

# MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center  
31 West Main Street  
Middletown, MD 21769

AGENDA  
Monday, October 16, 2013  
7:00 p.m.

- I. Public Comment
- II. Minutes of August 2013 Planning Commission meeting Approval  
Minutes of September 2013 Planning Commission meeting Approval
- III. Plan Review
  - Coblentz Property Improvement Plans Discussion/Approval
  - Fire Company Final Plat Discussion/Approval
- IV. Zoning
  - Violations
- V. Additional Public Comment

**\*\* All requests to be on the Planning and Zoning Agenda must be received at the Middletown Planning and Zoning office in the Middletown Municipal Center, 31 W. Main Street, Middletown by noon on the Monday two weeks prior to the monthly meeting held on the third Monday of each month. All plans being submitted for review must be folded, although electronic plans are preferred.**

**Middletown Planning Commission**  
**31 West Main Street**  
**Middletown, MD 21769**

**Regular Meeting**

**August 19, 2013**

The regular meeting of the Middletown Planning Commission took place on Monday, August 19, 2013 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present were Commission members Ron Forrester, Rich Gallagher, David Lake, Bob Miller, Bob Smart, Commissioner Chris Goodman, Bruce Carbaugh, Director of Operations & Construction and Cindy Unangst, Staff Planner. Chairman Carney was not present for the meeting.

- I. PUBLIC COMMENT- none**
- II. Regular Meeting Minutes of July 15, 2013 – approved as submitted.**
- III. PLANS**

**The Valley School Demolition Plan-** Cindy stated that the demolition plan was conditionally approved on July 15, 2013. Construction should begin within 60 days of demolition work. Bruce stated that the electric to the shed and garage need to be disconnected and we are waiting for Frederick County approval. The Ginkgo tree on site, that was originally going to be saved, is now going to be removed.

**The Valley School Site Plan-** Cindy read thru her report and addressed previous concerns with signage grading of the play area, and lighting. The agreed signage would be no more than 4x4 in size. ARRO Engineering had concerns about the slope of the playground and that has been adjusted from an 8% slope to 2%. Lighting had been modified from the July meeting to accommodate concerns. There will be 3 poles that are 15ft high and the lumens shown are less than the previous site plan. Cindy stated that there are to be 20 parking spaces and a loading space. The landscape design meets approval. It was also mentioned that there is a water/sewer tap already in place. Frederick County has approved the Stormwater Management Concept Plan. Commission Member Smart motioned to conditionally approve the plan upon Frederick County approval, seconded by Bob Miller. Motion carried. (5-0).

**The Valley School Improvement Plans-** Cindy stated the landscape discrepancy with the number of Dogwoods has been corrected. Commission member Lake motioned to conditionally approve the improvement plan upon Frederick County approval. Commission member Miller seconded. Motion carried. (5-0).

**Cross Stone Commons Addition Plat-** Cindy read thru her report and stated that the property is zoned GC-General Commercial and the shopping center use was approved by the

Board of Appeals on 5/8/13. Cindy explained that within the General Commercial district, there is not a lot area or width minimum. The front yard depth is 40 feet, side yards are minimums of 20 feet and rear yard depth needs to be at least 40 feet. According to the Middletown Municipal Code, subdivision lots in shopping centers may not have to comply with yard or frontage requirements, only if the Planning Commission finds appropriate recorded easements are determined. The applicant has written a formal request for these exemptions. Cindy stated that there were concerns with setback requirements and questions regarding right of way. David Lingg (Lingg Property Consulting) explained boundaries to the board. David also answered questions from the board regarding the paving setback and building setback requirements. Cindy stated that the minimum building restriction lines on the plat are shown correctly. Frederick County Health Dept still needs to review and approve the plat. The health dept is waiting for the town to review the Capacity Management Plan for water and sewer taps needed. Bruce Dean, attorney representing the purchaser, made a request to hold off on the plat approval until the Planning Commission is ready to approve the site plan. Planning Commission agreed to defer vote.

**Cross Stone Commons Site Plan-** Cindy stated that site plan review requirements have all been met. A traffic impact study was completed and has met approved conditions. Sidewalks and curb/gutter are being proposed. The guidelines for parking spaces are 5.5 spaces per 1000 sq. ft. of total floor area. The total spaces required would be 195. The site plan shows 229 parking spaces. Cindy explained that at the workshop, concerns about off street loading spaces were mentioned. Per site plan, Buildings 1, 2 & 4 have 1 space and Building 3 has 3 spaces. These spaces are regulation size. Per Cindy, Building 1 should have 2 loading spaces. Off-street loading spaces were addressed by David Lingg. Commission Member Rich Gallagher had a question about the spaces being drive in or back in. David Lingg explained that the unloading of trucks would be during off hours. David Lingg also stated that no pervious pavement is planned for parking lots. Stormwater Management Concept Plan had been previously approved by Frederick County. Cindy stated that Frederick County is reviewing changes at this time. Cindy stated that at the workshop, the proposed landscaping was reviewed and a request for additional shrubs along the parkway, near Building 1 was discussed. Lighting has been proposed for 20ft. directional, anti-glare pole lights.

According to Code, the Planning Commission has authority to review shopping center designs. Ron Forrester suggested that the Main Street Design Committee may have some ideas that would be helpful, with the Architectural Review stage. David Lake suggested that this could be a workshop project. David Lake had a question about the architectural designs of the buildings being all the same style. A copy of the proposed building (CVS) was viewed at the meeting. Bob Smart would like to know what material is proposed for the exterior of the building. David Lake and Bob Smart mentioned that they would like to see gables on roof line, suggesting the Victorian style homes on Main Street. David Lake mentioned that he would like the focus to be on Building 1, to set a tone for design style. David Lake also would like building design concepts for the joint town board and planning commission meeting in October. Cindy advised the

architect to take photos of the bank across the street from the proposed site, to get concept ideas. Cindy stated that State Highway has been sent the plans to review.

**Middletown Fire Station #7 Concept Site Plan-** Cindy stated that at workshop, it was determined that the existing and proposed property lines are hard to determine from the plans. Since Middletown Volunteer Fire Department will be deeding the parcel to Frederick County, the property lines need to be clear. Cindy asked for clarification from Robert Barrick with ADTEK Engineers. He explained to the board what the different lines represent. David Lake reminded Mr. Barrick that all details need to be shown on the plans. Cindy advised that there will be no FRO involved in the approval of plans. The whole property, including the primary school and fire department property was done previously. Cindy stated that it was approved in 2005. Cindy advised Robert Barrick that on the revised plans, the required and proposed building setbacks need to be indicated. The current free standing pavilion on the property needs to be addressed. The pavilion is not on the plans, and it needs to be known if the pavilion is going to be demolished or moved. Brent Harne of the Middletown Vol Fire Department stated that they are discussing what the plans will be for the pavilion. Cindy advised Mr. Harne, that if they demolish the pavilion, they will need a permit from the town. Cindy stated that the Fire Dept has proposed 59 parking spaces. Cindy stated that at the workshop, there were some questions about the proposed fuel tank, which is indicated to be stored behind the building. Cindy advised Robert Barrick and Sue Barthol (Frederick County Facilities) that we need more information about how they intend to store the flammable fuels. There are setbacks associated with storage tanks, and we need to make sure Code requirements are followed.

Cindy reviewed the height limitations with Robert Barrick, concerning the proposed tower and overall building height. She also advised him on the Open Space Regulations for the maximum height of buildings. Landscaping is minimal but acceptable. Signage and Lighting information has not been provided for review.

Bruce Carbaugh stated that there is a waterline on record and natural gas available. Bruce did have a question about if vehicle maintenance would be done offsite (i.e. oil changes). Bruce had concerns with egress from the equipment bays. Bruce did also mention he would like more details about the kitchen size. The Fire Department has had a discussion with the Town Board about water taps. Frederick County is reviewing the Stormwater Management plans.

**Middletown High School C- Container-** Cindy stated that she received an email from Vernon Beals, regarding an extension on the removal of the container. Due to delays with the offsite gas line installations, they are requesting a two month extension. The container was approved on 2/18/13 and the removal date was 8/18/13. Commission member Miller made a motion to approve, and Commission member Smart seconded. Motion carried (5-0).

#### **IV. Zoning**

**Violations** – Commissioner Goodman mentioned the new signs advertising Freddie's Subs, at the BP station at 211 E. Main Street. Cindy said she would check into it.

V. **Miscellaneous** – David Lake asked Cindy the status of the Thompson Funeral Home parking lot. She stated the plans were submitted to Frederick County on Tuesday, August 13, 2013. Mr. Lake recommended that a schedule for the parking lot completion be submitted in September. Mr. Lake asked if Cindy had any new information on More Ice Cream at 13 W. Main Street. Cindy stated that she has seen them doing work in the building.

VI. **Additional Public Comment** –None

**Meeting adjourned at 8:30pm.**

DRAFT

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

**Regular Meeting**

**September 16, 2013**

The regular meeting of the Middletown Planning Commission took place on Monday, September 16, 2013 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present were Chairman Carney, Commission members Bob Miller, Bob Smart, David Lake, Rich Gallagher, Ron Forrester, Commissioner Chris Goodman, Bruce Carbaugh, Director of Public Works, Cindy Unangst, Staff Planner, Chris Miller, Miller Commercial Properties L.L.C., Ann Miller, Miller Commercial Properties L.L.C. and Seth Harry, Miller Properties L.L.C..

**I. PUBLIC COMMENT – None.**

**II. Regular Meeting Minutes of August 19, 2013 – deferred approval to the October planning commission meeting.**

**III. PLANS**

**Miller Property Revised Concept Plan** – Cindy reviewed the changes to the new revised plans which differed from the original plan approved in September 2010. The changes were in regards to parking and storm water management. Commission Chairman Carney questioned the proposed two way entrance on the west side of the property and its access to the parking lot regarding if the width was wide enough. Questions were also raised regarding signage and landscaping on the east side of the property, specifically, line of sight with respect to exiting the property. Discussion ensued regarding the future success of the property. What would they do if they needed more parking? Currently there is no parking along n 40A. It was noted that there is parking further down on Broad Street. Chairman Carney suggested that the property owners investigate with Frederick County Public Schools about using the school parking lot for overflow parking during non-school hours. Commission Member Lake suggested looking at Green Street as well. Cindy will review parking considerations that were identified a few years ago regarding shared parking for the property. Commission Member Smart questioned the differing sizes of the parking spaces in the revised plan that do not meet the town parking regulations. Bruce Carbaugh said that wider aisles beside the shorter parking spaces in the revised plan would qualify for the same square footage. Commission Member Lake then remarked to the property owners that this is a concept plan and they now know the comments from the PC regarding site plan approval.

Mr. Miller from Miller Properties, Inc. replied that State Highway requires access to the property to be 26 feet wide. He also said that the exit on to Green Street was not to be taken away, but they are looking for limited access to prohibit drivers from using the parking lot as a short cut. The Green Street access could be open as needed. Cindy logged on to their website which showed the most current 3D version of the plan. Mr. Miller then reviewed this version of the plan with the Commission. Cindy remarked that the solar panels are shown on the roof. Mr. Miller said it would be a 90 KW array. Mr. Miller said that they were still looking for a facility operator, that there would be up to 7 tenants for the market spaces, and that the hours had yet to be defined. They are thinking 10am-7pm or 10am-9pm. They are expecting permit plans in December 2013 and digging to commence January or February of 2014.

**IV. ZONING**

**Middletown Park Annexation** - Chairman Carney opened discussion on the park annexation by stating that Middletown Community Park is within town limits, is an open space park within an area zoned open space.

Cindy stated that the park is within the town's growth area so it is appropriate to annex and that if the town decided to annex the park that the County Commissioners are in agreement. Discussion arose concerning any changes to the master plan and how the Town would be affected. Alternate Commission Member Ron Forrester said that the town will have input in the comment process for changes to the master plan, but not for the approval process regarding any changes.

Motion by Commission Member Smart to approve the annexation of the Middletown Community Park into the town limits. Seconded by Commission Member Miller. Motion carried (5-0-1, Commissioner Goodman abstained). Cindy remarked that the public hearing on this annexation is scheduled for December 5, 2013 and that all public notice requirements will be met.

**Thompson Parking Lot Schedule** – Cindy stated that everything is on course for this project to be completed by the end of October or November. The contractor has been selected and the Engineer has no concerns that this project will not reach construction completion within the allotted time. Commission Member Lake asked if there was a completion date set. Cindy stated that she had spoken with the Burgess and if the project is not completed by December 1, 2013, she will send a letter that it must be completed or else the Town will start fine enforcement proceedings. Chairman Carney suggested that future projects be approved with specific completion timeframes/dates dependent upon start of construction.

**Violations** – Cindy stated that the presence of Maggie's Bake Shop signs have improved their Friday and Saturday business. They need a permit for a sign on State Highway 17, but signs for businesses not located on 40A are not allowed because it is designated a scenic byway.

#### V. MISCELLANEOUS

**iPads for Planning Commission Members** – Chairman Carney is drafting a memo to the Burgess and Town Board requesting iPads for Commission Members. He asked Commissioner Goodman to sign the letter if he is agreeable to the request. Justification for the iPads includes being able to access the FTP site for all the plan information for each project, which would decrease the number of plan copies required by businesses, as well as, recouping fees associated with each plan. Commissioner Goodman researched costs and said that the approximate total cost for 6 iPads would be \$3900. Commissioner Goodman will meet with the Town Administrator to discuss this further.

**Joint Meeting with Town Board** – Chairman Carney noted that there is a joint meeting with the Town Board on October 7, 2013.

#### VI. ADDITIONAL PUBLIC COMMENTS – none

Meeting adjourned at 7:47pm.

Respectfully submitted,

Annette Alberghini  
Receptionist

## Middletown Planning Office

### MEMORANDUM

Date: 10/17/2013

Hansen# 13804

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **COBLENTZ PROPERTY IMPROVEMENT PLAN REVIEW**

Tax Map Parcel #03-160661

Applicant: Hailey Development, L.L.C.

Property Owner: Hailey Development, L.L.C.

Plan Dated: August 2013

Date Received: September 23, 2013

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#### GENERAL INFORMATION

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

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

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

Present Use: Agricultural land.

#### COMMENTS –

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

1. **Preliminary Plan approval** – The Planning Commission conditionally approved the preliminary plans for the Coblentz Property on March 18, 2013. The approval was contingent on the following:
  - All waiver requests should be identified on the plans
  - A waiver for mountable curbs should be added to the waiver requests
  - A waiver for the center line radius of roads from 150 ft. min. to 63 ft. min. should be added to the waiver requests
  - A traffic volume analysis should be done to determine the need for an accel/decel lane
  - Curb and gutter should be required along Green Street

- The plans should show all revisions from Frederick County's comments. All waiver requests were approved with the approval of the preliminary plans. The revised plans which took into account all contingencies were signed on May 29, 2013.

2. **Lot design standards and building lines** – The improvements plans are in compliance with all of the lot design standards outlined in Section 16.28.070 of the Municipal Code. Section 16.28.050 states that building lines shall be shown and locations of the lines shall be clearly indicated by dimensions. On Sheet 9, the building restriction line dimensions are not noted as they are on the rest of the sheet for lots 71 and 72. Also, it looks like the front building restriction line is incorrect for Lot 71; it should be a 35-foot front setback and it appears to be shown as 10-feet.
3. **Street names** – According to Section 16.28.030P. of the Town Code, street names shall be subject to approval by the planning commission and shall not duplicate or closely approximate existing street names in the town or county except for extension of existing streets. The names Gaver Way, Fink Lane, Ingalls Drive and Dean Lane have been approved by Frederick County as being consistent with their *Road Naming & Addressing Assignment and Maintenance Manual*.

The street names shown on the Preliminary Plans were: Sanner Way, Ervin Lane, Beachley Court, Taylor Drive, and Turner Way. Those names were determined by the County to sound similar to existing road names in the County and therefore were not approved. All of the names above were taken from the book "The Early History of Middletown, Maryland." Prior to that, the proposed names from the developer were names from the nearby gap battles preceding Antietam and some of the generals who were involved with those battles that traveled through the Middletown valley. All of those names are already being used in the County.

4. **Curbs, Gutters and Sidewalks** – According to Section 16.28.030R. of the Town Code, curbs, gutters and sidewalks shall be provided in all residential subdivisions. Curbs are to be six inches vertical along a municipal street and sidewalks are to be four to six feet wide. Curb, gutter and sidewalks are shown throughout the subdivision. According to General Note #16 on Sheet 1, all sidewalks are 5' wide unless otherwise specified.
5. **Monuments and Pipes** – Section 16.32.020 of the Town Code states that after grading is completed, the subdivider must see that monuments are at proper locations. Iron pipes shall be set along the property line of all streets and at such points along the subdivision boundaries not already marked by monuments. The applicant should ensure that these regulations will be met.
6. **General Notes** – General Note #9 on Sheet 1 incorrectly states that the Plan is subject to APFO. The Town of Middletown does not have an APFO.
7. **Lots and stormwater management facilities** – Sheet 37 (SWM Notes & Details) lists the Maintenance Criteria for the micro-bioretenion facilities and the swales. Are the maintenance plans that are referred to for the micro-bioretenion facilities going to be included with the plot plans to the homeowner's? Will the HOA have any recourse if stormwater management facilities are not properly cared for? The Micro-Bioretenion Construction Criteria indicates in Note 6 that

the optimum planting time is during the fall. Is the development of the property going to coincide with that condition?

8. **Landscape and Lighting Plans** – Sheets 42 and 43 (Landscape & Lighting Plans) show a discrepancy in the number of American Plane trees (71 on Sheet 42 and 74 listed in Landscape Schedule on Sheet 43), Eastern White Pines (17 on Sheet 42 and 13 listed in Landscape Schedule on Sheet 43), and Sweetbay Magnolias (12 on Sheet 42 and 11 listed in Landscape Schedule on Sheet 43). Instead of seeing long stretches of American Plane trees along Ingalls Drive, it would be preferable to use a third hardwood tree in the development such as Red Oak, Pin Oak or Willow Oak. A question to think about is who would be responsible for pruning the trees that seem to be positioned on top of lot lines.

The lighting plans indicate that the poles will be a height of 12-feet tall. (By comparison, the light poles in the Glenbrook subdivision are 14-feet tall.) A note on Sheet 43 states that “Final light fixtures and locations to be determined by a qualified engineer at the time of improvement plans.” Since this is the Improvement Plan submittal, are the locations and fixtures finalized at this point, or might they still be changed?

9. **FRO** – A preliminary forest conservation plan was approved on January 21, 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.
10. **Phases** – Staff has heard from the developer that there are now only two phases (40 lots and 41 lots respectively) instead of the previous phasing plan shown in the Master Plan of 4 phases.
11. **Signage** – Signage has not been addressed yet, but should be at the Improvement Plan stage especially if a monument or freestanding-style sign is being proposed.
12. **Water and sewer capacity certification** - Staff will note that there is a multi-year water tap agreement in place between the Town and the developer.
13. **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.”
14. **County review** – The improvement plans have been routed and reviewed by County agencies with these comments received from those agencies thus far.
  - Office of Life Safety - approved
  - Health Department - incomplete
  - Development Review, Engineering – incomplete
  - Soil Conservation District - incomplete
  - MD State Highway Administration – approved. Any future development application will require a Traffic Impact Study.

This review will be included in the Middletown Planning Commission materials for the October 21, 2013 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be October 16, 2013.

Cc: Matthew Leakan, Rodgers Consulting  
Randy Frey, Rodgers Consulting  
Rich Thometz, Hailey Development  
Rand Weinberg, Mils and Stockbridge P.C.  
Noel S. Manolo, Miles and Stockbridge P.C.

## Middletown Planning Office

### MEMORANDUM

Date: 10/17/2013

Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **FIRE COMPANY FINAL PLAT**

Tax Map 501, part of Parcel #2191

Applicant: Bill Brennan, B & R Design Group

Property Owner: Middletown Volunteer Fire Company, Inc.

Plan Dated: October, 2013

Date Received: October 7, 2013

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### GENERAL INFORMATION

Proposal: Parcel lines are reconfigured for the County Fire Station #7. There are two deeds to the property belonging to the Middletown Volunteer Fire Department. Although an addition plat combining those two parcels was recorded in 1996, no conformatory deed was recorded to complement that addition plat. Since the two existing deeds are legally binding and govern over the addition plat, the proposal is to change the existing parcel lines.

Location: East side of Franklin Street across from the entrance to Walnut Pond Court, and adjacent to the Middletown Primary School

Zoning: OS Open Space. This district permits public safety services, subject to site development plan approval.

Present Use: Vacant land.

### COMMENTS

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

1. **Final plat requirements** – Final plats shall contain the following information:
  - Title information – subdivision name; location; names and addresses of the owners of record, the subdivider and the engineer; scale, date and north point; and map to scale showing location in county.
  - Graphic information – boundaries; bearings and distances; monuments; adjoining owners; adjoining roads – including width; engineering data including lot lines; setback lines; lots numbered and lot areas; and water and sewer lines.
  - Certificates – owner's certificate; engineer's certificate; agency approval signature blocks; and protective covenants.

The plan provides all of the required information except for the width of Franklin Street, and the location and size of existing and proposed water and sewer lines.

2. **FRO** – A forest conservation plan was approved on February 22, 2005 by the Planning Commission, with forest conservation obligations met by plantings on the Primary School property, as stated in General Note #6.
3. **Water and sewer capacity certification** – The proposed parcel is a reconfiguration of an existing lot of record therefore water and sewer taps are already available. The two recorded deeds to the property are legally binding and govern over the addition plat from 1996.
4. **Transportation plan** – Franklin Street is considered a collector road and a local road within the town limits. The average annual daily traffic count is between 2,500 and 5,000 vehicles per day. There are no walkways or trails planned in the area of the delineated parcel per Figure 5-3 of the Middletown Comprehensive Plan.
5. **Comprehensive plan** – The Public Facilities Map within the Middletown Comprehensive Plan effective March 28, 2010 shows a proposed Fire Station in the location of this plat.
6. **Declaration to Establish and Retain Easement** – The County will not be required to submit any public works agreements or letters of credit for this project, but a Declaration To Establish and Retain Easement will have to be executed by Frederick County.
7. **Minimum building restriction lines** – Although the plat shows the correct minimum building restriction line of the 50-foot front yard for the Open Space district, the side yards and rear yard building restriction lines are not shown on the drawing. The list at the bottom of the plat which lists the minimum building restriction lines correctly shows the side yard as 15 feet and the rear setback as 50 feet, but the front yard should indicate 50 feet instead of ‘as shown.’
8. **Health Department approval by Frederick County** – The addition plat has been submitted to the County Health Department for their review and approval.

This review will be included in the Middletown Planning Commission materials for the October 21, 2013 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be October 16, 2013.

cc: Middletown Volunteer Fire Company  
Office of Project Management of Frederick County, Tracy Diggs

**Town of Middletown Planning Department**

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 10/2/2013

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 received – September 2013**

**Foxfield Section 4-** FRO plantings have all been installed. 13 homes still to be built.  
1<sup>st</sup> year FRO review – 67% compliance – 232 additional trees planted (May 2013)

**Minor Site Plans and Subdivisions:**

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

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

**Coblentz Grove minor subdivision** – Preliminary/Final Plat conditionally approved – Nov. 15, 2010  
FSD & Forest Conservation Plan approved – November 15, 2010  
Improvement Plans conditionally approved – February 21, 2011  
Final Plat approved – July 18, 2011 (recorded – October 24, 2012)  
Building permits applied for – October 30, 2012

**Cone Branch Walking Trail** – Concept plans approved – March 19, 2012  
Improvement plans conditionally approved – January 21, 2013

**Fire Co Activities Center-** SWM Plan approved by Frederick County – November 3, 2011  
Revised Site Plan conditionally approved – April 22, 2013  
Improvement Plans conditionally approved – April 22, 2013  
Building permit issued – May 24, 2013

**Fire Station** – Concept plan submitted to PC for comments – April 22, 2013  
Concept Site Plan reviewed by PC at their August meeting

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

- Hollow Creek Golf Course SWM Pond #1** Revision plans submitted to County 12/1/2010  
 Plans approved by County – December 22, 2010  
 Revised Plans submitted for PC review – December 30, 2010  
 Revised Plans submitted to SCD for review – January 5, 2011
- Horman Apartments-** Site Plan approved – April 21, 2008  
 Improvement Plans conditionally approved – May 17, 2010
- Jiffas** – Site Improvement Plan conditionally approved – October 20, 2008  
 Forest Conservation Plan approved – October 20, 2008
- Middletown H.S. Stadium Concession Stand Expansion Plan** – approved June 18, 2012  
 (Plans expire June 18, 2015)
- Middletown H.S. C-container site plan** – conditionally approved February 18, 2013  
**Approval extended until October 18, 2013**
- 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**
- 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)  
 Revised Concept Plan reviewed by PC – May 20, 2013  
 FRO Plan submitted – July 22, 2013  
 Addition Plat reviewed by PC – August 19, 2013  
 Site Plan reviewed by PC – August 19, 2013  
**SWM Development Plan submitted to County – October 2, 2013**
- 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)
- Right A Way Powder Coating site plan** – conditionally approved – June 17, 2013  
 Change of use permit approved – August 27, 2013
- Subway property** – site plan reviewed for ice cream parlor during workshop discussion– May 15, 2013
- The Valley School** – BOA special exception use hearing – May 8, 2013 (Approved)  
 Forest Conservation Plan approved – June 17, 2013 (fee-in-lieu paid 7/8/2013)  
 Demolition Plan approved – July 15, 2013  
 Site Plan and Improvement Plans approved by Planning Commission – August 19, 2013

**Thompson Funeral Home Revised Parking Lot Site Plan – conditionally approved April 22, 2013  
SWM Plans submitted to Frederick County – August 14, 2013**

**Annexations:**

**A.C. Jets Property-** PC approval of annexation petition of 35.96 acres – December 21, 2009  
Public hearing date - Monday, October 11, 2010  
Annexation petition denied – October 11, 2010

**County Park –** Annexation agreement approved by BOCC – May 30, 2013  
Annexation agreement approved by Town Board – June 10, 2013  
**Annexation recommended for approval by PC – September 16, 2013**  
**Public Hearing scheduled for December 5, 2013**

**Reports:**

**Meetings:** MD Planning Director’s Roundtable – October 16, 2013

**Town of Middletown Zoning Department**

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Zoning Administrator

Date: 10/2/2013

RE: Monthly Zoning Update

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**P & Z Issues:**

**Zoning Code review – ongoing**

**New State FRO Ordinance – Forest Preservation Act of 2013**

House Bill 706 requires the following amendments to the Town’s Forest Resource Ordinance:

- Add definition of “Stream Restoration Project”
- Add the following project types to the current list of projects that are exempt from the provisions of the Forest Resource Ordinance:
  - Stream restoration projects that meet certain criteria
  - Maintenance or retrofitting of stormwater management structures with certain stipulations
  - Redevelopment of previously developed areas covered by impervious surface where located within a Priority Funding Area

**BOA Hearings:**

**Zoning Violations:** none

<b>September 2013 Zoning Permits</b>	<b>Address</b>	<b>Permit #</b>	<b>M-town Received</b>	<b>C Unangst Approved</b>	<b>County Approval</b>
Weiland – deck and stairs	2 Stone Springs Lane	112267	8/12/2013	9/3/2013	yes
Tuten – solar panels	5 Layla Drive	112645	9/17/2013	9/17/2013	yes
Admar Homes – sfd	17 Hoffman Drive	111999	8/21/2013	9/23/2013	yes
Tuten – 2 solar panels	5 Layla Drive	112781	9/11/2013	9/23/2013	yes
Edsall–deck&screen porch	19 Wagon Shed Lane	112850	9/23/2013	9/25/2013	yes
Tiede – fence	7 Manda Court	Town	9/3/2013	9/6/2013	n/a
Smith – fence	6 Gladhill Drive	Town	9/3/2013	9/6/2013	n/a
Carney – fence	22 Gray Fox Court	Town	9/9/2013	9/10/2013	n/a
Roberts – fence	503 E. Main Street	Town	9/23/2013	9/24/2013	n/a