

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

March 11th Workshop agenda for the March 16, 2020 Meeting
(agenda is subject to change as a result of discussion at the workshop)
7:00 p.m.

- I. Public Comment
- II. Minutes of February 2020 Planning Commission workshop Approval
Minutes of February 2020 Planning Commission meeting Approval
- III. Plan Review
 - Hollow Creek Professional Center Architectural Renderings Review/Approval
 - St. Thomas More Academy Revised Site Plan Review/Approval
 - Middletown Memorial Park Revised Site Plan Review/Approval
- IV. Zoning
 - Forest Resource Ordinance text amendment Review
- V. Miscellaneous
- VI. Additional Public Comment

**** All requests to be on the Planning Commission agenda must be received at the Middletown Municipal Center, 31 W. Main Street, Middletown by 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

February 12, 2020

The regular workshop of the Middletown Planning Commission took place on Wednesday, February 12, 2020 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, Dixie Eichelberger, Alternate, and Eric Ware, Temporary Alternate. Ex-officio member Tom Catania arrived late. Others present in official capacity: Cindy Unangst (Staff Planner). Applicants present: Devin Leary (Human & Rohde, Inc.) and Tracy Diggs (Frederick County Office of Project Management)

FEBRUARY MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW –

Middletown County Park Project Forest Stand Delineation – Cindy reviewed her staff report and then the applicant walked us thru all of the proposed improvements to the park. He was asked to provide the commission with a list of all the improvements. The Master Plan was discussed as well.

Middletown County Park Project Forest Conservation Plan – The applicant discussed where the trees are proposed to be planted, and reasons why it didn't make sense to plant them in other areas of the park.

Commission chairman Carney brought up the subject of the Hollow Creek Professional Center and the fact that the revised architectural renderings were taken off the agenda for this month due to the fact that the applicant hadn't submitted all that was asked of him by the commission. There was a brief discussion of the proposed height of the office building.

ZONING – none

MISCELLANEOUS – none

Workshop adjourned at 8:00pm.

Respectfully submitted,

Cynthia K. Unangst, AICP
Middletown Staff Planner

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

February 17, 2020

The regular meeting of the Middletown Planning Commission took place on Monday, February 17, 2020 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commissioner Tom Catania (Ex-Officio), Commission members David Lake, Rich Gallagher, Bob Miller, Dixie Eichelberger (Alternate) and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: Tracy Diggs (Frederick County Office of Project Management) and John Rohde (Human and Rodhe).

FEBRUARY MONTHLY PLANNING COMMISSION MEETING:

- I. PUBLIC COMMENT – None.**
- II. Regular Workshop Minutes of January 15, 2020 – Approved as submitted.**
Regular Meeting Minutes of January 21, 2020 – Approved as submitted.

III. PLAN REVIEW

Middletown County Park Project Forest Stand Delineation Review – Tracy Diggs (Frederick County Office of Project Management) and John Rohde (Human and Rodhe) present. The proposal is to allow park improvements at the Middletown Community Park located at 7628 Coblentz Road. It is presently a 79-acre park with ballfields, playgrounds, restrooms and frisbee golf course. All requirements for forest stand delineation have been met. The report and plan have been provided to Maryland Department of Natural Resources for review, but no comments have been received to date. Forest on site was classified into two stands, totaling 6.93 acres. Four random sample plots were inventoried. Forest stand #1 (approximately 4.48 acres) is predominantly white pine and sawtooth oak and is in good condition. Forest stand #2 (approximately 2.45 acres) is composed of black walnut, red maple, black cherry and black willow, and is also in good condition. There are four specimen trees within the forest stands. There is heavy invasive cover, especially in stand #2, and improvement for the stands should include invasive removal. Staff recommends approval of the Forest Stand Delineation for this property noting that the approval will remain in effect for a period not longer than five years.

It was noted that the applicant has sent a letter to Maryland Department of Natural Resources (DNR) requesting DNR to confirm that there are no rare, threatened or endangered species on site. The applicant was asked to provide a copy of DNR's response letter to the Town once received.

Action: Commission member Lake motioned to approve the Middletown County Park Project Forest Stand Delineation as presented. Seconded by Commission member Miller. Motion carried (5-0).

Middletown County Park Project Forest Conservation Plan - Tracy Diggs (Frederick County Office of Project Management) and John Rohde (Human and Rodhe) present. The proposal is to allow park improvements at the Middletown Community Park located at 7628 Coblentz Road. It is presently a 79-acre park with ballfields, playgrounds, restrooms and frisbee golf course. The report and plan have been provided to Maryland Department of Natural Resources for review, but no comments have been received to date. This is a unique situation in that it is a county project within town limits. No site plan is needed unless significant changes

are made to the Master Plan, which this project does not do. The submitted plan shows that the existing forest will be retained aside from the small area needed for the future sanitary sewer easement.

- **Summary of Forest Conservation Plan** – The net tract area of forest on the site is 6.93 acres, of which 0.18 acres are to be cleared for a future sanitary sewer easement. Therefore, the acreage of retained forest is 6.75 acres. In order to comply with the town’s Forest Conservation Ordinance, 5.01 acres are proposed to be planted on-site and 1.0 acre is proposed to be planted off-site adjacent to the West Wastewater Treatment Plant at Wiles Branch Park. Miscellaneous credits of 1.11 acres towards the afforestation requirement are being met with existing landscape tree credits and the planting of additional landscape trees at the park.
Of the 5.01 acres to be planted, 3.56 acres are lowland areas which will be planted with 1,246 whip-size planting stock of ten different native tree species. Upland planting areas totaling 1.45 acres will be planted with 508 whip-size planting stock of ten different native tree species. The proposed 1-acre off-site planting site is to be planted with 350 whip-size planting stock of ten different native tree species.
- **Priority trees** – According to Section 16.40.041.B(3) of the Municipal Code, trees having a diameter measured at four and one-half (4.5) feet above the ground of thirty (30) inches or more shall be considered priority for retention and protection, and they should be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the approving authority, that the applicant qualifies for a modification under Section 16.40.023. There are four specimen trees located within Forest Conservation Easement #2 which are in fair or poor condition and will be retained.
- **FRO calculations break-down** – Here is a simplified version of the forest conservation calculations:
Gross tract area – 79.01 acres
Net tract area – 68.45ac (pond, sanitary sewer easement, pavement & buildings deducted)
Afforestation threshold – 13.69 acres (20% of net tract area)
Conservation threshold – 17.11 acres (25% of net tract area)
Existing forest within net tract area – 6.93 acres
Total area of forest to be cleared – 0.18 acres
Total area of forest to be retained – 6.75 acres
Reforestation required – 0.36 acres (0.18 x 2)
Afforestation required – 6.76 acres (13.69 – 6.93)
Total forestation requirement – 7.12 acres (0.36 + 6.76)
Misc. credits – 1.11 acres (landscaping areas > 25,000 sf. = 0.6 acres + landscape trees planted = 0.51 acres)
Total on-site mitigation – 12.87 acres (6.75 retained + 5.01 planted + 1.11 misc. credits)
Balance of mitigation owed – 1.0 acres (7.12 – 5.01 – 1.11)
Off-site mitigation of 1.0 acres to meet balance needed.
Total mitigation provided = 13.87 acres
- **Landscape tree credits** - The landscape trees to be planted on-site to be credited towards afforestation requirements are proposed to be 26 red maples, 11 willow oaks and 14 American elms. They are to be balled & burlapped trees of 6-feet in height. Calculations showing the mitigation to be provided are in the table at the top of Sheet FC-3.

The Planning Commission reviewed the list of improvements to the park that the County will accomplish with this project. Once the project begins it will take a year to complete. It is slated to begin in August 2020. Due to the unique situation of this project coupled with little to no project progress review by the Planning Commission, it was suggested that in order to ensure that the items within the forest conservation plan were completed within a timely manner that a time frame should be included as part of any motion the Planning Commission makes on this agenda item. Commission member Gallagher stated that there is an area south west of the pond outfall that remains wet most of the year. He suggested that the area could be a planted area as opposed to its current use as a mowed area.

Action: Commission member Miller motioned to conditionally approve the Middletown County Park Project Forest Conservation Plan conditional upon the appropriate agreements being in place within 6 months of substantial project completion. Seconded by Commission member Lake. Motion carried (5-0).

IV. ZONING – None.

V. MISCELLANEOUS

Franklin Commons – The Staff Planner noted that in order for any work to commence on this project the applicant will have to go to the Board of Appeals and request a height variance for a third time.

Sunset Provisions – The Town will be contacting Horman and Jiffas giving them 3 years from a specific date within which to complete their projects. The date is yet to be determined.

New Business Signage – Since there is no clear path going forward, the Planning Commission is requesting the Zoning Administrator to draft a text amendment change to the Town Board, on which the Planning Commission can provide comment.

Self-Storage Special Exception Use – If the Board of Appeals grants a special exception use for the proposed self-storage at the Hollow Creek Development site, the Planning Commission would like to have a public hearing in addition to the meeting when it is time for the site plan review.

Hollow Creek Professional Center – In anticipation of the architectural review for this project the Staff Planner and the Town Attorney are in discussion regarding the definition of building height.

2020 Comprehensive Plan – The Planning Commission had a brief discussion on the 2020 Comprehensive Plan update.

VI. ADDITIONAL PUBLIC COMMENT – None.

Meeting adjourned at 7:47 PM.

Respectfully submitted,

Annette Alberghini
Recording Secretary

Middletown Planning Office

MEMORANDUM

Date: 3/5/2020
Hansen# 19932

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **HOLLOW CREEK PROFESSIONAL CENTER ARCHITECTURAL RENDERINGS**

Tax Map Parcel #03-0140989

Applicant: Mark Lancaster

Property Owner: Mark Lancaster Properties, LLC

Plan Dated: February 24, 2020

Date Received: February 24, 2020

GENERAL INFORMATION

Proposal: Property is to be developed with 47,970 square feet ± of commercial space in three separate buildings with 205 parking spaces, and 2± acres reserved for future development

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

COMMENTS

The following issues should be considered in your review of these Architectural Renderings:

1. Minutes from architectural rendering review on December 16, 2019 –

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

- **3-story Building Awning** – The renderings show an awning to the left of the main entry door. The applicant stated it is to delineate the potential retail space located there from the rest of the professional office space of the building. If a restaurant goes into that retail space, it could use the area under the awning for outdoor seating. There will be recessed entry doors under the awning into the retail space, so patrons do not have to enter the professional business space before/after business hours.
- **Materials Used** – If possible, the Planning Commission would like to see samples of the materials to be used on the proposed buildings. They would also like annotations as to where each of the materials would be used. It was recommended that the applicant review the color scheme and brick work for the 3-story building to give it more visual appeal. The applicant will be beefing up the columns shown on the front of the two one-story buildings. The materials used will need to be annotated.
- **Additional Information Needed** – The Planning Commission would like more information on the following areas:
 - **Retaining Wall Sign** – The dimensions, materials and lighting plan for the retaining wall sign are needed.
 - **Walkway/Breezeway, Gazebo and Raised Planters** – Detail information is needed regarding the proposed walkway between the two front buildings, the raised planters and the proposed gazebo, including materials used.
 - **View of East Side of Property** – The Planning Commission has requested an architectural rendering of the view of the east side of the property looking west toward Safeway. One was not provided.

Action: No action taken.

2. Previous conditions of site plan approval – Items of site plan approval that have been met:

- Review and approval of the Preliminary Forest Conservation Plan by the Planning Commission
- Review and approval by Town Engineer, Bruce Carbaugh – monitoring manhole shall be provided for the site; truck turning tracks appear to be acceptable; details of valve locations will be addressed in the improvement plans
- Acceptance of 204 parking spaces by the Planning Commission instead of the 205 proposed

Items of approval that are needed before Improvement plans can be submitted:

- Letter from SHA showing approval for right-in only access from Alternate 40-A
- Approval of the Stormwater Management concept plan by Frederick County
- Submittal of appropriate documents and easements by the owner of the shopping center and the BB&T Bank agreeing to proposed changes to the existing drive aisles, parking and islands in the shopping center, as well as the sign and dumpster locations
- Submittal of appropriate documents and easement for the revertible grading easement from AC Jets
- Modification to General Note #5 for possible restaurant use on the pad sites before submittal of plans for signature
- Architectural review and approval of the buildings and retaining wall signage by the Planning Commission

3. **Architectural review** – The applicant has submitted revised renderings for review by the Planning Commission. The first rendering is of the east elevation as viewed from the adjacent AC Jets property. The next rendering is what will be viewed of the professional office building as one enters the property at the east entry. The third rendering is from the stop light intersection in front of the shopping center. A glass building outline of the BB&T bank was created so one can see how much of the professional office building will be shielded from site. That rendering does not consider the large trees that are currently on the bank property. The fourth rendering indicates the various exterior finishes and their locations.

The three-story building now has projections on each corner which breaks up the exterior wall for some added interest. The window frames for the majority on the office are now black and a darker double brick soldier course was added to create a band above the windows which further enhances the visual appearance of the building. The brick planters located in the median strip of the parking area replicates the details of the building using the same brick as the building and the darker brick for the row lock cap.

The building renderings were discussed at the last joint town board/planning commission workshop on February 3, 2020. At that workshop, issues were raised regarding the building height and look of the professional building and the overall view of the development from all directions. Mark Lancaster attended the Town Board meeting on February 24th with the latest renderings for the development. He reviewed the changes that were made to the 3-story professional building to make it more visually appealing, which included the bump outs and brick banding to provide more architectural detail.

At the Town Board meeting, Commissioner Falcinelli asked if the 2 buildings in the front could be moved into alignment with the BB&T Bank and have parking behind them. Mr. Lancaster stated that that it would be confusing to customers of those buildings to park behind and then need to walk around front to enter. He stated that the raised retaining wall in front of the buildings will hide the view of most of the vehicles parked in front (from headlights to the ground) as currently proposed. Eric Ware, 6 Washington Street, asked about reducing the height of the professional building. Mr. Lancaster stated that with state parking codes that need to be met, so much office space square footage requires 1 parking space. The project is not feasible to be a 2-story structure. He also stated that it would look more like a shopping center versus a professional building and would be less likely to be seen from the street.

It is staff's understanding that the members of the Town Board no longer have a concern regarding the proposed height of the office building and are pleased with the changes to the look of the building. The dimensions, materials and lighting plan for the retaining wall sign are still needed.

This review will be included in the Middletown Planning Commission materials for the March 16, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on Wednesday prior to the meeting which will be held March 11, 2020.

cc:





HOLLOW CREEK PROFESSIONAL CENTER



**STANDING SEAM METAL ROOF
WITH AZEK FASCIA AND SOFFIT**

EIFS (STUCCO) WALL FINISH

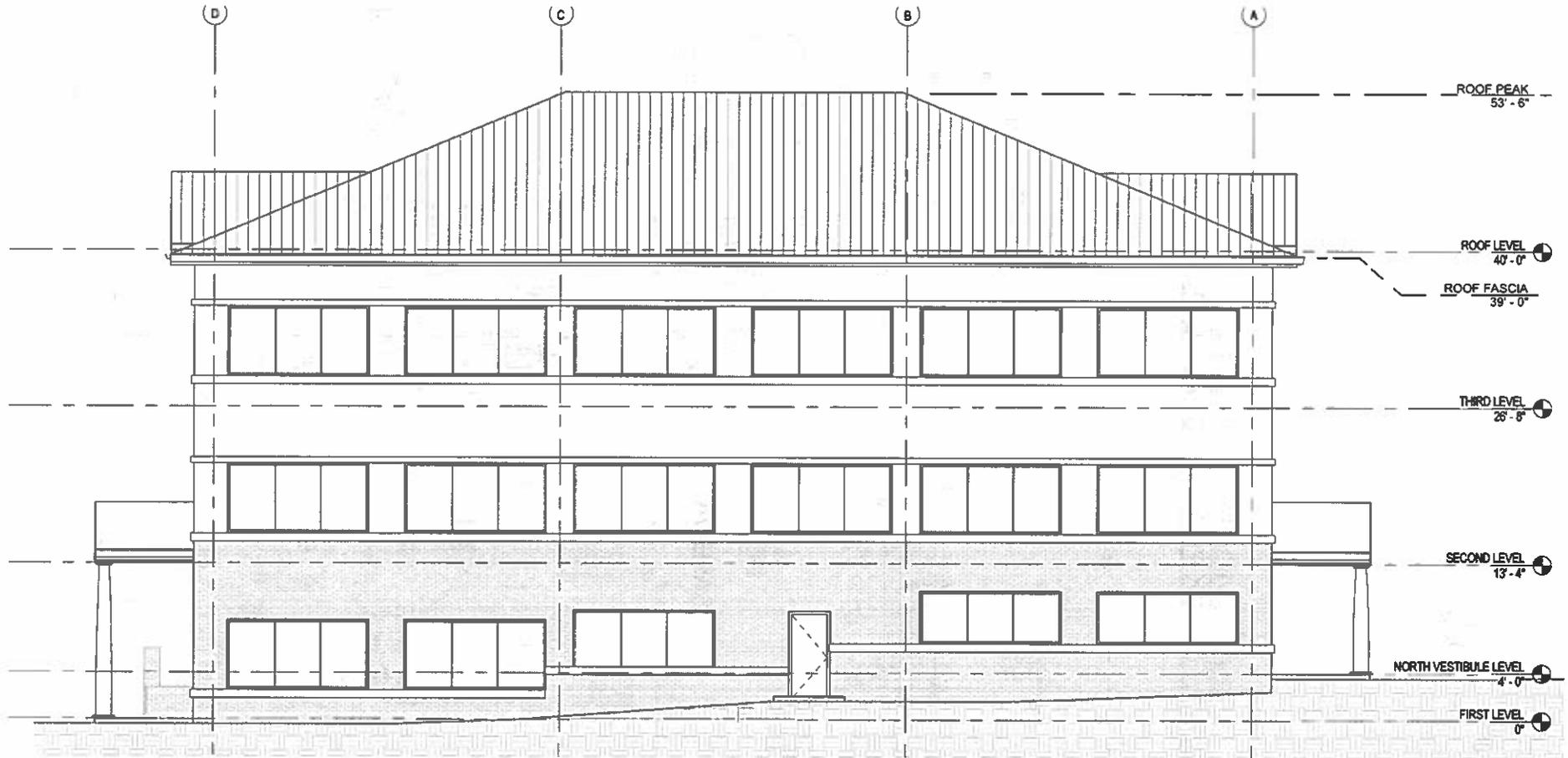
OVERSIZED BRICK IN TWO TONES

**GAZEBO WITH AZEK RAILING
AND FLAGSTONE FLOOR**

**10'x4' BRICK PLANTERS
(MAX. 42" HIGH)**



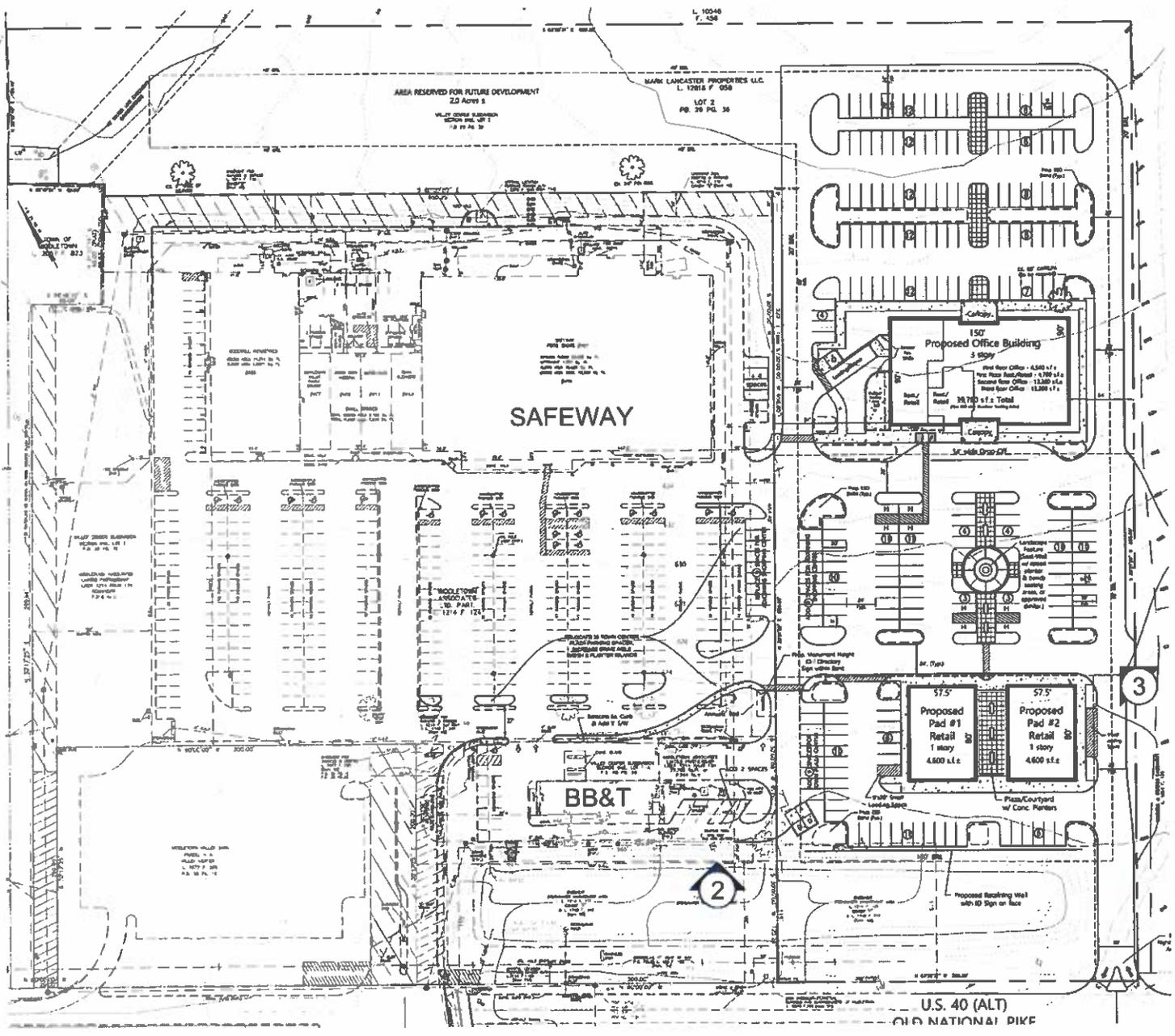
HOLLOW CREEK PROFESSIONAL CENTER
MAIN BUILDING - SIDE ELEVATION



TREE LINE AT MANDA DRIVE

4

RENDER VIEW POSITIONS FOR HOLLOW CREEK PROFESSIONAL CENTER



3

2

1





LANEWOOD PINES

Middletown Planning Office

MEMORANDUM

Date: 3/4/2020
Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **SAINT THOMAS MORE ACADEMY REVISED SITE PLAN**

Tax Map Parcel #03-0140334

Applicant: Saint Thomas More Academy (Jim Merkel – Board President)

Property Owner: St. Thomas More Academy Inc.

Plan Dated: February 24, 2020

Date Received: February 27, 2020

GENERAL INFORMATION

Proposal: Amendment to site plan to add one (instead of two) temporary classroom structure to the school property

Location: 103 Prospect Street, between East Main Street and Franklin Street.

Zoning: R-2 Residential. This district permits churches, schools, libraries, museums and parks, playgrounds, and family day care homes, as well as single-family dwellings, two-family dwellings and duplexes.

Present Use: Private school

COMMENTS

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

1. Minutes from previous site plan approval on August 20, 2018 –

St. Thomas More Academy Site Plan Revision – (Patricia Neuman (Dean of Academics, St. Thomas Moore Academy), Veronica Kosch (Director, St. Thomas More Academy) and Brian Riesett (Board Member, St. Thomas More Academy) were present.) This is a proposed amendment to the site plan to add two temporary classroom structures to the school property located at 103 Prospect. The main building is currently being used as a private school with 85 students and 15 staff. The proposed temporary use is for each of two temporary 20 x 20 modular buildings to be classrooms with 15 students and 1 teacher from 8:00am-3:15pm Monday thru Friday. The fifteen students will walk back and forth between the two buildings to attend various subject classes. The applicant has stated that the temporary use of the classroom buildings would most likely be for five or six years. Their intent is to purchase both the school building at 103 Prospect Street (which is going thru the approval process at the state level currently), and the library building after the new library is built on East Green Street. The Planning Commission was provided a site plan that shows

the proposed location of the temporary structures. The revised site plan shows the temporary classrooms to be located ten feet from the northern side lot line which is adjacent to the Middletown Library property. The applicant would like to place the classrooms six feet from the side lot line, if allowed. Placing the temporary classrooms closer to the lot line would provide more of the rear yard to be used for other purposes. There is no change in the required number of parking spaces. The applicant would need to go to the County for a building permit. The applicant provided a photo of a similar temporary building currently in use at a school in Pennsylvania. The Staff Planner suggested that the site plan be revisited after five years to ascertain that the temporary classrooms don't become permanent without proper approval from the Planning Commission.

- **Dumpsters** - Although the site plan shows a dumpster area adjacent to the proposed classroom buildings, the dumpster area is actually located on the northern side of the building on the grass adjacent to the parking lot which is library property. They need to be moved onto the parking lot to be on the school property.
- **Screening** - It was noted at the Planning Commission workshop that the dumpsters should be screened from adjoining properties. The temporary buildings would be screened as well. Screening will have to be provided to screen between the existing building and the temporary buildings and dumpsters, and along the lot line with the Library.
- **Purchase of the Library Building** – Questions were raised regarding the availability of the current library building being available for purchase in 5 years. There is no information that a new library will be built by that time.
- **Frederick County Life Safety Office** – Will have to review and approve the proposed use of the two temporary structures.
- **Update to the Site Plan** – The Site Plan should be updated to show the following:
 - Identify the distance of the spacing between the two temporary buildings as 3 feet.
 - Identify the distance from the main building to the nearest classroom building.
 - Identify the distance from the main building to the raised curbing in the parking lot.
 - Identify the distance from the raised curbing in the parking lot to the wall of the nearest temporary structure.
 - Identify the turning radius still gives access in to the overflow parking lot.

Action: Commission member Gallagher motioned to conditionally approve the St. Thomas More Academy Concept Site Plan conditional upon the temporary structures being located 6 feet from the property line, review and approval from Frederick County including the Office of Life Safety, and the Site Plan being updated as follows: to identify the distance of the spacing between the two temporary buildings as 3 feet, identify the distance from the main building to the first building, identify the distance from the main building to the curbing in the parking lot, identify the distance from the curbing in the parking lot to the wall of the first temporary structure, and identify that the turning radius still gives access in to the overflow parking lot. This concept site plan will be valid for 5 years and then subject to review by the Planning Commission. Seconded by commission member Dixie Eichelberger. Motion carried (4-0).

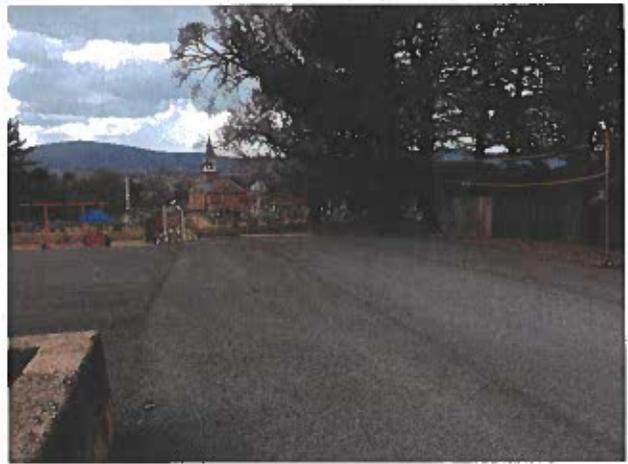
2. **Use** – The use is a private school with 85 students and 15 staff with approximate hours of operation from 8:00am-3:15pm Monday thru Friday which was approved by the Planning Commission on July 16, 2012. An amendment to the hours of operation was approved by the Planning Commission on October 15, 2012, which in effect deleted the approximate hours of operation from the approved site plan. Typically, the regular hours of operation are 7:00am-3:30pm Monday through Friday for regular school activities. From 3:30-6:00pm, Monday through Friday, a small group of children numbering 6 or less, but occasionally up to 10, stay after school for the homework club. All club members are picked up no later than 6pm. Three

days a week, various student clubs meet after school until 4:30pm, which could include 8-20 children. Once per month, the PTO meets at the school from 7:00-9:30pm.

3. **Previous conditions of approval** – The site plan has been revised to show the temporary buildings as 6-feet from the side lot line. The site plan has been revised to show the distance from the principal building to the temporary classroom, the distance from the raised curb to the temporary classroom and the turning radius into the overflow parking area. The site plan shows the fence for the relocated dumpsters.
4. **Temporary use** – The revised temporary use is for one temporary 20 x 40 modular building instead of the previously approved two temporary 20 x 20 modular buildings to be classrooms with 15 students and 1 teacher from 8:00am-3:15pm Monday thru Friday. The fifteen students will go back and forth between the two buildings to attend various subject classes. The applicant has stated that the temporary use of the classroom buildings would most likely be for five or six years. They have purchased the school building at 103 Prospect Street, and propose to purchase the adjacent library building after the new library is built on East Green Street. It is staff's opinion that the site plan be revisited after five years to ascertain that the temporary classroom doesn't become permanent without proper approval from the planning commission.

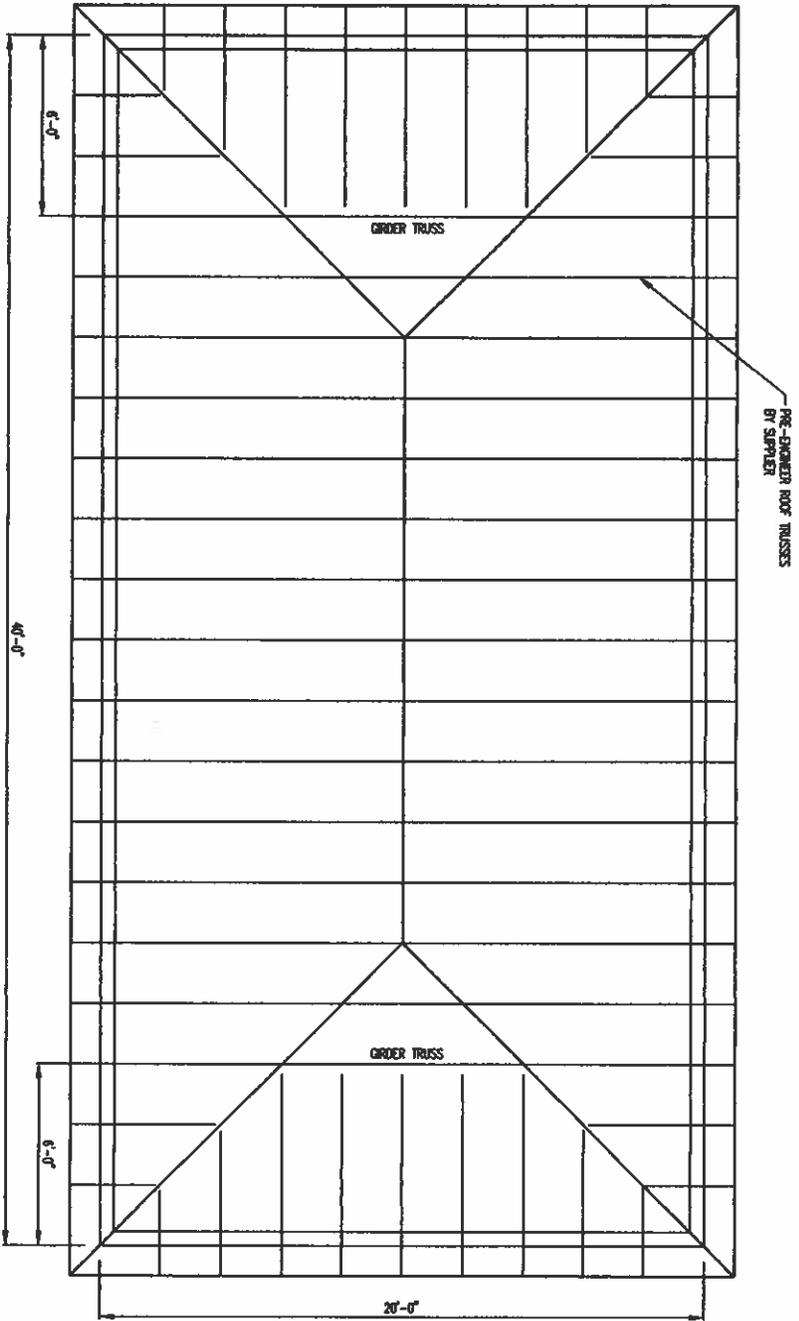
The type and appearance of the temporary building has not changed since the previous approval, nor has the height of the building. Using one temporary building, as opposed to two, will be easier to maintain, and there will be no area between buildings to maintain.

5. **Accessory use or building** – The definition of an accessory use or building according to the Middletown Municipal Code is as follows: "Accessory use or building" means a use or building customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. An accessory building is not attached by any part of a common wall or common roof to the principal building.
6. **Site plans required for approval by planning commission** – According to Section 17.32.230, site plans are required for all institutional buildings unless all of the following conditions are met: A. There is no change in the amount of parking needed; B. The intensity of use has not changed; C. There are no exterior structural changes; D. The building or use has not been grandfathered; E. The building or site meets all existing regulations for the district in which it is located. Since the intensity of use is proposed to change, the site plan does require approval by the planning commission. The planning commission is being provided a site plan that shows the proposed location of the temporary structure.
7. **Yard requirements** – According to Section 17.32.170(D), one-story accessory buildings with a maximum height of twenty-five (25) feet may project into yards provided that: (1) the building does not occupy more than thirty (30) percent of the rear yard; (2) when more than ten (10) feet from the building, it may project into the side or rear yards providing it projects no closer than six feet to the side or rear lot lines. The revised site plan shows the temporary classroom to be located six feet from the northern side lot line which is adjacent to the Middletown Library property.



8. **Parking** – Section 17.32.060B of the Middletown Municipal Code states that the minimum number of parking spaces for schools is subject to site plan approval. The Code also states that parking requirements may be waived or reduced by the planning commission in any instances based on a demonstrated hardship. The approved site plan showed existing parking of 15 spaces which included one handicapped parking space, and 16 overflow parking spaces. The proposed classroom buildings would impede on the overflow parking area. Staff has been told that the overflow parking area is rarely used for that use, and existing parking is adequate for all the employee and visitor needs.
9. **Approval by Frederick County** – An external improvements application will need to be filed with the Frederick County Permits department.

This review will be included in the Middletown Planning Commission materials for the March 16, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be March 11, 2020.



FLOOR FRAMING IS DESIGNED TO CARRY ROOF FRAMING WITH THIS CONSTRUCTION. ANY OTHER CONSTRUCTION MAY CREATE CHANGES TO FLOOR FRAMING AND MUST BE APPROVED BY THIS ENGINEER.

ROOF STRUCTURE PLAN
1/2" PER FOOT

Professional Certification. I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of Maryland, License No. 26342. Expiration Date: 11-17-2021.

2-24-2020

FRAMING PLANS	
SAINT THOMAS MORE ACADEMY 103 PROSPECT ST, MIDDLETOWN, MD	
ROOF STRUCTURE PLAN	2/24/2020
S2 of 2	

STRUCTURAL ENGINEERING RESOURCES, LLC
26 NORTH FOURTH STREET
GETTYSBURG, PA 17325
(717) 337-1335
WWW.SER.LLC.US

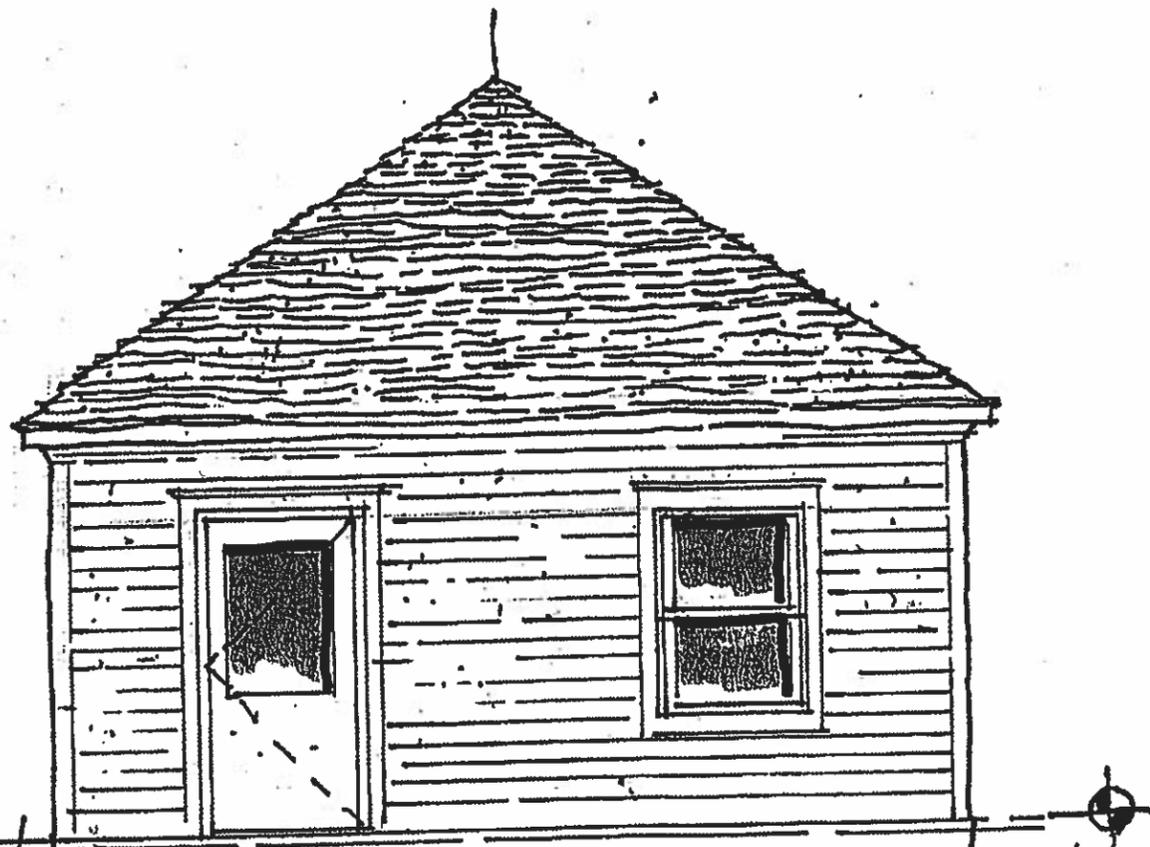
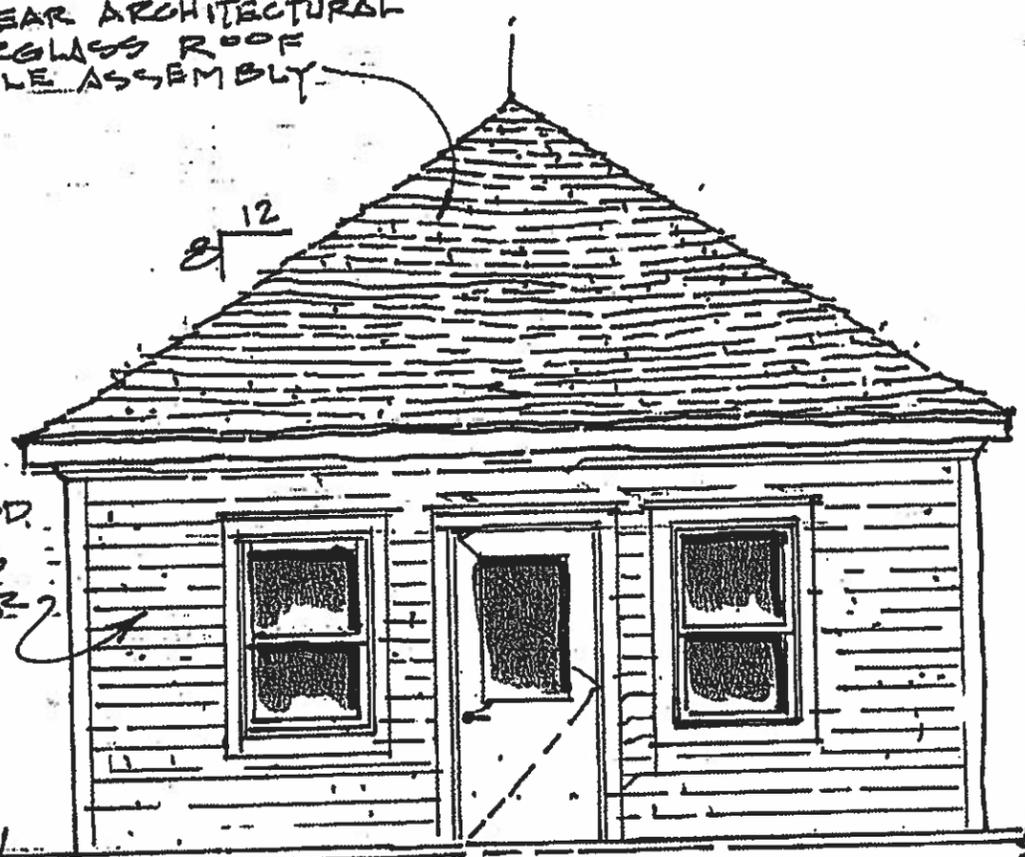
SAINT THOMAS MORE ACADEMY

TEMPORARY CLASSROOM

103 PROSPECT STREET MIDDLETOWN MARYLAND 21769

30 YEAR ARCHITECTURAL
FIBERGLASS ROOF
SHINGLE ASSEMBLY

CEMENT BD.
SIDING
SELECTED
BY OWNER



ELEVATION (FRONT)

1/4" = 1'-0"

ELEVATION (SIDE)

1/4" = 1'-0"

GUTTERS AND DOWNSPOUTS NOT SHOWN BUT ARE INCLUDED IN SCOPE OF WORK

RECEIVED

FEB 27 2020

Town of Middletown

SHEET NO:
FEB 09 2020
APR 14 2020

A-2



BAKER ARCHITECT

Middletown Planning Office

MEMORANDUM

Date: 3/5/2020
Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MEMORIAL PARK STORAGE SHED REPLACEMENT SITE PLAN**

Tax Map Parcel #03-126811

Applicant: Middletown Burgess & Commissioners

Property Owner: Middletown Burgess & Commissioners

Plan Dated: February 20, 2020

Date Received: March 2, 2020

GENERAL INFORMATION

Proposal: Construction of a replacement storage shed for MVAA Softball

Location: Memorial Park – 310 South Church Street

Zoning: OS Open Space (2.96 acres). The Open Space district permits parks, playgrounds, golf courses, public and private recreational uses and cemeteries, along with schools, churches, community centers and other public buildings and those accessory uses commonly associated with them.

Present Use: Existing park

COMMENTS

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

1. **Use** – The proposed use is for a 10-foot by 15-foot storage shed to be erected at Memorial Park to replace a 6'x8' shed which is in poor condition. The new shed would be able to store the lawn tractor used regularly for conditioning the field, which is currently stored at a neighbor's house. The proposed shed would be placed out of sight of park users behind the bathroom building where the horseshoe pits are currently located. Town officials have stated that the horseshoe pits are essentially never used.
2. **Lot requirements** – The building setbacks for the open space district are 50-foot front and rear yards and 15-foot side yards. The request materials do not indicate the proposed distance from the side lot line, but a visit to the site with a measuring wheel showed the distance to the property line to be about 30-feet. The height of the storage shed needs to be provided.



3. **Water and Sewer requirements** – No water is being proposed for the storage shed.
4. **Approval by Frederick County** – The storage shed will need building permit approval from Frederick County.

This review will be included in the Middletown Planning Commission materials for the March 16, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be March 11, 2020.

Memorial Park

Request to Build MVAA-funded Softball Field Shed

MVAA Softball is requesting the Town's approval for MVAA to fund the removal and replacement of their storage shed (6' x 8') (currently located at the backstop) with a new one, slightly larger at 10' x 15' at Memorial Park. The goal will be for the shed to maintain a similar style to other buildings at the park. We intend to place the shed well out of sight to park users, behind the bathroom building. A prior conversation with Drew Bowen and Burgess John Miller indicated that the horseshoe pits back there were okay to remove in the process since they are essentially never used. MVAA is happy to remove them and re-establish grass there. The new shed will be able to store the lawn tractor used regularly for conditioning the infield. This tractor is currently stored at a neighbor's house but can't be stored there forever, thus the request for us to build a larger shed than what we currently have.



The existing shed is in poor condition and blocks half of the view from behind the backstop. This will be removed by MVAA, and we'll establish some grass in its place. Opening up the backstop for spectators will be another advantage of this project. We plan to add one more set of bleachers when funding is available, situated symmetrically behind the backstop with the current bleachers, so there is more room for parents to enjoy watching their kids play!



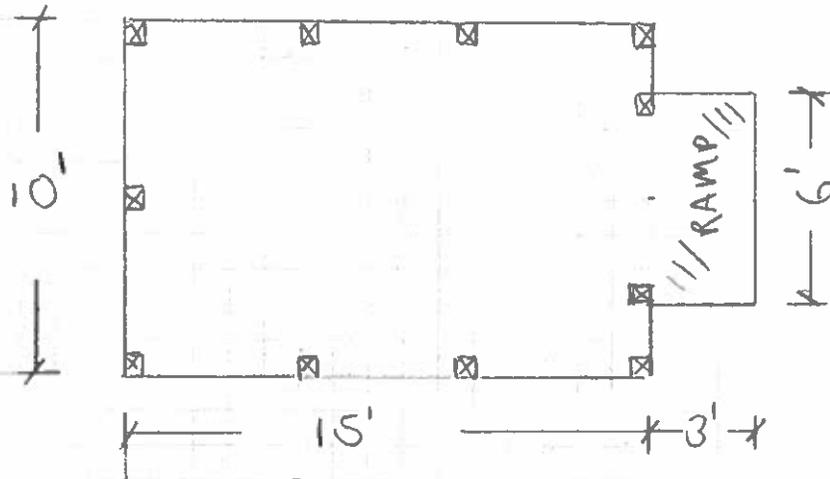
We appreciate the Town's consideration in this small project. The 10' x 15' size meets the Frederick County size requirement for NOT needing a permit. The work will be completed by one of the softball coaches, Rob Melby, who has extensive experience in building construction, and is vastly overqualified to build a shed. Sketches of the shed follow on the next pages.

Thank you,

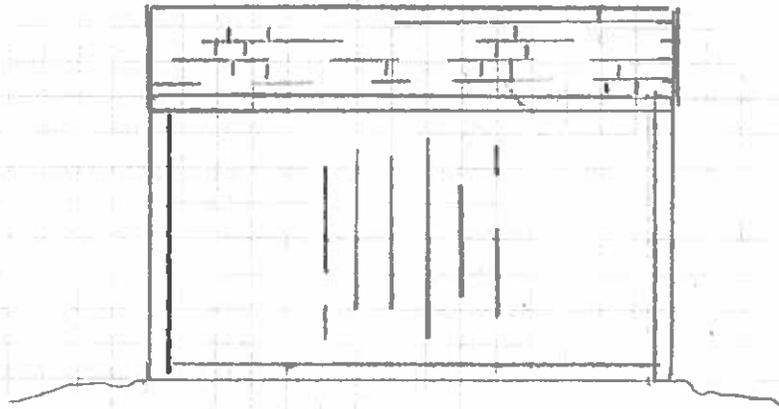
Jon Lobenstine, MVAA Director of Facilities
Emil Kahihikolo, MVAA Director of Softball

MVA A SOFTBALL SHED

R.A. Meby



FLOOR PLAN

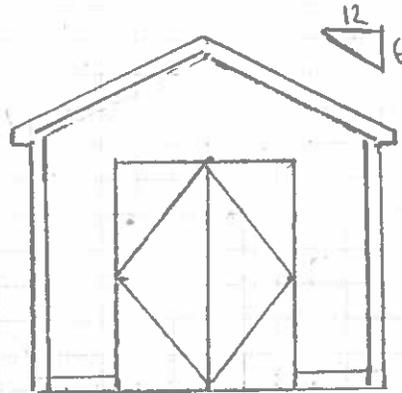


EAST ELEV.

SCALE □ = 1'-0"

MVAA SOFTBALL SHED

R. A. Melby



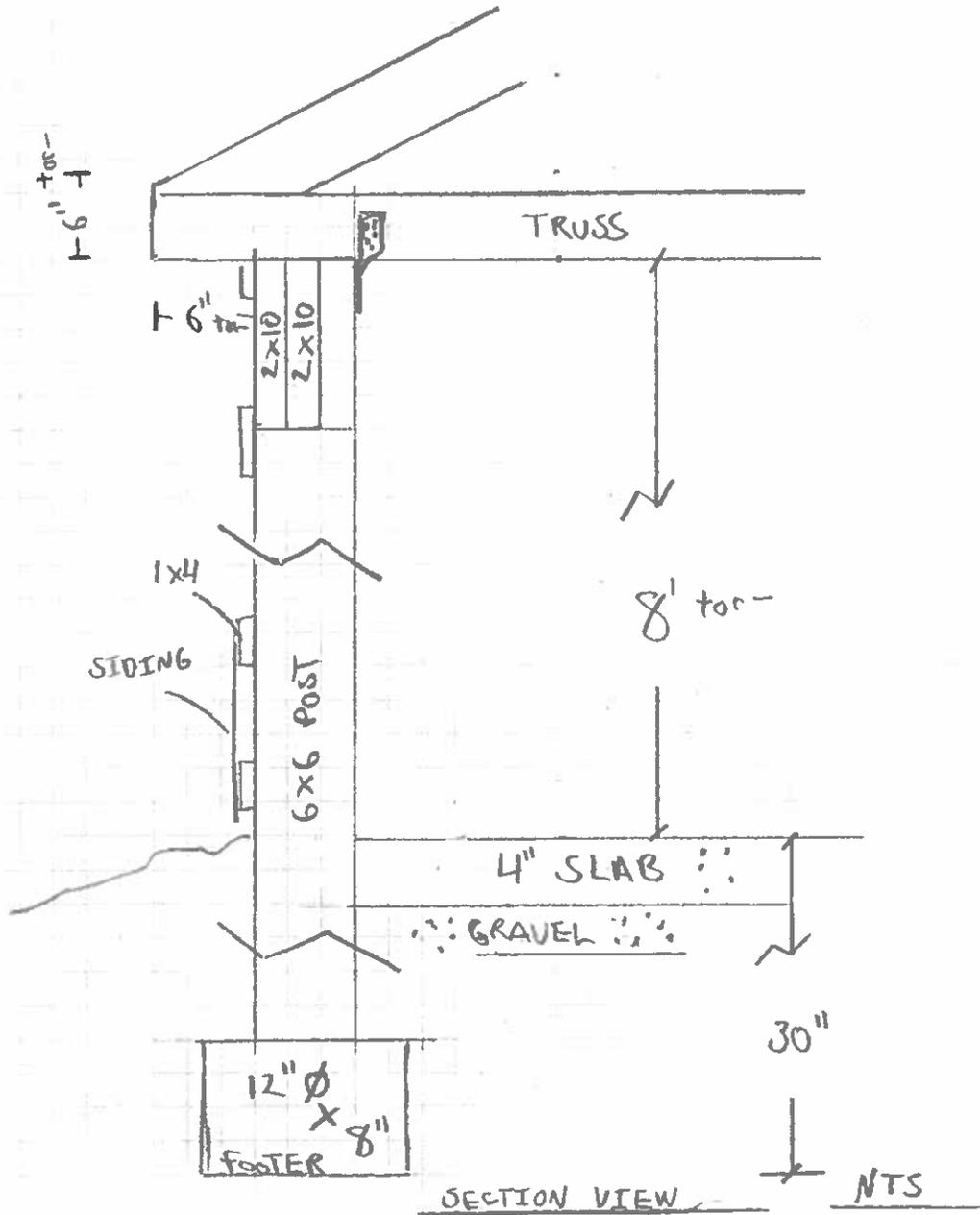
NORTH ELEV.

NOTES

- ① Siding will be Metal or wood Painted "Park Brown"
- ② Shed will be built in a pole barn Manor.
- ③ concrete floor
- ④ Brown gutters
- ⑤ Shingles to Match Bathroom in color and style
- ⑥ Roof Pitch to Match Bathrooms.
- ⑦ Doors will be Painted Cedar
- ⑧ All materials, fasteners and workmanship will be done to code or Better.

R.A. MELBY

MVAAP SOFTBALL SHED





MEMORANDUM

Date: 3/3/2020

To: Burgess & Commissioners and Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: Forest Conservation Ordinance proposed changes per changes in State regulations

Last year Maryland Senate Bill 234 Natural Resources – State and Local Forest Conservation Funds (effective October 1, 2019) was passed which made changes to the State’s Forest Conservation Act. This bill requires a few changes to the Town’s Forest Resource Ordinance. Here is a summary:

- The bill adds mitigation banking to the forest conservation fund.
- The annual report requirements have been revised to require additional information on the number of acres for which the fees were collected, and the number of acres forested, afforested, or conserved using the fees.
- The bill also requires the local governments to submit to the Maryland Forest Service:
 - A general plan identifying appropriate and potentially available areas for mitigation projects.
 - Detailed accounting procedures for accurately tracking money received into and expended out of the forest conservation fund.
 - The method that the local government will make the forest conservation fund plans and accounting procedures available to the public.

In accordance with State law, the Town must send all FRO text amendments to the Maryland Department of Natural Resources for review and approval. The amendments were sent to the State on September 2, 2019, with revisions sent on January 2, 2020.

Attached is a text amendment with proposed changes to the Middletown Forest Conservation Ordinance to bring it in line with the new state regulations. The Planning Commission shall review the proposed amendment and shall submit its recommendations or comments to the Burgess & Commissioners.

IF the Town is interested in emulating Frederick County’s Forest Resource Ordinance, these would be the needed additions to the Town’s ordinance:

16.40.011 - DEFINITIONS.

INTERMITTENT STREAM. [A stream in which surface water is absent during a part of the year as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey as confirmed by field verification.] A stream that has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry

periods, intermittent streams may not have flowing water. Runoff from precipitation is a supplemental source of water for stream flow. These streams are identified through field verification and as approved by the Department. The most recent county hydrography layer may be used as a guide for the preliminary establishment of possible watercourses.

PERENNIAL STREAM. [A stream containing surface water throughout an average rainfall year, as shown on the most recent 7.5 minute topographic quadrangle published by the United States Geologic Survey, as confirmed by field verification.] A stream that has flowing water year-round during a typical year. The water table is located above the streambed for most of the year. Groundwater is the primary source of water for stream flow. Runoff from precipitation is a supplemental source of water for stream flow. These streams are identified through field verification and as approved by the department. The most recent county hydrography layer may be used as a guide for the preliminary establishment of possible watercourses.

16.40.041 – RETENTION PRIORITY

B.4. Critical habitat areas for sedentary animal species; identified as threatened, endangered or in-need-of-conservation under the Maryland Nongame and Endangered Species Conservation Act, Md. Code Ann., Natural Resources Article, §§ 10-2A-01 through 10-2A-09.

5. The following trees or forested areas shall be retained and protected unless the applicant has demonstrated to the satisfaction of the Department that reasonable efforts have been made to protect them and the plan cannot reasonably be altered:

- (a) Forest areas that buffer significantly noncompatible land uses, such as industrial and residential, as determined by the Department; and
- (b) Other forested areas that because of their size, location, species composition, or quality are deemed by the Department as being worthy of conserving permanently.

16.40.043 – REFORESTATION AND CONSERVATION THRESHOLD

A.1. Calculation of Requirements. There are two methods to calculate reforestation requirements. The method that results in the most reforestation shall be used.

- (1) The first method shall require a 1:1 replacement. This means that for every one acre (or portion thereof) of forest removed, one acre must be planted.
- (2) The second method, the “Standard Method”, is set forth in subsection _____.

ORDINANCE NO. 20-03-01

AN ORDINANCE TO AMEND TITLE 16, CHAPTERS 40.028 AND 40.030 OF THE CODE OF THE TOWN OF MIDDLETOWN PERTAINING TO THE FOREST CONSERVATION FUND REQUIREMENTS IN ORDER TO COMPLY WITH RECENT AMENDMENTS BY THE STATE TO LOCAL FUND REQUIREMENTS; TO AMEND THE REQUIREMENTS FOR PAYING MONEY INTO THE FUND; TO AMEND THE TOWN REPORTING REQUIREMENTS TO THE STATE; TO PROHIBIT THE TOWN FROM COLLECTING MONEY FOR DEPOSIT INTO THE FUND UNLESS THE REPORTING REQUIREMENTS HAVE BEEN SATISFIED. ~~TO ALIGN THE TOWN OF MIDDLETOWN'S FOREST CONSERVATION CODE WITH THE MARYLAND DEPARTMENT OF NATURAL RESOURCES STATE REGULATIONS.~~

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 16, Chapters 16.40.028 and 16.40.030 of the Middletown Municipal Code be, and hereby is amended to add additional language concerning the Forest Conservation Fund. New language is designated by being in **BOLD CAPITAL LETTERS**.

Title 16 - SUBDIVISIONS

16.40.028 - Middletown forest conservation fund.

- A. There is established a forest conservation fund in the town of Middletown.
- B. If a person subject to this chapter demonstrates that requirements for reforestation or afforestation on-site or off-site cannot be reasonably accomplished **AND APPROPRIATE CREDITS GENERATED BY A FOREST MITIGATION BANK IN THE SAME COUNTY OR WATERSHED ARE NOT AVAILABLE**, the person shall contribute money into the Middletown Forest Conservation Fund:
 - 1. Until September 30, 2014, at a rate of thirty (30) cents per square foot of the area of required planting;
 - 2. After September 30, 2014, at a rate adjusted for inflation as determined by the state annually by regulation.
- C. Money contributed instead of afforestation or reforestation under this section shall be paid within ninety (90) calendar days after development project completion.
- D. The town shall accomplish the reforestation or afforestation for **THE EQUIVALENT NUMBER OF ACRES FOR** which the money is deposited within two years or three growing seasons, whichever is a greater time period, after receipt of the money.
- E. Money deposited in the local forest conservation fund:
 - 1. May be spent on the costs directly related to reforestation and afforestation, including site identification, acquisition, and preparation, maintenance of existing forests, and achieving urban canopy goals;
 - 2. Shall be deposited in a separate forest conservation fund; and

3. May not revert to the general or any other fund.

F. Sites for Afforestation or Reforestation Using Fund Money.

1. Except as provided in subsection (G)(2) of this section, the reforestation or afforestation requirement under this section shall occur in the county and watershed in which the project is located.
2. If the reforestation or afforestation cannot be reasonably accomplished in the town and watershed in which the project is located, then the reforestation or afforestation shall occur in the county or watershed in the state in which the project is located.

G. EVERY TWO YEARS, THE TOWN SHALL PROVIDE TO THE MARYLAND DEPARTMENT OF NATURAL RESOURCES A GENERAL PLAN IDENTIFYING APPROPRIATE AND POTENTIALLY AVAILABLE AREAS FOR MITIGATION PROJECTS AND DETAILED ACCOUNTING PROCEDURES FOR ACCURATELY TRACKING MONEY RECEIVED INTO AND EXPENDED OUT OF THE FOREST CONSERVATION FUND. THE MITIGATION PLANS AND ACCOUNTING PROCEDURES SHALL BE MADE AVAILABLE TO THE PUBLIC.

1. THE TOWN:

- (1) **MAY NOT COLLECT MONEY FOR DEPOSIT INTO ITS FOREST CONSERVATION FUND UNLESS THE TOWN HAS SUBMITTED TO THE DEPARTMENT OF NATURAL RESOURCES THE GENERAL MITIGATION PLAN AND ACCOUNTING PROCEDURES REQUIRED UNDER SUB-SECTION G. OF THIS SECTION; AND**
- (2) **SHALL ENSURE THAT THE EQUIVALENT NUMBER OF ACRES FOR WHICH MONEY IS COLLECTED AND PAID INTO ITS FOREST CONSERVATION FUND IS MITIGATED IN ACCORDANCE WITH AFFORESTATION, REFORESTATION, AND CONSERVATION PRIORITIES AND TECHNIQUES AUTHORIZED UNDER §5-1607 OF THE NATURAL RESOURCES ARTICLE, ANNOTATED CODE OF MARYLAND.**

16.40.029 *{Unchanged}*

16.40.030 - Annual report and biennial review.

A. On or before March 1 of each year, the town shall submit to the Department of Natural Resources an annual report which contains:

1. The number, location, and type of projects subject to the provisions of this chapter since the last annual report;

2. The amount and location of acres cleared, conserved, and planted, including any areas which utilize forest mitigation bank credits or areas located in the one hundred (100) year floodplain, in connection with a development project;
3. The amount of reforestation and afforestation fees and noncompliance penalties collected and expended, **THE NUMBER OF ACRES FOR WHICH THE FEES WERE COLLECTED, AND THE NUMBER OF ACRES REFORESTED, AFFORESTED, OR CONSERVED USING THE FEES;** and
4. The costs of implementing the forest conservation program.
5. The size, location, and protection of any local forest mitigation banks which are created under the forest conservation program;
6. The number, location, and type of violations and type of enforcement activity conducted in accordance with this chapter; and
7. To the extent practicable, the size and location of all conserved and planted forest areas, submitted in an electronic geographic information system or computer aided design format.

B. The town shall submit the necessary documentation to comply with COMAR 08.19.02.04 which provides for Department of Natural Resources biennial review of the local forest conservation program.

SECTION II. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2020

PASSED ON THE _____ DAY OF _____, 2020

EFFECTIVE DATE: _____, 2020

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

BY: _____
John D. Miller, Burgess

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 3/3/2020

RE: Monthly Planning Update – March

Major Subdivisions:

Foxfield Section 6 (Coblentz Road) – Active-adult special exception use recommended approval by PC to BOA – January 21, 2020

Board of Appeals hearing date – March 17, 2020

Site Plans, Plats and Minor Subdivisions:

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

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

Revised Improvement Plan mylars signed – July 21, 2017

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

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

Improvement Plan mylars signed – November 6, 2015

FRO plantings completed – December 23, 2019

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

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

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

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

Board of Appeals approved self-storage use – February 26, 2020 (Expires Feb. 26, 2021)

Revised Building renderings submitted for PC review – February 24, 2020

Next step – PC approval of architectural renderings; submission of FFCP and Improvement plans for PC review;

Franklin Commons (Franklin Street) -

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

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

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

Next step – BOA approval of height variance request, then submittal of letter of credit and signing of PWA's

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

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

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

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

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

Middletown County Park (Coblentz Road) – FSD and FCP approved – Feb. 17, 2020

Middletown Water Storage Tank (Ashky Ct.) –

Site Plan approved by PC – March 18, 2019 (Plans expire March 18, 2022)

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

Improvement Plans conditionally approved – July 15, 2019 (Plans expire July 15, 2022)

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

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

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

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

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

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

Next step – submittal of improvement plans for review and approval

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

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

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

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

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

Revised site plan submitted to PC for review/approval – February 27, 2020

Annexations:

A.C. Jets Property- PC approval of annexation petition of 35.96 acres – December 21, 2009

Public hearing date - Monday, October 11, 2010

Annexation petition denied by Town Board – October 11, 2010

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

Public Hearing - April 5, 2018

Town Board passed annexation resolution – April 9, 2018

Text Amendments: Accessory structures – under review by Town Board

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

Forest Resource Ordinance amendments – under review by Town Board and PC

Reports: Annual Planning Report draft will be reviewed by PC in April

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

Maryland Urban and Community Forest Committee grant application approved!

Meetings: Next Middletown Green Team Meeting – March 17, 2020

Next Joint town board/planning commission workshop – May 4, 2020