

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA

Monday, January 21, 2013
7:00 p.m.

- I. Public Comment
- II. Minutes of December 2012 Planning Commission meeting Approval
- III. Plan Review
 - Coblentz Property Master Plan Amendment Discussion/Recommendation
 - Coblentz Property Preliminary Plans Discussion/Approval
 - Coblentz Property Preliminary Forest Conservation Plan Discussion/Approval
 - Washington Gas Line/Cone Branch Walking Path Plans Discussion/Approval
- IV. Zoning
 - Violations
 - Manda Court – work without permit
- V. Election of Officers – Chairman and Vice-Chairman
- VI. Additional Public Comment

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

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

December 17, 2012

The regular meeting of the Middletown Planning Commission took place on Monday, December 17, 2012 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present were Chairman Carney, Commission members David Lake, Bob Miller, Bob Smart, Rich Gallagher, Ron Forrester, Commissioner Chris Goodman, Bruce Carbaugh, Director of Operations & Construction and Cindy Unangst, Staff Planner.

I. Regular Meeting Minutes of November 19, 2012 – approved as submitted.

II. PLANS

Coblentz Property Amended Master Plan – Cindy stated that the applicant Hailey Development, L.C. has submitted proposed changes to the previously approved master plan. The changes include a decrease in dwelling units (94-81), no duplex units, and a decrease in alleyways and driveway lengths. The changes are due to the new storm water management regulations which require Environmental Site Design to the Maximum Extent Practicable.

Bruce Carbaugh went over some of his concerns: a)no trees in grass strips between road & sidewalks; b)design standards for Streets states that there is a minimum of 250' from a local road to a local road and there are 2 areas within this development that are less; c)there are 2 panhandle lot areas (where one driveway is serving 2 or 3 homes), (Bruce prefers that we do not have this); and d)due to the ESD swales at the rear of the properties we need to address if fencing will be allowed and how we will handle that.

Rich Thometz with Hailey Development, L.C. stated that he will try to get Bruce's comments integrated into the plans along with the other comments he has received from the county agencies before the January 7, 2013 joint meeting. Chairman Carney stated that this is on the agenda for the meeting.

III. ZONING

R-2 Zoning District Text Amendment – This is brought to us by Thompson Funeral Home which recently purchased a piece of property adjoining to the Funeral Home and has installed a parking lot. The vacant lot is within the R-2 district where a parking lot is not allowed. Therefore Mr. Thompson is requesting a text amendment to allow the parking lot.

After much discussion, the Planning Commission agreed on making the following recommendation to the Town Board for their approval:

In Section 17.16.030(c)(11), "Parking lots" would be added as a special exception use in the R-2 Zoning district.

The following is the proposed ordinance outlining the specific requirements for the facility:

Parking Lots

- A. The parking lot shall be used primarily for parking which adjoins a commercial use;
- B. The parking lot shall be used primarily for parking for the adjoining commercial use and any other uses associated with the lot on which the parking lot is located;
- C. The parking lot shall comply with applicable parking requirements of Section 17.32..060F, minimum setbacks of 50-foot front yard and 20-foot side yards, enclosure fencing along the

front which shall be no greater than 4-feet tall with a gated entrance, and appropriate signage for restricting parking to its intended use;

- D. A site plan for the parking lot shall be submitted to the planning commission for review and approval. In its review, the planning commission shall consider the surrounding R-2 neighborhood, and any other factors deemed appropriate to the commission. The planning commission will require drawings, lighting plans, elevations and plans as necessary.
- E. The parking lot must be in compliance with Frederick County storm water requirements;
- F. Once the adjacent commercial use no longer exists the impervious surface will be removed and the property returned to a stabilized condition and consistent with residential development in the R-2 district.

Motion by Lake to recommend the Town Board approve the ordinance as presented, seconded by Smart. Motion carried (4-0-1 Goodman abstained).

Violations – Linden Blvd – boat

IV. OTHER

Septic Bill Tier Mapping – Cindy stated that Senate Bill 236 (Sustainable Growth & Agricultural Preservation Act of 2012) limits the spread of septic systems on large-lot residential development to reduce the last unchecked major source of nitrogen pollution into Chesapeake Bay and other waterways. By mapping future growth in “tiers”, the law seeks greater accountability and predictability. Cindy has drafted a letter that will be sent to the Frederick County Planning Dept. stating that Middletown concurs with the tiers mapped for Middletown by the County.

Joint Town Board/Planning Commission 2013 dates –

- January 7, 2013
- May 6, 2013
- August 5, 2013
- October 7, 2013

V. PUBLIC COMMENTS – Jeff Holtzinger stated that he has been retained by the Moser’s on East Main Street in regards to the new commercial property proposing to be developed as “Cross Stone Commons”.

Meeting adjourned at 8:25.

Respectfully submitted,

Ann Barkdoll
Administrative Specialist

Middletown Planning Office

MEMORANDUM

Date: 1/11/2013

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **COBLENTZ PROPERTY MASTER PLAN AMENDMENT**
Tax Map Parcel #03-160661
Applicant: Hailey Development, L.C.
Property Owner: Andy Mackintosh, Broker Mackintosh Realtors
Plan Dated: November 2012; revised January 2013
Date Received: January 7, 2013

GENERAL INFORMATION

Proposal: Neo-Traditional Residential development on 18.27 acre property adjacent to a 6.56 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. Changes to the previously approved Master Plan include a decrease in dwelling units (94 to 81), no duplex units, and a decrease in alleyways and driveway lengths. The changes are due to the new stormwater management regulations which require Environmental Site Design to the Maximum Extent Practicable.

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

Zoning: NTR – Neo-Traditional Residential Overlay District for 18.27 acres and R-3 High Density Residential zoning for 6.56 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 Master Plan Amendment: **See new text in blue.**

Application: The Overlay District Master Plan application shall include the following minimum elements:

1. An Identification Plat consisting of a boundary survey of the property prepared by a Maryland licensed surveyor. The Identification Plat shall include an accurate location and description of all permanent monuments. Where applicable and feasible the coordinates of all permanent markers or monuments should be based on the Maryland Coordinate System. **An Identification Plat has been provided.**
2. A Subdivision Plan that shall include:
 - a. The boundary of the property in heavy outline. **Boundary shown.**

- b. The location of proposed lots and approximate location of each building. **Locations shown.**
- c. The locations of vehicular and pedestrian systems and their relationship to adjoining properties. **Locations shown.**
- d. The location of land to be dedicated to public use. **Location shown.**
- e. The location of land which is intended for common, quasi-public or amenity use, not proposed to be dedicated to public use. **Locations shown.**
- f. A table of development standards and general notes. **Table included in text.**

3. A Justification Statement describing the manner in which the development will conform to the requirements of the Overlay Zoning District and the Town's Comprehensive Plan. **The Justification Statement does provide for how the development will conform to the requirements of the overlay zoning district and the comprehensive plan.**

4. A Development Program stating the sequence in which the dwellings, open and amenity spaces, and vehicular and pedestrian circulation systems are to be developed. **A Development Program has been provided, along with a phasing plan. The program seems to be thorough. My only question is whether SWM Facility #2 to be constructed in Phase 4 is referring to the ESD Micro-Bioretenion facility adjacent to Lot 28 as shown in 'Exhibit B' Revised Master Plan. Applicant has stated that SWM Facility #2 refers to the facility located adjacent to lots numbered 71 and 72 and will be constructed in Phase 4. This facility is labeled on the Preliminary Plan.**

5. Design Guidelines providing the reviewing authority with examples of the design concepts in conformity with the particular Overlay Zoning District requirements. **Design Guidelines have been provided along with typical lot details and design examples. On page 14 under Front Porches/Special Decorative Features, the reference to 75% of the homes containing some type of covered front porch facing Green Street seems to be incorrect though. This language has been revised to state that a minimum of 75% of the homes that front and directly abut Green Street shall contain some type of covered front porch.**

A. Overlay District Master Plan Style and Form: An Overlay District Master Plan shall include the following elements:

- 1. The Overlay District Master Plan shall include all pertinent information as to the existing site conditions, including but not limited to the following:
 - a. Topography with five foot contour intervals. Source of topographic information must be noted on the plan. **Contours of two-feet are shown.**
 - b. Delineation of slopes greater than 15%. **There are no slopes greater than 15% on site.**
 - c. Location of water courses, floodplain areas, and wooded areas. **None on site.**
 - d. Ownership information of the adjacent properties including, name and liber / folio or plat reference. **Not provided on master plan, although they are provided on the boundary survey. On 'Exhibit B' Revised Master Plan, reference to location of New Day Ministries should be changed to Custom Marble/Valley Fitness. The applicant has stated that the reference of New Day Ministries will be revised to Custom Marble/Valley Fitness on the Master Plan/Boundary Survey as applicable.**

2. The Overlay District Master Plan shall depict, in heavy outline, the entire property proposed for development. **Shown.**
 3. The Overlay District Master Plan shall be on a reproducible material at a scale no smaller than one inch per 200 feet and shall also be provided in an electronic format acceptable to the Town Planner. **The plan has been provided electronically.**
 4. The Overlay District Master Plan shall include a vicinity map showing the location of the site and its relationship within the Town to roads and other major landmarks and points of interest. **Vicinity map provided.**
 5. The Overlay District Master Plan shall include the proposed development name, title information including the names, addresses, and contact information of the Owners, Developer, or affiliated consultant and the liber / folio or plat reference information. **The information has been provided.**
 6. The Overlay District Master Plan shall include a north arrow, graphic scale, date of submission of the Plan and revision block. **Provided.**
- B. Review criteria: In reviewing and approving an Overlay District Master Plan application, the reviewing authorities shall give consideration to, among other things, the following minimum criteria:
1. Whether the Plan is in compliance with Article 66B of the Maryland Annotated Code: **In reviewing Article 66B of the MD Annotated Code, the master plan appears to be compliant with all regulations.**
 2. Whether the Plan is consistent with the current Town of Middletown Comprehensive Plan; **As stated in the justification statement, the plan conforms to the comp plan which designates the property for high-density residential use, provides for development of land within the town limits, and provides for compatibility with existing town architecture by imitating the historic pattern of the older downtown residential areas.**
 3. Whether the Plan comports with sound planning principles and practices; **The plan is consistent with the State of Maryland's Smart Growth principles which encourages increased development densities in Priority Funding Areas, which includes the Town of Middletown.**
 4. Whether the Plan complies with the restrictions and principles specified for the requested Overlay Zoning District. **The plan complies with the development standards and design guidelines set forth in the overlay zoning district, and provides for the dwellings to be grouped in a way that will not adversely impact upon surrounding areas as expressed in the purpose and intent of the overlay district. The NTR district must also provide for appropriate vehicular accessibility to major thoroughfares. The Plan shows accessibility to Green Street, a collector street in the town, but access to Route 17 thru the adjacent county parcel is uncertain.**
- C. Design Guidelines. The following design guidelines are intended to promote development that is consistent with adopted goals and objectives from the Town's Comprehensive Plan. The following guidelines encourage a higher level of design quality while at the same time providing the flexibility to encourage creativity and innovation on the part of developers and designers.
1. Site layout/development patterns.

- a. Street frontages shall include a decorative element, like walls, signage, or landscaping, to create a unifying element. **Typically shown at preliminary plat stage.**
 - b. Dwelling facades shall orient towards the primary street or active pedestrian zone within the site to create an inviting image. **The plan intends to follow this guideline.**
 - c. Consideration shall be given to the open space sites to incorporate landscape elements and pedestrian connections. **Plan shows sidewalks and pedestrian connection to school site.**
 - d. Service, loading, and dumpster areas at the open space site(s) shall be appropriately orientated and visually screened from public rights-of-way and adjacent dwelling units. **These areas will be shown on the site plan for the public use/library site.**
2. Vehicular circulation.
- a. Internal circulation shall provide a clear visible path to provide safe, convenient and efficient access within and between dwellings and the open space site(s). **The development is laid out to reduce the amount of impervious surface as much as practicable within the town's design guidelines. Proposed Street "A" leads directly to the proposed Village Green open space amenity from Green Street. Regarding circulation in general, the Town Board is concerned about the dead-end street on the west side of the development. It is hoped that in the future it would connect to a street network on the property to the north when it is developed.**
 - b. To the maximum extent feasible, the number of entry driveways on a thoroughfare shall be minimized in order to reduce the number of conflicting points and facilitate traffic flow. **An alley is proposed for the lots facing Green Street so as to minimize the number of driveways along that major thoroughfare. Although staff understands the safety/traffic flow need to limit the number of driveways, the shared driveways on Lots 17, 18, 19, 62, 62, 71 and 72 are a concern and should be discussed. The shared driveways on Lots 17, 18, 19, 62 and 63 have been revised to reflect a conventional one driveway-per-lot configuration. The shared driveway for lots 71 and 72 will remain. As noted by Bruce Carbaugh, that configuration is efficient for access to both lots, plus had the added utility for required maintenance access to the adjacent stormwater management facility. The shared driveway will have an easement for access and maintenance between the lot owners and the HOA.**
 - c. Internal vehicle circulation patterns shall provide a clear path to the open space sites and to each parking area. **Proposed Street "A" provides a clear path to the Village Green amenity from Green Street. There is some concern from the Town Board about the location of Future Street "D" on the north side of the Village Green amenity. The future street is shown to be in close alignment with the existing driveway to the farmstead on the property to the north. Future Street "D" has been aligned as a direct extension of Street "A", thereby eliminating the offset intersection design to a more conventional configuration.**
 - d. Alleys may be approved in the overlay district at the discretion of the Planning Commission. **One of the reasons for drafting the language for the overlay district, and approving such language, was to provide for the inclusion of alleys which otherwise would not be allowed by ordinance in residential district in the Town. The number of alley-served units has been decreased from the previously approved Master Plan in light of the new Environmental Site Design stormwater management regulations.**
 - e. Internal intersections shall have adequate site lines, design geometrics and/or traffic controls to minimize accident potential. **Typically shown at preliminary plat stage.**

3. Pedestrian access and circulation.

- a. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the residential dwellings and the open space sites, any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the development, and site amenities or gathering places. **Although there is a sidewalk on the north side of the library site, at this point there is not a sidewalk shown along Green Street. The village green site is bordered on three sides by a sidewalk and there is a pedestrian connection to the high school tract area from the proposed development site. Staff understands that the Town Board would like to see a pedestrian connection to the elementary school site thru the proposed development site as well. A new pedestrian connection is shown to be constructed for Green Street along the project-side of the property frontage in the public right-of-way, connecting the existing stubs. The connection will most likely be an asphalt material. A new pedestrian sidewalk connection is shown in the vicinity of Lots 7-8 adjacent to the shared property line with the Elementary School and connecting with the interior sidewalk system of proposed Street "C".**
- b. Connections between the onsite (internal) pedestrian walkway network and any public sidewalk system shall be provided at regular intervals as appropriate to provide easy access from the public sidewalk to the interior walkway network. **Sidewalks will be required to connect to existing sidewalks on Green Street for the library site and also along Church Street. A sidewalk is shown in front of the dwellings that front Green Street although there is no connection shown to the existing sidewalk in front of the orthodontist office. See comments above.**
- c. All on-site pedestrian walkways and sidewalks shall be a minimum of four feet wide. Walkways and sidewalks which are adjacent to a parking area where vehicles may overhang the walkway shall be seven feet wide; provided, however, if wheel stops are present and used in the parking area to prevent the vehicle overhang, then such walkways and sidewalks may be a minimum of four feet wide. **Sidewalk details are typically shown at preliminary plat or improvement plan stage.**
- d. Pathways are encouraged as an amenity and as an alternative means to accomplish pedestrian connectivity. Pathways shall be located in a cleared way of no less than six feet and are required to include a durable surface, like concrete or asphalt. **A pathway to the schools site is shown on the plan.**

4. Parking.

- a. In order to reduce the scale of large surface parking areas, the total amount of surface parking provided shall incorporate landscape elements. **This will be shown on the site plan for the public use/library site.**
- b. Parking blocks shall be separated from each other by landscaping, access drives or public streets, pedestrian walkways, or buildings. **This will be shown on the site plan for the public use/library site.**
- c. To the extent feasible, parking shall be oriented to minimize visual and noise impacts. **This will be addressed on the plans for the public use/library site.**

5. Buildings - Consistency of Style.
 - a. Building facades – Each building façade shall have a unifying design element which may include instances of such design elements as color change, texture changes, material module change, or expression of an architectural or structural bay. **As stated in the master plan design guidelines section, architectural design elements such as gable ends/roof lines, front porches, and other decorative features will be used, as well as color schemes that will tie building elements together.**
 - b. Building Materials - All buildings shall be constructed or clad with materials that are durable, economically maintained, and of a quality that will retain their appearance over time. **This has been reiterated in the master plan.**
 - c. Building Color - Color schemes shall tie building elements together, relate separate buildings within the same development together, and shall be used to enhance the architectural form of a building. **As stated in the master plan, all colors/materials of each unit shall be earth-tone or indicative of representative vernacular architecture and have some elements of brick, stone, cement fiber siding, vinyl siding, wood and/or fiberglass trim. Staff inadvertently left out the words 'vinyl siding' in the last staff report. The Master Plan has included those materials from the start. The applicant has stated that any use of vinyl will be tastefully and thoughtfully integrated with the theme of the neighborhood.**
6. Landscaping -
 - a. Street Edge – The consistent use of planting along street edges provides visual cohesion along streets and helps buffer automobile traffic. The intent of these standards is to provide an attractive environment along street edges that gives visual relief from continuous hard street edges, focuses views for both pedestrians and motorists, and expresses a sense of scale and character. **Landscaping will be shown at the preliminary plat stage.**
 - b. Parking lot landscaping – Parking lot landscaping shall be used to minimize the expansive appearance of parking lots, provide shaded parking areas, and mitigate acoustic and visual impact of motor vehicles. **This will be shown on the site plan for the public use/library site.**
7. Lighting - **Applicants shall submit a lighting plan with the site improvement plan of development.** The lighting plan shall include measurements to the property line and the necessary area of the adjacent property.
8. Signage - **Applicants shall submit a signage plan with the site improvement plan of development.** The signage plan shall include measurements to the

property line and a cut sheet of proposed signage, including dimensions, location, style, luminance and heights.

This review will be included in the Middletown Planning Commission materials for the January 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 January 16, 2013.

Cc: Matthew Leakan, Rodgers Consulting

Randy Frey, Rodgers Consulting

Rich Thometz, Hailey Development

Rand Weinberg, Miles and Stockbridge P.C.

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

Middletown Planning Office

MEMORANDUM

Date: 1/11/2013
Hansen# 13152

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **COBLENTZ PROPERTY PRELIMINARY PLAN REVIEW**
Tax Map Parcel #03-160661
Applicant: Hailey Development, L.C.
Property Owner: Andy Mackintosh, Broker Mackintosh Realtors
Plan Dated: November 2012; revised January 6, 2013
Date Received: January 7, 2013

GENERAL INFORMATION

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

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

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

Present Use: Agricultural land.

COMMENTS

The following issues should be considered in your review of this Preliminary Plan: **See new text in blue.**

Preliminary plat requirements (per Section 17.17.050) –

2. Proposed Development Information.

| | |
|-----------------------------|---|
| Street pattern | Layout, widths, proposed roads, streets, proposed names for streets and roads, alleys, crosswalks, and easements. New street names have been provided on the revised Preliminary Plan. They will need further review from Frederick County and then approval from the Burgess & Commissioners. |
| Dwelling lots | Establishes the maximum building envelope inclusive of all parcels and lots. Shown. |
| Open spaces | Parcels of land intended to be conveyed or temporarily reserved for public use or for the joint use of property owners, with an explanation of the provisions or conditions of such conveyance or reservation and the proposed arrangements for ownership and maintenance. Shown. |
| Street grades | Tentative grades on each public street shall be required. Shown. |
| Utilities | General locations for utilities and drainage facilities proposed. Shown. |
| Building setback | Building set-back lines within the building envelope along all streets and all lots, and boundaries of the property with the amount of setback indicated. Shown. |
| Description of Improvements | General description of street and other public improvements proposed to be installed. Unless modified by the planning commission, the requirements relating to improvements in subdivisions set forth in Chapter 16 shall be applicable. Shown. |

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

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

1. **Transportation plan** – East Green Street and North Church Street are considered collector roads and North Church Street is a State Road. The average annual daily traffic count is less than 2,500 on East Green Street and between 2,500 and 5,000 on North Church Street. There are no walkways or trails planned in the area of the proposed subdivision. There is no exit from the subdivision onto North Church Street at this time which means that all traffic will need to exit onto East Green Street. It is our understanding that the proposed development will connect to a future development on the property to the north in which an exit to North Church Street will be provided.
2. **Lots and stormwater management facility** – Staff will note that the SWM Concept plan that was reviewed in May of 2010 contained 78 lots while this submission contains 81 lots. The prior plan placed a SWM facility where lots 48-50 are now located and there were no lots where lots 71 and 72 are proposed now. A discussion should be held with the developer about the changes to the plans since 2010. Additionally there should be a discussion regarding the fact that a stormwater management facility which is intended to serve the proposed development is located outside the town limits. **The current yield of 81 dwelling units is significantly lower than the 94 dwelling units previously approved by the Town. The SWM facility where lots 71 and 72 are located remains in the same location as previously indicated on the Approved SWM Concept Plan. The applicant has stated that refinements to the SWM Concept are naturally evolving as engineering becomes more detailed. The refinements include locating a SWM facility on the adjacent Coblenz property to the north. The necessary easements for access and maintenance will be provided, and with direct access from the revised public Street “A” extension. The SWM facility will be maintained by the HOA.**
3. **FRO** – A forest stand delineation has been prepared and submitted for approval with forest conservation obligations to be met by payment in-lieu of planting or off-site planting. **See additional staff report for the Forest Conservation Plan.**
4. **Water and sewer capacity certification** - Upon approval of the preliminary plat, the town administrator will conduct a review and analysis of the capacities of the town water and sewer systems in order to determine whether there exists sufficient water and sewer capacity to service the proposed subdivision. The review and analysis will be conducted in coordination with the director of operations and construction and the water and sewer superintendent who shall provide the administrator with pertinent information and data regarding the capacity of the town to provide water and sewer service to the proposed subdivision. In the review and analysis of the town water and sewer capacity, the demands of the proposed subdivision for water and sewer will be based upon a daily consumption of three hundred (300) gallons of water per equivalent dwelling unit. Staff will note that there is a multi-year water tap agreement in place between the Town and the developer.

5. **County review** – The preliminary plans have been routed and reviewed by County agencies with comments received from those agencies.
 - Office of Life Safety comment responses – **The alley will be increased in width to 20' as required for fire department access. The plans have been revised to meet the stated fire hydrant requirements.**
 - Development Review, Transportation Engineering – **Street names have been provided on the revised Plans.**
 - Development Review, Engineering – **All of the centralized SWM facilities are accessible from a public road. All SWM design comments will be provided at Improvement Plan stage.**
 - MD State Highway Administration – **No access permit will be required from SHA. The Town Code does not require a Traffic Impact Statement.**

6. **Incorrect information** – On Sheet 1 (Cover Sheet) in the Development Program table, it is indicated that there are 17 dwelling units in the R3 zone under the Density heading. The plans indicate that there are 19 dwelling units in that zone for a total of 81 units and not 79. Further down in the table under the R-3 development standards, it is indicated that there are 62 single-family dwellings with 124 required and proposed parking spaces. The correct numbers should be 19 single-family dwellings with 38 required and proposed parking spaces. Under the Neo-Traditional overlay district development standards section of the table, the correct information should be 62 single-family dwellings (sfd) and 124 required/proposed parking spaces (instead of 17 sfd and 34 parking spaces). **The Development Program Table has been revised to reflect the corrected information.**

7. **Waiver requests** – Sheet 1 (Cover Sheet) indicates some waiver requests from the Design Manual. Staff recommends that these requests be discussed with the Town Engineer. **Further revisions to the plans have reduced the number of modification requests. Modifications are requested for: the typical street right-of-way width to be reduced from 50' to 42'; the typical street pavement width of 32' to be reduced to 26'; and the minimum intersection spacing requirements between Street 'B' and Street 'C' along Street 'A' to be reduced from 250' to ±135'. Bruce Carbaugh stated at the last PC meeting that he could be supportive of the Street 'A' intersection modification if the driveway on Lot 2 was relocated internally to be accessed directly from the alley and that change has been made. Further refinements could be coordinated with the Town Engineer during the Improvement Plan stage.**

8. **Landscape and Lighting Plan** – Sheet 8 (Landscape & Lighting Plan) **has been revised to show a key and table** to indicate the number of street trees and light poles that are shown. **Additionally, per comments made by Bruce Carbaugh, the street trees will be relocated from within the public right-of-way to on-lot.**

This review will be included in the Middletown Planning Commission materials for the January 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 January 16, 2013.

Cc: Matthew Leakan, Rodgers Consulting

Randy Frey, Rodgers Consulting

Rich Thometz, Hailey Development

Rand Weinberg, Miles and Stockbridge P.C.

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

Middletown Planning Office

MEMORANDUM

Date: 1/7/2013

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **COBLENTZ PROPERTY FOREST CONSERVATION PLAN REVIEW**

Tax Map Parcel #03-160661

Applicant: Hailey Development, L.C.

Property Owner: Andy Mackintosh, Broker Mackintosh Realtors

Plan Dated: November 2012

Date Received: November 16, 2012

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 Forest Conservation Plan:

1. **Forest Conservation Credit Summary** – The Forest Conservation Provided number should be 1.7 acres instead of 2.8 acres. The result of 1.51 acres of Forest Conservation required is correct though.

2. **Meeting the FRO requirement** – The Plan indicates that the Forest Conservation requirement will be met via fee-in-lieu or offsite mitigation, to be determined at the Final Forest Conservation Plan stage. Staff will note that off-site mitigation is preferred over a fee-in-lieu payment. Burgess Miller has indicated to staff that he would like to see off-site mitigation efforts being focused at Remsberg Park.

This review will be included in the Middletown Planning Commission materials for the January 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 January 16, 2013.

Cc: Matthew Leakan, Rodgers Consulting

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Rich Thometz, Hailey Development

Rand Weinberg, Miles and Stockbridge P.C.

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

Middletown Planning Office

MEMORANDUM

Date: 1/10/2013

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **WASHINGTON GAS LINE PLANS**

The Middletown Municipal Code states that developers shall prepare and submit to the Planning Commission plans for the installation of improvements in accordance with the requirements of Chapter 16.32. Drew Bowen has been working with Washington Gas on these plans for the construction of an 8-inch gas line under the proposed 8-foot wide walking trail from Franklin Street to the School Complex to link the existing gas line which serves the Primary School to the School Complex on East Green Street. The Town is the entity requesting the installation of the gas line. Following are some remarks for your review of these Plans:

1. Section 17.32.020 of the Middletown Municipal Code states that underground systems for gas transmission are permitted in any district provided that a comprehensive plan for such service is submitted for the review and approval of the town planning commission. The planning commission's review of essential services will assure that the proposals are in accordance with the town master plan; do not unnecessarily form an obstruction to movement and community growth; and do not prove themselves objectionable by reason of hazard, unsightliness, odor, smoke, gas fumes, noise, vibration, radiation, refuse matter or water-carried waste. Once a long-range plan is approved, erection or construction of parts thereof can proceed according to the approved plan without individual approval.
2. A Planning Commission signature block should be included on Sheet 1 given that our Code requires approval of such plans by the Planning Commission.
3. Staff notes that on Sheet 7 of 7, the name 'North Green Street' should be changed to be Schoolhouse Drive on the right-hand side of the sheet.
4. The Plans will be routed to DPW Development Review and the Soil Conservation District for approval and issuance of a Minor Grading Permit, a Sediment & Erosion Permit and a SWM Permit/Waiver. An MDE Floodplain Permit has been applied for.

Middletown Planning Office

MEMORANDUM

Date: 1/10/2013

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **CONE BRANCH TRAIL IMPROVEMENT PLANS**

The Middletown Municipal Code states that developers shall prepare and submit to the Planning Commission plans for the installation of improvements in accordance with the requirements of Chapter 16.32. Drew Bowen has been working with Daft McCune Walker on these plans for the construction of an 8-foot wide walking trail from East Main Street to Franklin Street to link the Town's sidewalk system to the Middletown Primary School and Frederick County Recreation Center and to allow access to Remsberg Park. The trail, once installed, will provide easy access to the existing sanitary sewer line for maintenance purposes. The Town already has a sewer easement from 1954. Following are some remarks for your review of these Improvement Plans:

1. The Plans were routed to DPW Development Review, Environmental Health, Office of Life Safety, Soil Conservation District, State Highway Administration and DR Transportation Engineering. It has been approved or conditionally approved by all agencies.
2. The Options A and B on Sheet 4 of the plans are due to the fact that the Town does not have some of the easements needed in that location yet. Meetings with those property owners have yet to be scheduled.
3. As noted in Note 13 on Sheet 1 under General Construction Notes, all construction shall conform to the State of Maryland Handicapped Code and the American with Disabilities Act (ADA) where applicable.
4. Since the total proposed disturbed area is more than 5,000 square feet, stormwater management is required for the proposed improvements as noted under General Note #7 on Sheet 1.
5. Staff notes that portions of this project lay in Zone A of the 100-year floodplain as noted in General Note #8. As also stated, a joint permit application has been submitted to the Maryland Department of the Environment (MDE) for impacts to the 100-year floodplain.
6. General Note #9 indicates that there are no proposed impacts to non-tidal wetlands as a result of this project. The location of existing wetlands is shown on Sheet 3 of the plans.
7. A Planning Commission signature block should be included on Sheet 1 for the Planning Commission's approval signature.
8. Changes to the plans from the earlier plans reviewed by the Planning Commission in March 2012 include the removal of the proposed retaining wall, and no proposed landings on the trail in the section leading to East Main Street.

9. The Middletown Comprehensive Plan shows a future trail to be built in the location of this project in Figure 5-3 Walkway and Trail Map, and thus this project is in conformance with the town's Comprehensive Plan. There is also text on page 5-7 of the Comprehensive Plan that discusses the planned walkway.

10. Previous discussion minutes from March 19, 2012:

Cone Branch Trail Plans – Cindy stated that the Town has received a grant to put these trails in and we have 2 years to use the funds. Bob Smart stated that the Planning Commission is concerned with the area of the trail by the Primary School in the area where the weir wall is located. The commission would like to see the trail farther away from the rip rap and concrete weir wall. Bruce Carbaugh stated that he hasn't really been involved too much with this as Drew has been handling it, but he said that the trail would be at least 30' away from the weir wall. Cindy stated that there will be a crosswalk at Linden Drive and that there will also be several 5' landing areas for people to rest near East Main Street where the trail will be steeper. Cindy also stated that all construction shall conform to the State of MD Handicapped Code and the American with Disabilities Act (ADA) where applicable. It was also noted that the Town has not been granted all the easements necessary from the homeowners in order for this to take place. Meetings with those property owners have been scheduled for the next few weeks.

Motion by Lake to approve the Concept Plans as submitted (stating that no final approval be granted until final improvement plans have been seen), seconded by Smart. Motion carried (5-0).

Town of Middletown Planning Department

To: Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 1/10/2013

RE: Monthly Planning Update

Major Subdivisions:

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

Master Plan approval – approved November 10, 2008

SWM Concept Plan – approved by County October 15, 2010

Water Tap agreement approved by Burgess & Commissioners – March 2012

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

Planning Commission reviewed revised Master Plan – December 21, 2012

Foxfield Section 4- FRO plantings have all been installed. 17 homes still to be built.

Minor Site Plans and Subdivisions:

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

Chesterbrook Apts- Site Plan approved – July 17, 2006

Improvement Plans signed by County – July 17, 2008

Improvement Plans approved and signed – September 16, 2008

SWM waiver received from County – May 12, 2011

SWM admin waiver shall expire on May 4, 2017; final plans approved prior to May 4, 2013.

Coblentz Grove minor subdivision – Preliminary/Final Plat conditionally approved – Nov. 15, 2010

FSD & Forest Conservation Plan approved – November 15, 2010

Improvement Plans conditionally approved – February 21, 2011

Final Plat approved – July 18, 2011

Final Plat recorded– October 24, 2012

Building permits applied for – October 30, 2012

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

Improvement plans submitted – January 4, 2013

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

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

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

SWM Plan approved by Frederick County – November 3, 2011

Improvement Plans submitted – December 6, 2012

Hollow Creek – Revised Site Plan approved and signed – October 14, 2010

Revised Site Plan (leaderboard) approved – February 21, 2011; (Plans expire February 21, 2014)

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

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

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

Main Cup Expansion Plans – Site Plan approved – June 18, 2012
Revised plans approved – October 15, 2012

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 submitted – September 20, 2010
Approved and signed – September 27, 2010

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

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

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

Washington Gas Line – submitted plans – January 4, 2013

Annexations:

A.C. Jets Property- PC approval of annexation petition of 35.96 acres – April 20, 2009
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

Reports:

Meetings:

Town of Middletown Zoning Department

To: Middletown Planning Commission
From: Cindy Unangst, Zoning Administrator
Date: 1/10/2013
RE: Monthly Zoning Update

P & Z Issues:

R2 Parking lot text amendment - Planning Commission recommended approval with changes to the requested text amendment pertaining to parking lots allowed by special exception in the R-2 residential zoning district. The Town Board will set a public hearing date at their January 14, 2013 meeting.

BOA Hearings:

Zoning Violations:

Boat on Linden Avenue – removed

Meetings:

