

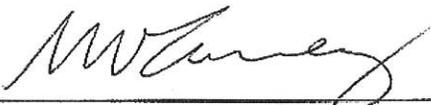


TOWN OF MIDDLETOWN PLANNING COMMISSION

CERTIFICATE OF ADOPTION

IN ACCORDANCE WITH DIVISION 1, TITLE 1-207 OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THE PLANNING AND ZONING ENABLING ACT, THE TOWN OF MIDDLETOWN PLANNING COMMISSION OFFICIALLY ADOPTS THE FOLLOWING 2019 ANNUAL REPORT, FILING SAME WITH THE MIDDLETOWN BURGESS AND COMMISSIONERS AND THE SECRETARY OF STATE PLANNING.

TOWN OF MIDDLETOWN
PLANNING COMMISSION

BY:  _____

Mark Carney, Chairman

August 3, 2020

MIDDLETOWN PLANNING COMMISSION

2019 ANNUAL REPORT

Approved August 3, 2020 by Middletown Planning Commission

BURGESS & COMMISSIONERS

John Miller, Burgess (4/2016-4/2020)
Jennifer Falcinelli, Burgess Pro-tem (4/2018-4/2022)
Larry Bussard (4/2018-4/2022)
Richard Dietrick (4/2018-4/2022)
Chris Goodman (4/2016-4/2020)
Tom Catania (4/2016-4/2020)

Andrew J. Bowen, Town Administrator

Middletown Planning Commission

Mark Carney, Chairman (12/2016-12/2021)
David Lake (1/2017-1/2022)
Bob Miller (5/2018-5/2023)
Rich Gallagher (12/2016-12/2021)
Tom Catania, Comm. Ex-Officio (4/2016-4/2020)
Dixie Eichelberger, Alt. (6/2017-2/2021)
Eric Ware, Temp. Alt. (12/2018-5/2022)

Planning Department Staff

Cynthia K. Unangst

Engineering Staff

Bruce Carbaugh, Director of Public Works
J.R. Hawkins, Project Manager

Middletown Board of Appeals

Daphne Gabb, Chair (4/17-5/19, 5/2019-5/2022)
Thomas Routzahn (1/2017-1/2020)
Tim Coakley (1/2017-1/2020)
Alex Kundrick, Alternate (3/2017-3/2020)

Town Zoning Administrator

Mark Hinkle

INTRODUCTION

The 2019 Planning Report for the Town of Middletown, Maryland was prepared pursuant to the requirements of the Land Use Article of the Annotated Code of Maryland. This report provides a summary of the year's planning activities undertaken by the Planning Commission, Board of Appeals and staff, and also documents development activity.

Section 1-207 of the Land Use Article of the Annotated Code of Maryland requires that the Planning Commissions of non-charter counties and municipalities prepare, adopt and file an annual report with the local legislative body and a copy of the report be mailed to the Director of the Maryland Department of Planning. The report is a retrospective look at development activity within the jurisdiction with a focus on whether that activity is or is not consistent with a variety of adopted plans. The report thus informs both the Planning Commission and local legislative body about the strengths and weaknesses of the local planning program.

POPULATION IN MIDDLETOWN

<u>YEAR</u>	<u>POPULATION</u>	<u>INCREASE OR DECREASE</u>
1970 Census	1,262	N/A
1980 Census	1,748	486
1990 Census	1,834	86
2000 Census	2,668	834
2010 Census	4,136	1468
2011 Estimate	4,163	27
2012 Estimate	4,272	109
2013 Estimate	4,295	23
2014 Estimate	4,313	18
2015 Estimate	4,321	8
2016 Estimate	4,336	15
2017 Estimate	4,372	36
2018 Estimate	4,439	67
2019 Estimate	4,514	75

TEN YEAR PERIODS OF POPULATION GROWTH based on Census

1970 – 1980	486
1980 – 1990	86
1990 – 2000	834
2000 – 2010	<u>1,468</u>
Total	2,874

MIDDLETOWN PLANNING COMMISSION

The Middletown Planning Commission is a five-member commission with two alternates, which has review and approval authority of site plans and subdivisions. In addition, the Planning Commission makes recommendations to the Burgess and Commissioners on rezoning and annexations, and reviews and comments on text amendments and any other issue, which is planning related. The Middletown Planning Commission also makes recommendations to the Middletown Board of Appeals on cases involving special exceptions.

PLAN REVIEWS - 2019

All plans reviewed and approved were consistent with the Middletown Comprehensive Plan adopted in 2010, the Middletown Zoning Code, and the Middletown Subdivision Regulations. **(Plan and plat names are shown on attached map.)**

CONCEPT PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
1. Hollow Creek Prof. Center 821 East Main Street	4	GC	Discussion of retail, office and self-storage development (1/21)
2. Hollow Creek Prof. Center 821 East Main Street	3	GC	Discussion of self-storage facility (12/16)

SITE PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
3. Valley School 30 East Green Street	1	R-2	Approval of addition of shed to property (Approved 2/18)
4. Water Storage Tank 4A Ashky Court	1	OS	Approval of water storage tank to replace reservoir (Approved 3/18)
5. Miller Property Demolition 203 East Main Street	3	TC	Approval of demolition of three vacant buildings (Approved 4/19)
6. Asian Café Corner of E. Green & N. Church Streets	1	TC	Approval of revisions to overflow parking lot use (Approved 5/20)
7. Miller Property 203 East Main Street	1	TC	Approval of revisions to parking spaces (Approved 6/17)
8. Tabor Barn Demolition 10 Boileau Drive	1	TC	Approval of demolition of barn (Approved 9/16)
9. Hollow Creek Prof. Center 821 East Main Street	3	GC	Approval of retail and office development (Approved 10/21)

MASTER PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

PRELIMINARY PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

MASS GRADING/SWM PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

IMPROVEMENT PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
10. Franklin Commons Corner of Franklin & Broad Streets	18	R-3	Re-approval of plans for construction of multi-family dwellings (Approved 3/18)
11. Water Storage Tank 4A Ashky Court	1	OS	Approval of water storage tank to replace reservoir (Approved 7/15)
12. Miller Property 203 East Main Street	1	TC	Approval of redline revisions to lighting/fencing (Approved 9/16)

FOREST CONSERVATION PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
13. Water Storage Tank 4A Ashky Court	1	OS	Approval of Forest Stand Delineation and Preliminary Forest Conservation Plan (PFCP) for water storage tank (Approved 3/18)
14. Water Storage Tank 4A Ashky Court	1	OS	Approval of Final Forest Conservation Plan for water storage tank (Approved 6/17)
15. Hollow Creek Prof. Center 821 East Main Street	3	GC	Approval of PFCP for retail/office development (Approved 11/18)

SUBDIVISION PLATS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

ADDITION PLATS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
16. Zion Lutheran Church West Green Street	2	TC	Addition of partial lot to another church-owned lot (Approved 2/18)

FINAL PLATS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
None			

RE-ZONING REQUESTS:

None

ANNEXATIONS:

None

TEXT AMENDMENTS:

Text Amendments recommended to Burgess and Commissioners for adoption. (Municipal Code Number)

Self-storage facility text amendment – Planning Commission reviewed and commented on adoption of revisions to provisions pertaining to self-storage facilities, including definitions relating to such. (Sections 17.04.030, 17.48.340) [PC commented 4/15, 7/15 and 8/19; B&C adopted 8/26/2019]

Accessory structures text amendment – Planning Commission reviewed and commented on adoption of revisions to accessory structures. (Section 17.32.170.D) [PC commented 11/18]

BOARD OF APPEALS: (Applicant names are shown on attached map)

<u>Applicant</u>	<u>Request</u>	<u>Location</u>	<u>Motion</u>	<u>Date</u>
A. Habitat for Humanity	variances of 9.2' for side yard setbacks	211 S. Jefferson	Approved	3/26
B. Ayers	variance to allow RV in front yard setback	331 S. Church St.	Approved	7/18
C. Parra	variance of 8' from 18' setback for a pool	517 Glenbrook Dr.	Approved	10/17

INFRASTRUCTURE PROJECTIONS:

TRANSPORTATION:

Action taken by the Town in the year 2019 has been consistent with the Town Comprehensive Plan and best management planning practices.

The Town Comprehensive Plan includes roadway alignments both north and south of town that will be requirements of any future annexation agreements. It states that future development should incorporate roadway dedication and construction to provide minimum collector type road links from east to west. With the annexation of the Memar Property, a section of northern alignment, west of Coblentz Road, will be built by the developer.

The State Highway Administration has funded the Main Street streetscape project and the notice to proceed to construction was received on September 6, 2016. The limits of the project extend from the western edge of town to the eastern edge of town, and includes the replacement of water mains from Coblentz Road to Eastern Circle. The SHA scope of work includes replacement of storm water lines in the Main Street SHA right-of-ways and relocating some utility lines, new signage, traffic patterns, and replacement or installation of curb, gutter and sidewalks. The project also includes landscaping and planting of new trees. The project is expected to be completed Summer of 2020.

The Town began discussion with Frederick officials for a Rural Transportation Program in conjunction with Frederick County and other interested municipalities. This program would provide transit service within the Town limits on one scheduled day per week.

WATER SUPPLY AND DISTRIBUTION:

The Town depends on 23 wells, 4 major groups of springs, two reservoirs, and a 400,000-gallon elevated water storage tank to supply water to the Town. The current total withdrawal permitted by the Town is 387,000 gallons per day (gpd). The average daily use for 2019 was 310,833 gpd. The water system is routinely monitored for possible contaminants in accordance with Federal and State laws, and there were no violation levels in 2019. The Town completed the approval process for construction of a stadium style ground storage tank to replace an existing reservoir. Construction will begin in 2020. In addition, the project will remove the abandoned 6" suction water line from the reservoir to the booster station and replace it with a 16" suction supply line to the Town. This will provide the Town with dual suction lines for water supply to the Town. As can be seen in the chart below, the Town's water supply system has adequate reserve with a 10% margin to meet all currently approved development.

Middletown Water Capacity Calculations

	ANNUAL AVG (gallons/day)	MAX MONTH (gallons/day)
Annual Appropriation Permit Limit ¹	387,000	504,000
Current Water Demand (3-yr avg) ²	308,583	394,987
Reserve Capacity ³	45,861	60,176
Total Demand Use	92%	90%
Available System Capacity	32,255 ⁴	48,837 ⁵

¹ Hollow Creek, Catoctin Creek and Cone Branch Watersheds

² 2017 -2019

³ Calculated (10% reserve + expected future demand)

⁴ (250 gallons/day use = 130 Equivalent Dwelling Units)

⁵ (325 gallons/day use = 150 Equivalent Dwelling Units)

WASTE WATER TREATMENT FACILITIES:

The East Wastewater Treatment Plant (WWTP) on the south side of Holter Road at Hollow Creek is designed to process 350,000 gpd of sewerage. The current discharge permit for the plant is 250,000 gpd. Average daily flows for 2019 were _____ gpd. The discharge permit for the West WWTP at Catoctin Creek in the southwest section of Town is 250,000 gpd. Average daily flows for 2019 were _____ gpd.

PARKS AND GREENWAYS:

A second baseball field was created at Remsberg Park in 2019, and gravel was added to the walking trail that connects the footbridge over Cone Branch Creek across Franklin Street from the Primary School, and Remsberg Park. Frederick County added walking trails to the Middletown County Park off Coblenz Road. A walking trail sign was installed on the Cone Branch Trail off East Main Street once that section of the SHA streetscape project had been completed.

PROTECTION OF HISTORIC STRUCTURES:

The Town regulations regarding the demolition of buildings are a zoning control (Section 17.32.160, Zoning, Middletown Municipal Code), which requires a Demolition Permit. This permit allows a building to be inventoried prior to the demolition but does not prohibit demolition. Photos are taken before buildings are to be torn down and are archived.

The Town has two historic districts that are listed in the National Register of Historic Places. Properties that are listed as “Contributing” to the significance of the historic districts may voluntarily participate in government programs that provide financial benefits to property owners who undertake maintenance projects that comply with the Secretary of the Interior’s Standards for Rehabilitation. In order to provide a certain level of customer service to property owners in Middletown, the Town established a Historic Commission to act as a conduit between the property owner and the available programs. The Historic Commission only meets when a property owner wishes to take advantage of these specific programs.

Main Street Middletown, MD, Inc. is a 501c3 organization that supports the economic development of the Town. In February 2019, Main Street Middletown, MD Inc. became the proud owners of 19 and 21 West Main Street. The money was raised through donations and grants from many entities, including Preservation Maryland, MD Heritage Area Authority, and the Department of Housing and Community Development’s Community Legacy Fund. Upon the purchase, Main Street Middletown, MD Inc also worked with the Maryland Historical Trust that placed a perpetual easement on the historic exterior of the property.

Main Street Middletown continued with the Façade Improvement Program with funds being reimbursed to Pyramid Rocks, LLC, owner of the Dr. Lamar House at 200 West Main, and with the Middletown Valley Bank.

STRATEGIC PLANNING INITIATIVES

ZONING ORDINANCE UPDATE

No updates to the Zoning Code were completed in 2019 aside from the text amendment listed above.

COMPREHENSIVE PLAN REVIEW

Since there have been no policy changes made in recent years to warrant an update to the Town’s Comprehensive Plan, the update process will begin in 2020 to be completed in conjunction with the availability of the 2020 Census data. The Maryland Department of Planning now requires a ten-year review.

PLANNING COMMISSION RECOMMENDATIONS:

ONGOING RECOMMENDATIONS:

1. Review walkway and road construction strategies to be incorporated into current & future growth and development.

2. Continue to review and refine a management system which includes checklists for the plan review process to help ensure that files are complete and easily accessible, and which verifies that all agency approvals are in place.
3. Continue review of zoning ordinances as needed to ensure compatibility with the comprehensive plan.
4. Promote and develop a trails system as shown in the Comprehensive Plan by working with the Town Board, citizens and community groups.
5. Work closely with the Main Street Program to help revitalize downtown Middletown.
6. Promote sustainable development practices thru the development review process as outlined in the 2010 Middletown Comprehensive Plan, along with potential projects to consider for any applicable funding associated with the Sustainable Communities designation through DHCD.

NEW RECOMMENDATIONS:

1. Work with the Sustainability Committee on implementing energy-saving and renewable energy strategies and policies for the town.
2. Review policies that would provide guidance for sustainability and climate change resiliency as it effects the town and future annexations.
3. Develop a dark-sky policy for future and replacement lighting in the town.
4. Review and develop policies/regulations that would provide guidance for affordable housing and senior care centers.
5. Develop policies and design guidelines for review of architectural plans and for site plan reviews.