REDACTED\]](mailto:billbutts@[REDACTED])>; jolinger@[REDACTED]; Leslie Dickinson 08-15 <[dickinson1law@\[REDACTED\]](mailto:dickinson1law@[REDACTED])>; Lindey Brown <[lab@\[REDACTED\]](mailto:lab@[REDACTED])>; Lindey Brown

<lindey@[REDACTED]>; Lisa Walker <lwalker@mountairymd.org>; Melissa Thorn
<mthorn@mountairymd.org>; Monika Weierbach <mweierbach@mountairymd.org>; Pat
Rockinberg (prockinberg@[REDACTED]) <prockinberg@[REDACTED]>; Patty Washabaugh
(Patty.Washabaugh@[REDACTED]) <Patty.Washabaugh@[REDACTED]>; Rachel Gude
<rgude@mountairymd.org>; Robert King <councilmemberking@mountairymd.org>; Roxanne
Hemphill <equity2001@[REDACTED]>; Tony Falletta <tonyfalletta.62@[REDACTED]>

Cc: Lisa Walker <lwalker@mountairymd.org>

Subject: Brittany Manor - Concept Plan - Staff Report - 2016 - REVIEWED r3 - April 2016

Importance: High

Planning Commission Members –

Attached is the staff report write-up with respect to Brittany Manor. Long story short – the Concept Subdivision Plan may now be approved along with the water and sewer allocation application. The staff report is mostly the analysis of the APFO regulations as guided by Chapter 25. I provided a bit more of a navigation through the code in the APFO analysis to better guide how the Planning Commission can approve this plan even in the absence of a certified adequacy of a particular facility.

Private medical information redacted

Thanks,

Heather

Wallace, Vanessa L.

Attorney Client Privileged Communication

Attorney Client Privileged Communication

[Get Outlook for iOS](#)

Attorney Client Privileged Communication

Attorney Client Privileged Communication

Thanks,
Barney