



MIDDLETOWN PLANNING AND ZONING COMMISSION

2010 ANNUAL REPORT

Approved May 23, 2011 by Burgess & Commissioners

BURGESS & COMMISSIONERS

John Miller, Burgess (4/2008-4/2012)

Jennifer Falcinelli, Burgess Pro-tem (4/2010-4/2014)

Larry Bussard (4/2010-4/2014)

Richard Dietrick (4/2010-4/2014)

Anthony Ventre (4/2008-4/2012)

Vincent O'Reilly (4/2008-4/2012)

Andrew J. Bowen, Town Administrator

Middletown Planning Commission

Mark Carney, Chairman (12/2006-12/2011)

Robert Smart (12/2006-12/2011)

David Lake (2/2007-2/2012)

Richard Dietrick, Comm. Ex-Officio (4/06-4/14)

Bob Miller (1/2010-5/2013)

Chris Goodman, Alternate (1/2010-7/2014)

Kevin Corcoran, Temp Alt. (2/2010-1/2011)

Middletown Board Of Appeals

Fred Rudy, Chairman (6/2010-6/2013)

Thomas Routzahn (1/2008-1/2011)

Kenneth Kyler (1/2008-1/2011)

Chris Stimac, Alternate (1/2008-1/2011)

Planning Department Staff

Cynthia K. Unangst

Town Zoning Administrator

Cynthia K. Unangst

Engineering Staff

Bruce Carbaugh, Director of Operations and Construction

INTRODUCTION

Section 3.09 of Article 66B of the Annotated Code of Maryland requires that the Planning Commissions of non-charter counties and municipalities prepare, adopt and file an annual report with the local legislative body and a copy of the report be mailed to the Director of the Maryland Office of Planning. The report is a retrospective look at development activity within the jurisdiction with a focus on whether that activity is or is not consistent with a variety of adopted plans. The report thus informs both the Planning Commission and local legislative body about the strengths and weaknesses of the local planning program.

The year 2010 was a period of relatively low growth due to the economy. The MDE consent agreement was continued on the issuance of permits for new homes and Final Plat recordation during the year, until the Town meets the final condition of the consent agreement of 10% reserve capacity. The Town continued through the process of adding additional supply to the system and filing for an increase in appropriation. A method for allocation of permits was administered for distribution among subdivisions and infill development approved and under construction.

POPULATION IN MIDDLETOWN

<u>YEAR</u>	<u>POPULATION</u>	<u>INCREASE OR DECREASE</u>
1970 Census	1,262	N/A
1980 Census	1,748	486
1990 Census	1,834	86
1991 Estimate	1,844	10
1992 Estimate	1,852	8
1993 Estimate	1,907	55
1994 Estimate	2,014	107
1995 Estimate	2,129	115
1996 Estimate	2,247	118
1997 Estimate	2,345	98
1998 Estimate	2,425	80
1999 Estimate	2,495	75
2000 Census	2,668	173
2001 Estimate	2,768	100
2002 Estimate	2,951	183
2003 Estimate	3,237	286
2004 Estimate	3,655	418
2005 Estimate	3,833	178
2006 Estimate	3,966	133
2007 Estimate	4,105	139
2008 Estimate	4,198	93
2009 Estimate	4,239	41
2010 Census	4,136*	-103

*from 2010 Census redistricting data

TEN YEAR PERIODS OF POPULATION GROWTH based on Census

1970 – 1980	486
1980 – 1990	86
1990 – 2000	834
2000 – 2010	<u>1,468</u>
	2,874

MIDDLETOWN PLANNING COMMISSION

The Middletown Planning Commission is a five-member commission, which has review and approval authority of site plans and subdivisions. In addition, the Planning Commission makes recommendations to the Burgess and Commissioners on rezoning, text amendments, annexations, and any other issue, which is planning related. The Middletown Planning Commission also makes recommendations to the Middletown Board of Appeals on cases involving special exceptions. (Numbers/letters in front of plan names correspond to numbers/letters on attached map.)

CONCEPT PLANS PRESENTED-2010

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
1A. Coblentz on Green East Green Street	78	R-3	Approval of neo-traditional residential subdivision (Approval 3/10)
1B. Miller Property East Main Street	6	TC	Approval of phasing plan for development of property (Approval 9/10)

SITE PLANS-2010

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
2A. Comcast Hollow Road	1	OS	Approval of Comcast HUB station (Approved 2/10)
2B. South Mountain Collision Walnut Street	1	TC	Approval of change of use to a vehicle repair shop (Approved 3/10)
2C. Fellowship Baptist Church North Church Street	1	GC	Approval of change of use to a church (Approved 6/10)
2D. Heavner Demolition Gray Fox Court	1	R-1	Approval of demolition of deck (Approved 8/10)
2E. Hollow Creek Revised Glenbrook Drive	1	GC	Approval of revised plans for Clubhouse (Approved 9/10)
2F. Valley Fitness North Church Street	1	GC	Approval of change of use to a gym (Approved 11/10)

MASTER PLANS-2010

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

LANDSCAPE PLANS-2010

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

PRELIMINARY PLANS-2010

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
3. Coblentz Villas Coblentz Road	3	R-1	Approval of a three-lot subdivision (Approved 11/10)

MASS GRADING/SWM PLANS-2010

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

IMPROVEMENT PLANS-2010

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
4. Caroline's View Apartments East Green Street	9	R-3	Approval of nine-unit apartment building (Approved 5/10)

FINAL FORESTRY PLANS-2010

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
5. Coblentz Villas Coblentz Road	3	R-1	Approval of fee-in-lieu for FRO requirements (Approved 11/10)

CORRECTION PLATS-2010

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

ADDITION PLATS-2010

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

FINAL PLATS-2010

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

RE-ZONING REQUESTS:

None

ANNEXATIONS:

None

TEXT AMENDMENTS:

Text Amendments recommended to Burgess and Commissioners for adoption. (Municipal Code Number)

Forest Resource regulations – Planning Commission recommended adoption of revisions including revising the requirements for exemptions from the forest conservation provisions and the amounts to be paid into the forest conservation fund after September 30, 2014. (Section 16.40) [PC recommended 2/10; B&C adopted 3/10]

Community Center regulations – Planning Commission recommended adoption of revisions including a definition of “community center”; to authorize the use of property for a community center by special exception in the residential zoning districts; to authorize the use of property for a community center in the Town Commercial and Open Space districts; to establish parking requirements and restrictions for community centers; and to establish certain requirements and standards for granting a special exception for a community center. (Section 17.04.030, Section 17.16, Section 17.20.010, Section 17.28.020, Section 17.32.060, Section 17.48.390) [PC recommended 8/10; B&C adopted 10/10]

Sunset provisions for plans – Planning Commission recommended adoption of revisions pertaining to improvement plans and site development plans; to establish definitions for certain terms; and to establish requirements for site plans and identify information to be included on site plans. (Section 16.04.030, Section 16.12.060, Section 17.04.030, Section 17.32.230, Section 17.32.240, Section 17.32.250) [PC recommended 8/10; B&C adopted 10/10]

Sign regulations – Planning Commission recommended adoption of revisions to Chapter 17.36 “Signs” including to define certain terms; to establish general and specific design standards for signs; to establish the types of signs permitted in various zoning districts; to require and establish a procedure for the permitting of signs and to provide for certain exemptions from those requirements; to provide for the continuation of certain pre-existing and non-conforming signs; to establish criteria for the display and removal of temporary signs; and to provide for the removal of abandoned signs. (Section 17.36) [PC recommended 9/10 and revisions 10/10; B&C adopted 11/10]

BOARD OF APPEALS: (letters in front of applicant names correspond to letters on attached map)

<u>Applicant</u>	<u>Request</u>	<u>Location</u>	<u>Motion</u>	<u>Date</u>
A. Ayers	15' variance for pool	331 S. Church Street	Approved	8/10
B. Clipp	3' variance for rear deck	301 Glenbrook Drive	Approved	8/10
C. Bennett	6.1' variance for addition	121 Prospect Street	Approved	10/10
D. Admar Custom Homes	10' variance from front yard and 5' variance from rear yard for 3 single-family dwellings	Coblentz Road (Coblentz Villas)	Approved/ Denied	11/10

INFRASTRUCTURE PROJECTIONS:

TRANSPORTATION:

Action taken by the Town in the year 2010 has been consistent with the Town Comprehensive Plan and best management planning practices.

A Middletown Parkway remains a priority of the Town and is included in the Town Comprehensive Plan with alignments both north and south of town. Future development should incorporate roadway dedication and construction to provide minimum collector type road links from east to west, and a collector from US 40-A north to I-70.

The County and Town should develop plans to transfer Coblenz Road from county road status to the municipal street system in conjunction with the Admar annexation, should that ever occur.

The State Highway Administration placed on hold all funding for developing plans and cost estimates for improvements to the Main Street area of Middletown. The scope of the work included replacement of water mains and storm water lines in the Main Street SHA right-of-ways and the feasibility studies for relocating utility lines, new signage, traffic patterns, and replacement or installation of curb, gutter and sidewalks.

WATER SUPPLY AND DISTRIBUTION:

The Town depends on 22 wells, 4 groups of springs, two reservoirs, and a water tower to supply water to the Town. The current total withdrawal permitted by the Town is 407,000 gallons per day (gpd). The average daily use for 2010 was 323,500 gpd. The water system is routinely monitored for possible contaminants in accordance with Federal and State laws, and none were at violation levels in 2010.

WASTE WATER TREATMENT FACILITIES:

The East End Wastewater Treatment Plant (WWTP) on the south side of Holter Road at Hollow Creek is designed to process 350,000 gpd of sewerage. The current discharge permit for the plant is 250,000 gpd. Average daily flows for 2010 were 172,800 gpd.

The discharge for the West End WWTP at Catoctin Creek in the southwest section of Town is 250,000 gpd. Average daily flows for 2010 were 241,300 gpd.

There were no violations in 2010.

WATER/SEWER MASTER PLAN

Although the Town developed a Water/Sewer Master Plan as a Subsidiary Plan to the County Water/Sewer Master Plan, it was denied by the State in 2004, and consequently the Town complies with the County's Water and Sewer Master Plan.

PARKS AND GREENWAYS:

In 2010, the Town began construction of Rensberg Park, a community recreational park located on the south-side of Holter Road. Phase I construction includes parking lots, two baseball/softball fields, three multi-purpose fields, a walking path, storm drainage, storm water management facilities, county road widening and an entrance road to the park. The total acreage of the park is approximately 87.9 acres.

The Town of Middletown also purchased 6 parcels of land adjacent to Cone Branch Creek for the establishment of a walking/biking trail from East Main Street to Franklin Street. This walking/biking trail will connect the existing sidewalk system to Rensburg Park and Middletown Primary School which is also a Recreation Center.

PROTECTION OF HISTORIC STRUCTURES:

At the present time, the only regulations regarding the demolition of buildings are a zoning restriction (Section 17.32.160, Zoning, Middletown Municipal Code), which requires a Demolition Permit. This permit allows a building to be inventoried prior to the demolition but does not prohibit demolition.

The Town has approval of two historic districts approved by the National Register, allowing for property owners to voluntarily participate in government programs to recognize and improve properties. This process required establishment of a Historic Commission, which acts as a conduit between property owners and available programs. The Town also worked with private citizens to implement an identification plaque program for placement of plaques on historically significant structures in the historic districts. No plaques were placed on historically significant structures in 2010.

STRATEGIC PLANNING INITIATIVES

COMPREHENSIVE PLAN UPDATE

The Planning Commission and planning staff completed the process of updating the Middletown Comprehensive Plan in 2009 and the Planning Commission forwarded the draft plan to the Town Board for approval in December 2009. The Plan was adopted by the Town Board on March 8, 2010 in accordance with the State requirements of Article 66B that all Comprehensive Plans be updated at least once every six years.

A Public Hearing was held on October 18, 2010, in conjunction with an update to the approved Comprehensive Plan to incorporate and include a reference to the Heart of the Civil War Heritage Area Management Plan. The Planning Commission forwarded the draft update to the Town Board for approval in October. The Burgess & Commissioners held a Public Hearing on October 25, 2010 and subsequently adopted the amendment that same date.

PLANNING AND ZONING COMMISSION RECOMMENDATIONS:

ONGOING RECOMMENDATIONS:

1. Review road construction strategies to be incorporated into current & future growth and development.
2. Review and refine a management system for the plan review process to help ensure that files are complete and easily accessible, and which includes a checklist to verify that all agency approvals are in place.
3. Continue review of zoning ordinances as needed to ensure compatibility with the comprehensive plan.

NEW RECOMMENDATIONS:

1. Work closely with Main Street Maryland Program to help revitalize downtown Middletown.
2. Work on promoting sustainable development practices thru the development review process.
3. Work on promotion and development of a trails system as shown in the Comprehensive Plan by working with the Town Board, citizens and community groups.
4. Develop standards for green energy infrastructure.

Permits Issued

TYPE	1991	1992	1993	1994	1995	5 yr.	1996	1997	1998	1999	2000	5 yr.	2001	2002	2003	2004	2005	5 yr.	2006	2007	2008	2009	2010	5 yr.	
Single - Family	6	26	45	37	42	156	45	36	29	18	40	168	75	106	92	45	22	340	30	31	12	17	23	113	
Multi-Family	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Duplex	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	
Townhouse	0	0	0	0	0	0	0	0	0	0	0	0	0	0	42	15	0	57	16	19	23	24	0	82	
Apartments	0	0	1	0	3	4	0	0	1	0	0	1	0	1	0	0	0	1	0	0	0	0	0	0	
Interior Improvements	0	0	0	0	0	0	0	0	0	0	0	0	9	11	20	19	22	81	18	20	19	12	19	88	
Additions	0	0	0	0	0	0	0	0	0	0	0	0	6	15	15	28	20	84	8	12	2	6	2	30	
Pools & Hot Tubs	0	0	0	2	5	7	5	5	4	6	3	23	7	9	9	16	4	45	8	12	7	4	3	34	
Decks & Porches	0	0	0	17	11	28	18	23	34	20	11	106	18	38	36	64	39	195	37	41	31	27	28	164	
Accessory Structure	31	26	50	8	8	123	6	12	18	5	25	66	14	15	24	23	16	92	18	13	14	9	9	63	
Fences	0	0	0	2	20	22	6	13	19	17	11	66	18	27	41	36	29	151	23	16	25	24	20	108	
Demolitions	0	0	0	1	1	2	1	2	2	0	2	7	1	1	0	1	2	5	0	2	0	2	1	5	
Propane Tanks	0	0	0	0	0	0	0	0	0	0	0	0	1	1	3	6	6	17	3	4	2	2	1	12	
Sales Trailer	0	0	0	0	0	0	0	0	0	0	0	0	3	2	0	0	3	8	0	0	0	0	0	0	
Pump Station	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	1	0	0	1	
Signs	2	1	0	3	1	7	1	8	2	2	3	16	8	6	4	4	7	29	5	7	2	5	6	25	
New Commercial	4	12	11	7	2	36	0	7	2	2	4	15	2	4	0	0	0	6	0	0	0	0	1	1	
Commercial Conversion	0	0	0	0	0	0	0	0	0	0	0	0	4	5	7	6	8	30	1	2	7	3	3	16	
Industrial Conversion	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	0	0	2	0	0	0	0	0	0	
Office Conversion	0	0	0	0	0	0	0	0	0	0	0	0	4	4	0	1	4	13	14	3	0	5	2	24	
Other																					2	1	2	2	7
Total Permits	43	65	107	77	93	385	82	106	111	70	99	468	173	245	293	264	182	1157	182	184	146	142	120	774	

Annual Report on Growth Related Changes
Per SB 280/HB 295, effective June 1, 2009

Town of Middletown
(name of jurisdiction)

Prepared by the Middletown Planning Board/Commission for the period
January 2010 through December 2010

submitted on _____ (due July 1 for the preceding calendar year)

1. **Development Patterns** - List all changes in development patterns that have occurred over the past year, including:

- (a) New subdivisions created: *Coblentz Villas - 3-lot subdivision*
- (b) New building permits issued; *24*
- (c) Zoning map amendments; *done in conjunction with Comp Plan update effective March 28, 2010*
- (d) Zoning text amendments that resulted in changes in development patterns; *none*
- (e) New Comprehensive Plan or plan elements adopted; *Heart of the Civil War Heritage Area amendment*
- (f) New roads or substantial changes in roads or other transportation facilities; *none*
- (g) New schools or additions to schools; and *none*
- (h) Other changes in development patterns. *none*

2. **Map** - Attach a map that shows the above changes in development patterns (the map should identify new subdivisions, zoning map changes, etc).

3. **Consistency** - Determine and state whether all of the changes in development patterns listed above are or are not consistent with:

- (a) Each other; *yes*
 - (b) The recommendations of the last annual report; *yes*
 - (c) The adopted plans of the local jurisdiction; *yes*
 - (d) The adopted plans of all adjoining local jurisdictions; and *yes*
 - (e) The adopted plans of State and local jurisdictions that have responsibility for financing or constructing public improvements necessary to implement the local jurisdiction's plan. *yes*
4. **Process Improvements** - What are your jurisdictions plans for improving the local planning and development processes? *New checklists to ensure completeness of plan reviews, and any follow-up needed*
5. **Ordinances and/or Regulations** - List zoning ordinances or regulations that have been adopted or changed to implement the planning visions in §1.01 of Article 66B.
See text amendment list within report

**Annual Report on
Smart Growth Goals, Measures, and Indicators
and Implementation of Planning Visions**

Per SB 276/HB 295

First Report due July 1, 2011 for Calendar Year 2010

Town of Middletown

(name of jurisdiction)

Prepared by the Middletown Planning Board/Commission
for the period January 2010 through December 2010

submitted on _____ (due July 1 for the preceding calendar year)

Measures and Indicators

With the exception of jurisdictions that issue less than 50 building permits per year, the measures and indicators that must be reported on are:

Amount and share of growth that is being located inside and outside the Priority Funding Area (PFA):

Entire municipality is a PFA. 24 building permits issued in 2010.

Net density of growth that is being located inside and outside the PFA:

Not applicable - less than 50 building permits issued.

Creation of new lots and the issuance of residential and commercial building permits inside and outside the PFA:

Not applicable - less than 50 building permits issued.

Development capacity analysis, updated once every 3 years or when there is a significant zoning or land use change:

Not applicable - less than 50 building permits issued.

Number of acres preserved using local agricultural land preservation funding:

None

For all of the above indicators, a map should also be included that represents the spatial pattern of the indicator. If possible, please submit these areas to MDP in a geospatial format (.shp, .kml, etc.), or in a digital format.

Local Land Use Goal:

Local goal:

Entire municipality is a PFA.

Time frame for achieving the local goal:

Not applicable.

Resources necessary for infrastructure inside the PFA and land preservation outside the PFA:

Not applicable.

Any incremental progress made towards achieving that local goal:

Not applicable.

Additional Information (Optional)