

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

January 15th Workshop agenda for the January 21, 2020 Meeting
(agenda is subject to change as a result of discussion at the workshop)
7:00 p.m.

- I. Public Comment
- II. Miscellaneous
 - Elect chairman and vice chairman for 2020
- III. Minutes of December 2019 Planning Commission workshop Approval
- Minutes of December 2019 Planning Commission meeting Approval
- III. Plan Review
 - Foxfield Section 6 Concept Plan Review/Comment
- IV. Zoning
 - Active Adult Community Special Exception Use Review/Recommendation
- V. 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 12:00pm 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.**

Maryland law and the Planning Commission's Rules of Procedure regarding ex parte communications require all discussion, review, and consideration of the Commission's business take place only during the Commission's consideration of the item at a scheduled meeting. Telephone calls and meetings with Commission members in advance of the meeting are not permitted. Written communications will be directed to appropriate staff members for response and included in briefing materials for all members of the Commission.

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

Workshop

December 11, 2019

The regular workshop of the Middletown Planning Commission took place on Wednesday, December 11, 2019 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Vice Chairman Rich Gallagher, Commission Members Bob Miller, David Lake, Tom Catania, Ex-Officio, Dixie Eichelberger, Alternate, and Eric Ware, Temporary Alternate. Others present in official capacity: Cindy Unangst (Staff Planner). Applicants present: David Lingg and Mark Lancaster.

DECEMBER MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW –

Hollow Creek Professional Center Architectural Renderings – Cindy briefly went through the report from the Main Street Design Committee on the latest architectural renderings.

Self-storage Facility Special Exception Use – Cindy reviewed the changes to the Municipal Code in September 2019 in relation to self-storage facilities. With one of the provisions being concept plan review and recommendation required by the planning commission, the conversation then shifted to the review of the changes made to the concept plan since its last submission.

Self-storage Facility Revised Concept Plan – The changes to the concept plan from the one that was submitted in January 2019 were reviewed. There was discussion about the layout and the addition of parking within the BRL on the south side of the proposed facility.

ZONING –

None

MISCELLANEOUS –

Joint workshop dates for 2020 – Cindy stated that the joint workshop dates as determined by the Town Board were included in the workshop packet.

Workshop adjourned at 8:14pm.

Respectfully submitted,

Cynthia K. Unangst, AICP
Middletown Staff Planner

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

December 16, 2019

The regular meeting of the Middletown Planning Commission took place on Monday, December 16, 2019 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commissioner Tom Catania (Ex-Officio), Commission members Bob Miller, David Lake, and Dixie Eichelberger. Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: Mark Lancaster (Lancaster Craftsman Builders), David Lingg (Lingg Property Consulting), Mike Tabor (property owner) and Bob Smart (resident).

Commission member Gallagher was absent from the meeting. Commission member Eichelberger participated for the quorum.

DECEMBER MONTHLY PLANNING COMMISSION MEETING:

- I. PUBLIC COMMENT – None.**
- II. Regular Workshop Minutes of November 13, 2019 – Approved as submitted.**
Regular Meeting Minutes of November 18, 2019 – Approved as submitted.

III. PLAN REVIEW

Hollow Creek Professional Center Revised Architectural Renderings – (Mark Lancaster (Lancaster Craftsman Builders) and David Lingg (Lingg Property Consulting) present). This is for the proposed development of 48,800 square feet of commercial space in three separate buildings with 208 parking spaces, with a self-storage facility in the rear of the property; located on the north side of US Route 40-A just east of the Safeway shopping center. The area is zoned GC General Commercial and is currently a vacant lot. The architectural renderings provided by the developer and the report from the Main Street Design Committee were reviewed. It was stated that the Main Street report was provided for the Planning Commission to review and consider during the architectural review. It is not a directive for the applicant to implement as any recommendations would be coming from the Planning Commission.

- **3-story Building Awning** – The renderings show an awning to the left of the main entry door. The applicant stated it is to delineate the potential retail space located there from the rest of the professional office space of the building. If a restaurant goes into that retail space, it could use the area under the awning for outdoor seating. There will be recessed entry doors under the awning into the retail space, so patrons do not have to enter the professional business space before/after business hours.
- **Materials Used** – If possible, the Planning Commission would like to see samples of the materials to be used on the proposed buildings. They would also like annotations as to where each of the materials would be used. It was recommended that the applicant review the color scheme and brick work for the 3-story building to give it more visual appeal. The applicant will be beefing up the columns shown on the front of the two one-story buildings. The materials used will need to be annotated.
- **Additional Information Needed** – The Planning Commission would like more information on the following areas:

- **Retaining Wall Sign** – The dimensions, materials and lighting plan for the retaining wall sign are needed.
- **Walkway/Breezeway, Gazebo and Raised Planters** – Detail information is needed regarding the proposed walkway between the two front buildings, the raised planters and the proposed gazebo, including materials used.
- **View of East Side of Property** – The Planning Commission has requested an architectural rendering of the view of the east side of the property looking west toward Safeway. One was not provided.

Action: No action taken.

Self-storage Facility Revised Concept Plan – The Staff Planner reviewed her staff report. There was a brief discussion about changes to the Concept Plan submitted in January. The applicant met with both Town Engineers regarding the water line easement. Chairman Carney acknowledged that this is just a concept plan and that changes can occur when it comes to the Site Plan submittal. The applicant stated that in the future they may go to the Board of Appeals for a variance to allow parking on the south side of the property.

Action: No action taken.

Self-storage Facility Special Exception Use – The Staff Planner reviewed her staff report. She reviewed the specific standards in the Town Code as they now stand. The subject proposal meets the current standards. Staff advises the Planning Commission to give a positive recommendation of the proposed self-storage to the Board of Appeals for this property with the condition emphasized that the Planning Commission will review plans going forward that will include architectural drawings and elevations, and size limitation authority. Included will be the review and approval of the rules and regulations of the self-storage facility before site plan approval is granted.

The applicant would like the hours of operation for the self-storage facility as follows: key code access to units by customers seven days a week, 5:00 AM to 11:00 PM, and staffed office hours Monday-Saturday 8:00 AM to 5:00 PM.

The Zoning Administrator has researched self-storage hours of operation within the area. He recommends customer access seven days a week from 6:00 AM to 9:00 PM with staffed office hours Monday-Saturday 8:00 AM to 5:00 PM.

It was noted that the Planning Commission has the ability to address lighting, noise, traffic impact etc., if the original recommendations are approved.

Action: Commission member Lake moved to recommend a motion to the Board of Appeals that approves and finds the proposals consistent with the guidelines for self-storage facilities and looks forward to working with the applicant regarding details related to rules and regulations of self-storage facilities. Seconded by Commission member Miller. Motion carried (5-0).

Tabor Demolition Plan Extension Request – This is regarding the demolition of a 1,700 square foot barn at 10 Boileau Drive. The demolition permit was approved September 16, 2019 and was to be completed within 90 days. The barn has been removed; however, weather and the winter season have not permitted the applicant to proceed with the stone foundation repairs and required landscaping. He is asking for a 6-month extension in order to complete the requirements.

Action: Commission member Miller motioned to extend the demolition and remediation deadline to June 16, 2020. Seconded by Commission member Eichelberger. Motion carried (5-0).

IV. ZONING - None

V. MISCELLANEOUS –

Caroline’s View/Horman Apartments – The Site Plan was approved April 21, 2008 with no sunset provisions prior to November 2014. The Improvement Plans were conditionally approved May 17, 2010 with no sunset provisions prior to November 2010. Revised Improvement Plan mylars were signed July 21, 2017.

The question was raised that if it is revised does it now come under new/updated regulations? The Staff Planner will contact the Town Attorney for review and comment.

Joint Workshop Dates for 2020 – The dates were reviewed. They are February 3rd, May 4th, July 6th, and October 5th, 2020.

VII. ADDITIONAL PUBLIC COMMENT - None

Meeting adjourned at 8:22pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary

DRAFT

Middletown Planning Office

MEMORANDUM

Date: 1/8/2020

Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **FOXFIELD SECTION 6 CONCEPT PLAN**

Tax Map Parcel #03-135632

Applicant: Trevor Frederick, Frederick Seibert & Associates, Inc.

Property Owner: Memar Corporation

Plan Dated: August 19, 2019; revised November 6, 2019

Date Received: January 3, 2020

GENERAL INFORMATION

Proposal: Property is to be developed with 148 active adult lots with the remainder of the property reserved for open space and forest conservation retention

Location: West side of Coblenz Road and north of Middletown County Park

Zoning: R-20 Residential. This district permits single-family dwellings along with accessory buildings and uses and home occupations, as well as parks, playgrounds, and residential cluster developments. Numerous special exception uses with Board of Appeals approval are also permitted which includes active adult communities. The intent of the district is to encourage and promote the development of single-family residential neighborhoods on large lots free from land usage which might adversely affect such development; except in the case of cluster developments in which dwellings are grouped together on a site, thus saving the remaining land area for common open space, conservation, recreation, and public and semipublic uses.

Present Use: vacant

COMMENTS

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

1. **Sketch plan requirements** – The sketch plan is a voluntary submission on the part of the developer in order to obtain the planning commission's comments with regard to the subdivider's proposed development prior to making detailed drawings and formal application for preliminary plat approval. According to Chapter 16.16.020 of the Municipal Code, the sketch plan must contain the following information:
 - Vicinity map indicating the location of the property with respect to surrounding property and streets

- Title information – proposed name, scale of plat, and date
- Name and address of owner and person responsible for the preparation of the plan
- Northpoint
- Boundary of proposed subdivision
- Location, widths and names of all streets on or adjoining the subdivision
- Location of existing utilities on or within 200 feet of the tract
- The layout of all proposed and existing lots with approximate or typical dimensions and minimum area. Lots should be numbered for review reference
- Zoning district classification, water and sewer classification of master plan for the subject tract

The sketch plan contains most of the required information, but is missing the name and address of the owner, as well as the water and sewer classification. The plan is intended to get some basic feedback from the Planning Commission, as well as to relay how the proposed development meets the active adult community specific standards for Board of Appeals approval.

2. **Consistency with Comprehensive Plan** – The proposed development parcel was annexed by the Town in 2018. The parcel had been listed in the Municipal Growth Element of the Comprehensive Plan as within the town’s growth boundary. The Municipal Growth Element states as a goal that the Town manage the rate of growth to be consistent with the provision of adequate services and infrastructure, as well as to maintain the historical rural community nature of the Town. The 20-Year Land Use Plan shows the subject parcel as low density residential.

The Natural Features/Sensitive Environmental Areas chapter of the Comprehensive Plan states as an objective that the Town shall require environmental waterway easements or designation of open space setbacks along all perennial streams for the purpose of natural resource protection and potential recreational use during the development review process. One of the implementation recommendations in the Natural Features chapter states the Town shall restrict development along all creeks and streams and require a minimum of a 100-ft. buffer from each bank. This shall be carried out through site plan review by the Planning Commission. The concept plan shows a 50-foot buffer along the intermittent stream on the property (25-feet from each bank). The distance from the nearest proposed lot to the intermittent stream is about 65-feet. Although the objective in the Natural Features chapter refers to perennial streams (and not intermittent streams), the recommendation is to require the 100-foot buffer along all creeks and streams.

3. **Transportation plan** – The Transportation map in the Middletown Comprehensive Plan shows a future road at the southern end of the subject property. This proposed road would be in alignment with Smithfield Drive to the east of Coblenz Road. A traffic impact study was completed for the proposed development as a condition of the annexation agreement and was approved by the Burgess and Commissioners. The developer has proposed numerous walking trails through the property.
4. **Water Resources Element** – According to the Watersheds & Drainage Basins map in the Comprehensive Plan, the subject property is located within both the Catoctin watershed and the Cone Branch watershed. Wells have been drilled in both watersheds for allocation by the Maryland Department of Environment (MDE), and sufficient quantities of water have been

established by MDE. The Water Service Map in the Comprehensive Plan, approved in 2010, designates the subject property as PS – Planned Service, which indicates that development is likely to occur in 11-20 years (from comp plan approval). Likewise, the Sewer Plan Map designates the subject property also as PS – Planned Service.

5. **R-20 District Uses** – Active adult communities are a special exception use in the R-20 District. Due to the fact that the subject property is less than 100 acres in size, the entire parcel may be used for an active adult community, but must be in accordance with the cluster development concept and regulations in Section 17.42 of the Municipal Code. Cluster developments should:
 - be sensitive to the land’s natural features and adapted to the natural topography
 - protect environmentally sensitive areas of a development site and preserve on a permanent basis common open space and natural features
 - decrease or minimize nonpoint source pollution impacts by reducing the amount of impervious surfaces in site development
 - promote cost savings in infrastructure maintenance by such techniques as reducing the distance over which utilities, such as water and sewer lines, need to be extended or by reducing the width or length of streets
 - provide opportunities for social interaction and walking and hiking in common open space areas
 - provide a more desirable environment than would be possible through strict application of other sections of the zoning code. A residential cluster development shall be a separate entity with a distinct character in harmony with surrounding development. Common open space must be an essential and major element of the plan

6. **General requirements of residential cluster developments** – The proposed development meets the minimum area of a cluster development which shall be 30 acres. The total density shall be two or fewer units per acre; the proposed development meets this requirement at 1.58 units per acre. A minimum width of 60 feet per dwelling unit shall apply unless requested by the applicant and approved by the planning commission. The typical lot layout shows a width of 60 feet. A minimum side yard setback of five feet shall be provided between all principal buildings and structures. The typical lot layout shows a side yard setback of 5 feet, and is also provided in the site data on the plan. A minimum yard or common open space of at least 25 feet in depth shall be provided as measured from all streets and from the side and rear lot lines at the boundaries of the entire cluster development. The proposed plan shows at least 70 feet of open space at the rear lot lines at the boundaries, and a minimum of 25 feet from side lot lines as measured from the street at the boundaries.

7. **Review by Town Engineer and consulting engineer** – The plans have been provided to the Town Engineer for review.

This review will be included in the Middletown Planning Commission materials for the January 21, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be January 15, 2020.

cc: Farhad Memarsadeghi

Middletown Planning Office

MEMORANDUM

Date: 1/8/2020

Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **ACTIVE ADULT COMMUNITY SPECIAL EXCEPTION USE FOR MEMAR PROPERTY**

Tax Map Parcel #03-135632

Applicant: Trevor Frederick, Frederick Seibert & Associates, Inc.

Property Owner: Memar Corporation

Plan Dated: August 19, 2019; revised November 6, 2019

Date Received: January 6, 2020

GENERAL INFORMATION

Proposal: Special exception approval to allow an active adult community in the R-20 residential district

Location: West side of Coblenz Road and north of Middletown County Park

Zoning: R-20 Residential. This district permits single-family dwellings along with accessory buildings and uses and home occupations, as well as parks, playgrounds, and residential cluster developments. Numerous special exception uses with Board of Appeals approval are also permitted which includes active adult communities. The intent of the district is to encourage and promote the development of single-family residential neighborhoods on large lots free from land usage which might adversely affect such development; except in the case of cluster developments in which dwellings are grouped together on a site, thus saving the remaining land area for common open space, conservation, recreation, and public and semipublic uses.

Present Use: vacant

Section(s) of the Code that Apply:

17.16.010	R-20 District Special Exceptions
17.44.060	Board of Appeals Special Exceptions
17.48.015	Active Adult Community Special Exception Standards

COMMENTS

Active adult community special exception standards were added to the Municipal Code in the year 2000. More recently the specific standards were amended to allow active adult communities on parcels of land less than one hundred acres in size in accordance with the cluster development concept. The specific standards are as follows:

17.48.015 Active adult community.

An adult active community in the R-20 residential district is subject to the requirements of that district except as modified and provided in this section:

- A. An active adult community in the R-20 district may be developed as an integral component of a larger R-20 zoned subdivision consisting of at least one hundred (100) acres in which event the active adult community portion of the development may constitute no more than fifteen (15) percent of the total acreage in the subdivision.
- B. On parcels less than one hundred (100) acres but more than thirty (30) acres, the entire parcel may be used for an active adult community in accordance with the cluster development concept and regulations in Section 17.42.
- C. Minimum lot area per dwelling: three thousand two hundred (3,200) square feet; minimum average lot area per dwelling, five thousand five hundred (5,500) square feet; provided that no more than twenty-five (25) percent of the total number of lots may be less than four thousand (4,000) square feet.
- D. The planning commission, at its discretion, may approve reduced yards, subject to the following limitations:
 1. The front, rear or side yard setback from any lot fronting on a major town street (arterial or collector) shall be thirty-five (35) feet.
 2. Minimum setbacks for lots fronting on interior public or private subdivision streets shall be as follows:
 - a. Front: ten (10) feet;
 - b. Rear: fifteen (15) feet;
 - c. Side: five feet.
 3. Driveways must have a minimum length of twenty (20) feet from a public or local street.
- E. Any individual dead-end private drive or street may be used to serve no more than ten (10) dwelling units.
- F. Pavers or other alternative materials which meet the standards approved by the town engineer may be used in the construction of private drives or streets.
- G. A homeowners' association shall be established to maintain all open spaces, common areas, stormwater management facilities, and private streets and to arrange for private waste removal services, if required, and snow removal services for private streets and drives. The homeowners' association shall have the responsibility to enforce all covenants and special conditions required of residents and property owners in the active adult community.
- H. The planning commission shall review and make recommendations regarding a concept plan for the active adult community.
- I. If the special exception is granted, the planning commission shall review and comment on the homeowners' association declaration of covenants for the purpose of approval by the burgess and commissioners prior to final plat approval. The planning commission shall also have architectural review authority for the dwelling units to be constructed within the community.

Section 17.16.010(C) lists the special exceptions allowed in the R-20 District and states "the board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060". Number 5 on that list is: Active adult community.

All applications for a special exception shall be referred to the planning commission for a recommendation to the board of appeals. Based on staff review and site inspection, staff would offer the following:

- A. The subject property is zoned R-20 per the annexation agreement which was approved by the Burgess and Commissioners in 2018 which specifically requires the site to be developed as an Active Adult Community.
- B. The parcel is 94± acres and is proposed to be developed in accordance with the cluster development regulations. The plan shows 148 active adult lots with the remainder of the property reserved for open space and forest conservation retention.
- C. The minimum lot area per dwelling according to the concept plan is 7,800 square feet which exceeds the requirement of 3,200 square feet. The average lot area per dwelling according to the concept plan is 9,059 square feet which exceeds the minimum requirement of 5,500 square feet. None of the lots depicted on the concept plan are less than 4,000 square feet in size.
- D. The front yard setbacks are proposed to be 10 feet or 35 feet if fronting a major town street (arterial or collector); the side yard setbacks are proposed to be 5 feet or 35 feet if fronting a major town street (arterial or collector); and the rear yard setbacks are proposed to be 15 feet or 35 feet if fronting a major town street (arterial or collector). There is no indication on the concept plan that driveways must have a minimum length of 20 feet from a public or local street.
- E. The concept plan does not propose any private drives or streets.
- F. The Planning Commission will require the review and comment on the homeowners' association declaration of covenants for the purpose of approval by the burgess and commissioners prior to final plat approval.
- G. A concept plan has been provided to the Planning Commission for review.

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

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

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

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

- A. The subject property is zoned R-20 Residential and is adjoined to the north and west by agricultural land outside of town limits, to the south by Open Space-zoned land with a public park, and to the east by large-lot residential dwellings outside of the town limits. Given that the R-20 district allows for cluster developments in which dwellings are grouped together on a site with the remainder of the property reserved for open space and conservation, staff feels the intensity of the proposed use is in harmony with the intent of the district and is compatible with the surrounding area. The clustering of the lots will also provide for the protection of the existing sensitive areas including streams, stream buffers, wetlands, wetland buffers, forest and steep slopes.

- B. Wells have been drilled on the property and sufficient quantities of water have been established by the Maryland Department of the Environment. It has also been established that sewage facilities within the Town are adequate to provide for the new development. The applicant will need to continue working with the Town's Engineer on supplying water and sewage disposal to the subject property. Fire service is just over a mile away, and there are deputy sheriffs assigned to the Town for police protection. Stormwater management will need to be reviewed and approved by Frederick County if this use is approved.
- C. Given the intensity and scale of development is as proposed, and the clustering of the residential lots on the property, the value of adjacent land and buildings should not be impaired.
- D. A traffic study for this proposed use has been done and was approved by the Burgess and Commissioners. The use will not cause industrial or commercial traffic to use residential streets.
- E. The applicant has proposed the use in accordance with the specific standards as discussed above.

Staff Recommendation: Given that most of the specific standards for the proposed use are being met or will be met upon review and approval by the planning commission during the appropriate assessment stage, and the general standards for special exception uses are or will be met, staff advises the commission to give a positive recommendation of the proposed active adult community to the Board of Appeals for this property with the condition that the Middletown Planning Commission will review plans going forward that will include architectural drawings and elevations, and that driveways must have a minimum length of twenty feet from public or local streets. Included in this review will be the review and comment on the homeowners' association declaration of covenants for the purpose of approval by the burgess and commissioners prior to final plat approval.

This review will be included in the Middletown Planning Commission materials for the January 21, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be January 15, 2020.

cc: Farhad Memarsadeghi

3 January 2020

Mark Hinkle, Zoning Administrator

Town of Middletown

31 West Main Street

Middletown, MD 21769

RE: Foxfield Section 6 Special Exception

Mr. Hinkle,

This letter is in regards to the proposed active adult residential development situated along the west side of Coblentz Road in the Middletown, Maryland. The property is currently zoned as R-20 (residential). Per section 17.16.010.C of the Municipal Code an active adult community requires a special exception within the R-20 zoning district.

Under section 17.48.015 (Active Adult community) section B, parcels less than 100 acres but more than 30 acres may be used entirely for an active adult community in accordance with the cluster development concept and regulations in section 17.42.

This concept plan proposes to develop the parcel in accordance with section 17.42 of the municipal code. The plan shows 148 active adult lots with the remainder of the property reserved for open space and forest conservation retention. The clustering of the lots provides protection of the existing sensitive areas and additional open space for the development.

The applicant is requesting that a special exception be granted allowing the proposed development and that the exception be extended until the end of the building permit moratorium on this property.

Thank you for considering providing a special exception for this development.

Sincerely,

Trevor Frederick, PE



Board of Appeals
Town of Middletown, Maryland

Date Filed _____
Map/Grid/Parcel/Lot 0055-0023-0054
Zoned R-20

APPEAL FOR SPECIAL EXCEPTION UNDER ZONING ORDINANCE

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

Location Situated along the west side of Cobden Rd + north of Middletown Park
N S E W side of road; distance N S E W from nearest intersecting road

Subdivision _____ Lot _____ Block _____

Street and Number _____ Zoning Classification R-20

Use proposed Active - Adult Residential, 148 lots

Zoning Ordinance subsection(s) providing for proposed use: 17.42.015 Active Adult Community

Owner of property: Name Memar Corporation
Address 5703 Industry Lane, Suite 101, Frederick, MD 21704

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

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

Further comments, if any:

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

[Signature]
Signature of Petitioner

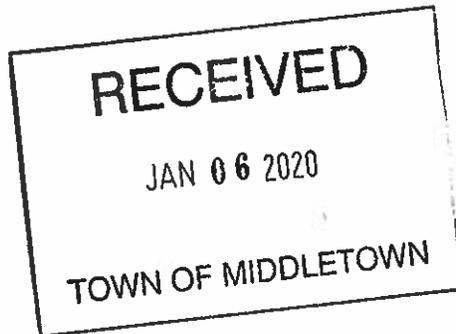
Address of Petitioner

Phone # _____

January 6, 2020

VIA HAND DELIVERY

Cynthia K. Unganst,
Planner/Zoning Administrator
Town of Middletown
31 West Main Street
Middletown, Maryland 21769



Re: **Application for special exception to construct an Active Adult Community on that property known as Tax Map 55, Parcel 54 Located in the Town of Middletown, Maryland (the "Town").**

Dear Cindy,

Please accept this application for approval of a special exception to construct an Active Adult Community on the above reference property (the "Property"), which is filed on behalf of Memar Corp, owner of the Property. In accordance with the applicable provisions of Town's Zoning Ordinance and administrative procedures, the following items are included in this application package:

1. Check in the amount of \$400 payable to the Town of Middletown;
2. Special exception application form;
3. List of adjoining property owners;
4. Eleven (11) copies of the proposed site plan and justification statement in support of the application for special exception.

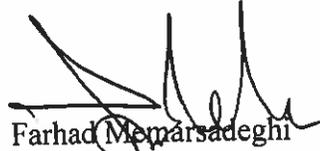
As noted in the enclosed Justification Statement, this application also requests approval from the Town of Middletown Planning Commission ("Planning Commission") for an exemption, pursuant to Section 17.48.015 of the Zoning Ordinance, for constructing an Active Adult Community in R20 zoning. We will promptly provide additional copies of the material contained within this application, if needed in conjunction with the Planning Commission's consideration of this exemption request.

We, also, request that this approval be extended to one year after the date that development can be permitted by the Town to start. (April 2023 plus one year),

Thank you for your assistance, and please contact me with any questions regarding this application.

Sincerely,

MEMAR CORP

A handwritten signature in black ink, appearing to read 'Farhad Memarsadeghi', written over a horizontal line.

Farhad Memarsadeghi
President

**JUSTIFICATION STATEMENT
FOR SPECIAL EXCEPTION PURSUANT TO §17.44.60
ACTIVE ADULT COMMUNITY IN R20 ZONING DISTRICT
MEMAR CORP. APPLICANT**

This request by Memar Corp (the "Applicant") is for special exception approval to develop an Active Adult Community in R20 zoning in the Town of Middletown (the "Town") and situated on the northside of Middletown Park. Pursuant to Chapter 17 of the Middletown Municipal Code (the "Zoning Ordinance"), Section 17.48.015 a special exception from the Middletown Board of Appeals (the "Board") is required before an Active Adult Community can be placed on property located in the R20 zoning district.

LOCATION AND USE OF SITE

1. The property which is the subject of this application for approval of a special exception is a 94± acre parcel of land identified as Parcel 54 on Tax Map 55.

The site is located within the town and is zoned R20. The site is subject of an annexation agreement that was negotiated and approved by Commissioners in 2018 in which specifically requires the site to be developed as an Active Adult Community as part of the requirements of the Annexation Agreement. The Following studies are completed:

- A. Traffic Study is done and was approved.
 - B. Wells are drilled and sufficient quantity of water has been established by D.E.P.
 - C. Sewage facilities are adequate.
 - D. Fire and police services will be provided.
2. The use of land as an Active Adult Community is the best use for this parcel and is in harmony with the surrounding properties.

CONCLUSION

The best use of this property has been debated heavily during the past ten years, and it was decided by Commissioners that the best use is Active Adult Community. The Annexation Agreement was drawn and signed based on this use.

This application proposes to develop this parcel to an Active Adult Community consisting of 148 units.

The applicant requests that the Board approve this Special Exception which is necessary to proceed to development of the property.

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 1/9/2020

RE: Monthly Planning Update – January

Major Subdivisions:

Foxfield Section 6 (Coblentz Road) – Special exception materials submitted for active-adult use - December 9, 2019

Site Plans, Plats and Minor Subdivisions:

Caroline's View/Horman Apartments (East Green Street)- Site Plan approved – April 21, 2008 (no sunset provisions prior to November 14, 2010)

Improvement Plans conditionally approved – May 17, 2010 (no sunset provisions prior to 11/10)

Revised Improvement Plan mylars signed – July 21, 2017

Next step – submittal of PWAs for approval and apply for building and grading permits

Cross Stone Commons (Middletown Parkway) – Revised Site Plan conditionally approved – 10/20/14

Improvement Plan mylars signed – November 6, 2015

Revised Forest Conservation Plan approved – January 21, 2019

FRO plantings completed – December 23, 2019

Next step – submittal of architectural renderings for building #2 for review/approval

Dowd Property (Alternate 40A) – Forest Stand Delineation approved – April 16, 2018

Revised Site plan conditionally approved by PC – October 21, 2019 (Plans expire 10/21/22)

Revised Preliminary Forest Conserv. Plan conditionally approved – November 18, 2019

Revised Special Exception materials for self-storage use recommended for approval by PC – December 16, 2019

Next step – BOA review/approval of special exception for self- storage use; submission of FFCP and Improvement plans for PC review;

Franklin Commons (Franklin Street) -

Resubmitted site plan conditionally approved – May 21, 2018 (Plans expire May 21, 2021)

BOA approved height variance request – July 12, 2018 (BOA approval expires July 12, 2019)

Improvement plans conditionally re-approved – March 18, 2019 (Plans expire March 18, 2022)

Next step – submittal of letter of credit and signing of PWA's

Jiffas (Summers Drive) – Improvement Plan conditionally approved for commercial use – October 20, 2008 (no sunset provisions prior to November 14, 2010)

Forest Conservation Plan approved for commercial use – October 20, 2008

Architectural plans approved by PC for duplex – March 16, 2015

BOA approval for variance requests for duplex – March 29, 2016 (**Expired March 29, 2017**)

Next step – apply for variance requests for siting of duplex building

Middletown County Park (Coblentz Road) – FSD and FCP plans submitted – Jan. 3, 2020

Middletown Water Storage Tank (Ashky Ct.) –

Site Plan approved by PC – March 18, 2019 (Plans expire 3/18/22)

Final Forest Conservation Plan conditionally approved by PC – June 17, 2019

Improvement Plans conditionally approved – July 15, 2019 (Plans expire 7/15/22)

Miller Property (East Main Street) – Phase III Revised Site plan approved by PC – June 17, 2019

Phase III Redline Site & Improvement Plans conditionally approved – Sept. 16, 2019

Next step – submittal of Phase IV site plan for review and approval

Richland Driving Range (Glenbrook Drive)– Concept plan reviewed by PC – January 18, 2016

Revised Site Plan conditionally approved – January 15, 2018 (Plans expire January 15, 2021)

Improvement Plans reviewed and tabled by PC – September 17, 2018

Next step – submittal of improvement plans for review and approval

School Complex roadway plans (Schoolhouse Drive) – Improvement plans and FCP plans reviewed and approved by Town Board – May 8, 2017 (informed in June 2017 that funding was not approved for project)

SWM plans re-submitted to Frederick County and SCD for review/approval – 8/3/17

(Planning Commission reviewed plans as courtesy to Town Board. No expiration date of approval due to type of plans – i.e., no structures, etc. – just changes to roadways, sidewalks.)

St. Thomas More Academy Site Plan revision (Prospect St) –

conditionally approved August 20, 2018 (Expires August 20, 2021)

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 by Town Board – October 11, 2010

Admar Property – PC approval of consistency with zoning/comp plan – February 20, 2017

Public Hearing - April 5, 2018

Town Board passed annexation resolution – April 9, 2018

Text Amendments: Accessory structures – under review by Town Board

Residential parking requirements for townhouses and apartments – under review by Town Board

Reports:

Grants: MEA and Keep MD Beautiful grant applications submitted – December 2019

Meetings: Next Middletown Green Team Meeting – January 21, 2020

Next Joint town board/planning commission workshop – February 3, 2020



MEMORANDUM

DATE: December 3, 2019

TO: Burgess and Commissioners, Planning Commission

CC: Andrew J. Bowen, Town Administrator

FROM: Cindy Unangst, Staff Planner

SUBJECT: 2020 Joint Meeting Workshop Dates

Below are the dates for the Joint Meetings as determined by the Town Board between the Town Board and Planning Commission for 2020:

Monday, February 3, 2020	6:30PM
Monday, May 4, 2020	6:30PM
Monday, July 6, 2020	6:30PM
Monday, October 5, 2020	6:30PM

These workshop dates will be reflected on the Town's website calendar.

If you should have any questions, please do not hesitate to contact Drew at 301.371.6171 or by e-mail at abowen@ci.middlestown.md.us.