

# MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center  
31 West Main Street  
Middletown, MD 21769

Monday, January 21, 2019  
7:00 p.m.

- I. **Public Comment**
- II. **Miscellaneous**
  - Elect chairman and vice chairman for 2019**
- III. **Minutes of November 2018 Planning Commission workshop** **Approval**
- Minutes of November 2018 Planning Commission meeting** **Approval**
- III. **Plan Review**
  - Cross Stone Commons Revised Forest Conservation Plan** **Review/Approval**
- IV. **Zoning**
  - Self-Storage Facility Special Exception Use** **Review/Recommendation**
- V. **Comprehensive Plan Review**
  - Comprehensive Plan Update – Introduction – Chapter 1** **Review**
- 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 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**

**November 14, 2018**

The regular workshop of the Middletown Planning Commission took place on Wednesday, November 14, 2018 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, Commission Members Rich Gallagher, Bob Miller, David Lake and Dixie Eichelberger, Alternate. Others present in official capacity: Cindy Unangst (Staff Planner). Members of the public in attendance: Brian Lizzi (102 Prospect Street).

**NOVEMBER MONTHLY PLANNING COMMISSION WORKSHOP:**

**PLAN REVIEW** –

**Foxfield Section 6 Street names** - Cindy stated that the Town Board approved the street names at their meeting on November 12<sup>th</sup>. She also said that she had met with County employees and discussed the street types with them. According to the County guidelines, it would be more appropriate to use the words ‘lane’ or ‘run’ instead of ‘circle’ for the Harvest View road.

**ZONING** –

**Blighted property ordinance** – Commission members reviewed the revised draft ordinance and Commission member Gallagher brought one editing correction to Cindy’s attention.

**MISCELLANEOUS** –

**Elm Street Parking Lot – trailer/RV issue** – This topic was brought up at the joint workshop in November and Chairman Carney agreed to put it on the Planning Commission’s agenda for discussion. The commission agreed that the matter really is a Town Board issue and not the Planning Commission purview.

Brian Lizzi of 102 Prospect Street asked the commission members about the conditions of approval for the St. Thomas More Academy revised site plan for the addition of temporary classrooms behind the existing building.

Commission member Gallagher brought up the matter of the newly planted street trees along East Main Street and his feeling that they are not appropriately sited due to sidewalk and sight distance concerns.

**Workshop adjourned at 7:50pm.**

Respectfully submitted,

Cynthia K. Unangst, AICP  
Middletown Staff Planner

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

**Regular Meeting**

**November 19, 2018**

The regular meeting of the Middletown Planning Commission took place on Monday, November 19, 2018 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, Commission members David Lake, Rich Gallagher, Bob Miller and Dixie Eichelberger. Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: None.

**NOVEMBER MONTHLY PLANNING COMMISSION MEETING:**

- I. PUBLIC COMMENT – None.**
- II. Regular Workshop Minutes of September 12, 2018 – Approved as submitted.**  
**Regular Meeting Minutes of September 17, 2018 – Approved as submitted.**  
**Regular Workshop Minutes of October 10, 2018 – Approved as submitted.**

**III. PLAN REVIEW**

**Foxfield Section 6 Street Names – (No one, present).** The Staff Planner apologized to the Planning Commission regarding the Town Board having this as an agenda item on the November 12<sup>th</sup>, 2018 Town Board meeting agenda prior to a formal recommendation from the Planning Commission. At the November 12<sup>th</sup> Town Board meeting the board formally approved the street names for the Memar Development as: Winter Corn Way, Summer Wind Trail and Harvest View Circle. The Planning Commission can approve the names as suggested or change to coincide with County guidelines.

- **County Guidelines Regarding New Street Names –** The Staff Planner inadvertently met with County officials November 14<sup>th</sup> and received clarification on county guidelines regarding street types. These guidelines assist emergency services with the movement of emergency equipment during emergency responses. The County would like any street name ending in Circle to be used in conjunction with either a public rotary, or when a street has a large loop with no through movement. Harvest View Circle does not meet either of those guideline conditions. After reviewing the suggestions and discussions from the October Planning Commission workshop, the Planning Commission decided by consensus to modify the name of Harvest View Circle to Harvest View Run in its recommendation to the Town Board. The Planning Commission is in consensus with the street names Winter Corn Way, Summer Wind Trail, and Smithfield Drive.
- **Smithfield Drive –** There was also discussion at the meeting about Smithfield Drive based on discussions at the last joint workshop. It was suggested at the joint workshop that Smithfield be a divided road its full length from Coblenz Road to the west, and traffic circles be used at intersections to help slow down traffic. The Planning Commission recognizes that this would be part of the public works discussion for this development and outside of the scope of the Planning Commission. The Planning Commission is restricted to the guidelines within the Town Design Manual with very limited flexibility to make other recommendations. The Planning Commission suggested that within this Memar development that Smithfield Drive ought to be changed to Smithfield Boulevard from Coblenz Road to the west if it indeed were built as a boulevard.

The Staff Planner will send a memorandum to the Town Board with the Planning Commission's recommendations.

#### IV. ZONING

**Blighted Property Ordinance** – Based on the comments from the Planning Commission Workshop, the Planning Commission reviewed the revised final draft of the blight ordinance which included one minor edit.

**Action:** Commission member Miller motioned to recommend the blighted property ordinance to the Town Board as modified. Seconded by commission member Lake. Motion carried (4-0).

The Planning Commission recommends that the Staff Planner include identified key items in the memorandum that accompanies the blighted property ordinance to the Town Board.

#### V. MISCELLANEOUS

**Elm Street Parking Lot – trailer/RV issue** – Discussion occurred as to whether this was a zoning issue or town regulation issue. The Staff Planner reviewed the general prohibitions of Title 10 – Vehicles and Traffic of the town code. It was decided that this issue was an issue for the Town Board to address. The Staff Planner will notify the Town Board of this determination via memorandum.

**Planning Commission Temporary Alternate** – The Temporary Alternate position advertisement is listed on the town website.

**Signs Hanging from Light Poles at CVS (Cross Stone Commons)** – It was stated that there are signs hanging from the light poles at the CVS. These are against Town Code. The Staff Planner brought this issue to the Zoning Administrator to follow up with the complaint. The Staff Planner will check with the Zoning Administrator for an update.

**New Zoning Administrator** – Mark Hinkle is the new Zoning Administrator. He can be reached at [zoning@ci.middlestown.md.us](mailto:zoning@ci.middlestown.md.us).

**Planning Department Update** – The Staff Planner reviewed some of the activities within the Planning Department.

- **Cross Stone Commons** – A construction trailer is now on-site in preparation of the construction of Building 4 at Cross Stone Commons. Internal remodeling continues within the site for Fratelli's restaurant.
- **Dowd Property** – A traffic impact study is being done for the Dowd property.

**Comprehensive Plan** – The Staff Planner is working on a timeline for the comprehensive plan update. The idea is to review a different section every month with the understanding that certain sections may take longer. It was stated that the comprehensive plan could include new sections for other topics such as economic development and/or sustainability. Public meetings for discussion will be scheduled for resident input.

**Streetscape Trees** – 22 planted trees are being relocated from Main Street to other locations within town yet to be determined. State Highway will help with tree relocation once the best places are identified. Planning Commission members suggested locations.

**2019 Joint Town Board / Planning Commission Meetings** – Dates for the 2019 joint meetings are being determined. The first will occur in January 2019.

**VI. ADDITIONAL PUBLIC COMMENT – None.**

**Meeting adjourned at 7:32pm.**

Respectfully submitted,

Annette Alberghini  
Recording Secretary

DRAFT

## Middletown Planning Office

### MEMORANDUM

Date: 12/18/2018

Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **CROSS STONE COMMONS REVISED FOREST CONSERVATION PLAN REVIEW**

Tax Map Parcel #03-156044 and 03-174158

Applicant: DMW, Daphne Matthews

Property Owner: Town of Middletown

Plan Dated: November 5, 2018

Date Received: December 11, 2018

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#### GENERAL INFORMATION

Proposal: Site is to be developed with 35,357 square feet ± of commercial space in four separate buildings with 229 parking spaces. Buildings 1 and 3 have already been built.

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

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

Present Use: Shopping center

#### COMMENTS

The following issues should be considered in your review of this revised Offsite Forest Conservation Plan for Wiles Branch Park:

1. **FRO approval by MD DNR** – The revised Offsite Forest Conservation Plan has been submitted to the Maryland Department of Natural Resources for review and approval.
2. **Meeting the FRO requirement** – The Plan indicates that the Forest Conservation requirement will be met via offsite mitigation with planting to be done at Wiles Branch Park. The revised proposal intends to use smaller seedling stock instead of larger nursery stock to meet the afforestation requirement. Section 16.40.044 of the Municipal Code lists the preferred sequence for afforestation and reforestation. Off-site afforestation or reforestation using whip and seedling stock is listed directly after nursery stock that is greater than 1.5 inches diameter (indicated on

current approved FCP) in the preferred sequence. Staff will note that off-site mitigation is preferred over a fee-in-lieu payment.

3. **Proposed tree planting** – The revised Offsite Forest Conservation Plan is proposing two other tree stocking options. One specifies that 401 container grown overstory seedlings instead of 128 1.5" caliper trees, and 72 container grown understory seedlings instead of 30 1.5" caliper understory trees are proposed to be planted to meet the town's regulations for afforestation. The other option proposed would be bare root seedlings with 625 deciduous overstory plantings and 110 understory plantings. The proposals would use the same ratio of overstory plantings (85%) to understory plantings (15%).
4. **Survival rates** – As noted under Stocking and Survival Rates in the narrative on the plan, bare root seedlings and container grown seedlings have minimum stocking ratios and survival rates which are different than the requirements for larger trees. The survival rate is lower for bare root seedlings (55%) because the stock density per acre is higher (700/acre), than for the container grown seedlings with a 65% survival rate and a minimum 450/acre density. If fewer trees are planted per acre, then the survival rate requirement increases.
5. **FRO cost estimate errors** – The dollar amount used for the 1.05acre planting with the seedling stock should be \$5,227.20 per acre instead of \$7,405.20 which is shown. Therefore, the dollar amount for the 1.05-acre planting should be \$5,488.56; the subtotal should be \$7,848.56; the 15% contingency should be \$1,177.28; and the surety should be \$9,025.84.
6. **Timing** – According to Section 16.40.045(C) of the Municipal Code, a person required to conduct afforestation or reforestation shall accomplish it within one year or one growing season, whichever is a greater time period, following development project completion. There is a concern that the afforestation might not take place for many, many years if Building #2 doesn't come to fruition in the near future. It is hoped if this revised plan is approved, that the plantings might take place this spring, or once Building #4 is completed either this fall or next spring.

**Recommendation** – Staff recommends approval of the revised plan using the container grown seedling size which complies with the Code requirements. Staff will also note that since the offsite planting area will be done on a steep slope, it will be important to develop a good site preparation and maintenance strategy for key survival of the trees.

This review will be included in the Middletown Planning Commission materials for the January 21, 2019 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, 2019.

cc: David Lingg, Lingg Property Consulting  
Mark Crissman, DMW  
Daphne Matthews, DMW

November 5, 2018

Ms. Cynthia K. Unangst, Middletown Staff Planner  
Town of Middletown  
31 West Main Street  
Middletown, MD 21769

Re: Newton Property (Cross Stone Commons) Offsite FFCP at Wiles Branch Park – Cost Estimate  
DMW Project No. 12706

<u>FRO COST ESTIMATE</u>	
SUBDIVISION/SITE NAME: WILES BRANCH PARK (OFFSITE MITIGATION FOR CROSS STONE COMMONS)	
1,050 L.F. 2-STRAND FENCE @ \$2.00 L.F. =	\$2,100.00
13 SIGNS @ \$10.00 EACH =	130.00
13 SIGN POSTS @ \$10.00 EACH =	130.00
1.05 AC PLANTING @ \$7,405.20 (AC)	<u>\$ 5,227.20</u>
SUBTOTAL =	\$7,587.20
15% CONTINGENCY =	<u>\$1,380.08</u>
SURETY =	\$8,725.28

## 16.40.044 - Afforestation and reforestation.

- A. After techniques for retaining existing forest on the site have been exhausted, the preferred sequence for afforestation and reforestation, as determined by the department, is as follows:
1. Selective clearing and supplemental planting on site;
  2. On-site afforestation or reforestation, if economically feasible, using transplanted or nursery stock that is greater than 1.5 inches diameter measured at 4.5 feet above the ground;
  3. On-site afforestation or reforestation, using whip and seedling stock;
  4. Street trees as a permissible step in the priority sequence for afforestation and reforestation with a mature canopy coverage;
  5. Landscaping of areas under an approved landscaping plan which establishes a forest that is at least thirty-five (35) feet wide and covering two thousand five hundred (2,500) square feet or more of area or other landscaping as provided for in Section 16.40.045(F).
  6. Off-site afforestation or reforestation, using transplanted or nursery stock that is greater than 1.5 inches diameter measured at 4.5 feet above the ground;
  7. Off-site afforestation or reforestation, using whip and seedling stock;
  8. Natural regeneration on-site;
  9. Natural regeneration off-site;
  10. Payment into the Middletown forest conservation fund as provided for by Section 16.40.028(B) of this chapter;
  11. Purchase of credits from the Middletown forest banking program.
- B. The forest conservation plan shall specify the sequence proposed for afforestation and reforestation most appropriate for the site and character of the proposed project. The appropriate approving authority may require that any sequence be considered to achieve the objectives of this chapter and the Middletown comprehensive plan.

(Ord. 04-02-01 § 2 (part), 2004)

## Middletown Planning Office

### MEMORANDUM

Date: 1/7/2019

Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **SELF-STORAGE SPECIAL EXCEPTION USE FOR MIDDLETOWN VALLEY CENTER**

Tax Map Parcel #03-0140989

Applicant: Mark Lancaster, Lancaster Properties, LLC (Contract Purchaser)

Property Owner: First Financial Bank NA under Thomas N. Dowd Trust

Plan Dated: December 2018

Date Received: December 21, 2018

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#### GENERAL INFORMATION

Proposal: Special exception approval to allow a self-storage facility in the general commercial district

Location: North side of US Route 40-A (Old National Pike) just east of the Safeway shopping center

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

Present Use: vacant

Section(s) of the Code that Apply:

17.20.020	GC General Commercial District Special Exceptions
17.44.060	Board of Appeals Special Exceptions
17.48.340	Self-storage Special Exception Standards

#### COMMENTS

Self-storage facilities were added to the zoning ordinance in 1997 as a special exception use in the Town Commercial District. When the zoning ordinance was updated in August of 2015, some changes were made to the specific standards for that special exception use. Notably, self-storage uses were removed from the town commercial district, and added to the general commercial and the service commercial/light manufacturing districts. Other changes included the hours of access to the facility to be established by the board of appeals, the property to have access to an arterial or collector street, and concept plan review and recommendation by the planning commission. The specific standards are as follows:

#### 17.48.340 Self-storage.

Self-storage facilities in the GC and SC/LM commercial districts are subject to the requirements of the district in which the property is located except as provided in this section:

- A. Middletown Planning Commission shall have architectural review and size limitation authority and may require drawings, elevations and plans as necessary;
- B. The hours to which one may have access to the self-storage facility shall be limited as established by the board of appeals;
- C. The property shall have access to a street which is designated in the town comprehensive plan as an arterial or collector street;
- D. Concept plan, including parking provisions, review and recommendation required by the planning commission;
- E. This use may be permitted only as an accessory use to a primary business.

Section 17.20.020(C) lists the special exceptions allowed in the GC 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 13 on that list is: Self-storage rental spaces for storage of personal goods.

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 GC General Commercial per the town’s comprehensive plan.
- B. The Planning Commission will review and approve architectural plans and determine any size limitations at the site plan stage of the review process.
- C. The applicant has requested hours of operation as follows: key code access to units by customers seven days a week, 5:00 AM to 11:00 PM; and staff office hours Monday-Saturday 8:00 AM-5:00 PM. The Board of Appeals is responsible with establishing the hours to which one may have access to the facility.
- D. The property has access to Alternate 40/Old National Pike, which is designated as a minor arterial in the Town’s comprehensive plan.
- E. A concept plan was reviewed by the planning commission in May 2018. Some changes have been made to the plan since that review, and the planning commission can review the revised plan before submitting a recommendation to the board of appeals for the special exception use, or review it concurrently with a recommendation to the board of appeals.
- F. There appears to be an incongruity in the Town Code relating to this specific requirement. In Section 17.20.020(C), the list of special exception uses is preceded by a sentence that states “the board of appeals may authorize the following **principal** uses as special exceptions...” However specific standard E (Section 17.48.340) explicitly states that the “use may be permitted **only as an accessory use...**” Staff suggests that this discrepancy be corrected.

In relation to the interpretation of accessory use, one understanding could be that the facility is to be used specifically for storage of goods related to the primary business on the property. It is staff’s opinion that such a facility would be termed a warehouse. The other understanding relates to the phrase used for the use in Section 17.20.020(C)13, which is “self-storage rental spaces for storage of personal goods”. The words **rental** and **personal** give credence to the type of self-storage facility that the applicant has in mind. The use would be an accessory use to other proposed businesses (retail uses and office building) on the property.

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 GC General Commercial and is adjoined to the north and east by agricultural land outside of town limits, to the south by GC-zoned land with a shopping center and bank buildings, across Alternate 40 by a GC-zoned CVS pharmacy on one corner and an Open Space-zoned golf course on the other corner, and to the west by Open Space-zoned land with municipal buildings. Directly west of the municipal buildings are residential properties. Given that the GC district is intended to provide areas for general commercial activities that service the needs of the entire community and the surrounding area, and that the proposed use would be sited behind the existing shopping center and not in a prominent location, staff feels the intensity of the proposed use is in harmony with the intent of the district and is compatible with the surrounding area.
- B. The applicant will need to work with the Town's Engineer on supplying water and sewage disposal to the subject property. The Town has adequate water supply and sewer capacity based on MDE's approval of all existing platted areas of town. Fire service is less than a mile away, and there are deputy sheriffs assigned to the Town for police protection. Stormwater management will need to be addressed in the required site plan if this use is approved.
- C. The proposed development might draw additional citizens to the existing commercial businesses in the area. The adjacent agricultural land outside of the town limits is proposed as commercial on Frederick County's land use map. Given the intensity and scale of development is as proposed, the value of adjacent land and buildings should not be impaired.
- D. The existing streets already handle commercial traffic and a traffic study for the property will be reviewed by the planning commission as part of the site plan review. The location of an entrance to this property from Alternate 40 will need to be approved by the State Highway Administration due to Alternate 40 being a state road. No residential streets will need to be accessed to gain entrance to the property.
- E. The applicant has proposed the use in accordance with the specific standards as discussed above.

**Staff Recommendation:** Given that all 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 recommends approval of the proposed self-storage facility for this property with the condition emphasized that the Middletown Planning Commission will review plans going forward that will include architectural drawings and elevations, parking

provisions, and size limitation authority. Included in this review will be the ease to which the facility is accessed by recreational vehicles and trailers to be stored at the facility.

This review will be included in the Middletown Planning Commission materials for the January 21, 2019 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, 2019.

cc: David Lingg  
Mark Lancaster, Lancaster Builders  
Noel Manolo, Miles & Stockbridge

Board of Appeals  
Town of Middletown, Maryland

Date Filed December 21, 2018  
Map/Grid/Parcel/Lot 501/021/375/2  
Zoned GC

**APPEAL FOR SPECIAL EXCEPTION UNDER ZONING ORDINANCE**

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

Location N side of U.S. 40-A at Middletown Parkway to the rear of Valley Center Safeway.  
N S E W side of road; distance N S E W from nearest intersecting road

Subdivision Valley Center Subdivision Lot P/O Lot 2 Block \_\_\_\_\_

Street and Number near 815 East Main Street Zoning Classification General Commercial

Use proposed Self-Storage, as a part of a mixed-use development (Office & Retail)

Zoning Ordinance subsection(s) providing for proposed use: 17.20.20(c)(13) & 17.48.340

Owner of property: Name Lancaster Properties, LLC (Contract Purchaser)  
Address 3120 Old National Pike, Middletown, MD. 21769

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:  
See attached Justification Statement.

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

*Mark A. Lancaster*  
Signature of Petitioner

3120 Old National Pike, Middletown, MD. 21769

Address of Petitioner  
Phone # 301 371 9101

**17.44.060 - Special exceptions:**

A. **Filing of Special Exception:** For any use permitted by special exception, a special exception must be obtained from the board of appeals. In addition to the information required on the building permit application, the special exception application must show:

1. Site plans, ground floor plans and elevations of proposed structures;
2. Names and addresses of adjoining owners.

Unless otherwise specified or extended by the board of appeals, a special exception authorized by the board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within twelve (12) months of the date of the authorization of the special exception.

B. **Temporary Special Exceptions.** A temporary special exception must be obtained from the board for any nonconformity which is or will be seasonal or is or will be in the public interest. The board may grant a temporary special exception for a nonconforming use or structure, existing or new, which:

1. Is beneficial to the public health or general welfare;
2. Is necessary to promote the proper development of the community;
3. Is seasonal in nature.

The temporary special exception may be issued for a period not exceeding one year, and may be renewed for an aggregate period not exceeding three years. The nonconforming structure or use must be completely removed upon the expiration of the special exception without cost to the town.

C. **Referral to Planning Commission:** All applications for a special exception shall be referred to the town planning commission for a recommendation.

D. **Conditions.** The board of appeals, in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the comprehensive plan, including conditions which are more restrictive than those established for other uses in the same zone.

E.

Application of Extent-of-Use Regulations. The lot area, lot width and yard requirements as set forth in this title must be followed as the minimum by the board of appeals. Where no extent-of-use regulations are set forth for the particular use, the board must impose extent-of-use requirements as necessary to protect the public welfare and the comprehensive plan.

- F. **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.
- G. **Burden of Proof.** The applicant for a special exception shall have the burden of proof, which shall include the gathering and forwarding of evidence and the burden of persuasion on all questions of fact which are to be determined by the board of appeals.

(Ord. 182 § 10.5.1—10.5.6, 1976)

**17.48.340 - Self-storage.**

Self-storage facilities in the GC and SC\LM commercial districts are subject to the requirements of the district in which the property is located except as provided in this section:

- A. Middletown planning commission shall have architectural review and size limitation authority and may require drawings, elevations and plans as necessary;
- B. The hours to which one may have access to the self-storage facility shall be

limited as established by the board of appeals;

- C. The property shall have access to a street which is designated in the town comprehensive plan as an arterial or collector street.
- D. Concept plan, including parking provisions, review and recommendation required by the planning commission;
- E. This use may be permitted only as an accessory use to a primary business.

(Ord. No. 15-08-01, § 1, 8-14-2015, eff. 10-4-2015; Ord. 182 § 10.5.7 (part), 1976)

Light assembly and fabricating: clothing, draperies, curtains, furniture and cabinets, tool and die, bakery, electrical components, toys, books. (Subject to Section 17.20.080);

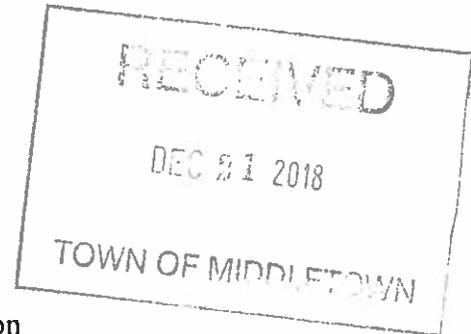
12. Storage, wholesale and warehouse buildings: indoor storage of goods and material which will be sold, processed or disposed of on or off premises. (Not, however, to include auto wrecking, junk or other salvage storage or truck or shipping terminals.) (Subject to Section 17.20.080);
  13. Public safety services, subject to site development plan approval;
  14. Farmers' markets;
  15. Museums;
  16. Medical care facilities.
- C. Special Exceptions in the GC District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060
1. Residential uses;
  2. Gasoline stations;
  3. Greenhouses, nurseries;
  4. Private and commercial schools—dance, business trade;
  5. Shopping centers;
  6. Lumber and other building material—retail;
  7. Vehicle repairs and services;
  8. Hotels and motels;
  9. Vehicle sales;
  10. Animal kennels and clinics;
  11. Nursery schools and child care centers;
  12. Light vehicle repair limited to a vehicle weight maximum of one-ton capacity. Repair and service shall be limited to lubrication, brakes, exhaust systems, wheel alignment, installation of accessories and parts, and installation of tires;
  13. Self-storage rental spaces for storage of personal goods.

(Ord. No. 15-05-01, § 1, 5-11-2015, eff. 10-1-2015; Ord. 07-12-01 § 1 (part), 2008; Ord. 07-01-01 § 2 (part), 2007; amended after public hearing, 4-6-00; Ord. 182 § 6.1, 1976)

Noel S. Manalo  
301.698.2321  
nmanalo@milesstockbridge.com

December 21, 2018

Middletown Board of Appeals  
c/o Mark Hinkle, Middletown Zoning Administrator  
31 West Main Street  
Middletown, Maryland 21769



Re: Valley Center, Lot # 2 – Application for Special Exception  
Self-Storage as Principal Use

Honorable Board Members:

I am writing on behalf of Lancaster Properties, LLC ("Applicant"), the applicant for the above-referenced project (the "Project"), to request special exception approval for a self-storage facility, pursuant to Middletown Zoning Ordinance ("Zoning Ordinance") Sections 17.20.020.C.13 & 17.44.060. The Applicant is contract purchaser of the Property (defined herein).

The Project is intended to be located on the parcel of property shown and described as "Lot # 2" on the plat entitled "VALLEY CENTER SUBDIVISION, Section One, Lots # 1 & 2", recorded among the Plat Records of Frederick County, Maryland in Plat Book 29, parcel 39, said parcel having the SDAT Tax ID # 03-140989 (the "Property"). The Property is located behind the existing Valley Center (which includes the Safeway), on Alternate U.S. 40/Old National Pike. The Property is zoned General Commercial (GC).

Zoning Ordinance Section 17.20.020.C.13 allows that the Board of Appeals may authorize by special exception "Self-storage rental spaces for storage of personal goods" as a principal use in the GC zone.

The proposed use will provide a needed service to Town residents and will be seamlessly integrated into the balance of the Valley Center property. Along with the other current and planned uses at the Valley Center, the proposed use will augment the neighborhood and contribute to the economic vibrancy to the Town.

#### Justification for Special Exception

Pursuant to Section 17.44.060 of the Zoning Ordinance, the Applicant offers the following justifications to the Board of Appeals in support of the special exception request

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(Zoning Ordinance provisions are in bold/italic font, with the Applicant's responses immediately following):

***A. Filing of Special Exception. For any use permitted by special exception, a special exception must be obtained from the board of appeals. In addition to the information required on the building permit application, the special exception application must show:***

***1. Site plans, ground floor plans and elevations of proposed structures;***

RESPONSE: See enclosed.

***2. Names and addresses of adjoining owners.***

RESPONSE: See enclosed.

***F. 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;***

RESPONSE: The purpose of the GC district is to "provide areas for general commercial activities that service the needs of the entire community and the surrounding area". Zoning Ordinance § 17.20.020.A. The Project as planned is based on the market needs of the Town and surrounding area for self-storage capabilities. Also consistent with the "Purpose" statement of the GC zone, the Project will be integrated within the Valley Center, without infringement on residential areas: the Valley Center is located on Old National Pike, providing excellent vehicular accessibility. The planned number of storage units and supporting infrastructure are consistent with what would be commensurate to the Valley Center location. For these reasons, the Project is in harmony with the intent of the GC zoning district.

***2. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use;***

RESPONSE: Water supply, sewage disposal and storm drainage are all preliminarily deemed to be sufficient, subject to further review and approval by the Planning Commission at the Site Plan stage. Middletown Fire Company, Braddock Heights Volunteer Fire Company and Myersville Fire Company are all proximate to the Property. The Frederick County Sheriff's office currently provides service to the Valley Center. For these reasons, the required services are or will be adequate for the Project.

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***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;***

RESPONSE: The Project will be consistent with the existing Valley Center and will in fact enhance the Center. There is no evidence that the general commercial uses of Center have discouraged the use of adjacent land and buildings, nor is there evidence that the general commercial improvements in the Center have impaired the value of adjacent land and buildings. By enhancing the Center and facilitating additional general commercial uses in service of the surrounding area, the Project will not negatively impact adjacent land and buildings.

***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;***

RESPONSE: The Project is planned for seamless integration with Valley Center (Lot #1), which has existing vehicular access from Old National Pike. A new, second access point is planned from the Property to Old National Pike, as well, further east from the existing access point. The planned parking and drive aisles will all flow naturally within the overall Valley Center, segregated from any residential streets. The Project therefore is in an appropriate location from a street access perspective, and there will be no negative traffic impacts to 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.***

RESPONSE: Zoning Ordinance Section 17.48.340 applies to self-storage use. The requirements of this section are as follows:

***Self-storage facilities in the GC and SC/LM commercial districts are subject to the requirements of the district in which the property is located except as provided in this section:***

***A. Middletown planning commission shall have architectural review and size limitation authority and may require drawings, elevations and plans as necessary;***

RESPONSE: Acknowledged.

***B. The hours to which one may have access to the self-storage facility shall be limited as established by the board of appeals;***

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RESPONSE: The Applicant respectfully requests hours of operation as follows: key code access to units by customers seven (7) days a week, 5:00 AM to 11:00 PM; and staffed office hours Monday-Saturday 8:00 AM-5:00 PM.

***C. The property shall have access to a street which is designated in the town comprehensive plan as an arterial or collector street;***

RESPONSE: The Property has access to Alternate U.S. 40/Old National Pike, which is a Minor Arterial in the Town's comprehensive plan. See, Town Comprehensive Plan at Page 5-8.

***D. Concept plan, including parking provisions, review and recommendation required by the planning commission;***

RESPONSE: Acknowledged.

***E. This use may be permitted only as an accessory use to a primary business.***

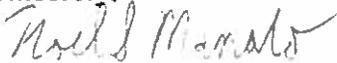
RESPONSE: The Applicant is proposing the Project for special exception approval as a principal use, pursuant to Zoning Ordinance § 17.20.020.C.13, as discussed above.

***G. Burden of Proof. The applicant for a special exception shall have the burden of proof, which shall include the gathering and forwarding of evidence and the burden of persuasion on all questions of fact which are to be determined by the board of appeals.***

RESPONSE: Acknowledged. In addition to the written application materials submitted to the Board, the Applicant will provide any additional information requested by the Board, including, but not limited to, testimonial evidence at the Board's meeting.

For the reasons stated above, the Applicant submits that the request special exception will enhance the Property and the commercial services of the Town. We look forward to discussing the above with you in more detail at your hearing, and we respectfully reserve the right to offer additional evidence and testimony as may be required. Thank you for your attention to this matter.

Sincerely,



NOEL S. MANALO

cc: Lancaster Properties, LLC  
Lingg Property Consulting

**Town of  
MIDDLETOWN, MARYLAND**

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***LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS***

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Case Number MT-B-19-1

Appellant Lancaster Properties

Proceedings under the Zoning Ordinance require that notice of public hearing be given.

It is the responsibility of the appellants and petitioners to supply ACCURATE names and CORRECT addresses (must have house numbers or P.O. Box numbers) of all adjacent and confronting property owners on this form, as shown in current County Land Records.

Court decisions indicate that compliance with notice requirements is essential to jurisdiction of the approving body and therefore to the validity of its decision.

<u>NAME</u>	<u>ADDRESS</u>
1) Middletown Assoc. Ltd. Partnership	3907 Winterset Drive Annandale, VA. 22003-2242
2) A.C. JETS, LLC & Old Indian Trail, LLC	262 West Patrick Street Frederick, MD. 21701-6945
3) Town of Middletown	31 West Main Street Middletown, MD. 21769-8004
4) <i>Marta Ross</i>	<i>14 Manda Court Middletown, MD</i>



## Chapter 1 INTRODUCTION

### Purpose of the Plan

The purpose of the Middletown Comprehensive Plan is to provide a framework to guide future decision-making concerning growth, development and the provision of public services. As such, the Plan for the Town should reflect the community values of its residents and elected officials. These values are expressed through the Plan's goals and objectives which envision a desired future condition for the community. The goals and objectives are the basis for recommendations which are to be found in the Plan and are the basis for future actions the Town will take in regard to development proposals, rezonings, annexations and public works projects.

The adoption of a Comprehensive Plan is also important in that it can provide the framework for consistent decisions. The Plan can give succeeding administrations a better idea of what values have been stated through the public planning process.

A Comprehensive Plan has value to the staff planner, the Town Planning Commission, the elected officials, and the citizens. The planner will use the plan to evaluate land use proposals and to inform property owners about appropriate areas for development. The elected officials will use the plan to make decisions which are consistent with an adopted course of action and to make progress on issues which are identified as needing action. The citizens can use the Plan to judge the decisions of the planning body and elected officials, and to gauge the progress made in important areas of concern.

Another purpose of the Comprehensive Plan is to coordinate planning activities with other levels of government and regional planning agencies. The State of Maryland through the Maryland Economic Growth, Resource Protection and Planning Act of 1992, and its subsequent amendments, requires plans to be updated at specified intervals and to include elements in the plan which will follow the 12 visions which were prepared in the wake of the 1987 Chesapeake Bay agreement with the addition of new visions in 2009 from Senate Bill #273 to help achieve Smart and Sustainable Growth.

1. A high quality of life is achieved through universal stewardship of the land, water and air resulting in sustainable communities and protection of the environment;
2. Citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals;
3. Growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers;
4. Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources;
5. Growth areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner;
6. A well-maintained, multimodal transportation system facilitates the safe, convenient, affordable, and efficient movement of people, goods, and services within and between population and business centers;

7. A range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes;
8. Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities are encouraged;
9. Land and water resources, including the Chesapeake and coastal bays, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources;
10. Waterways, forests, agricultural areas, open space, natural systems, and scenic areas are conserved;
11. Government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection; and
12. Strategies, policies, programs, and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, state, and interstate levels to achieve these visions.

On October 1, 2006, the Maryland General Assembly enacted legislation that affects the laws governing municipal annexation and the makeup of municipal and county comprehensive plans. HB 1141, Land Use-Local Government Planning, amended Articles 23A (which provides most of the powers and limitations for municipalities in MD) and the Land Use Article (formerly Article 66B), Annotated Code of Maryland. It created new responsibilities for municipalities and counties related to annexations, and established new mandatory elements in all municipal and county comprehensive plans, the provisions of which took effect on October 1, 2009. A few of the legislation's key components are listed below.

1. Every municipal comprehensive plan must have a Municipal Growth Element and annexations must be consistent with these elements.
2. All municipal and county comprehensive plans must have a Water Resources Element.
3. Sensitive Areas Elements must address agricultural and forestlands intended for resource protection or conservation as well as wetlands.

Equally important is the coordination with County planning efforts since much of the public facility planning is controlled at the County level. Coordination with Town plans will enable the County to attempt to provide public facilities sufficient to meet the needs of the populace.

### Goals

All successful planning begins with an idea of a desirable end result. These desired end results are the goals toward which actions are directed. The goals provide the framework for policies and objectives to carry out the goals. The framework for the Plan can be stated in the four major goals below:

#### A. Provide for Quality Living Environment

Preserve and promote quality residential developments with adequate provision of public facilities and services and explore opportunities for safe and affordable housing. In

addition, new development should be directed to designated development areas and shall be encouraged only where it can be served at a satisfactory level by existing or planned public improvements including roads, sewer, schools, water and park facilities. It is essential that in order to promote and ensure a quality living environment, improvements to the transportation system must be made. Specifically, extension of the Middletown Parkway should be kept as a top priority in Town and County plans.

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**B. Protection of Important Natural Resources and Historic Landmarks**

The Town should require that the adverse impacts on the environment from development, including the impact on provision of public utilities, be minimized. It is important that the Town continue to ensure that flooding and erosion control steps are taken and that stormwater management and sediment control regulations are followed. The Town should also encourage the preservation of unique or historic landmarks, protection of the Town watershed and protection of Catoctin Creek and its tributaries. Promote concepts of a sustainable community to meet the needs of the present while ensuring that future generations have the same or better opportunities.

**C. Encouragement of Sound Economic Base**

The Town should provide for a variety of commercial and industrial areas which will be located so as to minimize the impact on adjoining land uses. It may also be helped by actions and recommendations of ~~Main Street Middletown groups such as the Downtown Revitalization Committee and Middletown Valley Business Association~~. The Town's natural and historic assets should also be fully utilized by encouraging tourism through promotions such as ~~the Maryland Heritage Preservation and Tourism Program, and the Heart of the Civil War Heritage Trails Area~~. The Town will provide for an efficient and streamlined development review process.

**D. Manage and Sustain Middletown's Future Growth**

The Town should ensure that its future growth is managed properly by requiring new development provide the necessary water and sewer resources, traffic impact studies and subsequent needed improvements to the Town's transportation infrastructure, and recreational resources for the town's residents, as determined by the Planning Commission and the Town Board. Additionally, developments will receive a set amount of permits per year.

The Town of Middletown is committed to fiscally, socially and environmentally responsible land use development. Sustainable development integrates the needs of the Town and its residents in the present generation without sacrificing the ability of future generations to meet their needs by balancing the economy, society and the environment in the process. In looking towards the future, the Town of Middletown will strive towards sustainable living and planning.

Sustainability in the Town will be guided by the following objectives:

- Preservation of Open Space and environmental stewardship areas in Town to ensure that the natural environment and the views it provides citizens are preserved into the future. This would include preservation and expansion of fragmented or isolated woodlands into coherent greenways while providing water quality benefits for the Town's water resources.
- Continuation of the preservation of the greenbelt of open spaces and farmland established around the Town. This greenbelt physically separates Middletown from sprawl development in other areas of the County.
- Reduction of the total amount of impervious surface area within the existing Town limits of Middletown through the use of the latest stormwater management and pervious pavement designs.
- Continuation of its rain barrel partnership with the Interstate Commission on the Potomac River Basin (ICPRB) and the Chesapeake Bay Trust and investigation of other sustainable stormwater management practices.
- Reduction of energy consumption and carbon footprint through energy efficiency programs, clean energy programs, alternative transportation fleet options and recycled procurement programs as part of the Town of Middletown government policies.
- Promotion of Frederick County's single stream recycling program for residents and development and enhancement of government and business recycling programs in conjunction with the County program.
- Reduction of water consumption and wastewater production through enhanced water reuse programs and low-flow technologies.
- Continuation of the use of the brown biodegradable paper bags to all Town residents as part of its Yard Waste collection program that eliminates yard waste from the municipal solid waste disposal stream.
- Promotion of sustainable building practices using the U.S. Green Building Council's LEED program or a similar system for government and commercial construction projects.
- Cooperation with Main Street Middletown and Frederick County Public Schools to help educate the public, schools, professional associates, business and industry about creating a sustainable community and to establish sustainable policies for all commercial and County buildings and operations in the Town.

It will be the policy of Middletown that...

1. Wetlands, streams, floodplains, forested areas, and steep slopes are not disturbed by development.
2. Streams and floodplains have vegetated buffers that help to restore the natural function of these areas. These buffers are planted in species native to Middletown and the surrounding area.
3. The Town actively seeks ways to lessen its impact on the environment by minimizing energy use, carbon emissions, water consumption, stormwater runoff, and implementing green design standards.
4. To the fullest extent practical, new development uses non-structural techniques and pervious paving to manage storm water and otherwise comply with the highest standards of the Maryland Department of the Environment.
5. Developers seeking annexation will plan their projects to the highest standards for community and environmental design using sustainable building practices.
6. Natural areas and farming remain the dominant use in the greenbelt.

7. An interconnected system of parks, shared use paths, and open spaces is created in and around Middletown. Every resident is within a five-minute walk from a community park and shared use path.
8. All residents and businesses in the Town of Middletown will participate in Frederick County's single stream recycling program.
9. An education program is put into place that teaches the public, school children, and business owners about sustainable development and sustainable living.

### Planning in Middletown

This document is structured around 7 major components; population and housing, physical features, sensitive areas, water resources, municipal growth, land use, transportation and community facilities. Each of these components is a chapter in the Plan. Chapters 3 through 8 include background information, issues, objectives, policies, and implementation recommendations. The implementation recommendations include specific actions which are necessary to carry out the goals and objectives of the Plan.

Planning was initiated in Middletown on January 1, 1965, when a Planning & Zoning Committee was formed and given the task of preparing the appropriate ordinances to regulate development. The first meeting of the Planning & Zoning Commission occurred on January 19, 1965, at which time a State model zoning ordinance was adopted. This model zoning ordinance was amended from time to time and was in use until March 3, 1969, when the first Middletown Comprehensive Plan and Zoning Ordinance were adopted. Shortly thereafter, the Middletown Subdivision Regulations were adopted on March 17, 1969.

This Middletown Comprehensive Plan ~~will be the fifth~~ ~~is the fourth~~ comprehensive update since the original Master Plan was adopted in 1969. The target date for various housing and population projections used in the ~~2010+995~~ Plan was ~~2030~~.

Prior Middletown Comprehensive Plans sought to achieve a diversified community which avoided mixed land uses, provided easily accessible recreational facilities, and encouraged industrial and commercial development. The Plans also intended to provide for improved traffic patterns including a parkway around the downtown area. The Plans also intended for schools to serve as activity centers.

Some of the goals of the previous plans were achieved in the segregation of new residential development from other commercial and industrial uses. In addition, this residential development became a larger share of the Town's total land use acreage. However, other goals of the Plans were not achieved such as the provision of a complete parkway around Middletown or generally improved transportation patterns.

Over the past several years, Middletown has gained a new independence by the addition of a Town Staff Planner, Zoning Administrator, and Town Engineer and included documents such as approval of a Town Design Manual. In addition, the Town has instituted its own permitting authority, construction inspections, and is requiring annexation agreements for all new parcels coming into Town.

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## Description of the Town & Regional Context

Middletown, located on the Maryland Historic National Scenic Byway, can be described as a historic small town which, over the last 35 years, has become increasingly linked with the Washington Metropolitan area as growth from this area has spread into Frederick County. It is included in the Heart of the Civil War Heritage Area, recently designated by the State, and boasts a large number of historic residences along the Old National Pike. An especially unique characteristic of Middletown is the view from Braddock Mountain. Due to the inter mountain terrain, many views of Middletown are available. Depending on traffic, both Baltimore and Washington are within an hour's drive from Town. Frederick County is now considered part of the Washington Metropolitan Statistical Area, and has a County population of 228,856 (2006) persons according to the Frederick County Planning Department. This is expected to increase to 331,700 by 2030. Middletown is located 40 miles northwest of Washington D.C. and 45 miles west of Baltimore and has a 2000 population of 2,668 persons. The projected population for 2030 is 5,092 people.

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Middletown encompasses a land area of 1,142 acres and has the sixth largest population of 12 incorporated towns in Frederick County. It is largely a residential community within the agriculturally dominated Middletown Valley. Land uses in the vicinity of the Town include large scale residential development east of its border with agricultural and scattered residential north, west and south of the corporate limits. The downtown area includes small specialty commercial establishments and there is a small shopping center with a grocery store on the eastern edge of Town as well as a new shopping center with a CVS, restaurants, and other services. Frederick City provides a wide range of goods and services and is located 8 miles to the east over Braddock Mountain. Another city, Hagerstown (39,000 population), is located 14 miles west over South Mountain. Other incorporated areas in the Middletown Valley include Brunswick City (5,230 population), 8 miles south and Myersville (1,508 population), 5 miles north.

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## Historic Development

Development in the Middletown Valley began about 1740 with English settlers. These were soon followed by German immigrants who came to dominate the Valley. The Town of Middletown was originally laid out by Michael Jessorong, who deeded building lots described as being in the Town of Middletown<sup>1</sup>. The origin of the name is unclear, perhaps owing to the central location of the Town in the valley between the Catocin and Blue Ridge (or South) Mountains.

Middletown has experienced many historical events that occurred during our nation's development. In 1755 Colonel George Washington accompanied General Braddock on the old Indian Trail that ran through the valley on his way to Fort Cumberland. Westward expansion occurred on Main Street including the construction of the Old National Pike in 1806 and in 1896 Car 11 of the Frederick Middletown Railway made its first run to Middletown. The Civil War brought both armies passing through Town on their way to the battles of South Mountain and Antietam. In the aftermath of those battles, Middletown opened its churches and homes to care

<sup>1</sup> George C. Rhoderick, Jr., The Early History of Middletown, 1989

move to  
land use  
chapter?

for the wounded. Confederate General Jubal Early held the Town for ransom as recreated annually during the Heritage Days celebration.

Middletown was incorporated in 1834 with Jacob Hoffman serving as the first Burgess. In the early days, Middletown had large and thriving businesses owing a great deal to its location on the Old National Highway. At one time, Middletown was the voting place for the entire valley from the Mason-Dixon Line to the Potomac River. There were various trades and other business in addition to those serving the outlying agricultural area. Among the major businesses which were located in the Town were Hanover Shoe Company, the Valley Register Publishing Company, C.F. Main & Sons Ice Cream, Gladhill Furniture, Southern States Co-op, the Granger's Mutual Insurance Company, the South Mountain Creamery, L.Z. Derr General Store, Shafer's Plumbing & Heating, American Store, Arnett's Grocery, and the Middletown Cannery. For a variety of reasons, most of these companies have closed.

Recent development trends in the Middletown area show development east and west of Town and continued low density residential development in the agricultural areas. Since 1969, the corporate limits of Middletown have changed through both annexation and de-annexation of properties. **As of August 2007, the land area of Middletown is 712 acres larger than the 1969 corporate limits.**

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[Include information about the 250<sup>th</sup> celebration](#)

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### Heart of the Civil War Heritage Area

Middletown is part of the Heart of the Civil War Heritage Area, which stretches across much of western Maryland and provides recognition and funding for places whose history is intertwined with the Civil War. The Heritage Areas program encourages communities to identify, protect, and promote their unique heritage and to capitalize on that heritage through economic development tourism initiatives. State funds and assistance will be made available for interpretive and infrastructure improvements in State-approved heritage areas.

The Town endorses the Maryland Heritage Areas Authority's Management Plan for the Heart of the Civil War Heritage Area. As part of the Heritage Area, a Target Investment Zone (TIZ) has been designated in Middletown. The Management Plan designates the Middletown TIZ for future activation. To be activated – and to receive the funding associated with having an active TIZ – the Town must submit a detailed work program showing how Heritage Area funds would be used.

Middletown is also a part of the Journey Through Hallowed Ground National Heritage Area. Citizens wishing to become involved in the Town's historical heritage activities can contact the Middletown Valley Historical Society and the Central Maryland Heritage League both located in downtown Middletown. [Add National Historic Road info?](#)

## **Introduction**

This plan update was completed in accordance with the Georgia Planning Act of 1989 and the Georgia Department of Community Affairs Minimum Standards and Procedures for Local Comprehensive Planning.

It is located in lower central Coweta County approximately seven miles south of Newnan, GA and 43 miles southwest of Atlanta. The major thoroughfare through the community is US 29/US 27 Alternate. The CSX Railway bisects the town. According to the 2010 census, the population is 399.

### **Purpose of the Comprehensive Plan**

The Town of Moreland Comprehensive Plan shall provide guidance and policy standards for future growth and development. The plan also identifies needs and opportunities which currently exist within the community. Goals, polices, and specific implementation measures are also listed to set policy for particular segments and specific areas of the city.

#### **City Council Members**

Dick Ford, *Mayor*

Allyn Bell, *Councilman*

Jeff Burgess, *Councilman*

David Lee, *Councilman*

Troy Payne, *Councilman*

### **Comprehensive Plan Steering Committee and Public Participation**

The Town of Moreland Council appointed a Comprehensive Plan Steering Committee to assist and guide the update of the comprehensive plan. A series of consecutive meetings took place to address the components of the plan update. The Steering Committee included ten members and included members of the city council, city government and other community stakeholders. The members of the committee are listed in the appendix of the plan.

As part of the public participation component, a community visioning meeting was held on June 20<sup>th</sup>, 2016 to gather input from the citizens. Additional information can be found in the appendix. Two public hearings were held in regards to the comprehensive plan update process in which citizens could obtain information about the planning process, review, and comment on the plan. The public hearings were held on March 15<sup>th</sup>, 2016 and September 5<sup>th</sup>, 2016.

## Community Goals

The purpose of the Community Goals and Policies section is to guide and direct the Town of Moreland's decision making process for the future of the community. Following the established goals and policies ensures the plan is implemented by the citizens and local leaders.

## Vision Statement

A broad vision statement which was developed by the community stakeholders is below and depicts what the community is and what it desires to become in the future.

*Vision Statement for the Town of Moreland, Georgia*

Moreland is a historic small town with strong community spirit. While honoring and promoting the heritage which makes Moreland unique and embracing the past we will welcome the new. The diversification of the economy and opportunities for growth will be pursued with thoughtful planning and citizen involvement. The historic town center of Moreland will be the social and cultural heart of the community and neighborhoods will exude a small town charm where people feel safe and secure, away from the stresses of big town life.

## **List of Goals and Policies**

### **Economic and Community Development**

**Goal:** Expand economic development opportunities within the Town of Moreland by supporting the expansion and creation of new businesses, capitalizing on assets, marketing for increased tourism.

#### **Policies:**

- We will seek to adopt a Quality Development Corridor overlay ordinance to protect and enhance the Gateway Corridor Character Area.
- We will target reinvestment in the Gateway Corridor Character Area to encourage private sector business development and redevelopment to accommodate future growth.
- We will encourage the development of the Historic Town Center as a vibrant place which features local culture, festivals, and recreation.
- The Town of Moreland will accommodate new development while enhancing existing local assets.
- We will collaborate with Coweta County in the planning of developments near Moreland so as to protect the area within the current town limits and to provide nearby employment, retail, and residential opportunities.
- The Town of Moreland will promote the historic mill, pavilion and other assets to increase tourism opportunities.
- We will work with Moreland Elementary on various projects, promotions and community events.
- We will work to implement the recommendations from the Blueprints for Successful Communities report.

### **Natural and Cultural Resources**

**Goal:** Protect, enhance, and efficiently use the natural and cultural resources within the Town of Moreland.

**Policies:**

- Establish a tree planting program and other natural enhancements throughout the town and especially along the Gateway Corridor.
- The protection and conservation of our community's resources will play an important role in the decision-making process.
- We will incorporate the connection, maintenance, and enhancement of greenspace in all new development.
- We will reduce the impact of development on existing vegetation through limiting land disturbance activities and clear cutting.
- We will encourage new development in suitable locations in order to protect natural resources and valuable historic or cultural resources from human encroachment through land development regulations and or incentives.
- We will invest in parks and open space within our community.
- We will promote the Town of Moreland's rich literary heritage and other historic assets.

**Community Facilities and Services**

**Goal:** Provide for the citizens of Moreland adequate facilities and services, infrastructure, which meet their needs and make the Town a quality place to live.

**Policies:**

- We will seek to limit the amount of development within our community to areas that can be reasonably served by public infrastructure.
- We will seek opportunities for the expansion of sewer into the Town of Moreland limits as feasible.
- Our community will use planned infrastructure to support areas identified as suitable for development.
- We will expand the system of sidewalks within the Town of Moreland to enhance pedestrian safety and connectivity.
- We will encourage open space, walking paths, and bicycle lanes that are accessible to all.

- We will seek to incorporate bike lanes and shared use signage to appropriate roadways.
- We will provide pleasant, accessible public gathering spaces for community wide events and festivals.

### Housing

**Goal:** Allow for accessible, affordable, diverse housing options for all the citizens that want to call the Town of Moreland home.

#### **Policies:**

- We will encourage infill housing development in existing neighborhoods.
- Our residential neighborhoods will gain increased access to schools, parks, homes, and businesses through extended sidewalks, bike paths, and connected roadways.
- The Town of Moreland will promote walkable and safe neighborhoods for its citizens.
- We will encourage parks and community facilities to be located as focal points in existing and new neighborhoods.
- We will seek to incorporate appropriate housing choices for the senior citizen community.

### Land Use

**Goal:** To make the best and most efficient use of land within the Town of Moreland while utilizing existing infrastructure, and maintaining the small town nature of the community.

#### **Policies:**

- Our gateway corridor and other roadways will create a sense of place and offer a welcoming nature into our community.
- Recreation and greenspace will become an important part of our community's land use policy.
- Greenspace will be a major component with existing and new residential neighborhoods, along roadways, and commercial developments.

- We will support opportunities for residential and non-residential in-fill development that positively impacts the character of existing neighborhoods.
- Throughout the community we will encourage the use of landscaping, lighting, signage, underground utilities, and building design which will add aesthetic value.
- We will encourage increased walkability and safe access to businesses and public services.
- We will utilize innovative planning concepts to achieve well designed residential neighborhoods, preserve open space and improve traffic flow.
- We will review land planning and development concepts successful in other areas and feasibly apply them to the Town of Moreland.

### Transportation

**Goal:** To meet the transportation needs of every resident while focusing on safety, accessibility, and connectivity.

#### **Policies:**

- We will implement the Coweta County Transportation Plan.
- We will encourage transportation corridors that support multiple modes of transportation which make areas of town safe and accessible for all users.
- We will ensure that vehicular traffic will not harm the safety and small town nature of our community.
- We will seek to incorporate traffic calming measures especially along the Gateway Corridor Character Area.
- Increase accessibility and connectivity for cyclists and pedestrians.
- Consider Complete Streets policies when planning for transportation improvements.

## Needs and Opportunities

The Needs and Opportunities section addresses what the Town of Moreland needs to make it what it wants to become and what it currently lacks to achieve its vision. This section also showcases existing opportunities available within the community which should be utilized and supported to implement the vision.

To help gain a more accurate and balanced list of needs and opportunities, a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis is conducted.

### SWOT Analysis (Strengths, Weaknesses, Opportunities, Threats)

<b>Strengths</b>	
<ul style="list-style-type: none"> <li>• Parks</li> <li>• Sidewalks</li> <li>• Local community events</li> <li>• Proactive planning and ordinances</li> <li>• Recreational facilities</li> <li>• Financially stable</li> <li>• Literary history</li> <li>• Puckett Station Festival</li> </ul>	<ul style="list-style-type: none"> <li>• Moreland Elementary School</li> <li>• Small town charm</li> <li>• Moreland mill</li> <li>• Citizens</li> <li>• Local authors and museums</li> <li>• Tourism potential</li> <li>• Fire station</li> <li>•</li> </ul>
<b>Weaknesses</b>	
<ul style="list-style-type: none"> <li>• Small city limits</li> <li>• Property maintenance both business and residential</li> <li>• Highway traffic</li> <li>• Lack of retail and businesses</li> <li>• Lack of welcome and directional signage</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of consistent community involvement</li> <li>• Hospital access</li> <li>• Lack of housing variety</li> <li>• Additional trash along streets</li> <li>• Lack of sewer</li> </ul>
<b>Opportunities</b>	
<ul style="list-style-type: none"> <li>• Additional community wide events such as a community yard sale</li> <li>• Senior housing</li> <li>• Additional events at the mill</li> <li>• Sports and social clubs such as walking and tennis</li> <li>• Implementation of the Georgia Conservancy Blueprints Report</li> <li>• Bike facilities and clubs</li> <li>• Implement Moreland Economic Strategy report</li> </ul>	<ul style="list-style-type: none"> <li>• Sidewalk expansion</li> <li>• Sewer system</li> <li>• Beautification of Hwy 29/27 corridor and gateways</li> <li>• Mega site</li> <li>• Streetscape improvements</li> <li>• Annexation</li> <li>• Cemetery expansion</li> <li>• Walking and biking paths</li> </ul>
<b>Threats</b>	
<ul style="list-style-type: none"> <li>• Increased crime</li> <li>• Lack of neighborhood watch groups</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of street and intersection lighting</li> <li>• Increased population placing pressure on infrastructure</li> </ul>

## **Comprehensive List of Needs and Opportunities:**

The Plan Steering Committee identified needs and opportunities which exist within the Town of Moreland. This list should help guide future planning efforts and prioritize projects undertaken by the City.

### Needs:

- Sidewalk expansion throughout the town
- Increased commercial and business recruitment
- Increased housing appropriate for seniors
- Expand city limits to grow and expand tax base
- Establish bike and walking paths
- Increase lighting in needed areas of town
- Zoning for senior housing
- Welcome and directional signage
- Establish sports and leisure clubs
- Need to establish neighborhood watch groups

### Opportunities

- Increased opportunities for tourism with the combination of mill museum and writer and author heritage
- Moreland mill museum and events
- Gateway beautification possibilities with the 27/29 round-about
- Blueprints for Successful Communities implementation
- Expansion of local festivals and establish a community wide yard sale
- Mega site could increase housing and job opportunities
- Streetscape downtown will enhance historic town center

MEMORANDUM

To: Middletown Planning Commission members  
Annette Alberghini  
Drew Bowen  
Burgess Miller

From: Cynthia K. Unangst, Staff Planner

Date: December 20, 2018

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**Middletown Planning Commission Terms**

**Mark Carney**, Chairman (12/2016 – 12/2021) began service 3/2000

**David Lake** (1/2017-1/2022) began service 1/2007

**Bob Miller** (5/2018-5/2023) began service 5/2008

**Rich Gallagher** (12/2016 – 12/2021) began service 2/2011

**Tom Catania**, Town Board liaison (4/2016-4/2020) began service 4/2016

**Dixie Eichelberger, Alternate** (7/2017-2/2021) began service 2/2014

**Eric Ware – Temporary Alternate will finish Meredith McKittrick's term of office** (6/2017-5/2022) began service 12/2018

**2.16.020 - Composition.**

**The commission shall consist of five members appointed by the burgess with confirmation by the commissioners, each to serve five years, or until a successor takes office. In addition, the burgess and commissioners may designate one alternate member to the commission who may sit on the commission in the absence of any member of the commission. When the alternate is absent, the burgess and commissioners may designate a temporary alternate to sit on the commission. The alternate and temporary alternate will serve for five years from the date of original appointment.**

**Town of Middletown Planning Department**

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 1/2/2019

RE: Monthly Planning Update - January

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**Major Subdivisions:**

**Middletown Glen** - Preliminary plans signed – May 29, 2013  
Improvement plans conditionally approved – October 16, 2013  
FRO planting at Remsberg Park completed – February 2017  
All plats recorded at the Courthouse – May 17, 2016 - March 16, 2018

**Site Plans, Plats and Minor Subdivisions:**

**Cross Stone Commons** – Final FRO Plan approved – May 19, 2014  
Revised Site Plan conditionally approved – October 20, 2014  
Improvement Plan mylars signed – November 6, 2015  
Architectural renderings for Building #4 approved – March 19, 2018  
**Revised Forest Conservation Plan submitted – December 11, 2018**  
**Next step – submit architectural renderings for building #2 for review/approval**

**Franklin Commons** - Improvement Plans approved – Sept. 21, 2015 (**Plans expired 9/21/2018**)  
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)  
**Next step – resubmittal of improvement plans for review and approval**

**Caroline's View/Horman Apartments**- 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**

**Dowd Property** – Forest Stand Delineation approved – April 16, 2018  
Concept plan reviewed by PC – May 21, 2018  
**Special Exception materials submitted for self-storage use – December 21, 2018**  
**Next step – PC review/recommendation and BOA review/approval of special exception for self- storage use**

**Jiffas** – Site Improvement Plan conditionally approved – October 20, 2008 (no sunset provisions prior to November 14, 2010)

Forest Conservation Plan approved – October 20, 2008

Architectural plans approved by PC – March 16, 2015

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

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

**Miller (Ingalls)** – Revised Concept Plan reviewed by PC – September 16, 2013

Site plan (Phase III) conditionally approved by PC – July 20, 2015

Improvement plans (Phase III) conditionally approved by PC – June 19, 2017 (Expires 6/19/20)

Improvement plan (Phase III) mylars signed – January 2, 2018

**Richland Driving Range** – 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 – approval of improvement plans by Planning Commission**

**School Complex roadway plans** – 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

**St. Thomas More Academy Site Plan revision** – conditionally approved August 20, 2018

#### **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** – annexation petition sent to PC by Town Board – January 9, 2017

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:**

#### **Reports:**

**Grants:** MEA Smart Energy Communities grant application – award granted – May 2017

**Meetings:** Next Middletown Green Team Meeting – January 15, 2019

**Next Joint town board/planning commission workshop** – May 6, 2019