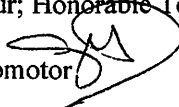


Policy Opinion Memorandum

TO: Honorable Mayor Larry Hushour; Honorable Town Council Members

FROM: Council Member Stephen L. Domotor 

SUBJECT: Recommendation that the Town of Mount Airy Conduct a Screening Assessment on the Adequacy of Public Facilities for the Beck Property at the Preconcept Development Plan Phase

DATE: January 9, 2023

Recommendation

It is my belief and recommendation that a screening assessment on the adequacy of public facilities is warranted for the Beck property at the preconcept plan phase of development. Further, such an assessment would be beneficial to and in the best interests of the citizens of Mount Airy, the Town of Mount Airy government, and the developers of mixed use-zoned properties.

Recommended Process for Conducting a Preconcept Screening Assessment

The screening assessment should be tasked by the Mayor and performed through the Planning Commission in partnership with Town staff to utilize available resources and expertise. Also, recall that at a previous Town Council meeting the developers of the Beck property emphasized the importance of a collaborative process in working through the development plan for this mixed use-zoned property. Accordingly, the screening assessment, and the information required to support it, necessitates a collaborative process whereby the developer cooperatively engages and provides needed information to support the screening assessment.

If additional resources are needed, per Town Code 98-61, Section E. 11, the Town can hire licensed professionals to assist in the development review process, with costs for such support having to be reimbursed by the developer (Ref. 1).

The screening assessment should be completed, and its results should be made available to the public and elected officials prior to a Town Council vote on the Preconcept Plan, and in a timely manner as a resource to citizens in reviewing and commenting on the Preconcept Plan. Results should be provided in the form of one or more "fact sheets" in an easy-to-understand communication style geared toward the public, stakeholder groups, and elected officials.

This screening level assessment is not intended to replace or serve as the final, Town-certified determination on the adequacy of public facilities. It is intended to provide a "birds eye view" of these elements. However, screening assessments by their nature and in practice are typically conservatively derived, employing conservative data and assumptions that help to ensure that results obtained through subsequent, more finely tuned assessments are bounded by and in agreement with the screening process.

Recommended Scope of Preconcept Screening Assessment

The screening assessment should be guided by existing Town Codes and ordinances governing reviews of the adequacy of public facilities and subdivision of land and site plan reviews.

The screening assessment to review the adequacy of public facilities should include the following elements:

- Water; sewer; schools (for residential, non-senior housing only); roads and traffic control devices; fire and rescue services; police services; and parks and open space.
- For water more specifically, the Town Code states the following regarding submittal of the Preconcept sketch layout plan: “As part of the initial phase of the development approval process, the applicant shall provide the Commission with a preconcept sketch layout plan which shall contain.....*and the approximate water and sewer allocations from the Town that the development will require, if any*” (Ref 2).
- In this regard, using information provided by the developer, the screening assessment should address the following:
 - What are the approximate water and sewer allocations from the Town that the development will require, if any?
 - If no Town allocations are needed, what is the documented evidence to support this conclusion? Where will the water and sewer allocations come from?
 - What is the recharge area to support an onsite well?
 - What tests were run to demonstrate the capacity to produce the water and for how long were the tests run? For example, was it a 30-day test or a lesser-duration test?
 - What is the well output? How many gallons of water per day?
 - How many gallons of water per day will the development need?
 - Is there a safety factor built into the above calculations? Specifically, is a Town 12% safety factor included in these estimates?
 - What is the quality of the water? Are there contaminants present (e.g., per- and polyfluoroalkyl substances, or PFAS; other) and if so what kinds and concentrations of contaminants?
 - Is the water purified? What is the plan for purification? How will the developer treat the water to make it a serviceable well? Will the water be run to the Town water treatment plant? How much and does the Town have the capacity for such treatment? What is the infrastructure needed to get the water to and from Town systems?

- If needed, what are the upgrades and associated costs to treat the water (inflow) and the resulting wastewater (sewage treatment outflow)?
- If the onsite well produces more water than needed, who gets the extra water? Does that come to the Town?
- During the charettes and workshops held in 2022, the previous development team stated that there was a hydrology report completed for the Beck property and committed that the report would be provided to the Town. Has this report been provided? If not, when will it be provided?
- For parks and open space specifically, if the Planning Commission intends to grant a waiver to the Town's open space requirements, the Planning Commission should include this intention and the basis for granting the waiver as part of the screening assessment (Ref 3).

Benefits of a Preconcept Screening Assessment

A preconcept screening assessment would be a win-win in benefitting the citizens of Mount Airy, the Town of Mount Airy government, and the developers of mixed-use zoned properties:

- Citizens have already expressed their strong desire for information on the potential impacts of Beck property development to quality-of-life attributes that are driven by impacts associated with the adequacy of public facilities. Reviewing the adequacy of public facilities at the "front end" of the development plan process will allow the public to better understand the pros and cons of development in this regard, and to better engage with the development team during the review and comment process. Elected officials and Town government officials will similarly benefit from this "front end" assessment that would better inform them as they evaluate the merits and impacts (positive and negative) of the preconcept plan.
- Developers will be better positioned to communicate to the public and elected officials in discussions on the anticipated adequacy of public facilities associated with the Beck property development, share positive elements, and where there may be negative impacts on quality-of-life attributes, share remedies to address these impacts for those who will reside in the proposed development as well as more broadly all the citizens of Mount Airy.
- There are benefits to having Town government, drawing upon Town staff expertise and resources, conducting the screening assessment. This would provide a common, credible frame of reference on the anticipated adequacy of public facilities, rather than solely relying on piecemeal adequacy estimates and calculations performed by individual elected officials, citizens, and stakeholder groups as part of discussions on the preconcept plan.

Rationale on the Need for a Preconcept Screening Assessment

Mixed Use Zoning and Development is new to Mount Airy.

The process for development of mixed use-zoned properties is especially new to the Town of Mount Airy. The Town and its citizens have little real world experience in the process for reviewing and evaluating the potential impacts (both positive and negative) of such development, particularly so for the uniqueness and

scale of this mixed use development being proposed. The Beck Property Preconcept Plan (October 24, 2022) includes 582 housing units of which 80% are comprised of townhomes and apartments, and 93,600 square feet of commercial development. The development spans over ninety acres of mixed use-zoned property divided by a major, heavily used transportation artery - Maryland Route 27).

Adequacy of Public Facilities Influences Quality of Life Attributes in a Community.

Town Code 112-37.2, Mixed Use District (MXD) (Ref. 4) states that mixed use developments are required to 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. The requirement for *a harmonious and coordinated development* is not only applicable to the density, placement, and mix of housing types and units, but also the relationship and impacts of these development design elements to quality-of-life attributes for citizens living in and more broadly all citizens of Mount Airy.

It can be reasoned that harmonious and coordinated development also includes compatibility with the *social environment*, which is defined as “everything or environmental composition that is created by humans that is associated with and creates effects, both beneficial and adverse, on livelihood, production, existence, evolution of human and nature.” Our citizens have strongly voiced their concerns on quality-of-life impacts, which are directly and indirectly driven by the adequacy of public facilities. A preconcept screening assessment for adequacy of public facilities “up front” will provide citizens and elected officials with the needed understanding of potential impacts to quality-of-life attributes, both positive (e.g., sense of safety; great place to raise a family; quiet neighborhoods; small town environment) and negative (traffic; personal safety; impacts to municipal services). The Town of Mount Airy 2020 Community Survey results are highly informative in this regard (Ref 5). Also, survey respondents expressed strongly held views that residential growth should be limited and favored single family homes over townhomes or apartments for any potential additional residential development (Ref 5).

There is Nothing Apparent that would Prevent the Town from Performing a Screening Assessment of Adequate Public Facilities at the Preconcept Phase of Development.

From a citizen’s viewpoint, when confronted with a proposed major development and its impact on their Town, there is no real distinction between a preconcept plan and a concept plan. The citizens are being presented with a plan for mixed use property development and this is their most meaningful opportunity to voice their views on this proposed major development.

The Town Code is silent on reviews for adequacy of public facilities at the preconcept plan phase of development (Ref. 6). Further, upon review of Town Code Chapter 98, Subdivision of Land and Site Plan Review, Appendix D - Concept Plans Requirements Checklist (Ref. 7), the current version of the Beck property Preconcept Plan seems to contain the relevant information also called for in a concept plan (which would follow the preconcept plan), and the most essential information needed to support a screening level assessment of adequate public facilities seems available within the current Beck Property Preconcept Plan. Interestingly, the Town Code states that a concept plan (again, the development plan which would follow the preconcept plan) does not require fully detailed information and is not required to address the specifics of all applicable ordinances (Ref 7). Thus, the current Beck Property Preconcept Plan seems more than adequate to support such a screening assessment.

References and Additional Supporting Information

1. Town Code Chapter 98-61, Mixed-Use Development within CC District (MXU-CC) and Mixed Use District (MXD) Developments, E. 11.

Specifically:

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

2. Mount Airy Code 98-61, Mixed-Use Development within CC District (MXU-CC) and Mixed-Use District (MXD) Developments (added 9-11-2017 by Ordinance No. 2017-7; amended 8-3-2020 by Ordinance No. 2020-01). Specifies the requirements for the evaluation and approval of development plans for properties zoned as such.

Specifically:

"B. Preconcept sketch layout plan. As part of the initial phase of the development approval process, the applicant shall provide the Commission with a preconcept sketch layout plan, which shall contain the to-scale preliminary layout of the project with the proposed density, including the number and approximate location of proposed residential units and the approximate location and square footage of commercial space, the proposed dwelling types, the proposed mixed-use ratio of residential to commercial uses, the general locations of proposed future roads and connections and/or improvements to existing roads, the proposed amount and general location of parking, the preliminary location of stormwater management facilities and open space, and the approximate water and sewer allocations from the Town that the development will require, if any."

3. Ordinance No. 2021-16. An Ordinance to Amend Part 1 of the Code of the Town of Mount Airy Entitled "Administrative Legislation", Chapter 25 Entitled "Planning Commission", Article II Entitled "Adequate Public Facilities", Section 25-5 Entitled "Adequate Public Facilities." Specifies that a development project in the Mixed Use District (MXD) may be granted a waiver under this subsection if it provides 10% of the total gross acreage of the project for open space.
4. Mount Airy Code 112-37.2, Mixed Use District (MXD; added 8-3-2020 by Ordinance No. 2020-01). Specifies the purpose, objectives, and other requirements for mixed use development.

Specifically:

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

B. Objectives. One or more of the following objectives are sought in an MXD project, as applicable:

- (1) Provide a more attractive residential and nonresidential 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 an increase in walkability.
- (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 area and that creates a community with live-work space for artists.”

5. Town of Mount Airy 2020 Community Survey. Survey Report. November 2, 2020.

Specifically, from the Executive Summary of the Report:

“Residential Growth and Views on the Need for Affordable Housing. When asked, “Which of the following affordable housing options would you support being expanded in Mount Airy,” respondents clearly selected *I do not support any additional affordable housing options* as their top choice. In addition, those that selected this option did so strongly, ranking it #1 as their most desired option 88% of the time. This view is reinforced by results from earlier questions in which lack of affordable housing, and existing level and pace of residential growth were the top two topics *not being an issue or needing any action*. Respondent choices, in rank order, were: (1) no additional affordable housing needed; (2) single family homes; (3) townhouses; (4) condominiums, and (5) apartment complexes. These results are nearly identical to those from the 2007 Survey.

Quality of Life. Ninety-nine percent of respondents viewed the overall quality of life in Mount Airy as being good, very good, or excellent. Respondents expressed a strong sentiment for Mount Airy’s small town environment, selecting it as their top choice out of all most liked attributes. The top five most liked attributes of living in Mount Airy were, in rank order: (1) small town environment; (2) sense of safety; (3) family oriented; (4) quiet community; and (5) location. Conversely, the top most disliked attributes of living in Mount Airy were, in rank order: (1) shopping; (2) employment opportunities; (3) traffic; (4) recreational facilities; and (5) municipal services. Citizens value the importance of safety as expressed in their views that Mount Airy is a very good to excellent safe place to live, with sense of safety as a key most liked attribute. These results are similar to those from the 2007 Survey.

Issues and Needs. Respondents identified the lack of commercial growth and improvements in the downtown district, and traffic safety on Main Street as their top two major concerns needing urgent action by the Town. Vandalism of personal property/crime/drugs, and the overall strength

of Mount Airy's commercial district economy were the top two issues needing *some improvement and action*. Lack of affordable housing, and the existing level and pace of residential growth were the top two topics identified as *NOT being an issue or needing any action*."

6. Mount Airy Chapter 25, Planning Commission, Section 25-4, Certification of Facilities (Amended 7-9-2007 by Ordinance No. 2007-30). Specifies requirements for reviewing the adequacy of public facilities at the development plan submission stages. Regarding this type of review, the code is silent on mixed use-zoned properties and the preconcept plan stage of development.
7. Mount Airy Code Chapter 98, Subdivision of Land and Site Plan Review, 98-1, Statement of Purpose (amended 5-7-2007 by Ordinance No. 2007-11). Specifies the purpose of regulations governing subdivision of land and site plan review.

Specifically:

"The concept plan review is intended to generate a consensus between the applicant and the Town regarding the appropriate design of the subdivision. The concept plan does not require fully detailed information, but should include some basic information regarding environmental features, a rough street and lot layout, and should be specific enough to allow for adequate public facilities review and review of any water and/or sewer allocation application submitted with the concept plan and other items as listed in the concept plan requirements list. The concept plan is not required to address the specifics of all applicable ordinances; however, the applicant should be familiar with basic regulatory requirements so that the concept plan can be developed into a preliminary subdivision plan without major design changes."

And Specifically:

Provides a series of Subdivision of Land and Site Plan Review "Checklists" to include Appendix D, Concept Plans Requirements Checklist.