

# MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center  
31 West Main Street  
Middletown, MD 21769

AGENDA  
Monday, May 19, 2014  
7:00 p.m.

- I. Public Comment
- II. Minutes of April 2014 Planning Commission meeting Approval
- III. Plan Review
  - Garden Center Site Plan Discussion/Approval
  - Cross Stone Commons Improvement Plans Discussion/Approval
  - Cross Stone Commons Final Forest Conservation Plan Discussion/Approval
  - AMVETS Revised Expansion Site Plan Discussion/Approval
- IV. Zoning
  - Zoning Code Update review – Section 17.48 Specific Standards (Workshop only)
  - Violations
- V. Miscellaneous
  - Draft 2013 Annual Report Discussion/Approval
- VI. Additional Public Comment

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

**MIDDLETOWN PLANNING COMMISSION**  
**31 West Main Street**  
**Middletown, Maryland**

**Regular Meeting**

**April 21, 2014**

The regular meeting of the Middletown Planning Commission took place on Monday, April 21, 2014 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commissioners Mark Carney (Chairman), Chris Goodman (Ex-Officio), Bob Miller, David Lake, and Bob Smart. Others present in official capacity: Commissioners Rich Gallagher (Alternate) and Dixie Eichelberger (Temp. Alternate), Bruce Carbaugh (Director of Public Works) and Annette Alberghini (Recording Secretary). Others present: Mark Crissman (DMW), Nancy Newton (resident), Victor White (Hogan Companies), Bruce Dean (Linowes & Blocher), Randy Bilder (Subway Property Owner) and Mike Fitzgerald (Hailey Development)

**I. PUBLIC COMMENT – None**

**II. Regular Meeting Minutes of March 17, 2014** – Commission Chairman Carney described the new procedures implemented regarding the Planning Commission meeting minutes review prior to each Planning Commission workshop meeting using track changes. The issue concerning the comments made during the track changes for these minutes regarding cluster development regulations was discussed and resolved. Commissioner Lake noted the proper protocol used during actions requiring voting that the minority opinion to the action can be stated at the time of the vote, as well as, the reason for any abstention votes.

**Action: Chairman Carney asked for a motion for these minutes because further discussion did occur during the meeting.** Commissioner Lake motioned to adopt the Planning Commission meeting minutes of March 17, 2014 with the accepted changes as stated. Commissioner Smart seconded. Motion carried (5-0, Commissioner Gallagher voted due to the absence of Commissioner Goodman at the beginning of the meeting).

**III. PLAN Review**

**Cross Stone Commons Improvements Plan** – Chairman Carney summarized the Staff Planner's memo; the Planning Commission conditionally approved the site plan for Cross Stone Commons contingent upon the formal approval of the Stormwater Management Plan by Frederick County, and the official acceptance by the State Highway of the right-in-only turn lane off Alt. US40. Water and sewer capacity certification has been approved for Cross Stone Commons by the Town. The applicant has stated the sidewalks for the development will be 5 feet wide and in compliance with ADA requirements. The applicant will need to submit a final forest conservation plan for approval. It will not be payment in lieu of, but total mitigation will occur by plantings at Wiles Branch Park.

- **FRO** – The applicant surveyed the off-site Forest Conservation Plan location 2 weeks ago. The applicant met with the Staff Planner to identify the planting location. Applicant is now in the process of selecting plants and trees and putting those quantities into the plan. The plan should be ready for submission in 1-1.5 weeks.
- **Traffic Impact Study** – In response to comments received from the Town Board & Planning Commission, the applicant asked their traffic consultant to study the 2 site access entrances off the Middletown Parkway further to identify any other needed improvements. The traffic consultant does not believe anything over and above what is in the site plan is necessary for that location in the near future. The applicant noted that this study was completed under the assumption that no acceleration/deceleration lane is needed on the Middletown Parkway.
- **State Highway Administration Update** – The applicant stated that communication has progressed with SHA and they are in the process of scheduling a meeting to address the denial of the right-in-only turn lane off Alt. US40. The denial was based upon the lane not meeting

intersection spacing requirements of a primary arterial road. The applicant stated that Alt. US40 is designated as a secondary arterial road. The State normally grants access on secondary arterial roads unless there is a safety hazard such as spacing requirements at an intersection. The spacing is 200 feet and meets the State's minimum requirement. The applicant is confident that once they meet with SHA there should be a positive resolution to this issue. The applicant then stated if SHA does not grant a right turn-in they will have to come back to the Planning Commission because everything presented to the Planning Commission is based upon the right turn-in access. Commissioner Smart stated his concern with proceeding forward with the improvement plan with everything contingent upon the outcome of the meeting with SHA. Applicant expects resolution before June.

- **Signage** – Commissioner Goodman requested a rendering of the sign proposed for scale and to give a better view of what the sign would look like. The applicant provided the renderings to office staff just prior to the start of the evening meeting. The Planning Commission Chairman will coordinate the dispersal of these drawings and information with the Staff Planner to the Planning Commission and the Town Board. The Planning Commission needs further definition of the Town code regarding monument sign area. It currently states 120 square feet with a maximum height of 8 feet. Chairman Carney stated signage does not have to be resolved as part of the improvement plan, and will be moved to sign review. The landscape plan shows the sign with a smaller footprint than the current design. The applicant stated they are working on a written explanation as to why they are proposing to go into the setback area for the signage. The applicant will have that to the Planning Commission prior to the meeting on May 5, 2014.
- **Bike Racks** - The applicant will add the bike racks to the site plan.
- **Fencing** – The applicant has eliminated the wooden portion of the fence from the site plan.
- **Minor Errors on Plans** - The adjacent property owner's name has been updated on the plan.
- **Stormwater Management** – The applicant stated the Development Plan was approved and they are now in final review with the County as part of their Improvement Plan Review. Once they have received and review all comments from all parties involved, they will make revisions and resubmit the plans for all agencies for re-review. Applicant stated they expected to resubmit for re-review within the next 2 weeks.

The Commission Chairman stated that with the revisions and outstanding issues, this discussion will be continued at the May meeting.

**Action:** None taken.

**Coblentz Property Final Forest Conservation Plan** – The calculations for the Forest Conservation Credit Summary were modified as follows; total tract area was increased from 24.83 acres to 27.61 acres, net tract area was increased from 21.43 acres to 24.95 acres, and the resulting offsite mitigation to be met increased from 1.51 acres to 1.59 acres. The plan indicates that the Forest Conservation requirement will be met via offsite mitigation with planting to be done at Remsberg Park. The proposal had been discussed with the Town Board and the Parks and Recreation Committee and has been approved by both parties. Applicant stated planting would commence in conjunction with the development, usually in the Fall to mitigate loss from possible drought conditions. The entire 1.59 acres would be planted at the same time.

**Action:** Commissioner Smart motioned to accept the Final Forest Conservation Plan for the Coblentz Property. Commissioner Miller seconded. Motion carried (5-0).

**Zion Lutheran Cemetery Storage Shed Site Plan** – The proposed use is for a 40ft. by 60ft. storage shed To be erected to house equipment, mowers, tractors etc. and to eliminate the unsightly dirt pile located along Ifert Drive. The proposed shed meets all setback requirements and is proposed to be 16 feet tall with inside lighting only and no water is being proposed to the shed.

**Action:** Commissioner Lake motioned to approve the Zion Cemetery Storage Shed Site Plan as proposed. Commissioner Smart seconded. Motion carried (5-0).

**Garden Center Site Plan** – The property has a proposed use for year-round outdoor sales of plant material, mulch, and other gardening materials along with retail sales of plants and floral items. It requires a paved area measuring 10-feet-back from the existing sidewalk on MD17. No additional lighting is currently proposed, and a change of use application will need to be filed with Frederick County Permits Department, along with a building permit for the storage shed if it is proposed to be greater than 150 square feet.

- **Stormwater Management** – The applicant proposes installing a 1600 gallon barrel to collect runoff from the Old Post Office Building next door to use to water plants once business is open. The applicant also proposes installing a sump pump in the dry well out front of the business to pump water back to that storage barrel as well during the seasons the business is operating. Once the business closes for the season the applicant plans on pumping to the drain on his property that empties to the street. The Director of Public works stated the owner may have issues with that freezing in the winter. The Planning Commission requested that the barrel and sump pump be added to the site plan and to provide a description, including winterization plans, to the Director of Public Works for review.
- **1 Site on 2 Lots** – The Commission Chair contacted the Town Attorney for clarification regarding operating a business on multiple lots within town limits. The Town Attorney has yet to respond.
- **Business Hours of Operation** – The business hours were not noted on the site plan. The applicant stated that the business owner planned the hours of operation to be from 7am-7pm. Commissioner Goodman suggested that the business owner may want to extend his business hours to 9pm during the time of year he plans on selling Christmas trees. The applicant will inform the business owner of the suggestions.
- **Parking** – The applicant is proposing a 6 car parking area at the back of the property. The applicant is proposing to use asphalt shavings on top of the existing gravel. The Director of Public Works stated the aggregate present is 57 type (like marbles). He also stated that millings on top of the aggregate will work providing the applicant removes any loose aggregate first. If the aggregate is left at its current depth of 3-6 inches it will shift once the millings have been deposited on top and then vehicles drive over it creating problems. The Planning Commission requested that the applicant provide detailed information on what is to be done for the parking at the site to the Director of Public Works for review.
- **Gates** – There will be 2 gates on the property for security. One gate will be located at the end of the property next to the Subway restaurant. Both the Planning Commission and the owner want that gate closed and locked to prevent vehicles driving through that access point.
- **Signage** – The applicant intends to install a sign at the north side of the property near the business entrance/exit. They will also add to the current Subway sign as well.
- **Internal Improvements** – The applicant stated his intent to install a new ceiling, new floors, and a new window to the existing building. The applicant was referred to the Staff Planner to see if a permit was needed. The applicant was reminded to obtain a change of occupancy permit from the County.

#### IV. ZONING

##### Violations

- **Thompson Funeral Home Parking Lot** – The Planning Commission is requesting a formal report from the Zoning Administrator as to the status of this violation.

#### V. MISCELLANEOUS

**Draft 2013 Annual Report** – The Planning Commission decided to address the draft report at the joint Planning Commission/Town Board meeting scheduled for May 5<sup>th</sup>. Chairman Carney requested that all Planning

Commission members submit their comments to the Staff Planner by close of business May 5, 2014 so the final version can be recommended to the Town Board for approval.

**IPads for Commission Members** – Commissioner Goodman stated he has spoken with Burgess Miller about the purchase of IPads for Planning Commission members. He has requested that the IPads be a line item in next year's budget. He will continue to pursue this purchase.

**VI. ADDITIONAL PUBLIC COMMENTS** – None

**Meeting adjourned at 8:15pm.**

Respectfully submitted,

Annette Alberghini  
Recording Secretary

DRAFT

## Middletown Planning Office

### MEMORANDUM

Date: 5/16/2014

Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **GARDEN CENTER REVISED SITE PLAN**

Tax Map Parcel #03-0128504

Applicant: Randy Bilder

Property Owner: Mauluda Ahmed

Plan Dated: May 5, 2014

Date Received: May 5, 2014

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#### GENERAL INFORMATION

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

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

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

Present Use: Vacant gravel lot and store front

#### COMMENTS

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

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

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

site plan drawing of the proposed garden center layout, a drawing of the indoor space adjacent to the subway restaurant, a waiver request for parking spaces, a diagram of the proposed rear parking lot sign, a diagram of the proposed rear parking lot gate, documents authorizing the applicant the authority to request approvals for the change in use of the properties, detailed information in relation to the site, and e-mails from Frederick County Development Review department, Maryland State Highway Administration, Frederick County Strategic Planning department and Attorney John Clapp.

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

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

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

applicant purchase vehicle stops to place where needed in the parking lot and move existing stops out of the sidewalk area.

5. **Stormwater management** – The applicant met with Vijay Kapoor, the stormwater management reviewer from Frederick County Development Review. Mr. Kapoor has informed the applicant, and the staff planner, that if the project does not involve removal of any existing gravel area, then it is not a proposed land disturbance for storm water management.
6. **Signage** – Any proposed signage is to be presented to the town zoning administrator for approval before being installed. The applicant is proposing one sign near the proposed entrance/exit on the north side of the property which will measure 4-feet by 8-feet and will be attached to 6-inch by 6-inch pretreated posts. The sign height will comply with the town's code.
7. **Lighting** – The only onsite lighting that is existing are the pole lights that are to the north of the property. During the months of November and December, the applicant is requesting that the Garden Center be allowed to utilize temporary outside lighting due to Christmas tree sales which will be of non-spotlight type strung lights typical of the temporary lights used at many Christmas tree lot locations.
8. **Security** – Although the Town endeavors to be as safe a community as it can, the outdoor storage of materials might predispose the applicant to theft unless the area was secure. The plans show fencing and a gate at the access on the north side of the lot from MD 17 and a gate across the property on the northeast side of the existing building. A fence is also shown on the west side of the building adjacent to the steps to the sales patio. Additional information about the proposed gates is included with the site details.
9. **Lot requirements** – The proposed use is to be located in the vacant area behind the existing building which includes the Subway business along with the vacant space adjacent to the restaurant. The site plan also shows a small storage shed and a 1500 gallon water tank to be located behind the existing building. Section 17.32.170 states that one-story accessory buildings with a maximum height of 25-feet may project into yards provided that when more than ten feet from the building, it may project into the side or rear yards providing it projects no closer than six feet to the side or rear lot lines. The revised site plan indicates that the shed, which will have a maximum size of 560 square feet, will have a setback distance of 20 feet from the side property lines, as well as the shade structure having the same setbacks. The existing building pre-dates the zoning ordinance and does not meet current setback requirements. The applicant has stated that he pays taxes on two different land parcels that have two different tax ID numbers, and the County agrees with him that there are two separate lots. Attorney John Clapp has stated that the two parcels are merged for zoning and subdivision purposes and there is no problem in considering the one site plan even though there are two or more parcels.
10. **Water and Sewer requirements** – No additional water will be needed on the site, and the existing building has public water and sewer. The applicant has submitted information though about a proposed water tank to be located on site which will be utilized for the collection of rain water to use for watering the plant material.

11. **Approval by Frederick County** - A change of use application will need to be filed with the Frederick County Permits department, along with a building permit for the storage shed if it is proposed to be greater than 150 square feet.
12. **Expiration of site plan approval** – Section 17.32.250 states that approval of a site plan shall expire three years after the date on which the Planning Commission approves the site plan unless construction has begun. Upon written request to the Planning Commission no later than one month prior to the expiration date, and for good cause shown by the applicant, a one-time extension for a period not to exceed six months may be granted by the Planning Commission.

This review will be included in the Middletown Planning Commission materials for the May 19, 2014 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be May 14, 2014.

ROUTE 47

POST OFFICE PROPERTY

(1500 GAL. WATER TANK)

140'

140'

SALES PATIO

STEPS

LANDSCAPE OFFICE + RETAIL SALES

SUBWAY

DRIS

PLANT AREA

SHADED PLANT AREA

40'

20'

DRY WELL

BUSH AREA/HILL

MULCH + BULK GOODS + STORAGE

MULCH + BULK GOODS + STORAGE

POWER CO.

"NOT TO SCALE"

ADJACENT LOT

ASPHALT PARKING LOT

10' ASPHALT SLEEVE

GATE

STUMP

STUMP

NO PARKING

ROUTE 40

S EAST MAIN STREET

SCALE: UNASSIGNED SET

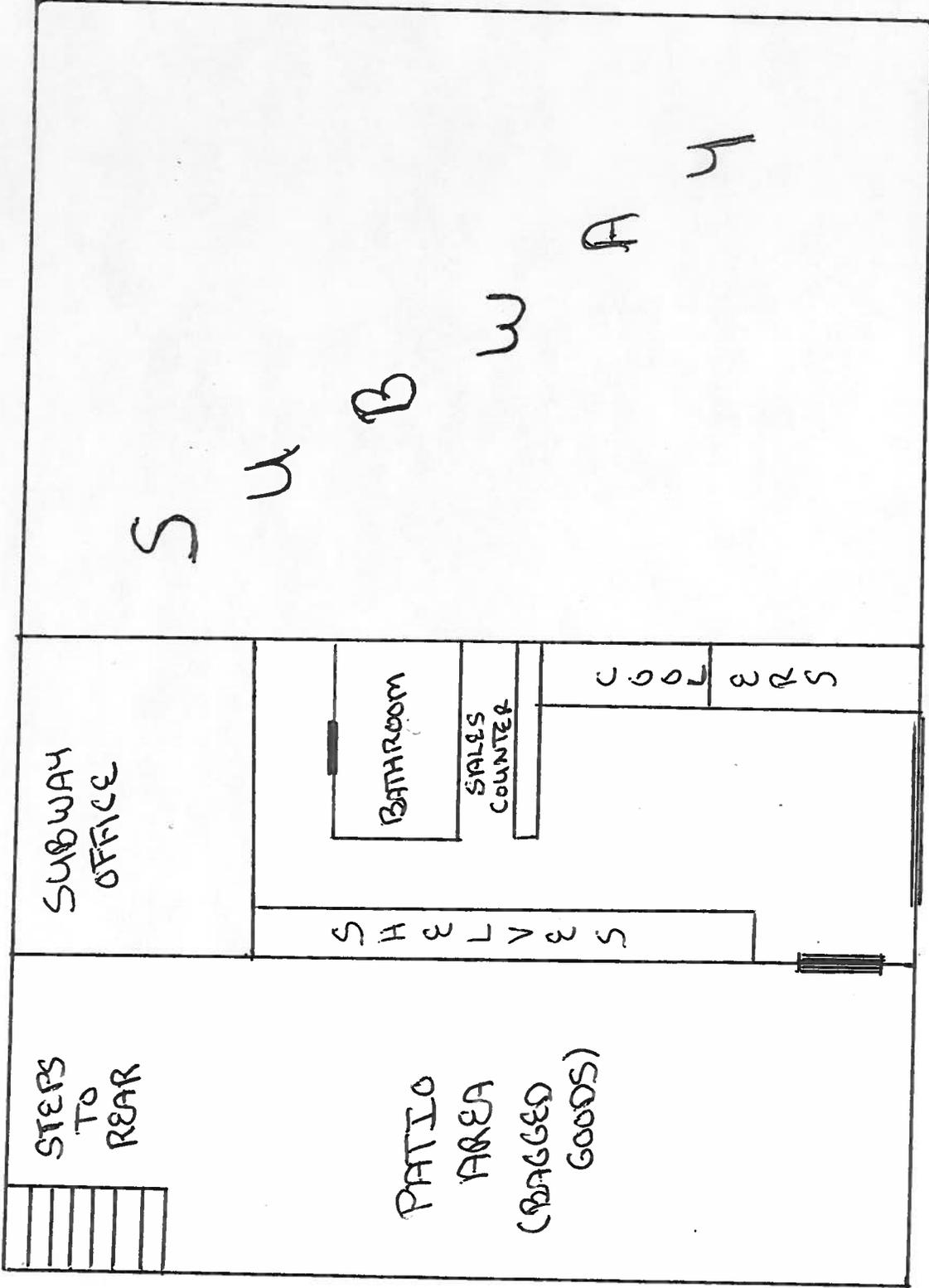
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PROJECT NUMBER: [blank]

DATE: [blank]

PROJECT NUMBER: [blank]



5 EAST MAIN STREET

Planning Commission

I would be requesting the following:

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

Cordially

Randy Bilder



Carriage Garage Sheds include an overhead door, heavy duty floor, one window, and a single entry door. Sheds can be painted or covered in vinyl siding. Maximum shed size will be 14' x 40'.

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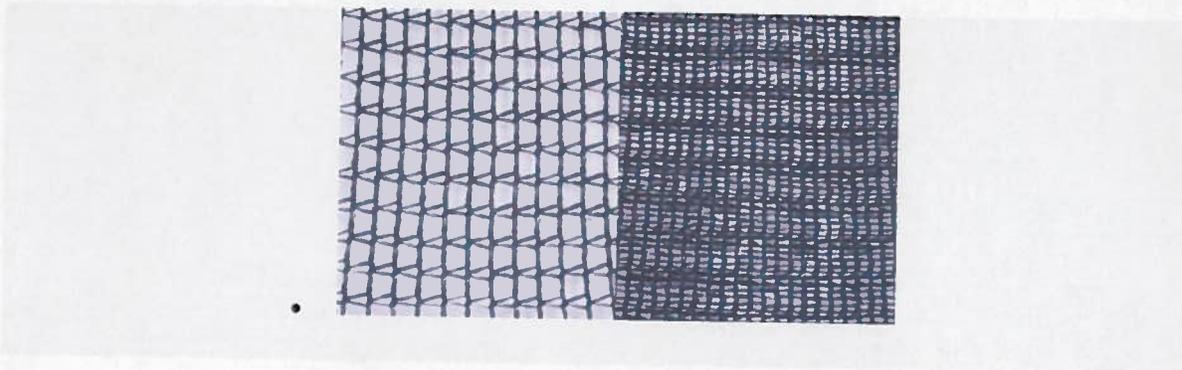
## **Flat Roof Fixed Shade or Retractable Shade**

The GP Flat Roof is a light weight fixed shade structure or retractable shade structure, optimal for outdoor retail areas or crops that need subtle protection. The flat roof encourages the benefits of natural ventilation and light while providing a refuge from wind, sun, and less than desirable temperatures. Easy to install with multiple shade cover options. Available in any size with 12' height to accommodate a variety of plants. Size of structure - maximum 40' x 90'. Posts and rails are high strength aluminum with cables strung between top rails which have shade cloth attached to them.

## Shade Cloth-Screen

With our knitted Shade Cloth you get it all! Our quality shade fabrics are manufactured to exact specifications featuring tough, **lock stitch construction**. Our taped binding is a seat-belt like material and is stitched to the entire perimeter of your shade cloth at no additional cost. Grommets are spaced every 2 feet but you can request a custom spacing by calling or e-mailing us.

- Reduces wind speed, evaporation, and heat buildup in structure
- 20-25% lighter than woven shade cloth with dramatically more strength
- Can be cut on site and will not unravel
- Resists most horticultural chemicals, sprays, and detergents
- Tough lock stitch knitted construction: Resists rips, tear, and fraying
- No edge taping and minimal sewing required thanks to knitted lock stitch
- Different colors available
- Different densities available



Cloth on left side is 30% density

Cloth on right side is 70% density

**Retail space bathroom:** Frederick County advised me last year that the bathroom located in the old salon retail space is grandfathered in under ADA regulations as a unisex bathroom. As long as I do not attempt to increase or decrease the size of the bathroom it is fine. I am able to remodel the fixtures without affecting the grandfather clause for ADA.

**Request to sell Christmas trees:** We are requesting that during the months of November and December the Garden Center be allowed to sell Christmas trees as well as any other holiday season plants and ornaments such as but not limited to wreaths.

**Request hours of operation:** The Garden Center is requesting that the hours of operation be 7 am to 7 pm January through October. In November and December we are requesting the hours of operation be increased to 7 am to 9 pm due to Christmas tree sales.

**Request for temporary lighting:** During the months of November and December we are requesting the Garden Center be allowed to utilize temporary outside lighting due to Christmas tree sales which will be of non-spot light type strung throughout the Garden Center where needed.

**Water tank for rain water/dry well:** The water tank will be utilized from approximately March through November for the collection of rain water from the roof of the old post office building owned by Jeff Schubert, (permission obtained already from him), and possibly from the Subway building and from a dry well to be installed on the East side of the Subway where water currently seeps from the ground. The dry well will consist of digging a large deep ditch and filling it with stone of various types as to allow the water to be captured. A pipe, with a cover, will be placed vertical into the stone where a sump pump will be installed allowing the captured water to be pumped into the water tank for use along with the rain water for watering the Garden Centers plants and shrubs. Any excess water from the dry well will be diverted into the Subway's rear gutter system down spouting which is already utilizing an underground pipe to dispose of the water into the sewer system. From approximately December through February, or depending on freezing conditions, the water tank will not be utilized and

completely drained. All rain, snow and dry well water will be diverted into the underground pipe to dispose of the water into the sewer system, or if necessary just allowed to flow on top of the property as the water does now.

### **Tank specifications:**



## **Black Vertical Polyethylene Tanks**

Tanks are manufactured from medium or high density polyethylene with UV inhibitors. 20 - 3100 gallon tanks are MDPE, 3100 - 10500 gallon tanks are HDPE. Meets FDA standards and suitable for potable water. Max temp 120° F constant, can spike up to 140° F. Molded in graduations. On standard tanks, the specific gravity for 20 - 625 gallons is 2.0, 800 - 9150 gallons is 1.7, 10,500 gallons is 1.6. Heavy Duty tanks are 20% heavier than our standard tanks, rated at 1.9 specific gravity. A PP bulkhead fitting with Santoprene gasket is installed on the side near the bottom. Tanks 300 gallons or greater have a siphon tube at the bottom for more complete drainage. The largest fitting that can be installed on tanks with a 23" - 32" diameter is a 2" fitting. Tanks with a 35" diameter or larger can have a 3" fitting installed for an extra charge. Please specify clearly if you require this 3" fitting. Tanks are special order and have a 3-4 week leadtime. Additional installation fees may be incurred for any additional fittings other than the standard. Suitable for potable water and meet FDA requirements. 20, 25 and 40 gallon tanks have a 3/4" fitting installed, 55, 130 and 135 have 1", other tanks under 5000 gallons have a 2" fitting, 5000 gallons and larger have a 3" fitting.

**Rear parking lot:** Per state requirements an asphalt apron will be installed behind the concrete sidewalk. The apron will run the entire length of the property along the sidewalk, approximately 55 feet in length, and extent 10 feet up into the rear parking lot. The depth of the asphalt will be 4 inches and the base used under the asphalt will consist of 57 and crush/run stone and its depth will be approximately 4 inches. Asphalt millings will then be utilized covering the rest of the rear parking lot area. These asphalt millings will have a depth of 4 inches to 6 inches and the base under the asphalt millings will consist of 57 and crush/run stone and its depth will be approximately 4 inches.

**Garden Center storage lot:** The lot directly behind the Subway which will be utilized for the storage of plants, shrubs and utility shed will be covered in 57 and crush/run stone and its depth will be approximately 4 inches and will be rolled into a compacted state.

**Gate for entrance of rear lot:** Gate will be constructed of tubular type pipe and painted. (See diagram.)

**Gate atop steps leading from patio to Garden Center storage lot:** A locking gate will be located at the top of the steps that will allow customers to access the rear storage area of the Garden Center from the patio area. This gate will be locked during non-operation hours and will consist of either a wooden type gate to match the fence on top of the walled area of patio or a chain link type gate.

**Gate on East side of Subway:** A chain link type gate will be installed on the East side of the Subway building extending from the building to the steep bank. This gate will forbid random access to the Garden Center but may be utilized by the Subway or Garden Center when needed.

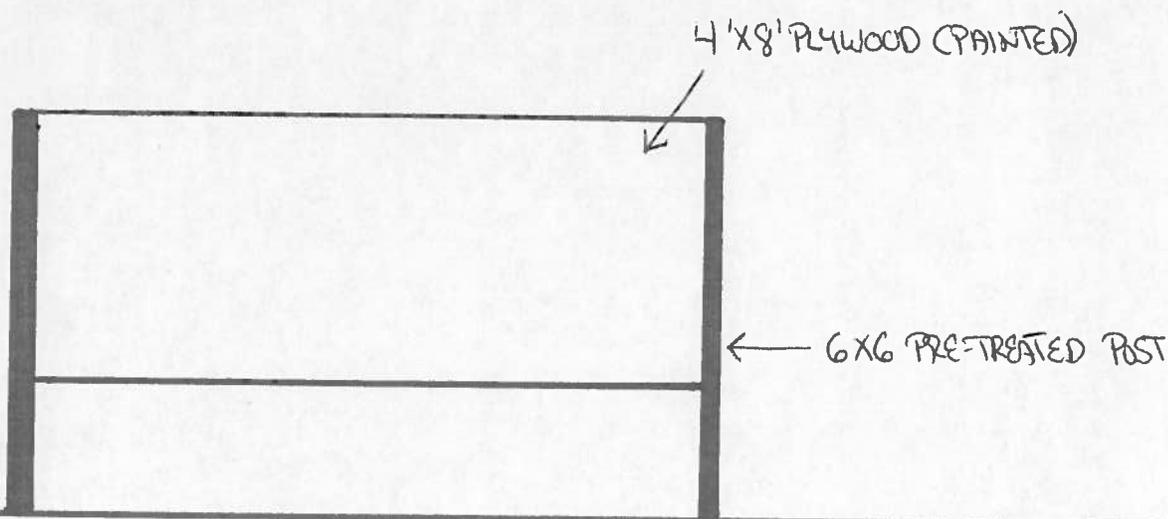
**Steps from patio to Garden Center storage lot:** These steps will be constructed of a wooden type material and approximately four feet in width and will utilize a built in hand rail. Since there is an alternate entrance from the rear parking area regarding ADA regulations no access should be required from the patio area to the Garden Center storage area.

**Rear parking lot sign design and construction:** Sign will be constructed using a 6 inch by 6 inch pretreated post at each end of sign with a 4 foot by 8 foot piece of wooden plywood attached sideways to the posts. Sign will extend no higher in height than allowed by town code. Posts will remain pretreated green color and plywood will be painted white with green lettering highlighted in black on both sides. Unknown lettering design at this time. (See diagram.)

RECEIVED

MAY 05 2014

TOWN ENGINEER



REAR PARKING LOT SIGN  
5 EAST MAIN STREET  
GARDEN CENTER

(NOT TO SCALE)

RECEIVED

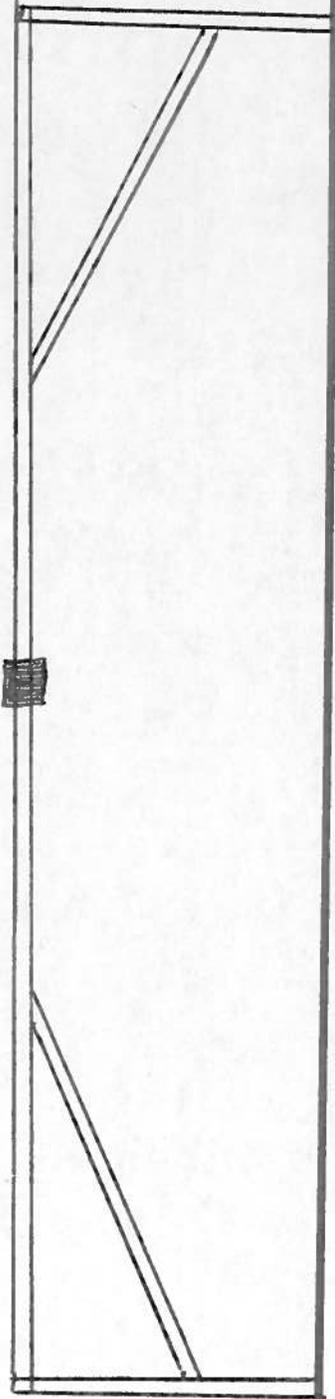
MAY 05 2014

TOWN OF MIDDLETOWN, MD

← TELEPHONE POLE

POST OFFICE

ADJACENT  
PARKING  
LOT



REAR PARKING LOT GATE  
13319 101 QUINCY AVE  
5 EAST MAIN STREET  
GARDEN CENTER

(NOT TO SCALE)

RECEIVED

MAY 05 2014

TOWNSHIP OF MIDDLETOWN, MD



Burgess and Commissioners of Middletown 31 W Main St Middletown, MD 21769 Phone 301-371-6171 Fax 301-371-6474  
Bruce A. Carbaugh, P.E. Director of Operations and Construction Email: bcarbaugh@ci.middletown.md.us

## MEMORANDUM

**TO:** Cindy Unangst, Town Planner

**FROM:** Bruce A. Carbaugh, P.E., Director of Public Works

**DATE:** May 7, 2014

**RE: Garden Center – Subway Property Site Plan Review #1**

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Review of sketch plan and narrative provided on May 5, 2014 from Randy Bilder for 5 East Main St.

1. The information for the 1500 gallon water storage tank does not detail the dimensions. We were able to find the picture and description on the USPlastics website and have found the model VT1500-64BK 1500 gallon tank with dimensions of 5'4" (64") diameter x 9'-7" (115"). After making a field visit it appears that most of this tank will not be visible from Church St and only a portion from Main St. If this information is not correct please forward the dimensions of the tank you intend to supply. Regarding the description with reference to the existing collection of storm water "dispose of the water into the sewer system" please change this to storm sewer system. The Town does not permit storm water or sump pump discharge to be disposed of in the sanitary sewer. This department has no objections to the size of the tank or the description of operation but has not reviewed the design of the collection or pumping system. The system design and operation is the sole responsibility of the Owner/Developer.
2. Parking Lot surface description is acceptable – 4 to 6" of asphalt millings compacted over crusher run and #57 aggregate graded to receive the millings. Garden Lot storage area is interpreted to be the area behind the subway that is shown for plant material storage and shade area. Number 57 aggregate in this area is acceptable.
3. Fences, signs and stairs shall all be constructed under current codes and by permit through the applicable agency..
4. Please clarify if the embankments against the building and the trees, fence and "hills" next to the substation be removed?

End of Comments





## Middletown Planning Office

### MEMORANDUM

Date: 4/8/2014  
Hansen# 14281

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **CROSS STONE COMMONS IMPROVEMENT PLAN**

Tax Map Parcels #03-156044 and 03-174158

Applicant: DMW and Lingg Property Consulting

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

Plan Dated: January 30, 2014

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

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#### GENERAL INFORMATION

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

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

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

Present Use: Agricultural land.

#### COMMENTS

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

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

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

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

7. **Traffic Impact Study** – A traffic impact study was prepared by Traffic Concepts, Inc. The key intersections (US 40A @ Middletown Parkway, Middletown Parkway @ North Site Access, Middletown Parkway @ Glenbrook Drive/South Site Access, and Middletown Parkway @ Holter Road) were analyzed to determine the peak hour level of service (LOS) using the required MD SHA Critical Lane Volume (CLV) method. A conservative 1% growth rate was applied to the two-year build-out period for the background condition. For the future condition, the proposed land uses used were a pharmacy with drive-thru, a fast food restaurant, a high turnover restaurant, and specialty retail. The analysis study results show the US 40A @ Middletown

Parkway intersection operating at a "D" or better level of service; all other intersections showed "A" levels of service. Using the CLV method, the level of service "D" condition is the accepted MD SHA and Frederick County threshold standard for intersections located outside of agricultural/rural areas.

The Town Board has expressed concern about the possibility of increased traffic along the Middletown Parkway in conjunction with the proposed shopping center. They feel that the developer of the shopping center should install the extra lanes needed (decel, accel and turning lanes) since the potential of increased traffic will necessitate those lanes to be built and the Town does not want to be put in the position of paying for the road construction as they have had to do in the past. The Town Engineer, Bruce Carbaugh, in his review has stated that the Town will require some type of acceleration and deceleration lane into each proposed entrance as required by the Town's Design Manual for Streets and Commercial entrances.

8. **Parking requirements for shopping centers** – The specific standards for a shopping center regarding parking are that parking be provided at the minimum ratio of 5.5 parking spaces for each 1,000 square feet of total floor area. Given the proposed square footage of 35,357 square feet, 195 spaces would be required. The site plans showed a proposed total of 229 spaces; due to some changes in stormwater management, the improvement plans now show a total of 219 spaces.
9. **Landscape plan** – Section 17.48.230G. of the Code states that when adjacent to an R district, a screen planting as approved by the planning commission and at least six feet in height must be provided along the R district boundary. The applicant is proposing a 6-foot high vinyl privacy fence along the boundary with the adjacent residential properties along with landscape screening. The landscape screening consists of Eastern Red Cedar trees, Leyland Cypress trees, and American Holly trees, which are all evergreens. The proposed trees are to be 5-6 foot, or 6-8 foot balled and burlapped plants. The variety of trees, shrubs and other plantings for the site are a good mix of native plants with a good distribution along the boundary and within the parking areas. Additional shrubs have been added along the Middletown Parkway at building #1 to prevent car lights from shining onto the Parkway. Sheets 19 and 20 (Landscape Plans) show a discrepancy in the number of Northern Bayberry shrubs (47 shown and 56 listed in the Plant Schedule on Sheet 20), and Arrowwood Viburnum shrubs (25 shown and 30 listed in Plant Schedule on Sheet 20). Also, trees shown to be planted adjacent to stop signs should be relocated to better locations.
10. **Signage** – A proposed freestanding shopping center identification sign is indicated on the plans at the corner of Old National Pike and the Middletown Parkway. Two renderings of the proposed monument sign have been submitted for the Planning Commission's approval. The only difference between the two renderings is the addition of brick pillars and the town seal on one of them. In determining the monument sign area, the surface area of the largest face of a monument sign will be used to determine the total square footage of the sign. The calculation will exclude the first eighteen inches of the base if it does not include any sign copy or other graphic. Section 17.36.070B.2. of the Middletown Municipal Code states that for shopping centers an identification monument sign with an area of one square foot per five linear feet of lot frontage on which the sign is to be erected, up to a maximum of 120 square feet and a maximum height of 8 feet shall be permitted. The proposed sign elevation shows the brick base of the sign to be 1-

foot four inches high with the rest of the sign to be 8-feet high. The rendering showing the brick pillars seems to imply that the height of the pillars would exceed the 8-foot height. The zoning administrator will need to determine whether the surface area of the largest face of the sign, as referred to in the definition, includes the brick pillars. As proposed by the sign elevation submitted, the signage of 125 square feet would exceed the allowable square footage even without the addition of the brick pillars.

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

This review will be included in the Middletown Planning Commission materials for the May 19, 2014 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be May 14, 2014.

cc: David Lingg, Lingg Property Consulting

Mark Crissman, DMW  
Nancy Newton  
Jeffrey and Lera Straits  
John Thomas Moser Jr.  
William Wiles  
Matthew Axline  
Marilyn Moser



2210 WASHINGTON AVE  
 SUITE 100  
 FORT WORTH, TEXAS 76104  
 PHONE: 817.339.1111  
 FAX: 817.339.1112  
 WWW.ADWARCHITECTS.COM

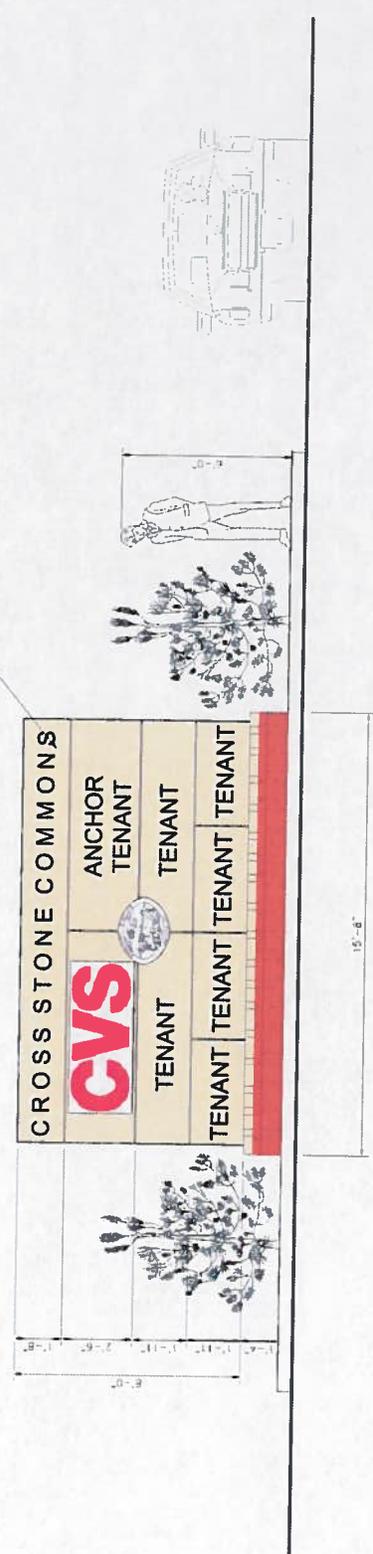
**CROSS STONE COMMONS**  
 MIDDLETON VALLEY  
 MIDDLETON PARKWAY & USALT 40  
 MIDDLETON, PA 17057

OWNERS: MIDDLETON VALLEY  
 2000 W. STATE ST. SUITE 100  
 MIDDLETON, PA 17057  
 PROJECT NO. 2012.0006

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	09/19/11
2	FOR CONSTRUCTION	09/19/11
3	FOR PERMIT	09/19/11

DESIGNED BY: [ ]  
 CHECKED BY: [ ]  
 DATE: 09/19/11  
 SCALE: AS SHOWN

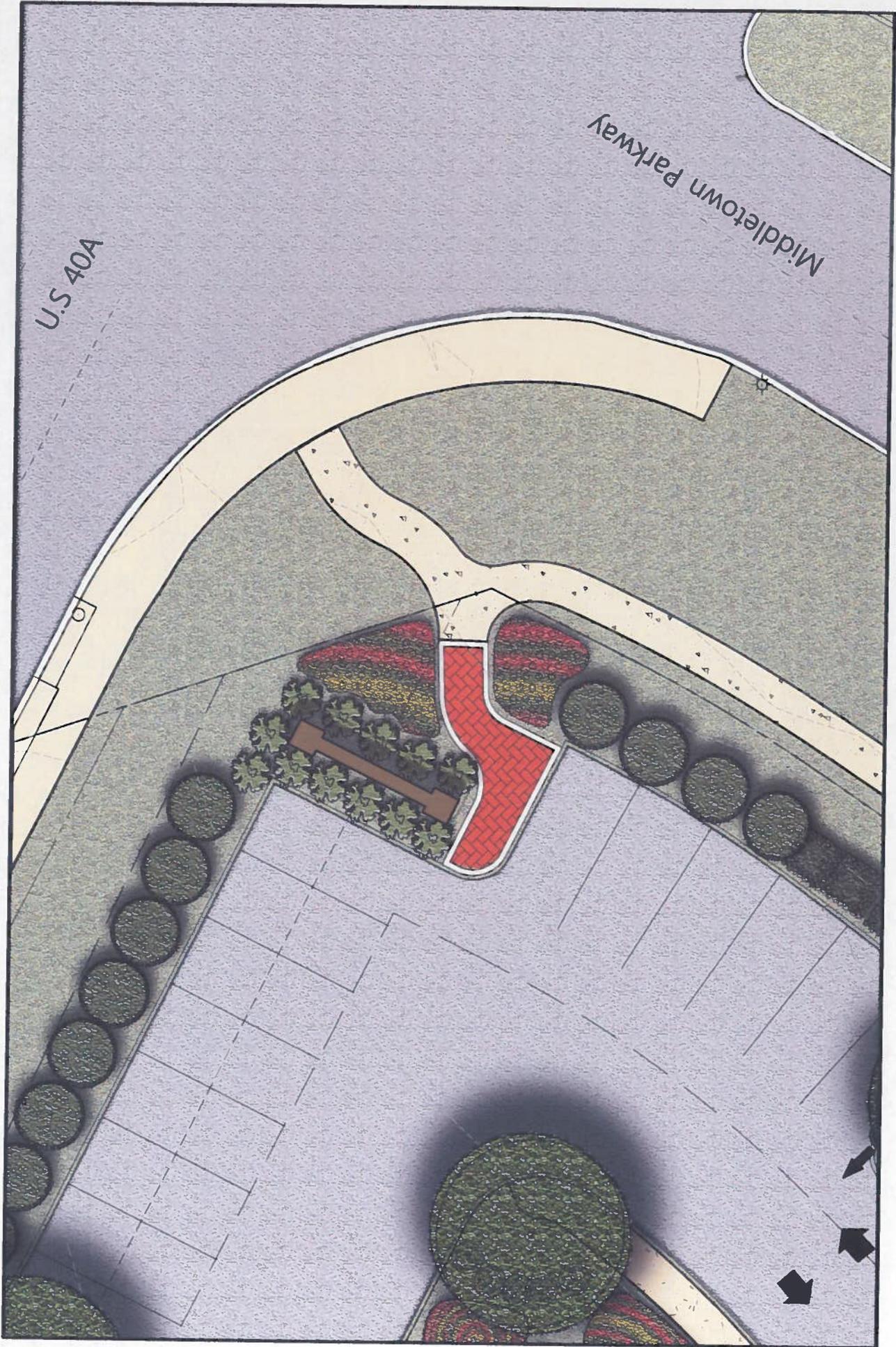
PROJECT NO. 2012.0006  
 DATE: 09/19/11  
 SCALE: AS SHOWN



1 SIGN ELEVATION  
 SCALE: 1/8" = 1'-0"

SHEET NO.  
**DD-2.0**







Burgess and Commissioners of Middletown 31 W Main St Middletown, MD 21769 Phone 301-371-6171 Fax 301-371-6474  
Bruce A. Carbaugh, P.E. Director of Public Works Email: bcarbaugh@ci.middletown.md.us

## MEMORANDUM

**TO:** Cindy Unangst, Town Planner

**FROM:** Bruce A. Carbaugh, P.E., Director of Public Works

**DATE:** May 1, 2014

**RE: CROSTONE COMMONS IMPROVEMENT PLAN Review 1**

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The Town has reviewed the Cross Stone Improvement plans prepared by DMW and dated January 30, 2014 sheets 1 thru 20. The review includes water lines, sewer lines and storm drain lines that are connected to the existing systems Owned and Maintained by the Town. **The systems located on this development property are to generally be constructed in accordance with the Town Design Manual and Standards but the Town will not be assuming Ownership or maintenance of these systems.** No review has been performed for the onsite paving areas or storm water management (Frederick County). Any portion of the entrance driveways outside of the property line will require an entrance easement from the Town and will remain the Developers / Owners responsibility for maintenance.

After plan approval separate construction cost estimates for Sediment and Erosion Control and Storm Water Management will be required to reviewed and approved by Frederick County through the Town. Separate cost estimates for Public Improvements – roads, storm water drainage, water and sewer are to be submitted to the Town for approval. Public Works Agreements will be submitted to the Town for Public Improvements (within Town ROW), Storm water and Sediment and Erosion Control. The guarantees for each individual agreement in the form of a Letter of Credit will be filed with the Town before construction can begin. A 1% inspection fee is assessed on the guarantee amounts for Public Works, Stormwater Management and Sediment and Erosion Control.

### Sheet 2

1. Curb used along or tying into the Parkway shall be MDSA Type A curb.
2. Provide details of the pole and site lighting.

### Sheet 3

1. Please show a roadway profile for each proposed entrance. There should be no runoff from the driveways into the Parkway.
2. Please add a note for landscape material and fence removal. See similar comments on sheet 16.

3. Any sidewalk constructed in the Town ROW will require tactile warning plates at grade changes (Town Std East Jordan Iron Works truncated dome plates).
4. SD-2 Type S is not large enough to accommodate the existing 30"RCP.
5. Verify the receiving Inlet (156) downstream from SD-40 and SD-58 has the capacity for the perceived increase in runoff to this area. (Scan is attached of the downstream storm drain system. SK-3 and SK-4 and design comp table).
6. Identify the type of structure for SD-22.
7. Show the locations for proposed parking lot lighting.
8. Provide a crosswalk at the right turn in off Main St entrance.
9. Depending on final arrangement of accel and decel lanes the existing PVC fence should be installed along the proposed driveway radius.
10. There appears to be an existing utility pole in the proposed right in only that will require relocation.
11. The Town will require some type of acceleration and deceleration lane into each proposed entrance (Design Manual Streets Section 2.14 Commercial Entrances subparagraph d.). A grass median or concrete median will need to be constructed beyond the first entrance limiting it to right in and right out only. The Middletown Parkway was designed as a divided minor arterial road (part plans attached SK-1 and SK-2) and constructed to be added onto. The construction of the southbound dual lane is a possibility in lieu of the accel/decel lanes through the proposed southern most entrance and transitioning back into the existing roadway. The sidewalk should be aligned with the roadway. The Town Burgess and Commissioners have also expressed their concern that a flashing signal be installed at the intersection with Glenbrook Drive. The signal when required would be upgraded to a standard traffic signal.

#### **Sheet 4**

1. Identify the type of structure for SD- 38, 50 and 52.

#### **Sheet 11**

1. If the existing 2" natural gas is to be extended into the site please show the proposed locations.
2. The Town prefers no 2" blow offs and instead on lines maintained by the Town uses fire hydrants as the end condition. In the past Frederick County FM has had an opposing opinion but since the Town owns and maintains the fire hydrants, where accepted, this has been our standard practice. Since this line will owned and maintained by others you may proceed as your engineer advises. If the Owner requests the Town to flush the main system in our biannual flushing program we will require a letter requesting this and a note on the plan referencing the letter. The Owner is free to flush the main themselves during our scheduled periods.
3. The Town standard is 3 valves at every tee, you may want to consider at least a second valve at station 0+96 and 12+70 on the Building 1 side so that you may control repairs and limit outages if needed.
4. The details of the master meter vault will need to be clarified with the Town. Our meter standard is Sensus and if the meter is larger than 6" we will need to develop a detail. We currently have a detail for 6" but it will

- need updated since Sensus has changed their meters. A detail on the plan will be required.
5. Use the Town Standard water and sewer notes and details. Will forward by email. Exception to Town Standard water notes:
    - a. At your option you may install the DIP without granular bedding and initial backfill.
    - b. At your option you may install non domestic fittings and castings
  6. Add a note regarding the grease trap for Building 2 and any other structure that may be fitted out as food service facility, "Grease trap will be sized by the Town of Middletown with plans supplied by the Building Permit Applicant in accordance with Town Policy". Show a connection after the grease trap that will be used for domestic sewage (non grease laden discharge).
  7. SS MH-1 should be labeled as Frederick County Monitoring Manhole.

#### **Sheet 12**

1. Please verify that the individual 1" services will be sufficient for building #3 (no fire suppression system).

#### **Sheet 14**

1. Provide the restrained length table of the profile sheet and shade and note the restrained lengths needed at each fitting or valve. Treat valves as dead ends from either direction.

#### **Sheet 16**

1. Provide additional spot elevations at each entrance construction along the existing edge of pavement. Please use the detail for roadway tie (staggered joints) in (attached).
2. Any 3:1 slopes or steeper in the Town Right of Way shall be matted with soil stabilization matting. Please label any 3:1 slopes.
3. Existing shrubs and trees in the ROW shall be marked for removal so the Owner may have the opportunity to remove and relocate.
4. The existing fence within delineated limits shall be removed and turned over to the Town (or the Town may choose to remove themselves).
5. Conflicts with existing street lights and conduit shall be verified and the Developer will be required to resolve the relocation or addition of street lights to adequately light the intersection. There should be two street lights on each side of the commercial entrances.
6. Is there any intent to construct the shopping center in phases? Will all utilities be installed in one phase and the site permanently stabilized. Will buildings be constructed in any order or concurrently?
7. Provide an estimate of the earthwork quantities. Cut and Fill required. If the site is an unbalanced waste job the Town may require a truck wash to avoid soil being tracked onto the Parkway.

## Middletown Planning Office

### MEMORANDUM

Date: 5/19/2014

Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **CROSS STONE COMMONS FINAL FOREST CONSERVATION PLAN REVIEW**  
Tax Map Parcel #03-156044 and 03-174158  
Applicant: DMW, Mark Crissman and Lingg Property Consulting, David Lingg  
Property Owner: Nancy R. Newton, et. al.  
Plan Dated: July 17, 2013  
Date Received: July 22, 2013

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#### GENERAL INFORMATION

Proposal: Lots are to be consolidated and developed with 35,357 square feet ± of commercial space in four separate buildings with 229 parking spaces.

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

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

Present Use: Agricultural land.

#### COMMENTS

The following issues should be considered in your review of this Forest Delineation and Preliminary Forest Conservation Plan:

1. **FRO approval by MD DNR** – The Final Forest Conservation Plan has been submitted to the Maryland Department of Natural Resources for review and approval.
2. **Meeting the FRO requirement** – The Plan indicates that the Forest Conservation requirement will be met via offsite mitigation with planting to be done at Wiles Branch Park. The proposal has been discussed with the Town Board and the Parks and Recreation Committee and has been approved by both parties. Staff will note that off-site mitigation is preferred over a fee-in-lieu payment.

3. **Incorrect information** – The Offsite Forest Conservation Plan for the Cross Stone Commons development references the Frederick County Forest Resource Ordinance. Due to the fact that the Town of Middletown has its own Forest Resource Ordinance, the Town’s ordinance should be referenced instead. *A revised plan was submitted on Friday, May 16<sup>th</sup> and all references to Frederick County have been amended to the Town of Middletown.*
  
4. **Proposed tree planting** – The Forest Conservation Plan indicates that 170 1” caliper trees and 30 1-3 gallon understory trees are proposed to be planted to meet the town’s regulations for afforestation. Section 16.40.044 of the Town Code lists the preferred sequence for afforestation and reforestation. The off-site afforestation referenced in the list at #6 states that the afforestation be done using transplanted or nursery stock that is greater than 1.5 inches diameter measured at 4.5 feet above the ground. In order to comply with the Town Code, the proposed plantings should be done with the larger size stock and the plans should be revised accordingly. *A revised plan was submitted on Friday, May 16<sup>th</sup> in which the larger size stock is proposed using the same tree species with the 1.5” caliper stock for 150 trees instead of the smaller stock and 200 trees.*

This review will be included in the Middletown Planning Commission materials for the May 19, 2014 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be May 14, 2014.

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

## Middletown Planning Office

### MEMORANDUM

Date: 5/8/2014

Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **AMVETS REVISED EXPANSION SITE PLAN**

Tax Map Parcel #03-125025

Applicant: msb Architects, Janelle Horst

Property Owner: AMVETS

Plan Dated: May 2014

Date Received: May 5, 2014

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#### GENERAL INFORMATION

Proposal: Expand the existing building to provide for handicapped-accessible restrooms, reorganize the internal circulation and provide for additional storage areas.

Location: 409 West Green Street

Zoning: OS Open Space. This district permits parks, playgrounds, golf courses, public and private recreational uses and cemeteries as well as schools, churches, community centers and other public buildings, and those accessory uses commonly associated with them.

Present Use: Existing AMVETS building

#### COMMENTS

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

1. **Prior site plan approval** – In October 2012, the Planning Commission approved an expansion plan for the AMVETS building on the condition that they provide a plumbing plan to the Town. That proposed plan provided for an expansion of 925 square feet for additional bathrooms and storage and a disturbance of 2,250 square feet for driveway and dumpster pad expansion and another 600 square feet for grading work. When asked by Bruce Carbaugh about the sanitary sewer line to the proposed expansion, Monty Ahalt (representing the AMVETS) stated that the new sewer line would be run outside and hook into the existing line.
2. **Use** – The applicant is proposing to expand the building by adding handicapped-accessible restrooms and storage areas. The addition would have outside entrances to be accessed by patrons at the rear of the building. The intent is not to increase the number of

patrons of the AMVETS building, but to create additional needed storage space and handicapped-accessible restrooms. The proposed expansion is 1,079 square feet.

3. **Lot requirements** – The proposed expansion is to be located contiguous to an existing building. The setbacks to adjacent property lines meet the minimum requirements.
4. **Site plans required for approval by planning commission** – According to Section 17.32.230, site plans are required for all commercial, multifamily residential, public, institutional, and industrial buildings unless all of the following conditions are met: A. There is no change in the amount of parking needed; B. The intensity of use has not changed; C. There are no exterior structural changes; D. The building or use has not been grandfathered; E. The building or site meets all existing regulations for the district in which it is located. Since there are proposed exterior structural changes, the site plan does require approval by the planning commission. The planning commission is being provided a site plan that shows the expansion area as well as a first floor layout plan and a plumbing plan, an aerial view of the property and photos of the area to be expanded.
5. **Changes from previously approved plan** – The previously approved site plan necessitated the relocation of the dumpster enclosure and an extension of the access aisle at the rear of the building. The new proposed plan will not impact the dumpster enclosure or the access aisle. Staff notes that the existing shed will be removed as part of the proposed expansion.

This review will be included in the Middletown Planning Commission materials for the May 19, 2014 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be May 14, 2014.

cc: Scott Bowen, msb Architects  
AMVETS



May 5, 2014

Cindy Unangst  
Town Planner  
Middletown Municipal Center  
31 West Main Street  
Middletown, MD 21769

Dear Ms. Unangst,

The Middletown AMVETS, Post #9, is seeking to reorganize their internal circulation, enlarge their restrooms, and improve their ADA accessibility by adding on to the rear of their existing building. The plan includes integrating an existing detached garage by reusing most of the exterior walls and tying them in with the existing facility. The total addition to the space is 1,079 SF. This addition will be one story and will be brick in order to blend in with the existing structure. We respectfully ask that the Middletown AMVETS be granted approval for site planning in order to receive a zoning certificate.

Best regards,

Janelle Horst, AIA  
LEED AP BD+C



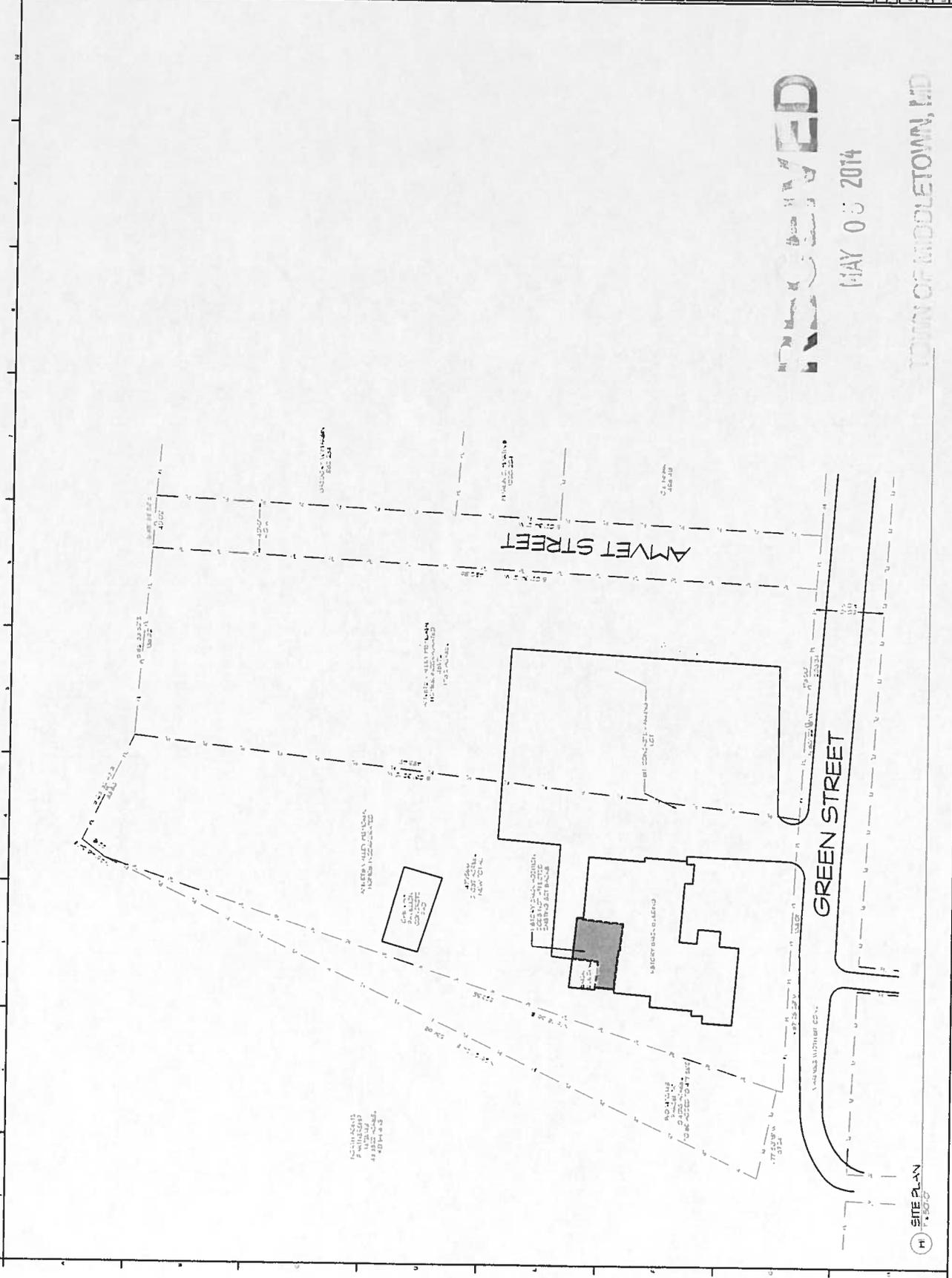
408 West Green Street  
Middletown, MD 21769

AMVETS Middletown, Post #9

Construction Documents

SUBMITTALS / REVISIONS

DATE BY



APPROVED

MAY 05 2014

TOWN OF MIDDLETOWN, MD

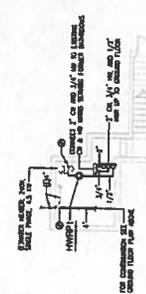
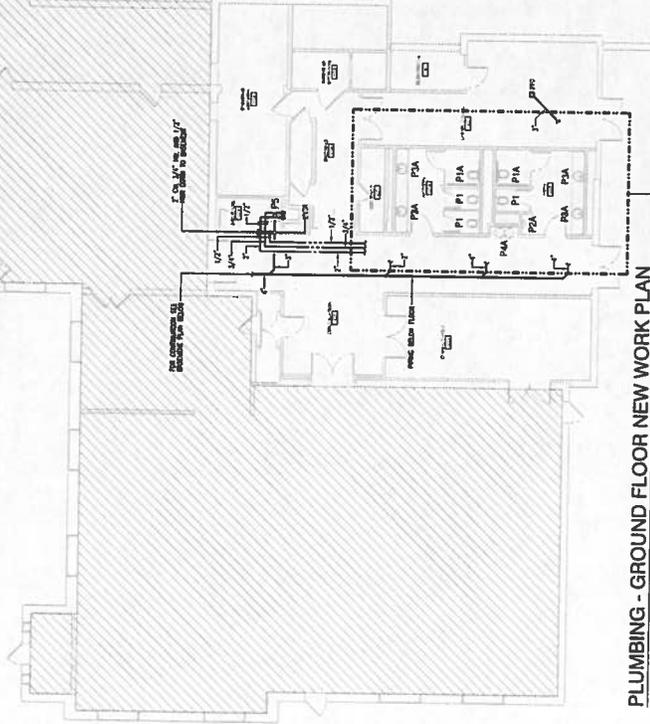
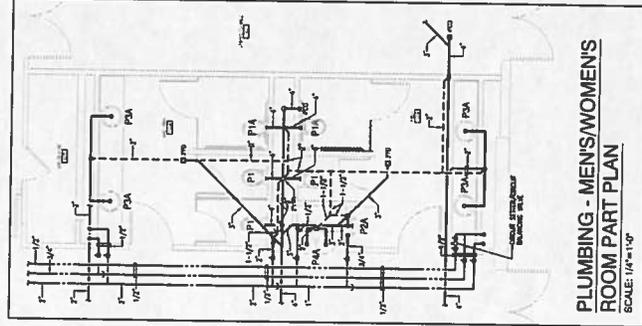
SITE PLAN  
1:800

SP1



**GENERAL PLAN NOTES**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MIDDLETON, WISCONSIN, AND THE STATE OF WISCONSIN.
2. CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND TO OBTAIN ALL NECESSARY APPROVALS FROM THE CITY OF MIDDLETON, WISCONSIN, AND THE STATE OF WISCONSIN.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MIDDLETON, WISCONSIN, AND THE STATE OF WISCONSIN.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MIDDLETON, WISCONSIN, AND THE STATE OF WISCONSIN.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MIDDLETON, WISCONSIN, AND THE STATE OF WISCONSIN.
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7. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MIDDLETON, WISCONSIN, AND THE STATE OF WISCONSIN.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MIDDLETON, WISCONSIN, AND THE STATE OF WISCONSIN.
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MIDDLETON, WISCONSIN, AND THE STATE OF WISCONSIN.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MIDDLETON, WISCONSIN, AND THE STATE OF WISCONSIN.
11. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF MIDDLETON, WISCONSIN, AND THE STATE OF WISCONSIN.



**REVISIONS**

**REVISED**

MAY 05 2014

**CONSOLIDATED ENGINEERING, LLC**

2014 Middletown Road  
Middletown, MD  
Phone: 301.714.3020 FAX: 301.714.1875

**REGISTRATIONS & ASSOCIATES**

314.C. Engineering, Inc.  
MD 11716  
Phone: 301.714.3111 FAX: 301.714.2222

**AMVETS Middletown, MD**  
408 West Green Street  
Middletown, MD

**Permit**

**QUANTITIES**

**SHEET NAME**  
PLUMBING - NEW WORK PLANS

**P3**









## Middletown Planning Office

### MEMORANDUM

Date: 3/7/2014

To: Middletown Planning Commission

From: Cindy Unangst, Middletown Staff Planner

RE: **DRAFT ANNUAL REPORT**

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The following document is enclosed for your review and direction:

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



## MIDDLETOWN PLANNING COMMISSION

# 2013 ANNUAL REPORT

Approved \_\_\_\_\_, 2014 by Burgess & Commissioners

### **BURGESS & COMMISSIONERS**

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

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

Larry Bussard (4/2010-4/2014)

Richard Dietrick (4/2010-4/2014)

Anthony Ventre (4/2012-4/2016)

Chris Goodman (4/2012-4/2016)

Andrew J. Bowen, Town Administrator

### **Middletown Planning Commission**

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

Robert Smart (12/2011-12/2016)

David Lake (2/2012-2/2017)

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

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

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

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

### **Middletown Board Of Appeals**

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

Thomas Routzahn (1/2008-2/2014)

Kenneth Kyler (1/2008-2/2014)

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

### **Planning Department Staff**

Cynthia K. Unangst

### **Town Zoning Administrator**

Cynthia K. Unangst (January-November 2013)

Andrew Bowen (December 2013)

### **Engineering Staff**

Bruce Carbaugh, Director of Operations and Construction

**INTRODUCTION**

Section 1-207 of the Land Use Article of the Annotated Code of Maryland requires that the Planning Commissions of non-charter counties and municipalities prepare, adopt and file an annual report with the local legislative body and a copy of the report be mailed to the Director of the Maryland Office of Planning. The report is a retrospective look at development activity within the jurisdiction with a focus on whether that activity is or is not consistent with a variety of adopted plans. The report thus informs both the Planning Commission and local legislative body about the strengths and weaknesses of the local planning program.

**POPULATION IN MIDDLETOWN**

<u>YEAR</u>	<u>POPULATION</u>	<u>INCREASE OR DECREASE</u>
1970 Census	1,262	N/A
1980 Census	1,748	486
1990 Census	1,834	86
2000 Census	2,668	173
2001 Estimate	2,768	100
2002 Estimate	2,951	183
2003 Estimate	3,237	286
2004 Estimate	3,655	418
2005 Estimate	3,833	178
2006 Estimate	3,966	133
2007 Estimate	4,105	139
2008 Estimate	4,198	93
2009 Estimate	4,239	41
<b>2010 Census</b>	<b>4,136</b>	<b>-103</b>
2011 Estimate	4,163	27
2012 Estimate	4,272	109
2013 Estimate	4,295	23

**TEN YEAR PERIODS OF POPULATION GROWTH based on Census**

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

**MIDDLETOWN PLANNING COMMISSION**

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

**CONCEPT PLANS PRESENTED-2013**

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

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

**SITE PLANS-2013**

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

20. Fire Station Franklin Street	1	OS	Approval of new fire station (Approved 11/18)
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**MASTER PLANS-2013**

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

**PRELIMINARY PLANS-2013**

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

**MASS GRADING/SWM PLANS-2013**

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

**IMPROVEMENT PLANS-2013**

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

**FOREST CONSERVATION PLANS-2013**

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

**CORRECTION PLATS-2013**

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

**ADDITION PLATS-2013**

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

**FINAL PLATS-2013**

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

**RE-ZONING REQUESTS:**

None

**ANNEXATIONS:**

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

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

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

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

**BOARD OF APPEALS: (letters in front of applicant names correspond to letters on attached map)**

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

## **INFRASTRUCTURE PROJECTIONS:**

### **TRANSPORTATION:**

Action taken by the Town in the year 2013 has been consistent with the Town Comprehensive Plan and best management planning practices.

A Middletown Parkway remains a priority of the Town and is included in the Town Comprehensive Plan with alignments both north and south of town. Future development should incorporate roadway dedication and construction to provide minimum collector type road links from east to west, and a collector from US 40-A north to I-70.

The County and Town should develop plans to transfer Coblenz Road from county road status to the municipal street system in conjunction with the Admar annexation, should that ever occur.

The State Highway Administration is resurrecting the plans and cost estimates for improvements to the Main Street area of Middletown. The scope of the work includes replacement of water mains and storm water lines in the Main Street SHA right-of-ways and the feasibility studies for relocating utility lines, new signage, traffic patterns, and replacement or installation of curb, gutter and sidewalks.

### **WATER SUPPLY AND DISTRIBUTION:**

The Town depends on 22 wells, 4 groups of springs, two reservoirs, and a water tower to supply water to the Town. The current total withdrawal permitted by the Town is 387,000 gallons per day (gpd). The average daily use for 2013 was 296,000 gpd (down from 300,000 in 2012). The Town's continued annual decrease in water use is due to the Town's leak detection program and water conservation program. The water system is routinely monitored for possible contaminants in accordance with Federal and State laws, and none were at violation levels in 2013.

### **WASTE WATER TREATMENT FACILITIES:**

The East End Wastewater Treatment Plant (WWTP) on the south side of Holter Road at Hollow Creek is designed to process 350,000 gpd of sewerage. The current discharge permit for the plant is 250,000 gpd. Average daily flows for 2013 were 215,000 gpd (up from 198,000 in 2012).

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

There were no violations for either plant in 2013.

### **NATURAL GAS**

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

### **WATER/SEWER MASTER PLAN**

Although the Town developed a Water/Sewer Master Plan as a Subsidiary Plan to the County Water/Sewer Master Plan, it was denied by the State in 2004, and consequently the Town complies with the County's Water and Sewer Master Plan.

### **PARKS AND GREENWAYS:**

In 2013, the Town completed construction of the walking/biking trail along the Cone Branch Creek. This walking/biking trail connects the existing sidewalk system to Remsberg Park and Middletown Primary School which is also a Recreation Center.

### **PROTECTION OF HISTORIC STRUCTURES:**

At the present time, the only regulations regarding the demolition of buildings are a zoning control (Section 17.32.160, Zoning, Middletown Municipal Code), which requires a Demolition Permit. This permit allows a building to be inventoried prior to the demolition but does not prohibit demolition.

The Town has approval of two historic districts approved by the National Register, allowing for property owners to voluntarily participate in government programs to recognize and improve properties. This process required establishment of a Historic Commission, which acts as a conduit between property owners and available programs. The Town also worked with private citizens to implement an identification plaque program for placement of plaques on historically significant structures in the historic districts. No plaques were placed on historically significant structures in 2013.

### **STRATEGIC PLANNING INITIATIVES**

#### **ZONING ORDINANCE UPDATE**

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

### **PLANNING COMMISSION RECOMMENDATIONS:**

#### **ONGOING RECOMMENDATIONS:**

1. Review walkway and road construction strategies to be incorporated into current & future growth and development.
2. Review and refine a management system for the plan review process to help ensure that files are complete and easily accessible, and which includes a checklist to verify that all agency approvals are in place.
3. Continue review of zoning ordinances as needed to ensure compatibility with the comprehensive plan.
4. Work on promotion and development of a trails system as shown in the Comprehensive Plan by working with the Town Board, citizens and community groups.

#### **NEW RECOMMENDATIONS:**

1. Work closely with Main Street Maryland Program to help revitalize downtown Middletown.
2. Work on promoting sustainable development practices thru the development review process.
3. Work on potential projects to consider for any applicable funding associated with the new Sustainable Communities designation through DHCD.
4. Planning Commission will promote electronic filing of permits and plans, adjustment of submission requirements as needed and use of electronic records review by the planning staff and the Planning Commission.

## Permits Issued

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

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

**Per SB 276/HB 295**

Second Report due July 1, 2014 for Calendar Year 2013

Town of Middletown

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(name of jurisdiction)

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

Submitted on \_\_\_\_\_

Measures and Indicators

With the exception of jurisdictions that issue less than 50 building permits per year, the measures and indicators that must be reported on are:

Amount and share of growth that is being located inside and outside the Priority Funding Area (PFA):

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

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

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

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

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**Annual Report on Growth Related Changes**  
**Per SB 280/HB 295, effective June 1, 2009**

**Town of Middletown**  
(name of jurisdiction)

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

Submitted on \_\_\_\_\_, 2014 (due July 1 for the preceding calendar year)

1. **Development Patterns** - List all changes in development patterns that have occurred over the past year, including:
  - (a) New subdivisions created: *none*
  - (b) New building permits issued; *6*
  - (c) Zoning map amendments; *none*
  - (d) Zoning text amendments that resulted in changes in development patterns; *none*
  - (e) New Comprehensive Plan or plan elements adopted; *none*
  - (f) New roads or substantial changes in roads or other transportation facilities; *none*
  - (g) New schools or additions to schools; *none*
  - (h) Other changes in development patterns. *none*
  
2. **Map** - Attach a map that shows the above changes in development patterns (the map should identify new subdivisions, zoning map changes, etc).

*No changes in development patterns.*
  
3. **Consistency** - Determine and state whether all of the changes in development patterns listed above are or are not consistent with:

- (a) Each other; *yes, they are consistent.*
  - (b) The recommendations of the last annual report; *yes, they are consistent.*
  - (c) The adopted plans of the local jurisdiction; *yes, they are consistent.*
  - (d) The adopted plans of all adjoining local jurisdictions; *yes, they are consistent.*
  - (e) The adopted plans of State and local jurisdictions that have responsibility for financing or constructing public improvements necessary to implement the local jurisdiction's plan. *yes, they are consistent.*
4. **Process Improvements** - What are your jurisdictions plans for improving the local planning and development processes? *Walk-thru permits continue to be available thru local/County coordination; the Middletown Planning Commission holds a workshop ahead of the monthly meeting to review agenda items which makes it easier to approve plans at the monthly meeting.*
5. **Ordinances and/or Regulations** - List zoning ordinances or regulations that have been adopted or changed to implement the planning visions in §1.01 of Article 66B.  
*Parking lots were added as a special exception use in the R-2 residential zoning district with specific standards being established for them.*

**Town of Middletown Planning Department**

To: Burgess & Commissioners and Middletown Planning Commission  
From: Cindy Unangst, Staff Planner  
Date: 5/15/2014  
RE: Monthly Planning Update

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**Major Subdivisions:**

**Coblentz on Green** – SWM Concept Plan – approved by County October 15, 2010  
Water Tap agreement approved by Burgess & Commissioners – March 2012  
Planning Commission approved Forest Stand Delineation/Forest Conservation Plan – Jan 2013  
Master Plan Amendment approved - March 11, 2013  
Planning Commission conditionally approved preliminary plan – March 18, 2013  
Improvement plans conditionally approved – October 16, 2013  
Final FRO Plan approved – April 21, 2014

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

**Site Plans and Minor Subdivisions:**

**AMVETS Expansion Plans – Revised Site Plan submitted – May 5, 2014**

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

**Coblentz Grove minor subdivision** – Final Plat recorded – October 24, 2012  
**FRO fee-in-lieu and sidewalk fee-in-lieu paid – April 22, 2014**  
**U&O's released for last of the three lots – April 22, 2014**

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

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

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

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

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

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

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

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

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

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

**Subway property - Garden Center – Revised Site plan submitted – May 5, 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** – ongoing

**Development Review Fees text amendment** – approved April 14, 2014 (effective date May 4<sup>th</sup>)

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

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

**Public Hearing held May 12, 2014**

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

**Town Board approved - April 14, 2014 (effective date May 4, 2014)**

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

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

**Meetings:**