

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA
Monday, March 18, 2013
7:00 p.m.

- I. Public Comment
- II. Minutes of February 2013 Planning Commission meeting Approval
- III. Plan Review
 - Coblentz Property Preliminary Plans Discussion/Approval
 - Parking Lot special exception use Discussion/Approval
- IV. Zoning
 - Violations
 - Camper on Groff Court - removed
- V. Miscellaneous
 - 2012 Annual Report draft Discussion/Approval
- VI. Additional Public Comment

**** All requests to be on the Planning and Zoning Agenda must be received at the Middletown Planning and Zoning office in the Middletown Municipal Center, 31 W. Main Street, Middletown by noon 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, although electronic plans are preferred.**

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

February 18, 2013

The regular meeting of the Middletown Planning Commission took place on Monday, February 18, 2013 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present were Chairman Carney, Commission members David Lake, Bob Miller, Bob Smart, Rich Gallagher, Ron Forrester, Commissioner Chris Goodman, Bruce Carbaugh, Director of Operations & Construction and Cindy Unangst, Staff Planner.

I. Regular Meeting Minutes of January 21, 2013 – approved with corrections.

II. PLANS

Coblentz Property Preliminary Plan Review – The commission went over comments received from ARRO, Bruce Carbaugh and Cindy. Most of the comments will be outlined in the Improvement Plan stage. It was agreed to defer this to next month awaiting the approval of the Master Plan amendment by the Town Board.

Middletown High School Storage Container Request – Dave Wade with the Frederick County Public schools has applied for a permit to place a sea container at the High School for storage of boiler room equipment in conjunction with the replacement of the existing boilers at the High School. Mr. Wade submitted 2 different locations of where he would like the sea container placed.

Motion by Lake to approve the High School to place the sea container at “Option B” location for a period of 6 months beginning April 15, 2013, seconded by Smart. Motion carried 5-0.

Municipal Center Storage Container Request – Drew Bowen has submitted an application to place a storage container in the parking lot behind 31 West Main Street for storage of office furniture while carpeting is being replaced in the offices and meeting rooms. Mr. Bowen requested the container for 3-5 days in March.

Motion by Smart to approve the Municipal Center to place a storage container in the parking lot behind 31 West Main Street for a 1 month time period beginning in March, seconded by Miller. Motion carried 4-0-1 (Goodman abstained).

213 West Main Street Change of Use Plan – Potomac Gun Depot – Mr. Putman who resides at 213 West Main Street submitted a change of use of his existing residence to include a primarily internet-based gun retail business with some inventory on the premises. No new building square footage is proposed.

Mr. Putman presented to the Commission a site plan of where he plans to store the fire arms in a fire proof safe. Mr. Putman explained to the Commission the process that he has to go through to obtain his federal fire arms license. In order for Mr. Putman to obtain his license he has to first meet the zoning requirements, apply for the license at which time they will do a background check. Mr. Putman stated that he does not intend to have any displays, it will be by appointment only, not selling to the public, no storage overhead and no signage will be displayed. Mr. Putman explained how the process will work. If someone finds a gun online they will purchase it and any weapon purchased on-line must be shipped

to a certified dealer via FedEx or UPS and it must be signed for. Once Mr. Putman receives the fire arm he will place it in his safe and proceed with doing the back ground check on the purchaser. If the back ground check comes back clean, he will then make an appointment with the purchaser to come to his residence to pick up the fire arm and do the necessary paperwork. Mr. Putman stated that his goal is to sell 1 gun a week which equals 52 guns a year.

Motion by Lake to approve the site plan presented with the conditions that Mr. Putman install a one-hour fire-rated safe, a security system on residence and video surveillance cameras on property, seconded by Miller. Motion carried 5-0.

III. ZONING

Violations – Banners at Safeway – temporary signs – Cindy to contact

IV. OTHER

V. PUBLIC COMMENTS –

Meeting adjourned at 8:05pm.

Respectfully submitted,

Ann Griffin
Administrative Specialist

Middletown Planning Office

MEMORANDUM

Date: 3/8/2013

Hansen# 13152

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **COBLENTZ PROPERTY PRELIMINARY PLAN REVIEW**

Tax Map Parcel #03-160661

Applicant: Hailey Development, L.C.

Property Owner: Andy Mackintosh, Broker Mackintosh Realtors

Plan Dated: November 2012; revised January 6, 2013

Date Received: January 7, 2013

GENERAL INFORMATION

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

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

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

Present Use: Agricultural land.

COMMENTS – no change in staff report from last month.

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

Preliminary plat requirements (per Section 17.17.050) –

2. Proposed Development Information.

| | |
|----------------|---|
| Street pattern | Layout, widths, proposed roads, streets, proposed names for streets and roads, alleys, crosswalks, and easements. New street names have been provided on the revised Preliminary Plan. They will need further review from Frederick County and then approval from the Burgess & Commissioners. |
|----------------|---|

| | |
|-----------------------------|--|
| Dwelling lots | Establishes the maximum building envelope inclusive of all parcels and lots. Shown. |
| Open spaces | Parcels of land intended to be conveyed or temporarily reserved for public use or for the joint use of property owners, with an explanation of the provisions or conditions of such conveyance or reservation and the proposed arrangements for ownership and maintenance. Shown. |
| Street grades | Tentative grades on each public street shall be required. Shown. |
| Utilities | General locations for utilities and drainage facilities proposed. Shown. |
| Building setback | Building set-back lines within the building envelope along all streets and all lots, and boundaries of the property with the amount of setback indicated. Shown. |
| Description of Improvements | General description of street and other public improvements proposed to be installed. Unless modified by the planning commission, the requirements relating to improvements in subdivisions set forth in Chapter 16 shall be applicable. Shown. |

D. Review Criteria. A preliminary plat application shall be reviewed and approved based on compliance with the following minimum criteria:

1. Whether the preliminary plat is consistent with the approved overlay district master plan and the procedural requirements for the submission of the overlay district master plan as required herein; **Procedural requirements have been met; consistency is still to be determined since master plan amendment has not been approved yet.**
2. Whether the preliminary plat is in compliance with the requirements of this article; **Plat is in compliance.**
3. Whether the preliminary plat is consistent with the town's comprehensive plan; **Plat is consistent with comprehensive plan.**
4. Whether the preliminary plat meets sound planning principles and practices as determined by the reviewing authority. **Plat meets sound planning principles.**

1. **Transportation plan** – East Green Street and North Church Street are considered collector roads and North Church Street is a State Road. The average annual daily traffic count is less than 2,500 on East Green Street and between 2,500 and 5,000 on North Church Street. There are no walkways or trails planned in the area of the proposed subdivision. There is no exit from the subdivision onto North Church Street at this time which means that all traffic will need to exit onto East Green Street. It is our understanding that the proposed development will connect to a future development on the property to the north in which an exit to North Church Street will be provided.
2. **Lots and stormwater management facility** – Staff will note that the SWM Concept plan that was reviewed in May of 2010 contained 78 lots while this submission contains

81 lots. The prior plan placed a SWM facility where lots 48-50 are now located and there were no lots where lots 71 and 72 are proposed now. A discussion should be held with the developer about the changes to the plans since 2010. Additionally there should be a discussion regarding the fact that a stormwater management facility which is intended to serve the proposed development is located outside the town limits. **The current yield of 81 dwelling units is significantly lower than the 94 dwelling units previously approved by the Town. The SWM facility where lots 71 and 72 are located remains in the same location as previously indicated on the Approved SWM Concept Plan. The applicant has stated that refinements to the SWM Concept are naturally evolving as engineering becomes more detailed. The refinements include locating a SWM facility on the adjacent Coblenz property to the north. The necessary easements for access and maintenance will be provided, and with direct access from the revised public Street "A" extension. The SWM facility will be maintained by the HOA.**

3. **Water and sewer capacity certification** - Upon approval of the preliminary plat, the town administrator will conduct a review and analysis of the capacities of the town water and sewer systems in order to determine whether there exists sufficient water and sewer capacity to service the proposed subdivision. The review and analysis will be conducted in coordination with the director of operations and construction and the water and sewer superintendent who shall provide the administrator with pertinent information and data regarding the capacity of the town to provide water and sewer service to the proposed subdivision. In the review and analysis of the town water and sewer capacity, the demands of the proposed subdivision for water and sewer will be based upon a daily consumption of three hundred (300) gallons of water per equivalent dwelling unit. Staff will note that there is a multi-year water tap agreement in place between the Town and the developer.
4. **County review** – The preliminary plans have been routed and reviewed by County agencies with comments received from those agencies.
 - Office of Life Safety comment responses – **The alley will be increased in width to 20' as required for fire department access. The plans have been revised to meet the stated fire hydrant requirements.**
 - Development Review, Transportation Engineering – **Street names have been provided on the revised Plans.**
 - Development Review, Engineering – **All of the centralized SWM facilities are accessible from a public road. All SWM design comments will be provided at Improvement Plan stage.**
 - MD State Highway Administration – **No access permit will be required from SHA. The Town Code does not require a Traffic Impact Statement.**
5. **Incorrect information** – On Sheet 1 (Cover Sheet) in the Development Program table, it is indicated that there are 17 dwelling units in the R3 zone under the Density heading. The plans indicate that there are 19 dwelling units in that zone for a total of 81 units and not 79. Further down in the table under the R-3 development standards, it is indicated that

there are 62 single-family dwellings with 124 required and proposed parking spaces. The correct numbers should be 19 single-family dwellings with 38 required and proposed parking spaces. Under the Neo-Traditional overlay district development standards section of the table, the correct information should be 62 single-family dwellings (sfd) and 124 required/proposed parking spaces (instead of 17 sfd and 34 parking spaces). **The Development Program Table has been revised to reflect the corrected information.**

6. **Waiver requests** – Sheet 1 (Cover Sheet) indicates some waiver requests from the Design Manual. Staff recommends that these requests be discussed with the Town Engineer. **Further revisions to the plans have reduced the number of modification requests. Modifications are requested for: the typical street right-of-way width to be reduced from 50' to 42'; the typical street pavement width of 32' to be reduced to 26'; and the minimum intersection spacing requirements between Street 'B' and Street 'C' along Street 'A' to be reduced from 250' to ±135'. Bruce Carbaugh stated at the December PC meeting that he could be supportive of the Street 'A' intersection modification if the driveway on Lot 2 was relocated internally to be accessed directly from the alley and that change has been made. Further refinements could be coordinated with the Town Engineer during the Improvement Plan stage. *Waiver request also needed for mountable curbs in the alley.***
7. **Landscape and Lighting Plan** – Sheet 8 (Landscape & Lighting Plan) **has been revised to show a key and table** to indicate the number of street trees and light poles that are shown. **Additionally, per comments made by Bruce Carbaugh, the street trees will be relocated from within the public right-of-way to on-lot.**
8. **Street parking** – **The issue of street parking was discussed at the last Planning Commission meeting in January. There are concerns about parking on the narrow streets. Staff talked to a member of the Glenbrook HOA Board and was told that parking on narrow streets in Glenbrook has not really been an issue. Problems arise occasionally due to residents having parties, etc., but they have not led to a need to revise any on-street parking.**

This review will be included in the Middletown Planning Commission materials for the March 18, 2013 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be March 13, 2013.

Cc: Matthew Leakan, Rodgers Consulting

Randy Frey, Rodgers Consulting

Rich Thometz, Hailey Development

Rand Weinberg, Miles and Stockbridge P.C.

Noel S. Manolo, Miles and Stockbridge P.C.

MEMORANDUM

Date: 3/7/2013

To: Middletown Planning Commission, Middletown

From: Cindy Unangst, Middletown Staff Planner

RE: THOMPSON PARKING LOT SPECIAL EXCEPTION

Attached is an Appeal for Special Exception (and related material) submitted by Don Thompson requesting that the Board of Appeals of Middletown consider the request for a parking lot at 32 East Green Street.

From staff review and analysis this request is being forwarded to the Middletown Board of Appeals for decision at a Public Hearing to be held March 27, 2013. However, as is stipulated in the Middletown Municipal Code, a recommendation is requested from the Middletown Planning Commission for all special exception requests.



BURGESS AND COMMISSIONERS OF MIDDLETOWN

MUNICIPAL CENTER
31 West Main Street
Middletown, MD 21769

March 7, 2013

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

To: Middletown Board of Appeals Members

From: Cynthia K. Unangst, Staff Planner

RE: **MIDDLETOWN BOARD OF APPEALS
CASE M-B-13-01**

Dear Member:

Enclosed are the following copies for your review and comment to be discussed at the Middletown Board of Appeals meeting to be held on March 27, 2013, at 7:00 PM, at the Middletown Municipal Center, at 31 West Main Street:

1. Copy of staff report to address request
2. Copy of original request submitted by the applicant
3. Copy of Notice to adjacent property owners
4. Copy of Notice of Public Hearing
5. Copy of all applicable Sections of the Code
6. Copy of all other pertinent Case materials

Any outstanding information necessary for this process will be forwarded to all members for review before the scheduled meeting. If there are any questions please feel free to contact me at your earliest convenience via phone, 301-371-6171, or e-mail.

Cynthia K. Unangst, AICP

Middletown Zoning Administrator

Enclosures

TOWNHALL
31 West Main Street
Middletown, MD 21769

Town of Middletown
Middletown Board of Appeals

Phone: 301-371-6171
Fax: 301-371-6474

March 7, 2013

STAFF REPORT

MT-B-13-1

Applicant: Don Thompson
Location: 32 East Green Street
Middletown, MD 21769
Request: Special exception approval for a parking lot
Zoning: R-2 Residential District

Section(s) of the Code that Apply:

17.44.060 Board of Appeals Special Exceptions
17.16.030C. Special Exceptions in the R-2 Residential district
17.48.410 Parking lots in R-2 districts

Staff Comments:

The applicant is filing for a special exception use for a parking lot in the R-2 Residential District. The parking lot is to be located at 32 East Green Street adjoining the rear of the Thompson Funeral Home.

The Board must determine that the Specific Standards under Section 17.48.410 (attached) are in compliance with the proposed use of the property. Based on staff review and site inspection, staff would offer the following:

- A. The parking lot must be situated on property which adjoins a commercial use. *The proposed parking lot is situated on property that adjoins the Thompson Funeral Home, which is a commercial use.*
- B. The parking lot shall be used for parking for the adjoining commercial use. *The parking lot is to be used for parking for the Thompson Funeral Home. The site plan shows the proposed parking sign indicating that the lot is to be used for funeral home parking only.*
- C. The parking lot shall be paved with concrete or bituminous paving material or other dust free surface. The location of the parking lot paved area shall comply with a setback requirement of 35 feet for the front yard and 20 feet for side yards. The parking area shall be enclosed by fencing along the front yard which shall be no greater than 4 feet high. Appropriate signage shall be placed in a clearly visible location at the entrance to advise the public that the use of the

parking lot is restricted to those patronizing the adjoining commercial use or establishment. *The site plan shows the parking lot pavement area which complies with the setbacks of 35 feet for the front yard and 20 feet for the side yards and there is a feature on the plans which shows the proposed asphalt parking pavement section details. Also shown on the site plan is a proposed 4-foot fence along the front yard, and signage that indicates that parking is only for patrons of the funeral home.*

- D. A site plan for the parking lot shall be submitted to the Planning Commission for review and approval. In its review, the Planning Commission shall consider the extent to which the parking lot and its appearance will conform to and harmonize with the surrounding R-2 neighborhood, and any other factors deemed appropriate to the Commission. The Planning Commission will require drawings, lighting plans, elevations and plans as necessary. *The Board of Appeals should specify that approval of the special exception use is contingent on the site plan being reviewed and approved by the Middletown Planning Commission.*
- E. The parking lot must be in compliance with Frederick County stormwater requirements. *The Board of Appeals should specify that approval of the special exception use is contingent on the stormwater management plans being approved by Frederick County.*
- F. Once the adjoining commercial use no longer exists, the impervious surface will be removed and the property returned to a stabilized condition and consistent with residential development in the R-2 District. *This requirement can also be a contingency of approval by the Board of Appeals.*

In addition to those specific requirements above, the general requirements to be used by the Board of Appeals are as follows:

17.44.060 General Standards. A special exception may be granted when the Board of Appeals finds from a preponderance of the evidence produced at the hearing that:

1. The proposed use, including its nature, intensity and location, is in harmony with the intent of the district;
2. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use;
3. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences;
4. That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets;
5. That the specific standards (Chapter 17.48) set forth for each particular use for which a special exception may be granted have been met.

The Staff has reviewed the above standards and the subject property and makes the following findings:

- A. The subject property is zoned R-2 Residential and is adjoined on the south side by a service commercial use, on the west side by a vacant lot, and on the east, southeast and southwest sides by single-family dwellings. Across East Green Street is a farmer's field that in future years will be a single-family dwelling development with a library/senior center site directly

across from the proposed parking lot. Although the intensity is going to vary on the site depending on how many given cars are using the parking lot on any given day, the proposed paved parking lot in general will be quite a change from the use of the property in the past when it was used as overflow parking on grass for the funeral home.

- B. The subject property already has water and sewer for the existing apartment building and there is no need for water or sewer for the proposed use of a parking lot. Storm drainage for the parking lot will be reviewed by Frederick County. Fire service is within 1,500' and there are deputy sheriff's assigned to the Town for police protection.
- C. The use of adjacent land and buildings should not be impaired by the proposed fence along the front of the proposed parking lot. As to the use of adjacent land and buildings, staff is aware of interest in developing the adjacent vacant land parcel for a commercial use and the interested party does not seem to have any concerns about the proposed parking lot.
- D. The existing street already handles commercial traffic and the proposed use should not generate much more traffic than what previously existed. Regarding traffic congestion, the only times when vehicles entering and exiting the proposed parking lot might create bottlenecks is during morning drop-off and afternoon pick-up from the nearby schools off East Green Street.

Staff Recommendation: Given that all of the specific standards for the parking lot use seem to be, or will be, met, the location of the use should not drastically increase traffic congestion more than past use has, no additional water supply or sewage disposal is needed by the use, and the nature and intensity of the use will not be significantly greater than the previous use of the property, staff recommends approval of the parking lot use on the R-2 Residential district site. Given existing conditions, staff would note that each case must be evaluated on its own merits.

RECEIVED

MAR - 4 2013

TOWN OF MIDDLETOWN, MD.

Board of Appeals
Town of Middletown, Maryland

Date Filed March 4, 2013
Map/Grid/Parcel/Lot 500/003/706/2
Zoned R-2

APPEAL FOR SPECIAL EXCEPTION UNDER ZONING ORDINANCE

Petition is hereby made for a special exception under the Zoning Ordinance, as follows:

Location 32 E. Green St.
N S E W side of road; distance N S E W from nearest intersecting road
Subdivision Gladhills Promise Lot 2 Block Plat Book 22 Page 25
Street and Number 32 E. Green St. Zoning Classification R-2
Use proposed Parking

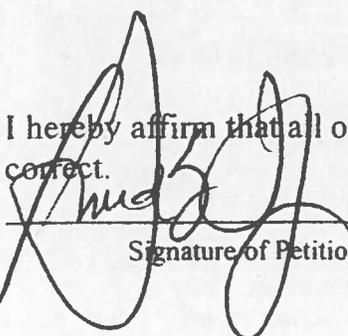
Zoning Ordinance subsection(s) providing for proposed use: _____

Owner of property: Name Donald B. Thompson
Address 31 E. Main St.

Appellant's present legal interest in above property: (Check one)
 Owner (including joint ownership) _____ Lessee _____ Contract to lease or rent _____
 Contract to purchase _____ Other(describe) _____

Has any previous petition or appeal involving this property been made to the Board: If so, give Case Number(s):

Further comments, if any:

I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.


Signature of Petitioner

POB 18 MIDDLETOWN MD 21769
Address of Petitioner
Phone # 301-371-6070

DON THOMPSON FUNERAL HOME PARKING LOT

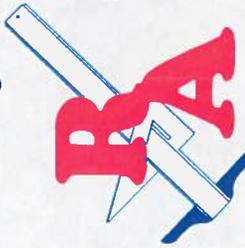
32 EAST GREEN ST., MIDDLETOWN,
FREDERICK COUNTY, FREDERICK, MARYLAND 21769

PARKING LOT

Ryan & Associates
Real World Engineering

RA Office
2412 Wynfield Ct.
Frederick, MD 21702

www.ryanandassociates.net
info@ryanandassociates.net
301-360-9534 (ph)
301-360-9574 (fx)



RECEIVED

MAR - 4 2013

TOWN OF MIDDLETOWN, MD.



DRAWING INDEX
Sheet 1 - Cover Sheet
Sheet 2 - Sediment & Erosion Control Plan
& Site Plan
Sheet 3 - Stormwater Management
Sheet 4 - Details & Notes

PROJECT INFORMATION

Project: Don Thompson Funeral Home Parking Lot
Location: 32 East Green St., Middletown, MD 21769
Jurisdiction: Frederick County
Contractor: TBD
Owner/Developer: Mr. Don Thompson
RA Engineer: W. K. Ryan, P. E.



CALL "MISS UTILITY"
BEFORE YOU DIG
AT LEAST 48 HOURS BEFORE CONSTRUCTION

DESIGNED BY: _____ DATE: _____
CHECKED BY: _____ DATE: _____
APPROVED BY: _____ DATE: _____
DATE: _____
PROJECT: _____

GENERAL NOTES
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MARYLAND CONSTRUCTION CODE AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.
4. ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
5. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES.
6. ALL MATERIALS AND METHODS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ENGINEER.
7. THE CONTRACTOR SHALL MAINTAIN A NEAT AND ORDERLY WORK SITE AT ALL TIMES.
8. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
10. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES.

THIS DOCUMENT IS THE PROPERTY OF RYAN & ASSOCIATES. UNAUTHORIZED REPRODUCTION FOR ANY PURPOSE IS AN INFRINGEMENT OF THE COPYRIGHT. THIS DOCUMENT IS SUBJECT TO PROVISIONS BY THE LATEST EDITION OF THE MARYLAND CONSTRUCTION CODE. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND UTILITIES AT ALL TIMES. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

BUILDING LOCATION DRAWING
Lot 2, East Green Street, Middletown, Maryland
for
Donald B. Thompson and Sharon M. Davidson

Parcel designated as Lot 2, on the Combined Preliminary/Final Plat, Section 1, Lots 1, 2, 3, Gladhill's Promise, recorded among the Land Records of Frederick County, Maryland, in Plat book 22, page 25.
 This parcel does not lie in the 100 year flood plain, FEMA Flood Insurance Rate Map, Community Panel No. 24021C0260D, effective September 19, 2007, Flood Zone X.

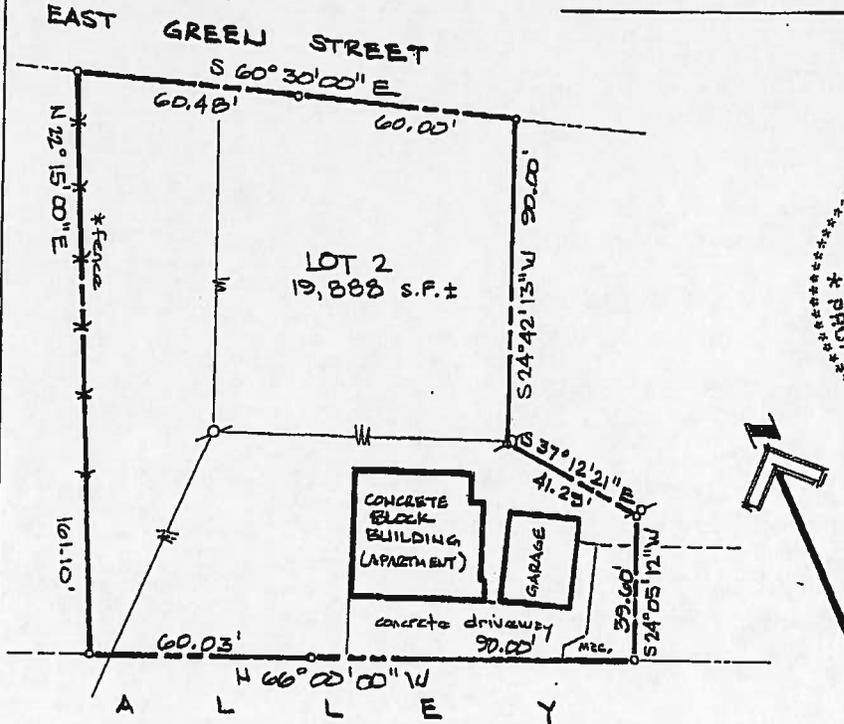
SURVEYOR'S CERTIFICATION

I hereby certify that the dwelling and/or improvements shown hereon are within the metes and bounds of a portion of the lands conveyed by Lucy M. Gladhill, to Ray C. Gladhill and Helen W. Gladhill, by deed dated February 29, 1940, recorded in the Land Records of Frederick County, Maryland, in Liber 423, folio 190, said lands being further defined as Lot 2 on the Combined Preliminary/Final Plat, Section 1, Lots 1, 2, 3, Gladhill's Promise, recorded in the Land Records of Frederick County, Maryland, in Plat book 22, page 25, and that the improvements shown hereon were located by accepted field practices and include permanent visible structures and surface encroachments if any that exist on the subject property at the date of survey, November 1, 2011. This drawing is of benefit to a consumer only insofar as it is required by a lender or a title insurance company or its agent in connection with contemplated transfer, financing, or refinancing, and is not to be relied upon for the establishment or location of fences, garages, buildings, or other existing or future improvements, and does not provide for the accurate identification of property boundary lines, but this identification may not be required for the transfer of title or securing financing or refinancing, and as to them I warrant the accuracy of this plat. No title report furnished.

Professional Certification: I hereby certify that these documents were prepared by me or under my responsible charge, and that I am a duly licensed professional land surveyor under the laws of the State of Maryland, License No. LS 10731, Expiration Date, August 24, 2012.

[Handwritten Signature]

NOV 02 2011



*The fence lines shown on this drawing may not coincide with the property lines. If exact fence locations are needed a full boundary line survey will be required.

- THIS DRAWING CANNOT BE RELIED UPON BY ANYONE TO SHOW WHERE THE PROPERTY'S BOUNDARIES ARE. THE ONLY PURPOSE OF A LOCATION DRAWING IS TO PROVIDE SOME ASSURANCE THAT THE IMPROVEMENTS ARE LOCATED ON THE PROPERTY.
- THIS DOCUMENT IS FOR THE SOLE BENEFIT AND USE OF THE PARTIES NAMED HEREIN AND IS NOT TO BE PUBLISHED OR RECORDED WITHOUT THE EXPRESS WRITTEN CONSENT OF FREDERICK, SEIBERT AND ASSOCIATES, INC.

| | |
|------------------------------------|-------------------|
| TAX MAP 500 (Fred. Co.) DISTRICT 3 | |
| DRAWING NUMBER 1 OF 1 | |
| DRAWN BY: DHH | DATE: 11.02.11 |
| CHECKED BY: DHH | DATE: 11.02.11 |
| SCALE: 1" = 40' | |

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CIVIL ENGINEERS, SURVEYORS, LANDSCAPE ARCHITECTS, LAND PLANNERS
 128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740
 (301) 791-3888 (301) 418-7478 FAX (301) 738-4858
 20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225
 (717) 687-1087

JOB NUMBER: HL 19125.0



BURGESS AND COMMISSIONERS OF MIDDLETOWN

MUNICIPAL CENTER
31 West Main Street
Middletown, MD 21769

Phone:(301)-371-6171

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E-mail:

Office@ci.middletown.md.us

March 7, 2013

NOTICE TO ADJACENT PROPERTY OWNERS

M-B-13-01

An Appeal has been received that applies to the property located at 32 East Green Street. An application has been made for the following request for a special exception:

Special exception for a parking lot in the R-2 Residential District at 32 East Green Street

The property is located in the R-2 Residential district and the application was referred to the Middletown Board of Appeals because only the Board of Appeals may grant rulings on special exceptions. The hearing will be held on Wednesday, March 27, 2013 at 7:00 PM in the Middletown Municipal Center, at 31 West Main Street.

Citizens are welcome to attend the meeting at which time citizens wishing to be heard will be recognized in public session. The hearing is not limited to those receiving copies of this notice, and if you are aware of any property owners who, for any reason have failed to receive a copy of this notice, it would be appreciated if you would inform them of this public hearing.

For further information contact the Middletown Office at your earliest convenience. Individuals requiring special accommodations are requested to contact Andrew Bowen, Town Administrator to make arrangements.

Cynthia K. Unangst

Middletown Zoning Administrator

Town of
MIDDLETOWN, MARYLAND

LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS

Case Number M-6-13-1

Appellant Thompson

Proceedings under the Zoning Ordinance require that notice of public hearing be given.

It is the responsibility of the appellants and petitioners to supply ACCURATE names and CORRECT addresses (must have house numbers or P.O. Box numbers) of all adjacent and confronting property owners on this form, as shown in current County Land Records.

Court decisions indicate that compliance with notice requirements is essential to jurisdiction of the approving body and therefore to the validity of its decision.

| NAME | ADDRESS |
|--|---|
| Thompson, Donald B. | 33 E. Main St. Middle town, MD 21769 |
| Thompson, Donald B. | 31 E. Main St, Middle town, MD 21769 |
| Parsons, Ann M. Nichols, Diane K. | 29 E. Main St, Middle town, MD 21769 |
| Rice, Eric A Rice, Gina | 34 E. Green St. Middle town, MD 21769 |
| Taylor, Murie / Lam Rnsp Llc Fake, Sherri <small>9093 Ridgefield Dr. Ste 207 Frederick 21701</small> | 1005 Matter Ave, Apt. 3 Frederick, MD 21701 |
| (Repres Owner of West Property adjoining 32 E. Green St.) | |
| Andy Mackintosh, Coblenz LLC | 262 W. Patrick St Coblenz Properties - East Green Street |

17.44.060 Special exceptions.

A. Filing of Special Exception. For any use permitted by special exception, a special exception must be obtained from the board of appeals. In addition to the information required on the building permit application, the special exception application must show:

1. Site plans, ground floor plans and elevations of proposed structures;
2. Names and addresses of adjoining owners.

Unless otherwise specified or extended by the board of appeals, a special exception authorized by the board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within twelve (12) months of the date of the authorization of the special exception.

B. Temporary Special Exceptions.

C. Referral to Planning Commission. All applications for a special exception shall be referred to the town planning commission for a recommendation.

D. Conditions. The board of appeals, in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the comprehensive plan, including conditions which are more restrictive than those established for other uses in the same zone.

E. Application of Extent-of-Use Regulations. The lot area, lot width and yard requirements as set forth in this title must be followed as the minimum by the board of appeals. Where no extent-of-use regulations are set forth for the particular use, the board must impose extent-of-use requirements as necessary to protect the public welfare and the comprehensive plan.

F. General Standards. A special exception may be granted when the board of appeals finds from a preponderance of the evidence produced at the hearing that:

1. The proposed use, including its nature, intensity and location, is in harmony with the intent of the district;
2. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use;
3. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences;
4. That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets;
5. That the specific standards (Chapter 17.48) set forth for each particular use for which a special exception may be granted have been met.

G. Burden of Proof. The applicant for a special exception shall have the burden of proof, which shall include the gathering and forwarding of evidence and the burden of persuasion on all questions of fact which are to be determined by the board of appeals.

17.48.400 PARKING LOTS IN R-2 DISTRICTS

In the R-2 District, parking lots are subject to the requirements of that district and shall satisfy the following requirements:

- A. The parking lot must be situated on property which adjoins a commercial use;

B. The parking lot shall be used for parking for the adjoining commercial use;

C. The parking lot shall be paved with concrete or bituminous paving material or other dust free surface. The location of the parking lot paved area shall comply with a setback requirement of 35 feet for the front yard and 20 feet for side yards. The parking area shall be enclosed by fencing along the front yard which shall be no greater than 4 feet high. Appropriate signage shall be placed in a clearly visible location at the entrance to advise the public that the use of the parking lot is restricted to those patronizing the adjoining commercial use or establishment;

D. A site plan for the parking lot shall be submitted to the Planning Commission for review and approval. In its review, the Planning Commission shall consider the extent to which the parking lot and its appearance will conform to and harmonize with the surrounding R-2 neighborhood, and any other factors deemed appropriate to the Commission. The Planning Commission will require drawings, lighting plans, elevations and plans as necessary;

E. The parking lot must be in compliance with Frederick County stormwater requirements;

F. Once the adjoining commercial use no longer exists the impervious surface will be removed and the property returned to a stabilized condition and consistent with residential development in the R-2 District.





Middletown Planning Office

MEMORANDUM

Date: 3/8/2013

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 2012, 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

2012 ANNUAL REPORT

Approved _____, 2013 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)

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

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)

Richard Dietrick, Comm. Ex-Officio (4/10-4/14)

Bob Miller (1/2010-5/2013)

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

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, Chairman (6/2010-6/2013)

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

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 |

TEN YEAR PERIODS OF POPULATION GROWTH based on Census

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

MIDDLETOWN PLANNING COMMISSION

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

CONCEPT PLANS PRESENTED-2012

| <u>Name</u> | <u>Units</u> | <u>Zoning</u> | <u>Request for:</u> |
|---|--------------|---------------|---|
| 1A. Cone Branch Trail | N/A | OS | Approval of trail alignment plans (Approved 3/19) |
| 1B. Newton Property Middletown Parkway | 4 | GC | Review of commercial building plans (6/18 and 11/19) |

SITE PLANS-2012

| <u>Name</u> | <u>Units</u> | <u>Zoning</u> | <u>Request for:</u> |
|--|--------------|---------------|--|
| 2A. Wren's Nest West Main Street | 1 | TC | Approval of temporary storage container (Approved 1/16; expired 7/16) |
| 2B. Putman Plumbing Revised Boileau Drive | 1 | TC | Approval of site plan for plumbing business (Approved 4/16) |
| 2C. Christ Reformed Church South Church Street | 1 | OS | Approval of special exception use for farmer's market (Approved 2/11) (3-year approval) |
| 2D. Main Cup Expansion West Main Street | 1 | TC | Approval of the expansion of the Main Cup restaurant (Approved 6/18 and 10/15) |
| 2E. Stadium Concession Stand Schoolhouse Drive | 1 | OS | Approval of expansion of concession stand (Approved 6/18) |
| 2F. St. Thomas More Academy Prospect Street | 1 | R-2 | Approval of change of use to a private school (Approved 7/16 and 10/15) |
| 2G. Mtn. Spirit Yoga Expansion West Main Street | 1 | TC | Approval of expansion of yoga studio (Approved 8/20) |
| 2H. Main St. Groomers West Main Street | 1 | TC | Approval of dog grooming business (Approved 9/17) |
| 2I. Thompson Parking Lot East Green Street | 1 | R-2 | Approval of parking lot for funeral home (Disapproved 10/15) |
| 2J. AMVETS Expansion West Green Street | 1 | OS | Approval of addition to AMVETS building (Approved 10/15) |
| 2K. EarthSong Music Studio East Main Street | 1 | TC | Approval of music studio and real estate office (Approved 10/15) |

MASTER PLANS-2012

| <u>Name</u> | <u>Units</u> | <u>Zoning</u> | <u>Request for:</u> |
|---|--------------|---------------|--|
| 3. Coblentz Property East Green Street | 81 | R-3 | Approval of amended Master Plan (12/17) |

LANDSCAPE PLANS-2012

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

PRELIMINARY PLANS-2012

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

MASS GRADING/SWM PLANS-2012

Name Units Zoning Request for:

None

IMPROVEMENT PLANS-2012

Name Units Zoning Request for:

None

FINAL FORESTRY PLANS-2012

Name Units Zoning Request for:

None

CORRECTION PLATS-2012

Name Units Zoning Request for:

None

ADDITION PLATS-2012

Name Units Zoning Request for:

None

FINAL PLATS-2012

Name Units Zoning Request for:

None

RE-ZONING REQUESTS:

None

ANNEXATIONS:

None

TEXT AMENDMENTS:

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

Vehicle sales regulations – Planning Commission recommended adoption of regulations permitting the sale of motor vehicles in any residential district subject to certain conditions. (Section 17.32.125) [PC recommended 9/17; B&C adopted 11/12]

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]

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. Christ Reformed Church | Special exception for farmer's market | 12 South Church | Approved | 5/29/12 |
| B. Stanley | variances for swimming pool | 2 Wagon Shed Court | Approved | 6/19/12 |
| C. Williston | 1' variance for enclosed porch | 9 Crone Lane | Approved | 9/19/12 |

INFRASTRUCTURE PROJECTIONS:

TRANSPORTATION:

Action taken by the Town in the year 2012 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 407,000 gallons per day (gpd). The average daily use for 2012 was 300,000 gpd (down from 321,000 in 2011). The water system is routinely monitored for possible contaminants in accordance with Federal and State laws, and none were at violation levels in 2012.

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 2012 were 198,000 gpd (down from 204,000 in 2011).

The discharge for the West End WWTP at Catocin Creek in the southwest section of Town is 250,000 gpd. Average daily flows for 2012 were 183,000gpd (down from 222,000 gpd in 2011).

There were two violations in 2012. The East WWTP had one violation for BOD (Biological Oxygen Demand) loading based on high flow from Hurricane Sandy. The West WWTP also had one violation for TSS (Total Suspended Solids) based on algae.

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 2012, the Town completed construction of Phase I of Remsberg Park, a community recreational park located on the south-side of Holter Road. Phase I construction included parking lots, two baseball/softball fields, three multi-purpose fields, a walking path, storm drainage, storm water management facilities, county road widening and an entrance road to the park. The total acreage of the park is approximately 87.9 acres.

The Town is currently funding design of the walking/biking trail along the Cone Branch Creek. The design is complete and MDE permits have been applied for with construction planned for 2013. This walking/biking trail will connect 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 2012.

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.

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.

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 2012 through December 2012

Submitted on April 10, 2013 (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; *12*
 - (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).

Coblentz Grove Villas 3-lot subdivision approved last year has now been delineated by our GIS consultant; attached is a map.

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.

None within the past year.

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

Per SB 276/HB 295

Second Report due July 1, 2013 for Calendar Year 2012

Town of Middletown

(name of jurisdiction)

Prepared by the Middletown Planning Commission
for the period January 2012 through December 2012

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: **12 residential single-family dwelling permits were issued inside the PFA; nine commercial building permits were issued inside the PFA which were change of use permits;**

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**

Town of Middletown Planning Department

To: Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 3/8/2013

RE: Monthly Planning Update

Major Subdivisions:

Coblentz on Green – Submitted Master Plan Amendment and Preliminary Plans – Nov. 2012

Master Plan approval – approved November 10, 2008

SWM Concept Plan – approved by County October 15, 2010

Water Tap agreement approved by Burgess & Commissioners – March 2012

Town Board sent revised Master Plan to Planning Commission for review – Dec. 14, 2012

Planning Commission reviewed revised Master Plan – December 21, 2012

Planning Commission approved Forest Stand Delineation/Forest Conservation Plan – Jan 2013

Planning Commission reviewed preliminary plan – February 18, 2013

Master Plan Amendment Public Hearing held March 7, 2013

Foxfield Section 4- FRO plantings have all been installed. 16 homes still to be built.

Minor Site Plans and Subdivisions:

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

Chesterbrook Apts- Site Plan approved – July 17, 2006

Improvement Plans signed by County – July 17, 2008

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 – Preliminary/Final Plat conditionally approved – Nov. 15, 2010

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)

Building permits applied for – October 30, 2012

Cone Branch Walking Trail – Concept plans approved – March 19, 2012

Improvement plans conditionally approved – January 21, 2013

Fire Co Activities Center- Site Plan conditionally approved – July 21, 2008

Site Plan resubmitted and SWM Concept/Dev. Plan submitted – Sept. 6, 2011

Revised Site Plan conditionally approved – October 17, 2011; (Plans expire October 17, 2014)

SWM Plan approved by Frederick County – November 3, 2011

Improvement Plans submitted – December 6, 2012

Hollow Creek – Revised Site Plan approved and signed – October 14, 2010
Revised Site Plan (leaderboard) approved – February 21, 2011; (Plans expire February 21, 2014)

Hollow Creek Golf Course SWM Pond #1 Revision plans submitted to County 12/1/2010
Plans approved by County – December 22, 2010
Revised Plans submitted for PC review – December 30, 2010
Revised Plans submitted to SCD for review – January 5, 2011

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)

Middletown H.S. C-container site plan – conditionally approved February 18, 2013

Miller (Ingalls) – Concept and Phase I & II Plan submitted – September 20, 2010
Approved and signed – September 27, 2010

Municipal Center C-container site plan – approved February 18, 2013

Newton Property (Cross Stone Commons) – Concept Plan discussion – June 18, 2012
Concept Plan submitted – October 1, 2012
Traffic Impact Study submitted – October 18, 2012
Revised Concept Plan reviewed by PC – November 19, 2012

Potomac Gun Depot – plans conditionally approved – February 18, 2013

Putman – Site Plan conditionally approved- November 17, 2008
Forest Conservation Plan approved – June 16, 2009
Improvement Plans conditionally approved – July 20, 2009
Cost estimates for public improvements approved – May 13, 2010
Improvement Plans approved and signed by all agencies – July 2010
Revised Site Plan approved – April 16, 2012; (Plans expire April 16, 2015)

Thompson Funeral Home Parking Lot Site Plan – disapproved – October 15, 2012

Washington Gas Line – plans approved – January 21, 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 request approved by BOCC – February 7, 2013

Reports: Draft Annual Report – Planning Commission review in March

Meetings: County/Municipal Planners quarterly meeting – March 8, 2013

Town of Middletown Zoning Department

To: Middletown Planning Commission

From: Cindy Unangst, Zoning Administrator

Date: 3/8/2013

RE: Monthly Zoning Update

P & Z Issues:

R2 Parking lot text amendment - Planning Commission recommended approval with changes to the requested text amendment pertaining to parking lots allowed by special exception in the R-2 residential zoning district. The Town Board public hearing date was February 7, 2013. The Town Board approved the text amendment with changes from the PC's recommendation at their meeting on February 11, 2013.

BOA Hearings: Hearing for special exception use of a parking lot in the R-2 Residential District – scheduled for March 27, 2013.

Zoning Violations:

Camper on Groff Court – violation letter sent – February 25, 2013 – has since been removed

Meetings:

| February 2013 Zoning Permits | Address | Permit # | M-town | C. Unangst | County |
|---|-----------------------|-----------------|-----------------|-------------------|-----------------|
| | | | Received | Approved | Approval |
| Warren - interior renovation | 3 Tobias Run Court | 106852 | 1/24/2013 | 2/5/2013 | yes |
| Admar Custom Homes - single-family dwelling | 8 Gladhill Drive | 106987 | 2/4/2013 | 2/13/2013 | yes |
| O'Keefe - finish basement | 710 Glenbrook Drive | 107265 | 2/7/2013 | 2/20/2013 | yes |
| Town of Middletown - storage container | 31 West Main Street | Town | 2/4/2013 | 2/19/2013 | n/a |
| FCPS - MHS - storage container | 200 Schoolhouse Drive | Town | 1/31/2013 | 2/19/2013 | n/a |
| Clough - small shed | 20 Gray Fox Court | Town | 2/25/2013 | 2/26/2013 | n/a |