

1. January 26, 2026, Planning Commission Meeting Agenda

Documents:

[PLANNING COMMISSION AGENDA JANUARY 26, 2026.PDF](#)

2. Unofficial November 24, 2025, Planning Commission Minutes

Documents:

[UNOFFICIAL NOVEMBER 24, 2025, PC MINUTES .PDF](#)

3. Carroll County Planning Update

Documents:

[CARROLL COUNTY UPDATE FOR JANUARY 2026.PDF](#)

4. Resolution #2026-1 Priority Map For 2026 / 2027 Water And Sewer Allocation

Documents:

[PRIORITY AREAS 2026-27 TOWN PLANNING COMMISSION RESOLUTION 2026-1.PDF](#)

[PRIORITY AREA 2026 DRAFT MAP.PDF](#)

[PRIORITY AREA 2026 DRAFT MAP ZOOMED IN.PDF](#)

5. Recommendation On Draft Resolution 2025-47 Warfield Annexation Petition

Documents:

[ADDENDUM FINAL DRAFT RESOLUTION 2025-47 WARFIELD ANNEXATION PETITION.PDF](#)

6. Ordinance #2026-01, Mobile Food Units - Provide A Recommendation To The Town Council

Documents:

[ORDINANCE 2026-1 \(RENUMBERED\) RELATED TO FOOD TRUCKS - FOR INTRODUCTION ON 1-5-26 AND REFERRAL TO PLANNING COMMISSION - REVISED 1-3-26.PDF](#)

7. Ordinance #2026-02, Process And Standards For Reclassification Of Property Withing The Town - Provide A Recommendation To The Town Council

Documents:

[ORDINANCE 2026-2 RELATED TO REZONING OF PROPERTIES - FOR INTRODUCTION ON 1-5-26 AND REFERRAL TO PLANNING COMMISSION - PDF.PDF](#)

8. Zoning Administrator Reports For November 2025, December 2025, And 2025 Annual Total

Documents:

NOVEMBER 2025 ZONING ADMINISTRATOR REPORT.PDF
DECEMBER 2025 ZONING ADMINISTRATOR REPORT.PDF
2025 ANNUAL REPORT ZONING ADMINISTRATOR.PDF

LARRY HUSHOUR
Mayor

TIM J. WASHABAUGH
Council President



Council Members
JASON P. EVANS
Secretary

KARL L. MUNDER
SEAN M. KELLY
STEPHEN L. DOMOTOR

Planning Commission Meeting Agenda **January 26, 2026** **7:15 p.m.**

PUBLIC HEARING

Public Hearing – Public Comment - Carroll County 2024 Water Resources Element Master Plan – Land Use Article, Water – Title 3, - Subtitle 2, Section 3-203 – Titled – 2024 Water Resource Element Master Plan for Carroll County.

Public Hearing – Public Comment – Designation of Priority Area Map within the Town of Mount Airy – Chapter 109, Water – Section 109-1.4, A – Titled - Water and Sewer Allocation.

REGULAR PLANNING COMMISSION MEETING

1. **CALL TO ORDER – PLEDGE OF ALLEGIANCE**
2. **APPROVAL OF MINUTES**
 - November 24, 2025
3. **CITIZEN COMMENTS (for items not on the agenda)**
4. **CARROLL/FREDERICK COUNTY PLANNERS**
 - Carroll County Planner – (No representative yet)
 - Frederick County Planner – Vanessa Moreno
5. **INTRODUCTION / DISCUSSION / RECOMMENDATION – RESOLUTION #2026-1 – Priority Map for 2026 / 2027**
 - Recommendation to Town Council on Designation of Priority Area Map for 2026-2027 within the Town of Mount Airy – Chapter 109, Water – Section 109-19.4, B – Titled - Water and Sewer Allocation.
6. **ANNEXATION RESOLUTION #2025-47 - Provide a recommendation to the Town Council**
 - Request for Annexation of a 50.98-acre parcel along Watersville Road. This discussion will focus on the DRAFT ADDENDUM for making a Recommendation on Draft Resolution 2025-47 to the Town Council.
7. **INTRODUCTION / DISCUSSION - ORDINANCE #2026-1 – MOBILE FOOD UNITS -Provide a recommendation to the Town Council**
 - Referral from Town Council, New Chapter 73 “Mobile Food Units” and Amending Chapter §98-30, §112-5, & §112-37.1

8. INTRODUCTION / DISCUSSION - ORDINANCE #2026-2 – Process and Standards for Reclassification of Property within the Town - Provide a recommendation to the Town Council

- Referral from Town Council, Amending Chapter §112-66, & §112-69.

9. REPORTS / OTHER BUSINESS / FUTURE ITEMS.

- Council Liaison Report – Councilman Sean Kelly
- Zoning Administrator Report for November 2025 & December 2025
- Zoning Administrator Report Annual Totals for 2025
- Next Planning Commission Meeting Date – February 23, 2026, at 7:30 p.m. (Town Hall)

10. ADJOURNMENT

Note: The regular meeting will end at 10:30 p.m. The remaining items will be held at the next Planning Commission meeting.

****The Town will make every effort to provide reasonable accommodation for deaf people by providing a sign language interpreter. A request for such accommodation must be made at least 48 hours before the meeting to facilitate scheduling.**

****FOR INFORMATION ON TTY/TDD, PLEASE CALL THE MARYLAND RELAY SERVICE AT 7-1-1 OR 800-735-2258**

Meeting Attendance

Commission Members

Ralph Ghent - Chairman
Martina Hatley - Vice Chairwoman
Bill Butts
Brian Bieda
Steve O'Malley
Kim Buynak
Heather Wallace - Alternate
Sean Kelly - Council Liaison

Commission Members Absent

Bill Butts

Town Staff

John Breeding - Director of Planning &
Zoning
Barney Quinn - Town Engineer/Inspector
Debra Clinton - Planning & Zoning
Review Coordinator
Jared Schumacher – Town Administrator

Others

Thomas McCarron - Town Attorney

1. CALL TO ORDER

The meeting was called to order at 7:30 p.m. by Chairman Ralph Ghent, who also led the Commission in the Pledge of Allegiance.

2. APPROVAL OF MINUTES

Motion: Steve O'Malley motioned to approve the October 27, 2025, Planning Commission Minutes. Seconded by Martina Hatley. Vote: 5 in favor, None opposed, 1 abstained – Kim Buynak.

3. CITIZEN COMMENTS (for both agenda items and non-agenda items)

Chairman Ralph Ghent allowed citizens to comment on both agenda items and non-agenda items. Amanda Everett, Duane Cordrey, and Marchelle Payne-Gassaway made public comments on the Draft Warfield Annexation Resolution #2025-47.

4. CARROLL /FREDERICK COUNTY PLANNERS

Carroll County Planner – Vacant – Clare Stewart, the Chief of the Carroll County Planning Bureau, provided a memo outlining county updates on the Water & Sewer Fall 2025 Amendments, Text Amendments, Deferrals, and Master Plan Update. The Commission requests that Mr. Breeding inquire and provide more information on the deferrals/moratorium in the Freedom Area.

Frederick County Planner Vanessa Moreno – Vanessa updated the Commission on the Cherry Run development, which had applied for a water and sewer amendment to reclassify from S4W4 to S3W3. The Planning Commission recommended approval for the reclassification and presented it to the County Council on November 18th, which also recommended approval. The

Critical Digital Infrastructure Overlay Zone is the area where data centers can be constructed, located in Adamstown. Several property owners have requested to be included in the overlay.

5. SITE PLANS/ SUBDIVISIONS/ DEVELOPMENT PROJECTS

- **None**

6. NEW BUSINESS/ INTRODUCTION/ RECOMMENDATION

- **Annexation Resolution #2025-47, Provide a recommendation to the Town Council –** Request for Annexation of a 50.98-acre parcel along Watersville Road. This discussion will focus on the Draft Addendum to make a recommendation on the Draft Annexation Resolution 2025-47 to the Town Council. This discussion focused on refining the addendum, a compilation of all the information since July. The job of the Planning Commission is to make a recommendation to the Town Council in accordance with the Town Code.

7. REPORTS/OTHER BUSINESS/FUTURE ITEMS

- **Council Liaison Report** – Councilman Kelly updated the Commission on the November 3, 2025, Town Council Meeting.
- **Zoning Administrator Report** - The Town Zoning Administrator approved 21 permits for October 2025, generating \$772.19 in revenue.
- **Next Planning Commission Meeting Date**
The next meeting will be on Monday, January 26, 2026, at 7:30 p.m. at the Town Hall.
- **Election – Planning Commission Chair and Vice Chair** - Heather Wallace nominated Ralph Ghent as Chairman of the Planning Commission. Ralph accepted the nomination. Martina Hatley seconded the nomination. Vote: All in favor, none opposed. Brian Bieda nominated Marina Hatley for Vice Chairwoman of the Planning Commission. Martina accepted the nomination. Ralph Ghent seconded the nomination. Vote: All in favor, none opposed.

8. ADJOURNMENT

- Chairman Ralph Ghent adjourned the Planning Commission meeting at 11:05 p.m.

Submitted by Chairman Ralph Ghent

Signature

Prepared by Debra Clinton

Board of County Commissioner Work Sessions

- On January 15, the BCC held a work session to review commercial uses in the Freedom Planning Area (around Eldersburg). Work sessions are live streamed and recorded and can be accessed through the County's [Meeting Portal](#) and [YouTube Channel](#).

Deferrals

- Commissioner Krebs is concerned that the County Code does not address the welfare of citizens in the Freedom area, with respect to provisions governing retirement villages and retirement homes, cluster subdivisions, planned commercial centers, qualified projects, and self-storage. The deferrals will allow the Planning and Zoning Commission to study the zoning code and suggest possible modifications to address these concerns.
- On November 6, the BCC considered a proposal to impose a series of deferrals on the submittal, acceptance, review, processing, application for, approval or decision of any pending site plan, zoning certificate, development plan or application for any of the following projects defined in Ch. 158 of the County Code for the area subject to the Freedom Community Comprehensive Plan.
- On November 13, the BCC voted 3-2 to send the above mentioned to public hearing.
- A public hearing is scheduled for 6PM, on December 16, at the South Carroll Senior Center.
- Deferrals were discussed on December 18 in open session.
 - (1) Retirement villages and retirement homes (6 months) - **Dec. 18 decision: approve pass the modified draft ordinance to defer the approval of Retirement Villages and Retirement Homes in the Freedom Designated Growth Area.**
 - (2) Cluster subdivisions (6 months) - **Dec. 18 decision: approve pass the ordinance to defer the processing, review, and approval of Cluster Subdivisions in the Freedom Designated Growth Area but exempt any project that has been submitted for review by the County Development Review Division prior to December 1, 2025.**
 - (3) Planned commercial centers (8 months) - **Dec. 18 decision: approve pass the ordinance to defer the processing, review, and approval of Planned Commercial Centers in the Freedom Designated Growth Area.**
 - (4) Self-storage (3 months) - **Dec. 18 decision: approve pass the modified draft ordinance to defer the approval of Self-Service Storage Facilities in the Freedom Designated Growth Area pending final approval and direct staff to return on January 15, 2025, to review in a work session with the Board the commercial zones, specifically with regard to the uses and their bulk requirements.**

Text Amendments

- The Board of County Commissioners sent a zoning text amendment for the consolidation and relocation of nonconforming Use-Off-the-Premises Signs to the Planning & Zoning Commission for their review and recommendation. The text amendment was introduced to the PZC on October 1, discussed further on December 16, and is set for review and possible recommendation on January 20.

Master Plan update

- In upcoming meetings, the PZC will review Master Plan goals and consider recommendations from the Master Plan Work Group Reports on Housing, the Economy, and Agriculture, along with input gathered through public outreach. This effort is part of a broader process to review, update, and propose changes to the County Master Plan. There will be multiple opportunities for public feedback throughout this process, which is expected to continue through 2026.

Water Resources Element

- A [completed draft of the WRE](#) was sent to the State on November 12 for their review.
- The Planning & Land Management Department (PLM) will accept public comment on behalf of all nine Planning Commissions concurrent to the State review period. PLM staff will collect State and public comments, host a public information meeting, and facilitate a joint public hearing of all nine Planning Commissions. The relevant dates are as follows:
 - o November 15, 2025 – begin open review period
 - o January 14, 2026 – public information meeting (see [webpage](#) for details)
 - o January 15, 2026 – 60-day review period closes
 - o February 4, 2026 – Planning Commissions public hearing (see [webpage](#) for details)

Water & Sewer

- Fall 2025 Amendment includes Mount Airy, Taneytown, and Freedom. It was certified by the County PZC on November 18. Planning staff briefed the BCC on December 18, and a public hearing is January 29.

2025 Annual Report

Planning creates and submits to MDP, on behalf of the County and the eight municipalities, the 2025 Annual Report, per Maryland's Land Use Article. In December, municipal staff was sent a worksheet and certification letter template. We request the completed worksheet and planning commission signed certification letter be returned to the County no later than March 13, 2026.

Zoning Code Review and Revision

The Department of Planning & Land Management is seeking consultant support to perform two specific tasks:

- Review and evaluate the relationship between adopted master plans and the County's current zoning and site development regulations.
- Provide expert recommendations for code revisions that will ensure consistency with the County's adopted plans.

Clare,

Clare Stewart, Division Manager
Carroll County Comprehensive Planning Division
410.386.2258 | cstewart@carrollcountymd.gov | www.carrollcountymd.gov

**THE TOWN OF MOUNT AIRY, MARYLAND
PLANNING COMMISSION**

RESOLUTION NO. 2026-1

**FOR THE PURPOSE OF SETTING THE TOWN'S
PRIORITY AREAS FOR THE PURPOSES OF ALLOCATION
OF AVAILABLE WATER AND SEWER CAPACITY
PURSUANT TO THE TOWN CODE, SECTION 109-19.4B
FOR 2026-2027**

WHEREAS, pursuant to Section 109-19.2B, beginning in 2014, and every two years thereafter, at the Planning Commission's regular meeting in January, with due notice and after a public hearing, the Planning Commission shall by resolution designate priority areas within the limits of the Town to which the Town desires to direct future development; and

WHEREAS, the public hearing was duly noticed for, and occurred on the same date on which this Resolution was adopted, a map depicting the proposed Priority Areas was made available to the public, and an opportunity was provided for public comment.

THEREFORE, BE IT RESOLVED, this 26th day of January, 2026:

THAT the Planning Commission of the Town of Mount Airy, pursuant to the Town Code, Section 109-19.4B, does hereby set the Town's Priority Areas for the purposes of water and sewer allocation for the calendar years 2026 through 2027, as depicted in Exhibit 1 attached hereto.

ADOPTED:

This 26th day of January, 2026 by a vote of ____ in favor and ____ opposed.

ATTEST:

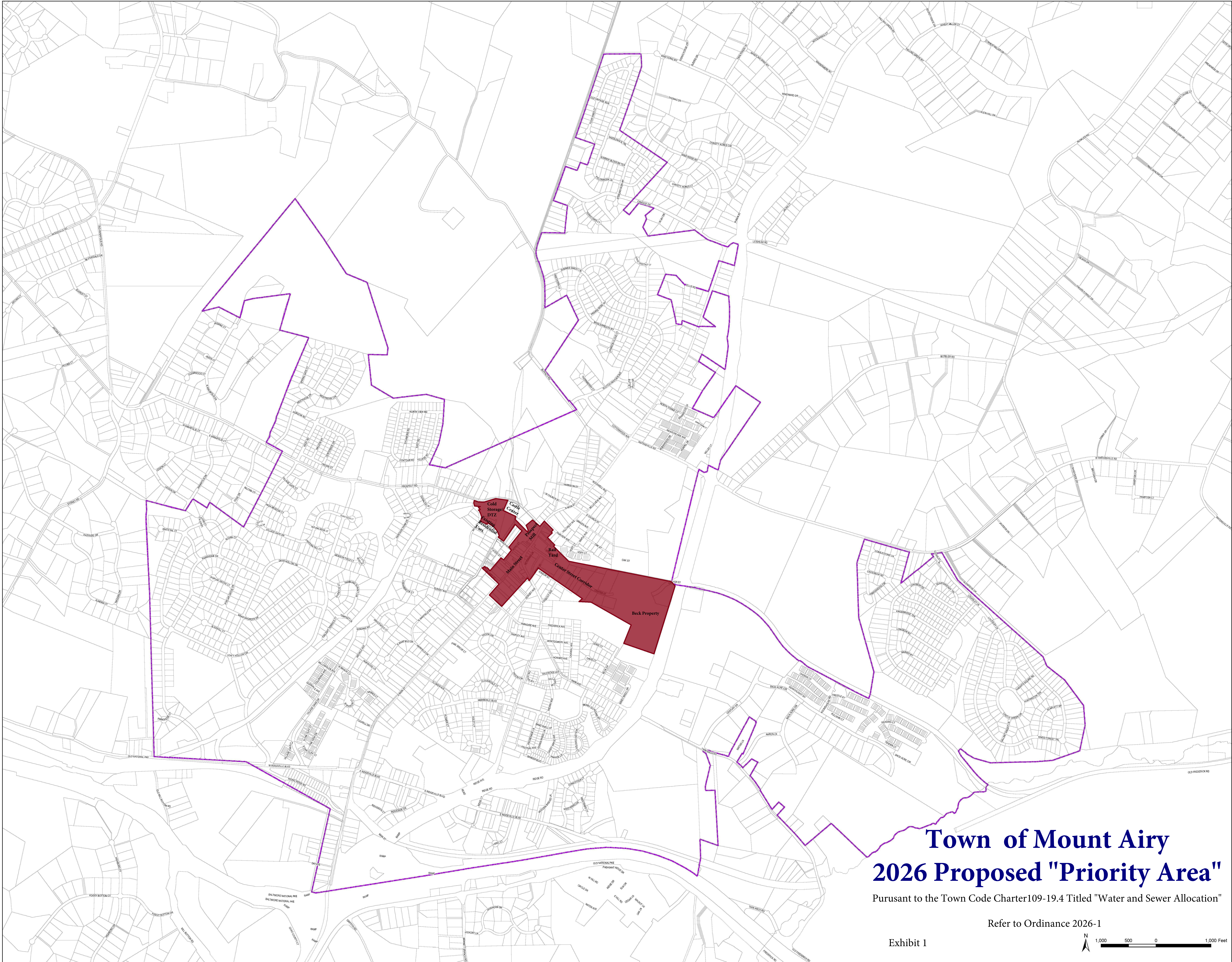
John Breeding, Community Planning
Administrator

Ralph Ghent, Chair

Reviewed and approved as to legal sufficiency.

This 26th day of January, 2026.

Thomas V. McCarron, Town Attorney

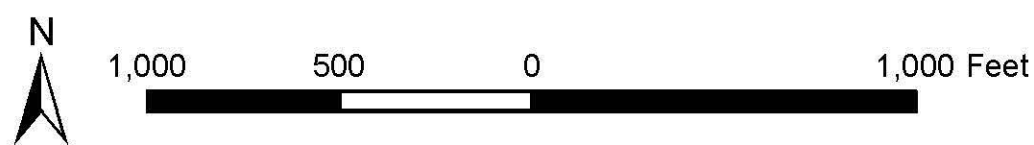


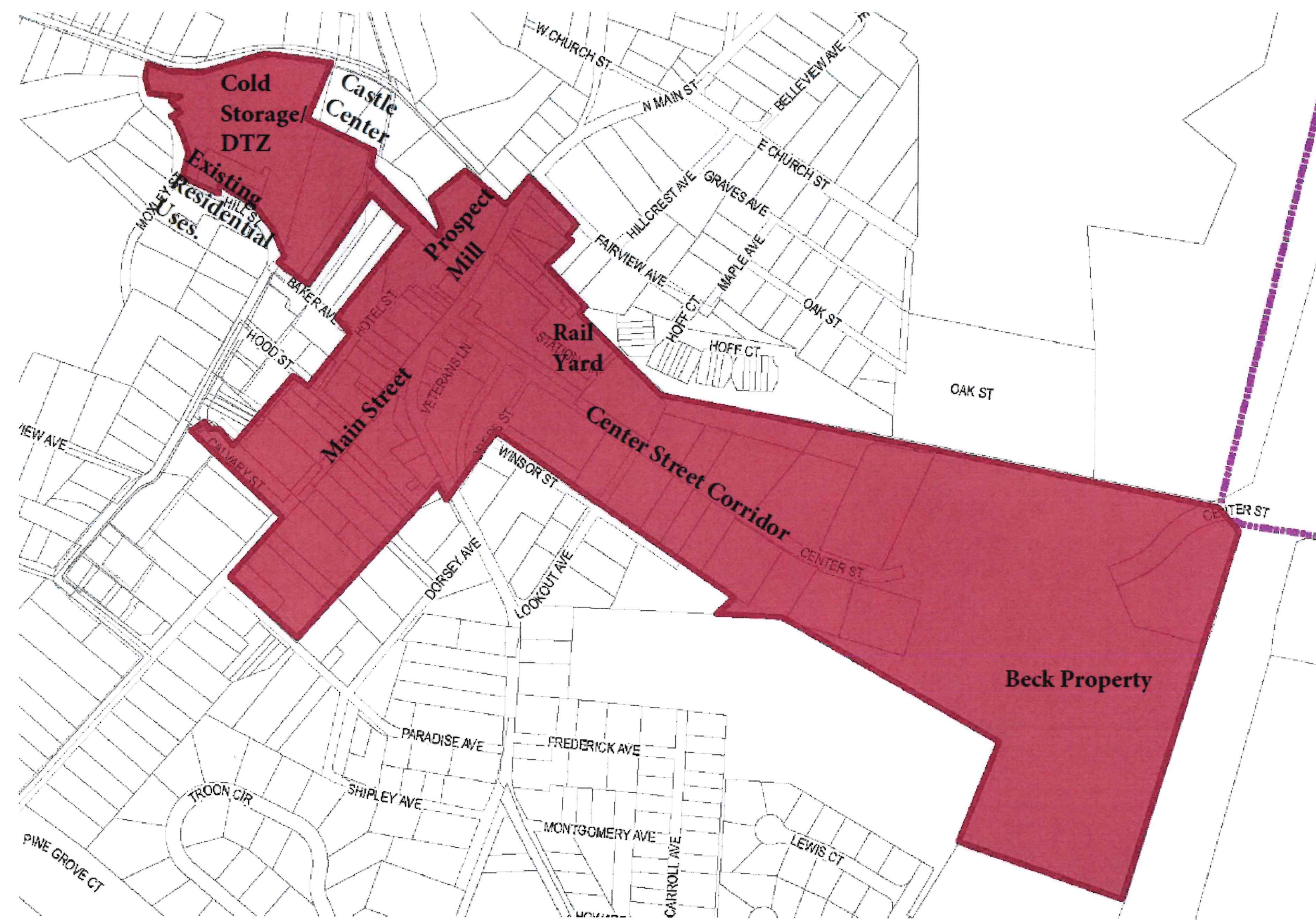
Town of Mount Airy
2026 Proposed "Priority Area"

Purasant to the Town Code Charter109-19.4 Titled "Water and Sewer Allocation"

Refer to Ordinance 2026-1

Exhibit 1







January 26, 2026

TOWN OF MT. AIRY PLANNING COMMISSION

Addendum to the Planning Commission's Recommendation on Draft Resolution 2025-47

The Petition For Annexation of the Warfield Property

Abstract

This Addendum provides the Planning Commission's process and information collected from July, 2025 to January, 2026, in accomplishing its Town Council-assigned task to assess the above Petition for Annexation and provide a Recommendation. It provides the Commission's evaluation criterion, Public Comments, Petitioner-provided information, survey results of residents within the nearby Nottingham neighborhood, and the Commission's perspectives on the "Pro's and Con's" of the Petition and its proposed land use. Furthermore, if the Council were to approve the Petition, the Commission also provides suggested conditions or provisions to be considered by the Council for an Annexation Agreement. Finally, to be clear, this Addendum does not provide the Council-requested Recommendation. It simply serves to inform the Council and the Public of the Commission's comprehensive examination of this Petition.



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Addendum To The Planning Commission Recommendation on Draft Resolution 2025-47

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Addendum To The Planning Commission Recommendation on Draft Resolution 2025-47

General Information and Background:

In June of 2025, a Petition for Annexation was delivered to the Town for a 50.98-acre Carroll County property located on the northern edge of the Town's corporate border along W. Watersfield Rd. It is located directly across from an entrance (Arrow Wood Circle) into a 420-home Town community known as Nottingham. The property is currently Carroll County-zoned as R-40,000 with a land-use category of Agricultural.

The two petitioners are Attorney-in-Fact Margaret C. Warfield (who is acting on behalf of the Owner, Lara Christine Munro) along with the contract purchaser of the property, Elite Baseball of Maryland, LLC. Collectively, these two parties are known as the "Petitioner." It is understood that Elite Baseball, LLC, does not currently hold any ownership of the property, but per the Town Attorney that business has "standing" as a co-petitioner due to their interest in purchasing the parcel. Initially, the Planning Commission understood that Elite Baseball's purchase decision of the property was specifically contingent on the Council's annexation decision. However, that understanding has been corrected to now be understood that the possible purchase will not solely depend upon the Council's annexation decision.¹

If annexed, the petition requests that the property be zoned as R-1. This complies with the Town Code regarding annexed property.² And the petition included the metes and bounds of the property (see plat survey map at Enclosure B). There are no structures or residents on this property. Finally, the Town Staff does not have any record of a prior annexation petition on this same parcel.

After the Town Staff and Town Attorney reviewed and accepted the petition, a Draft Resolution 2025-47 was authored by the Town Attorney. The Draft Resolution for the annexation was then added to the July 7, 2025, Town Council Meeting agenda as ***"Annexation Resolution 2025-47 – 50.98 acres, more or less, of land located along the north side of Watersville Road – For Introduction & Referral to Planning Commission."*** (see Encl A). The meeting minutes for that agenda topic state, ***"MOTION: Council President Washabaugh moved to introduce and refer to the Planning Commission, Councilmember Evans seconded,"*** and the task to provide a Recommendation was sent to the Planning Commission. This Council action is in accordance with the Town Code.³

¹ Per telephone conversation between the Chair, Planning Commission and the Town Dir of Planning on Oct 28, 2025, the Dir of Planning conveyed to the Chair that a call from Elite Baseball, LLC on that same day wished to correct a comment from the Chair made at the Oct 27 Commission meeting that the sale of the property was contingent on the annexation decision. Elite Baseball wished to correct that statement by telling the Dir of Planning that the sale was not solely based upon the annexation decision.

² Per **§ 112-3. A.: Application of regulations.**

A. Zoning of annexed areas. All territory which may hereafter be annexed to the Town shall from time of annexation be considered as being in the R-1 District until changed by ordinance, unless the resolution of annexation by the Town Council provides for other district classification or classifications.

³ Per **§ 112-3. B.: Application of regulations.**

B. Referral to Planning and Zoning Commission. The Town Council shall refer all annexations to the Planning Commission for recommendation and report on annexation and the zoning classification. If the Commission makes no report on either annexation or zoning within 120 days from the date of its first

Addendum To The Planning Commission Recommendation on Draft Resolution 2025-47

At the **July 28** Planning Commission Meeting the agenda introduced the *Draft Petition Resolution 2025-47* (Encl A) along with the task to provide a recommendation back to the Town Council within 120-days, per the Town Code. The suspense date became Nov 25, 2025. The Commission began its deliberation of the petition by first agreeing to A) establish criteria for its evaluation and; B) to document all relevant Town, County, and State guidance/codes regarding annexations. The criteria-building deliberation began.

At the **August 25** Planning Commission Meeting the agenda continued the Commissioners' development of their criteria and included Public Comments regarding the proposed annexation. The Commissioners' interest in receiving those public comments was driven by their desire to ensure their final criteria included all relevant aspects of the petition and the proposed land use as an outdoor, privately-owned, for-profit, multi-field sports complex. The public comments included those from both Carroll County residents and Town residents. A summary of all public comments is provided at Enclosure C.

After the Aug 25 Planning Commission Meeting, the Town Staff and Elite Baseball, LLC discussed Elite Baseball's desire to provide answers to the draft criteria. In coordination with the Town Director of Planning, the Chair of the Planning Commission agreed to having Elite Baseball address the draft criteria and clarify their proposed land use as a sports complex in the next Commission meeting (Sep 29).

At the **September 29** Planning Commission Meeting, the agenda allowed the representatives of Elite Baseball, their Attorney (Mr. Bowersox), and a representative of Lenhart Traffic Consulting to present details regarding the Commission's draft criteria and proposed land use as a sports complex. That presentation is seen at Enclosure D. The Chair asked all Commissioners to prepare for the following October meeting by reviewing the criteria, reviewing the August 25 public comments, reviewing Elite Baseball's additional information ... and then be prepared to provide their individual analysis.

After this Commission meeting, the Chair consulted the Town Attorney to ensure that the Commissioners could indeed consider information beyond that which is provided solely within the Petition. The Town Attorney advised that the Commission may indeed consider whatever information we believe is relevant; such as the proposed land use and its impacts to the surrounding area, and what measures could be considered to mitigate them if the Petition were approved by the Council.⁴ This counsel is also supported by the Town Code which allows the Commission to request and examine "further information."⁵

On **October 27** the Commission opened their meeting with a second opportunity for public comments. The response was again significant and a summary of the October

regularly scheduled monthly meeting after referral by the Town Council, it shall be considered to have made a report making no recommendation, provided that the Town Council may extend this period of 120 days for one definite additional period for a demonstrated sufficient reason.

⁴ Email between the Chair and the Town Attorney dated Oct 23, 2025, Subj: Annexation Recommendation question.

⁵ Town Code, §44-5. *Request for Further Information.*

Addendum To The Planning Commission Recommendation on Draft Resolution 2025-47

comments is also provided within Enclosure C. In addition to the public comments, the Town Director of Planning provided all Commissioners copies of emails sent to the Town Staff regarding the annexation. A summary of those emails is also seen in Encl C.

The Commissioners, led by the Chair, then began reaching a consensus on their answers to the various criteria. The criteria and a summary of the Commission's answers are seen at Enclosure E.

To ensure complete accuracy of the Commission's answers to their criteria, Elite Baseball was often queried by the Commission. The effort ended with the Chair volunteering to author this Addendum, and to refine this document in the Nov 24 Commission Meeting. It was also agreed that because the Nov 24 meeting was so close to the Nov 25 suspense date, and that a Commission recommendation may not occur by that suspense date, then it would be wise to request an extension from the Council, per the Town Code. The extension request was added to the Council's Nov 3 Council Meeting Agenda and was granted. **The new suspense for the Commission to provide its recommendation to the Council is Mar 25, 2026.**

After the October 27 Commission meeting, the Chair once again consulted the Town Attorney and the Council Liaison to the Commission on a proposal to conduct a focused survey of the Town residents within the 420-home Nottingham neighborhood directly across from the property. The Town Attorney responded with a legal "go ahead" and an unbiased survey was developed by the Chair and was reviewed by the Council Liaison to the Commission. To deliver that survey to only the Nottingham residents, the Chair coordinated with the Nottingham HOA which has an email address for each resident. On Nov 3, the email went to each resident inviting them to participate by Nov 9. The results are seen at Enclosure F.

On **Nov 7**, the Chair traveled to Patriot Park North, Fairfax County, VA to visit that facility since it was presented by the Petitioner as a comparable sports complex. Upon arrival, he was met by the Park Manager and given a walking tour of the facility.

On **Nov 13**, a conference call was held by the Chair, the Director of Planning, the Vice-Chair, and the Town Attorney to seek legal counsel on appropriate text in the forthcoming Recommendation; to include the inclusion of proposed conditions or provisions for the Council to consider in their Annexation Agreement (which would only result from Council's approval of the Resolution). The discussions also resulted in the Chair's decision to delay any Recommendation motion/vote at the Nov 24 meeting, and instead use the November meeting to focus upon; 1) ensuring the draft Enclosure E accurately reflects the consensus of the Commissioners' responses to each criteria; 2) ensuring the drafted "Pro's and Con's" are accurate; and 3) refining and finalizing the draft conditions / provisions to be considered by the Council in the event that the Council approves the Resolution.

At the **Nov 24** Commission meeting, the Chair followed the public comments (Encl C) with a guided discussion through the initial draft Addendum. For the traffic-related discussions, the Petitioner provided their traffic consultant, who participated via speaker phone.

Addendum To The Planning Commission Recommendation on Draft Resolution 2025-47

Criteria Considered by the Planning Commission:

The Commission decided in their initial July meeting that a comprehensive assessment must first establish specific criteria for our petition evaluation. Furthermore, the Commission agreed it would be wise to also gather any/all Town, County, and State guidance/policy/legislation regarding annexations. It is noted that the Town Code does not provide specific criteria for the Planning Commission to render its Recommendation. Therefore, the Chair consulted the Commissioners, the Town Director of Planning, and the Town Attorney to determine if “proposed land use” was a reasonable aspect of developing a Recommendation. It was ruled that it was reasonable to consider the proposed land use in forming a Recommendation to the Council. Therefore, the criteria broadened to include aspects of the proposed land use as a privately-owned, for-profit, multi-field, sports complex.

Enclosure E reveals the final criteria, the Commission’s consensus to each criterion, and annexation information from the Town, County, and State levels.

Additional Petitioner Information:

In response to the initial, draft set of criteria that was reached at the close of the Aug 25 Commission meeting, Elite Baseball then willingly provided a brief (Encl D) at the Sep 29 Commission meeting.

Public Comments, Emails to the Town, and Nottingham Survey Results:

At Enclosure C, you’ll find a summary of the public comments provided during three of the four (4) Commission meetings between July 28 – November 24. Additionally, that enclosure also summarizes emails sent to the Town. The information therein is not verbatim, but is an unbiased summary of the comments and emails.

In addition, the results of the Nottingham Community survey are also provided separately at Enclosure F.

Summary of Pro’s and Con’s:

This section aims to provide the Commissioners’ agreed perspectives on both the Pro’s and Con’s of the Petition and Elite Baseball’s proposed land use:

1) Conclusions which support (“For”) the Annexation and Proposed Land Use:

- a. **Town Control of its Corporate Border with Carroll County:** Annexation of this property is included in the 2023-2033 Master Plan. Its inclusion within our corporate boundary will ensure that the Town has control over what is developed there. The proposed zoning of R-1 allows the proposed sports complex.
- b. **Tax Revenue:** Although it cannot be accurately determined at this point, the annexation will produce some amount of new tax revenue for the Town. And if the property is developed, then fees associated with that development will also add revenue. Since a firm revenue calculation is difficult, it’s tenuous to say that the

Addendum To The Planning Commission Recommendation on Draft Resolution 2025-47

revenue would offset the Town's costs of various public services (e.g. fire/EMS, law enforcement, etc.). Concession operations, using local dining businesses (e.g. food trucks and restaurants who can setup at the proposed park) can bring added commercial revenue. Overall, it is likely that there will be a positive revenue result.

- c. **More & Better Fields:** Quality, affordable rental fields will allow coaches and parents to focus on skills' development and not have to spend time working on fields to ensure they are playable and safe.
- d. **Open Space:** The Petitioner's intention to deed a portion of the parcel to the Town, develop that land with public amenities (e.g. walking trail, playground, pickleball court, basketball court), and maintain that land and amenities will reduce the Town's Open Space deficit and save the Town from the costs of providing those amenities or the maintenance of them (e.g. mowing, snow removal, pickleball nets, etc.).

2) Conclusions against ("Oppose") the Annexation and Proposed Land Use:

- a. **Disharmony:** Based upon the Public Comments (Encl C) and the Nottingham survey (Encl F), the majority of Nottingham residents and many of the adjacent Carroll County residents who provided public comments, are significantly opposed to a sports complex on this property. Notwithstanding the petitioner's intentions to reduce lighting and noise pollution, it appears that:
 - i. the large parking lot and its lighting will be directly across from Nottingham; and
 - ii. after-hours, the large parking lot may attract cars, gatherings, and undesired activities directly across from a residential neighborhood; and
 - iii. competition noise until 10pm on weekdays and all-day until 10pm on Saturdays cannot be totally abated.

In short, this location of a multi-field privately-owned sports field complex is NOT in harmony, light-wise and noise-wise, with the surrounding Town neighborhoods and the several county residences off Boteler and Runkles Roads.

- b. **Increased Traffic:** The projected vehicle entry/exit rate to and from the proposed sports complex (i.e. 131 vehicles during the busiest/peak hour between 4-7pm on weekdays, and 300 vehicles during the busiest/peak hour between 10am-2pm on Saturdays)⁶ and the large proposed parking lot (projected to be around 500-600 spaces) presents the situation where unacceptable traffic congestion may occur on W. Watersville Rd. Regarding the added delays at the signaled intersection of W. Watersville Rd. and MD-27, the petitioner's Traffic Impact Analysis presents a projected 3-second added wait during the peak hour on weekday evenings and a 5.5-

⁶ Traffic Study Analysis for Warfield Property / Elite Baseball, Sept 25, 2025, Lenhart Traffic Consulting, Inc., p12, Exhibit 5, Trip Generation Rates.

Addendum To The Planning Commission Recommendation on Draft Resolution 2025-47

second added wait during the peak hour on Saturdays.⁷ Given the current timing period of that signal, the lack of a dedicated left-turn signal (to go south on MD-27), and the rather short left-turn lane (approx. 8 cars max), these added delays -- especially the added Saturday delay -- could mean that W. Watersville Rd. cars turning left (south) onto MD-27 may have to tolerate more than one light cycle to make that turn.

- i. The left turn lane on W. Watersville Rd. (to go SB on MD-27) doesn't have a dedicated left-turn signal and the lane only allows approximately 8 cars to stack. During current peak traffic periods, the left-turn lane queue often exceeds that capacity and backs-up into the adjacent lane for straight-ahead or right-turn traffic.
- ii. Per the Mount Airy Police Department (MAPD, there have been three (3) accidents at that intersection for 2025, to date. It's reasonable to suspect that more cars will likely increase accident occurrence.
- iii. Per the MD 27 Corridor Study,⁸ MD-27:
 - During the 4-7pm peak hours on a weekday – “MD 27 at Watersville Road northbound frequently backed up blocking the left turn bay between 4:30-6 PM. A couple of times the queue backed up to Twin Arch Road/Park.”⁹ Note that the proposed weekday operating hours of the proposed complex is 4–10pm. The above study occurred in August, 2015 with a Town population of 9,300. The Town is now at approximately 10,000 residents. In the nine (9) years hence, this back-up on northbound MD-27 at W. Watersville Rd. during this time period has worsened; especially during the 4-7pm period on weekdays when school is in session. The proposed sports complex, with its weekday operating hours, occurs during this corridor study time period. To be fair, the Nov 24 Commission interaction with the representative of Lenhart Traffic Consulting heard repeated projections that the afternoon school traffic should not “overlap” with any traffic for the sports complex (to occur primarily between 5-7pm).
- iv. The 2-lane W. Watersville Rd. from the MD-27 intersection to the entrance of this complex is bounded on its north and south shoulders by other private property. Without a formal MDOT SHA-approved Traffic Impact Study, there appears to be little possibility of widening that county-owned road or adding a dedicated turn lane into the complex. There's a concern about eastbound traffic backups on W. Watersville Rd. due to vehicles trying to enter the complex. Such backups may create delays for school busses during the weekdays, create delays for Nottingham-bound vehicles, and impede emergency apparatus destined for

⁷ Traffic Study Analysis for Warfield Property / Elite Baseball, Sept 25, 2025, Lenhart Traffic Consulting, Inc., p16, Exhibit 9.

⁸ MD 27 Corridor Study, dated May 2016, prepared by Sabra, Wang & Associates, Inc.

⁹ MD 27 Corridor Study, dated May 2016, prepared by Sabra, Wang & Associates, Inc., pg. 12.

Addendum To The Planning Commission Recommendation on Draft Resolution 2025-47

Nottingham or points-east along W. Watersville Rd., Runkles Rd., and Watersville Rd.

In short, without a formal MDOT SHA impact study, it is a concern that this proposed facility's projected additional traffic cannot be supported by W. Watersfield Rd. in its current state.

- c. **Limited Availability of Proposed Public Amenities:** The Petitioner currently intends to provide no-fee access to a perimeter walking trail (outside the fields' fenceline) regardless of the complex's operating hours. It is currently understood that the other proposed public amenities (e.g. playground, basketball court, and/or pickleball court) will only be available when the complex is open and patrons can enter the security access gate off the parking lot into the controlled area where the fields will exist.

If Approved by the Town Council, what are the Commission's Recommendations for Conditions or Provisions to be considered within the Annexation Agreement?

- a. **W. Watersville Rd and the MD-27 intersection.:** At the sole cost or expense of the Petitioner, Developer, or their successor in interest, development of the property shall include a Traffic Impact Study (TIS) which encompasses MD-27 between Twin Arch Rd. and N. Main St., W. Watersville Rd. from MD-27 to Watersville Rd., and an intersection study of the MD-27/W. Watersville Rd. intersection. The Petitioner or Developer shall submit the draft TIS to the Town Engineer, Carroll County, and the Maryland Department of Transportation State Highway Administration (MDOT SHA) for review. All three agencies shall determine if the study is adequate and if any proposed mitigation measures and/or improvements are appropriate.
 - i. **For W. Watersville Rd.,** the mitigation measures shall include a dedicated, east-bound left turn lane into the property entrance. The new left-turn lane shall be designed and constructed in accordance with Carroll County Road Code. Petitioner/Developer shall coordinate with the Town Engineer on this improvement before submitting the measure for Carroll County and MDOT SHA reviews.
 - ii. **For the MD-27 / W. Watersville Rd. intersection,** the mitigation measures shall include a lengthened left-turn lane (onto southbound MD-27 from W. Watersville Rd.) and MDOT SHA's installation of a dedicated left-turn signal. These intersection mitigation measures shall be submitted regardless of the TIS's finding on the intersection's Level of Service (LOS). These intersection improvements shall be designed and constructed in accordance with MDOT SHA standards and Carroll County Road Code. Petitioner/Developer shall initially coordinate all intersection improvements (i.e. mitigation measures) with the Town Engineer before submitting the TIS and the mitigation measures to MDOT SHA and Carroll County for their reviews.

Addendum To The Planning Commission Recommendation on Draft Resolution 2025-47

- iii. **Road + Intersection Improvement Costs:** The Petitioner, Developer, or their successor in interest, shall bear all costs, fees, impact fees and other expenses associated with the aforementioned road improvements, or any and all other road improvements pursuant to any future approved development plans for the Property. Additionally, as a part of the development review process, the Town reserves the right to require the Developer to enter into a Public Works Agreement (PWA) specifically for the above road and intersection improvements, and require bonding, a letter of credit or other suitable security as determined by the Town for the aforementioned road and intersection improvements.
 - iv. **Road Improvement Partnership with the Town:** The Petitioner/Developer agrees to use best efforts, and to cooperate with the Town, including the sharing of relevant documents, design plans, communications and other information, in advocating for the approval by the SHA, and other applicable governing authorities, of the road improvements set forth in the paragraphs above. The Petitioner/Developer shall include the Town in all meetings, briefings and/or discussions with the SHA concerning these proposed road and intersection improvements. The Petitioner/Developer agrees that in the event that the road and intersection improvements set forth in the above paragraphs are not approved by the SHA, or other necessary governing authorities, the Petitioner/Developer shall further cooperate with the Town and use best efforts to advocate for commercially reasonable and feasible alternatives that achieve the same or similar results in traffic impact mitigation as the road improvements set forth in the above paragraphs, as confirmed after reasonably necessary study by an independent traffic engineer to be jointly retained by the Petitioner/Developer and the Town, with all costs thereof to be borne by the Petitioner/Developer without disclosure of such to said independent traffic engineer. Nothing contained herein shall be construed as a waiver by the Town's Planning Commission of any of its lawful rights to require other road improvements beyond those addressed in the above paragraphs, and in this paragraph, or of any of its lawful authority in conducting its review and approval of the development plans.
- b. **Lighting Pollution:** The Petitioner, Developer, or their successor in interest, shall design separate lighting plans for the parking lot and the fields.
- i. The fields' lighting plan shall comply with the Town Code and the standards of the Dark Skies Association and its 5 principles for responsible outdoor lighting. In that design, the fields' photometric plan shall show zero lumens on the ground beyond the property borders. The sports complex shall make every effort to extinguish the fields' lighting by 10pm. All field lighting shall be extinguished when the complex is closed.
 - ii. The parking lot lighting plan shall comply with the Town Code and the Dark Skies Association and its 5 principles for responsible outdoor lighting. The parking lot photometric plan shall show zero lumens on the ground beyond the parking lot

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and all lighting fixtures will orient northward to mitigate glare and light-intrusion into nearby Nottingham residences. The sports complex shall make every effort to extinguish the parking lighting as soon as safely possible after closing. All parking lot lighting shall be extinguished when the complex is closed.

- iii. All lighting plans shall be designed and constructed in accordance with the Town and Carroll County Code. The Petitioner/Developer shall initially coordinate all lighting plans with the Town Engineer. The final Town and County-approved lighting plans shall be submitted to the Town Planning Commission no later than the Concept Plan stage for their review and approval.
- c. **Noise Mitigation:** The Petitioner, Developer, or their successor in interest, shall design and build a noise-mitigation berm topped with native shrubbery around the sports fields (excluding the parking lot) along the west, north, and east sides of the property. The berm shall be a 10-foot high, natural-grass covered earthen berm which is then topped with native shrubbery which is planted no greater than 10-feet apart and has a mature height of at least 10-feet. This berm and shrubbery shall be seen in the Developer's landscaping plan to be provided to the Town Planning Commission for their review and approval.
- d. **Safety / Security:** The Petitioner, Developer, or their successor in interest, shall install an 8-foot high, fields' perimeter security fence within the perimeter of the above noise-mitigation berm. This fence will not be placed atop the berm. The perimeter fence shall tie-into the fields' access gate(s) from the parking lot into the sports fields. The fields' access gate(s) shall include a 24-hour monitored security alarm system with video cameras. The plan for the fields' perimeter fence, the fields' access gate(s), and security system shall be provided to the Town Engineer and the Town Planning Commission for their review and approval.
- e. **Field Priority with MAYAA, et al:** The Petitioner, Developer, or their successor in interest, will make every effort to establish a written agreement with the Mount Airy Youth Athletic Association (MAYAA), and any other Town-affiliated team or league, for field reservation priority over other, non-Town teams or leagues.
- f. **Community Partnership / Feedback:** For the first year of operation, the Petitioner, Developer, or their successor in interest, shall, prior to their initial opening for operation, establish and advertise a process for the Public to provide feedback.
- g. **Open Space to the Town:** The Petitioner, Developer, or their successor in interest, shall deed to the Town open space; as required by Town Code. That portion which may be publicly accessible (e.g. a possible perimeter walking trail) shall be designed, built, and maintained by the Petitioner or Developer.

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Introduction to Town Council and Referral to Planning Commission: 7/7/25
Consideration and Recommendation by Planning Commission: ____
Public Hearing: ____
Final Consideration by Town Council and Adoption: ____
Effective: ____ (absent timely and sufficient petition for referendum)

TOWN OF MOUNT AIRY, MARYLAND ANNEXATION RESOLUTION NO. 2025-47

[7/7/25 TOWN COUNCIL MEETING – FOR INTRODUCTION AND REFERRAL TO PLANNING COMMISSION]

A RESOLUTION TO ENLARGE THE CORPORATE BOUNDARIES OF THE TOWN OF MOUNT AIRY BY ANNEXATION OF 50.98 ACRES OF LAND, MORE OR LESS, LOCATED ALONG THE NORTH SIDE OF WATERSVILLE ROAD IN THE 13TH ELECTION DISTRICT OF CARROLL COUNTY AND ASSIGNED TAX IDENTIFICATION NUMBER 13-005893, WHICH IS CURRENTLY UNDEVELOPED AND OWNED BY LARA CHRISTINE MUNRO, AND IN SO DOING TO REPEAL AND RE-ENACT WITH AMENDMENTS ARTICLE I., SECTION C-1, ENTITLED “INCORPORATION”, AND ARTICLE I., SECTION C1-2, ENTITLED “BOUNDARY DESCRIPTIONS”, OF THE CHARTER OF THE TOWN OF MOUNT AIRY

WHEREAS, pursuant to the authority of Section 3 (Home Rule) of Article XI-E (Municipal Corporations) of the Constitution of Maryland and of Sections 4-401, *et seq.* of the Local Government Article of the Annotated Code of Maryland, the Council of the Town of Mount Airy (“the Town”) is vested with the authority to enlarge the boundaries of the Town; and

WHEREAS, Lara Christine Munro (“Owner”) is the owner, in fee simple, of 50.98 acres of land, more or less, located along the North Side of Watersville Road, Mt. Airy, MD in the 13th Election District, Carroll County, Maryland, appearing on Tax Map 75 Grid 6 as Parcel 3 and assigned Tax ID No. 13-005893, adjacent to the corporate limits of the Town, and which is more particularly described in Exhibit A to the Petition for Annexation and Zoning attached hereto as a part of Annexation Resolution Exhibit 1, attached hereto and made a part hereof, and as depicted in the Plat of Annexation identified as Exhibit B to said Petition attached hereto and made a part hereof (hereinafter, collectively “the Property”); and

WHEREAS, Owner, by and through her Attorney-in-Fact, Margaret C. Warfield, along with her contract purchaser, Elite Baseball of Maryland, LLC (collectively “Petitioner”) have filed a Petition to Annex the Property into the Town (“Petition”), said Petition, and all exhibits thereto, being attached hereto as Resolution Exhibit 1; and

WHEREAS, the Property is contiguous with the Town limits and its annexation will not create an enclave; and

WHEREAS, Petitioner desires to have the Property annexed into the corporate limits of the Town into the Town’s Residential-1 (R-1) District; and

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WHEREAS, there are no persons currently residing on the Property who are registered as voters in Carroll County in the election district in which the Property is located; and

WHEREAS, Petitioner owns 100% of the assessed value of the Property; and

WHEREAS, the Property is currently in the R40,000 zoning district in Carroll County and the Property is located within the outer growth boundary of the Municipal Growth Element of the 2023 Town of Mount Airy Comprehensive Plan; and

WHEREAS, the Town Council President and Mayor of the Town of Mount Airy, as the presiding officers of the Town, have through their designees, the Town Attorney and Town Staff, ascertained that the annexation of the Property would conform to the requirements of the Code of the Town of Mount Airy, Chapter 44, and the Local Government Article of the Maryland Annotated Code, Sections 4-401 and 4-403 in that the proposed annexation would not create an enclave, the Property is contiguous with the Town's boundary line and in that this Resolution is consented to by the owners of at least 25% of the assessed value of the Property and at least 25% of the residents on the Property who are registered voters; whereupon this Resolution to approve the annexation of the Property into the Town, and to classify the Property in the Town's R-1 zoning classification as a condition to annexation, was introduced at a public meeting of the Mayor and Town Council of The Town of Mount Airy on July 7, 2025, at which time said Resolution was referred to the Town Planning Commission for review and recommendation pursuant to the Town Code, Section 44-4; and

WHEREAS, the Town Planning Commission reviewed the proposed annexation and proposed R-1 zoning of the Property on _____ and voted to recommend to the Town Council that this Resolution be _____ by the Town Council; and

WHEREAS, pursuant to publication of notice, in accordance with the Local Government Article of the Maryland Code, Section 4-406, a public hearing was conducted in the Town on _____ to receive public comment and upon completion of the public hearing, the public record was closed to further public comment; and

WHEREAS, the Town deems it in the best interest of its citizens and for the good government of the Town, to amend the Town Charter so as to annex the Property as hereinafter set forth; provided that the annexation of the Property shall be subject to and governed by the conditions set forth herein and/or the terms of the Annexation Agreement attached hereto as Annexation Resolution Exhibit 2; and

WHEREAS, the Town Council of the Town of Mount Airy, upon consideration of all public comments and written testimony, has determined the following:

A) The Petition and all procedures for consideration of the Petition by the Town conform to the applicable requirements of the Local Government Article, Sections 4-401, *et seq.* of the Maryland Annotated Code, the Town Code, Sections 44-1, *et seq.* and all other applicable laws; and

B) The Property is contiguous and adjoining to the existing corporate boundaries of the Town, is a logical extension of the corporate boundaries, and is consistent with the systematic expansion of the Town limits as set forth in the Town's Comprehensive Plan; and

Enclosure A

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C) Annexation of the Property will not create any unincorporated area which is bounded on all sides by real property presently within the corporate limits of the Town, real property proposed to be within the Town, or any combination thereof (*i.e.*, an enclave); and

D) Annexation of the Property and classification in the Town's R-1 District is considered to be in the public interest, convenience and welfare of the citizens of the Town.

IT IS, THEREFORE, RESOLVED, by the Council of the Town of Mount Airy that the Property, which is more particularly described in a metes and bounds description attached hereto and incorporated herein by reference as Resolution Exhibit 1, Petition Exhibit "A", and further depicted on a Plat of Annexation prepared attached hereto and incorporated herein by reference as Resolution Exhibit 1, Petition Exhibit "B", upon the Effective Date of the annexation as set forth below, shall be added to the corporate boundaries of the Town; and

IT IS FURTHER RESOLVED that the boundaries of the Town as provided in the Charter of the Town of Mount Airy, as the same was enacted by the General Assembly of Maryland in Chapter 557, of the Laws of 1953, and thereafter from time to time amended, shall, upon the Effective Date of the annexation as set forth below, be amended to include the property, and the Town Engineer shall so amend the description of the corporate limits to include all the Property more particularly described in Petition Exhibit A and shown on the plat attached as Petition Exhibit B to Resolution Exhibit 1.

BE IT FURTHER RESOLVED that except as otherwise provided below and/or in the Annexation Agreement attached hereto as Resolution Exhibit 2, and notwithstanding anything to the contrary set forth in the Petition, the Property shall, upon the Effective Date of the annexation as set forth below, generally be subject to the provisions of the Charter, Code, Ordinances and other rules and regulations of the Town; and

BE IT FURTHER RESOLVED, that annexation of the Property shall be subject to the following terms and conditions, which shall be binding on Petitioner, as well as its assigns and/or successors-in-interest:

1. As a condition to annexation, Petitioner, its successors and assigns, shall pay the costs of any required advertising of this Resolution, as well as the outstanding balance, after application of the \$5,000 deposit paid to the Town upon filing of the Petition pursuant to Section 44-3 of the Town Code, of any charges made or incurred by the Town for review of the proposed annexation, services of the Town Attorneys and any consultants, plus 15% toward the Town's administrative costs and overhead. To the extent that the expenses of the Town for which deposit is made are upon final accounting less than \$5,000, Petitioner shall be refunded the balance of the deposit. Payment by Petitioner of any outstanding balance within thirty (30) days of receipt by Petitioner of final accounting is a condition of annexation. Failure to make payment within thirty (30) days after the Town Council's approval of this Resolution, without the expressed written waiver and/or extension by Town Staff, shall cause annexation to be null and void.

2. Municipal real estate taxes (hereinafter referred to as "Town taxes") shall be imposed on the Property at the full municipal real estate tax rate beginning with the next fiscal year after the Effective Date of the annexation pursuant to the Town Code, Section 101-7, and shall

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be subject to reassessment thereafter as to any improvements thereto in accordance with applicable provisions of the Maryland and Town Codes.

3. Extension of sanitary sewer, water and storm drain lines, streets, curbs, gutters, and other public improvements as may be applicable, subject to the terms set forth herein, including No. 4 below as respects water and sewer service, and by means of incorporation by reference of the Annexation Agreement below, subject to applicable provisions of the Town Code and other provisions of law, and subject to development plan review and Public Works Agreement as may be applicable and approved by the Town Planning Commission and/or the Town Council.

4. Provided such extensions are requested under the terms outlined herein, and provided that the Town has allocated water and sewer capacity to the appropriate allocation category, the Town will allow Petitioner, subject to the provisions and pursuant to the procedures set forth in the Town Code, Chapter 109, Section 109-19.1, *et seq.*, at its expense, to extend sanitary sewer and water service to the Property and, in accordance with and subject to the Town Code and regulations governing the allocation of public water and sewer, will allocate water and sewer taps to the Property at the time the extensions are completed and inspected by the Town, and such taps are requested by the owner(s). Allocation of water and sewer taps to the Property shall be in accordance with Town laws, rules and regulations, as may be amended, in effect at the time such taps are allocated. All water taps fees will be paid to the Town by the owner(s) requesting the same. All water engineering plans will be submitted to the Town Engineer for review and approval. All sewer tap fees will be paid to the Town by the owners requesting the same. All sewer engineering plans will be submitted to the Town Engineer for review and approval.

5. As a condition to annexation, and if applicable, the Board of County Commissioners of Carroll County (hereafter "the County") granting a zoning waiver pursuant to LG, Section 4-416(b) and providing consent to the development of the Property after annexation for the land uses and density permitted in the Town's Residential-1 (R-1) Zoning District (hereafter "the Zoning Waiver"). If a waiver is required and the County denies or fails to grant the Zoning Waiver, annexation of the Property shall be null and void.

6. Subject to all appropriate laws and administrative requirements, the Property, upon the Effective Date of the annexation as set forth below, shall be zoned as Residential-1 (R-1) zoning classification.

7. All those terms and conditions set forth in the Annexation Agreement attached hereto as Resolution Exhibit 2 (as may be amended by the Town Council at its meeting approving this Annexation Resolution on _____) (hereafter "the Annexation Agreement"), incorporated by reference and made a part hereof as though fully set forth herein.

8. As a condition to annexation, Petitioner shall execute the Annexation Agreement within thirty (30) days of the date of conditional approval of this Resolution, unless expressly waived or extended in writing upon the affirmative vote of a majority of the Town Council, or annexation shall be null and void.

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9. Any condition, term or provision contained in the Petition not set forth as a term or condition of the annexation in this Resolution or in the Annexation Agreement attached hereto as Resolution Exhibit 2, or which is contrary to or inconsistent with any condition, term or provision in this Resolution, in said Annexation Agreement, or in the Town Code unless otherwise expressly waived in this Resolution or said Annexation Agreement are null and void..

BE IT FURTHER RESOLVED, that the Mayor has caused public notice of this Resolution to be published not fewer than four (4) times at not less than weekly intervals in a newspaper of general circulation in the Town, together with a public notice that specified the time and place at which a public hearing was held by the Mayor and Council upon the Resolution, which hearing was held not less than fifteen (15) days after the second (2nd) publication of the notices and was held at Town Hall; and

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED, that this annexation shall become effective on the later of the 46th day after conditional approval of this Annexation Resolution (*i.e.*, _____) if no proper petition for referendum pursuant to the Local Government Article, Section 4-408 is timely presented to the Mayor within forty-five (45) days after the passage of this Annexation Resolution, or the approval of the annexation upon referendum if a proper petition for referendum pursuant to the Local Government Article, Section 4-408 is timely presented to the Mayor (“the Effective Date”).

INTRODUCED at a regular meeting of the Mayor and Town Council of the Town of Mount Airy on July 7, 2025.

CONDITIONALLY APPROVED by a vote of ____ in favor and ____ against (with ____ abstentions) on this ____ day of _____, 202_:

Jason Evans, Secretary

Tim Washabaugh, President of the Council

Reviewed and approved as to legal sufficiency

This ____ day of _____, 202_.

Thomas V. McCarron, Town Attorney

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Plat Survey of the Warfield Property



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Enclosure C

Public Comments before the Planning Commission

The following are summaries of the Public Comments made before the Planning Commission regarding the Annexation Petition. These are NOT verbatim transcripts.

Note that the speaker is identified as either a Carroll County resident (**CR**) or a Town Resident (**TR**)

August 25 Planning Commission Meeting

FOR == 0/10

OPPOSED == 9/10

COMMENT ONLY == 1/10

Speaker	Residency	Summarized Comment
1	CR	(Residence #14 on the plat map) – OPPOSED - Major concern with traffic and the MD-27 intersection. Rather have residential. A ballfield doesn't fit in. A fire/EMS response going to Nottingham could be impeded by a line of cars on W. Watersfield Rd. waiting to turn into the complex. The complex doesn't belong there.
2	CR	(Residence #3 on the plat map) – OPPOSED – Worried about the impact upon the water quality of nearby county residents who are on well water (e.g. fertilizers, astroturf, etc.). Also worried about the grading of the land and runoff onto Boteler Rd., which already floods, and the impact upon nearby septic fields. Concerned that if the initial land use (sports fields) isn't workable, then the R-1 zoning will allow allot of homes instead.
3	CR	(Residence #1 on the plat map) – OPPOSED – The topography will require significant grading to provide flat land for ball fields – where will the stormwater runoff go? Furthermore, W. Watersfield Rd. dips into a valley at the property – so how will the road surface match the graded land? Will the road surface have to be raised-up? Concerned about the overall harmony and impact. Concerned about the baseballs that may go outside the fields – and if their solution is to install large nets, then there are concerns about impacts on existing, large predatory birds; incl the Bald Eagle.
4	CR	(Residence #13 on the plat map) – OPPOSED – Agrees w/previous comments. Concerned about the impact upon farm animals in the surrounding residences. Traffic is already awful.
5	TR	(Resides in Nottingham) – OPPOSED – This business shouldn't be located near a residential area. Look at the traffic problems now on Twin Arch when those games let out. The light pollution is a concern - it will create a "halo" that also affects Nottingham. The noise is a concern. Our home values in Nottingham will decrease. This doesn't fit the location.
6	CR	(Residence #8 on the plat map) – OPPOSED – I know what happens when traveling teams will descend upon our Town – restaurants will be crowded. Concern over the noise. Difficult to do a cost-benefit analysis without knowing (exactly) what they propose to do. Noise is a concern. Lighting is a concern (Am told that the Town doesn't have rules on lighting).
7	TR	(Resides in Nottingham) – OPPOSED – Major concern about the traffic on W. Watersville Rd. and the MD-27 intersection. And if the cars decide to instead go east on W. Watersville Rd. (to get to I-70), that route has dangerous, narrow curves ... so any traffic study has to also look at that "other way" to I-70. His many years of being involved with youth sports has exposed him to many similar sports complexes, and they all have multiple lanes available to enter + exit the complex. W. Watersfield cannot be

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Public Comments before the Planning Commission

		expanded to provide multiple lanes. Also, am concerned over the effects on groundwater because we don't know if the fields will be grass or artificial turf. Regarding the noise, it doesn't just occur during the games. The noise starts before the games when team arrive to warmup and hit balls. The noise also comes from the field maintenance machines (e.g. mowers, trucks, etc.) and trash removal (e.g. dumpsters being emptied) ...so lots of environmental impacts – light, sound, and water.
8	CR	(Resides off Boteler Rd.) – OPPOSED – In addition to the concerns already brought up, we need to be concerned about the SAFETY and SECURITY of this property. Is it going to be fenced? Is it going to be gated? Am concerned about impact to my farm animals if teenagers get into the property and bother my farm animals. Have lived in this house since 2001. I don't see this being “for” our kids as much as I see it “for” business profit.
9	CR	(Resides off Boteler Rd.) – COMMENT – Questions the PROCESS. Need to clarify the Commission's Recommendation (with or without conditions) and how the Town Council may, or may not, accept that Recommendation (and possible additional conditions).
10	CR	(Residence #6 on the plat map) – OPPOSED – Wishes to go on-record that all of the previous concerns/comments are legitimate for him as well.

October 27 Planning Commission Meeting

FOR == 3/14

OPPOSED == 10/14

COMMENT ONLY == 1/14

Speaker	Residency	Summarized Comment
1	TR	FOR – More fields is better for the kids. The complex will also provide a walking trail and other areas for the whole family. It will also bring allot of business to the Town.
2	CR	Resides next to the property – OPPOSED – He wanted to ensure everyone understood that this will not be a place for kids to come and play ball. The fields have to be reserved and rented. And regarding the discussions about a portion of the property coming to the Town for public use, this needs to be clarified. For example, if I want to rise early and take a walk around the complex, I don't think it's going to happen because there will be gates ... and they will be locked until the facility opens. Also has concerns about the noise. Traffic is also a concern. The petitioner stated there would be approx. 300 addn'l cars per peak hour. That's a car every 12 seconds. The proposed parking lot is 1100 cars. All of those cars have to enter W. Watersfield Rd. at some point.
3	CR	OPPOSED – Agrees with previous concerns. This is a money-making business and is not a benefit to the Town. The traffic is astronomical now on W. Watersville Rd. And the MD-27 intersection has no directional signal to turn left and only 8 cars can stack-up for that left turn. More than 8 cars will block the straight-ahead lane and also Boteler Rd intersection. During Octoberfest, I sat at that light for 9 cycles before being able to turn. Overall, it is not in the best interest of Mt. Airy to have this.
4	CR	FOR – Has been a HS baseball coach. We have a regional problem with the lack of quality fields. The existing fields have to be rented, but the adults also have to go out and work on those fields in order to make them safe to play. Having fields like this will allow coaches to focus on the kids to make them better. These kinds of ball fields also encourage a sense of community because the same people are there with their kids.

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Public Comments before the Planning Commission

5	CR	Resides on Boteler Rd. – OPPOSED – Experienced sports Mom for many years; incl experience with travel teams. Stated that in a tournament setting, there's not much time between games to run into the nearby businesses for food. Her experience is that traveling teams bring coolers already stocked and buy from the concession stand. And if you do have time to go into the Town, it's for very quick service. Then, the teams would go back to their lodging and have their evening meal near the lodging. The Town has no such lodging. So if this complex holds a multiple-day tournament with travel teams, those teams will be going somewhere else to stay...and spending their dollars there. So it's not going to become the economic boon that was presented to us.
6	TR	Nottingham resident - OPPOSED – Agrees with prev speaker and states that the information may be a bit skewed in that this will not become a public park; as some think it may be. The Town doesn't have the necessary lodging. The traffic is a concern. The impact on water quality is a concern (e.g. possible PFAS), The 1135 parking space lot doesn't make sense when the petitioner says there will be about 10 persons per team. This will not be a park that everyone has access to.
7	TR	Nottingham resident – FOR – Believes that something will eventually happen to the property; and would rather have the sports complex than houses and townhomes. Also believes it will help the economics of the Town.
8	CR	Resides next to the property – OPPOSED – In her experience, there is not a problem with fields for youth sports. The traffic on W. Watersville Rd. is a concern. This business is for private use; not personal (public). Am concerned about the impacts to farm animals. Am concerned about the noise. "I am totally against it." We all have lives after 10 o'clock. I don't see how this will benefit the Town. How can the property handle 300 vehicles per hour?
9	CR	Resides on W. Watersville Rd. – OPPOSED – Traffic is already overwhelming in the Town ... not just at W. Watersville rd., but also Twin Arch and all the way down (MD-27) to I-70. This is a pay-as-you-go facility and am not certain if our teams can afford to go there.
10	TR	Nottingham resident – OPPOSED – Echo all the prev opposition comments. Is concerned about the scenario where the property is annexed and water + sewer is connected ... then the owners want to sell the land. What would that mean? Could something completely different be built there? Big concerns about the traffic. Also concerned that this is a pay-for-play. I think most of the teams will be coming from out of town; and that local teams will not be able to afford the fees.
11	TR	Nottingham resident – OPPOSED – The ball field light pollution is a concern. A suburban neighborhood like Nottingham shouldn't have big-city light pollution.
12	TR	Nottingham resident – OPPOSED – Has a coaching background and experience with travel teams and tournament locations. Confident that this complex will not help out the Town economy. The Fri-Sat-Sun tournaments will mean terrible traffic on W. Watersville rd. ... to the point where he cannot get out of Nottingham onto W. Watersville Rd. The road infrastructure and lights (at MD-27) can't handle it. It needs to go to a place where there's a hotel.
13	CR	Resides on Boteler Rd. – OPPOSED – Concerned about whether there will be artificial turf ... and if there could be leaching of that material into the groundwater.
14	CR	Resides near the property - COMMENT –W. Watersville Rd. is not equipped to handle this complex. And Boteler Rd. and Runkles Rd. can't handle the cut-thru traffic. As MAYAA President, there's no doubt we need fields. But whenever an annexation occurs and part of it is deeded to the Town, then we are interested in what fields may be built and what field-use priority can be given to MAYAA. He also clarified that even tho it seems we are always able to provide fields for our

Enclosure C

Public Comments before the Planning Commission

		teams, it isn't known that the team may only get a field once a week for practice; or we're doubling up the use of the field, or the field use is limited to 90-minutes, or 70-minutes. If we had more fields, then we could give our teams the same field-time that our neighboring sports programs give their teams. So it would be interesting to learn about what priority MAYAA would have at this complex. And any cost for their field use would be passed to the parents; who are already balking at the high costs.
--	--	--

November 24 Planning Commission Meeting

FOR == 0/3

OPPOSED == 3/3

COMMENT ONLY == 0/3

Speaker	Residency	Summarized Comment
1	TR	Nottingham resident – OPPOSED - This will impact our neighborhood around the clock. Our Town is “known for small town charm,” and this doesn't mesh with that statement. Wildlife, such as bald eagles, are in this space. This will impact school busses.
2	TR	Nottingham resident - OPPOSED - Strongly opposed to the petition and proposed sports complex. Spoke of his credentials as a sports enthusiast and prior youth coach, Spoke of his visit with the Chair to Patriot Park North. He described the time it took for building the park, the amenities at that park, and the road structure supporting that park. He doubts there will be any economic benefit. In closing-4-pts offered: Road structure isn't here to support it, the economic benefit is false, the artificial turf will put the aquifer at risk; and lastly, it's too close to a large residential neighbor (i.e. Nottingham).
3	TR	OPPOSED . This is incongruent with the Town 2020 Survey where the majority of responses (>60%) wanted nature trails; over 40% wanted wooded areas and open space; and over 50% desired picnic areas. The comparison of Patriot Park in Fairfax County, VA with this proposed park is very concerning. We do not have the similar infrastructure (roads, hotels, or restaurants) to handle such a sports complex. Has concerns over the stormwater and pollution runoff.

Emails Received by Town Staff: Complete, actual emails can be provided by the Town Staff. The entries below are summarizations with some direct quotes.

1. **Initials “SB” – OPPOSED** – The annexation and sport facility “raises serious concerns regarding infrastructure capacity, public impact, and the long-term well-being of the surrounding community.” “The Town's sewer and water systems are already operating under significant strain.” “The traffic implications...warrant careful consideration.” “The introduction of increased vehicular volume will create even more congestion on Watersville Road.” “The Nottingham Community and surrounding neighborhoods stand to experience measurable noise and light pollution.”
2. **Initials “TG” – OPPOSED** - Traffic Congestion: the road is not designed to handle the volume generated by a sports complex. The MD-27 intersection already backs-up during peak times due to no left-turn signal. Noise Pollution: A sports complex

Enclosure C

Public Comments before the Planning Commission

will disrupt the peace and quiet that we currently enjoy. Community Character: Our Town prides itself on its small-town charm and residential tranquility. The facility will alter the character of the neighborhood. This will impact my property value. I don't want to live directly across from a sports complex.

- 3. Initials "AU" and "TU" – OPPOSED** – Water Capacity: We have a water crisis with 2 wells shut down due to PFAS. "We cannot extend water and sewer services to new commercial development when our existing system is being fixed and our residents' water quality is still a problem." Traffic and Safety: W. Watersville rd. and MD-27 intersection are already congested. Noise and Light Pollution: The tournaments will create excessive noise and require bright lighting. "This would make life miserable for families living near the facility who deserve to enjoy peace and quiet in their own homes." This annexation does not serve the interests of the Mount Airy residents.

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Enclosure D
Elite Baseball, LLC Brief
to the Planning Commission on Sep 29, 2025

Warfield Property Annexation Notes for Planning Commission Presentation

Presentation Outline- we will have a powerpoint for the commission meeting and will send John Breeding all the primary source information

Opening Statement

- Who we are
- What we are trying to accomplish
- Why did we pick this location
- Current business and how that led to our vision for this project
- Private vs public ownership of sports fields and how private ownership incentivizes us to provide and make our services accessible to the town
- Touch on our personal history of volunteering
- Want a close relationship with MAYAA
- Establish a history of transparency with this project between the town and our team
- Address that some of the concerns have more to do with site plan than annexation, but in the continuing interest of transparency we will try and address everything as best we can.

How our project aligns with the Town's Vision in the 2023 Master Plan

NEED FOR A MOUNT AIRY SPORTS COMPLEX

The Town has long suffered from a shortage of athletic fields, and a Mount Airy Athletic Field Assessment, completed in 2006, revealed an overall shortage of between 8-11 fields. In response to the 2007 Town Survey, and 2012 Community Needs Assessment, an active search was started to acquire the additional land specifically for a regional sports complex to make up the shortfall. The results of the 2020 Town Survey (as the second-most desired recreational amenity) continue to underscore this need.

In the meantime, the Town has been getting by with community and school parks spread all around the Town, causing parents of young athletes to consistently complain about the need to travel back and forth to fields in different locations. This situation presents a particular hardship for families with multiple children involved with sports. Clearly, the best long-term solution to these needs is a single sports complex of sufficient size to accommodate multiple games at the same location. Such a complex could also offer the opportunity to bring the community together and enable the hosting of playoffs and tournaments in various sports.

Enclosure D

Elite Baseball, LLC Brief to the Planning Commission on Sep 29, 2025

The vision is that regional sports complex off of a major artery would be the perfect complement to existing natural open space parks, neighborhood facilities, and the multi-purpose recreational area at Watkins Park.

Facility Type	#1 Desire	#2 Desire	#3 Desire
Nature Trails	61.6%	27.7%	10.7%
Walking/Biking Paths			
Ball Fields	43%	32.2%	24.9%
Wooded Areas	33%	45.3%	21.7%
Open Space			
Playground Equipment	27.4%	33.5%	39.2%
Basketball+Tennis Courts	24.8%	43.9%	31.3%
Skatepark	23.6%	39.7%	36.7%
Picnic Facilities	13.8%	31%	55.2%

Ref: 2020 Town Survey, Question #8

- The Town will seek to improve and **expand** its existing community facilities such as parks, recreation facilities
- The high demand for more athletic facilities continues
- Proposed annexations may offer solutions to our need for more recreational and open spaces
- As a result of the population increase over the past decades, the Town of Mount Airy has the greatest need for ed fields and courts to support baseball, softball, pickleball, soccer, and football
- Another private set of fields at the MAVFC Fairgrounds has been used primarily by MAYAA over the years. These fields are privately owned by the Mount Airy Volunteer Fire Company

If any development of this privately-owned land were to occur, the community could lose the sports fields located there. The Town should therefore actively pursue an alternative location to replace those fields as well as create additional fields to meet current shortfalls caused by increased demand in recent years.

Growing the Town's Economy

Enclosure D
Elite Baseball, LLC Brief
to the Planning Commission on Sep 29, 2025

Objective Lead: The Economic Development Commission, in partnership with the town's Director of Community Development, and in coordination with the Mount Airy Main Street Association, the Greater Mount Airy Chamber of Commerce, and others

Ø **Identify** approaches to further encourage economic development within the town by supporting small business growth, to include a focus on continuing to revitalize our historic downtown zone.

- The immediate future (2023-2028) is viewed as an opportunity for the Town to grow, but only if we carefully balance the increased demands that growth brings upon our already-stressed public facilities (particularly our Town's water, sewer, schools and roads). It is unrealistic to presume that any of these specific public facilities will significantly expand in their capacity by the Town, County or State within this initial 5-year period. So, although some growth is welcomed, the risk is very real that too much growth will rapidly deteriorate our general quality of life (expectation of limited municipal growth)
- It is hard to grow an economy without adding residents, our park would do just that...
- The Town embraces its small-town character while providing excellent opportunities for small local businesses to flourish

Information Requested by Planning Commission

1. Why annexation and not just stay in Carroll County
 - Original intention was to go through Carroll County
 - Representation reached out to the Mayor and Town Staff as a courtesy to let them know of our plan.
 - Only after meeting with Town officials did we consider Annexation a possible path
 - We are not developers, before we started this process did not understand the advantages/disadvantages or process of annexation.
 - Advantages
 - Flexibility
 1. Limited areas for septic and that would lead to limitations on design, impacting grading, storm water management, restroom placement, field positioning.
 2. Easier to develop a Site Plan that can address neighbors' concerns

Enclosure D
Elite Baseball, LLC Brief
to the Planning Commission on Sep 29, 2025

- Find out answers a lot earlier in the process
 - Do we have Public Support?
 - Annexation Agreement may address possible restrictions: lights, number of people on property, etc.
2. Economic Impact
- Impact on local businesses
 - Patriot Park North 4.4 (2023) -5.9 (2024) million direct revenue
 - \$10 per person-\$100 per person generally used by Studies to show economic impact per person
 - Need to find one or two additional studies of comparable complexes
3. Harmony and Impact, specifically light and noise, on surrounding properties with farm animals and pets
- Show Pictures of John Carroll High School to show minimum impact of lights
 - Musco Lighting representative will be able to attend the meeting in September to offer their expertise, specifically as it relates to height, angle, spread
 - Limited PA/Speaker use, don't want to distract from other fields, not going to be events with pomp and circumstance
 - Potential for natural barriers on site to soften noise
 - Distance buffer between fields and property line, fields designed for foot traffic and noise to be around the center of property, not on the edge. Harder for sound to travel with more structures between sound and neighbors.
4. Impact of Water (Water Quality)/Sewer, Fire EMS, Open Space, Security/Safety, Traffic
- Case Comparisons of other Sports Complexes
 - Henry S Parker- 8 ½ fields, 2 restroom buildings and concession stands
 - Patriot Park North- 6 fields (artificial turf), two restrooms and concession buildings
 - Blandair Park- 6 fields (artificial turf) 3 restroom buildings, 3 playgrounds, tennis courts
 - Kiwanis Wallace- 12 grass fields, rec center, concession stand, admin building

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- Olney Boys and Girls Club- 15 grass fields, two restrooms/concession buildings, admin house
- Water/Sewer
 - Henry S Parker (Salisbury, MD)- peak is 72,000 gallons per quarter (93 days) or roughly 775 gallons per day.
 - Patriot Park North- peak is 38,000 gallons per quarter
 - Blandair Park- peak 63,584.25 gallons per quarter
 - Kiwanis Wallace- peak 87,521.85 gallons per quarter
 - Mt Airy assumes 250 gallons per day per house
- Fire/EMS
 - Waiting on Response requests from Kiwanis Wallace and Blandair Park
 - Patriot Park North- 5 responses 2025, 9 responses 2024, 18 responses 2023. They do not give times
 - OBGC- 1 incident 2025, 6 incidents (3 sports, 3 field of screams/winter wonderland). 6 incidents (3 sports, 3 field of screams/winter wonderland)
 - Waiting for Mt Airy Fire Department to respond to see how many responses they have per year over the last 3 years to determine how many additional calls we will possibly add to their current numbers. Current Year 334 Fire, 1589 EMS
 - Journal of Athletic Training reposted by NIH- .14/10,000 HS baseball players require emergency transportation. Overall for all sports is .29/10,000 (Football, wrestling, and girls gymnastics skew total).
 - Anecdotal Evidence- Brian and I have been coaching and playing baseball for the better part of 30 years and have not been at a field where an ambulance had to be called
- Open Space
 - Not adding dwelling units, not sure if we will help with deficit reduction
 - We would like to include a walking/riding trail around the property.
- Security/Safety

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- We are planning to fence the perimeter of the property, providing safety not only for our property but for the neighbors as well.
- We also plan to have a security system to further enhance safety
- Traffic
 - Minimal impact to morning rush during school year, business is open mostly at off peak hours
 - Staggered Schedule and inconsistent end times will help with traffic surges
 - We want to limit the impact of traffic as much as anyone else, traffic leads to poor experience and poor experience leads to less returning customers
 - Residents with kids in youth sports are already traveling multiple days in and out of town each week, this complex will keep everyone closer to home
 - Nick Driban, Lenhert Traffic Consulting- Traffic Study

The following 8 pages provide the 16 slides presented to the Planning Commission by Elite Baseball's representatives on September 29, 2025.

Enclosure D
Elite Baseball, LLC Brief
to the Planning Commission on Sep 29, 2025

Warfield Property Annexation
Future Mount Airy Athletic Complex



Slide 1

Slide 2

Presentation Overview

- 1. Introduction**
- 2. 2023 Master Plan, Athletic Complex**
- 3. Our Vision**
- 4. Mutual Benefits of Annexation**
- 5. Potential Impacts**
 - a. Economic
 - b. Harmony
 - c. Water and Sewer
 - d. Fire and EMS
 - e. Open Space
 - f. Safety/Security
 - g. Traffic
- 6. Conclusion**

Enclosure D

Elite Baseball, LLC Brief to the Planning Commission on Sep 29, 2025

1. Introduction

- **Brian McKenna and Tim Park**
 - Owners of Elite Baseball of Maryland
 - Contract Purchasers of Warfield Property
- **History in Maryland**
 - Born, raised, and currently live in area
 - Former players, and now coaches and volunteers
- **Cultivate a place where sports and community thrive**
 - Accessibility for Town's residents is a top priority
 - Amenities will benefit neighbors as well as athletes
- **History of transparency with this project**
 - Courtesy Call - May 2024 (within days of ratified contract)
 - First Meeting with Town Officials- July 23rd, 2024
 - Planning Commission Master Plan Workshop- Sept 12th, 2024
 - Periodic updates with Town Staff and Officials

**Our blend of personal and professional experiences lay the foundation
for a great partnership with the Town of Mount Airy**

Slide 3

Slide 4

2. 2023 Master Plan, Athletic Complex

Direct Quotations From Mount Airy Comprehensive Master Plan 2023-2033

- Mount Airy Athletic Field Assessment (2006) revealed an overall shortage of between 8-11 fields
- The 2020 Town Survey also asked residents what were the Top-4 "likes" about living in the Town. Only 4 out of 1,740 responses placed our recreational facilities as their #1 response
- The results of the 2020 Town Survey (as the second-most desired recreational amenity) continue to underscore this need
- Clearly, the best long-term solution to these needs is a single sports complex of sufficient size to accommodate multiple games at the same location. Such a complex could also offer the opportunity to bring the community together and enable the hosting of playoffs and tournaments in various sports
- If any development of this privately-owned land [MAVFC Fairgrounds] were to occur, the community could lose the sports fields located there. The Town should therefore actively pursue an alternative location to replace those fields as well as create additional fields to meet current shortfalls caused by increased demand in recent years

**Mount Airy government officials and citizens express need for
Athletic Complex**

2020 Town Survey,
Question #8

Facility Type	#1 Desire
Nature Trails Walking/Biking Paths	61.6%
Ball Fields	43%
Wooded Areas Open Space	33%
Playground Equipment	27.4%
Basketball+Tennis Courts	24.8%

Enclosure D
Elite Baseball, LLC Brief
to the Planning Commission on Sep 29, 2025

3. Our Vision



Complex Layout

• 8 Fields

- 4 Artificial Turf, High School Baseball
- 2 Artificial Turf, Youth Baseball
- Artificial Turf Fields allow for greater flexibility to include more sports
- 2 Grass Multi-Purpose
- Basketball Courts, Pickle Ball, Playground, Wiffle Ball Fields
- Player Entertainment Area
- Area for Local Vendors
- Walking/Biking Path
- Indoor Training Facility

Family and Community oriented design aligns with Athletic Complex goals in 2023 Master Plan

Slide 5

Slide 6

4. Mutual Benefits of Annexation

- **Meeting with Town Officials (July 2024)**
 - Idea of annexation originated at the meeting
 - Officials encouraged exploration of annexation
 - We are first and foremost coaches; before we started this process, had limited knowledge of annexation or any advantages it may have
- **Advantages**
 - Flexibility
 - Constraints on suitable septic areas would impose design limitations, influencing grading, stormwater management, restroom placement, and overall field positioning
 - Easier to develop an approved Site Plan that can also address concerns of neighbors and community
 - Find out answers earlier in the process
 - Insight into Public Support
 - Annexation Agreement could be used to address issues with proposed use

**The site's unique location presents a win-win opportunity
for all parties**

Enclosure D
Elite Baseball, LLC Brief
to the Planning Commission on Sep 29, 2025

5. Potential Impacts

- a. Economic
- b. Harmony
- c. Water and Sewer
- d. Fire/EMS
- e. Open Space
- f. Security/Safety
- g. Traffic

Case Comparisons of Similar Size Complexes

- **Henry S Parker- Salisbury, MD**
 - 8 ½ fields (half grass/artificial turf), 2 restroom buildings and concession stands
- **Patriot Park North- Fairfax, VA**
 - 6 fields (artificial turf), two restrooms and concession buildings
- **Blandair Park- Columbia, MD**
 - 6 fields (artificial turf) 3 restroom buildings, 3 playgrounds, tennis courts
- **Kiwanis Wallace- Ellicott City, MD**
 - 12 grass fields, rec center, concession stand, admin building
- **Olney Boys and Girls Club- Olney, MD**
 - 15 grass fields, two restrooms/concession buildings, admin house

Similar athletic complexes give insight into logistical concerns raised by community

Slide 7

Slide 8

a. Economic

- Athletic Complex will attract more people to discover Mount Airy and what the Town has to offer
- Patriot Park North
 - The Fairfax County Sports Tourism Task Force Subcommittee Report on Establishing a Public Recreational Facilities Authority 2025
 - 2023: \$4.4 million direct revenue
 - 2024: \$5.9 million direct revenue
- Economic Impact of Tourism in Maryland Report (2023)
 - Per visitor spending
 - Day- \$185
 - Night- \$850
 - Food and Beverage is ranked 2nd behind transportation in spending by visitors to the state of Maryland
 - Mount Airy has over 35 restaurants
- “Identify approaches to further encourage economic development within the town by supporting small business growth, to include a focus on continuing to revitalize our historic downtown zone.”- 2023 Master Plan
- “Without an increase in revenue the Town will no longer be able to continue to provide the same level of services to citizens.”-Independent Auditor’s Report on Town of Mount Airy’s Finances (2021-2023)

Complex adds revenue sources for the Town without increasing residents or taxes on existing residents

Enclosure D

Elite Baseball, LLC Brief

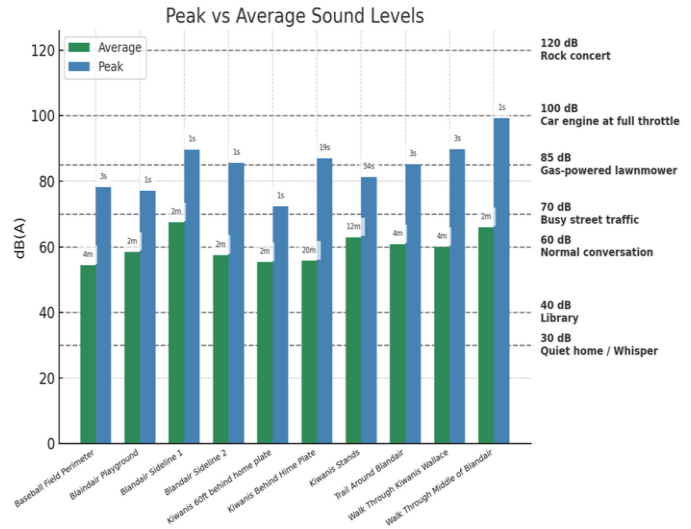
to the Planning Commission on Sep 29, 2025

b. Harmony

• Sound

- How Mount Airy complex will limit noise pollution
 - Minimal PA/Speaker use; avoid distracting other fields
 - Site Design has potential for natural barriers
 - Distance buffer between fields and property lines
 - Most foot traffic and seating toward center of property

Decibel readings at local athletic complexes



County Parks and Recreation Departments report 0 incidents of noise/light complaints from comparable complexes

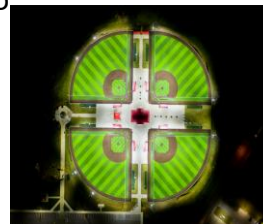
Slide 9

Slide 10

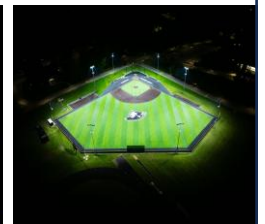
b. Harmony

• Lighting

- No upward spill: Fixtures are carefully aimed and shielded so that no light escapes above the horizontal plane, protecting the night sky and surrounding properties
- Focused lighting: At least 85% of all light is directed strictly within the playing field and its immediate buffer zone, preventing unwanted spill into neighboring areas
- Low glare: Brightness at the edges of the field is capped at levels well below those that would be disruptive, ensuring comfort and safety without obtrusive glare
- Automatic controls: Lights are managed by a smart control system that allows dimming, zoning, and automatic shut-off, so fields are only illuminated when in active use
- Visually comfortable spectrum: modern LED lighting with a limited color temperature, reducing harsh glare and minimizing disruption to people, wildlife, and the broader environment



Cedar Stone Park,
Smyrna, TN



The John Carroll School,
Bel Air, MD



Frank Brown Park, Panama City Beach, Florida

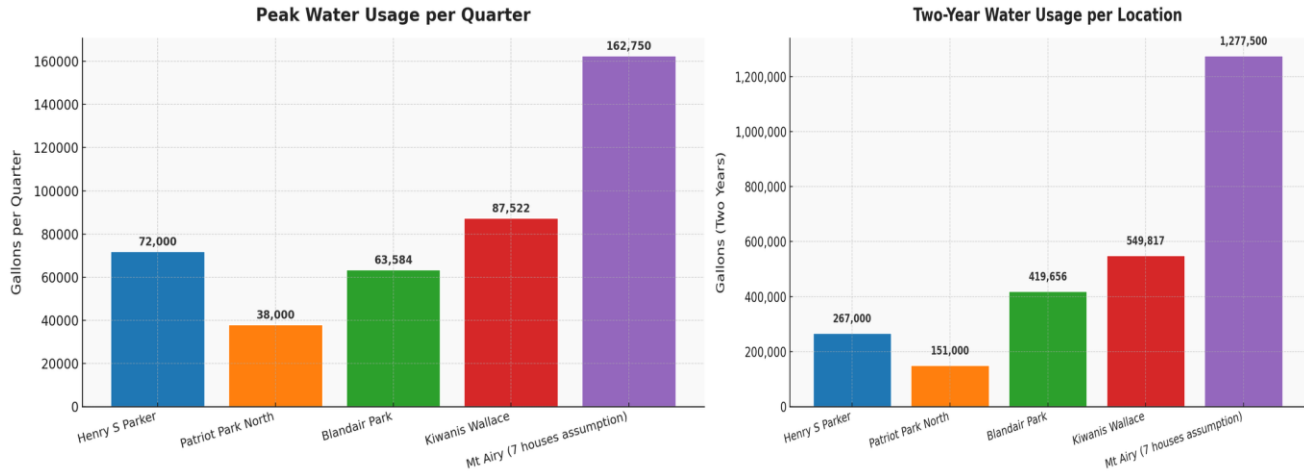
Athletic Complex can provide high-quality nighttime play while safeguarding neighborhood character, environmental quality, and dark skies

Enclosure D

Elite Baseball, LLC Brief to the Planning Commission on Sep 29, 2025

c. Water and Sewer

Water Usage for Sports Complexes in Region vs Mount Airy Assumption per Home



Mount Airy Assumption - 250 gallons per day per house (~23,250 per quarter)

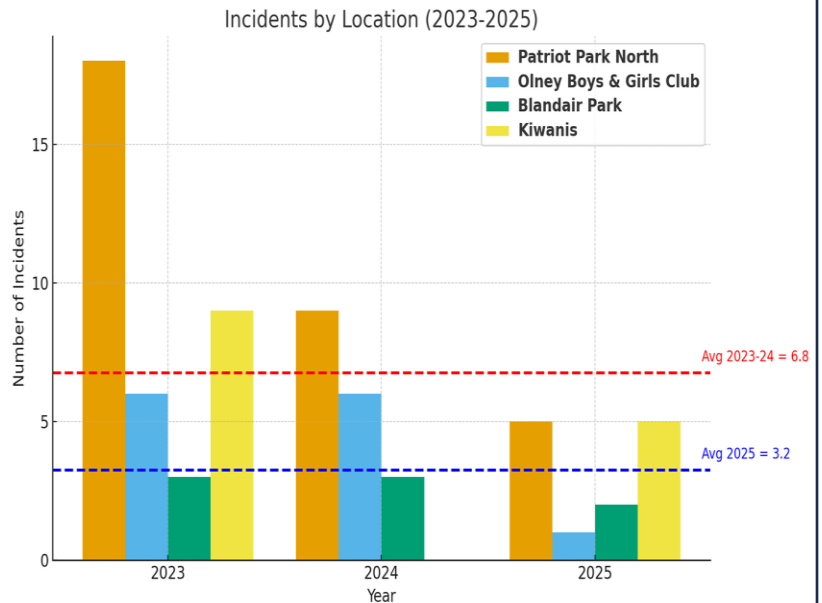
Comparable Complexes, even during during peak months, consume significantly less water than Mount Airy assumption for 7 houses over same time period

Slide 11

Slide 12

d. Fire and EMS

- Number of incidents in 2025 (through August), according to Mount Airy Volunteer Fire Company's website
 - Fire- 334
 - EMS- 1,589
- Journal of Athletic Training study of Athletes Requiring Emergency Transportation (2018)
 - 1,845 teams over 6 years
 - .14/10,000 HS baseball players
 - .29/10,000 average all sports



Evidence-based data predicts 0.25% to 0.50% increase in responses for Mount Airy Fire and EMS Services due to Athletic Complex

Enclosure D
Elite Baseball, LLC Brief
to the Planning Commission on Sep 29, 2025

e. Open Space

- It is currently anticipated that 25-33% of property will not be developed.
- Walking/biking trail around the property.
- The project will not create residential or other uses that place demand on public open space. Instead, it will help, at least indirectly, to lessen the impact of the Town's existing deficit in public open space
- Looking forward to working with Town on best way to approach any Open Space issues during Site Plan process

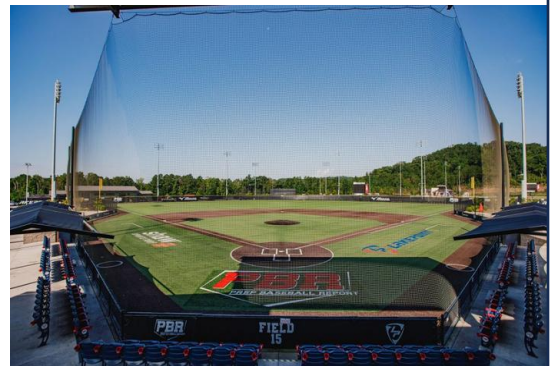
Excellent opportunity to address open space deficit in Town

Slide 13

Slide 14

f. Safety/Security

- Backstop netting and covered seating areas will protect spectators
- Field configuration will prevent balls from reaching adjoining properties
- Plan to fence the perimeter of the complex, providing safety not only for our property but for the neighbors as well
- We also plan to have a security system to further enhance safety
- Potential for automated gate to close parking lot during overnight hours



Lakepoint Complex, Emerson, GA

Layout will be designed with safety in mind for both patrons of the park and neighbors

Enclosure D
Elite Baseball, LLC Brief
to the Planning Commission on Sep 29, 2025

g. Traffic

- Business hours for Athletic Complex will have minimal impact on morning rush hour during school year
- Staggered schedule and end times of events will help mitigate traffic surges
- Amenities and schedule are designed to keep players and families at the complex, limiting trips
- We want to limit the impact of traffic because traffic leads to poor experience
- Residents with kids in youth sports are already traveling multiple days in and out of town each week; this complex will keep everyone closer to home
- Traffic Study was conducted by Lenhart Traffic Consulting
 - Using the HCM methodology, all County and State maintained intersections are projected to operate at Level of Service (LOS) C or better, therefore satisfying the Town of Mount Airy requirements.

Traffic Study demonstrates that the Athletic Complex can be supported without compromising the adequacy of local roads

Slide 15

Slide 16

6. Conclusion

- **Athletic Complex meets a Critical Need**
 - Mount Airy has faced a shortage of fields for nearly two decades. This complex directly answers the Town's Master Plan goals by creating a single, high-quality facility that supports multiple sports, tournaments, and community events
- **Strengthens the Local Economy**
 - Visitors will support local restaurants and small businesses, generating new revenue streams for the Town—without raising taxes or increasing residential density
- **Preserves Neighborhood Character**
 - Smart design ensures limited noise, advanced lighting that prevents spillover, and thoughtful buffering to protect surrounding homes and open space
- **Minimizes Strain on Infrastructure**
 - Water and sewer needs are lower than typical residential development, traffic studies show roads remain adequate, and projected Fire/EMS impacts are negligible
- **Safe and Secure by Design**
 - Fencing, security systems, backstop netting, and field layouts all prioritize safety for players, families, and neighbors
- **Promotes Health, Community, and Pride**
 - Beyond games, the complex offers trails, playgrounds, vendor spaces, and family gathering areas—creating a vibrant hub for recreation and togetherness

This project is more than ballfields—it is an investment in the Mount Airy community. It enhances quality of life, drives economic growth, and strengthens connections among neighbors, all while respecting the needs of residents and the environment.

Enclosure E

Planning Commission Considerations and Criteria for Assessing a Proposed Annexation and its Proposed Zoning/Land Use

Part I: Planning Commission's Annexation Assessment Criterion

1. Is the proposed annexation included in the Town's current Master Plan for 2023-2033? If it is included in the current Master Plan, what was the Town's rationale for including that property for Town boundary growth during the Master Plan's timeframe?

- ✓ Yes, it is in the Master Plan.
- Rationale (consider reasons seen below which are offered in LUA §3–201):

- | | |
|---|---|
| ☐ good civic design and arrangement? | ☐ provides the conservation of natural resources? |
| ☐ a healthy and convenient distribution of population? | ☐ provides the prevention of environmental pollution? |
| ☐ the health, safety, and general welfare of the local jurisdiction? | ☐ provides the wise and efficient expenditure of public funds? |
| ☐ provides transportation needs? | ☐ provides adequate public utilities? |
| ☐ provides the promotion of public safety? | ☐ provides an adequate supply of other public requirements? |
| ☐ provides light and air? | |

- ✓ The reasons for placing this property in the Master Plan for annexation were:
 - Annexation would enable the Town to create a rural buffer on our corporate border and give the Town control regarding any possible future development.
 - Annexation would bring possible improvement to the Town's current Open Space deficit (i.e. any future development may deed land to the Town as Open Space).
 - Annexation would create further opportunity for additional groundwater access (i.e. additional well).

2. Have there been any previous annexation efforts of the property? If so, what is that history?

- ✓ No.

3. Zoning Criterion and Proposed Land Use:

a. What is the current County Zoning district and allowed Land Use?

- ✓ Current Carroll Cty Zoning: R-40,000
- ✓ Land Use: Agriculture

b. Is a privately-owned sports complex allowed under the current County zoning?

- ✓ Yes --- Referencing the County zoning info, under the R-40,000 zone:

"Indoor Recreational Facility" is coded as "C", which means that "the use is allowed following conditional use authorization by the BZA in accordance with §158.133."

"Outdoor Recreational Facility" is also coded as "C."

Enclosure E

Planning Commission Considerations and Criteria for Assessing a Proposed Annexation and its Proposed Zoning/Land Use

4. What is the Petitioners' proposed Town Zoning?

- ✓ Proposed zoning: R-1
- ✓ Proposed use: As understood from Elite Baseball reps the use will be a privately-owned outdoor sports field complex.

5. Is the proposed Land Use allowed within the proposed Zoning (R-1)?

- ✓ Yes -- Per the Town Code §112-23:

"A. Purpose. The R-1 District is intended to provide low-density development potential with concentration on good land management, harmony with the physical environment and a variety of housing options. It is also intended to encourage conservation of open land and assure both the continuing beauty and agricultural potential of areas located at the periphery of the community. The maximum gross residential density permitted in the R-1 District is one dwelling per unit acre.

B. Uses permitted in the R-1 District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

(1) Single-family dwellings.

(2) Parks, playgrounds, golf courses, public and private recreational uses and cemeteries.

(3) Nature study preserves and reservations.

(4) Schools, churches and other public buildings and those accessory uses commonly associated with them.

(5) Accessory uses.

C. Special exceptions in the R-1 District. The Board of Appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Article VIII, § 112-62:

(1) Home occupations [§ 112-62F(7)].

(2) Nursery schools, child-care centers [§ 112-62F(10)].

(3) Professional office [§ 112-62F(12)].

(4) Public utility buildings [§ 112-62F(13)].

(5) Accessory apartments [§ 112-62F(22)].

(6) Veterinarian clinics [§ 112-62F(18)].

(7) Churches, schools, libraries, and community centers [§ 112-62F(19)].

(8) Fire and rescue stations [§ 112-62F(20)].

(9) Elderly housing, detached and attached units [§ 112-62F(21)].

(10) Private parks and recreational facilities.

(11) Nonresident professional offices [§ 112-62F(24)]."

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6. Are there existing structures on the property which are non-conforming to the proposed Town Zoning and Land Use?

[Ref Town Code Art X – Word Use and Definitions:

NONCONFORMING USE = A use of a building or of land lawfully existing at the time this and/or previous ordinances or amendments thereto became effective, or existing at the time of the application of such ordinances or amendments to the building or land by reason of annexation, and which does not conform with the use regulations of the zone in which it is located. (Amended 4-4-2011 by Ord. No. 2010-14)]

- ✓ No --- There are currently no structures currently on this property.

7. What are the current adjacent Town and/or County properties' zonings and land uses?

- ✓ All adjacent properties are Residential (please reference the Petition's plat map seen at Enclosure B).

8. In addition to the information above and the information provided in the petition, is there any further information desired by the Planning Commission?

a. The Petitioners shall provide a Cost-Benefit Analysis to the Director of Planning which will include:

1) A traffic study of W. Watersville Rd. which will include:

- ☐ The intersection of MD-27 and W. Watersville Rd.
 - ☐ The intersection of Boteler Rd. and W. Watersville Rd.
 - ☐ The intersection of Runkles Rd. and W. Watersville Rd.
 - ☐ The intersection of Watersville Rd. and W. Watersville Rd.
 - ☐ traffic load (i.e. number of vehicles) and frequency (i.e. daytime and evening timeframes) of those expected vehicles entering and exiting the proposed complex using actual traffic data from currently existing and similarly sized sports complexes.
- ✓ Referencing the September 29 info provided by Elite Baseball (Encl D), the petitioner provided a traffic consultant from Lenhart Traffic Consulting who provided these conclusions (ref slide #15 of the Elite Baseball briefing in Encl D):
 - *“Business hours for Athletic Complex will have minimal impact on morning rush hour during school year.”*

Commission response: It is understood that the likely hours of operation of the proposed sports complex would be from 4pm to 10pm on weekdays during the school year, and from the morning (approx. 9am) until 10pm on weekends. While we agree that the weekday morning traffic period will not be impacted, there may be some impact during the weekday afternoon traffic between the schools letting out and the sports complex traffic at the

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intersection of MD27 and W. Watersville Rd. In our Nov 24 discussions with the representative from Lenhart Traffic Consulting, the overlap of afternoon traffic between the schools and the sports complex would be “minimal.” This was explained by the consultant as follows – 1) the greatest peak traffic period for the sports complex on the weekdays at that intersection will be from 5-6pm, and 2) his analysis that the school-related traffic would peak from 3-4pm. It is noted, however, that the consultant’s study did not consider the school traffic after 4pm, nor has he consulted the schools directly on the school traffic loading at that intersection. In conclusion, because the peak traffic periods of the schools and the sports complex are seen by the consultant as occurring at different time periods, the Petitioner argues there should be “minimal overlap” of weekday afternoon traffic from the schools and the proposed sports complex at that intersection. Lastly, the traffic study’s Exhibits 3 and 7 portray the current/existing peak hour volumes and the total projected peak hour volumes along W. Watersville Rd. respectively.

- *“Staggered schedule and end times of events will help mitigate traffic surges.”*

Commission response: In discussions regarding peak periods’ (weekdays and weekends) entry + exit volume, it is understood from the analysis on page 12 (Exhibit 5 – Trip Generation Rates) of the Lenhart traffic study that:

- On the weekdays between 4-7pm, there is an expected total of 131 cars entering and exiting the complex (i.e. 86 entering and 45 exiting) **during the peak hour** of this 3-hour period.¹⁰ To be clear, the other 2 hours of this period will also generate entry and exit traffic, but it is projected to be less than the peak of 131.
- On Saturdays between 10am – 2pm (the busiest expected mid-day period), there is an expected total of 300 cars entering and exiting the complex (i.e. 144 entering and 156 exiting) **during the peak hour** of this 4-hour period. To be clear, the other 3 hours of this period will also generate entry and exit traffic, but it is projected to be less than the peak of 300.
- There were no Sunday projections. When the consultant was asked if the above Saturday projection would also mirror the expected Sunday trip generation (entry/exit), it was understood from Elite Baseball that Sunday’s field use will typically be 25-40% less than Saturday use because of the typical weekend tournament structure (i.e. fewer teams on last day of tournaments). So although Sunday traffic study projections for entry+exit traffic are not available at this time, it appears that those numbers would be approximately 25-40% less than Saturday’s projections.

¹⁰ Traffic Study Analysis for Warfield Property / Elite Baseball, Sept 25, 2025, Lenhart Traffic Consulting, Inc., p12, Exhibit 5, Trip Generation Rates.

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- The Commissioners understand that trip rate projections associated with those who will entry+exit for non-field activities (i.e. using the proposed indoor training facility, walking trail, various courts/playground areas, etc.) are all included within the numbers above. Elite Baseball added that there will be little overlap between the fields' use and the use of a proposed 12,000 sq-ft indoor training facility.
- Lastly, a Commissioner did propose that vehicle surges into and exiting the proposed complex could also be controlled by hiring traffic personnel (as some large churches do). Elite Baseball expressed their willingness to consider that idea.
- *"Amenities and schedules are designed to keep players and families at the complex, limiting trips."*

Commission response: In the Nov 24 discussions, the Petitioner described his business model for their concessions would include local food trucks and restaurants to setup within the complex. Additionally, the complex may also have an "in-house" concession sales for limited items such as only-beverages (e.g. GatorAde, etc.).

- *"We want to limit the impact of traffic because traffic leads to poor experience."*

Commission response: The Commission totally agrees that if the traffic loading from the complex is severe (on W. Watersville Rd., Boteler Rd., Runkles Rd., MD-27, and the intersection of MD-27 and W. Watersfield Rd.) then the "poor experience" extends to both the participants at the complex and those residents in that area.

- *"Residents with kids in youth sports are already traveling multiple days in and out of town each week; this complex will keep everyone closer to home."*

Commission response: Although the Commission understands the thrust of this statement, which is to say local players/parents will have more convenient facilities, we also must acknowledge that there will be an increase in traffic along W. Watersville Rd.

- *"Traffic Study was conducted by Lenhart Traffic Consulting –
 - Using the HCM methodology, all County and State maintained intersections are projected to operate at Level of Service (LOS) C or better, therefore satisfying the Town requirements.
 - Using the CLV methodology, all study intersections are projected to operate at LOS B or better, therefore meeting Carroll County and MDOT SHA requirements."*

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Commission response: The Commissioners are grateful for the traffic study.

The Commissioners have also emphasized that if the petition moved forward to approval, then another traffic study would be provided at the Concept Plan stage of the site plans process. That traffic study would be reviewed by Town Staff, MDOT and SHA.

To be clear regarding traffic studies, and per the MDOT SHA engineer for our District 7:

“A traffic impact study (TIS) is typically required when a proposed development exceeds certain thresholds, such as generating 50 or more new peak-hour trips on state roads. The study also evaluates impacts to intersections already performing at a low level of service, which has been a past issue in this area.

A TIS is a detailed analysis that evaluates traffic operations based on existing, background, and total traffic conditions.

- ***It identifies operational issues, including queuing, storage, and delays.***
- ***It assesses the performance of existing traffic signals and lane configurations.***
- ***It proposes mitigation measures to address any negative impacts caused by the development.***

Lengthening turn lanes [on W. Watersville Rd. at the MD-27 intersection] or adjusting signal timing, aligns with typical mitigation strategies. The developer of the proposed project is responsible for funding and submitting the TIS, while the Maryland Department of Transportation State Highway Administration (MDOT SHA) and the relevant county [will] review it. The agencies determine if the study is adequate and if the proposed mitigation measures are appropriate.”¹¹

- ***“Traffic Study demonstrates that the Athletic Complex can be supported without compromising the adequacy of local roads.”***

Commission response: It is premature to state that the local road structures are adequate without a formal, MDOT SHA-approved Traffic Impact Study (TIS) and the formal certification of adequacy of affected roads and signaling devices.

In particular, the intersection at MD-27 and W. Watersville Rd. is of greatest concern. For 2025 to date, that intersection has unfortunately suffered three (3) accidents:¹²

- 1 passenger vehicle involved with minor injuries.
- 3 vehicles involved (school bus and 2 passenger vehicles) with no injuries.
- 1 passenger vehicle failing to yield the right of way to a fire truck, with no injuries.

¹¹ Email dated Oct 28, 2025, from the District 7 MDOT SHA traffic engineer to the Chair, Planning Commission, Subj: MD-27 (Ridge Rd.) and W. Watersville Rd.

¹² Email dated Nov 6, 2025 from the MAPD to the Chair, Planning Commission. Subj: MAPD Crashes

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- 2) The analysis of proposed **Water** requirements (i.e. projected average gal/day) and what expected amount of that water requirement can be offset by water found on the parcel (i.e. an acceptable well connected to the Town's water system).
- Reference the Enclosure D brief, slide #11, for the Elite Baseball response. That slide portrays the *Peak Water Usage per Quarter* and the *2-year Water Usage* for each of four (4) comparable parks/sports complexes. The slide concludes that that these comparable parks consume less water than seven (7) homes in the Town, and therefore, the proposed sports complex will similarly use less than 7 homes.

Commission response: Without a formal site plan and more detailed water usage information, the Commissioners are told the proposed water usage would be comparable to the four other sports complexes they presented. But as one Commissioner emphasized, it's difficult to assess true water usage (i.e. gallons/day) without a formal plan and this Commission going through the Adequate Public Facilities Ordinance (APFO) certification with the Town Engineer's expertise.

- 3) The analysis of proposed **Sewer Treatment** requirements (i.e. averaged gal/day) and whether the proposed wastewater treatment requirement can be added to the Town's wastewater treatment plant.
- Again, reference Enclosure D brief, slide #11, for the Elite Baseball response.

Commission response: The slide does not appear to address the sewer question. When queried during their briefing as to the projected sources of effluent into the sewer and Waste Water Treatment Plant (WWTP), the Petitioner gave such examples as the on-site restrooms and concessions. Again, without a formal site plan, more detailed wastewater information, and the Commission's collaboration with the Town Engineer to perform their adequacy certification, the Commissioners are challenged on an assessment of this criterion.

- 4) The analysis of proposed **Fire/EMS** requirements during peak-use of all proposed fields.
- Reference Enclosure D, slide #12, for the Elite Baseball response. Again, the info provided is a comparable analysis of fire/EMS calls at four (4) similar parks during 2023-2025. Additionally, the petitioner also examined the call history for the Town from Jan-Aug, 2025. And the petitioner also examined a 2018 study which concluded that there are 0.14 injuries out of 10,000 high school baseball players which required emergency services; and the same study concluded that there are 0.29 injuries out of 10,000 youth players across all sports. From all of that research, the petitioner

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predicts a 0.25% to 0.50% increase in the Town's Fire/EMS calls due to the sports complex and its expected level of business.

Commission response: The Commission commends the petitioner for the research provided towards this criterion. Projecting injuries; especially those which may rise to the severity where emergency services are required, is difficult. The Commission does not contest the conclusion, but without a formal site plan and the Commission's collaboration with the Town's Fire Chief to perform their adequacy certification, the Commissioners are challenged on an assessment of this criterion.

- 5) The analysis of proposed **Law Enforcement** requirements during peak-use of all proposed fields.
- Reference the briefing at Enclosure D, slide #14.

Commission response: Although this slide is entitled "Safety/Security," it does provide some insight as to measures the petitioner intends to take to mitigate incidents which may require a response from the Mt. Airy Police Department (MAPD). These deterrent measures include the planned installation of a security system with cameras, a full perimeter fence around the fields, and a gated entrance into the fields' areas to prevent unauthorized fields' entry after hours. However, without a formal site plan and the Commission's collaboration with the Town's Chief of Police to perform their adequacy certification, the Commissioners are challenged on an assessment of this criterion.

- 6) The analysis of likely/approximate **Open Space** within the parcel to be deeded to the Town.
- Reference the briefing at Enclosure D, slide #13. This slide, and in discussions with the petitioner at the September Commission meeting, Elite Baseball intends to deed to the Town a portion of the property in order to reduce the Town's Open Space deficit. The slide predicts that 25-33% of the property will not be developed and it is understood that some portion of that undeveloped parcel will be deeded to the Town. Commission discussion revealed that an example of this will be the planned perimeter walking trail, which Elite Baseball also offered to maintain (e.g. mow grass, clear snow, etc.) once they build it. Those same discussions also revealed other public-use amenities being planned; such as a playground, pickleball court, and/or basketball court.

Commission response: First, a Commissioner asked for clarity on whether an R-1 zoned property, such as this could become, is/is not required to provide Open Space to the Town. That answer lies within the Town Code §98-23.B. which states:

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“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 exception 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.”

The Town Attorney agreed with the Commission Chair that, if annexed, the Petitioner would be required to provide open space. The Petitioner does show their intent to provide such space to the Town. But as mentioned earlier, without 1) a formal site plan and, 2) the Commission’s collaboration with the Town Director of Planning and the Town Engineer to perform their Open Space adequacy certification or possible Open Space Waiver process, then the Commissioners are challenged on determining what exact amount of acreage is required in their an assessment of this criterion.

- 7) The analysis of all likely **revenue** reasonably expected to be paid to the Town in both short-term development fees and long-term taxes and any recurring fees, if any.
- Reference the briefing at Enclosure D, slide #8. In answering this criterion, the petitioner sought economic data from Fairfax, VA for their Patriot Park North sports complex. That park is a county-owned and operated sports complex. Additionally, the slide provides information from the state tourism report from 2023 which gives the “per visitor” spending during the day and night.

Commission response: The Commission recognized in their Nov 24 discussions that assessing the “revenue criterion” is very difficult. Although the Petitioner offers economic data from a Fairfax County park, the Commission acknowledges that our economic setting is different than those other parks. The Commission concludes that it cannot fairly assess this criterion, but it is likely that there will be a positive revenue result.

- 8) The Petitioners shall provide a description of all **safety and security measures** for the proposed sports complex, which will include:
- a. **Measures to prevent errant balls entering adjacent properties and W. Watersfield Rd. (e.g. nets? fencing? the siting of ballfields?)**
 - Reference the brief at Enclosure D, slide #14 again. The slide states that, “*field configuration will prevent balls from reaching adjoining properties.*”

Commission response: The Commission understands that the fundamental mitigation of errant balls will lie in the fields’ layout and design. The Commission understands that the design will not allow errant balls (per the Petitioner’s comments on Nov 24).

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b. Measures to maintain site security after-hours and prevent trespass and/or unauthorized use when the facility is closed for business?

- Reference the brief at Enclosure D, slide #14 again. The slide states that a perimeter fence would be installed along with a gated entrance from the parking lot into the fields' areas, and that a security system with cameras would be installed. As far as a gated parking lot entrance off W. Watersville Rd., the presentation states that there is a "potential" for such a gate to prevent unauthorized parking lot use after-hours.

Commission response: The Commission regards the perimeter field area fence with gate and security system as minimal security measures for a venue this size and it bordering residential areas.

During the safety/security discussions, the Chair also proposed that, if the complex were approved, that a citizen advisory group, or similar, be formed to allow adjacent residents to have a routine interaction with Elite Baseball in order to quickly address any complaints or issues; especially those which pertain to safety and/or security. Elite Baseball responded that they would be amenable to such a citizen group and routine communications.

c. Measures to ensure safe vehicle entry and exit onto W. Watersfield Rd.?

- In discussions with the petitioner during the October Commission meeting, this issue was addressed and an appropriate exit design (i.e. possible acceleration lane towards the west) was discussed.

Commission response: Although a focused review of the entrance design cannot occur until the plan process begins (which is dependent upon annexation approval), it is reasonable to state now that an acceleration lane for exiting vehicles is wise. Such a measure could be designed within the property metes and bounds. However, for the "entry" measures, a new left-turn lane (for vehicles traveling east on W. Watersville Rd.) seems, at this early stage, to be difficult to achieve. Again, as pointed out by the Vice Chair, the APFO certification process along with an approved Traffic Impact Study may provide state guidance as to any improvements at the complex's entrance.

9) Descriptions of all possible impacts to adjacent properties, using existing experience data from similarly sized complexes situated among residential properties. (This was discussed as "harmony" with adjacent residents.). This description will include:

- a. What field lighting impact will occur upon adjacent residents? (including the timeframe(s) for field illumination on weekdays and weekends).**

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- Reference the briefing in Enclosure D, slide #10. Elite Baseball stated that field operation will be approx. 4pm to 10pm during weekdays, and from the morning (~9am) until 10pm on weekends. Additionally, Elite Baseball provided further information after the October Commission meeting that their expected months of operation will be to run tournament weekends from early to mid-March through the first week or two of November. Then from mid-November through mid-February, the complex would be available to rent depending on weather.¹³
- The slide states that their lighting contractor, Musco Lighting, will install lighting with:
 - no “upward spill”
 - Focused lighting
 - Low glare
 - Auto controls
 - Visually comfortable spectrum
 - “Athletic Complex can provide high-quality nighttime [sic] play while safeguarding neighborhood character, environmental quality, and dark skies.”

Commission response: In the Chair’s discussion with Patriot Park North, the Musco Lighting Company is the premier outdoor stadium lighting company. The Commission has made known their need to see a photometric plan if the Petition were approved and the site plan process began. Furthermore, that photometric plan will need to show zero lumens on the ground beyond this property. The Musco representative has acknowledged that the lighting design can indeed achieve that constraint. Lastly, the Commission and the Petitioner have focused upon the field lighting and we haven’t addressed the parking lot lighting.

b. What noise levels (measured in decibels) can be expected during peak use and specifically during the period of 5pm-to-closing?

- Reference the brief at Enclosure D, slide #9. Elite Baseball states that noise will be limited by taking such measures as banning team-provided sound systems (aka “boom boxes”). However, a central PA system may be installed and controlled by the complex to announce tournament information or provide weather-related warnings across the complex.

Commission response: The concern over noise was mentioned several times in the public comments and the Commission is sympathetic to their concerns. And although there may be policy measures and enforcement for banning team PA systems, there will never be any way to limit the inevitable surge of

¹³ Communications between Elite Baseball and the Town Staff on October 28, 2025, and shared with the Chair, Planning Commission.

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noise from the fields when major plays occur. It is these events and resulting crowd noise that remain a concern for the Commission.

c. A complete summary of any/all residential complaints of noise, lighting, or other friction from existing sports complexes.

- Reference the brief at Enclosure D, slide#9. The petitioner states that in his survey of comparable parks, there were no reports of noise-related complaints.

Commission response: During Nov 24 discussions, the Chair and the Petitioner addressed the residential area adjacent to the Patriot Park. In that discussion, the Chair made clear that the residences enjoy a wide swath of wooded area between them and the closest fields in Patriot Park, and that these woods likely provide a good buffer to both noise and light from the park. This fact may help explain why there was no record of noise complaints for that park.

10) A clear explanation as to why the proposed land use isn't being attempted through the current Carroll County Code under the current zoning of R-40,000.

- In early Commission discussions with Elite Baseball, it was initially understood that the primary reason this business venture needs to be within the Town's corporate boundary was because the soil test results for septic percolation won't support the venture's required septic field if it were to remain within the County. That understanding was clarified further on Nov 24 by the Petitioner adding that the percolation results were only acceptable in the western portion of the property and that location does not support their desired field design and layout. In short, the Petitioner's sports field design cannot be supported by the western location of an acceptable septic field.

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Other Annexation-related References

General Town Code entries regarding Annexations:

The Town Code states --

§ 44-1 Form of petitions.

In addition to all requirements of state law, each petition for annexation shall be either typewritten or legibly printed and shall contain the address of each person signing the same. In the event that there is more than one petitioner, the petition shall also contain the name, address and telephone number of a designated representative of the petitioners who shall serve as a contact person for the purpose of receiving notices from the Town and requests for further information concerning the petition.

§ 44-2 Attachments.

Each petition shall be accompanied by seven copies of a metes and bounds description and of a plat of the property to be annexed, prepared by a professional land surveyor or property line surveyor licensed in the State of Maryland. The plat shall show adjacent Town boundaries, names of owners of adjoining properties with title references, the zoning of the property proposed to be annexed and of all adjoining properties, shall have a site map or detail showing the location of the subject property on the County Master Plan and shall be of a scale as requested by the Town Planner.

§ 44-3 Processing. [Amended 12-5-2011 by Ord. No. 2011-4]

Upon the filing of any petition for annexation with the Town, the same or a copy of the same shall be forwarded to the Town Attorney(s) who shall cause to be made a verification of the signatures thereon for the purpose of seeing if the same comply with state law. In the event that said verification fails to indicate compliance with state law, the Town Attorney(s) shall advise the Council and the petitioner or petitioners thereof, and no further action shall be taken until compliance is obtained by the petitioner or petitioners. In the event that said verification indicates compliance with state law and that the Town Attorney(s) find said petition to otherwise be in proper form, then the Town Attorney(s) shall prepare an appropriate resolution for introduction at the next legislative session of the Town Council and shall advise the representative of the petitioner of such preparation and furnish such representative with a copy of the proposed resolution. Prior to the introduction of said resolution, the petitioner or petitioners shall pay to the Town the sum of \$5,000 as a deposit toward costs to be incurred by the Town for review of the request by the Town Planner, advice and services by the Town Attorney(s) and review by any consultants engaged by the Town.

§ 44-4 Advertising and hearing; referral to Planning Commission.

Upon payment of the above sum, the resolution shall be formally introduced at a legislative session of the Council, which shall cause public notice of a hearing thereon to be given as

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required by state law and which shall also refer the same to the Planning Commission for study and recommendations.

§ 44-5 Further information. The Planning Commission, in its discretion, may request additional information from the petitioner or petitioners, such as topographic information, traffic studies, etc.

§ 44-6 Action on petition.

A. The Town shall cause any written report and/or recommendations made by the Planning Commission to be furnished promptly to the representative of the petitioner or petitioners. At the conclusion of the public hearing or public hearings thereon, the Council shall announce the date of the legislative session at which it intends to act upon said petition and shall give notice of that fact to the representative of the petitioner or petitioners.

B. At the legislative session designated for action upon said petition, the Council may propose that the same be granted subject to conditions. In the event that the petitioners fail to attend said meeting or attended the same but failed to object to any of said proposed conditions, they shall be deemed to have consented to the same in the event that said petition is granted, and said conditions shall be binding upon the petitioners, each of them and all persons thereafter acquiring an interest in the property so annexed.

§ 112-3 Application of regulations. [Amended 6-5-2006 by Ord. No. 2006-2; 8-14-2006 by Ord. No. 2006-10; 5-7-2007 by Ord. No. 2007-15]

No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered by permit unless for the use expressly permitted by and in conformity with the regulations and minimum construction, architecture and design requirements for the district in which it is located.

A. Zoning of annexed areas. All territory which may hereafter be annexed to the Town shall from time of annexation be considered as being in the R-1 District until changed by ordinance, unless the resolution of annexation by the Town Council provides for other district classification or classifications.

B. Referral to Planning and Zoning Commission. The Town Council shall refer all annexations to the Planning Commission for recommendation and report on annexation and the zoning classification. If the Commission makes no report on either annexation or zoning within 120 days from the date of its first regularly scheduled monthly meeting after referral by the Town Council, it shall be considered to have made a report making no recommendation, provided that the Town Council may extend this period of 120 days for one definite additional period for a demonstrated sufficient reason. The Town Council shall then hold a public hearing as described in Subsection [C](#) below. [Amended 11-2-2020 by Ord. No. 2020-23]

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Carroll County Guidance on Annexations

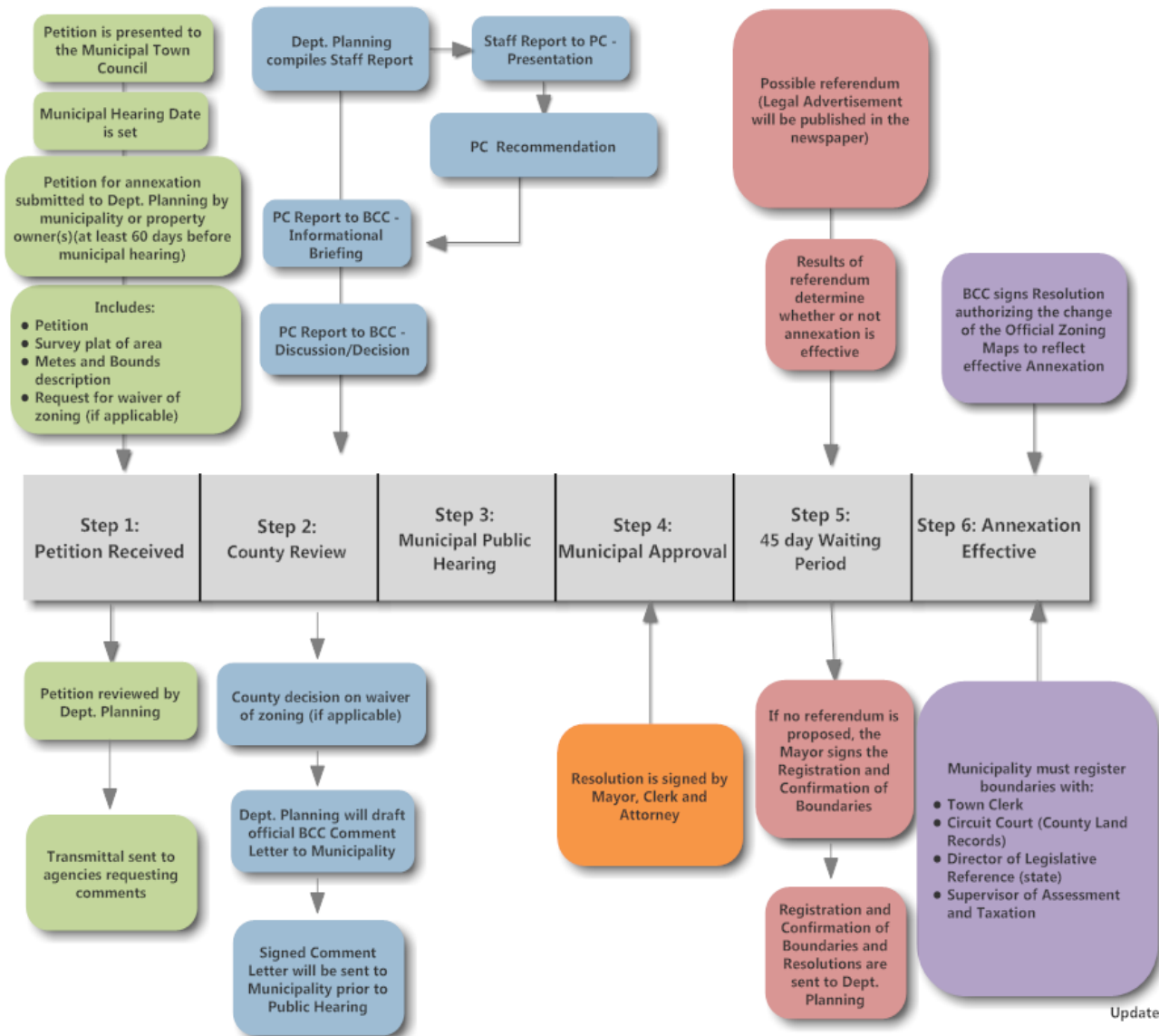
(<https://www.carrollcountymd.gov/government/directory/planning-land-management/comprehensive-planning/annexations/>)

Overview - Municipal annexation is the process of legally including within the corporate limits of a city or town an unincorporated area that is outside the municipality. For many cities and towns in Maryland, annexation of surrounding areas plays an important role in influencing the economic growth, environmental protection, quality of life, and municipal fiscal well-being of their communities. Annexations must occur within the Municipal Growth Area (MGA) that has been jointly established between the County and the Municipality. The municipality handles the annexation request and processes it through the County.

The following information and diagrams are meant to give an overview of the annexation process. The Department of Planning makes no guarantees of legal accuracy as it relates to the reader's individual annexation petition. All State Annexation Laws come from the Local Government Article, Division II, Title 4, Subtitle 4 (§ 4-401 through § 4-4016).

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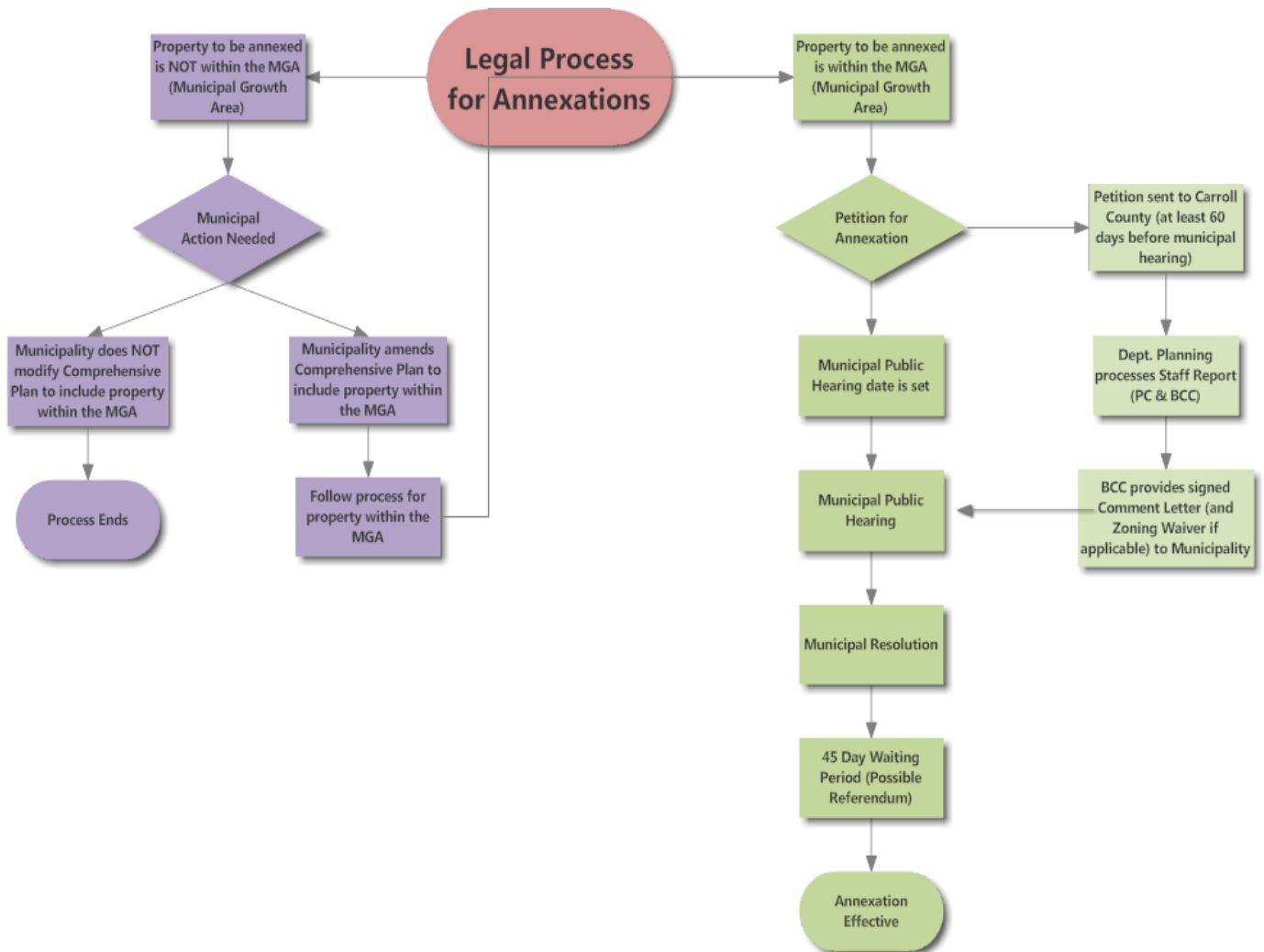
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Legal Process For Annexations (Carroll County)



Updated: November 2018

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TOWN OF _____

REGISTRATION AND CONFIRMATION OF BOUNDARIES FOLLOWING ANNEXATION

Pursuant to the Amended Supplemental Agreement between the County Commissioners and the Town, and Section 158.134 of the Carroll County Zoning Ordinance, Chapter 158 of the Code of Public Local Laws and Ordinances of Carroll County, the Town/City of _____ hereby registers with the Commissioners of Carroll County corporate boundaries relative to the annexation of land known as the _____ Annexation. The Resolution for said annexation was enacted by the Mayor and Council of _____ on _____, 20__, and became effective on _____, 20__. I hereby certify that no further legal action is possible to prevent the annexation resolution from becoming fully effective.

Mayor or Clerk

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Resolution Enactment Date & Effective Date

Return to Carroll County Department of Planning
upon Enactment of Resolution to Annex

DATE: _____, 20__

TO: Carroll County Department of Planning

FROM: _____

RE: Enactment of Municipal Resolution to Annex

The Town/City of _____ acknowledges
911 dispatchers need to have in their systems the most current political boundaries for
them to dispatch emergency aid appropriately. The completion and return of this form
to the County will allow the update of political boundaries by the effective date of
annexation.

Resolution No. _____ to annex _____
was enacted by the Mayor and Council of _____
on _____, 20__. **The signed resolution is attached.** Given no
petition for referendum on this Resolution is filed within 45 days, the Resolution will
become effective on _____, 20__.

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Maryland Land Use Article (LUA) Information Regarding Annexations

§3–201.

(a) (1) A planning commission shall prepare a plan by carefully and comprehensively surveying and studying:

- (i) the present conditions and projections of future growth of the local jurisdiction;
- and
- (ii) the relation of the local jurisdiction to neighboring jurisdictions.

(2) A planning commission shall make the plan with the general purpose of guiding and accomplishing the coordinated, adjusted, and harmonious development of the local jurisdiction and its environs.

(3) The plan shall serve as a guide to public and private actions and decisions to ensure the development of public and private property in appropriate relationships.

(b) (1) In accordance with present and future needs, a plan shall promote:

- (i) good civic design and arrangement;
- (ii) a healthy and convenient distribution of population;
- (iii) the health, safety, and general welfare of the local jurisdiction; and
- (iv) efficiency and economy in the development process.

(2) A plan shall:

- (i) include any areas outside the boundaries of the plan that, in the planning commission's judgment, relate to the planning responsibilities of the commission; and
- (ii) provide for:
 - 1. transportation needs;
 - 2. the promotion of public safety;
 - 3. light and air;
 - 4. the conservation of natural resources;
 - 5. the prevention of environmental pollution;
 - 6. the wise and efficient expenditure of public funds;
 - 7. adequate public utilities; and
 - 8. an adequate supply of other public requirements.

Enclosure E

Planning Commission Considerations and Criteria for Assessing a Proposed Annexation and its Proposed Zoning/Land Use

Maryland Dept of Planning (MDP) Guidance Regarding Annexations

MUNICIPAL REPORTING RESPONSIBILITIES FOLLOWING ANNEXATION - State Municipal Reporting Responsibilities

There are municipal reporting responsibilities that are required by State law requiring the municipality to promptly submit certain information after an annexation is approved:

1. The Local Government Article, section § 4-414, Annotated Code of Maryland, requires that municipalities send a copy of the annexation resolution with the new boundaries to the Maryland Department of Legislative Services if an annexation is approved. Please copy the Maryland Department of Planning so that we are aware of the approved annexation boundaries. The copy of the annexation resolution with the new boundaries shall be sent within 10 days after the resolution takes effect to: State Department of Legislative Services Legislative Division, 90 State Circle Annapolis, Maryland 21401

2. State law requires that upon annexation approval, the chief executive and administrative officer of a municipality that has annexed property forward the annexation resolution and map with the new boundary to the local municipal clerk, Clerk of the Court in the county or counties in which the municipal corporation is located and, for those municipalities in Montgomery and Prince George's County, to the Maryland-National Capital Park and Planning Commission. Census Bureau Boundary and Annexation Survey to ensure that persons residing on annexed land are counted as part of the municipal population, the U.S. Census Bureau periodically mails to all municipal corporations a Boundary and Annexation Survey (BAS). Following an annexation, no immediate action is required. The Census Bureau will notify the person who has been identified by the municipality as the contact person by mail and/or e-mail. Municipalities may submit boundary corrections or changes through the Bureau's free Partnership software. In the past, the U.S. Census Bureau mailed out the BAS survey on a varying schedule based on the population size of the incorporated town. The Mayor or other municipal officials must complete the BAS, update the maps and certify that the boundary shown reflects the legal corporate limits as of January 1 of the survey year. Boundary information must be returned to the Census Bureau by March 1st of the survey year to be properly recorded for the Census Bureau's annual population estimates and American Community Survey products. The purpose of the Survey is to obtain the most accurate boundary information, including boundary changes due to annexations, detachments, mergers, or other reasons. These boundary changes are incorporated into the Census Bureau's files and used for tabulating Census data. The BAS information is used to provide an appropriate record for reporting the results of the decennial and economic censuses, and annual surveys such as the Population Estimates Program and the American Community Survey. Maryland Department of Planning can assist municipalities in updating their boundary information.

Questions regarding the Census Bureau's Boundary and Annexation Survey or assistance in submitting the BAS may be referred to Alfred Sundara at the Maryland Department of Planning at 410-767-4002 or alfred.sundara@maryland.gov. Additional information about the Census Bureau's BAS program is available at the following link: <https://www.census.gov/programs-surveys/bas.html>

Enclosure E

Planning Commission Considerations and Criteria for Assessing a Proposed Annexation and its Proposed Zoning/Land Use

MUNICIPAL CHARTER OR ANNEXATION RESOLUTION REPOSITION FORM

Section 4-109 of the Local Government Article of the Annotated Code of Maryland requires municipal officials to deposit certain municipal documents with the Department of Legislative Services. Please use this registration form for each resolution that alters the charter or the boundaries of your municipal corporation. Complete a separate form for each resolution, and mail the entire text of the resolution, along with this form to:

Georgeanne Carter, Legislative Counsel
Municipal Resolution Reposition
Department of Legislative Services
90 State Circle
Annapolis, MD 21401-1991

_____	_____
Municipal Corporation	County(ies)

Name and Title of Official Submitting this Resolution	
_____	_____
Address	Phone
_____	_____
_____	Date of Submitting this Resolution*
_____	_____
Resolution Number	Date Enacted by Legislative Body

Effective Date*	

1) For an annexation resolution, state the charter section (e.g., boundary description section, appendix) that is amended _____. OR state the charter section (e.g., general powers section) pursuant to which the property is annexed _____. *(Enclose a copy of the metes and bounds description of the complete boundaries of your municipal corporation that includes the newly annexed property, including the number of acres and the point of beginning coordinates for the newly annexed property.)*

For a charter resolution, state whether the entire charter is repealed and a new charter is adopted OR state the specific section(s) that is added, repealed, renumbered, or repealed and reenacted with amendments.

2) Number of votes cast by the legislative body for _____ and against _____ this resolution.

3) Will this resolution be petitioned to referendum? _____.

If "yes", date of the referendum election (if known) _____.

** A resolution should be submitted to the Department of Legislative Services **10 days after the effective date of the resolution** (§ 4-109(b) of the Local Government Article). Generally, provided that a resolution is not petitioned to referendum, the effective date for a charter resolution is 50 days after enactment (§ 4-304(c) of the Local Government Article), and for an annexation resolution is no earlier than 45 days after enactment (§ 4-407 of the Local Government Article).*

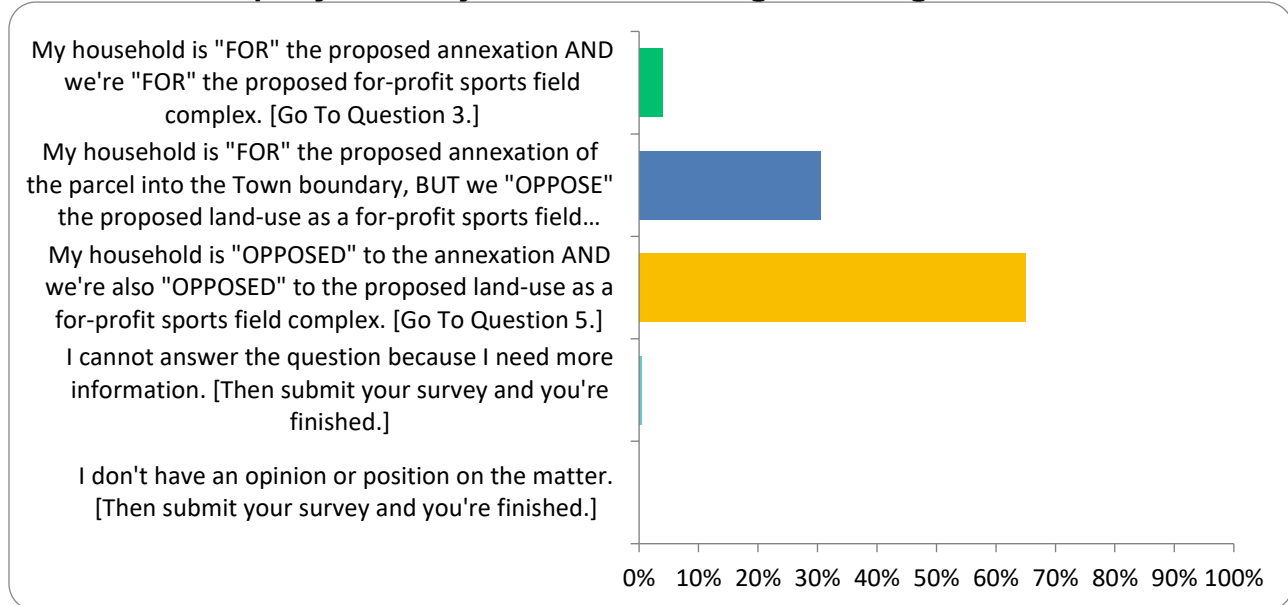
DLS/9-14

Enclosure F

Results of the Nottingham Survey

Note: There are 420 homes within the Nottingham Neighborhood. The survey asked for only one (1) response per household. The survey was open from Nov 3-9. There were 226 responses out of the 420 homes for a **54% response**. Question 1 was a "control" to ensure only Nottingham residents responded.

Question 2: Is your household "FOR" or "OPPOSED" to the proposed annexation of the Warfield Property located just north of Nottingham along W. Watersfield Rd.?



Choice A - My household is FOR the proposed annexation AND we're FOR the proposed for-profit sports field complex.

⇒ **9** out of 226 responses voted for this statement. This is **3.98%** of the total response.

Choice B - My household is FOR the proposed annexation, BUT we OPPOSE the proposed land-use as a for-profit sports field complex.

⇒ **69** out of 226 responses voted for this statement. This is **30.53%** of the total response.

Choice C – My household is OPPOSED to the annexation AND we're also OPPOSED to the proposed land use as a for-profit sports field complex.

⇒ **147** out of 226 responses voted for this statement. This is **65.04%** of the total response.

Choice D – I cannot answer. I need more information.

⇒ **1** out of 226 responses voted for this statement.

Enclosure F

Results of the Nottingham Survey

Question 3: If you are "FOR" both the annexation AND the proposed sports field complex, then select from the list below those reasons which support your position (you may select more than one):



Note: Per the previous page, there were 9 out of 226 responses which voted this way.

Enclosure F

Results of the Nottingham Survey

Question 4: If you are "FOR" annexation, BUT "OPPOSE" the sports field proposed use, then check the boxes below which support your position (you may select more than one):

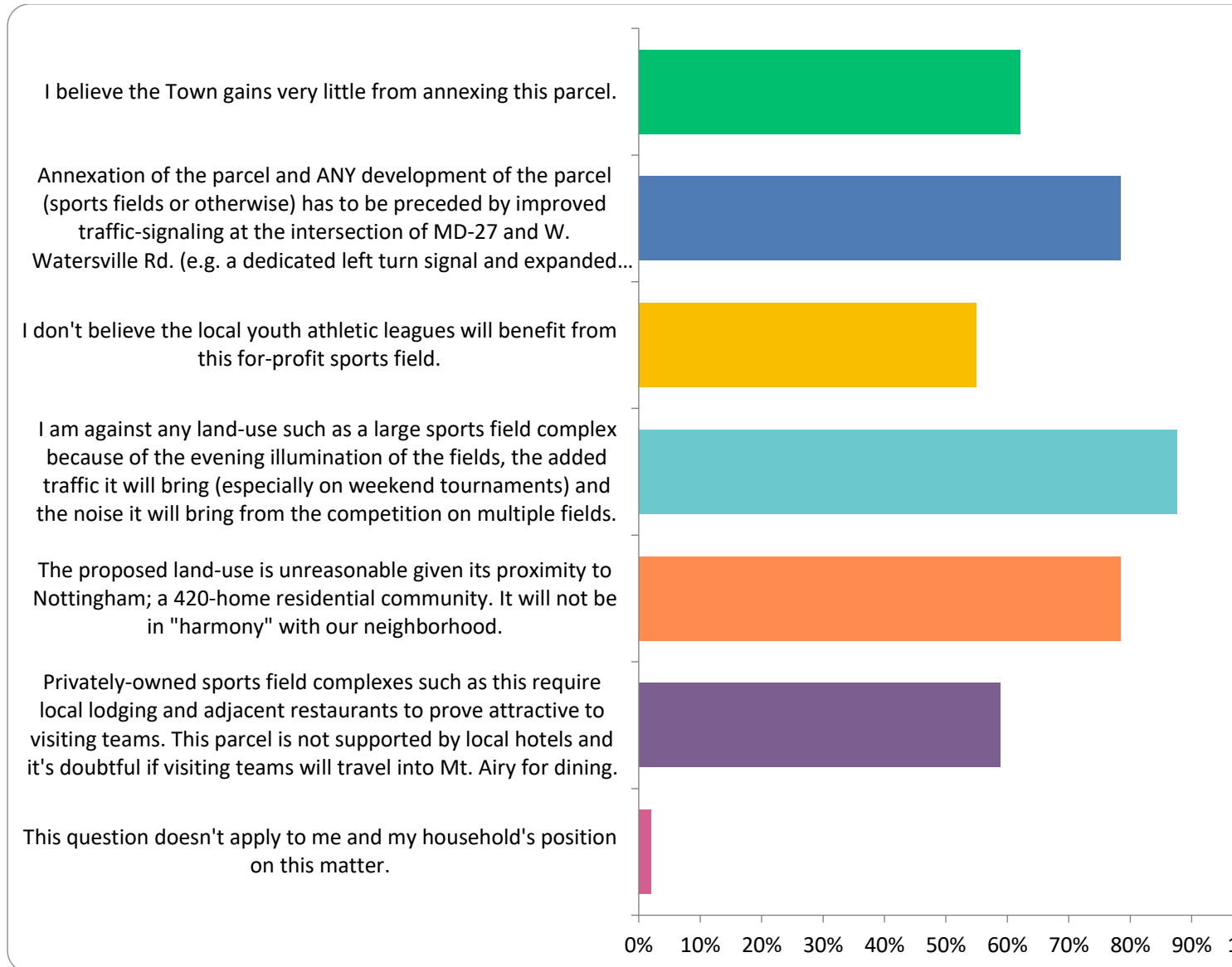


Note: 69 out of 226 responses voted this way.

Enclosure F

Results of the Nottingham Survey

Question 5: If your household is "OPPOSED" to BOTH the annexation AND the proposed sports field use, then select from the list below those reasons which support this position (you may select more than one):



Note: 147 out of 226 responses voted this way. This represents the Majority (65%) of the responses.

If you combine Question 4 with Question 5, where both groups **OPPOSE** the proposed sports complex, then we have $(69 + 147 =)$ **216** out of 226 responses which are **OPPOSED** to the sports complex. That is **95.6%** of the responses which are **OPPOSED** to the sports complex.

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**REAR COVER PAGE
OF
ADDENDUM**

For:
Introduction and referral to PC: 1/5/26
Public hearing: ____
Adoption: ____
Effective: ____ (upon expiration of 20 calendar days
following approval by Mayor or passage by Council over
Mayor's veto by 4/5ths of the whole Council)

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2026-1

**AN ORDINANCE TO AMEND PART II
OF THE CODE OF THE TOWN OF MOUNT AIRY
ENTITLED "GENERAL LEGISLATION,"**

**CREATING NEW CHAPTER 73 ENTITLED "MOBILE FOOD UNITS"; AND
AMENDING CHAPTERS 98 ENTITLED "SUBDIVISION OF LAND AND SITE PLAN
REVIEW", ARTICLE VIII ENTITLED "SITE PLAN PROCESS", SECTION 98-30
ENTITLED "PROCEDURES FOR SITE PLAN REVIEW AND APPROVAL"; AND
CHAPTER 112 ENTITLED "ZONING", ARTICLE II ENTITLED "GENERAL
REGULATIONS", SECTION 112-5 ENTITLED "USES NOT LISTED" AND ARTICLE
V ENTITLED "PROVISIONS GOVERNING COMMERCIAL DISTRICTS", SECTION
112-37.1 ENTITLED "DOWNTOWN ZONE (DTZ)"**

WHEREAS, the use and operation of food trucks, which shall in this ordinance and hereafter be called "Mobile Food Units", within the Town is becoming more prevalent, often in place of, and sometimes in conjunction with, so called "brick-and-mortar" restaurants; and

WHEREAS, while certain aspects of Mobile Food Unit operations may be regulated by County health department standards and regulations and/or to some extent by the State of Maryland, there currently exists in the Town no clear set of guidelines or regulations related to such operations within the Town; and

WHEREAS, the Town Council has determined it necessary and desirable to regulate the use and operation of Mobile Food Units within the Town to create a clear permitting and approval process for mobile food vendors operating within the Town, to ensure that Mobile Food Unit operations meet the same health, safety and site standards required of permanent food service establishments (e.g. "brick and mortar" restaurants), balance the opportunities for mobile vendors with the needs of established businesses and residential neighborhoods, and to protect public property, ensure equitable use of Town spaces, and maintain downtown character.

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

Section 1. That new Chapter 73 of the Code of the Town of Mount Airy is hereby created and enacted as follows:

CHAPTER 73 – MOBILE FOOD UNITS

§73-1. Intent and purpose.

The purposes of this Chapter are to:

- A. Establish a clear permitting and approval process for Mobile Food Unit vendors operating within Mount Airy.
- B. Ensure that Mobile Food Unit operations meet the same health, safety, and site standards expected of permanent food service establishments.
- C. Balance opportunities for Mobile Food Unit vendors with the needs of established businesses and residential neighborhoods.
- D. Protect public property, ensure equitable use of Town spaces, and maintain downtown character.

§73-2. Definitions.

The following terms shall have the following meanings in this Chapter:

“Downtown Zone” or “DTZ” shall mean the area designated in the Town Zoning Map as the Downtown Zone and as governed by Section 112-37.1 of this Code.

“Mobile Food Unit” shall mean a motorized or towable vehicle, trailer, or cart equipped to store, prepare, and/or serve food or beverages for public sale.

“Permanent Mobile Food Unit” shall mean a Mobile Food Unit that operates on the same property for more than 30 consecutive days or more than 60 total days per year, or which requests or installs any utility connection such as for water, sewer, gas or electric other than exclusively to the Mobile Food Unit operator’s generator.

“Regular Mobile Food Unit” shall mean a Mobile Food Unit that operates at a location for one calendar day at a time, is not a part of a Special Event and does not meet the definition of a Semi-Permanent Mobile Food Unit or a Permanent Mobile Food Unit.

“Semi-Permanent Mobile Food Unit” shall mean a Mobile Food Unit that operates at the same location, whether on public or private property three or more days per week, or for multiple consecutive weeks or months, provided that the Mobile Food Unit does not otherwise meet the definition of Permanent Mobile Food Unit.

“Special Event” shall mean any Town-approved public event (e.g., festivals, markets, parades) on public or private property within the Town that is:

- (1) Time-limited for specific dates and hours; and

(2) Is expected to generate activity beyond normal site activities or conditions; and

(3) Either:

(a) Includes two or more Mobile Food Units at one location; and/or

(b) Includes operation of any Mobile Food Unit within the Town's Downtown Zone (DTZ).

"Special Event Mobile Food Unit" shall mean any Mobile Food Unit that operates as a part of a Special Event.

§73-3. Applicability and permitting requirements.

The provisions of this Chapter shall apply to:

A. All Mobile Food Units operated within the Town.

B. Operators of all Mobile Food Units must maintain all applicable valid Carroll County and/or Maryland Health Department licenses as a condition to operation within the Town, and shall at all times during operation within the Town comply with all such County and State laws and regulations related to food service facilities as they apply to Mobile Food Units, including but not limited to the regulations set forth in Code of Maryland Regulations, Title 10, Subtitle 15, Chapter 03 as they may apply.

C. All Mobile Food Units located on public or private property within the Town must comply with all applicable zoning, parking, and health and safety regulations outlined herein and in Chapters 98 and 112 of this Code as they pertain to Mobile Food Units.

D. Permitting Requirements.

(1) Beginning on _____, 2026 **insert effective date of ordinance**, operation of Mobile Food Units within the Town shall require a Town Mobile Food Unit Permit. Except in the case of Special Event Mobile Food Units, each Mobile Food Unit operated within the Town shall require a Mobile Food Unit. Mobile Food Unit Permits shall be one of the following types:

(a) Regular/Semi-Permanent Mobile Food Unit Permit.

(i) A Regular Mobile Food Unit Permit shall authorize operation for only one calendar day, within Town approved hours of operation.

(ii) A Regular Mobile Food Unit Permit may be reclassified by the Town after initial issuance to a Semi-Permanent Mobile Food Unit Permit if a Regular Mobile Food Unit shall operate repeatedly or on a recurring basis at the

same location, at which time the Town may impose additional administrative conditions to the permit, including a defined schedule or range of dates for operation.

(iii) The Town may terminate, revoke, not renew or deny a Semi-Permanent Mobile Food Unit Permit, and may require a Permanent Mobile Food Unit Permit subject to the Modified Site Plan Process set forth below in Section 73-5 for the operation of the Mobile Food Unit, if in the judgment of Town Staff the duration or frequency of the operation of the Mobile Food Unit on the same property justifies, or if a utility connection becomes necessary.

(b) Special Event Mobile Food Unit Permit, which shall expire at the conclusion of the Special Event.

(i) A single Special Event Mobile Food Unit Permit may be issued of multiple Mobile Food Units, subject to the application requirements of Subsection D.(4) below.

(c) Permanent Mobile Food Unit Permit.

(2) Regular/Semi-Permanent, Permanent Mobile Food Unit Permits, and Special Event Mobile Food Unit Permits in the case of Town sponsored events shall be applied for by and issued to the operator of the Mobile Food Unit. Special Event Mobile Food Unit Permits shall be applied for by and issued to the event organizer.

(3) For Special Event Mobile Food Permit applications, the event organizer shall be required to notify affected businesses and/or residences within applicable buffer distances of the application.

(4) The application for a Town Mobile Food Unit Permit shall at a minimum include, to the extent not already on file and updated to within 12 months of the application with the Town as per Subsection E below:

(a) Identification of the type of Mobile Food Unit Permit being applied for.

(b) Whether the Mobile Food Unit is proposed to be operated on public or private property, and if on private property the exact description of the property at issue.

(c) Name, address and contact information for each operator of the Mobile Food Unit(s), the property owner(s) if on private property, and in the case of Special Event Mobile Food Unit Permits for the event organizer(s).

(d) Proof of all applicable and valid Health Department and food service license(s), which shall be kept by the permit holder(s) for the duration of the Mobile Food Unit Permit and/or the operation of the Mobile Food Unit(s).

- (e) Unless otherwise waived by the Town, proof of maintenance of liability insurance coverage acceptable to the Town during the period of operation within the Town naming the Town as an additional insured. Any applicant shall provide a Certificate of Insurance as proof of such coverage for each Mobile Food Unit being permitted, which shall be kept by the permit holder for the duration of the Mobile Food Unit Permit and/or the operation of the Mobile Food Unit.
- (f) Written consent of the owner of private property on which the Mobile Food Unit(s) are proposed to operate, if applicable.
- (g) For Special Event Mobile Food Unit Permits, documentation of notice or consent of affected business and/or residents within applicable buffer distances.
- (h) A site layout or plot plan showing proposed location, placement, signage, seating, utilities, access, buffering, and trash handling.
- (i) A traffic and safety operations plan.
- (j) Proposed dates and hours of operation.
- (k) Any additional information requested by Town Staff or as may be applicable pursuant to Section 73-5 below, the Planning Commission.
- (5) Permits are issued per calendar day in the case of a Regular Mobile Food Unit or per Special Event in the case of any Special Event Mobile Food Unit. Semi-Permanent Food Unit Permits shall be issued for a duration to be specified in the permit, but for no longer than for a duration which would qualify the Mobile Food Unit as a Permanent Mobile Food Unit. No annual or seasonal permits shall be issued. Permanent Mobile Food Unit Permits shall expire after a year from issuance, unless renewed.
- (6) Permanent Mobile Food Units shall be subject to the Modified Site Plan process set forth in Section 73-5 below, except in the Downtown Zone (DTZ) where Permanent Mobile Food Units shall be subject to the same land use restrictions, and land use and site plan review processes, as restaurants.
- (7) Mobile Food Unit Permits shall be subject to review and approval by Town Staff. The Town may impose conditions to operation of a Mobile Food Unit such as with respect to location, hours of operation, zoning and buffering requirements, parking, circulation, noise mitigation, trash and grease management, Americans with Disabilities Act compliance and/or which promote or enhance public safety.
- E. The Town shall maintain application and permit files for Mobile Food Unit vendors containing the documents and information set forth in Subsection D(4) above, which may

be consulted by the Town when reviewing and approving Mobile Food Unit Permits, so long as said information is valid and effective within the 12 months prior to application.

§73-4. Location and operational restrictions.

A. Downtown Zone (“DTZ”)

- (1) Special Event Mobile Food Units operated within the DTZ may operate on public or private property only with an approved Special Event Permit, and as respects operation on private property only with written permission from the property owner.
- (2) Regular Mobile Food Units and Semi-Permanent Mobile Food Units shall not be permitted in the DTZ.
- (3) Permanent Mobile Food Units proposed to operate on private property in the DTZ shall be required to undergo full site plan and other land use approvals under Chapters 98 and 112 of this Code that restaurants are required to undergo.
- (4) The Town may designate specific locations within the DTZ for maintenance and operation of a Mobile Food Unit and may restrict the dates of operation and impose conditions for such use and operation.

B. Outside Downtown Zone.

- (1) Mobile Food Units may operate on public or private property outside the Downtown Zone only if approved by the Town through application for and issuance of a Town Mobile Food Unit Permit, and as respects operation on private property only with written permission from the property owner.
- (2) Operation of any Permanent Mobile Food Units outside the Downtown Zone (DTZ) must also apply for and obtain approval of a Modified Site Plan as set forth in Section 73-5 below.

C. Distance Restrictions

- (1) Wherever located, Mobile Food Units must be at least 500 feet from the customer entrance of any brick-and-mortar restaurant unless written consent is provided by that business.
- (2) Mobile Food Units, including all seating, must maintain at least a 100 foot buffer from residentially zoned property lines unless otherwise specifically authorized by the Town.

D. Site and Circulation

- (1) Mobile Food Units must operate on paved or otherwise improved surfaces.

(2) Mobile Food Units may not block sidewalks, fire lanes, driveways, sightlines, or required parking spaces.

(3) Customer queues and seating for Mobile Food Units must remain within the approved operating area.

§73-5. Modified site plan requirement for Permanent Mobile Food Units.

A. Permanent Mobile Food Units will require Modified Site Plan approval by the Planning Commission.

B. Modified Site Plans must include:

(1) Parking layout and circulation.

(2) Pedestrian safety and ADA compliance.

(3) Screening, lighting, and trash management.

(4) Access to water, sewer, or approved alternative systems.

(5) Compliance with fire and electrical codes.

(6) Proposed signage.

(7) Proposed seating.

C. Review and approval of any site plan for Permanent Mobile Food Units shall meet Town standards for health, safety, and aesthetics, consistent with similar other commercial uses.

D. In addition to any conditions that Town Staff may impose pursuant to Section 73-3D(7) above, the Planning Commission may impose conditions on approval of a Modified Site Plan for a Permanent Mobile Food Unit such as with respect to location, hours of operation, zoning and buffering requirements, parking, circulation, noise mitigation, trash and grease management, Americans with Disabilities Act compliance and/or which promote or enhance public safety, which shall likewise become a condition of the Permanent Mobile Food Unit Permit.

§73-6. Operating standards.

A. Permit Duration: Each permit is valid for up to 12 hours of operation within the window of 7:00 a.m. to 9:00 p.m., unless modified or extended under a special permit.

B. Utilities: No permanent hookups are permitted except for Permanent Mobile Food Units with Modified Site Plan approval in accordance with Section 73-5 above.

- C. Noise/Lighting: Must comply with Town Code on noise and light pollution.
- D. Trash & Grease: Operators are responsible for daily cleanup and disposal.
- E. Display: All Town and Health permits must be visibly posted on the unit.
- F. Signage: Temporary Mobile Food Units shall be limited to signage attached or otherwise displayed on the Mobile Food Unit. Permanent Mobile Food Units must abide by the signage restrictions as set forth in Section 112-11 of the Town Code and otherwise for brick-and-mortar restaurants.
- G. Seating: Seating for Mobile Food Unit customers must comply with the sidewalk seating requirements set forth in this Code, Section 112-37.1B(1)(d) as may be applicable and must comply with other applicable requirements including under the Americans with Disabilities Act. If applicable, any seating shall be limited to the square footage of the Mobile Food Unit, unless otherwise specifically authorized by the Town.
- H. Mobile Food Units shall be limited in size to 26 feet or less in length, and 7 feet or less in width, unless otherwise authorized by the Town.

§73-7. Fees and revenue.

- A. Fees for Semi-Permanent and Permanent Mobile Food Unit Permits shall be set by the Town Council by resolution, as may be amended from time to time. There shall be no fees for Regular Mobile Food Unit or Special Event Mobile Unit permits.
- B. A portion of fees may be allocated to support the Mount Airy Main Street Association (MAMSA) or other designated downtown organizations.

§73-8. Enforcement.

- A. The Town is empowered to conduct inspections for compliance with the provisions of this Chapter, which shall be in addition to, and not in substitution of inspections conducted by State and County agencies related to food handling and sanitation.
- B. The Town shall be empowered to maintain documentation related to applications for and the issuance of Mobile Food Unit Permits, to track the duration, frequency and operation of any Mobile Food Unit, and to reclassify, deny, revoke or not renew any Mobile Food Unit Permit issued by the Town as set forth in this Chapter.
- C. Operation without a valid permit constitutes a municipal infraction, subject to the fines set forth in Section 112-22A.
- D. Repeated violations may result in permit revocation.
- E. Immediate suspension may occur for health or safety violations.

F. Appeals from determinations of Town Staff related to a Mobile Food Unit may be made to the Board of Appeals and shall be made in writing in accordance with Section 112-59.

Section 2. That Article VIII of Chapter 98 of the Code of the Town of Mount Airy, Section 98-30 be and is hereby amended as follows:

§98-30. Procedures for site plan review and approval.

* * *

P. Approval of site plans for Permanent Mobile Food Units, as defined in Section 73-2 of this Code, shall follow the Modified Site Plan review process and requirements set forth in Section 73-5 of the Town Code.

Section 3. That Chapter 112 of the Code of the Town of Mount Airy, Article II, Section 112-5 and Article V, 112-37.1 be and are hereby amended as follows:

§112-5. Uses not listed.

Except with respect to Mobile Food Units, Any use not specifically enumerated as being allowed in a given district in this chapter shall not be allowed by approval of a special exception from the Board of Appeals unless the Board of Appeals find that the use not specifically enumerated is identical in impact to a use permitted by right or allowed by special exception in the district. All such uses must meet all requirements for the identical use as well as the general requirements for a special exception (§ 112-62E). This section shall not apply to any use (or similar use) that is expressly listed in this chapter as being prohibited. Due to the unique pedestrian and business considerations and the need to balance the interests of existing businesses in the Downtown Zone (DTZ), only Special Event Mobile Food Units shall be permitted within the Downtown Zone (DTZ), as a use of right, subject to the permitting, restrictions and regulations set forth in Chapter 73 of this Code. Permanent Mobile Food Units proposed to operate in the Downtown Zone (DTZ) shall only be permitted where and to the extent restaurants are permitted in the Downtown Zone (DTZ), shall be subject to the same restrictions as restaurants, and shall be subject to full site plan and land use reviews and approvals that restaurants are required to undergo. Outside the Downtown Zone, Permanent Mobile Food Units shall be permitted subject to the Modified Site Plan Review Process set forth in Section 73-5 of the Code and otherwise subject to applicable provisions of Chapter 73 of this Code. Mobile Food Units may be permitted in other zoning districts only upon the expressed authorization of the Town and subject to the permitting, restrictions and regulations set forth in Chapter 73 of this Code.

§112-37.1. Downtown Zone (DTZ).

* * *

B. Principally permitted uses. No building or structure may be erected, used or occupied except in accordance with the following principally permitted uses:

(1) Retail and personal service establishments. The following retail and personal service establishments, up to a maximum of 15,000 square feet of floor space except as respects Special Event Mobile Food Units for which floor space shall be limited as set forth in Chapter 73 of this Code:

* * *

(b) Food service and preparation for consumption on or off premises as follows:

* * *

[11] Special Event Mobile Food Units as permitted, restricted and regulated pursuant to Chapter 73 of this Code.

* * *

E. Prohibited uses. The following uses shall be prohibited within the Downtown Zone:

* * *

(3) Drive-in or drive-through food establishments, which shall not include Special Event Mobile Food Units which are permitted in the Downtown Zone subject to the permitting, restrictions and regulations set forth in Chapter 73 of this Code;

Section 3. This ordinance shall operate prospectively.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect on the ____ day of _____, 2026 (upon expiration of 20 calendar days following approval by Mayor or passage by Council over Mayor's veto by 4/5ths of the whole Council).

Introduced this 5th day of January, 2026.

Enacted this ____ day of _____, 2026 by a vote of _____ in favor and _____ opposed.

ATTEST:

Jason Evans, Secretary

Tim Washabaugh,
President of the Town Council

Approved this ____ day of _____, 2026.

ATTEST:

Jason Evans, Secretary

Larry Hushour, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.
This ____ day of _____, 2026.

Thomas V. McCarron, Town Attorney

For:
Introduction and referral to PC: 1/5/26
Public hearing: ____
Adoption: ____
Effective: ____ (upon expiration of 20 calendar days
following approval by Mayor or passage by Council over
Mayor's veto by 4/5ths of the whole Council)

THE TOWN OF MOUNT AIRY, MARYLAND

ORDINANCE NO. 2026-2

**AN ORDINANCE TO AMEND PART II
OF THE CODE OF THE TOWN OF MOUNT AIRY
ENTITLED "GENERAL LEGISLATION,"
CHAPTER 112 ENTITLED "ZONING", ARTICLE IX ENTITLED "AMENDMENTS",
SECTION 112-66 ENTITLED "PROCEDURES" AND SECTION 112-69 ENTITLED
"FINDINGS FOR RECLASSIFICATION" FOR THE PURPOSE OF
ESTABLISHING A PROCESS AND STANDARDS
FOR RECLASSIFICATION OF PROPERTIES WITHIN THE TOWN
THEREBY ADDING CLARITY TO RECLASSIFICATION PROCESS,
APPROVALS AND DOCUMENTATION**

WHEREAS, the Town Council finds it necessary and desirable to set forth in the Town Code standards, the requirements and process for any reclassification requests, including during the comprehensive plan process and thereafter consistent therewith as a part of comprehensive reclassification, and due to change/mistake pursuant to the Maryland Land Use Article, Section 4-204(b)(2), received by the town, to include the name and address of the requestor, property location, reasons for the reclassification request, date requested, date received/logged in by the town, *etc.*; and

WHEREAS, the formal record of the town's review and analysis of each request or combination of requests, the decision to approve or disapprove, and the technical/policy rationale for the reclassification decisions, record of the final reclassification request/decision, the Planning Commission recommendation, and other record of the determination on such requests for reclassification should likewise be set forth in the Code; and

WHEREAS, the intent of this ordinance is to prescribe the formal standards, factors, procedures, and comprehensive documentation requirements that apply to all applications for the reclassification of property within the Town's jurisdiction to ensure that every reclassification request is reviewed with transparency, precision, and accountability to adopted public policy.

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

Section 1. That Chapter 112 of the Code of the Town of Mount Airy, Article IX, Sections 112-66 and 112-69 be and are hereby amended as follows:

§112-66. Procedures.

- A. A public hearing shall be held by the Town Council before adoption of any proposed amendment, supplement or change. Public notice of the time and place of such hearing, together with a summary of the proposed amendment, at a minimum shall be published in a newspaper of general circulation in the Town of Mount Airy once each week for two successive weeks, with the first such publication of notice appearing at least 14 days before the hearing. Other forms of notice to the public, though not required, are encouraged such as the posting of the property proposed to be rezoned, posting notice on the Town's website and social media. A complete record of the hearing and the votes of all members of the Town Council shall be kept.
- B. A fee of \$300 for a zoning text amendment and a like fee for a Zoning Map amendment shall be paid to the Town at the time the application is filed. Charges will include the costs of the Town's employees and consultants. When the application is concluded by the Town Council, the charges will be assessed, and if less than the fee imposed, a refund will be given to the applicant, and if greater, the applicant will be billed for the difference. Fifteen percent will be added to the total charges for the Town's administrative costs and overhead. The rates for charges shall be established from time to time by resolution of the Town Council. Charges will be billed monthly if in excess of the fee imposed as set forth above. If any charges are not paid within 60 days of billing, the Town will withhold further review, approvals and/or issuance of any required permits until paid in full, together with interest at the rate of 1% per month or fraction thereof from the date of billing to the date of payment.
- C. Public Notification and Citizen Input. Reasonable notice shall be provided in advance of Planning Commission meetings at which a proposed reclassification and/or recommendations thereon are discussed and/or are to be made by the Commission related to a reclassification application, and for public hearings before the Town Council regarding zoning reclassifications shall be in accordance with Subsection A above and the Land Use Article of the Maryland Code, Section 4-203. In addition to the record for hearings before the Town Council as required by the Land Use Article of the Maryland Code, Sections 4-203 and/or 4-204, a thorough record shall be made of the notification process and input from citizens, with particular attention to concerns and perspectives of neighboring property owners regarding the proposed reclassification's effects on property values, compatibility, traffic, aesthetics, noise, and quality of life.
- D. Comprehensive Staff Report. Town planning staff shall prepare and maintain a detailed written report for each reclassification application, incorporating, at minimum, the following elements:
 - (1) Date of Reclassification Request. The official date the application was submitted.
 - (2) Name and Address of Property Owner. Identification of the property owner, including legal name and mailing address.

- (3) Owner's Rationale for Reclassification. A summary and documentation of the reasons provided by the applicant for seeking the reclassification, including intended use, benefits, and any supporting evidence.
- (4) Review and Analysis Results. Detailed findings based on consideration of the required evaluation criteria listed in Section 112-69, referencing supporting data and studies where applicable.
- (5) Consideration of Criteria Evaluated. Explicit documentation of how each factor was weighed and addressed, including staff and Planning Commission perspectives.
- (6) Record of the public comment including from neighboring property owners.
- (7) Final Recommendation. A professional recommendation for approval, denial, or approval with conditions, inclusive of justification and supporting rationale.
- (8) Group Reclassification Analysis. If analysis reveals that neighboring or adjacent properties would benefit from reclassification as a group, the report shall include an evaluation of such. The rationale shall address the benefits to overall land use compatibility, infrastructure efficiency, coordinated development, and community objectives.
- (9) Planning Commission Review. The Planning Commission shall review the detailed staff report, conduct at least one public meeting with full public participation, and document its deliberations and recommendations, especially as they relate to citizen and neighboring property owner perspectives and potential group reclassification considerations.
- (10) Town Council Action. The Town Council shall examine all documentation, staff analyses, citizen input, and the Planning Commission's recommendations before rendering a decision, referencing impacts on neighboring properties and the merits of group reclassification as appropriate, and hold a public hearing and create a record of the proceedings as may be applicable and required by this Section, as well as the Land Use Article of the Maryland Code, Sections 4-203 and/or 4-204.
- (11) Record Keeping. All materials—including applications, staff reports, owner rationale, citizen comments, public hearing records, meeting minutes, recommendations, and decisions—shall be retained as part of the Town's official public record in accordance with records retention requirements and applicable law.

* * *

§112-69. Findings for reclassification.

- A. Where the purpose and effect of the amendment is to change the zoning classification, the Mount Airy Town Council shall make findings of fact in each specific case including but

not limited to the following: population change, availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, the recommendation from the Mount Airy Planning Commission, the relationship of such proposed amendment to the Mount Airy Master Plan; and may grant the amendment based upon the finding that there was a substantial change in the character of the neighborhood where the property is located or that there was a mistake made in the existing zoning classification.

B. In addition to the findings set forth in Subsection A above, and/or in the Land Use Article of the Maryland Code, Section 4-204(b)(1) and/or (2), including but not limited to findings related to change or mistake, and to the extent not inconsistent therewith, all reclassification proposals shall be evaluated according to the criteria below, which must be explicitly addressed in staff analyses, Planning Commission recommendations and Town Council findings:

- (1) Consistency with the Comprehensive Plan. The degree to which the proposed reclassification aligns with the Town's adopted plans and policy frameworks, specifically the Comprehensive Master Plan's vision, strategic goals and implementing strategies.
- (2) The full range of uses permitted in the proposed new zoning for the property.
- (3) Compatibility with Surrounding Uses. The anticipated impact of the proposed zoning on existing and planned land uses nearby and community quality of life.
- (4) Suitability of the Subject Property. Suitability of the parcel for proposed uses versus its current classification and local development patterns.
- (5) Availability of Adequate Public Facilities and Services. Whether infrastructure and public services can accommodate the proposed zoning, and any additional costs to the Town of the reclassification in consideration of the full range of uses permitted in the proposed new zoning for the property.
- (6) Environmental Considerations. Assessment of environmental impacts and mitigation strategies.
- (7) Economic Effects. Projected impacts on property values, municipal revenues, and economic opportunity.
- (8) Public Health, Safety, and Welfare. Implications for the general welfare of Town residents.
- (9) Changed or Changing Conditions. Significant changes in the area or on the subject property that support the request.

(10) Conformance with Other Applicable Laws and Regulations. Compliance with all relevant local, state, and federal laws.

C. Zoning decisions shall not be based on the race, ethnicity, or religion of the applicant, landowner, or future tenants of the property.

BE IT ENACTED AND ORDAINED BY THE AUTHORITY AFORESAID, that this Ordinance shall take effect on the ____ day of _____, 2026 (upon expiration of 20 calendar days following approval by Mayor or passage by Council over Mayor's veto by 4/5ths of the whole Council).

Introduced this 5th day of January, 2026.

Enacted this ____ day of _____, 2026 by a vote of _____ in favor and _____ opposed.

ATTEST:

Jason Evans, Secretary

Tim Washabaugh,
President of the Town Council

Approved this ____ day of _____, 2026.

ATTEST:

Jason Evans, Secretary

Larry Hushour, Mayor

REVIEWED AND APPROVED AS TO LEGAL FORM AND SUFFICIENCY.

This ____ day of _____, 2026.

Thomas V. McCarron, Town Attorney

LARRY HUSHOUR
Mayor

TIM J. WASHABAUGH
Council President



Council Members
JASON P. EVANS
Secretary

KARL L. MUNDER
SEAN M. KELLY
STEPHEN L. DOMOTOR

Zoning Administrator Report – November 2025

The Town Zoning Administrator approved 14 permits, which generated \$297.50 in revenue for November 2025. Below is a breakdown of the Carroll County Building Permits and the Town of Mount Airy Permits.

<u>Carroll County Building Permits Totals:</u>	<u>9</u>
New Dwelling Building Permit	-
New Commercial/Industrial	-
Existing /Renovations	9
 <u>Town of Mount Airy Permit Totals:</u>	 <u>5</u>
Fence permit	2
Banner Permit	2
Signage Permit	1
Shed Permit	-
Zoning/U&O Permit	-
Driveway Permit	-
Antenna	-

12/04/2025 - Prepared and submitted by Debra Clinton

LARRY HUSHOUR
Mayor

TIM J. WASHABAUGH
Council President



Council Members
JASON P. EVANS
Secretary

KARL L. MUNDER
SEAN M. KELLY
STEPHEN L. DOMOTOR

Zoning Administrator Report – December 2025

The Town Zoning Administrator approved 7 permits, which generated \$140.00 in revenue for December 2025. Below is a breakdown of the Carroll County Building Permits and the Town of Mount Airy Permits.

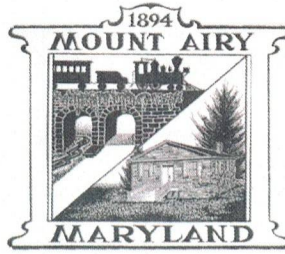
<u>Carroll County Building Permits Totals:</u>	<u>3</u>	
New Dwelling Building Permit	-	
New Commercial/Industrial	-	
Existing /Renovations	3	
 <u>Town of Mount Airy Permit Totals:</u>	 <u>4</u>	
Fence permit	1	
Banner Permit	1	
Signage Permit	1	
Shed Permit	1	
Zoning/U&O Permit	-	
Driveway Permit	-	
Antenna	-	

1/05/2026 - Prepared and submitted by Debra Clinton

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LARRY HUSHOUR
Mayor

TIM J. WASHABAUGH
Council President



Council Members
JASON P. EVANS
Secretary

KARL L. MUNDER
SEAN M. KELLY
STEPHEN L. DOMOTOR

Zoning Administrator Report – Annual Totals 2025

The Town Zoning Administrator approved 200 permits, which generated \$5,619.84 in revenue for 2025. Below is a breakdown of the Carroll County Building Permits and the Town of Mount Airy Permits.

<u>Carroll County Building Permits Totals:</u>	<u>95</u>	
New Dwelling Building Permit	-	
New Commercial/Industrial	-	
Existing /Renovations	95	
 <u>Town of Mount Airy Permit Totals:</u>	 <u>105</u>	
Fence Permit	37	
Banner Permit	26	
Signage Permit	30	
Shed Permit	2	
Zoning/U&O Permit	7	
Driveway Permit	1	
Antenna	2	

1/05/2026 - Prepared and submitted by Debra Clinton