

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA
Monday, April 18, 2016
7:00 p.m.

- I. **Public Comment**
- II. Minutes of January 2016 Planning Commission workshop **Approval**
Minutes of January 2016 Planning Commission meeting **Approval**
- III. **Plan Review - none**
- IV. **Zoning**
- V. **Miscellaneous**
 - 2015 Draft Annual Report and Map **Review/Approval**
 - Review Planning Commission's Rules of Procedure **Discussion**
 - Review 14 topics in which a public body can meet in closed session **(Workshop only)**
- 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 COMMISSION
31 West Main Street
Middletown, Maryland**

Workshop

January 13, 2016

The regular workshop of the Middletown Planning Commission took place on Wednesday, January 13, 2016 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commissioners Mark Carney (Chairman), Chris Goodman (Ex-Officio), Bob Miller, Rich Gallagher and David Lake. Others present in official capacity: Cindy Unangst (Staff Planner). Others present: Marlana and Pat Putman; Richard Mon, Jian Jun Sun, and Richland Golf Course's new general manager.

JANUARY MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN Review

Richland Golf Course Driving Range Structure concept plan – (Richard Mon (owner representative), Jian Jun Sun (Architect) and Raymond Reyes (Richland Golf Course General Manager) were present.) Cindy went thru the staff report and explained the two zoning districts associated with this proposed development. In talking about the change of use associated with the current clubhouse if the pro shop is relocated to the new structure, the applicant stated that a sushi bar or private dining rooms might be added in that space. Chairman Carney told the applicant that he wants the HOA to be aware of this proposed development. The applicant also stated that there would be no lighting of the proposed structure; Chairman Carney replied that they might want to consider security lighting though.

POD – 704 East Main Street – (Marlena Putman (property owner) and Pat Putman were present.) Cindy went over the staff report. Chairman Carney wanted to make sure that the expected removal date will work for the applicant so they don't have to come back before the PC again. The applicant stated that they were sure the POD would be removed by the end of February. Commissioner Lake asked whether approval permits are still being put in place on approved storage containers. Cindy stated that an approved notice will be put on this POD, but wasn't sure whether the Zoning Administrator had been doing that in the past year or so.

MISCELLANEOUS –

Review Maryland's Open Meetings Act – Chairman Carney went thru the key points in the Open Meetings Act FAQs guide that was included in the PC's packet.

Review Robert's Rules of Order – Commission members listened to four videos that Chairman Carney found on YouTube that reviewed the Rules of Order. Videos viewed were: Parliamentary Terms, Motions I, Handling Motions, and Handling a Motion II. Cindy suggested that the PC review the Planning Commission's Rules of Procedures at their workshop next month.

Workshop adjourned at 8:00pm.

Respectfully submitted,

Cynthia K. Unangst
Middletown Staff Planner

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

January 18, 2016

The regular meeting of the Middletown Planning Commission took place on Monday, January 18, 2016 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commissioners Mark Carney (Chairman), Chris Goodman (Ex-Officio), Bob Miller, Bob Smart and David Lake. Others present in official capacity: Commissioners Rich Gallagher (Alternate), Dixie Eichelberger (Temp alternate), Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: Richard Mon (Richland Golf Course owner representative), Raymond Reyes (Richland Golf Course General Manager), John Greene, Jr. (Glenbrook property owner), Jack Sheriff (Glenbrook resident) and Joe Rollek (Glenbrook resident).

JANUARY MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – Mr. Rollek asked if anything was going to be done about the white fence behind CVS. The color of the fence was indicated on and approved as part of the site plan. There will be plantings in front of it as specified in the plans as well. The fence will also be hidden by buildings to be built as the site develops. Mr. Sheriff asked if there was any other interest in the development; if other businesses had been identified as going into the space. The Planning Commission has not heard of any other business going in to the development at this time.

II. Regular Meeting Minutes of October 19, 2015 – Approved as submitted.

III. PLAN Review

Richland Golf Course Driving Range Structure concept plan – (Richard Mon (owner representative), Raymond Reyes (Richland Golf Course General Manager), John Greene Jr (town property owner, Jack Sheriff (resident) and Joe Rollek (resident) were present.) This is a concept plan for a proposed driving range structure to be built to house golf carts, café, bathrooms, offices and covered heated driving range stalls. The structure will be located at 50 Glenbrook Drive. The property is zoned a combination of general commercial and open space, both of which allow this type of business/structure. The proposed 6,200 square foot one-story building would meet the parcel lot requirement. The concept plans met most of the requirements for a concept plan except for the following: the owners name and address needs to be added, contours of the property need to be added and the zoning classifications need to be indicated.

- **Parking** – Given the number of off-street parking spaces required by code, and the uses proposed within this structure, sixty-one (61) spaces would be needed (3 for the café, 1 for the pro shop, 1 for the offices and 56 for the recreational establishment aspect of the facility.) Because of the area dedicated to golf cart storage and the 18 stalls for the driving range, the 56 proposed parking spaces required for the recreational aspect is much more than needed. The Staff Planner stated that the spaces needed for the proposed accessory use building would be more than met by the current parking lot. The developer stated that the parking lot at the maintenance facility across the street will be utilized as an overflow parking lot if needed.
- **Irrigation Lines** – The Developer was provided a copy of the original clubhouse as-builts from the Director of Public Works. The as-builts show irrigation lines located in the area under the golf cart path. The as-builts were provided so the developer was aware of the irrigation lines existence.

- **New Building Sketch Review** – The developer reviewed the sketch of the planned building. He stated they will expand the restrooms to make them more like club house style restrooms with showers etc. Due to Town Code roof height restrictions, the roofline may be altered to meet the requirements. There will be two (2) VIP rooms/tee stalls for rent. The wall between them will be retractable/removable so the spaces can become one larger space if needed.
- **Open Space and General Commercial Zoning For that Property** – When the Town Comprehensive Plan is updated, refinements will occur to correct the confusion of that particular property.

The Staff Planner reviewed the steps involved when developers bring ideas for new buildings within the Town of Middletown to the Planning Commission for residents attending the meeting. The developer is recommended to go to the County for stormwater management approval prior to bringing the Site Plan before the Planning Commission. The Glenbrook HOA has concerns and wants to be kept informed because of the twelve (12) biofilters it currently maintains on that site. The developer would like to have the stormwater management plan approval completed by March 2016.

Action: No action required.

POD – 704 East Main Street – (No one was present for the property owner.) This is for a temporary use of a storage container for storage of furniture while renovations are completed within the dwelling. The storage container has been on site for several months. The applicant realizes it is in violation without proper approval and is looking to rectify that. The storage container is about 7.5 feet wide, 8 feet tall and 16 feet long. It is situated on the driveway as close to the dwelling as possible and approximately 10 feet from the side property line. There is no other location on the property for this container to be located. The storage container is expected to be removed by the end of February 2016, if not sooner. The applicant spoke with the company that placed the container to make them aware of the approval requirement for any future containers that company may place within the town. The Staff Planner will place an approval notice on the container which can be seen from the street.

Action: Commissioner Smart motioned to approve the storage container placement at 704 East Main Street until February 29, 2016 with removal at that time if the container has not been removed. Seconded by Commissioner Miller. Motion passed (4-0).

IV. ZONING – None.

V. MISCELLANEOUS –

Review & Approval of Workshop Minutes – Now that minutes are taken during the monthly planning commission workshop, the planning commission decided that the approval of future month's workshop minutes will occur at the following month's planning commission meeting along with the approval of the corresponding monthly meeting minutes.

Election of Chairman and Vice Chairman for 2016 - The Staff Planner opened the floor for nominations for Chairman of the Planning Commission for 2016. Commissioner Smart nominated Mark Carney to continue as chairman. Commissioner Lake seconded the motion. There were no other nominations. Motion carried (4-0).

The Staff Planner open the floor for nominations for Vice Chairman of the Planning Commission for 2016. Commissioner Lake stated that it would be perfectly fine if someone else wanted to be the Vice Chairman for

2016. Commissioner Goodman nominated Commissioner Smart. Seconded by Commissioner Miller. There were no other nominations. Motion carried (4-0).

Tracking Past Plan Approvals – The Staff Planner reviewed past plan approvals.

- **Jiffas** – The granted variance request for the proposed duplex has expired. If the owner wanted to go back to the site improvement plan approved October 2008 he would have to go to the County to have the stormwater management re-evaluated under the new requirements.
- **Horman Apartments** – The Staff Planner will notify the owner of the impending expiration of the stormwater management plans. If allowed to expire the owner would have to go to the County with new stormwater management plans and come to the planning commission with a new site plan.
- **Fire Station** – The Fire Station was just made aware that their conditionally approved site plan will expire November 2016. They have been informed that if the site plan is changed, the fire station will have to come before the planning commission again for approval.
- **Miller (Ingalls) Property** – The Staff Planner has not heard from the owners in a while. They will be contacted for an update on what is happening with the property.

VI. ADDITIONAL PUBLIC COMMENT – None.

Meeting adjourned at 7:43pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary

Middletown Planning Office

MEMORANDUM

Date: 4/7/2016

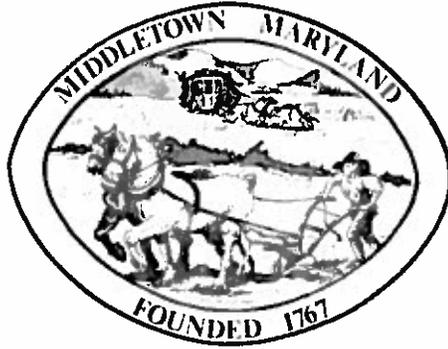
To: Middletown Planning Commission

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 2015, 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 approving and forwarding to the Town Board for their information and submitting to the State and Frederick County.



MIDDLETOWN PLANNING COMMISSION

2015 ANNUAL REPORT

Approved April 18th, 2016 by Middletown Planning Commission

BURGESS & COMMISSIONERS

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

Jennifer Falcinelli, Burgess Pro-tem (4/2014-4/2018)

Larry Bussard (4/2014-4/2018)

Richard Dietrick (4/2014-4/2018)

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 (5/2013-5/2018)

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

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

Dixie Eichelberger, Temp. Alt (2/2014-6/2017)

Middletown Board Of Appeals

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

Thomas Routzahn (2/2014-2/2017)

Kenneth Kyler (2/2014-2/2015)

Alex Kundrick, Alternate (2/2014-2/2017)

Planning Department Staff

Cynthia K. Unangst

Town Zoning Administrator

Ron Forrester

Engineering Staff

Bruce Carbaugh, Director of Public Works

J.R. Hawkins, Project Manager

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
2014 Estimate	4,313	18
2015 Estimate	4,321	8

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 and annexations, and reviews and comments on text amendments 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-2015

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

SITE PLANS-2015

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
1A. Chesterbrook Rev. Phase 2 Franklin St. /Broad St.	18	R-3	Approval of revised plans for multi-family development (Approved 1/19)
1B. Overfield Demolition East Main Street	1	R-1	Approval of demolition of a carport (Approved 3/16)
1C. Jiffas Architectural Review West Green Street	2	TC	Approval of architectural renderings for duplex (Approved 3/16)
1D. Morrissey Demolition Lombardy Court	1	R-1	Approval of demolition of a sunroom (Approved 4/20)
1E. Miller Property East Main Street	4	TC	Approval of site plan for restaurant and market (Approved 7/20)
1F. Washington Gas Approach Cone Branch Pump Station	1	OS	Approval of approx. 400 linear feet of gas line (Approved 9/21)
1G. Frasher Demolition South Jefferson Street	1	R-3	Approval of demolition of porches and shed (Approved 10/19)

MASTER PLANS-2015

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

PRELIMINARY PLANS-2015

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

MASS GRADING/SWM PLANS-2015

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

IMPROVEMENT PLANS-2015

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
2A. Cross Stone Commons Ph.2 Middletown Parkway	4	GC	Approval of improvement plans for shopping center (Approved 3/16)
2B. Putman Plumbing Boileau Drive	1	R-3	Approval of revised improvement plans for plumbing business (Approved 3/16)
2C. Chesterbrook Rev. Phase 2 Franklin St. /Broad St.	18	R-3	Approval of revised improvement plans for multi-family development (Approved 9/21)

FOREST CONSERVATION PLANS-2015

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
3. Chesterbrook Phase 2 Franklin St. /Broad St.	18	R-3	Approval of forest conservation plan (Approved 1/19)

DEDICATION PLATS-2015

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
4. Straits East Main Street	1	R-1	Approval of dedication plat for right-of-way purposes (Approved 3/16)

ADDITION PLATS-2015

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

FINAL PLATS-2015

<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)

Definitions and zoning administration update – Planning Commission recommended adoption of new definitions to the zoning code; to repeal and revise certain definitions; to reduce the time period for which a zoning certificate is valid from two years to one year; and to authorize the zoning administrator to extend the time period of validity for a zoning certificate. (Sections 17.04 and 17.08) [PC recommended 1/5; B&C adopted 2/9]

Open Space and Agricultural districts update – Planning Commission recommended adoption of revisions of the uses permitted and uses permitted by special exception in the open space district; to make other stylistic changes in the chapters regulating land use in the open space and agricultural districts. (Sections 17.28 and 17.30) [PC recommended 3/16; B&C adopted 4/13]

Residential districts update – Planning Commission recommended adoption of revisions to the types of uses permitted and uses permitted by special exception in the residential districts; to revise and restate the purpose intended for the regulation of uses in the R-2 and R-3 residential districts; to make other stylistic changes in the chapters regulating land use in the residential districts. (Sections 17.16, 17.28 and 17.30) [PC recommended 3/16; B&C adopted 4/27]

Commercial districts update – Planning Commission recommended adoption of revisions to the types of uses permitted and uses permitted by special exception in the commercial districts; to repeal provisions relating to overnight parking of motor vehicles and the maximum size of signs in the MB mixed business zoning district; to

revise the standards and requirements for site plans in the commercial zoning districts; to make other stylistic changes in the chapters regulating land use in the commercial districts. (Section 17.20) [PC recommended 3/16; B&C adopted 5/11]

Design standards update – Planning Commission recommended adoption of revisions to the design standards section of the code with the following: to clarify that mobile homes and mobile home parks are prohibited in all districts; to regulate disposal containers in the same manner as storage containers; to repeal off-street parking requirements for condominiums and boarding houses; to provide that off-street parking requirements for indoor sports facilities are subject to site plan approval; to revise the requirements for off-street loading spaces; to delete the requirement that an applicant for a demolition permit execute a release, waiver and indemnification agreement prepared by the town; to provide and revise regulations for non-conforming structures and uses; to add a definition of the term “impervious surface”; to make other stylistic and grammatical revisions and correct typographical errors. (Sections 17.04 and 17.32) [PC recommended 3/16; B&C adopted 6/8]

Special exception use requirements update – Planning Commission recommended adoption of regulations relating to requirements for special exception uses; to delete provisions relating to special exception uses for boarding and lodging houses, hospitals and sanatoriums, and offices for interior design services; to clarify various sections of that chapter and to make other grammatical, stylistic and non-substantive revisions. (Section 17.48) [PC recommended 7/20; B&C adopted 8/14]

Zoning amendment approvals – Planning Commission recommended adoption of regulations relating to the procedures and requirements for enacting amendments to Title 17 of the Code; to delete provisions requiring re-submission of proposed amendments to the planning commission when the burgess and commissioners propose changes to the proposed amendment after the amendment has been reviewed by the planning commission; to make other grammatical and stylistic changes to Section 17.08.100. (Section 17.08) [PC recommended 7/20; B&C adopted 9/28]

Subdivisions regulations update – Planning Commission recommended adoption of definitions for the terms ‘cul-de-sac,’ ‘floodplain,’ ‘plat,’ ‘right-of-way,’ ‘arterial street,’ and ‘tract’; to require the submission of electronic copies of certain plats and other documents; to reduce the demands of a proposed subdivision or project for water and sewer consumption to 250 gallons of water per equivalent dwelling unit; to remove bonds as an acceptable type of guarantee for the construction of improvements; to add provisions relating to development in wetlands, floodplains, water buffer areas and forest lands; to increase minimum sight distances to 300 feet for development on collector streets; to require street name signs to be installed initially by the developer; and to make other non-substantive stylistic and linguistic changes. (Title 16 - Subdivisions) [PC recommended 10/19; B&C adopted 12/14]

Board of appeals regulations update – Planning Commission recommended adoption of stylistic and grammatical changes to the board of appeals regulations and to correct references to state statutes and court rules. (Section 17.44) [PC recommended 10/19; B&C adopted 12/14]

Sign regulations update – Planning Commission recommended adoption of revised provisions relating to political signs; to authorize the zoning administrator to enforce certain provisions of the code relating to signs; to make stylistic and grammatical changes. (Section 17.36) [PC recommended 10/19; B&C adopted 12/14]

BOARD OF APPEALS: (Applicant names are shown on attached map)

<u>Applicant</u>	<u>Request</u>	<u>Location</u>	<u>Motion</u>	<u>Date</u>
A. Chesterbrook- Phase 2	variance of 5' for height of buildings	corner of Broad and Franklin Streets	Approved	1/13

B. Sheffler	special exception for restricted vehicle in residential district	9 Linden Boulevard	Approved (PC denied 3/16)	3/17
C. Overfield	variances of 1.5' from side setbacks for accessory building	122 East Main Street	Approved	3/17
D. Smart	variances from lot width and side setback	214 Broad Street	Approved	10/17

INFRASTRUCTURE PROJECTIONS:

TRANSPORTATION:

Action taken by the Town in the year 2015 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 has funded the Main Street streetscape project and notice to proceed is scheduled for June of 2016. The scope of the work includes replacement of water mains and storm water lines in the Main Street SHA right-of-ways and relocating some utility lines, new signage, traffic patterns, and replacement or installation of curb, gutter and sidewalks. The project also includes landscaping and planting of new trees.

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 2015 was 300,667 gpd. The water system is routinely monitored for possible contaminants in accordance with Federal and State laws, and there were no violation levels in 2015.

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 2015 were 202,761 gpd.

The discharge permit for the West End WWTP at Catoctin Creek in the southwest section of Town is 250,000 gpd. Average daily flows for 2015 were 193,117 gpd.

There were no violations for either plant in 2015.

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 2015, the Town completed a new pavilion and tot lot at the town-owned Remsberg Park, which is located outside of the town limits. Additionally, a new dog park was completed at Wiles Branch Park with small and large dog areas.

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 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 2015.

STRATEGIC PLANNING INITIATIVES

ZONING ORDINANCE UPDATE

The Planning Commission and planning staff completed their comprehensive review of the Town Zoning Ordinances and the Subdivision regulations to review changes for consistency with the updated Middletown Comprehensive Plan in 2010 and sent the proposed revisions to the Town Board for approval which was done Section by Section throughout 2015.

COMPREHENSIVE PLAN REVIEW

Due to the fact that there have been no policy changes made in recent years to warrant an update to the Town's Comprehensive Plan at this time, the Plan will most likely begin the update process in 2020 in conjunction with the 2020 Census data.

PLANNING COMMISSION RECOMMENDATIONS:

ONGOING RECOMMENDATIONS:

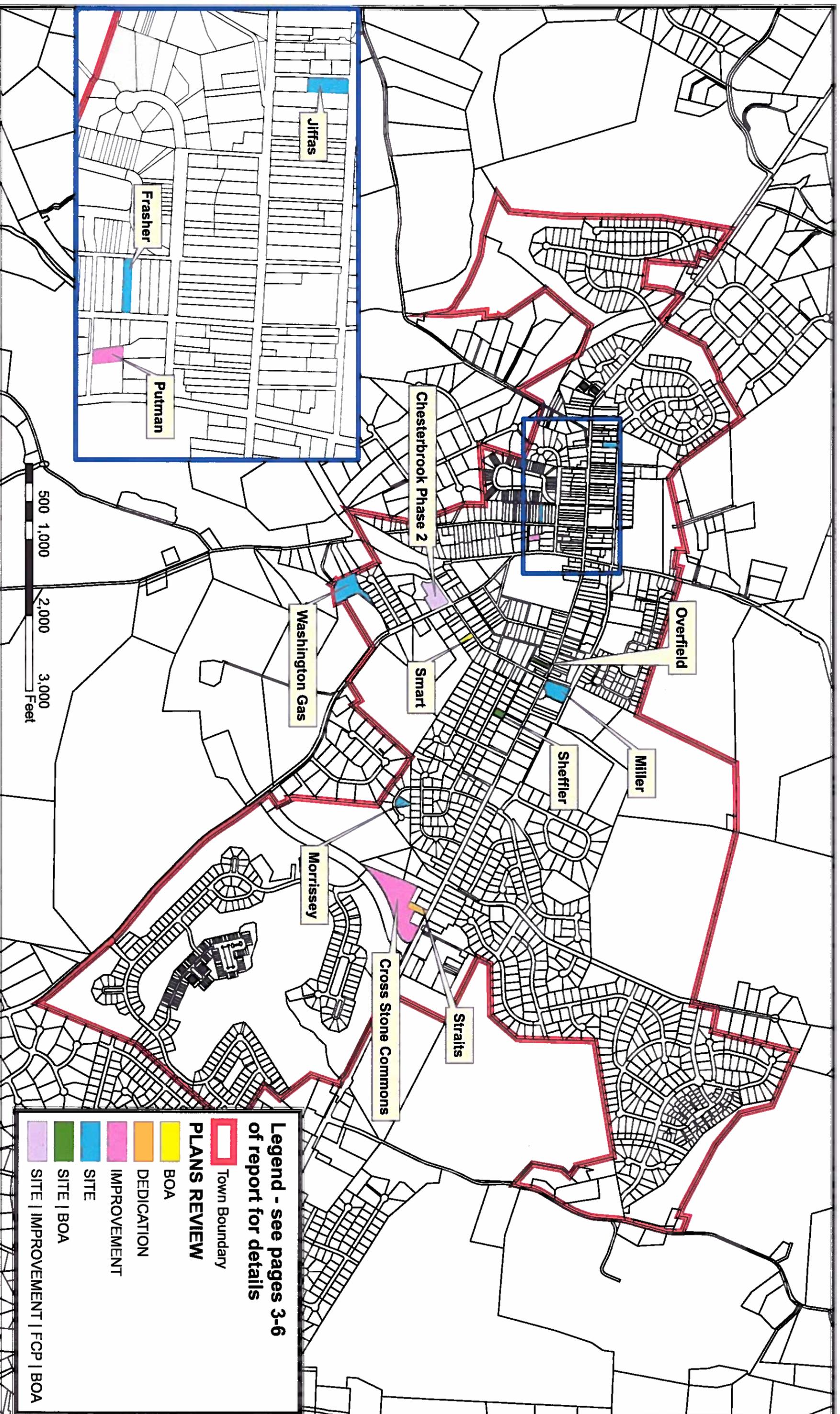
1. Review walkway and road construction strategies to be incorporated into current & future growth and development.
2. Review and refine a management system for the plan review process to help ensure that files are complete and easily accessible, and which includes a checklist to verify that all agency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

NEW RECOMMENDATIONS:

1. Work closely with the 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	5 yr.
Single - Family	45	36	29	18	40	168	75	106	92	45	22	340	30	31	12	17	23	113	10	12	5	8	4	39
Multi-Family	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	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	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	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	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	15	17	70
Additions	0	0	0	0	0	0	6	15	15	28	20	84	8	12	2	6	2	30	6	7	4	2	4	23
Pools & Hot Tubs	5	5	4	6	3	23	7	9	9	16	4	45	8	12	7	4	3	34	2	6	5	2	1	16
Decks & Porches	18	23	34	20	11	106	18	38	36	64	39	195	37	41	31	27	28	164	32	19	9	15	21	96
Accessory Structure	6	12	18	5	25	66	14	15	24	23	16	92	18	13	14	9	9	63	6	5	7	8	15	41
Fences	6	13	19	17	11	66	18	27	41	36	29	151	23	16	25	24	20	108	16	24	13	15	16	84
Demolitions	1	2	2	0	2	7	1	1	0	1	2	5	0	2	0	2	1	5	2	1	2	1	3	9
Propane Tanks	0	0	0	0	0	0	1	1	3	6	6	17	3	4	2	2	1	12	6	2	4	1	0	13
Sales Trailer	0	0	0	0	0	0	3	2	0	0	3	8	0	0	0	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	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	10	8	39
Solar panels	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	37	20	61
New Commercial	0	7	2	2	4	15	2	4	0	0	0	6	0	0	0	0	1	1	0	0	2	0	2	4
Commercial Conversion	0	0	0	0	0	0	4	5	7	6	8	30	1	2	7	3	3	16	4	6	5	5	8	28
Industrial Conversion	0	0	0	0	0	0	2	0	0	0	0	2	0	0	0	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	0	3	6
Other														2	1	2	2	7	5	4	4	6	4	23
Total Permits	82	106	111	70	99	468	173	245	293	264	182	1157	182	184	146	142	120	774	111	108	83	125	126	553



Legend - see pages 3-6 of report for details

- Town Boundary
- PLANS REVIEW**
- BOA
- DEDICATION
- IMPROVEMENT
- SITE
- SITE | BOA
- SITE | IMPROVEMENT | FCP | BOA

Middletown 2015 Annual Report Map



RULES OF PROCEDURES

of the

MIDDLETOWN PLANNING COMMISSION

EFFECTIVE September 19, 2011 (amended October 20, 2014)

FOREWORD

The Rules of Procedures are issued to assist the Middletown Planning Commission in the orderly and efficient conduct of all matters with which the Commission is concerned.

OBJECTIVE

The Middletown Planning Commission seeks to conduct all business which may properly come before it by law or custom to secure the harmonious development of the entire Town for the benefit of its present and future inhabitants. The Commission will conduct its business in accordance with the provisions of the Land Use Article (<http://www.michie.com/maryland/lpExt.dll?f=templates&eMail=Y&fn=main-h.htm&cp=mdcode/1f224>) of the Annotated Code of Maryland as well as these rules of procedure.

Though this Commission recognizes that its powers and responsibilities within the Town do not extend to land outside the Town, the Commission will, where appropriate, assist and coordinate its activities with the County and its planning and zoning agencies, and on request provide staff assistance to those agencies within the limits of available resources. With the County, the Commission seeks out mutual cooperation.

SECTION 1 – DEFINITION

“Authorized Member” shall mean one of the seven members appointed by the burgess with confirmation by the commissioners, one of whom is a town commissioner to serve in an ex officio capacity concurrent with his/her official term, one of whom is designated as an alternate who may sit in the absence of any member of the commission, and one of whom is designated as a temporary alternate to sit on the commission when the alternate is absent.

The word “Commission” shall refer to the Middletown Planning Commission, and consists of five authorized members.

SECTION 2 – OFFICERS AND COMMITTEES

- 2.1 The Commission shall organize annually in the month of January and elect a Chairman and Vice-Chairman.

The Chairman or in the Chairman's absence, the Vice-Chairman or designated Town Board liaison, shall preside at all meetings or hearings of the Commission. In the absence of an officer, the member with most current continuous Planning Commission service shall preside. The presiding officer shall decide on all points of order and procedure, consistent with these rules and Article 66B.

- 2.2 A designated member of the Town Commissioners may serve as a member of the Commission having all the rights and privileges of the regularly appointed members, and serve in an ex-officio capacity concurrent with his/her official term.
- 2.3 Ad-hoc committees may be appointed by the Commission for special purposes or study.

SECTION 3 – MEETINGS

- 3.1 Regular meetings shall be held on the 3rd Monday of each month. In addition, a workshop shall be held on Wednesday prior to the regular meeting. The staff shall give each member 48 hours or more notice of any change of date of the meeting.
- 3.2 Special meetings and workshops may be called by the Chairman or in the Chairman's absence the Vice-Chairman. Reasonable notice of a special meeting shall be given each member, 48 hours or more before said meeting. Meetings requiring advertisement or other notice may be called only after the appropriate notice or advertisement is provided.
- 3.3 Attendance – It shall be the duty of each member to attend all meetings. A member is required to contact the town planner, chair or vice-chair, to notify them of a planned absence which will be deemed excused. Should any member be absent from three consecutive unexcused absences, the Commission shall recommend to the Burgess and Commissioners that the member's resignation be requested, unless determined by vote of a majority of Commission members that there is a sufficient excuse for non-attendance. The Chair shall have the discretion to recommend a member's resignation if that member is absent from one half of all meetings held during the year.

SECTION 4 – VOTING

- 4.1 A quorum shall consist of four out of five authorized members of the existing membership. A presiding officer must be present to conduct a meeting. No official business can be conducted without the presence of a quorum.

- 4.2 The order of business shall be in accord with the agenda as approved or modified as the first order of business.
- 4.3 Questions put to a vote are decided by a majority of the members present and voting. No decision may be made in the absence of a quorum.
- 4.4 A tie vote by the Commission shall be interpreted as a failure to approve the motion upon which the vote was taken. Additional motions may then be proposed. If a tie vote remains on an advisory matter, the Commission's action shall be deemed as "No-Recommendation". If a motion can not be approved on non-advisory matters (i.e. subdivision, site plan, etc.) then the matter shall be deemed "not approved" but may be brought back before the Commission by the Applicant.
- 4.5 No member shall vote on a matter in which he (she) has personal involvement or as otherwise specified in the Town's Ethics Ordinance. Unless specifically defined in the Ethics Ordinance, the judgment of a conflict is at the discretion of the member. Members recusing themselves from a commission matter shall leave the dais of the Planning Commission for the duration the matter is being considered. Members are encouraged to consult the Commission's counsel as to the propriety of their voting on any matter which may involve an actual or perceived conflict of interest.
- 4.6 In order to be eligible to vote, a member should attend all relevant meetings or review the audio, video or transcript of any meetings from which the member was absent. It is a member's obligation to be familiar with any proceedings of any prior meeting on a topic that comes to the PC for a vote.
- 4.7 The Commission's votes shall be recorded on each motion. Each member shall either vote on each motion (affirmative or negative) or abstain from voting by indicating a desire to abstain. The chair shall announce the results of each vote. All votes will be a voice vote of either positive, negative or abstention unless a raising of hands (counted vote) is requested by the Chair.

SECTION 5 – CONDUCT OF COMMISSION MEMBERS

- 5.1 Speaking for the Commission – A member will not appear to speak for the Commission except as authorized by the Commission. This includes any public or private statement concerning Commission affairs.
- 5.2 Ethics Ordinance – Commission members are subject to and must comply with the Town's Ethics Ordinance (Ethics Ordinance 2014 14-05-02) and any other applicable ordinances.
- 5.3 Conduct at meetings – Members shall conduct themselves at Commission meetings in a fair, understanding and courteous manner. They shall be considerate

of all individuals, attitudes and differences of opinion involved in official Commission business. It is the presiding officer's responsibility to manage the meetings in a manner that is consistent with these rules of conduct.

- 5.4 Being recognized – Commission members shall only speak after being recognized by the chair. Any member may raise “point of order” if they feel that the item being discussed is inconsistent with the agenda item being discussed or is otherwise not in conformance with the conduct of the Commission’s business at hand. It is the presiding officer’s responsibility to rule as to whether the “point of order” is valid.

SECTION 6 – MEETING PROCEDURES

- 6.1 All agenda items that require an advertised public hearing shall be preceded by notices as prescribed by law in Maryland Code Article 66B and the Middletown Municipal Code.

- 6.2 Commission meetings shall be public meetings and subject to the Maryland Open Meetings Act (Annotated Code of Maryland - Maryland State Government – Title 10. Governmental Procedures Subtitle 5. Meetings). (<http://michie.lexisnexis.com/maryland/lpext.dll?f=templates&fn=main-h.htm&cp=>)

Any person is entitled to appear and be heard by the Commission before it reaches a decision on any matter. Except as otherwise permitted by the Maryland Open Meetings Act, voting shall be held during a public meeting and the Commission shall keep an open record of its resolutions, proceedings and actions which shall be available for public inspection during business hours. Nothing contained herein shall be construed to prevent the Commission from holding closed sessions for discussion of those items as permitted under the Maryland Open Meetings Act.

Summary of MD Open Meetings Act: The Act is based on the General Assembly’s policy determination in favor of open decision-making by governmental bodies. It is applicable to any entities that consist of at least two people and are created by certain formal legal instruments. The Act applies only if a public body is holding a “meeting,” which is defined as “convening a quorum of a public body for the consideration or transaction of public business.” It does not apply when a public body is carrying out an “executive function,” a “judicial function,” or a “quasi-judicial function.” Exceptions to the Open Meetings Act include permitting a meeting to be closed to protect the privacy of individuals with respect to a matter that is not related to public business, or when the discussion deals with a “personnel matter.”

- 6.3 Recording of Proceedings – It shall be the duty of the Administrative Specialist or Administrative Assistant, assisted by the Commission’s staff, to keep a true and accurate record of all proceedings at all meetings and public hearings. A video or audio recording may be accepted as the official record. Minutes shall be prepared,

distributed to the individual members, and if approved by the Commission, placed in a record book or file. The Administrative Specialist or Administrative Assistant shall sign the minutes, resolutions, and other official documents, as adopted or approved.

- 6.4 Anyone may appear in his/her own behalf or be represented by an agent or attorney at a Commission meeting. In the absence of any appearance by or on behalf of the Applicant the Commission will proceed to dispose of the matter on record before it or the Commission may by consensus postpone indefinitely the item and it will only be rescheduled upon proper request by the Applicant.
- 6.5 The ordinary order of hearing and time limits for testimony (EXCEPT AS PROVIDED IN SECTION 6.6) shall be as follows:
Staff Report & Recommendation
The Applicant or the Applicant's Agent or Attorney (15 minutes)
Public Comment (5 minutes per individual or 10 minutes per organization)
Applicant's Rebuttal (5 minutes);
It is the presiding officer's responsibility to notify the speaker of their time limit prior to the testimony and to notify them when their time has expired.

Additional time for any speaker to address pertinent issues or make a public presentation may be requested in writing at least 7 days (one week) in advance of the meeting. Decisions on whether to grant the additional time shall be made by the Chairman or in their unavailability, by the Vice-Chairman. The additional time granted shall be defined at the time of approval and must be contained in the approved agenda.

- 6.6 Special Rezoning Meetings – In order to efficiently review rezoning cases in accordance with Sections 17.08.090 and 17.08.100 of the Zoning Ordinance, the following special meeting procedures shall apply.
- A. As required in the Zoning Ordinance a public hearing shall be held on rezoning applications. All review of rezoning cases shall take place in a public meeting or workshop. The order of the Agenda of cases shall be determined prior to the meeting by the Staff Planner.
 - B. Applicant testimony, the staff report, and reviewing agency comments will be presented to the Planning Commission at the Public Hearing held for this purpose.
 - C. Public testimony will be permitted in connection with review of rezoning applications during public hearings held for this purpose. The date and time of these hearings will be advertised no less than 14 days in advance of the hearings. The ordinary order of hearing and time limits for testimony shall be as follows:

Staff report & Recommendation

The Applicant or the Applicant's Agent or Attorney (30 minutes)

Public Comment (5 minutes per individual or 10 minutes per organization)

Applicant's Rebuttal (5 minutes)

- D. **Written comments must be filed in advance of or at the Planning Commission meeting in order to be considered by the Commission in making its decision. Extensions may be granted by the action of the Chair.**
 - E. **The Planning Commission shall base its findings and recommendations on the information presented and within the time limits as required in the Zoning Ordinance.**
- 6.7 **The Commission may postpone to a time certain any case due to lack of quorum or for further study and information as determined by the Commission but in no event longer than six (6) months, except where otherwise provided by law.**
- 6.8 **The Commission may require any additional relevant Planning materials in the form of maps, charts, reports, and studies, in order to reach a decision.**
- 6.9 **The presiding officer will allow reasonable cross-examination/testimony of interested parties at a time and in a manner considered reasonable by the presiding officer under the circumstances. An issue may be postponed for one month to achieve this information if in the presiding officer's opinion such information would provide new or relevant information related to the matter under consideration.**

SECTION 7 – PROCEDURE IN BRINGING MATTERS BEFORE THE COMMISSION

- 7.1 **The agenda shall be prepared by the staff who will consult with the Chairman on such matters of the agenda as may be appropriate. Members of the Commission who wish to add to the agenda shall first notify the Chairman of their request at least 7 days prior to the meeting.**
- 7.2 **Miscellaneous requests and petitions shall, from time to time, come before the Commission, either upon the initiation of an individual or agency or by reference from the governing body. In all cases, the Commission shall be guided by the principles set forth in the "Comprehensive Plan"; the "Subdivision Regulations"; the "Zoning Ordinance"; and rules, regulations and ordinances of the Town. All such matters shall be handled with as much dispatch as possible.**
- 7.3 **Any agenda item continued by the Commission shall not be rescheduled for 60 days unless otherwise provided by a majority vote of the Commission, or otherwise provided by law.**

SECTION 8 – FINAL DISPOSITION OF COMMISSION MATTERS

8.1 The disposition of all formal petitions and requests before the Commission requiring further action by the Burgess & Commissioners shall be in the form of a letter of recommendation to the Burgess & Commissioners. In all matters, the Applicant shall be notified by letter of the action taken by the Commission.

SECTION 9 – DELEGATION OF AUTHORITY

9.1 The Chairman shall and may delegate some of its authority to the vice-chair or Staff Planner in order to expeditiously and efficiently perform the work of the Commission. This would include such items as the signing of subdivision plat approvals and letters when the Commission has approved such documents. In the absence of the chairman, the vice-chair, or Staff Planner may perform this work in order to expeditiously dispose of these administrative matters.

SECTION 10 – COMMISSION – STAFF RELATIONSHIPS

10.1 The Staff Planner or his/her designees is the normal contact for all routine communications between Commission members and the staff. The Staff Planner is also the normal contact for preliminary/final plats and site plan agenda items. Commission members take no part in the daily routine or administration of regulations and research of matters of fact, although they do participate in field trips and discussions pertaining to the more significant matters to be considered at Commission meetings. Issues of conflict in this realm can be raised to the Commission or Chairman for direction.

10.2 Matters of policy and important changes in the administration of the Commission's affairs are developed by the Staff Planner on behalf of the Commission and presented for resolution to members at regular meetings.

SECTION 11 – AMENDMENTS

Amendments to these rules of procedure may be introduced at any meeting and recorded in the minutes. The Commission will then vote on any such amendments at any subsequent regular meeting with passage requiring majority vote of the membership.

The foregoing is a true and correct copy of the Rules of Procedure of the Middletown Planning Commission as amended on the 17th day of November

ATTEST:



Mark Carney, Chairman

11/17/14

Date

APPENDIX A

ANNOTATED CODE OF MARYLAND
LAND USE ARTICLE

<http://www.michie.com/maryland/lpExt.dll?f=templates&eMail=Y&fn=main-h.htm&cp=mdcode/1f224>

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 4/5/2016

RE: Monthly Planning Update

Major Subdivisions:

Coblentz on Green - Master Plan Amendment approved - March 11, 2013

Preliminary plans signed – May 29, 2013 (Plans expire 5/29/2016)

Improvement plans conditionally approved – October 16, 2013 (Plans expire 10/16/2016)

Final FRO Plan approved – April 21, 2014

Final Plans conditionally approved – November 17, 2014

Site work has begun – September 2015

Foxfield - 1 home left to be built

Site Plans and Minor Subdivisions:

Franklin Commons/Chesterbrook Phase 2 - Site Plan approved – July 17, 2006

Improvement Plans approved and signed – September 16, 2008

Phase 2 Site Plan conditionally approved – January 19, 2015 (Plans expire 1/19/2018)

Phase 2 FRO plan conditionally approved – January 19, 2015

Phase 2 Improvement Plans conditionally approved – Sept. 21, 2015 (Plans expire 9/21/18)

Mylars signed – January 4, 2016

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 (Plans expire 11/18/2016)

Horman Apartments- Site Plan approved – April 21, 2008

Improvement Plans conditionally approved – May 17, 2010

Currently approved SWM plans remain valid until May 4, 2017

Mylars signed – September 11, 2015

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

Forest Conservation Plan approved – October 20, 2008

Revised Architectural Plans submitted and reviewed – June 16, 2014

Architectural plans approved by PC – March 16, 2015

BOA hearing for variance requests (approval received) – March 29, 2016

Kaleta addition demolition – site plan submitted to PC for review/approval – March 31, 2016

Miller (Ingalls) – Concept and Phase I & II Plan approved & signed – September 27, 2010
Revised Concept Plan reviewed by PC – September 16, 2013
Site plan conditionally approved by PC – July 20, 2015 (Plans expire July 20, 2018)

Cross Stone Commons – BOA Special Exception Use Hearing – May 8, 2013
Revised architectural plans approved by PC – March 17, 2014
Final FRO Plan approved – May 19, 2014
Revised Site Plan conditionally approved – October 20, 2014 (Plans expire 10/20/17)
Phase 1 Improvement Plans conditionally approved – October 20, 2014 (Plans expire 10/20/17)
Phase 2 Improvement Plans conditionally approved – March 16, 2015 (Plans expire 3/16/2018)
Phase 2 mylars submitted for signature – October 30, 2015
Dedication (donation) plat mylars signed – December 1, 2015

Nicholson - Final Plat submitted for review – March 2, 2015

Putman – Site Plan conditionally approved- November 17, 2008
Forest Conservation Plan approved – June 16, 2009
Revised Site Plan Extension request approved for 6-months – March 16, 2015 (Oct. 2015)
Revised Improvement Plans conditionally approved – March 16, 2015(Plans expire March 2018)
Site work has begun – October 16, 2015

Richland Driving Range – Concept plan reviewed by PC – January 18, 2016

School complex – meetings ongoing for parking and roadway improvements

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:

Reports: **Draft Annual Report being submitted to PC for review – April 2016**
 FRO Annual Report being submitted to MD DNR – April 2016

Meetings: **Next Middletown Green Team Meeting – April 20, 2016**

Next Joint town board/planning commission workshop – Monday, June 6, 2016