

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA
Monday, March 17, 2014
7:00 p.m.

- I. Public Comment
- II. [Minutes of February 2014 Planning Commission meeting](#) Approval
- III. Plan Review
 - [Garden Center Concept Plan](#) Discussion
 - [Cross Stone Commons Architectural Review](#) Discussion/Approval
 - [Cross Stone Commons Improvement Plans](#) Discussion
- IV. Zoning
 - [Cluster development regulations](#) Discussion/recommendation
 - Violations
- V. Miscellaneous
 - [Draft 2013 Annual Report](#) Discussion
- 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

Regular Meeting

February 17, 2014

The regular meeting of the Middletown Planning Commission took place on Monday, January 20, 2014 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, David Lake, and Bob Smart. Others present in official capacity: Commissioners Rich Gallagher (Alternate) and Dixie Eichelberger (Temp. Alternate), Cindy Unangst (Staff Planner), and Annette Alberghini (Recording Secretary).

I. PUBLIC COMMENT – The Planning Commission members welcomed Commissioner Dixie Eichelberger as the Temporary Alternate to the Planning Commission. Cindy stated that Dixie has received the required codes and regulations, must complete the required training within 6 months, and will be added to the Group email list. The meeting room setup is also being reviewed and revised so that the Temporary Alternate can sit up on the panel with the rest of the Planning Commission members.

II. Regular Meeting Minutes of January 20, 2014 – Cindy reviewed the corrections to the meeting minutes; Moving Ron Gallagher from those present quorum section to the others present in official capacity section. Under miscellaneous section change Temporary Alternate Ron Forrester to Commissioner Ron Forrester. Change was made to reflect the Planning Commission thanking Commissioner Ron Forrester for his service to the Planning Commission. – **Minutes approved with those corrections.**

III. PLAN Review - None

IV. ZONING

Cluster Development Regulations –

- **Location within the Municipal Code and Purpose** - Discussion occurred as to the location and purpose of the cluster development regulation. Commissioner Lake stated that these regulations should not be separate, but should be included as part of the specific standards for adult active communities. Commissioner Smart disagreed stating that these regulations should have their own section in order to include any other types of future cluster developments within the town. The Staff planner agreed. Discussion also included putting the regulations in an overlay district. The Commission members decided to review the draft regulation which would help clarify this point.
- **Draft Regulation Section Review** – The Planning Commission discussed the draft regulations and reviewed it section by section. Once completed the Staff Planner was tasked with making the changes and to send the draft to the text amendment applicant and Planning Commission members. It will also be added as an agenda item for the March Planning Commission Meeting.

After review of the draft regulations, the Planning Commission reached consensus that these cluster development regulations should be included as part of the specific standards for active adult communities.

Action: None

Violations –

Illegal Parking Lot, 28 Green Street – Commissioner Smart stated that there is an illegal parking lot at 28 Green Street. This lot has been plowed. He questioned if it is in violation, why is it being used. He further questioned the fining structure in place, the amount of the fines on this property to date, and how much

of that fine the property owner has paid to date. The Planning Commission would like a response from the Zoning Administrator on this.

Temporary Signs – The Planning Commission would like clarification from the Zoning Administrator concerning temporary signage within the town.

V. **MISCELLANEOUS** - None

VI. **ADDITIONAL PUBLIC COMMENTS** – None

Meeting adjourned at 8:47pm.

Respectfully submitted,

Annette Alberghini
Receptionist

DRAFT

Middletown Planning Office

MEMORANDUM

Date: 3/17/2014

Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **GARDEN CENTER CONCEPT PLAN**

Tax Map Parcel #03-0128504

Applicant: Randy Bilder

Property Owner: Mauluda Ahmed

Plan Dated: February 28, 2014

Date Received: February 28, 2014

GENERAL INFORMATION

Proposal: Change of use of existing lot for a seasonal garden center behind the Subway building and a floral shop in the vacant space next to the Subway restaurant. The garden center would display and sell plants, shrubs and bags of mulch.

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 Concept Plan:

1. **Sketch plan** – The sketch (or concept) plan is a voluntary submission on the part of the developer or applicant in order to obtain the planning commission's comments with regard to the proposed development prior to making detailed drawings and formal application for site plan approval. The planning commission is being provided a sketch plan of the proposed garden center layout, a sketch plan of the indoor space adjacent to the Subway restaurant, along with an aerial view of the property and photos of the proposed development lot.
2. **Use** – The proposed use is for outdoor sales of plant material and bags of mulch and other similar-type gardening materials (top-soil, bricks, pavers, etc.) from February – December, along with a flower 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 point.

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. 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 concept 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.

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 two signs – one sign near the proposed entrance/exit, and one just northwest of the Subway building.
7. **Lighting** – The only onsite lighting that is existing are the pole lights that are to the north of the property. An additional light pole is proposed to be located to the east of the proposed building. It is staff's understanding that the light would face into the lot to light it up at night and would be directed such that it would not affect the adjoining neighbors or the roadway.
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 a fence across the property on either side of the proposed building.
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 building pre-dates the zoning ordinance and does not meet current setback

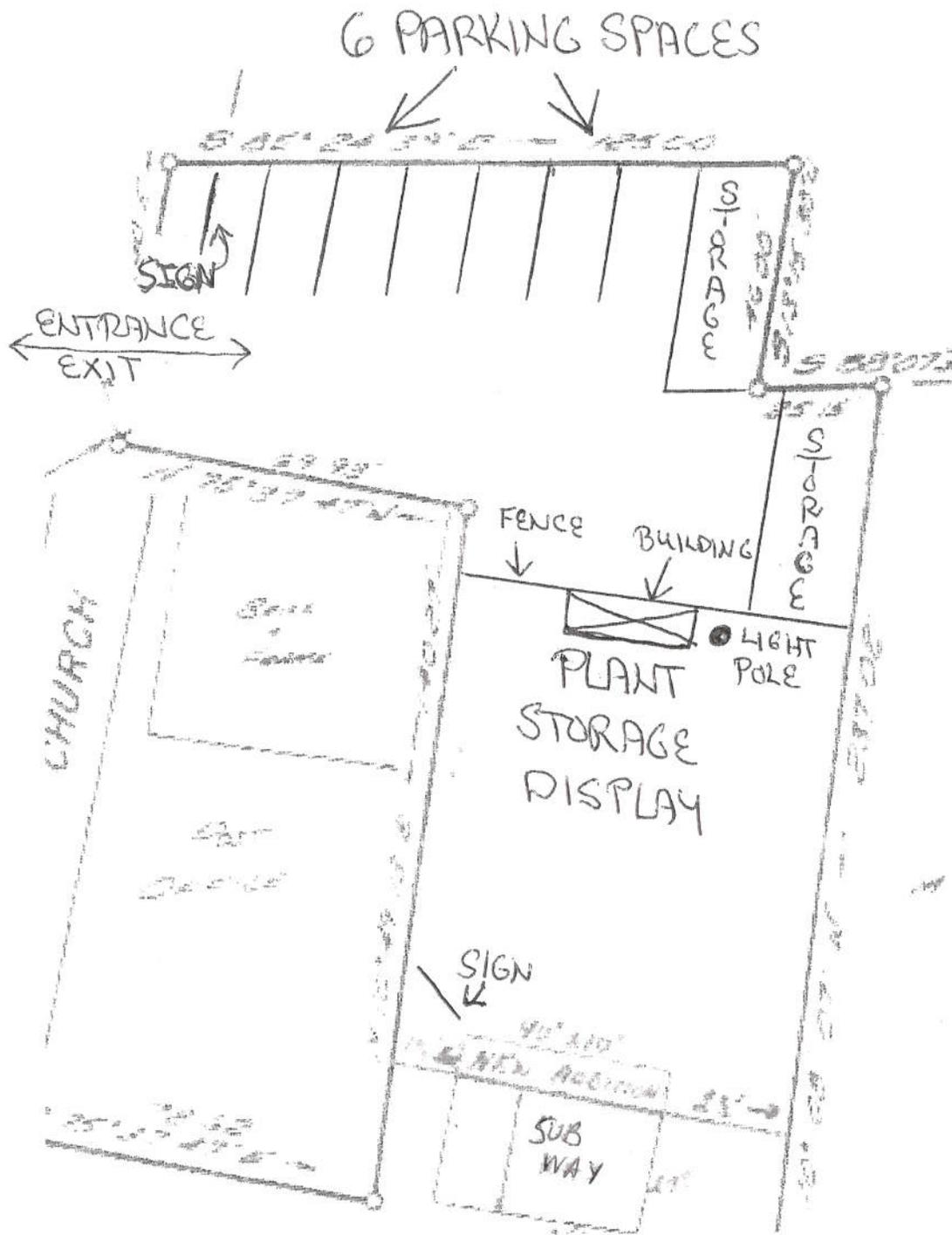
requirements. The applicant has stated that he pays taxes on two different land parcels that have two different tax ID numbers, and the County agrees with him that there are two lots (and not just one, or three). The staff planner will be doing a deed search to help resolve how many lots are involved with this development.

10. **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.

11. **Water and Sewer requirements** – There is some discrepancy on the number of lots associated with this concept plan. It will need to be determined whether the site has existing water and sewer service, or whether it would in fact be needed for this proposed use.
12. **Approval by Frederick County** - A change of use application will need to be filed with the Frederick County Permits department.

This review will be included in the Middletown Planning Commission materials for the March 17, 2014 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be March 12, 2014.



5 EAST MAIN STREET
MIDDLETOWN, MD

RECEIVED

FEB 25 2014

MIDDLETOWN, MD



17 EAST MAIN STREET

15 EAST MAIN STREET

13 EAST MAIN STREET

10 EAST GREEN STREET

11 EAST MAIN STREET

5 EAST MAIN STREET

6 NORTH CHURCH STREET

N. CHURCH STREET

4 EAST MAIN STREET

5-7 West Main Street

101 GARAGE DRIVE

5-7 West Main Street

1-3 WEST MAIN STREET

5-7 West Main Street

1/2 WEST MAIN STREET

13 WEST MAIN STREET





MEMORANDUM

Date: March 5, 2014

To: Middletown Planning Commission
From: Cindy Unangst, Middletown Staff Planner
RE: Cross Stone Commons revised architectural review

Attached are further revised elevations for the CVS building for the Cross Stone Commons development. Building 3 was not revised at all since the February workshop. Also attached is a response letter to the Planning Commission's comments from the February 12, 2014 workshop.

The applicant would like to discuss the CVS signage at a later date when CVS submits for their signage permit (see #7 in the applicant's response letter). Knowing that some of you are concerned about the size of the signage on the attached elevations though, below are the sections of the Town Code that would apply to the building. Although the dimensions of the signage are not provided, they do appear to be in-line with the town's regulations.

17.36.070 Signs for commercial shopping, office and industrial centers.

- A. An identification sign for a commercial shopping center, office or industrial park or other integrated group of commercial buildings shall not exceed one hundred twenty (120) square feet in size, shall be subject to the setback requirements for the district in which it is located, and shall comply with any other restrictions applicable thereto within its individual zoning district.
- B. Commercial shopping, office or industrial centers or parks which are five (5) acres in size or greater and which have been planned as an integrated development may erect signs subject to the following:
1. **Signs for Individual Establishments Within Center. Same as for individual or multiple businesses, as applicable, provided that no monument signs shall be permitted for individual businesses in the principal building of a shopping center.** One monument sign may be erected for each detached principal building within an office or industrial center. No such sign shall exceed fifty (50) square feet in area or eight (8) feet in height.
 2. Shopping Center Identification Sign and Courtesy Signs. Same as for individual or multiple businesses, as applicable, provided that no monument signs shall be permitted for individual businesses in the principal building of a shopping center. One monument sign with an area of one square foot per five (5) linear feet of lot frontage on which the sign is to be erected, up to a maximum of one hundred twenty (120) square feet and a maximum height of eight (8) feet. Only the name and address of the center and the names of establishments shall be displayed. In addition, shopping center courtesy signs are permitted, one (1) sign at each entrance/exit only, located at least five (5) feet from the public right-of-way. Each sign is restricted to no more than three (3) square feet in area and three (3) feet in height. No advertisements or phone numbers are permitted on courtesy signs.

17.36.050 Signs for individual businesses.

A single business located on one lot may erect signs subject to the following:

- A. Each business may have a maximum number of three (3) signs for each street or public right-of-way on which the property fronts.
- B. Types of signs permitted. Wall, monument, projecting, window, or canopy/awning.
- C. Maximum size of signs. See design standards for sign type.

17.36.100 Design Standards for permitted sign types.

C. Wall Sign—Design Standards.

1. A wall sign may not exceed a height of twenty-five feet (25'), may not extend above the highest point of the roof, and may not project beyond twelve inches (12") from the wall on which it is installed.
2. The maximum size of a wall sign shall be based upon the length by linear foot of the front of the building on which it is installed. A wall sign may not exceed one (1) square foot for each linear foot of building frontage on which the sign is installed, and no sign shall exceed one hundred (100) square feet regardless of the length of the building frontage.
3. One wall sign shall be permitted on each side of a building which fronts upon a road, street or other public right-of-way.

Cross Stone Commons
Middletown Valley Investment Partners, LLC

March 3, 2014

VIA ELECTRONIC MAIL

Cindy Unangst
Middletown Staff Planner & Zoning Administrator
Town of Middletown
31 West Main Street
Middletown, MD

RECEIVED

MAR 03 2014

TOWN OF MIDDLETOWN, MD.

RE: Cross Stone Commons Architectural Approvals
Buildings 1 and 3

Dear Ms. Unangst:

Further to the comments our team received from members of the Planning Commission and the Burgess and Commissioners of Middletown at the February 12, 2014 workshop, we have made architectural revisions to Building 1 at Cross Stone Commons. The numerous items that have been added and/or improved are meant to address the Town's intent of breaking up the CVS roofline and ensuring the CVS project is in keeping with the character of Middletown. We believe these elevations meet the Town's intent and look forward to presenting it at the March 12, 2014 workshop in preparation for the March 17, 2014 Planning Commission hearing.

Building 1 (CVS)

The following items were addressed in this revision:

1. As requested, 2 additional windows were added to the last bay on the left side elevation.
2. As requested, the size of all dormers were increased to 8'-4 3/4" T (to peak) x 3'-8 1/4"W. The original dormers were 7'-7 1/2" T (to peak) x 3'-8 1/4"W. Per Larson Design Group, we can't make them any taller and the wider they get, the more top heavy they look. A rule of thumb for dormers is about a 1/3 less in width than the windows below, which is what is shown.
3. As requested, an additional dormer was added on the left side elevation. We believe this succeeds in breaking up the left side elevation while also maintaining the symmetry of the left side elevation through the integration of the numerous architectural aspects, such as gables, windows, and dormers.
4. As requested, half height or full height privacy shutters were added to all windows
5. As requested, grilles were added at the entrance.
6. The EIFS/Stucco previously proposed above the windows has been replaced by siding which aids in breaking up the roofline and making it much more aesthetically pleasing.
7. As requested, we reviewed the proposed CVS signage and confirmed it is permitted by Town Code, but after conversations with staff as well as the comments made at the February workshop it is clear that the Town does not want their code permitted signage on the CVS building. We are committed to working with the Town on the building signage in order to find a product that is both appealing to the Town and works for CVS, but since we only previously proposed signage that met Town code and since signage requires a separate permit from the building permit, we request that the discussion regarding signage take place when CVS submits for their signage permit with the understanding that CVS will continue to work with the Town to ensure the entire CVS project is in keeping with the character of the Town.

Building 3

Based on comments received on Building 3, we have decided to submit this building without any additional changes.

We look forward to presenting our latest 3D renderings of both buildings at the Planning Commission workshop on March 12, 2014.

Feel free to contact us with any questions prior to the workshop.

Sincerely,

Middletown Valley Investment Partners, LLC and JEM Development

Attachments:

Cross Stone Commons CVS Elevation for Workshop 3.12.14.pdf
Cross Stone Commons Building 3 Front for Workshop 2.12.14.pdf (unchanged)
Cross Stone Commons Building 3 Side and Rear for Workshop 2.12.14.pdf (unchanged)

Middletown Planning Office

MEMORANDUM

Date: 2/27/2014

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

GENERAL INFORMATION

Proposal: Site is to be developed with 35,357 square feet ± of commercial space in four separate buildings with 229 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.
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 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 increased traffic will require 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.
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** – According to the Middletown Municipal Code, the Planning Commission has architectural review authority for shopping centers. This review has been on-going and will continue this month as well.
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 – incomplete
 - 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 March 12, 2014 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be March 17, 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

Chapter 17.48 SPECIFIC STANDARDS FOR SPECIAL EXCEPTIONS

17.48.015 Active adult community.

In the R-20 residential district and subject to the requirements of that district except as modified and provided in this chapter:

- A. An active adult community in the R-20 district must be developed as an integral component of a larger R-20 zoned subdivision and may constitute no more than fifteen (15) percent of the total acreage in the subdivision.
- B. Minimum size of overall R-20 subdivision: one hundred (100) acres. On parcels less than 100 acres but more than 30 acres, entire parcel can be used for active adult community using the cluster development concept as long as total density remains at or below two units per acre using the cluster development regulations listed below.
- C. Minimum lot area per dwelling: three thousand two hundred (3,200) square feet; minimum average lot area per dwelling, five thousand five hundred (5,500) square feet; provided that no more than twenty-five (25) percent of the total number of lots may be less than four thousand (4,000) square feet.
- D. The planning commission, at its discretion, may approve reduced yards, subject to the following limitations:
 1. The front, rear or side yard setback from any lot fronting on a major town street (arterial or collector) shall be thirty-five (35) feet.
 2. Minimum setbacks for lots fronting on interior public or private subdivision streets shall be as follows:
 - a. Front: ten (10) feet;
 - b. Rear: fifteen (15) feet;
 - c. Side: five feet.
- E. Any individual dead-end private drive or street may be used to serve no more than ten (10) dwelling units.
- F. Pavers or other alternative materials which meet the standards approved by the town engineer may be used in the construction of private drives or streets.
- G. A homeowners' association shall be established to maintain all open spaces, common areas, stormwater management facilities, and private streets and to arrange for private waste removal services, if required, and snow removal services for private streets and drives. The homeowners' association shall have the responsibility to enforce all covenants and special conditions required of residents and property owners in the active adult community.
- H. The planning commission shall approve a site development plan for the active adult community and shall have architectural review authority for the dwelling units to be constructed within the community.
- I. The planning commission shall review and approve the homeowners' association declaration of covenants, articles of incorporation and by-laws prior to final approval of the site development plan for an active adult community.

J. Cluster development regulations.

The purpose of these regulations is to permit such flexibility and provide performance criteria, which can result in residential cluster developments in order to:

A. encourage creative and flexible site design that is sensitive to the land's natural features and adapts to the natural topography;

B. protect environmentally sensitive areas of a development site and preserve on a permanent basis ~~common~~ open space and natural features, and prime agricultural lands;

C. decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surfaces in site development;

D. promote cost savings in infrastructure installation and maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets;

E. provide opportunities for social interaction and walking and hiking in ~~common~~ open space areas, and

F. provide a more desirable environment than would be possible through the strict application of other sections of this title. A residential cluster development shall be a separate entity with a distinct character in harmony with surrounding development. Common land must be an essential and major element of the plan, which is related to and affects the long-term value of the homes and other developments.

As used in this ordinance, the following words and terms shall have the meanings specified herein:

"Buffer" means land maintained in either a natural or landscaped state and used to screen and/or mitigate the impacts of development on surrounding areas, properties, or rights-of-way

"Cluster" or "Clustering" means a site-planning technique that concentrates buildings and structures in specific areas on a lot, site, or parcel to allow the remaining land to be used

Comment [MSOffice1]: Added 'common'

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Comment [MSOffice2]: Added 'common'

for recreation, common open space, and/or preservation of features and/or structures with environmental, historical, cultural, or other significance. The techniques used to concentrate buildings may include, but shall not be limited to, reduction in lot areas, setback requirements, and/or bulk requirements, with the resultant common open space being devoted by deed restrictions for one or more eligible uses.

Comment [MSOffice3]: Added 'common'

Comment [MSOffice4]: Added 'common'

Comment [MSOffice5]: Added 'eligible'

"Cluster development, residential" means a land development project in which the site planning technique of clustering dwelling units is employed.

"Common open space" means the portion of the site set aside in perpetuity as open space. This area may include wetlands, floodplains or flood-hazard areas, stream corridors, prime agricultural lands, habitats of endangered wildlife, as identified on applicable federal or state lists, scenic views, historical or cultural features, archaeological sites, or other elements to be protected from development, as well as easements for public utilities.

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"Gross buildable area" means the total area of the site minus the areas that are not buildable, such as wetlands, floodplains, steep slopes, buffers and other environmental features. This resulting area is used to determine the maximum number of units to be built, including the net buildable area and public rights-of-way.

Comment [MSOffice6]: Added 'buildable'

Comment [MSOffice7]: Added language from 'minus' to the end of the definition.

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"Infrastructure" means the facilities and services needed to sustain residential, commercial, industrial, institutional, and other activities.

"Land development project" means a project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including, but not limited to, planned unit development and/or cluster development for residential, commercial, institutional, recreational, common open space, and/or mixed uses as are provided for in the zoning ordinance.

Comment [MSOffice8]: Added 'common'

"Net buildable area" means the portion of the cluster development that may be developed or used for common open space, whether publicly dedicated or private, but excluding private streets, public streets, and other publicly dedicated improvements.

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"Street, private" means a local roadway serving only abutting lots, not publicly dedicated or maintained by the Town but meeting specific municipal improvement standards, and providing access for service and emergency vehicles.

The applicability and general provisions for Cluster Developments are as follows.

A. A residential cluster development shall be permitted in the R-20 residential zoning district. All principal and accessory uses authorized in the R-20 district shall be allowed in the cluster development.

B. The following provisions shall apply to any residential cluster development, regardless of the general requirements of the R-20 zoning district:

1. The minimum area of the cluster development shall be 30 acres.
2. A minimum width or depth of a lot of 60 feet per dwelling unit shall apply unless requested by the applicant and approval by the planning commission.
3. A minimum side yard setback of 5 feet shall be provided between all principal buildings and structures.
4. A minimum yard or common open space of at least 25 feet in depth shall be provided, as measured from all streets and from the side and rear lot lines at the boundaries of the entire cluster development.
5. Each lot shall have a minimum access of 12 feet to a public or private street.
6. There shall be a maximum height limitation based on the R20 zoning district.

Comment [MSOffice9]: Added language from 'of' to the end of sentence.

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Comment [MSOffice10]: Added 'R20'

The preliminary and final site development plans for a residential cluster development shall include, but shall not be limited to, the following information:

1. The maximum number and type of dwelling units proposed.
2. The areas of the site on which the dwelling units are to be constructed and their building envelope size showing the general area in which the dwelling unit is to be located.
3. The calculations for the permitted number of dwelling units based on gross buildable area.
4. The areas of the site on which other proposed non-residential principal and accessory uses may be located and their size.
5. The areas of the site designated for common open space and their size.

Comment [MSOffice11]: Added 'based on gross buildable area'

Comment [MSOffice12]: Added 'non-residential'

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6. The areas of the site designated for parking and loading and the size of the spaces.

7. The location of sidewalks, trails, and bike paths.

8. The proposed landscaping for the development.

9. A phasing plan for the construction of the development.

Review Criteria.

A. In calculating the numbers of dwelling units proposed for a residential cluster development, if the floodplain area of the cluster development exceeds ten (10%) percent of the site, then the useable area shall first be determined by deducting from the gross area of the tract all floodplain areas (fifty (50)-year floodplain and floodplain alluvium soils) and then applying the approved density figure for the cluster development to the useable area contained in the tract.

A. In reviewing a residential cluster development, the planning commission shall determine whether:

1. The site plan satisfies all requirements of Section 17.42 above,
2. Buildings and structures are adequately grouped so at least 25% of the total area of the site is set aside as common open space. To the greatest degree practicable, common open space shall be designed as a single block and not divided into unconnected small parcels located in various parts of the development;
3. Pedestrians can easily access common open space,
4. The site plan establishes, where applicable, an upland buffer of vegetation of at least 50 feet in depth adjacent to wetlands and surface waters, including creeks, streams, springs, lakes, and ponds,
5. Individual lots, buildings, structures, streets, and parking areas are situated to minimize the alteration of natural features, natural vegetation, and topography,
6. Existing scenic views or vistas are permitted to remain unobstructed, especially from public streets,
7. The site plan accommodates and preserves any features of historic, cultural, or archaeological value,
8. Floodplains, wetlands, and areas with slopes in excess of 25% are protected from development, and
9. The cluster development advances the purposes of this ordinance as stated in Section 17.42.010 above.

Comment [MSOffice13]: I did not add a 10th statement about architectural features, since there is already a requirement in active adult communities that the PC has architectural review authority.

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- B. The planning commission may, in its opinion, apply such special conditions or stipulations to its approval of a residential cluster development as may be required to maintain harmony with neighboring uses and to promote the objectives and purposes of the comprehensive plan and the zoning and subdivision ordinances.
- C. In approving a residential cluster development, the planning commission may reduce the pavement width of any public or private streets that would otherwise be required by the subdivision regulations if the town engineer is in concurrence.
- D. An applicant who wants the reduction of pavement width of public or private streets as provided for in paragraph (D) above, shall submit a statement of justification for the reduction along with the site plan.
- E. **Common** Open Space. At least twenty-five (25%) percent of the entire tract of land to be developed in a residential cluster development must be devoted to **common** open space purposes. Areas that are reserved as **common** open space shall be shown on the plat and approved by the Planning Commission.
- F. Public Utilities and Facilities. Public water and public sewer must be provided to the development. The planning commission may require the reservation of **development** sites for other public facilities (schools, fire or police stations, library, etc.) if the need of the development justifies the facilities.

Comment [MSOffice14]: Added 'common'

Comment [MSOffice15]: Added 'common'

Comment [MSOffice16]: Added 'common'

Comment [MSOffice17]: Added 'development'

17.42.060 Home owner's association.

A. A home owners' association will be required if other satisfactory arrangements have not been made for improving, operating and maintaining common facilities including streets, drives, service and parking areas, open spaces, common areas, stormwater management facilities, and recreation areas. When required, the owner must establish a home s association in accordance with requirements and procedures approved by the planning commission.

B. Should any established homes association decide to dissolve such association, or if such association becomes defunct by any reason, the town disclaims any obligation to assume responsibility for lands held in common by such association. The burgess and commissioners reserve the option, however, to correct and bill homeowners involved for expenses incurred improving, operating and maintaining common facilities. Such charges shall become a lien against the property if not paid.

Comment [MSOffice18]: There are already references to a homeowner's association in G. and I. under the current active adult community regulations on page 1. I would recommend deleting the new language here and revising the current language if need be.

C. Prior to any assumption of responsibility for lands and facilities held by the homes association, the burgess and commissioners may require that such land and facilities meet the minimum standards required of similar facilities normally under town responsibility.

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 May 12, 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 3.09 of Article 66B of the Annotated Code of Maryland requires that the Planning Commissions of non-charter counties and municipalities prepare, adopt and file an annual report with the local legislative body and a copy of the report be mailed to the Director of the Maryland Office of Planning. The report is a retrospective look at development activity within the jurisdiction with a focus on whether that activity is or is not consistent with a variety of adopted plans. The report thus informs both the Planning Commission and local legislative body about the strengths and weaknesses of the local planning program.

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	1,468
	2,874

MIDDLETOWN PLANNING COMMISSION

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

CONCEPT PLANS PRESENTED-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)
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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)
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TEXT AMENDMENTS:

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

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]

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]

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.

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 applying for the Maryland Sustainable Communities designation and discuss potential projects to consider for any applicable funding associated with the designation.

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		
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	0		
Townhouse	0	0	0	0	0	0	0	0	42	15	0	57	16	19	23	24	0	82	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		
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: 3/7/2014
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

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)

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
Improvement Plans conditionally approved – February 21, 2011
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 submitted – March 3, 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 – Revised Concept plan submitted to PC for comments – February 28, 2014

Thompson Funeral Home Revised Parking Lot Site Plan – conditionally approved April 22, 2013
SWM Plans conditionally approved by Frederick County – October 29, 2013

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

County Park – Annexation agreement approved by Town Board – June 10, 2013
Annexation recommended for approval by PC – September 16, 2013
Public Hearing held on December 5, 2013
County Park annexation approved by Town Board – December 9, 2013
PFA Status approved by MDP – February 25, 2014

Text Amendments:

Zoning Code review – ongoing

Active Adult text amendment – received language from Farhad – October 28, 2013
Planning Commission review – November 18, 2013 (no recommendation)
Planning Commission recommended approval with modifications – January 20, 2014
Planning Commission discussion of cluster development regulations – March 12, 2014

Sandwich board text amendment – PC recommended approval – January 20, 2014
Town Board Public Hearing – April 3, 2014

Adult Uses text amendment – Town Board has instructed staff to have town attorney draft an ordinance for review

Reports: **Draft Annual Report submitted to PC for discussion – March 12, 2014**

Meetings: **County/Municipal Planners meeting – March 14, 2014**

Town of Middletown Zoning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Ron Forrester, Zoning Administrator

Date: 3/6/2014

RE: Monthly Zoning Update

BOA Hearings: none

Zoning Violations:

Thompson Parking Lot

- (1) February 19, 2014 letter sent to property owner by Town Manager.
- (2) February 28, 2014 letter sent to Frederick County Department of Planning and Development Review and Department of Permits and Inspections requesting their assistance in enforcement of the State's storm water management, sediment and erosion control regulations.

Miscellaneous: Limited number of zoning enforcement inspections completed in February because of inclement weather conditions.

(1) The plan in to perform scheduled neighborhood inspections on a weekly basis once the weather improves.

(a) Three inspections of Brookridge South / Brookridge Estates neighborhood were performed with several zoning issues noted.

(2) Worked with contractor installing permanent sign at Valley School on February 28, 2014 to ensure free standing sign installed was IAW approved site plan.

February 2014 Zoning Certificates	Address	Permit #	M-town Received	M-town ZA Approved	County Approval
The Valley School – sign	30 East Green Street	Town	2/4/14	2/12/14	n/a
Dempsey Restaurant – sign	116 West Main Street	Town	2/5/14	2/11/14	n/a
Canale – solar panels	12 Bankbarn Circle	115929	2/12/14	2/12/14	Yes
Tovia – fire repairs to house	35 E. Main Street	116164	2/19/14	2/21/14	Yes
Baird – fence	5 North Point Circle	Town	2/21/14	2/21/14	n/a
Zerhusen - deck/covered porch	9 Hoffman Drive.	116252	2/24/14	3/4/14	Yes