MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA
Monday, March 16, 2015
7:00 p.m.

I.	**Public Comment**	
II.	Minutes of January 2015 Planning Commission meeting	**Approval**
III.	**Plan Review**	
	Overfield Carport Demolition Plan	**Review/Approval**
	Jiffas architectural review – duplex building	**Review/Approval**
	Straits Dedication Plat	**Review/Approval**
	Cross Stone Commons Phase 2 Improvement Plans	**Review/Approval**
	Sheffler Special Exception for Restricted Vehicle	**Review/Recommendation**
	Putman Revised Site Plan Extension Request	**Review/Approval**
	Putman Revised Improvement Plans	**Review/Approval**
IV.	**Zoning**	
V.	**Miscellaneous**	
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 **January 19, 2015**

The regular meeting of the Middletown Planning Commission took place on Monday, January 19, 2015 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), Bruce Carbaugh (Director of Public Works), Ron Forrester (Zoning Administrator) and Annette Alberghini (Recording Secretary). Others present: Noel Manalo (Miles & Stockbridge), Tom Poss (Verdant Development Group), Andrew Brown (J.F. Brown, III & Associates), and Trevor Dodson (town resident).

I. PUBLIC COMMENT – None.

II. Regular Meeting Minutes of December 15, 2014 – Approved as submitted.

III. PLAN Review

Chesterbrook Phase 2 Site Plan – (Noel Manalo was present as the representative for Miles & Stockbridge. Andrew Brown was present as the representative for J.F. Brown II & Associates. Tom Poss was present as the representative for Verdant Development Group (the applicant).) This is a revised site plan. A site plan for Phase 2 Chesterbrook that included 16 rental apartments and 48 parking spaces was previously approved July 17, 2006. The applicant now proposes the construction of 18 multi-family dwellings in five buildings on a 1.74 acre parcel located on property adjacent to the existing Middletown Valley (Chesterbrook) apartments. The parcel is zoned R-3 High Density Residential which permits townhouses and multifamily dwellings such as apartments and condominiums containing no more than twelve individual residential units. It meets the minimum required lot area and density. The developer was granted a building height variance of an additional five feet by the Board of Appeals on January 13, 2015. Under the new site plan, there is no open space requirement to be met. There will be 23 on-street parking spaces with 18 driveway, and 18 garage spaces. Driveway lengths are now noted to be 20-21 feet long. In order to accommodate the required driveway length of 20 feet, the sidewalks have been reduced from 5-feet to 4-feet wide. There will be four proposed 16-foot tall light poles. The Director of Public Works has reviewed this new site plan and has provided remarks and recommendations to the developer and the Planning Commission. Staff recommends that the Planning Commission approve the Site Plan conditional upon verification that all driveways are a minimum of 20-feet in length, and a more detailed lighting plan showing the foot-candle limits for all four light poles. It would also be helpful if the applicant would provide some architectural renderings to show how the proposed buildings will conform to the existing development.

- **Definitions** – At the workshop, a resident asked for clarification on the definitions of a townhouse and multifamily dwelling. The Town ordinances define town houses as one of a group of three or more attached dwelling units divided by party walls with either separate front and rear entrances from the outside, or separate front and side entrances from the outside. A section 17.16.080 of the Ordinance considers town houses as separate dwelling units on individual lots. The Staff Planner and Zoning Administrator discussed this section and determined that it relates to town houses as separate units on individual lots. What is proposed with this new plan are multi-family dwellings.
- **Driveways and Sidewalks** – The original site plan showed 5-feet wide sidewalks and 18-20 feet long driveways. To meet the Town codes, the new site plan shows 4-foot wide sidewalks and 20-21 feet long driveways. Both the Town ordinance and County subdivision regulations require a

4-foot wide sidewalk at minimum. However, the County is asking developers to provide 5-foot wide sidewalks. The Director of Public Works stated that the ADA requirements are 36 inch wide sidewalks with 5-feet by 5-feet passing areas every 200 feet. Discussion arose concerning whether or not the sidewalks should be 4 or 5 feet wide. The Director of Public Works stated that a 5 foot wide sidewalk will still provide enough drive way parking for 95 percent of the vehicles. If someone owns a bigger vehicle, they would extend into the sidewalk when parked. If the Town could tolerate that infringement then it would be fine. With a 4 foot wide sidewalk there would be no problem.

- **Site Plan Notes –**
    1. **Site Plan note #6** specifies that stormwater management shall be provided in part with permeable pavement. The legend on Sheet 1 indicates a symbol for pervious concrete, as well as, a symbol for the asphalt pavement and the reinforced turf for emergency access from Franklin Street. The submitted plans do not show clearly where these different surfaces are to be located. The Staff Planner also noted that the mountable curb areas are also not shown clearly on the plan. The developer stated these will all be identified on the Improvement Plan.
    2. **Site Plan note#12** should be removed as the previous approvals did not include this type of arrangement. The developer stated it was included on this Site Plan because of the possible opening of Broad Street to Route 17 in the future and the multiple variables which would be involved at that time. The developer is welcome to approach the Town Board regarding this issue, but the Director of Public Works will not sign off on the proposed site plans with note #12 present. It was determined that this issue will be worked on through the Improvement Plan.
- **Lighting** – Four proposed 16-foot tall light poles are shown on Sheet 2 with the approximate foot-candle limits shown for the pole nearest the entrance to Chester Court. The foot-candle limits should also be shown for the other three light poles, especially the one directly to the north of the existing apartment building. It should be assured that lighting from Lot 1 does not shine into the existing apartments.
- **Landscaping** – The Staff Planner noted that in addition to the proposed new plantings on the development, any existing trees to be removed due to construction should also be noted on the Site Plan.
- **Architectural Rendering** – Town staff recommended that it would be helpful if the applicant would provide some architectural renderings to show how the proposed buildings will conform to the existing development. The developer provided renderings from two projects within Frederick County to show 2 possible building types available. The developer usually selects an architectural design after Site Plan approval, when details finalize. It was suggested that the developer submit architectural rendering review during the Improvement Plan process.

The Staff Planner noted that the proposed site plan lists the street on the property as Chester Court. The previously approved site plan has it listed as Bellmeade Court. The name can be changed without issue. Chester Court makes sense as it relates to Chesterbrook. It is not an issue if approved as is.

Action: Commissioner Lake motioned to conditionally approve the Chesterbrook Phase 2 Site Plan, conditional upon meeting the comments from the Director of Public Works, include the lighting plan to be developed through the Improvement Plan, and to have architectural rendering review at the Improvement Plan stage. Seconded by Commissioner Smart. Motion carried (5-0)

Chesterbrook Phase 2 FRO Plan – (Noel Manalo was present as the representative for Miles & Stockbridge. Andrew Brown was present as the representative for J.F. Brown II & Associates. Tom Poss was present as the representative for Verdant Development Group (the applicant).) The applicant proposes the

construction of 18 multi-family dwellings in five buildings on a 1.74 acre parcel located on property adjacent to the existing Middletown Valley (Chesterbrook) apartments. The parcel is zoned R-3 High Density Residential which permits townhouses and multifamily dwellings such as apartments and condominiums containing no more than twelve individual residential units. The developer has submitted a revised FRO plan which utilizes fee-in-lieu of offsite planting. The Staff Planner discussed with the Burgess possible locations for offsite planting, but could not identify an area for it to occur, so fee-in-lieu would be appropriate. The FRO plan lists the costs equal to $6,115.82. This amount needs to be revised as the rate used to calculate the fee was for developments outside a Priority Funding Area. Middletown is within a Priority Funding Area so the fee will be less. Also, the State code reflects the most recent Forest Conservation Act updates which changed the fee after September 30, 2014. Prior to September 30, 2014 the fee was $0.30 per square foot. The staff planner will confirm with the State DNR the current fee rate.

Action: Commissioner Smart motioned to approve the Chesterbrook Phase 2 FRO Plan utilizing fee-in-lieu with the condition that the calculation be confirmed with the Maryland Department of Natural Resources so the exact amount complies with State and Town regulations. Seconded by Commissioner Miller. Motion carried (5-0).

Cross Stone Commons Revised Site Plan – (No one was present for the applicant.) This is an information update.

- **Grading Permit** – The grading permit has been issued.
- **CVS Building Permit** – The building permit for the CVS has been approved.
- **Public Works Agreements** – All public works agreements have been signed by the Town in accordance with what the Town Board and the developer agreed to.

Action: None taken.

IV. ZONING

Documentation of Demolition Proposed Language by Main Street – The Main Street Design Committee has requested that the Town amend its current demolition ordinance to add stipulations in which they would be notified of any demolitions within the Town, given the contact information of the property owner, ascertain the historic significance to the Town and, if deemed appropriate, take photos of the structure prior to demolition. The Planning Commission determined this would be best served as a notification policy rather than a change to the ordinance. It was suggested that when a demolition permit is applied for the Main Street Manager would be notified, who would then work with the property owner regarding historical significance and photographic preservation. The Staff Planner suggested adding this notification to the checklist she utilizes regarding demolitions within the Town.

Public Hearing February 5, 2015 Ordinance Amendment – The Staff Planner stated that a public hearing regarding changes to the Town Ordinance has been scheduled for February 5, 2015 and will occur prior to the Town Board workshop. The proposed changes have been sent to the Town Attorney for review. He has several comments to address. The Planning Commission determined that the Staff Planner will review the comments, prepare a response, review these with the Planning Commission Chairman, and then forward to the Town Attorney.

Violations –

- **Middletown Library C Container** – The C container has been removed from the parking lot of the Middletown library as of last Friday (1/16/14).
- **Scarecrow Still Displayed on East Main Street** – The Zoning Administrator is investigating this issue.

- **Gas Station next to Ingalls Property** –The Zoning Administrator is sending the property owner a violation letter regarding the excess signage on their property. He will visit the property if needed.
- **Thompson Funeral Home Parking Lot** – The parking lot is still not completed. The parking spaces have not been striped. The plantings have not been done. The signage may be out of compliance. The Zoning Administrator will follow-up with the Town Administrator for information regarding the parking lot status and fines administered.
- **Violation Letters** – The Zoning Administrator reported that violation letters have been mailed to several property owners regarding parking vehicles on grass, unscreened vehicles and recreation vehicles, etc.

V. MISCELLANEOUS –

Ingalls Property – The owners usually provide a plans update February of each year. It was suggested that the Staff Planner contact them for the update information. The Staff Planner will contact them this week.

Elect Chairman and Vice Chairman for 2015 – The Staff Planner opened the floor for nominations for Chairman of the Planning Commission for 2015. Commissioner Smart nominated Mark Carney to continue as chairman. Chris Goodman seconded the motion. There were no other nominations. Motion carried (5-0).

The Staff Planner open the floor for nominations for Vice Chairman of the Planning Commission for 2015. Chairman Carney nominated Commissioner Lake. Seconded by Commissioner Smart. There were no other nominations. Motion carried (5-0).

VI. ADDITIONAL PUBLIC COMMENTS – None.

Meeting adjourned at 8:05pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary

DRAFT

Middletown Planning Office

MEMORANDUM

Date: 1/22/2015

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **OVERFIELD PROPERTY DEMOLITION SITE PLAN**
Tax Map Parcel #03-0150801
Applicant: Kirk Overfield
Property Owner: Kirk and Mary Overfield
Plan Dated: January 16, 2015
Date Received: January 16, 2015

GENERAL INFORMATION

Proposal: Remove an existing carport at the rear of the property and then replace it with a garage

Location: 122 East Main Street

Zoning: R-2 Residential

Present Use: Carport

COMMENTS

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

1. All of the requirements of Section 17.32.160 (Demolition site plan – Required in all districts.) of the Middletown Municipal Code have been met.

2. A permit will need to be received from the County for the demolition to occur. Application to the County can take place concurrent with the site plan approval process by the Planning Commission.

3. An aerial photograph of the carport to be demolished (circled) has been attached to this memo along with a couple photos. A plot plan that shows the location of the carport to be demolished is also attached.

4. It is staff's understanding that letters were sent to the adjacent property owners informing them of the proposed demolition, and a copy of that letter has been attached. The property has also been posted.

5. All demolitions and post demolition restoration shall be completed with ninety (90) days of issuance of a demolition permit unless otherwise approved by the Middletown planning commission.

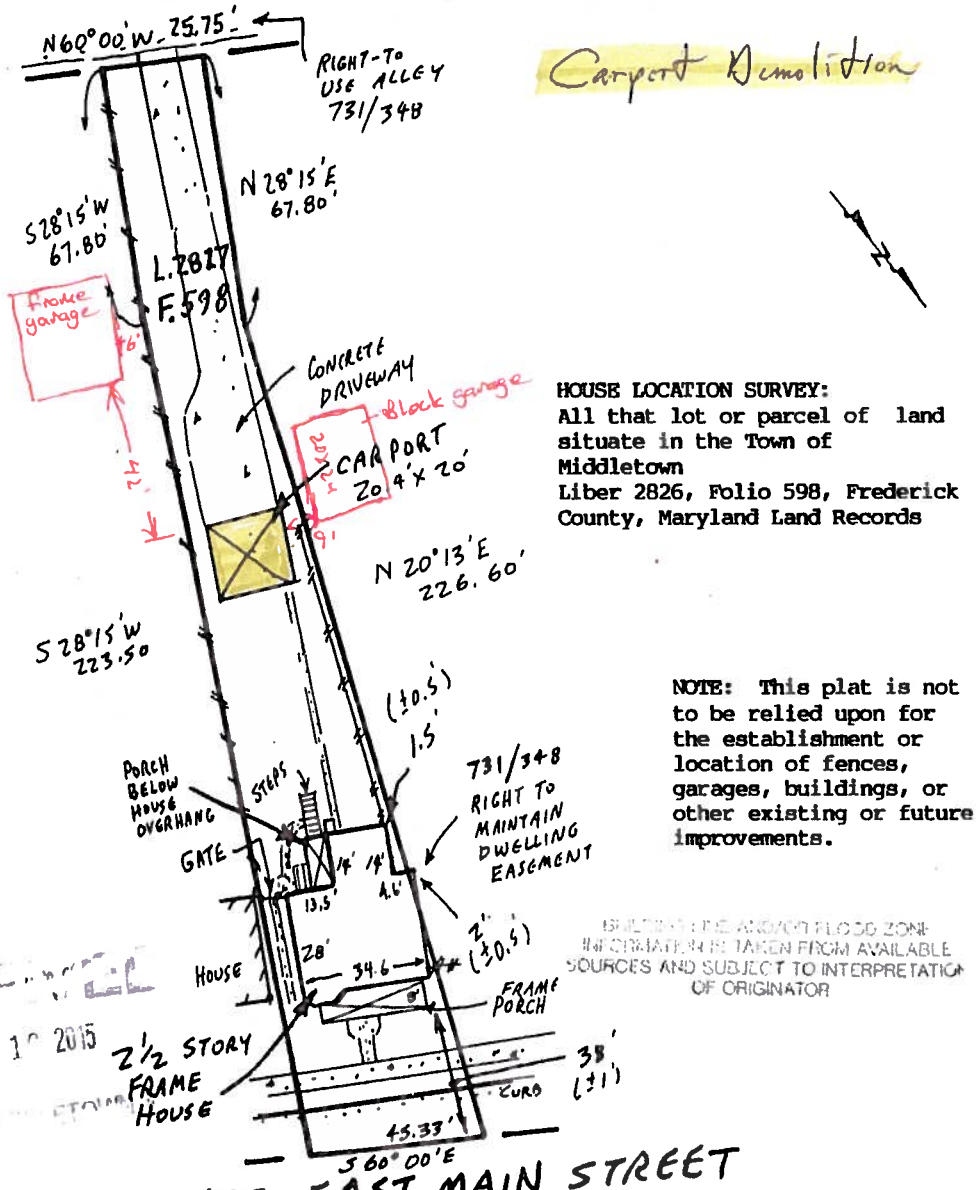
This review will be included in the Middletown Planning Commission materials for the March 16, 2015 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be March 11, 2015.

cc: Kirk Overfield

ELLER:

LEGAL DESCRIPTION:

All that lot or parcel of land situate, lying and being in the Town of Middletown, Frederick County, Maryland as recorded in Liber 2826, Folio 598, one of the Land Records of Frederick County, Maryland, also locally known as 122 East Main Street, Middletown, Maryland.



HOUSE LOCATION SURVEY:
All that lot or parcel of land situate in the Town of Middletown
Liber 2826, Folio 598, Frederick County, Maryland Land Records

NOTE: This plat is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements.

FLOOD ZONE INFORMATION IS TAKEN FROM AVAILABLE SOURCES AND SUBJECT TO INTERPRETATION OF ORIGINATOR

JAN 1? 2015

NOTE: This location is for title purposes only and not to be used for determining property lines. Property corner markers are NOT guaranteed by this location.

R&L SURVEYING CO.

220 N. Market Street
Frederick, Maryland 21701
(301) 698-9377

STATE OF MARYLAND
COUNTY OF FREDERICK

I certify the property herein is in accordance with the plat of subdivision and/or deed of record, that the improvements were located by accepted field practices and include permanent visible structures. Fences and/or walls shown are for picture purposes only. The exact location can only be determined by a boundary survey with the corners being set.

The above legally described property is not within a special flood hazard area as designated by the Federal Emergency Management Agency F.I.R.M. Map on Community Panel No. 24016200 01B dated October 23, 1981, for the Town of Middletown, Frederick County, Maryland.

STATE OF MARYLAND RUBEN SANCHEZ No. 424 REGISTERED PROPERTY LINE SURVEYOR

FILE #
DATE March 26, 2004
SCALE 1" = 40'
J.O. # 0317004

Ruben Sanchez, Property Line Surveyor No. 424

	DATE	BY
FIELD WORK	3.25.04	R/S
DRAFTING	3.26.04	RS
FINAL CHECK	3.26.04	LC
RECERTIFICATION		

1-3 Shown on plat

4. Demolition will begin as soon after permit approval as is possible. Work should begin with in app. 3 days of 16th meeting in Feb.
The demolition does not include any hazardous materials as the structure is a pole built carport. Demolition should take about 3hrs, all work will be done by hand and placed directly in an on site dumpster

5. All work will be done by my son and myself. I have been a contractor and in construction since 1977. I am currently a construction supervisor for D'Amore Construction Inc. I have been so for 10 yrs

6. No explosives or incendiary device will be used.

7. The building will be braced before we climb on the roof as the posts are rotten at ground level. We will use fall arrest harnesses for roof demolition. There is a fence on both side of property to contain the debris on my lot. Standard hand demolition will be used to take carport down piece by piece.

8. There are no public utilities on site

9) No hazardous materials to deal with. Structure is 6 wood poles, 3 trusses, purlins of wood, steel roofing

10 There is to be only minor disturbance of grass. Grass will be resown as weather permits.

OFFICE COPY
DO NOT REMOVE

RECEIVED
JAN 1 2015
TOWN OF MIDDLETOWN

17.32.160 Demolition site plan--Required in all districts.

A. In all districts a proposal and permit application for the demolition of any building or structure, as defined in Section 17.04.030, shall require site plan approval by the town of Middletown planning commission prior to the issuance of a permit for said demolition. The demolition site plan shall show:

1. The dimensions and boundaries of the property and the location of all improvements thereon;
2. The location of the building or structure proposed to be demolished;
3. The location of all adjacent properties and structures;
4. The proposed date and time of demolition, the anticipated length of time for demolition, and the proposed manner or type of demolition to be used;
5. The identity of the person(s) or entity that will perform the demolition and information confirming the experience and professional credentials of such person(s) or entity;
6. Information describing any type of explosive or incendiary device proposed to be used in performing the demolition;
7. A plan of safety precautions to be taken for the demolition to protect the safety of persons and surrounding properties;
8. The location of all existing public utilities on the property and in the area and confirmation of a plan for the discontinuance of utility service to the structure or building proposed to be demolished prior to the proposed demolition;
9. Assurances that the proposed demolition will be in compliance with all federal, state and local laws, ordinances and regulations including, but not limited to, any and all laws and regulations governing "Hazardous Materials" and the disturbance and/or removal of "Hazardous Materials" from the property; and
10. A proposal and plan for any grading, seeding, sodding, or post demolition restoration of the demolition site.

Upon any demolition site plan approval granted by the planning commission and upon the issuance of a demolition permit by the town of Middletown, all such demolitions and post demolition restoration shall be completed within ninety (90) days of issuance of a demolition permit unless otherwise approved by the Middletown planning commission.

For purposes of this section, fences of any type shall not be considered a "structure" and shall, therefore, be exempt from this requirement.

B. All site plans for demolition shall be submitted a minimum of thirty (30) days prior to a regularly scheduled planning commission meeting. The planning commission may require bonds or guarantees to ensure restoration of the site.

C. Notices. In addition to posting a public notice sign on the property advising of the proposed demolition, an applicant seeking to demolish a building or structure hereunder shall be required to give written notice thereof to all adjacent and contiguous property owners not more than ten (10) days after submitting the demolition permit application and the demolition site plan to the town of Middletown planning commission, advising of the date, time and manner of the proposed demolition. A record of such notice shall be made to the planning commission.

203 EAST MAIN STREET
124 EAST MAIN STREET
119 EAST MAIN STREET
117 EAST MAIN STREET
115 EAST MAIN STREET
113 EAST MAIN STREET
109 EAST MAIN STREET
200 EAST MAIN STREET
204 EAST MAIN STREET
208 EAST MAIN STREET
6 BROAD STREET
128 EAST MAIN STREET
126 EAST MAIN STREET
124 EAST MAIN STREET
122 EAST MAIN STREET
120 EAST MAIN STREET
118 EAST MAIN STREET
116 EAST MAIN STREET
110 EAST MAIN STREET
108 EAST MAIN STREET
5 BROAD STREET
101A BROAD STREET
101 BROAD STREET
103 BROAD STREET

ADS
American Disposal Systems
301-695-0080

RECEIVED
FEB 03 2015
TOWN OF MIDDLETOWN, MD

January 28, 2015

Dear Neighbors,

We have applied ~~the~~ to the town of Middletown Planning Commission for a demolition permit for the existing carport located at 122 East Main St.. We intend to tear the existing structure down and replace it with a new garage. The current structure is rotten and in need of replacement.

All interested parties are encouraged to attend the Planning Commission hearing on Monday, February 16, at 7:00 pm in the Middletown Municipal Center, 31 W. Main St.,Middletown, MD.

Sincerely,

Kirk and Mary Overfield

122 East Main St.

Middletown, MD.21769

301-524-7989

kwoverfield@comcast.net

Middletown Planning Office

MEMORANDUM

Date: 1/2/2015
Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **JIFFAS REVISED ARCHITECTURAL PLAN**
Tax Map Parcel #03-162311
Applicant: Dennis Jiffas, Scott Chilton
Property Owner: Wireless Rentals LLP, Dennis Jiffas
Plan Dated: August 22, 2014
Date Received: August 22, 2014

GENERAL INFORMATION

Proposal: Build a duplex building

Location: 406 West Green Street

Zoning: TC Town Commercial. This district permits all residential uses; residential uses in the TC district shall meet lot area requirements of the R-3 district.

Present Use: Vacant land

COMMENTS

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

1. **Prior site plan approval** – In October 2008, the Planning Commission conditionally approved a site improvement plan for a commercial office on this property, as well as a Forest Conservation Plan. The conditions of approval were: the revised building elevation provided at the meeting on October 20, 2008 would be used; the town would consider a payment in-lieu-of as an alternative to the installation of sidewalk, curb and gutter on Green Street to match the planned improvements for West Green Street by the Town; and concrete pavers as indicated at the meeting on October 20, 2008 would be used. The Planning Commission waived the requirement for sidewalk on Summers Drive.

2. **Use** – The applicant is proposing to now build a duplex residential building instead of a commercial office building. According to Section 17.20.050 (Site plans required in commercial districts) of the Middletown Municipal Code, a site plan of development does NOT need to be submitted to the planning commission and approved by them for residential uses in the commercial districts. That being said, according to that same

section of the Code, new principal structures in the TC district shall be subject to architectural review by the planning commission. Therefore, the planning commission will not look at the proposed building location and setbacks, driveways or parking, landscaping, water and sewer facilities, storm drainage facilities, etc. The Zoning Administrator will review the zoning certificate for approval in order for the applicant to obtain a building permit. If the applicant decides to subdivide the property, the subdivision plat will come before the planning commission for review and approval.

3. **Board of Appeals approval** – The applicant filed a request for a variance of 22 feet from the 35-foot front yard setback facing Summers Drive for the proposed construction of a duplex residential structure on this corner lot. The Board after reviewing the Zoning Administrator's staff report, the applicant's proposal, and public comments, voted 3-0 to approve the variance on December 16, 2014.

4. **Previous review by Planning Commission** – In June 2014, the Planning Commission reviewed the architectural rendering of the proposed duplex provided by the applicant. At that time, the Planning Commission elected to hold off on the architectural review until the applicant received the needed variance from the Board of Appeals. It was also determined that at the time of architectural review, the Planning Commission will vote to officially rescind the previously approved site plan from 2008.

5. **Materials provided** – The planning commission is being provided an architectural rendering of a building referred to as the James Madison which is from The Landmark Collection. The proposed duplex will face West Green Street to better facilitate drainage patterns, create more usable rear yards, allow rear entry driveways and garages, and to allow for walkout basement access. Both of the unit's entrances will front on West Green Street.

6. **Architectural review** – Although the proposed building is not a commercial building and doesn't front Main Street, it is within the area defined by the Main Street Program. The Main Street Design Committee reviewed the architectural rendering and concluded that it is an appropriate building style and size that will blend in with the existing surrounding historic district.

7. **Adjacent properties** – Across Summers Drive from the proposed duplex building is a duplex that was built in the 1980's. The dwelling at 98 Summers Drive was built in 1982, with the adjoining dwelling at 96 Summers Drive built in 1985. The earlier dwelling is one-story high with a basement; the dwelling built later is a two-story building with no basement. Photos of that duplex are attached to the staff report. The subdivision of that property was approved in 1996.

   The property to the north is the AMVETS property which has a one and a half story brick building of more than 9,000 square feet. To the east of the property is a large wooden barn building, and to the south is a two-story cement block apartment building.

Findings/Conclusions

Based upon the review and analysis as provided above, Staff finds that the proposed application generally meets the intent of the TC zoning district.

There are no noteworthy historic structures in the vicinity that the proposed dwelling would have an adverse effect on.

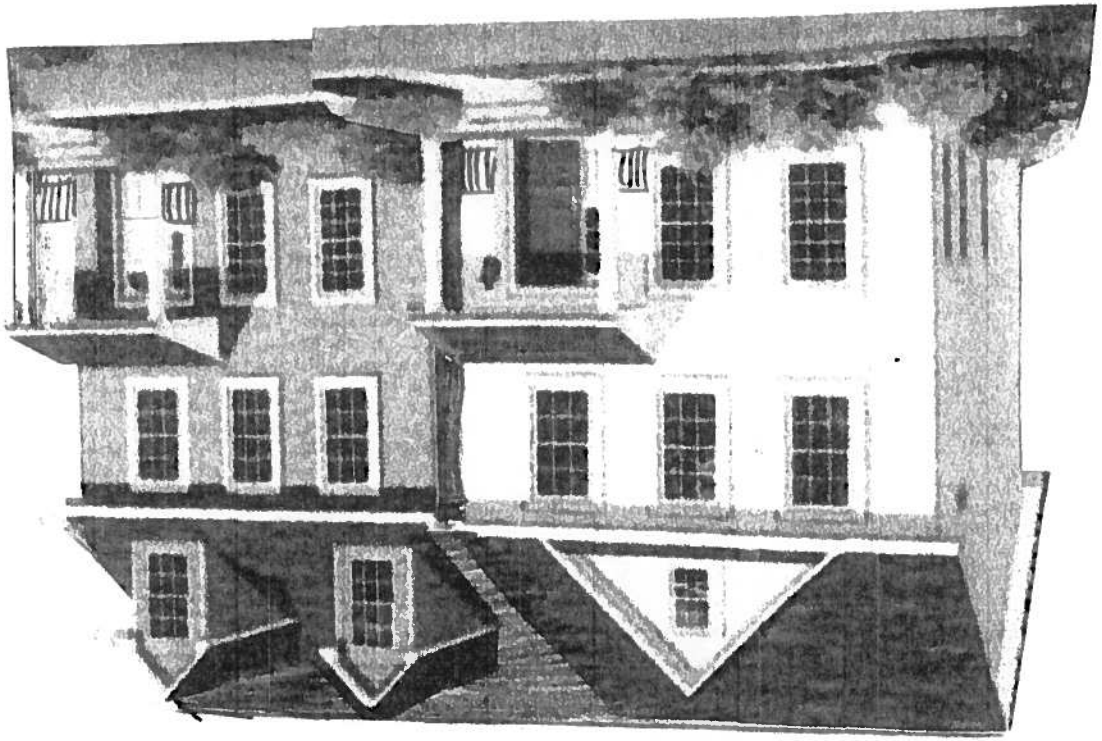
Due to the height limitations in the TC district of 35 feet, and the fact that the near-by buildings range from one-story buildings to two-story buildings, the proposed two-story duplex should not be in conflict appearance-wise with the other buildings in the vicinity.

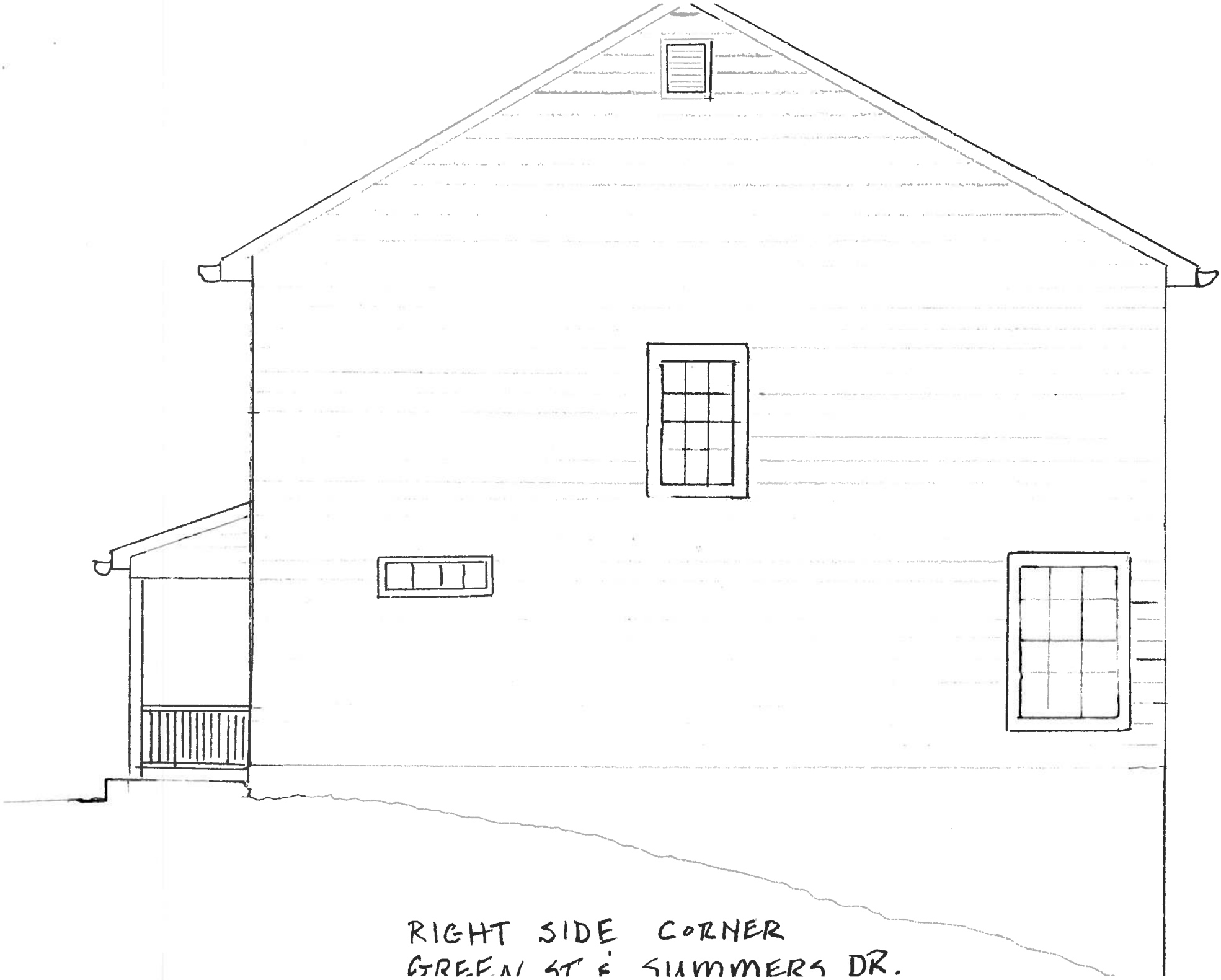
RECOMMENDATION

Staff recommends that the Planning Commission approve this Architectural Rendering for the proposed duplex residential building. Staff also recommends that the Planning Commission officially rescind the previously approved site plan from 2008 for a commercial building on the site.

This review will be included in the Middletown Planning Commission materials for the March 16, 2015 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be March 11, 2015.

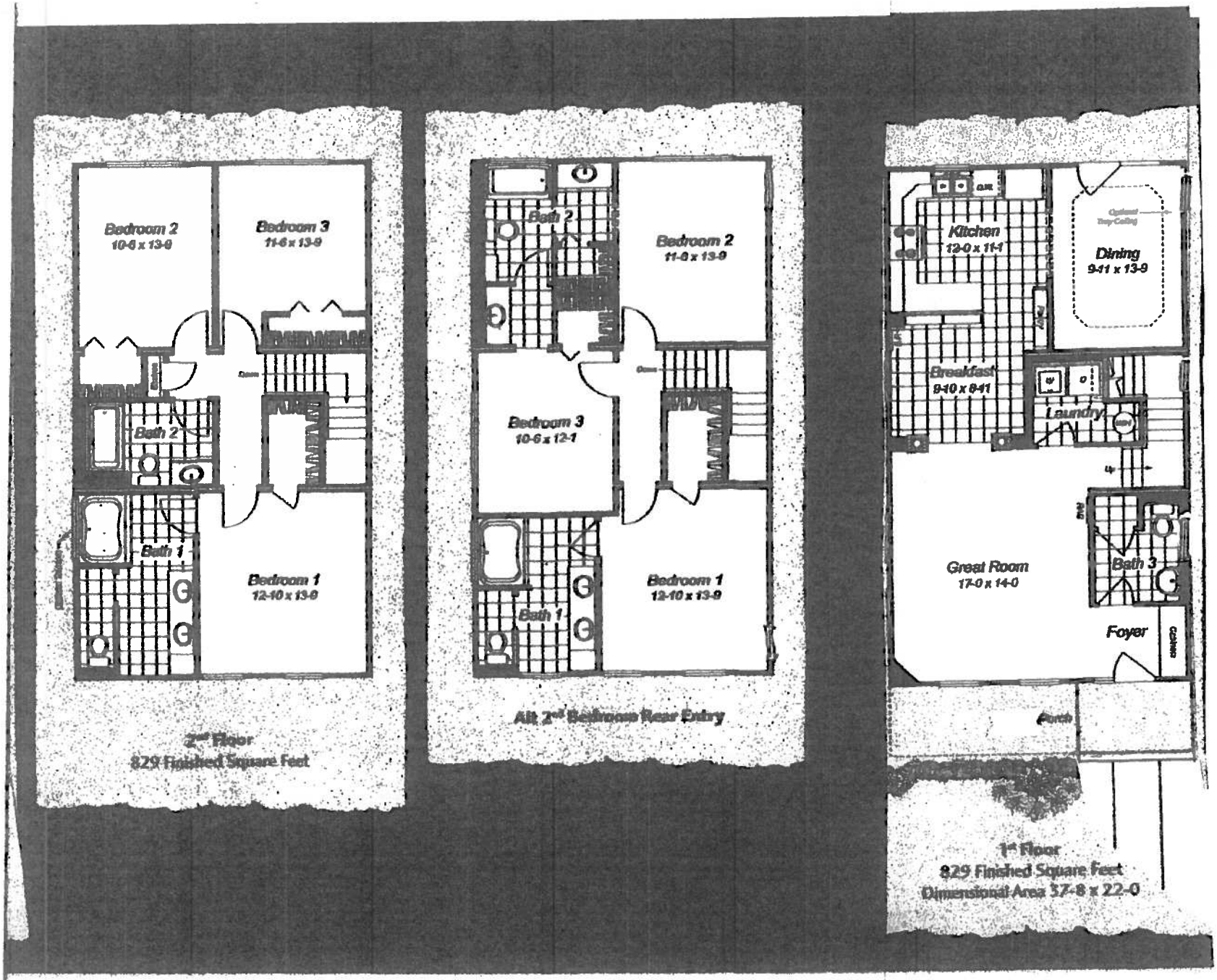
cc: Dennis Jiffas
Scott Chilton





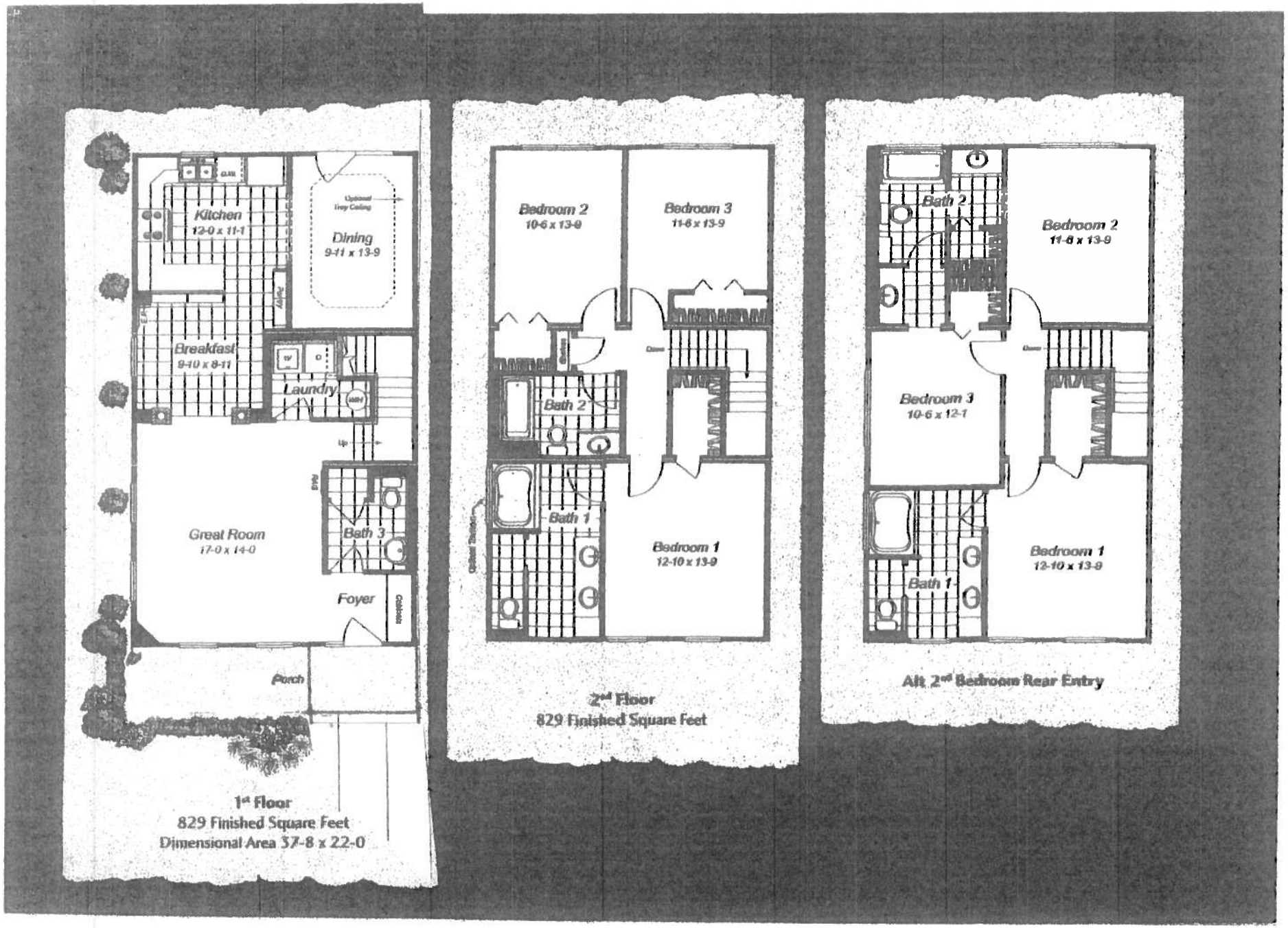
RIGHT SIDE CORNER
GREEN ST & SUMMERS DR.

LEFT SIDE OF HOUSE
GABLE END



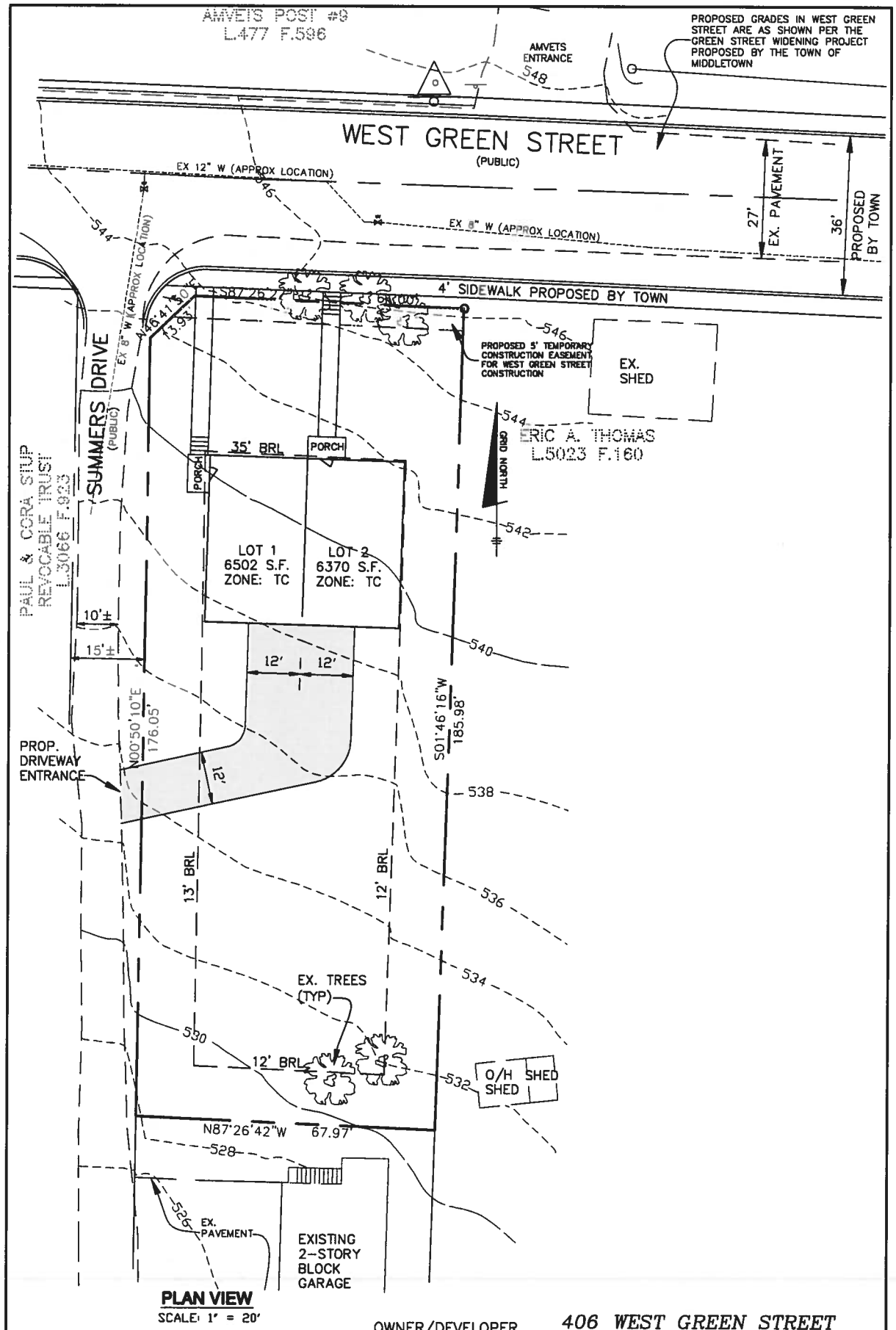
GREEN ST.

RIGHT SIDE HOUSE FACING



GREEN ST.

LEFT SIDE HOUSE FACING



PLAN VIEW
SCALE: 1" = 20'

OWNER/DEVELOPER
WIRELESS RENTALS, LLP
C/O DENNIS JIFFAS
6128 COOL SPRING TERRACE
FREDERICK, MARYLAND 21701
301-696-5967

406 WEST GREEN STREET CONCEPT PLAN

406 WEST GREEN STREET
MIDDLETOWN, MARYLAND
MAP 500, GRID 8, PARCEL 625, LOT 2
PLAT REFERENCE L 6603 F 395

Justification for Building Orientation

1. Facing the units upslope allows for a walkout condition for the basement. If the units were facing Summers Drive, there would be approximately 12' of back yard and garage access would not be feasible.

2. Stormwater management will be required and it may be accomplished on the downslope area on each individual lot. If lots were to face Summers Drive, storm water management could not be accomplished on each lot; instead, treatment for the uphill unit would have to be conveyed and treated on the downhill side of the duplex.

3. Placing the buildings near Green Street will allow the construction of sewer outfall without obtaining easements from adjacent property owners.

Middletown Planning Office

MEMORANDUM

Date: 2/24/2015
Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **LOT 6 – KEFAUVER DEDICATION PLAT**
Tax Map Parcel #03-0144356
Applicant: Mark Crissman, Daft, McCune Walker, Inc.
Property Owners: Jeffrey and Lera Straits
Plan Dated: December 18, 2014
Date Received: February 6, 2015

GENERAL INFORMATION

Proposal: Dedicate a portion of the property of Jeffrey and Lera Straits to public use for right-of way purposes.

Location: South side of East Main Street, 460 feet west of Middletown Parkway

Zoning: R1 Low Density Residential. This district is intended to encourage and promote the development of single-family residential neighborhoods free from land usage which might adversely affect such development.

Present Use: Residential

COMMENTS

The following issues should be considered in your review of this Dedication Plat:

1. **Final plat requirements** – According to Chapter 16.24.010 of the Municipal Code, the final plat shall contain the following information:

   A. General Style and Form.

   1. Drawing. It shall be legibly and accurately drawn on tracing linen or mylar sheets eighteen (18) inches by twenty-four (24) inches in size, and at a scale of one inch to fifty (50) feet, or one inch to one hundred (100) feet, depending upon the size and nature of the subdivision. If more space is needed, additional sheets may be used. Drawing must be a three and one-half inch margin on the left side and a one-half inch margin on the other sides. Each additional sheet on a final plat shall contain all of the necessary information so as to stand on its own. *The final plat will be submitted on mylar when the time comes for signatures and then recording.*

2. Meet Platting Requirements. It shall conform in all respects to the requirements of Real Property Book, Title 3, Subtitle 1, Section 3-108, 1974 Edition of the Annotated Code of Maryland, which relates to the making, filing and recording of plats. Among other things the above requires that plats for recording must be surveyed and certified by a registered surveyor. *Shown.*

3. Title Information. Title information shall include:

a. Subdivision name; *Shown*

b. Location by election district, city or county and state; *Shown*

c. Names and addresses of the owners of record, the subdivider, and the engineer or surveyor; *Shown*

d. Scale, date, and north point; *Shown*

e. A map to scale showing location in county. *Shown*

B. Graphic Information. The following graphic information shall be shown:

1. Boundaries. Exact boundaries of the area included within the subdivision with dimensions to hundredths of a foot and bearings to half minutes. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure not to exceed one in five thousand (5,000). Coordinates must be shown at all boundary break points; *Shown*

2. Bearings and Distances. Bearings and distances to the nearest recorded property corners or other monuments which shall be located or accurately described on the plat; *Shown*

3. Monuments. The accurate location and descriptions of all permanent monuments. Where applicable and feasible the coordinates of all permanent markers or monuments should be based on the Maryland Coordinate System (Lambert Conformal Conic Project, adopted by Act of General Assembly 1939, Chapter 628); *Shown*

4. Adjoining Owners. Names and locations of adjoining subdivisions and the locations and ownership of adjoining unsubdivided property; *Shown*

5. Adjoining Roads. Exact locations, width, and name of each existing or recorded road or street adjoining or intersecting the boundaries of the tract; *Shown*

6. Engineering Data. The exact location and width of every road, street, alley, easement, or other public or private way within the tract, with the length and bearing of every tangent, length of arcs, radii, delta angle, tangents, chord length, chord bearing, and any other necessary engineering data, with the names of such ways, and the purpose of easements or other ways. Accurate location of every lot line with its dimension to hundredths of a foot and bearings to half minutes; *Shown*

7. Street Names. A name must be given to all new streets, drives and cul-de-sacs according to the requirements in Section 16.28.030(P); *n/a*

8. Setback Lines. Minimum building setback lines (front, side and rear) on all lots; *Noted*

9. Numbering. Blocks lettered in alphabetical order, and lots numbered in numerical order; *Shown*

10. Public Lands. Accurate outlines of any areas dedicated or reserved for public use, or for any other purpose except sale, with the purpose indicated; *Shown*

11. Lot Area. Accurate area of each lot or parcel, other than public ways; *Shown*

12. Municipal Lines. Accurate location of the municipal or district line traversing or closely related to the tract; *n/a*

13. Drainage Lines. Existing and relocated courses of any watercourses or storm drainage facilities traversing the tract, with the right-of-way or easement lines provided therefor; *n/a*

14. Water and Sewer Lines. Location and size of existing and proposed water and sewer lines. *Not shown. Staff Planner will defer to the Town Engineer as to whether the location and size of proposed water and sewer lines are needed to be shown on the plats.*

C. Certificates and Other Information. The following certificates and other information shall be included:

1. Owner's Certificate. Owner's certificate, signed and notarized, acknowledging ownership of the property and agreeing to the subdividing thereof as shown on the plat; also offering for dedication all streets and other ways and places intended for public use; *Shown and will be signed prior to plat recordation*

2. Engineer's Certificate. Certificate of the surveyor to the effect that the plat represents a survey made by him or her, that it is accurate to the best of his or her knowledge, and that all monuments and pipes indicated thereon actually exist and their locations and descriptions are correctly shown, and that all requirements of these subdivision regulations and of other applicable laws have been fully complied with; *Shown*

3. Agencies Approvals. A space shall be provided for certificate of approval by the planning commission of Middletown. The plat must also contain a space for approval of the appropriate county health department with the required health department statement on conformance with the county master water and sewer plan; *Shown and will be signed prior to plat recordation*

4. Protective Covenants. Protective covenants which apply to all the area as shown by the recorded plat shall be part of the recorded plat. *Acknowledged*

The plat shows all the information required.

2. **Incorrect information** – The minimum building restriction lines are indicated on the plat to be 40-feet for the front and rear, and 20-feet for the side. The correct setback information should be a 35-foot front yard, 12-foot side yards and a 40-foot rear yard. The plat should indicate whether the dwelling will meet the minimum front-yard setback with the proposed dedication area. As a comment, the lot in question, as well as lots to the west of Lot 6, originally was shown to extend to the centerline of Old National Pike. When Nancy Newton's lot was created to the east of the subject lot, it did not extend out to the centerline of the roadway.

3. **Health Department approval by Frederick County** – The plat has been submitted to the County Health Department for their review and approval.

4. **State Highway Administration approval** – The plat has been submitted to the SHA for their review and approval.

This review will be included in the Middletown Planning Commission materials for the March 16, 2015 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be March 11, 2015.

cc: Victor White, Hogan Companies
Jeffrey and Lera Straits

UNK
709 EAST MAIN STREET
711 EAST MAIN STREET
713 EAST MAIN STREET
OPEN LOT
UNK
803 EAST MAIN STREET
718 EAST MAIN STREET
Road RW
720 EAST MAIN STREET
800 EAST MAIN STREET
800 EAST MAIN STREET

Middletown Planning Office

MEMORANDUM

Date: 2/26/2015
Hansen# 15270

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **CROSS STONE COMMONS IMPROVEMENT PLAN – PHASE 2**
Tax Map Parcels #03-156044 and 03-174158
Applicant: DMW and Lingg Property Consulting
Property Owner: Nancy R. Newton, ET. Al.
Plan Dated: February 5, 2015
Date Received: February 11, 2015

GENERAL INFORMATION

Proposal: Site is to be developed with 35,357 square feet ± of commercial space in four separate buildings with 219 parking spaces **in a two-phase approach. This set of improvement plans is for Phase 2.**

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 for Phase 2:

1. **Previous Improvement Plan approval** – The Planning Commission conditionally approved the Phase 1 Improvement plans for Cross Stone Commons on October 20, 2014. The approval was contingent on the following:
    - The applicant shall address all agency comments as the project moves forward to final signature set submission.
    - The applicant shall address all comments by the Town Engineer and ARRO Engineering as the project moves forward to final signature set submission.
    - The applicant shall require a review and approval of the Planning Commission for Phase 2.

- Any proposed uses within the shopping center that are special exception uses in the General Commercial district will need a recommendation from the Planning Commission and subsequent approval by the Middletown Board of Appeals.
- The applicant shall return to the Planning Commission for architectural review and approval of any dramatic change to Building 3 due to proposed tenants ahead of building permit approval.
- The applicant shall submit architectural renderings for Buildings 2 and 4 to the Planning Commission for review and approval ahead of building permit approval.
- Temporary asphalt curbing in the Phase 2 area of the site.
- Temporary landscaping in the Phase 2 area of the site.
- A deadline of 3 years from the installation of curb and gutter for the right-turn-only entrance off Alternate 40A; if the right-in-only entrance is not in place by that time, the temporary curbing and landscaping will need to be replaced with permanent curbing and landscaping, and the applicant will be required to come back for improvement plan modifications.

2. **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.

3. **Phase 2 submittal** – The plans have been submitted to the Town Engineer, ARRO Engineering, Soil Conservation District, SHA and Frederick County for review.

4. **Incorrect information on plans** – Note 8 on Sheet 1 under General Construction Notes should state that 'pavement shall be installed according to MSHA specifications.' The reference to Frederick County should be deleted.

5. **Approval by Frederick County** – The Final Stormwater Management Plan for the Cross Stone Commons project was approved by the County on December 15, 2014.

6. **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 – approved – 3/3/2015
    - Health Department – conditional approval – 3/3/2015
    - Development Review, Engineering – conditional approval – 3/9/2015
    - Soil Conservation District – incomplete
    - State Highway – conditional approval – 2/24/2015

RECOMMENDATION

Staff recommends that the Planning Commission approve the Improvement Plans for Phase 2 with the following conditions.

1) **The applicant shall address all agency comments as the project moves forward to final signature set submission.**
2) **The applicant shall address all comments by Town Engineer, Bruce Carbaugh, as the project moves forward to final signature set submission.**
3) **The applicant shall make any needed corrections to the plans.**

This review will be included in the Middletown Planning Commission materials for the March 16, 2015 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be March 11, 2015.

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

Middletown Planning Office

MEMORANDUM

Date: 2/27/2015

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **SHEFFLER RESTRICTED VEHICLE SITE PLAN**
Tax Map Parcel #03-0126102
Applicant: Brian Sheffler
Property Owner: Brian Sheffler
Plan Dated: February 10, 2015
Date Received: February 10, 2015

GENERAL INFORMATION

Proposal: Special exception request to park a restricted vehicle in the driveway or on the street

Location: 9 Linden Boulevard

Zoning: R-1 Residential

Present Use: Single-family dwelling

COMMENTS

The following issues should be considered in your review of this Restricted Vehicle Special Exception Request/Site Plan:

1. Section 17.44.060 of the Municipal Code requires that all applications for a special exception shall be referred to the Middletown Planning Commission for a recommendation. According to Section 17.32.150, it is unlawful to park a restricted vehicle (in the residential districts) except upon approval of a special exception by the Middletown board of appeals.

2. A Board of Appeals hearing for this request has been scheduled for Tuesday, March 17, 2015.

3. The vehicle in question is nine (9) feet four (4) inches high which meets the definition of a restricted vehicle in that the outside dimensions are greater than eight feet tall.

4. Section 17.32.060.J.3 of the Municipal Code states that a person may not park a restricted vehicle in a front yard of a residentially zoned property unless the restricted vehicle is defined in the Maryland Transportation Code as a civil emergency vehicle such as public utility crews vehicles and snow plows, and recovery vehicles including tow trucks. Based on that Code, the vehicle in question is not defined as a civil emergency vehicle.

5. Zoning administrator report information – Information in the Zoning Administrator's staff report states that the applicant is an electrician who is "on-call" to respond to service calls and other emergency situations for his company's customers after normal work hours and on weekends. His company has determined that the vehicle provided to the applicant is the minimum sized vehicle needed to ensure the applicant has the necessary tools, parts and supplies to respond effectively to most electrical issues and emergencies facing his company's customers for the type of service calls he routinely performs.

6. According to Section 17.32.065, a person may not park a restricted vehicle on any street in or adjacent to any residential district in Middletown. The only exceptions to this regulation are for vehicles parked for the purpose of loading or unloading freight or passengers and for vehicles parked in connection with the performance of services to any property or public utility. Clearly the vehicle in question does not meet the requirements for parking on the street in a residential district.

7. An aerial photograph of the property in question has been provided along with a photo of the vehicle in question.

8. The specific standards section of the Municipal Code (Section 17.48.320) states that restricted vehicles parking in residential districts are subject to site plan approval by the Middletown planning commission for the purpose of obtaining a special exception from the Middletown board of appeals which at a minimum shall address screening and setbacks. The applicant has not submitted anything to staff which addresses screening and setbacks at this point in time. The front yard setback for the R-1 district is 35 feet. In measuring the distance from the front of the dwelling to the curb using GIS, it appears that the distance might be about 53 feet. Given that the length of the truck is twenty-two (22) feet long, if it were to park in the driveway right up to the house, it still would not be situated behind the front yard setback.

9. Special exception approval (by the board of appeals) is granted for specific property owners for specific properties and shall not run with the land.

This review will be included in the Middletown Planning Commission materials for the March 16, 2015 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be March 11, 2015.

cc: Brian Sheffler

304 EAST MAIN STREET
308 EAST MAIN STREET
312 EAST MAIN STREET
400 EAST MAIN STREET
5 LINDEN BOULEVARD
7 LINDEN BOULEVARD
9 LINDEN BOULEVARD
11 LINDEN BOULEVARD
13 LINDEN BOULEVARD
15 LINDEN BOULEVARD
8 LINDEN BOULEVARD
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RECEIVED
FEB 02 2015
TOWN OF MIDDLETOWN, MD

February 2, 2015

Middletown Planning Commission
31 West Main Street
Middletown, MD 21769

RE: Putman Plumbing and Heating Revised Site Plan

Dear Planning Commission Members,

In accordance with the Planning Commission Section 17.32.250 concerning the beginning of construction upon approval of site plan and expiration on April 16, 2015, we are requesting a six month extension. This is due to the timeframe needed for County approval of site plan improvements and building plans per our surveyor Lavelle and Associates, and our architect George Harne.

If there are any questions please feel free to contact me at 301-371-8794, or plumbing@xecu.net.

Respectfully,
Patrick Putman

Patrick Putman
Putman Plumbing

Middletown Planning Office

MEMORANDUM

Date: 3/4/2015
Hansen# 15342

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **PUTMAN PLUMBING AND HEATING REVISED IMPROVEMENT PLANS**
Tax Map Parcel #03-138909
Applicants: Dustin Lavelle, Lavelle & Associates
Property Owner: Pat Putman
Plan Dated: March 2, 2015
Date Received: March 2, 2015

GENERAL INFORMATION

Proposal: Construction of an office and warehouse building for Putman Plumbing and Heating Company. Work includes construction of office/warehouse building, parking areas, stormwater management, utilities and sediment control.

Location: North side of Boileau Drive between South Jefferson Street and South Church Street

Zoning: R3 High Density Residential. The R3 district permits numerous uses including business and warehouse facilities by special exception. Special exception approval was granted by the Middletown Board of Appeals on October 28, 2008.

Present Use: Formerly an old warehouse which was demolished in 2009; now a vacant site.

COMMENTS

The following issues should be considered in your review of these Improvement Plans:

1. **Prior plan approval** – The previous improvement plans were approved by the Planning Commission on July 20, 2009. Concerns in the past included the proposed retaining wall which is no longer being proposed, stormwater runoff which is being addressed differently from past plans, fencing, and the proposed lighting on the property. The revised site plan, which was approved on April 16, 2012, included a waiver of two parking spaces.

2. **Plan changes** – The primary changes to the revised plans are changes in elevation of the building (two feet lower than the previous plans), changes in the grading on site and a change in the type of stormwater management being proposed. All references to the proposed grass channel and filterra system have been removed. Also, the revised plans do not include the retaining wall and fencing shown on the prior plans. The stormwater management system for the revised plans

include a dry swale, a grass swale, and a gravel trench drywell, which will be reviewed by the Frederick County Development Review office.

3. **Lighting** – General note comment (#6) has not changed from the previous plans submitted and approved except that the proposed light pole at the rear of the property is now to be 10-feet in height instead of 18-feet in height.

4. **Signage** – Proposed signage has not changed from the previous plans submitted.

5. **Parking** – The Planning Commission granted a waiver of 2 parking spaces on November 17, 2008 from the required 10 parking spaces. Eight proposed parking spaces are shown on the plans.

6. **Approval by Frederick County** – The revised Improvement Plans were submitted to ARRO, Soil Conservation District and Frederick County for review.

7. **General comments** – General Construction Note #7 (Sheet 1) has been revised to state that stormwater management will be provided in accordance with the Maryland 2007 Stormwater Management Design Manual (as opposed to the Maryland 2000 Stormwater Management Design Manual under the "Re-Development" Section).

8. **Incorrect reference** – On Sheet 2, the reference to the dumpster area detail should reference Sheet 1 instead of 'this page.'

9. **FRO plans** - The Middletown Forest Conservation Ordinance applies to all commercial development regardless of total square footage of land being graded. A Simplified Delineation & Forest Conservation Plan was submitted and approved by the Planning Commission for this development with the use of fee-in-lieu funds.

This review will be included in the Middletown Planning Commission materials for the March 16, 2015 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be March 11, 2015.

cc: Dustin Lavelle, Lavelle & Associates
Pat Putman

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 3/3/2015

RE: Monthly Planning Update

Major Subdivisions:

Coblentz on Green - Master Plan Amendment approved - March 11, 2013
Planning Commission conditionally approved preliminary plan – March 18, 2013
Improvement plans conditionally approved – October 16, 2013 (Plans expire 10/16/2016)
Final FRO Plan approved – April 21, 2014
Final Plats conditionally approved – November 17, 2014

Foxfield Section 4- 6 homes still to be built.

Site Plans and Minor Subdivisions:

AMVETS Expansion Plans – Revised Site Plan approved – May 19, 2014 (Plans expire 5/19/2017)

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

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

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
BOA hearing for variance requests (approval received) – December 16, 2014
Architectural plans to be reviewed by PC – March 16, 2015

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
SHA comment letter received February 18, 2014

Newton Property (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 Oct. 20, 2017)
Phase 1 Improvement Plans conditionally approved – October 20, 2014
(Plans expire October 20, 2017)
Addition Plat recorded– November 10, 2014
Dedication Plat submitted for review – February 6, 2015
Phase 2 Improvement Plans submitted for review – February 11. 2015

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

Overfield – demolition plan of carport submitted for review/approval – January 16, 2014

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)
Revised Site Plan Extension request submitted for review – February 2, 2015
Revised Improvement Plans submitted for review – March 2, 2015

Sheffler – Special Exception request for Restricted Vehicle – PC review – March 16, 2014

Thompson Funeral Home Parking Lot – revised 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

Text Amendments:

Zoning Code review – town board to be holding public hearings first half of 2015

Subdivision regulations review – Planning Commission began review – January 2015

Reports: Beginning to draft 2014 Annual Report

Meetings: County/Municipal Planners quarterly meeting – March 13, 2015

Next Joint town board/planning commission workshop – April 6, 2015