

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA
Monday, September 21, 2015
7:00 p.m.

PUBLIC HEARING – SUBDIVISION REGULATIONS UPDATE – POSTPONED TO OCTOBER

- I. **Public Comment**
- II. Minutes of August 2015 Planning Commission meeting **Approval**
- III. **Plan Review**
 - Washington Gas Holy Family Approach Plans **Review/Approval**
 - Franklin Commons (Chesterbrook) Improvement Plans **Review/Approval**
- IV. **Zoning**
- V. **Miscellaneous**
- VI. **Additional Public Comment**

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

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

August 17, 2015

The regular meeting of the Middletown Planning Commission took place on Monday, August 17, 2015 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commissioners Mark Carney (Chairman), Chris Goodman (Ex-Officio), Bob Miller, Bob Smart, and David Lake. Others present in official capacity: Commissioners Rich Gallagher (Alternate) and Dixie Eichelberger (Temp. Alternate), Cindy Unangst (Staff Planner), and Annette Alberghini (Recording Secretary).

- I. **PUBLIC COMMENT** – None.
- II. **Regular Meeting Minutes of July 20, 2015** – Approved as submitted.
- III. **PLAN REVIEW** – None.
- IV. **ZONING**

Political Signs – Planning Commission members received communication from Town Board Commissioner Ventre regarding suggested Town Code changes concerning Political Signage. Commissioner Ventre believes that political signs cannot be categorized separately from other temporary signs. The Town Code addresses exempt signs which includes political signs (Section 17.36.140), as well as, temporary signs; those which require a permit and those which do not require a permit (Section 17.36.150). The Staff Planner suggested that the Town Board and Planning Commission review those three sections of the Town Code as a whole in order to clear up any confusion. This will be added as an agenda item at the joint Town Board/Planning Commission meeting in October. It was noted that political signs for the next election are already beginning to appear in Middletown.

Subdivision Regulations Amendments Introduction – The Planning Commission has reviewed Title 16 - Subdivisions and has made the following recommendations for updates to this section:

- **Proposed changes:** Changed references to director of operations and construction to director of public works. Changed the daily consumption of gallons of water per dwelling unit from 300 gallons to 250 gallons per the changed policy of the Town. (Section 16.12.055) All sketch plans shall show topography at five-foot contour intervals instead of only where the slope conditions exceed eight percent. (Section 16.16.020) Changed the minimum sight distance on collector streets from 200 feet to 300 feet. (Section 16.28.030) Changed reference to private streets from 'will not be approved' to 'will not be maintained by the town'. (Section 16.28.030) Changed reference to street signs erection from 'by the town' to 'by the developer, initially'. (Section 16.32.020)
- **Proposed deletions:** Deleted the definition of "double frontage lot". (Section 16.04.030) Deleted types of guarantees of construction of public improvements that are no longer accepted by the Town. (Section 16.12.070) Deleted reference to condominiums. (Section 16.16.020)
- **Proposed additions:** Added definitions for "floodplain", "plat", "right-of-way", "arterial street", and "tract". (Section 16.04.030) Added references to the state's Land Use Article where Article 66B is cited. Added references to electronic copies of plans that are to be submitted. Added references to architectural renderings or drawings that are to be submitted. Added language regarding waterbody buffer requirements. (Section 16.28.020) Alleys will be allowed in overlay districts to represent what has already been approved in recent developments. (Section 16.28.030)

- **For conforming purposes:** Changed the word ‘master’ to ‘comprehensive’ in relation to references to the town’s comprehensive plan. Amended references to Frederick County to conform to the new executive council and board. Changed ‘major highway’ to ‘transportation’ in relations to comprehensive plan sections.
- **Cul-de-sacs:** A definition of a cul-de-sac will be added. All references to cul-de-sacs which had been removed prior will be added back in to the Subdivision Regulations. The Staff Planner will discuss this topic with the Director of Public Works for clarification. The Staff Planner will also research the County to see if other municipalities utilize other standards.
- **Other** – Other minor edits were primarily for grammatical purposes.

The Planning Commission reviewed the timeline going forward and set a public hearing date for the proposed changes to the Subdivision Regulations for Monday, September 21, 2015

V. **MISCELLANEOUS** – None.

VI. **ADDITIONAL PUBLIC COMMENTS** – None.

Meeting adjourned at 7:28pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary

Middletown Planning Office

MEMORANDUM

Date: 9/17/2015

Hansen# 15683

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **WASHINGTON GAS – HOLY FAMILY APPROACH PLAN REVIEW**

Tax Map Parcel #03-155633

Applicant: John Mazelon, Fox & Associates Inc.

Property Owner: Town of Middletown

Plan Dated: June 2015

Date Received: August 7, 2015

GENERAL INFORMATION

Proposal: A linear 4-inch plastic pipeline project which will extend a gas line to the Catholic Church and will not create any new impervious area

Location: Beginning at Old Holter Road and proceeding southwest for approximately 3,500 linear feet to Holy Family Catholic Church; approximately 400 linear feet are within the town limits near the Cone Branch Pump Station

Zoning: OS

Present Use: Field and other open spaces

COMMENTS

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

1. **Planning Commission's review** - 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.

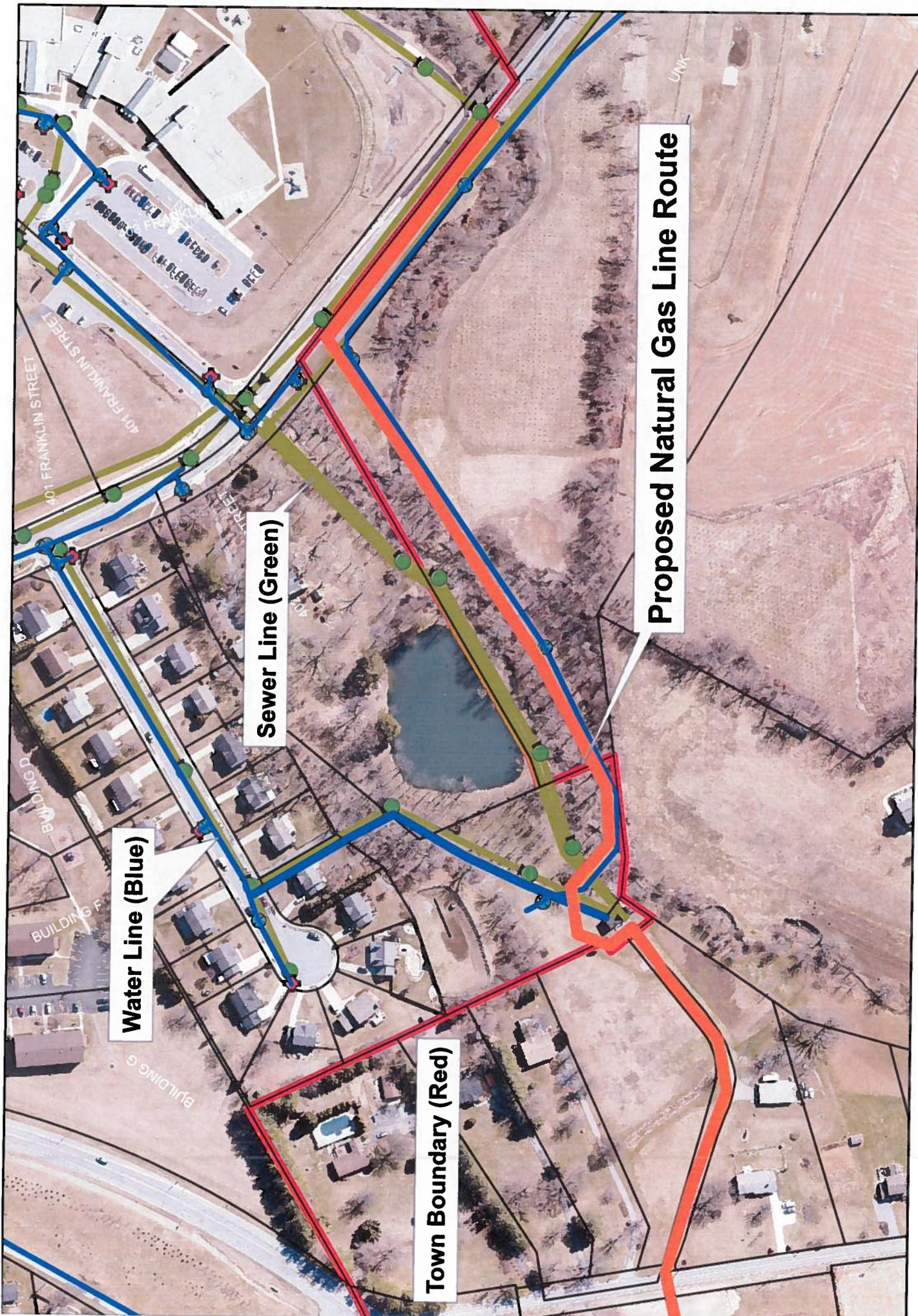
2. **Stormwater management** – Stormwater management for this project will not be required due to the fact that all disturbed areas will be remediated back to their pre-developed conditions.
3. **Easement** – The Town Board has approved the 10-foot gas line easement through land owned by the Town for the location of the gas line. Due to the need for Middletown staff to always be able to access the Cone Branch Pump Station, it is imperative that the access to that facility remain open at all times. A note should be added to the plans to this effect.
4. **Other agency reviews** – The plans have been 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.
5. **Expiration of improvement plan** – 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.
6. **Review by Town Engineer, Bruce Carbaugh** – The plans have been provided to the town engineer and ARRO Engineering for review.
7. **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 - 9/3/2015
 - Health Department – Conditional Approval – 8/24/2015
 - Development Review, Engineering – Conditional Approval – 9/1/2015
 - Soil Conservation District – Approved – 8/31/2015
 - County FRO Review – Denied – 8/19/2015

RECOMMENDATION

Staff recommends that the Planning Commission approve the Improvement Plans contingent on County agency approvals, and addition of note stating that access to the Cone Branch Pump Station remain open at all times.

This review will be included in the Middletown Planning Commission materials for the September 21, 2015 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be September 16, 2015.

Cc: John Mazelon, Fox & Associates Inc.
Orrin Spence, Washington Gas Light Co.
Holy Family Catholic Church



Water Line (Blue)

Sewer Line (Green)

Town Boundary (Red)

Proposed Natural Gas Line Route

Proposed Gas Line to Catholic Church Town of Middletown - Frederick County

Middletown Planning Office

MEMORANDUM

Date: 9/17/2015
Hansen# 15726

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **FRANKLIN COMMONS (CHESTERBROOK-PHASE 2) - IMPROVEMENT PLAN REVIEW**

Tax Map Parcel #03-162338

Applicant: J.F. Brown III & Assoc., Inc., Andrew Brown

Property Owner: Chesterbrook Land, LLC

Plan Dated: September 2015

Date Received: September 8, 2015

GENERAL INFORMATION

Proposal: 18 multi-family dwellings in five buildings on a 1.74 acre parcel located on property adjacent to the existing Middletown Valley (Chesterbrook) apartments.

Location: South side of Broad Street and west of Franklin Street

Zoning: R-3 High Density Residential which permits townhouses and multifamily dwellings such as apartments and condominiums containing no more than twelve individual residential units.

Present Use: Vacant lawn area

COMMENTS

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

1. **Improvement plan requirements (Section 16.32)** – The minimum requirements for provisions of curb and gutter, storm drains, water and sewer lines, sanitary and storm drain profiles, and the location of the proposed water distribution system have been met. Fire hydrant location has been labeled as such and is now clear as to its location.
2. **Site plan approval** - The Phase 2 Site Plan was approved on January 19, 2015 conditional upon meeting the comments from the Director of Public Works, incorporating the lighting plan to be included at the improvement plan stage, and to have architectural rendering review at the improvement plan stage. The lighting plan is to show the foot-candle limits for all four proposed light poles. The developer provided renderings from two projects within Frederick County to show two possible building types available and stated that an architectural design is usually selected after Site Plan approval when details

are finalized. It was suggested that the developer submit architectural renderings for review during the Improvement Plan process. The architectural renderings have not yet been received by the developer.

3. **Required lot area, lot width and yard requirements** – According to Section 17.16.070 of the Municipal Code, the minimum lot area per multi-family dwelling in the R-3 District is 4,000 square feet. Multi-family dwellings are required to have a minimum lot area of 5,000 square feet per family or per rental unit when such structures include five or more family or per rental units. The proposed plan shows that each structure will have only three or four units, therefore the minimum lot area is 4,000 square feet. This requirement will be met by the proposed plan. The setback requirements for the corner lot fronting on Broad Street and Franklin Street of 35-foot front yards and 12-foot side yards are also being met by the proposed plan.
4. **Building height regulations** – Section 17.16.050 of the Middletown Municipal Code states that no building will exceed two and one-half stories or thirty-five feet in height. A variance request of 5-feet from the required height regulations was approved by the Middletown Board of Appeals on Tuesday, January 13, 2015.
5. **Parking requirements** – 23 on-street spaces are to be provided, along with 18 driveway spaces and 18 garage spaces, which meets the minimum requirements. The driveway lengths are noted to be 20-21 feet long. The Code requires the driveways to be 20-feet in length to qualify as a parking space.
6. **Sidewalks** – The proposed sidewalks in front of the units have been extended to the proposed sidewalks on Broad Street and Franklin Street for connectivity. In order to accommodate the required driveway length of 20-feet, the sidewalks have been reduced from 5-feet to 4-feet wide. According to Section 16.28.030 (Street design standards) of the Municipal Code, sidewalks are to be 4 feet to 6 feet wide. The Frederick County Code also states that sidewalks are to be a minimum of 4 feet in width. In discussing the sidewalk width during Site Plan review, the Director of Public Works stated that a 4-foot wide sidewalk would not be a problem (as opposed to a five-foot wide sidewalk).
7. **Lighting Plan** – Sheet E1 shows the lighting plan, including photometrics, for the four proposed 16-foot tall light poles. Although staff is not sure what the height of the light poles are for the existing Chesterbrook Apartments, as a frame of reference, the pole lights in the Cross Stone Commons shopping center are 20-feet tall, the light poles in the Safeway shopping center are 30-foot tall and the pole lights for The Valley School are 15-foot tall. The photometric plans show that no more than 0.02 foot-candles can be measured at adjacent residential properties. It should be assured that lighting from Lot 1 does not shine into the existing apartments and that the lighting meets dark sky requirements.
8. **Landscape plan** – The proposed landscape schedule is included on Sheet 11 along with the locations of the proposed 22 trees. (Previously 21 trees had been proposed.) The landscape schedule specifies that redbuds and flowering dogwoods are to be planted. The

plan shows existing trees that are to be removed due to construction. However, staff notes that most of the trees that are shown to be existing, in fact, are not existing. The plans should be revised to show only what is actually on site and then indicate which of the existing trees are to be removed.

9. **Signage** – There is no proposed signage for the lot, except that the existing signage on the corner will remain or be adjusted slightly to accommodate the new sidewalk and turn lane.
10. **Stormwater management** – Improvement Plan Note #2 (Sheet 1) states that Environmental Site Design (ESD) will be provided within permeable pavement, bio-swales and micro-bioretenion facilities. The legend on Sheet 3 indicates a symbol for the pervious concrete, as well as a symbol for the asphalt pavement and the reinforced turf for the emergency access from Franklin Street. Sheet 3 also shows the maintenance requirements for permeable pavement as well as the note that if possible, the permeable pavement should be constructed as one of the last site work items. As noted on Sheet 1 under Improvement Plan Notes, the SWM Concept plan was approved by Frederick County on October 1, 2014.
11. **FRO** – A Simplified Delineation and Combined Forest Conservation Plan utilizing fee-in-lieu was approved by the Planning Commission on January 19, 2015.
12. **Expiration of improvement plan** – 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.
13. **Previously approved improvement plan** – An improvement plan for Phase 2 Chesterbrook that included 16 rental apartments and 48 parking spaces was previously approved on September 16, 2008.
14. **Review by Town Engineer, Bruce Carbaugh** – The plans have been provided to the town engineer and ARRO Engineering for review.
15. **Street intersection improvements** - The Town Board has approved the proposed intersection improvements.
16. **Street name** – The common driveway leading to the five buildings has a proposed name of Chester Court which is subject to approval by the planning commission. Although common driveways leading to common parking areas such as in a multifamily residential project are not considered streets (Section 16.28.030.O), the County regulations for addressing require that the common driveway be named.

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 - 7/30/2015
- Health Department – Conditional Approval – 8/4/2015
- Development Review, Engineering – Denied – 8/13/2015
- Soil Conservation District – Approved – 8/11/2015

RECOMMENDATION

Staff recommends that the Planning Commission not approve the Improvement Plans since the conditions of the Site Plan approval have not been met. Architectural renderings of the proposed buildings should be submitted for review.

This review will be included in the Middletown Planning Commission materials for the September 21, 2015 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be September 16, 2015.

Cc: Andrew Brown, J.F.Brown III & Associates, Inc.

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 9/8/2015

RE: Monthly Planning Update

Major Subdivisions:

Coblentz on Green - Master Plan Amendment approved - March 11, 2013
Planning Commission conditionally approved preliminary plan – March 18, 2013
Improvement plans conditionally approved – October 16, 2013 (Plans expire 10/16/2016)
Final FRO Plan approved – April 21, 2014
Final Plans conditionally approved – November 17, 2014
HOA documents approved by PC – May 18, 2015

Foxfield Section 4- 4 homes still to be built.

Site Plans and Minor Subdivisions:

Chesterbrook Apts/Middletown Valley Apts - Site Plan approved – July 17, 2006
Improvement Plans approved and signed – September 16, 2008
Phase 2 Site Plan conditionally approved – January 19, 2015 (Plans expire 1/19/2018)
Phase 2 FRO plan conditionally approved – January 19, 2015
Meeting with Town Board on July 13th to discuss intersection improvements
Phase 2 Improvement Plans re-submitted for review and approval – Sept. 8, 2015

Fire Station – Concept plan submitted to PC for comments – April 22, 2013
Fire Station plat conditionally approved – October 16, 2013
Fire Station Site Plan conditionally approved – November 18, 2013 (Plans expire 11/18/2016)

Horman Apartments- Site Plan approved – April 21, 2008
Improvement Plans conditionally approved – May 17, 2010
Currently approved SWM plans remain valid until May 4, 2017
Mylars signed – September 11, 2015

Jiffas – Site Improvement Plan conditionally approved – October 20, 2008
Forest Conservation Plan approved – October 20, 2008
Revised Architectural Plans submitted and reviewed – June 16, 2014
BOA hearing for variance requests (approval received) – December 16, 2014
Architectural plans approved by PC – March 16, 2015

Miller (Ingalls) – Concept and Phase I & II Plan approved & signed – September 27, 2010
Revised Concept Plan reviewed by PC – September 16, 2013
SHA comment letter received February 18, 2014
Site plan conditionally approved by PC – July 20, 2015

Cross Stone Commons – BOA Special Exception Use Hearing – May 8, 2013
Revised architectural plans approved by PC – March 17, 2014
Final FRO Plan approved – May 19, 2014
Revised Site Plan conditionally approved – October 20, 2014 (Plans expire Oct. 20, 2017)
Phase 1 Improvement Plans conditionally approved – October 20, 2014
Addition Plat recorded– November 10, 2014
Dedication Plat conditionally approved – March 16, 2015
Phase 2 Improvement Plans conditionally approved – March 16, 2015 (Plans expire March 2018)

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

Putman – Site Plan conditionally approved- November 17, 2008
Forest Conservation Plan approved – June 16, 2009
Improvement Plans approved and signed by all agencies – July 2010
Revised Site Plan approved – April 16, 2012; (Plans expire April 16, 2015)
Revised Site Plan Extension request approved for 6-months – March 16, 2015 (Oct. 2015)
Revised Improvement Plans conditionally approved – March 16, 2015(Plans expire March 2018)
Cost estimates approved – July 30, 2015

School complex – Kick-off meeting for parking and roadway improvements – September 9, 2015

Washington Gas – Holy Family Approach Plans - submitted for review/approval – August 7, 2015

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 – Public hearing for Chapter 17.48 was held Thursday, September 3rd
Public hearing for Chapter 17.08 – Monday, September 28th**

**Subdivision regulations review – Planning Commission public hearing for proposed changes –
October 19, 2015**

Reports:

Meetings: Next Middletown Green Team Meeting – October 21, 2015

Next Joint town board/planning commission workshop – October 5, 2015