

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA

Monday, April 21, 2014
7:00 p.m.

- I. Public Comment
- II. [Minutes of March 2014 Planning Commission meeting](#) Approval
- III. Plan Review
 - [Cross Stone Commons Improvement Plans](#) Discussion/Approval
 - [Coblentz Property Final Forest Conservation Plan](#) Discussion/Approval
 - [Zion Lutheran Cemetery Storage Shed Site Plan](#) Discussion/Approval
 - [Garden Center Site Plan](#) Discussion/Approval
- IV. Zoning
 - Violations
- V. Miscellaneous
 - [Draft 2013 Annual Report](#) Discussion/Approval
- VI. Additional Public Comment

**** All requests to be on the Planning Commission agenda must be received at the Middletown Municipal Center, 31 W. Main Street, Middletown by 4:00pm on the Monday two weeks prior to the monthly meeting held on the third Monday of each month. All plans being submitted for review must be folded, and an electronic plan is required as well.**

Middletown Planning Office

MEMORANDUM

Date: 4/9/2014
Hansen# 14281

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **CROSS STONE COMMONS IMPROVEMENT PLAN**

Tax Map Parcels #03-156044 and 03-174158

Applicant: DMW and Lingg Property Consulting

Property Owner: Nancy R. Newton, et. al.

Plan Dated: January 30, 2014

Date Received: February 5, 2014; April 7, 2014 (monument sign renderings)

GENERAL INFORMATION

Proposal: Site is to be developed with 35,357 square feet ± of commercial space in four separate buildings with 219 parking spaces.

Location: West side of Middletown Parkway at the intersection with US Route 40-A (Old National Pike)

Zoning: GC General Commercial. This district permits numerous uses along with numerous special exception uses, including shopping centers, with Board of Appeals approval. The intent of the district is to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. The location should be such that stores and commercial activities can be grouped together in an attractive and convenient manner that will not infringe on residential areas.

Present Use: Agricultural land.

COMMENTS

The following issues should be considered in your review of this Improvement Plan:

1. **Site Plan approval** – The Planning Commission conditionally approved the site plan for Cross Stone Commons on November 18, 2013. The approval was contingent on the following:
 - Formal approval of the Stormwater Management Plan by Frederick County
 - Official acceptance by State Highway of the right-in-only turn lane off Alt. US 40
2. **Water and sewer capacity certification** – Section 16.12.055 of the Town Code states that the planning commission shall not approve any improvement plans for a project unless a certificate of water and sewer capacity has been issued for the proposed project. A copy of the approved water and sewer capacity certification letter is attached to this staff report and the letter has been sent to the developer.

3. **Expiration of improvement plans** – Per Section 16.12.060 of the Town Code, approval of an improvement plan shall expire three years from the date on which the Planning Commission approves the improvement plan unless construction has begun as defined by “start of construction.” Once improvements have begun, the developer will be expected to proceed with due diligence to completion with visible, substantial and progressive construction activities. Extension of the improvement plan may be granted by the Planning Commission for delays attributable to town, county or state agencies.
4. **Curbs, Gutters and Sidewalks** – According to Section 16.28.030R. of the Town Code, curbs, gutters and sidewalks shall be provided in front of all nonresidential lots. Curbs are to be six inches vertical along a municipal street and sidewalks are to be four to six feet wide. The curb detail on Sheet 2 shows the curbs to be six inches vertical and plan sheets show the proposed sidewalks to be five feet wide. Due to the existing right-of-way along Middletown Parkway, the development will be set-back from the existing edge of paving. A sidewalk is proposed to run parallel to the street with a connection to the existing sidewalk along Route 40-A and also a sidewalk is proposed along the entrance across from Glenbrook Drive.
5. **FRO** – A preliminary forest conservation plan was approved on November 18, 2013 by the Planning Commission with forest conservation obligations to be met by fee-in-lieu or off-site mitigation, to be determined at the Final Forest Conservation Plan stage. The total mitigation requirement for this project is 1.04 acres and is proposed to be met by the purchase of off-site banking credits. The applicant will need to submit a final forest conservation plan for approval. According to Section 16.40.035 of the Municipal Code, the review of a final forest conservation plan shall be concurrent with the review of engineering improvement plans, project plan, grading permit application, or sediment control application associated with the project.
6. **GC District Uses** – Shopping centers are a special exception use in the GC District. The Town’s definition of a shopping center is “one or more retail and/or commercial establishments on a lot greater than one acre, planned, developed, owned and managed as a unit with off-street parking provided on the property and related in size, type and number of shops to the trade area that the unit serves.” The Middletown Board of Appeals approved the special exception use of a shopping center on May 8, 2013 conditional on the applicant receiving approval from the Planning Commission of an exemption from the yard and buffer requirements set forth within the specific standards for shopping centers, as well as Planning Commission approval for the landscaping plan and architectural review approval.

Additional special exception uses for the General Commercial district that would need a recommendation from the Planning Commission and subsequent approval by the Board of Appeals would be gas stations, private and commercial schools, retail of construction and building materials, vehicle repair and services, animal kennels and clinics, child care centers, and self-storage rental spaces for storage of personal goods.

7. **Traffic Impact Study** – A traffic impact study was prepared by Traffic Concepts, Inc. The key intersections (US 40A @ Middletown Parkway, Middletown Parkway @ North Site Access, Middletown Parkway @ Glenbrook Drive/South Site Access, and Middletown Parkway @ Holter Road) were analyzed to determine the peak hour level of service (LOS) using the required MD SHA Critical Lane Volume (CLV) method. A conservative 1% growth rate was applied to

the two-year build-out period for the background condition. For the future condition, the proposed land uses used were a pharmacy with drive-thru, a fast food restaurant, a high turnover restaurant, and specialty retail. The analysis study results show the US 40A @ Middletown Parkway intersection operating at a "D" or better level of service; all other intersections showed "A" levels of service. Using the CLV method, the level of service "D" condition is the accepted MD SHA and Frederick County threshold standard for intersections located outside of agricultural/rural areas.

The Town Board has expressed concern about the possibility of increased traffic along the Middletown Parkway in conjunction with the proposed shopping center. They feel that the developer of the shopping center should install the extra lanes needed (decel, accel and turning lanes) since the potential of increased traffic will necessitate those lanes to be built and the Town does not want to be put in the position of paying for the road construction as they have had to do in the past.

The purpose of the Parkway was to provide an alternate route to traveling thru Middletown via US 40 Alt. and its intent was to keep traffic moving along its extent. The Town Board does not expect the developer to construct the full two additional lanes along the Parkway, but would expect the developer to provide the geometric improvements needed for the appropriate stacking, acceleration, and deceleration lanes that would be needed.

8. **Parking requirements for shopping centers** – The specific standards for a shopping center regarding parking are that parking be provided at the minimum ratio of 5.5 parking spaces for each 1,000 square feet of total floor area. Given the proposed square footage of 35,357 square feet, 195 spaces would be required. The site plans showed a proposed total of 229 spaces; due to some changes in stormwater management, the improvement plans now show a total of 219 spaces.
9. **Landscape plan** – Section 17.48.230G. of the Code states that when adjacent to an R district, a screen planting as approved by the planning commission and at least six feet in height must be provided along the R district boundary. The applicant is proposing a 6-foot high vinyl privacy fence along the boundary with the adjacent residential properties along with landscape screening. The landscape screening consists of Eastern Red Cedar trees, Leyland Cypress trees, and American Holly trees, which are all evergreens. The proposed trees are to be 5-6 foot, or 6-8 foot balled and burlapped plants. The variety of trees, shrubs and other plantings for the site are a good mix of native plants with a good distribution along the boundary and within the parking areas. Additional shrubs have been added along the Middletown Parkway at building #1 to prevent car lights from shining onto the Parkway. Sheets 19 and 20 (Landscape Plans) show a discrepancy in the number of Northern Bayberry shrubs (47 shown and 56 listed in the Plant Schedule on Sheet 20), and Arrowwood Viburnum shrubs (25 shown and 30 listed in Plant Schedule on Sheet 20). Also, trees shown to be planted adjacent to stop signs should be relocated to better locations.
10. **Signage** – A proposed freestanding shopping center identification sign is indicated on the plans at the corner of Old National Pike and the Middletown Parkway. Signage should be further addressed at this Improvement Plan stage. Two renderings of the proposed monument sign have been submitted for the Planning Commission's approval. The only difference between the two

renderings is the additions of the town seal on one of them. In determining the monument sign area, the surface area of the largest face of a monument sign will be used to determine the total square footage of the sign. The calculation will exclude the first eighteen inches of the base if it does not include any sign copy or other graphic. Section 17.36.070B.2. of the Middletown Municipal Code states that for shopping centers an identification monument sign with an area of one square foot per five linear feet of lot frontage on which the sign is to be erected, up to a maximum of 120 square feet and a maximum height of 8 feet shall be permitted. The proposed renderings show the brick base of the sign to be 3-feet high with the rest of the sign to be 8-feet high. In order to comply with the Code requirements, the base would have to be reduced to 18-inches in height. (As a note, in determining the monument sign area, a planter structure which does not exceed one foot in height or include sign copy or graphics will also be excluded from the area calculation.) Also, the zoning administrator will need to determine whether the surface area of the largest face of the sign, as referred to in the definition, includes the brick pillars. As proposed, if the brick pillars are included in the surface area, then the total signage of 168 feet would exceed the allowable square footage.

11. **Fencing** – Staff assumes that the Board Fence detail on Sheet 2 is for the dumpster enclosures. The detail shows the board fence to be 8 feet tall. According to Section 17.32.170 of the Municipal Code, fences no more than six feet high shall be allowed in any yard areas in the commercial and industrial districts. Fences in excess of six feet in height in commercial and industrial districts and for nonconforming businesses may be approved by the planning commission subject to review of the fence material during site plan review.
12. **Bike racks** – There is a detail shown on Sheet 2 for a bicycle rack, but the locations for bike racks are not shown in the plans.
13. **Architectural review** – The Planning Commission approved the architectural renderings for Buildings 1 (CVS) and 3 at their March 17, 2014 meeting, except that any dramatic change to Building 3 due to proposed tenants will need to come back to them for review and approval ahead of building permit approval.
14. **Minor error on plans** – The adjacent property owner shown on Sheets 4, 12, 17 and 20 as being Byron Moser & Leslie Zerby should be changed to the new owner, Matthew Axline.
15. **Approval by Frederick County** – The Stormwater Management Development Plan was approved by the County on December 6, 2013.
16. **County review** – The improvement plans have been routed and reviewed by County agencies with these comments received from those agencies thus far.
 - Office of Life Safety – conditional approval – 2/21/2014
 - Health Department – conditional approval – 2/28/2014
 - Development Review, Engineering – conditional approval – 2/27/2014
 - Soil Conservation District – unacceptable
 - State Highway – denied – 2/18/2014 (due to right-in-only access from 40 Alt.)

This review will be included in the Middletown Planning Commission materials for the April 21, 2014 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be April 16, 2014.

cc: David Lingg, Lingg Property Consulting
Mark Crissman, DMW
Nancy Newton
Jeffrey and Lera Straits
John Thomas Moser Jr.
William Wiles
Matthew Axline
Marilyn Moser



CROSS STONE COMMONS
MIDDLETON PARKWAY & US 40
FREDERICK, MARYLAND

OWNER: DELOPPER
MIDDLETON PARKWAY LLC
1000 EAST WASHINGTON
FREDERICK, MARYLAND

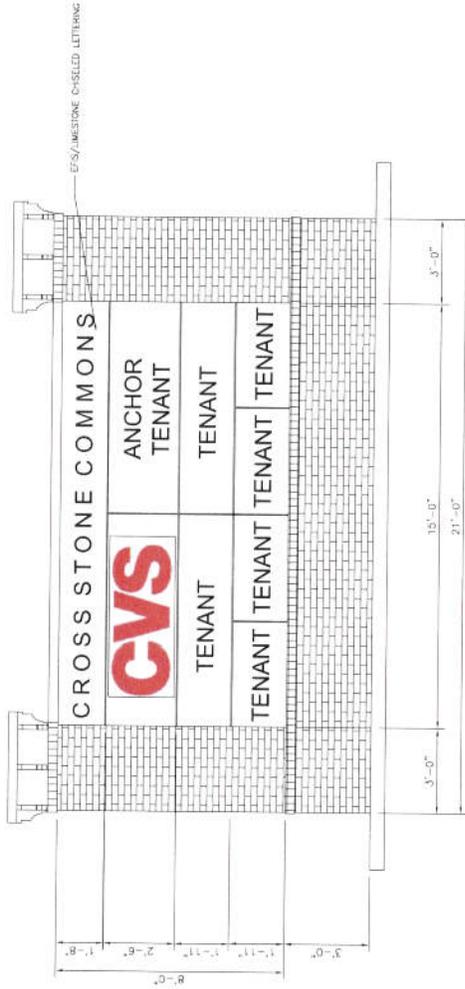
REVISIONS

NO.	DATE	DESCRIPTION
1	1-21-13	AS SHOWN
2	1-21-13	AS SHOWN
3	1-21-13	AS SHOWN
4	1-21-13	AS SHOWN
5	1-21-13	AS SHOWN
6	1-21-13	AS SHOWN
7	1-21-13	AS SHOWN
8	1-21-13	AS SHOWN
9	1-21-13	AS SHOWN
10	1-21-13	AS SHOWN

FOR REVIEW
 FOR APPROVAL FOR CONSTRUCTION
 FOR PERMITS
 FOR OTHER
 FOR CONSTRUCTION

DRAWN BY: []
 CHECKED BY: []
 REVIEWED BY: []
 PROJECT NO.: 2012-200-08
 DATE: 09-19-13
 SCALE: AS SHOWN
 DWG:

SIGN ELEVATION
SHEET NO. DD-2.0



1 SIGN ELEVATION
SCALE: 1/2" = 1'-0"

APPROVED

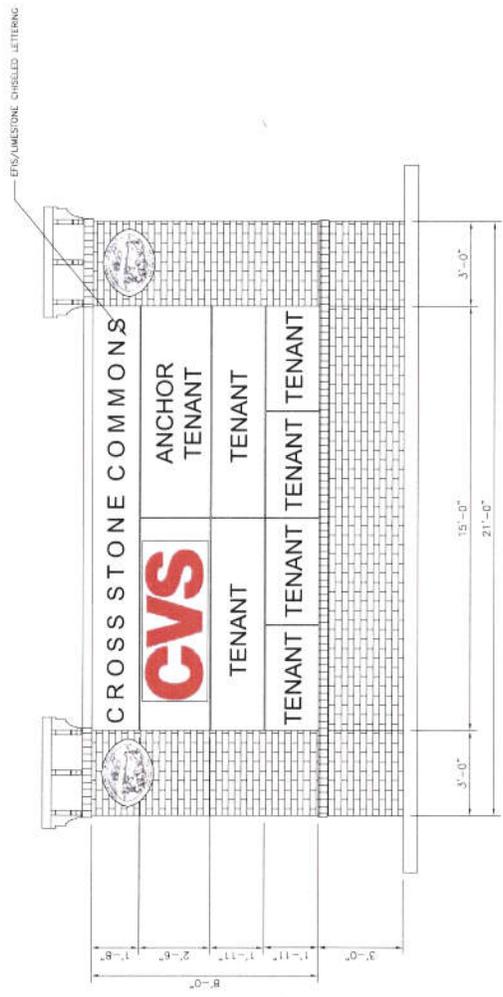
APR 07 2014

PROJECT ARCHITECT



REVISIONS

NO.	DATE	DESCRIPTION
1	11-11-11	ISSUE FOR PERMITS
2	11-11-11	ISSUE FOR PERMITS
3	11-11-11	ISSUE FOR PERMITS
4	11-11-11	ISSUE FOR PERMITS
5	11-11-11	ISSUE FOR PERMITS
6	11-11-11	ISSUE FOR PERMITS
7	11-11-11	ISSUE FOR PERMITS
8	11-11-11	ISSUE FOR PERMITS
9	11-11-11	ISSUE FOR PERMITS
10	11-11-11	ISSUE FOR PERMITS



1 SIGN ELEVATION
 SCALE: 1/2" = 1'-0"



BURGESS AND COMMISSIONERS OF MIDDLETOWN

MUNICIPAL CENTER
31 West Main Street
Middletown, MD 21769

Phone:(301)-371-6171
Fax:(301)-371-6474
E-mail:
Office@ci.middletown.md.us

April 8, 2014

Middletown Valley Investment Partners, LLC
2661 Riva Road, Suite 300
Annapolis, MD 21401

**RE: WATER AND SEWER CAPACITY CERTIFICATION - APPROVED
CROSS STONE COMMONS**

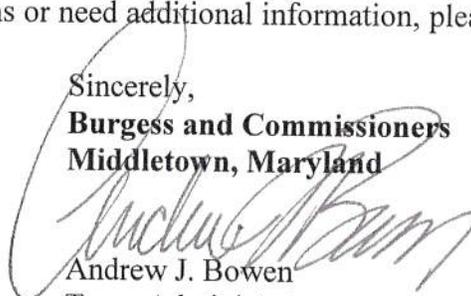
Dear Middletown Valley Investment Partners, LLC:

On November 18, 2013, the Middletown Planning Commission approved your preliminary plat for Cross Stone Commons. As required by Title 16.12.005, I have conducted a review and analysis of the Town's water and sewer capacities and have determined that a Water & Sewer Capacity Certification can be issued.

This review was based on the Town of Middletown's Water Supply Capacity Management Plan and Wastewater Capacity Management Plan. A copy of this certification will be provided to the Planning Commission for their records.

If you should have any questions or need additional information, please do not hesitate to contact me at 301.371.6171.

Sincerely,
**Burgess and Commissioners
Middletown, Maryland**



Andrew J. Bowen
Town Administrator

CC: File
Cindy Unangst, Staff Planner
Nancy Newton, et al

Middletown Planning Office

MEMORANDUM

Date: 4/2/2014

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **COBLENTZ PROPERTY FINAL FOREST CONSERVATION PLAN REVIEW**

Tax Map Parcel #03-160661

Applicant: Hailey Development, L.L.C.

Property Owner: Hailey Development, L.L.C.

Plan Dated: November 2013

Date Received: March 31, 2014

GENERAL INFORMATION

Proposal: Neo-Traditional Residential development on 18.4 acre property adjacent to a 6.4 acre R-3 zoned property with 81 single-family dwellings, a 0.7 acre Village Green amenity and a 3.5 acre public use/library site.

Location: North side of East Green Street and east of North Church Street

Zoning: NTR – Neo-Traditional Residential Overlay District for 18.4 acres and R-3 High Density Residential zoning for 6.4 acres. The NTR district is intended to permit planned development in the R-3 zoning district in order to preserve an aesthetically pleasing appearance in that district, to avoid the creation of nuisance or nuisance-like conditions in that district, to protect the value of other property or investments within that district, and to reduce the impact of its residential uses in surrounding districts.

Present Use: Agricultural land.

COMMENTS

The following issues should be considered in your review of this Final Forest Conservation Plan:

1. **Forest Conservation Credit Summary** – The calculations used in the Forest Conservation Worksheet and subsequent Forest Conservation Credit Summary for the Preliminary Forest Conservation Plan were modified for this Final Forest Conservation Plan as follows:
 - Total tract area – was 24.83 acres, but was changed to 27.61 acres to include additions to tract for offsite disturbance.
 - Net tract area – was 21.43, but was changed to 24.95 acres.
 - Afforestation threshold based on acreage was 3.21, but has been changed to 3.74.
 - Credit for trees and landscaping on subject property was 1.70 acres, but has been changed to 2.15 acres. The 1.70 acres assumed 104 street trees to be planted. The 2.15 acre credit

shown on the Final Forest Conservation Plan is based on planting 134 trees as shown on Sheet 1 of the plans.

- The resulting amount of offsite mitigation to be met was changed from 1.51 acres (3.21 required minus 1.70 provided) to 1.59 acres (3.74 required minus 2.15 provided).

All calculations have been computed correctly.

2. **Meeting the FRO requirement** – The Plan indicates that the Forest Conservation requirement will be met via offsite mitigation with planting to be done at Remsberg Park. The proposal has been discussed with the Town Board and the Parks and Recreation Committee and has been approved by both parties. Staff will note that off-site mitigation is preferred over a fee-in-lieu payment.

This review will be included in the Middletown Planning Commission materials for the April 21, 2014 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be April 16, 2014.

Cc: Graham Hubbard, Rodgers Consulting
Randy Frey, Rodgers Consulting
Hannah Murray, Rodgers Consulting
Mike Fitzgerald, Hailey Development LLC
Rich Thometz, Hailey Development LLC

Middletown Planning Office

MEMORANDUM

Date: 4/3/2014
Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **ZION CEMETERY STORAGE SHED SITE PLAN**

Tax Map Parcel #03-130371

Applicants: Carla Palomone & Dixie Eichelberger, Zion Lutheran Cemetery Board

Property Owner: Zion Evangelical Lutheran Church

Plan Dated: March 31, 2014

Date Received: March 31, 2014

GENERAL INFORMATION

Proposal: Construction of a storage shed for the Zion Lutheran Cemetery. The shed would house equipment, mowers, tractors, etc.

Location: Off of Ifert Drive on the Zion Lutheran Cemetery property

Zoning: OS Open Space (7.25 acres). The Open Space district permits parks, playgrounds, golf courses, public and private recreational uses and cemeteries, along with schools, churches, community centers and other public buildings and those accessory uses commonly associated with them.

Present Use: Existing cemetery grounds

COMMENTS

The following issues should be considered in your review of this Site Plan:

1. **Use** – The proposed use is for a 40-foot by 60-foot storage shed to be erected which would house equipment, mowers, tractors, etc. and to eliminate the unsightly dirt pile that is located along Ifert Drive.
2. **Existing use on subject parcel** – The existing use of this property is as the Lutheran Cemetery which has been in place for decades.
3. **Lot requirements** – The building setbacks for the open space district are 50-foot front and rear yards and 15-foot side yards. The aerial photo provided shows that the storage shed is proposed to be located about 25 feet from Ifert Drive and will be located more than 50 feet to the adjacent property lines. The storage shed is proposed to be 16-feet in height.

4. **Lighting** – The only lighting will be inside the building; no outside lighting is being proposed.
5. **Water and Sewer requirements** – No water is being proposed for the storage shed.
6. **Approval by Frederick County** – The storage shed will need building permit approval from Frederick County.

This review will be included in the Middletown Planning Commission materials for the April 21, 2014 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be April 16, 2014.

The Lutheran Cemetery

EVANGELICAL LUTHERAN CHURCH ZION

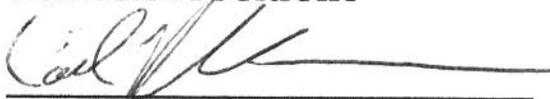
Middletown, Maryland 21769

Zion Lutheran Church (Carla Palamone, Council President) and Zion Lutheran Cemetery Board (Dixie Eichelberger, Chairperson of the Cemetery Board) are requesting a permit to erect a storage shed in the cemetery. The shed is to house our equipment, mowers, tractors, etc. and to eliminate the unsightly dirt pile that is located along Ifert Dr.

Respectfully,

Carla Palamone

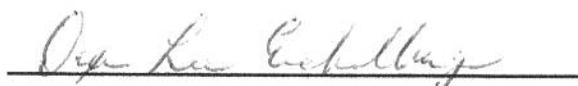
Council President



Dixie Eichelberger,

Chairperson of the

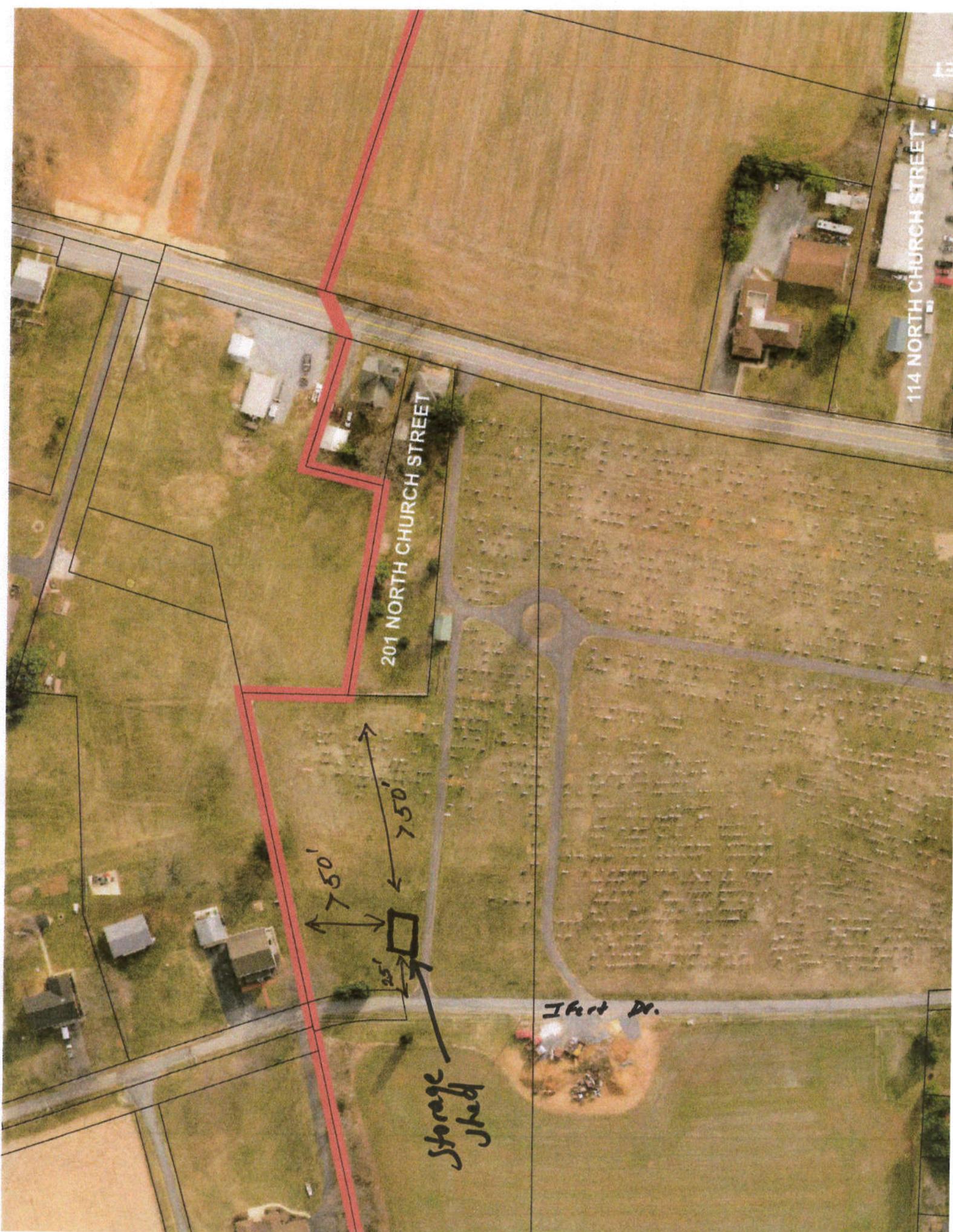
Cemetery Board



RECEIVED

MAR 31 2014

MIDDLETOWN, MD



201 NORTH CHURCH STREET

114 NORTH CHURCH STREET

I Part Dr.

Storage Shed

25'

750'

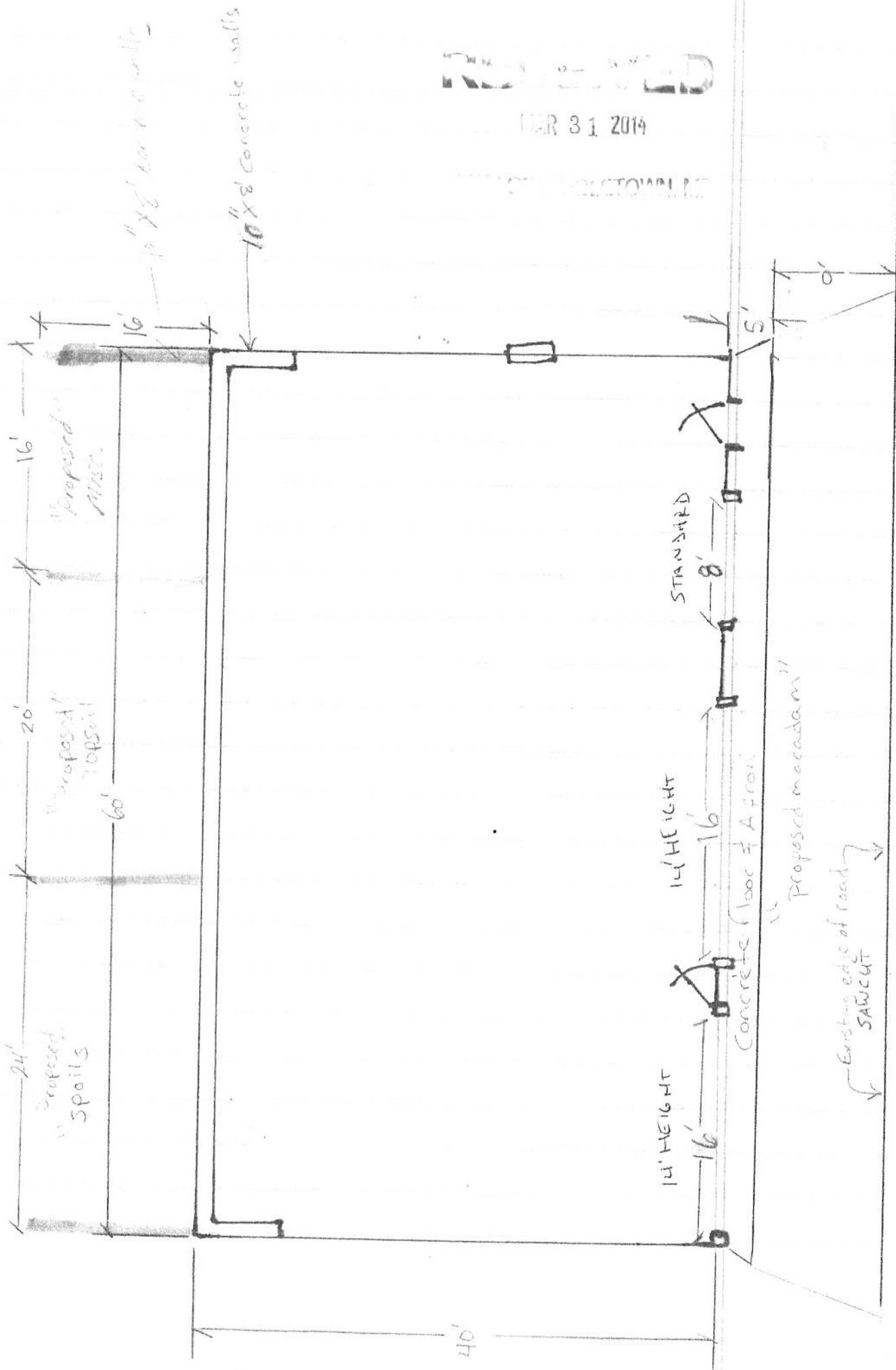
750'

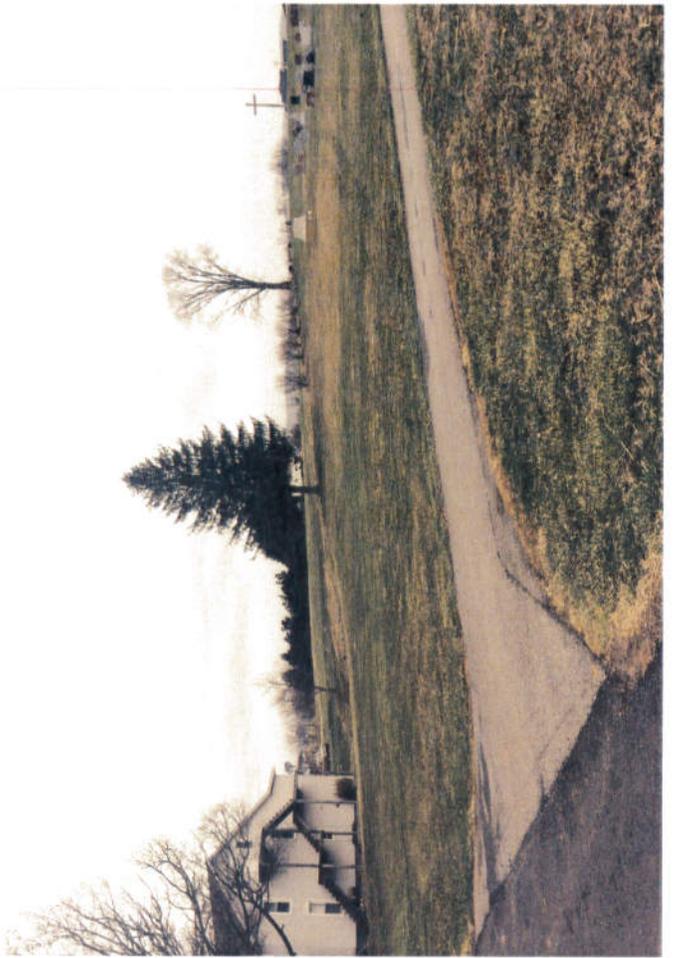
Zion Lutheran Church
 107 West Main Street
 Middletown, MD 21769
 301 371 6500

REVISED

MAR 31 2014

MIDDLETOWN, MD





Middletown Planning Office

MEMORANDUM

Date: 4/8/2014
Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **GARDEN CENTER SITE PLAN**
Tax Map Parcel #03-0128504
Applicant: Randy Bilder
Property Owner: Mauluda Ahmed
Plan Dated: April 7, 2014
Date Received: April 7, 2014

GENERAL INFORMATION

Proposal: Change of use of existing lots for a garden center behind the Subway building and a landscape office and retail sales shop in the vacant space next to the Subway restaurant. The garden center would display and sell plants, seasonal plant material and bags of mulch and bulk goods.

Location: 5 East Main Street, on north side of Main Street just east of Route 17 (North Church Street).

Zoning: GC General Commercial. This district permits retail sales of plants, floral items and general merchandise. The GC district is intended to provide areas for general commercial activities that service the needs of the entire community and the surrounding area.

Present Use: Vacant gravel lot and store front

COMMENTS

The following issues should be considered in your review of this Site Plan:

1. **Site plans required for approval by planning commission** – According to Section 17.32.230, site plans are required for all commercial buildings unless all of the following conditions are met: A. There is no change in the amount of parking needed; B. The intensity of use has not changed; C. There are no exterior structural changes; D. The building or use has not been grandfathered; E. The building or site meets all existing regulations for the district in which it is located. The site plan would require approval by the planning commission due to a change in the amount of parking needed and a change in the intensity of use.

The site plan shall show proposed building location and use, driveways, parking and loading areas, landscaping, water and sewer facilities, storm drainage facilities and street lighting, all showing relationships to adjacent development. The planning commission is being provided a

site plan drawing of the proposed garden center layout, a drawing of the indoor space adjacent to the subway restaurant, a waiver request for parking spaces, and e-mails from Frederick County Development Review department, Maryland State Highway Administration, and Frederick County Strategic Planning department.

2. **Use** – The proposed use is for year-round outdoor sales of plant material and mulch and bulk goods and other similar-type gardening materials (top-soil, bricks, pavers, etc.) along with a landscape shop/office in the space formerly occupied by Jo Michel Salon. Retail sales of plants and floral items are a permitted use in the General Commercial district. The outdoor retail use of a garden center is not addressed in any way in the Middletown Code at this time.
3. **Prior use** – vacant
4. **Parking** – The applicant is proposing a six-car parking area at the back of the property. There are no regulations for parking space minimums for outdoor retail sales within the Town. The applicant has requested a waiver to install the six parking spaces in the rear lot where loading of customer vehicles would occur. Section 17.32.060 does allow the planning commission to waive or reduce the parking requirements in the town commercial district or any other instances based on a demonstrated hardship. The site plan also shows a dedicated entrance and exit to the lot from North Church Street. Section 17.32.060.F. of the Middletown Code states that all required parking areas and all access drives shall be paved with concrete or bituminous paving material or other dust free surface. The applicant is proposing to put asphalt shavings on top of the existing gravel in the lot and has stated that once rolled, it will compact like new asphalt and is dust free as required by town code.

The applicant, Randy Bilder, and the staff planner met Scott Newill, Regional Engineer for Maryland State Highway Administration (MD SHA), on the project site to look at the current access from the north end of the lot onto State Highway Route 17. After reviewing the proposal and the site, Mr. Newill agreed with the suggestion of the Town Engineer, Bruce Carbaugh, that the town require a paved area measuring 10-feet back from the existing sidewalk on MD 17. It was determined that the existing access on MD 17 is adequate for the proposed use, however SHA will monitor the access and should access changes be needed in the future, those changes will be the responsibility of the developer. Mr. Newill further stated that no access permit or further plan review is necessary on their part.

Based on the proposed square footage of the indoor area which is about 288 square feet (Section 17.32.060), the floral retail use would require one parking space per 150 square feet of gross floor area. The parking spaces needed for the use would then be 2 spaces. The previous hair salon use required one parking space per 300 square feet of gross floor area; thus the previous use required 1 space. The aerial photo indicates that there 17 total spaces for the Subway and adjoining business. The total square footage of the building is about 1,480 which would require 16 parking spaces for the existing use and the proposed use. Staff would recommend that the applicant purchase vehicle stops to place where needed in the parking lot and move existing stops out of the sidewalk area.

5. **Stormwater management** – The applicant met with Vijay Kapoor, the stormwater management reviewer from Frederick County Development Review. Mr. Kapoor has informed the applicant, and the staff planner, that if the project does not involve removal of any existing gravel area, then it is not a proposed land disturbance for storm water management.
6. **Signage** – Any proposed signage is to be presented to the town zoning administrator for approval before being installed. The applicant is proposing one sign near the proposed entrance/exit on the north side of the property.
7. **Lighting** – The only onsite lighting that is existing are the pole lights that are to the north of the property. No additional lighting is being proposed.
8. **Security** – Although the Town endeavors to be as safe a community as it can, the outdoor storage of materials might predispose the applicant to theft unless the area was secure. The plans show fencing and a gate at the access on the north side of the lot from MD 17 and a gate across the property on the northeast side of the existing building. A fence is also shown on the west side of the building adjacent to the steps to the sales patio.
9. **Lot requirements** – The proposed use is to be located in the vacant area behind the existing building which includes the Subway business along with the vacant space adjacent to the restaurant. The site plan also shows a small storage shed to be located behind the existing building. Section 17.32.170 states that one-story accessory buildings with a maximum height of 25-feet may project into yards provided that when more than ten feet from the building, it may project into the side or rear yards providing it projects no closer than six feet to the side or rear lot lines. The site plan should indicate the distance from the existing building to determine the appropriate setbacks if needed. The existing building pre-dates the zoning ordinance and does not meet current setback requirements. The applicant has stated that he pays taxes on two different land parcels that have two different tax ID numbers, and the County agrees with him that there are two separate lots.
10. **Water and Sewer requirements** – No additional water will be needed on the site, and the existing building has public water and sewer.
11. **Approval by Frederick County** - A change of use application will need to be filed with the Frederick County Permits department, along with a building permit for the storage shed if it is proposed to be greater than 150 square feet.
12. **Expiration of site plan approval** – Section 17.32.250 states that approval of a site plan shall expire three years after the date on which the Planning Commission approves the site plan unless construction has begun. Upon written request to the Planning Commission no later than one month prior to the expiration date, and for good cause shown by the applicant, a one-time extension for a period not to exceed six months may be granted by the Planning Commission.

This review will be included in the Middletown Planning Commission materials for the April 21, 2014 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be April 16, 2014.

Cindy

Find in this packet:

- Email from Vijay Kapoor of Frederick County Department of Planning stating I do not need a storm water management survey.
- Email from Scott Newill of State Highway Administration stating no access permit nor further plan is necessary to access route 17.
- Email from Todd Weidman regarding separate land parcels.
- Large drawing of property, **not to scale**, detailing location of buildings, driveways, parking and loading area.
- Small drawing, detailed, of building and garden center inside building.
- Request sheet for planning commission.

Cordially

Randy Bilder

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MAR 07 2014

PLANNING COMMISSION

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Randy



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 - NARCOA 2
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 - RANDY
 - REZWAN
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Parking lot 5 East Main Street, Middletown (6)

Me Vijay I will be sending you pictures of the parking lot from my phone through email which you r Mar 12

Me Vijay I will be sending you pictures of the parking lot from my phone through email which you r Mar 12

Kapoor, Vijay Mar 13

To Me, Crable, Dave, Cindy@ci. middletown. us, and 1 More...

Randy,
 Looking at the pictures, It does look that you would be parking on top of existing gravel areas or existing impervious areas. If your project does not involve removal of existing gravel area then it is not a proposed land disturbance for storm water management.
 Thanks!
 Vijay

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Me Vijay Thank you for such a quick response. I appreciate all your help. Cordially Randy Bilder Sent Mar 13

Me Mar 13

To Kapoor, Vijay, Crable, Dave, Cindy@ci. middletown. us, and 2 More...

Vijay
 Thank you for such a quick response. I appreciate all your help.
 Cordially
 Randy Bilder

[Sent from Yahoo Mail on Android](#)

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Cindy Unangst Mar 13

To Me

Hi Randy – good news, huh?!

Please give me a call when you have a chance.

Cindy

Cynthia K. Unangst, AICP
Middletown Staff Planner
Town of Middletown
31 West Main Street
Middletown, MD 21769
301-371-6171
cunangst@ci.middletown.md.us

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by Dorianne Jacobson on flickr

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Parking lot 5 East Main Street, Middletown (6)

Me Mar 12
To vkapoor@FrederickCountyMD.gov, Cindy@ci. middletown. us, MTNMN749@YAHOO COM, and 1 More...

Vijay

I will be sending you pictures of the parking lot from my phone through email which you requested when we discussed this issue the other day in your office. The lot is located on our commercial property at 5 East Main Street in Middletown behind our subway store. I plan on leasing this area out to a landscaper who wishes to place a landscaping business on it selling shrubs and other related landscaping items. As stated the lot has been a gravel lot since the building was built and who knows when that was, the 50's I imagine if not before. A large part of the lot still has gravel covering it while other areas the gravel has been either pushed down into the dirt, which is a mud area now but still hard as a rock, or the weeds and grass started growing up through the stones since I didn't resurface it the last several years. Regardless you can see that it had stone down and there is a driveway sleeve coming off of Church Street into the lot and then a asphalt driveway going out the other side by the building. This proves that this is not, and has been not, a grassy field but a parking lot with gravel in it for decades which exempts it from the storm water management survey, well it should. Let me know if there are any questions.

Cordially

Randy Bilder
240-344-7996

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Me Mar 12
To vkapoor@FrederickCountyMD.gov, Cindy@ci. middletown. us, MTNMN749@YAHOO COM, and 1 More...

Vijay

I will be sending you pictures of the parking lot from my phone through email which you requested when we discussed this issue the other day in your office. The lot is located on our commercial property at 5 East Main Street in Middletown behind our subway store. I plan on leasing this area out to a landscaper who wishes to place a landscaping business on it selling shrubs and other related landscaping items. As stated the lot has been a gravel lot since the building was built and who knows when that was, the 50's I imagine if not before. A large part of the lot still has gravel covering it while other areas the gravel has been either pushed down into the dirt, which is a mud area now but still hard as a rock, or the weeds and grass started growing up through the stones since I didn't resurface it the last several years. Regardless you can see that it had stone down and there is a driveway sleeve coming off of Church Street into the lot and then a asphalt driveway going out the other side by the building. This proves that this is not, and has been not, a grassy field but a parking lot with gravel in it for decades which exempts it from the storm water management survey, well it should. Let me know if there are any questions.

Cordially

Randy Bilder
240-344-7996

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Kapoor, Vijay Mar 13
To Me, Crable, Dave, Cindy@ci. middletown. us, and 1 More...

Randy,
Looking at the pictures, It does look that you would be parking on top of existing gravel areas or existing impervious areas. If your project does not involve removal of existing gravel area then it is not a proposed land disturbance for storm water management.
Thanks!

by Dorianne Jacobson on flickr

Subject: FW: Middletown Garden Center
From: Cindy Unangst (Cindy@ci.middletown.md.us)
To: mtnmn749@yahoo.com;
Date: Tuesday, March 25, 2014 7:39 AM

Hi Randy – Below is the follow-up from Mr. Newill of SHA.

Cindy

From: Scott Newill [mailto:SNewill@sha.state.md.us]
Sent: Tuesday, March 25, 2014 7:17 AM
To: Cindy Unangst
Subject: Middletown Garden Center

Cindy,

This email is a follow up to our recent on-site meeting for Middletown Garden Center. Please forward this to Mr. Bilder, as I don't seem to have his email address.

SHA requests the town require a paved area measuring 10' back from the existing sidewalk on MD 17. The existing access on MD 17 is adequate for the proposed use however SHA will monitor the access and should access changes be needed in the future, those changes will be the responsibility of the developer. **No access permit nor further plan review is necessary.**

Thanks,

Scott

D. Scott Newill

Regional Engineer

West Region

Access Management Division
Office of Highway Development

Maryland State Highway Administration
707 N. Calvert Street, Mailstop C-302
Baltimore, Maryland 21202
Voice: 410-545-5606, Fax: 410-209-5026
email: snewill@sha.state.md.us



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Randy



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5 E main (2)

Cindy Unangst

Mar 19

To Me

Hi Randy - I received this e-mail from the County regarding the parcel and number of lots.

Cindy

From: Weidman, Todd [mailto:TWeidman@FrederickCountyMD.gov]
Sent: Tuesday, March 18, 2014 12:29 PM
To: Cindy Unangst
Subject: 5 E main

Cindy,
 Tax parcel 685 does appear to be described in the deeds as two separate parcels.
 Also, I do see these parcels on the deeds chaining back into the 1940's.

Without creating a deed plotting, it's hard to say where these parcels are found and how they relate to each other.
 I hope that helps.
 Todd

Todd E. Weidman
Strategic Planning
Community Development Division
Frederick County Government
30 North Market Street
Frederick, MD 21701
301 600 1436

Reply, Reply All or Forward | More

Me

Mar 19

To Cindy Unangst, MAULUDA AHMED

Cindy

Explain to me what it matters or why it is being required to know where these lots connect? The one lot is going to be the front parking lot and including the subway building and maybe a little in the rear lot and then the other one just the rear vacant lot. Is there some law or code requiring me to show where these are divided in order to move forward? Since we own both lots it should be irrelevant. Otherwise I am going to have to hire a surveyor to survey the lots at a cost of several thousand dollars and why when I basically know the outside borders of both lots, just not the location where they connect. Await your reply.

Randy

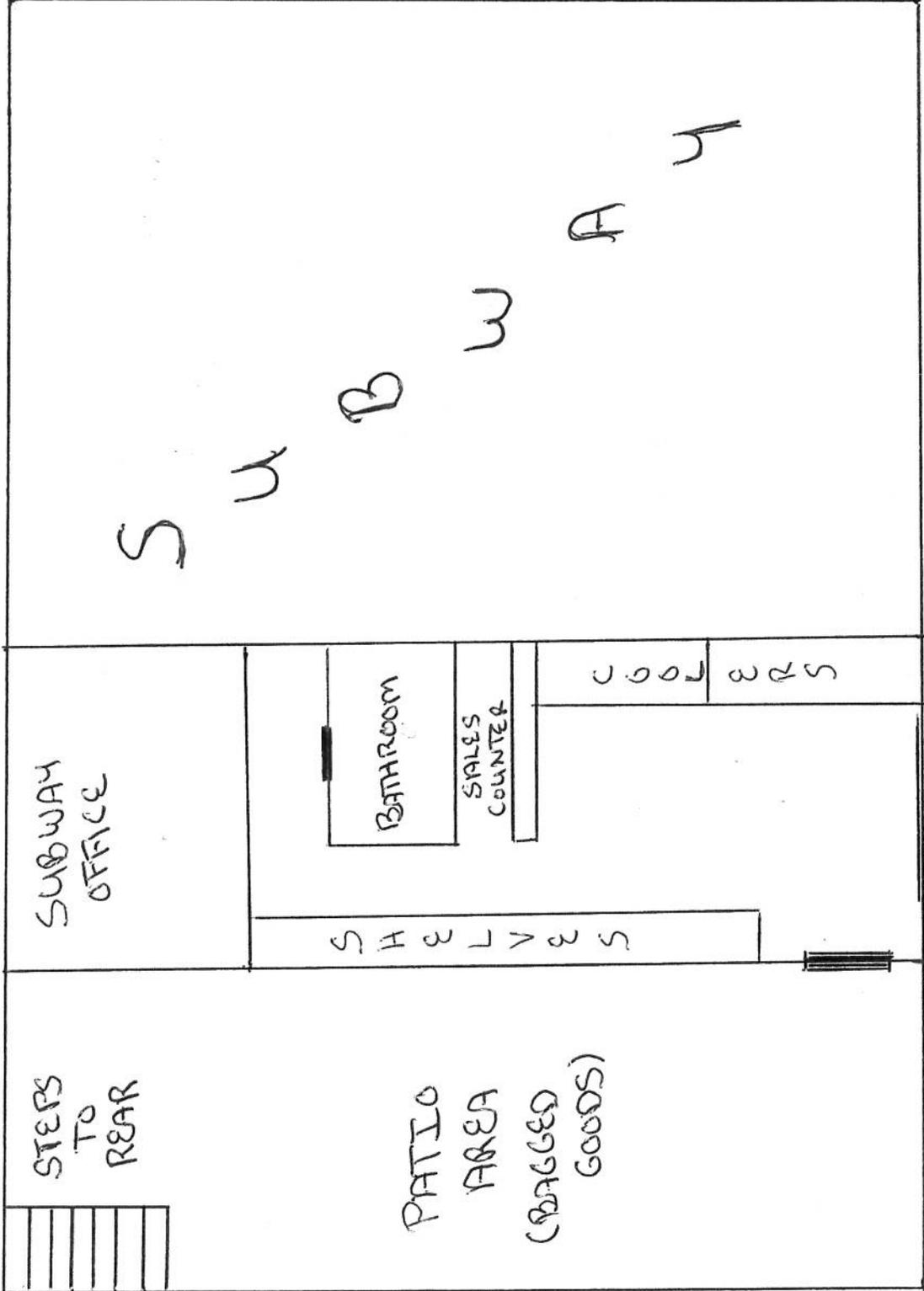
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by Doranne Jacobson on flickr



5 EAST MAIN STREET

Planning Commission

I would be requesting the following:

- Approval for year round garden center/floral business to be conducted on premises. (In old salon and rear parking lots.)
- A waiver of required 2 parking spaces in front lot for garden center/floral shop down to 1 parking space. There is currently 17 parking spaces in front lot, 16 of which are required by the Subway.
- Additionally a waiver to install 6 parking spaces in the rear lot according to plans for garden center/floral business where loading of customer vehicles would occur.

Cordially

Randy Bilder

Middletown Planning Office

MEMORANDUM

Date: 3/7/2014

To: Middletown Planning Commission

From: Cindy Unangst, Middletown Staff Planner

RE: **DRAFT ANNUAL REPORT**

The following document is enclosed for your review and direction:

- Draft Annual Report for the year ending 2013, and all planning and zoning activity reflected for that year, conducted by the PC, staff, zoning administrator, and Board of Appeals. This report must be reviewed, and staff would request comments, especially on goals for the new year, before forwarding with recommendation of adoption by the Town Board to submit to the State.



MIDDLETOWN PLANNING COMMISSION

2013 ANNUAL REPORT

Approved _____, 2014 by Burgess & Commissioners

BURGESS & COMMISSIONERS

John Miller, Burgess (4/2012-4/2016)

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

Larry Bussard (4/2010-4/2014)

Richard Dietrick (4/2010-4/2014)

Anthony Ventre (4/2012-4/2016)

Chris Goodman (4/2012-4/2016)

Andrew J. Bowen, Town Administrator

Middletown Planning Commission

Mark Carney, Chairman (12/2011-12/2016)

Robert Smart (12/2011-12/2016)

David Lake (2/2012-2/2017)

Bob Miller (1/2010-5/2013) (5/2013-5/2018)

Chris Goodman, Comm. Ex-Officio (4/2012-4/2016)

Rich Gallagher, Alt. (2/2011-2/2016)

Ron Forrester, Temp. Alt (6/2012-6/2017)

Middletown Board Of Appeals

Fred Rudy, Chair (6/2010-6/2013)(6/2013-6/2016)

Thomas Routzahn (1/2008-2/2014)

Kenneth Kyler (1/2008-2/2014)

Chris Stimac, Alternate (1/2008-2/2014)

Planning Department Staff

Cynthia K. Unangst

Town Zoning Administrator

Cynthia K. Unangst (January-November 2013)

Andrew Bowen (December 2013)

Engineering Staff

Bruce Carbaugh, Director of Operations and Construction

INTRODUCTION

Section 1-207 of the Land Use Article 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.

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
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
2011 Estimate	4,163	27
2012 Estimate	4,272	109
2013 Estimate	4,295	23

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. **(Plan names are shown on attached map.)**

CONCEPT PLANS PRESENTED-2013

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
1A. Fire Department Station Franklin Street	1	OS	Discussion of concept plan for new fire station (4/22 and 8/19)

1B. Cross Stone Shopping Center Middletown Parkway	4	GC	Discussion of concept plan for shopping center with four commercial buildings (5/20)
1C. Miller Property	4	TC	Discussion of concept plan for restaurant and market (9/16)

SITE PLANS-2013

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
2A. Washington Gas Line/ Cone Branch Walking Path	1	R-1	Approval of walking path and underlying gas line (Approved 1/21)
2B. High School C-container Schoolhouse Drive	1	OS	Approval of temporary C-container at high school (Approved 2/18)
2C. Municipal Center C-container West Main Street	1	TC	Approval of temporary C-container (Approved 2/18)
2D. Potomac Gun Depot West Main Street	1	TC	Approval of internet-based gun retail business (Approved 2/18)
2E. Thompson Parking Lot East Green Street	1	R-2	Approval of parking lot use in R-2 district by special exception (Approved 4/22)
2F. Potomac Gun Depot West Main Street	1	TC	Approval of revised site plan for gun retail business (Approved 6/17)
2G. Rudy Pool Demolition Broad Street	1	R-1	Approval of demolition of in-ground pool (Approved 6/17)
2H. Rock Star LLC West Main Street	1	TC	Approval of personal training business (Approved 6/17)
2I. More Ice Cream West Main Street	1	TC	Approval of ice cream parlor (Approved 6/17)
2J. Right-A-Way Powder Coating North Church Street	1	GC	Approval of powder-coating business (Approved 6/17)
2K. Valley School Demolition East Green Street	1	R-2	Approval of demolition of existing garage and shed (Approved 7/15)
2L. Valley School East Green Street	1	R-2	Approval of child day care center (Approved 8/19)
2M. High School C-Container Schoolhouse Drive	1	OS	Approval of extension of temporary C-container (Approved 8/19)
2N. Cross Stone Commons Middletown Parkway	4	GC	Approval of shopping center development (8/19; Approved 11/18)

20. Fire Station Franklin Street	1	OS	Approval of new fire station (Approved 11/18)
-------------------------------------	---	----	--

MASTER PLANS-2013

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
3. Coblenz Property East Green Street	81	R-3	Approval of amended Master Plan (Approved 1/21)

PRELIMINARY PLANS-2013

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
4. Coblenz Property East Green Street	81	R-3	Approval of neo-traditional residential development (Approved 3/18)

MASS GRADING/SWM PLANS-2013

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

IMPROVEMENT PLANS-2013

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
5A. Fire Dept. Activities Center Fireman's Way	1	OS	Approval of improvement plans for the fire department activities center (Approved 4/22)
5B. Valley School East Green Street	1	R-2	Approval of improvement plans for child daycare center (Approved 8/19)
5C. Coblenz Property East Green Street	81	R-3	Approval of improvement plans for neo-traditional residential development (Approved 10/21)

FOREST CONSERVATION PLANS-2013

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
6A. Coblenz Property East Green Street	81	R-3	Approval of preliminary forest conservation plan (Approved 1/21)
6B. Valley School East Green Street	1	R-2	Approval of combined forest conservation plan (Approved 6/17)
6C. Cross Stone Commons Middletown Parkway	4	GC	Approval of preliminary forest conservation plan (Approved 11/18)

CORRECTION PLATS-2013

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

ADDITION PLATS-2013

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
7. Cross Stone Commons Middletown Parkway	4	GC	Approval of addition of two parcels into one (Approved 11/18)

FINAL PLATS-2013

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
8. Fire Station Franklin Street	1	OS	Approval of final plat for new fire station (Approved 10/21)

RE-ZONING REQUESTS:

None

ANNEXATIONS:

Middletown County Park Coblentz Road	74 acres	OS	Approval of Town request to annex park into town boundaries (9/16)
---	----------	----	---

TEXT AMENDMENTS:

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

Parking Lot special exceptions – Planning Commission recommended adoption of parking lots as a use in the R-2 zoning district permitted by special exception and to establish specific standards which must be met in order to permit parking lots in the R-2 district by special exception. (Section 17.06.030, Section 17.48.400) [PC recommended 12/17/2012; B&C adopted 2/11]

Forest Resource regulations – Planning Commission recommended adoption of regulations relating to forest conservation including the addition of definitions for “priority funding area” are “stream restoration project” and the addition of exemptions from the forest conservation requirements. (Section 16.40) [PC recommended 12/16]

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. Thompson	Special exception for parking lot	32 East Green St.	Approved (conditionally)	3/27/13
B. Valley School	Special exception for daycare center	30 East Green St.	Approved	5/8/13
C. Cross Stone Commons	Special exception for shopping center	Middletown Parkway/ Alt. 40A	Approved (conditionally)	5/8/13
D. Wells	variance of 4’ for pool	29 Wagon Shed Lane	Approved	5/8/13
E. Warner	variance of 10’ for deck	212 Layla Drive	Approved	6/24/13

INFRASTRUCTURE PROJECTIONS:

TRANSPORTATION:

Action taken by the Town in the year 2013 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 is resurrecting the plans and cost estimates for improvements to the Main Street area of Middletown. The scope of the work includes 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 387,000 gallons per day (gpd). The average daily use for 2013 was 296,000 gpd (down from 300,000 in 2012). The Town's continued annual decrease in water use is due to the Town's leak detection program and water conservation program. The water system is routinely monitored for possible contaminants in accordance with Federal and State laws, and none were at violation levels in 2013.

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 2013 were 215,000 gpd (up from 198,000 in 2012).

The discharge for the West End WWTP at Catocin Creek in the southwest section of Town is 250,000 gpd. Average daily flows for 2013 were 182,000 gpd (slightly down from 183,000 gpd in 2012).

There were no violations for either plant in 2013.

NATURAL GAS

A natural gas line installation completed in 2013 provides natural gas to the school complex in Middletown. This upgrade provides enormous savings to the schools and was funded by Frederick County Public Schools. The Town provided the necessary easement across Town property to reduce the cost of running the line down Main Street.

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 2013, the Town completed construction of the walking/biking trail along the Cone Branch Creek. This walking/biking trail connects the existing sidewalk system to Remsberg 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 control (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 2013.

STRATEGIC PLANNING INITIATIVES

ZONING ORDINANCE UPDATE

The Planning Commission and planning staff began a comprehensive review of the Town Zoning Ordinances to review changes for consistency with the updated Middletown Comprehensive Plan in 2010.

PLANNING COMMISSION RECOMMENDATIONS:

ONGOING RECOMMENDATIONS:

1. Review walkway and 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.
4. 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.

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 potential projects to consider for any applicable funding associated with the new Sustainable Communities designation through DHCD.
4. Planning Commission will promote electronic filing of permits and plans, adjustment of submission requirements as needed and use of electronic records review by the planning staff and the Planning Commission.

Permits Issued

TYPE	1996	1997	1998	1999	2000	5 yr.	2001	2002	2003	2004	2005	5 yr.	2006	2007	2008	2009	2010	5 yr.	2011	2012	2013	2014	2015
	Single - Family	45	36	29	18	40	168	75	106	92	45	22	340	30	31	12	17	23	113	10	12	5	
Multi-Family	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	
Duplex	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0		
Townhouse	0	0	0	0	0	0	0	0	42	15	0	57	16	19	23	24	0	82	0	0	0		
Apartments	0	0	1	0	0	1	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0		
Interior Improvements	0	0	0	0	0	0	9	11	20	19	22	81	18	20	19	12	19	88	15	11	12		
Additions	0	0	0	0	0	0	6	15	15	28	20	84	8	12	2	6	2	30	6	7	4		
Pools & Hot Tubs	5	5	4	6	3	23	7	9	9	16	4	45	8	12	7	4	3	34	2	6	5		
Decks & Porches	18	23	34	20	11	106	18	38	36	64	39	195	37	41	31	27	28	164	32	19	9		
Accessory Structure	6	12	18	5	25	66	14	15	24	23	16	92	18	13	14	9	9	63	6	5	7		
Fences	6	13	19	17	11	66	18	27	41	36	29	151	23	16	25	24	20	108	16	24	13		
Demolitions	1	2	2	0	2	7	1	1	0	1	2	5	0	2	0	2	1	5	2	1	2		
Propane Tanks	0	0	0	0	0	0	1	1	3	6	6	17	3	4	2	2	1	12	6	2	4		
Sales Trailer	0	0	0	0	0	0	3	2	0	0	3	8	0	0	0	0	0	0	0	0	0		
Pump Station	0	0	0	0	0	0	1	0	0	0	0	1	0	0	1	0	0	1	0	0	0		
Signs	1	8	2	2	3	16	8	6	4	4	7	29	5	7	2	5	6	25	7	8	6		
Solar panels	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4		
New Commercial	0	7	2	2	4	15	2	4	0	0	0	6	0	0	0	0	1	1	0	0	2		
Commercial Conversion	0	0	0	0	0	0	4	5	7	6	8	30	1	2	7	3	3	16	4	6	5		
Industrial Conversion	0	0	0	0	0	0	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0		
Office Conversion	0	0	0	0	0	0	4	4	0	1	4	13	14	3	0	5	2	24	0	3	0		
Other														2	1	2	2	7	5	4	4		
Total Permits	82	106	111	70	99	468	173	245	293	264	182	1157	182	184	146	142	120	774	111	108	83		

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

Per SB 276/HB 295

Second Report due July 1, 2014 for Calendar Year 2013

Town of Middletown

(name of jurisdiction)

Prepared by the _____ Middletown _____ Planning Commission
for the period January 2013 through December 2013

Submitted on _____

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):

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

Creation of new lots and the issuance of residential and commercial building permits inside and outside the PFA: **5 residential single-family dwelling permits were issued inside the PFA; seven commercial building permits were issued inside the PFA in which five were change of use permits and two were new commercial buildings;**

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

Number of acres preserved using local agricultural land preservation funding: **none**

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 Commission for the period
January 2013 through December 2013

Submitted on _____, 2014 (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: *none*
 - (b) New building permits issued; *6*
 - (c) Zoning map amendments; *none*
 - (d) Zoning text amendments that resulted in changes in development patterns; *none*
 - (e) New Comprehensive Plan or plan elements adopted; *none*
 - (f) New roads or substantial changes in roads or other transportation facilities; *none*
 - (g) New schools or additions to schools; *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).

No changes in development patterns.

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, they are consistent.*
- (b) The recommendations of the last annual report; *yes, they are consistent.*
- (c) The adopted plans of the local jurisdiction; *yes, they are consistent.*
- (d) The adopted plans of all adjoining local jurisdictions; *yes, they are consistent.*
- (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, they are consistent.*

4. **Process Improvements** - What are your jurisdictions plans for improving the local planning and development processes? *Walk-thru permits continue to be available thru local/County coordination; the Middletown Planning Commission holds a workshop ahead of the monthly meeting to review agenda items which makes it easier to approve plans at the monthly meeting.*

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.

Parking lots were added as a special exception use in the R-2 residential zoning district with specific standards being established for them.

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission
From: Cindy Unangst, Staff Planner
Date: 4/11/2014
RE: Monthly Planning Update

Major Subdivisions:

Coblentz on Green – SWM Concept Plan – approved by County October 15, 2010
Water Tap agreement approved by Burgess & Commissioners – March 2012
Planning Commission approved Forest Stand Delineation/Forest Conservation Plan – Jan 2013
Master Plan Amendment approved - March 11, 2013
Planning Commission conditionally approved preliminary plan – March 18, 2013
Improvement plans conditionally approved – October 16, 2013
Final FRO Plan submitted – March 31, 2014

Foxfield Section 4- FRO plantings have all been installed. 11 homes still to be built.
1st year FRO review – 67% compliance – 232 additional trees planted (May 2013)
2nd year FRO review – **68% compliance – 196 additional trees need to be planted**

Site Plans and Minor Subdivisions:

AMVETS Expansion Plans – Site Plan approved – October 15, 2012; (Plans expire 10/15/2015)

Chesterbrook Apts/Middletown Valley Apts - Site Plan approved – July 17, 2006
Improvement Plans approved and signed – September 16, 2008
SWM waiver received from County – May 12, 2011
SWM admin waiver shall expire on May 4, 2017; final plans approved prior to May 4, 2013.

Coblentz Grove minor subdivision – FSD & Forest Conservation Plan approved – November 15, 2010
Final Plat approved – July 18, 2011 (recorded – October 24, 2012)
U&O's released for two of the lots – October 29, 2013

Fire Station – Concept plan submitted to PC for comments – April 22, 2013
Fire Station plat conditionally approved – October 16, 2013
Fire Station Site Plan conditionally approved – November 18, 2013

Hollow Creek Golf Course SWM Pond #1 Revision plans submitted to County - December 1, 2010
Plans approved by County – December 22, 2010
Revised Plans submitted for PC review – December 30, 2010

Horman Apartments- Site Plan approved – April 21, 2008
Improvement Plans conditionally approved – May 17, 2010

Jiffas – Site Improvement Plan conditionally approved – October 20, 2008
Forest Conservation Plan approved – October 20, 2008

Middletown H.S. Stadium Concession Stand Expansion Plan – approved June 18, 2012
(Plans expire June 18, 2015)

Miller (Ingalls) – Concept and Phase I & II Plan approved & signed – September 27, 2010
Revised Concept Plan reviewed by PC – September 16, 2013
Concept Plan sent to SHA for review – September 23, 2013
SHA comment letter received February 18, 2014

More Ice Cream site plan – conditionally approved – June 17, 2013
Change of Use permit approved – July 2, 2013

Newton Property (Cross Stone Commons) – Concept Plan submitted – October 1, 2012
Traffic Impact Study submitted – October 18, 2012
BOA Special Exception Use Hearing – May 8, 2013 (Conditionally approved)
FRO Preliminary Plan approved – November 18, 2013
Addition Plat conditionally approved by PC – November 18, 2013
Revised Site Plan conditionally approved by PC – November 18, 2013
Improvement Plans submitted – February 5, 2014
Revised architectural plans approved by PC – March 17, 2014

Potomac Gun Depot – plans conditionally approved – February 18, 2013
Revised site plan conditionally approved – June 17, 2013

Putman – Site Plan conditionally approved- November 17, 2008
Forest Conservation Plan approved – June 16, 2009
Improvement Plans approved and signed by all agencies – July 2010
Revised Site Plan approved – April 16, 2012; (Plans expire April 16, 2015)

Subway property - Garden Center – Site plan submitted – April 7, 2014

Thompson Funeral Home Parking Lot – revised site plan conditionally approved April 22, 2013
SWM Plans conditionally approved by Frederick County – October 29, 2013

Zion Lutheran Cemetery Storage Shed – site plan submitted – March 31, 2014

Annexations:

A.C. Jets Property- PC approval of annexation petition of 35.96 acres – December 21, 2009
Public hearing date - Monday, October 11, 2010
Annexation petition denied – October 11, 2010

Text Amendments:

Zoning Code review – ongoing

Development Review Fees text amendment – Public Hearing held March 24, 2014

Active Adult text amendment – received language from Farhad – October 28, 2013
Planning Commission review – November 18, 2013 (no recommendation)

Planning Commission recommended approval of text amendment with cluster development regulations – March 17, 2014

Public Hearing – May 12, 2014

Sandwich board text amendment – PC recommended approval – January 20, 2014

Town Board Public Hearing held April 3, 2014

Adult Uses text amendment – Town Attorney has drafted an ordinance for review

Reports: Draft Annual Report submitted to PC for review and approval – April 11, 2014

Meetings: