

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street, Middletown, MD 21769

April 10th Workshop agenda for the April 15, 2019 Meeting
(agenda is subject to change as a result of discussions at the workshop)
7:00 p.m.

- I. Public Comment
- II. Minutes of March 2019 Planning Commission workshop Approval
Minutes of March 2019 Planning Commission meeting Approval
- III. Plan Review
Miller Property Demolition Plan Review/Approval
- IV. Zoning
Self-storage facilities regulations Review/Recommendation
- V. Miscellaneous
2018 Annual Planning Report Review/Approval
- 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

March 13, 2019

The regular workshop of the Middletown Planning Commission took place on Wednesday, March 13, 2019 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commission Members Bob Miller, David Lake, and Eric Ware, Temporary Alternate. Others present in official capacity: Cindy Unangst (Staff Planner). Members of the public in attendance: Trevor Dodson, TJ Manson and Ginny Cuff.

MARCH MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW –

Middletown Water Storage Tank Site Plan - Cindy read thru her staff report and showed the members the revisions to the plan that had just been received. There was discussion about landscaping and screening.

Middletown Water Storage Tank FSD/PFCP - Cindy read thru her staff report. The commission members asked whether landscaping could count towards the FRO requirement.

Franklin Commons Improvement Plans – Cindy read thru her staff report and Town Engineer, Bruce Carbaugh's comments to Project Manager, JR Hawkins regarding his review of the plans. Residents in the audience voiced their concerns with safety and increased traffic in the area of the development.

MISCELLANEOUS –

2018 Annual Planning Report – Cindy went thru the sections that have been completed in the draft report thus far and asked the commission members to look at the PC Recommendations section for any edits they might want to make.

Chairman Carney asked Cindy to request that the Zoning Administrator send his reports to the Planning Commission.

Commission member Lake would like the members to discuss the self-storage regulations ahead of the joint workshop in May. It will be put on the April Planning Commission agenda.

Workshop adjourned at 8:05pm.

Respectfully submitted,

Cynthia K. Unangst, AICP
Middletown Staff Planner

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

March 18, 2019

The regular meeting of the Middletown Planning Commission took place on Monday, March 18, 2019 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commissioner Tom Catania (Ex-Officio), Commission members David Lake, Rich Gallagher, Bob Miller, Dixie Eichelberger (Alternate) and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner), Bruce Carbaugh (Town Engineer) and Annette Alberghini (Recording Secretary). Others present: Tom Poss (Verdant Development Group), Bob Smart (resident), Mary Ann Geppert (resident), Gary Hill, Jr. (resident), Gary Higginbotham (resident), Mark Niemeyer (resident) and Trevor Dodman (resident).

MARCH MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None

II. Regular Workshop Minutes of February 13, 2019 – Approved as submitted.

Regular Meeting Minutes of February 18, 2019 – Approved as submitted.

III. PLAN REVIEW

Middletown Water Storage Tank Site Plan – (Town Project – Gary Hill, Jr. (205 Layla Drive), Mary Ann Geppert (7 Ashky Court), Gary Higginbotham (5 Ashky Court) and Mark Niemeyer (213 Rod Circle) present). This is for the proposed construction of a 1 million gallon prestressed concrete water storage tank to replace the two synthetic rubber lined and covered embankment reservoirs, currently in use, for the storage of municipal water, at 4A Ashky Court. Section 17.32.020 of the Town Code states that underground systems for water transmission are permitted in any district provided that a comprehensive plan for such a service is submitted for the review and approval of the town planning commission. The planning commission's review of essential services will assure that the proposals are in accordance with the town master plan, do not unnecessarily form an obstruction to movement and community growth; and do not prove themselves objectionable by reason of hazard, unsightliness, odor, smoke, gas fumes, noise, vibration, radiation, refuse matter or water carried waste. A request for a stormwater waiver was submitted and approved by Frederick County. It is a permitted use in the Open Space district. The proposed storage tank meets the yard requirements and is proposed to be 11-feet above the ground. Notice was sent to all residents within 2,000 feet of the proposed tank informing them of the Planning Commission's review of this site plan (per Town Code). The plans have been provided to the town engineer for review. Three members of the Planning Commission are members of the Town Water and Sewer Standing Committee and are familiar with the proposed Storage Tank plans. Residents present voiced concerns regarding landscaping/screening, lighting and impacts during construction.

• Town Engineer Comments –

- The Town Engineer reviewed the history of the 2 reservoirs currently in use by the Town. The smaller reservoir was created in 1894. The larger reservoir was created in the 1930's. Both reservoirs were lined and covered during the 1980's. The linings and both covers are past their useful life. The proposed storage tank would be built down into the location of the existing larger reservoir and then back filled so that depending on the grade of the backfill, 7 - 11 feet of the tank would be exposed above ground.

- **Construction & Access** - Access for construction of the new storage tank would be through the auxiliary gate on the east side of the site. A temporary crushed stone access road would be built from the auxiliary gate and tie in to Hollow Road. The Town Engineer provided the order in which the construction would proceed. He noted that noise would be minimal. Most would occur with the concrete trucks coming in for the pouring of the concrete slab floor. The Town Engineer expects the project to take less than a year once begun. The temporary access road will be removed once the project is complete.
- **Landscaping/Screening & Lighting** – The Town Engineer reviewed photos he had taken from the streets of the surrounding neighborhood looking towards the water reservoirs, noting where he recommends screening should be placed. It was also noted that the proposed tank is recessed to minimize the visual impact to the surrounding area. New lighting will consist of 2 LED lights at the vault locations, which would shine straight down. Landscaping/screening and lighting will be addressed at the Improvement Plan review.

Action: Commission member Lake motioned to approve the Middletown Water Storage Tank Site Plan with the understanding that the landscaping/screening, and lighting will be addressed during the Improvement Plan stage. Seconded by commission member Miller. Motion carried (5-0).

Middletown Water Storage Tank Forest Stand Delineation/Preliminary Forest Conservation Plan – (Town Project – Gary Hill, Jr. (205 Layla Drive), Mary Ann Geppert (7 Ashky Court), Gary Higginbotham (5 Ashky Court) and Mark Niemeyer (213 Rod Circle) present). This is for the proposed construction of a 1 million gallon prestressed concrete water storage tank to replace the two synthetic rubber lined and covered embankment reservoirs, currently in use, for the storage of municipal water, at 4A Ashky Court. The site contains 2.92 acres with no existing forest on the site, and the reservoir area is completely enclosed by an 8' high fence. The area between the chain link fence and western property line is a rip-rapped slope which contains the only woody vegetation on site. Shrub species include bush honeysuckle, multiflora rose and privet; tree species include tree of heaven, boxelder, cherry and hackberry, none of which are specimen size. Existing trees planted in adjacent residential properties provide screening from the reservoirs and storage areas. The total afforestation required for the 2.92-acre tract is 0.58 acres. No on-site afforestation can occur as there is not enough room.

All the requirements for forest stand delineation have been met. All the requirements for the preliminary forest conservation plan have been met aside from the determination of how the mitigation requirement will be met. The method for mitigation can occur at the final forest conservation plan stage.

Action: Commission member Miller motioned to approve the Middletown Water Storage Tank Forest Stand Delineation/Preliminary Forest Conservation Plan as presented. Seconded by commission member Gallagher. Motion carried (5-0).

Franklin Commons Improvement Plans - (Tom Poss (Verdant Development Group), present). This is for the proposed construction of 18 multi-family dwellings in five buildings on a 1.74-acre parcel located on property adjacent to the existing Middletown Valley (Chesterbrook) apartments on the south side of Broad Street and west of Franklin Street. The improvement plans for Franklin Commons (formerly Chesterbrook – Phase 2) were conditionally approved on September 21, 2015. The approval was conditional on complying with the comments from the Director of Public Works and Frederick County, updating the lighting plan to include suitable shielding for the proposed lighting, replacing the first-floor window on the architectural rendering with a garage door, and deleting the unnecessary text box on the Landscape Plan per comments from the Staff Planner. The revised plans were reviewed by staff and signed on January 4, 2016. These improvement plans are back before the Planning Commission because the previous approval has expired.

- **Site plan re-approval** - The Chesterbrook Phase 2 Site Plan was re-approved on May 21, 2018 conditional upon the variance request for the height of the buildings being approved by the Board of Appeals (approved July 12, 2018), guaranteeing of the length of the driveways to be 20 feet long, and the understanding that the developer will work with the Town Engineer to make any necessary changes at the intersection of Franklin Street and Broad Street to take into account the speed bump that was installed in 2017.
- **Stormwater Management Plans** - Although the County had previously approved the plans, the plans will need to be re-approved as the approval expired on March 4, 2019.
- **Condominium Association** – The documentation for the Condominium Association for this development is being created at this time. Once it has been reviewed by the State, this documentation will have to come before the Planning Commission for review prior to the submittal of a building permit.
- **Street Intersection Improvements** – A town resident voiced concerns regarding the crosswalks shown on the plans at the intersection of Broad and Franklin Streets. The Town Engineer provided clarification. The Town Engineer recommended that the developer extend the handicap access at the corner to tie in with the existing raised crosswalk on Broad Street. The developer stated that their intent is to enlarge the handicap ramp and tie in with the raised crosswalk.
- **Town Project Manager and Town Engineer Comments** – The Town Project Manager and Town Engineer provided the following comments to be addressed:
 - All the Town Standard Notes need to be updated to reflect the current approved Standard Notes for Construction as provided on the Town's Website under Middletown Design Manual.
 - All the Town Standard Details need to be updated to reflect the current approved Standard Details for Construction as provided on the Town's Website under Middletown Design Manual.
 - Ensure that all Frederick County Details shown on the plans are reflecting the current approved version of the Details.
 - The existing Stop Sign located at the intersection of Broad St. and Franklin St. is to be relocated, replaced and reinstalled as necessary to accommodate the new radius at the intersection.
 - Sheets 2, 3, 4 and 7: Show the 6" bypass piping around the meter vault.
 - Sheet 7: Please add an additional note to read, "Fire Hydrant flushing shall be the responsibility of the Owner. It is recommended that Fire Hydrant flushing be done twice a year, once in the spring and once in the fall. The Owner shall notify the Town of Middletown (301-371-6171) prior to any flushing activities."
 - The proposed curb, curb radius, sidewalk, and acceleration lane near the intersection of Broad and Franklin will need to be redesigned to accommodate the current field conditions. There is a raised crosswalk located directly south of the Storm Drain Curb Inlet on the west side of Franklin Street and extends across Franklin Street. The developer will have to design their proposed grading, sidewalk, curb and gutter, and pavement in order to accommodate the existing raised crosswalk. It will be acceptable for the developer to remove the raised crosswalk to the road edge and replace the asphalt with concrete sidewalk where needed outside the travel lanes, i.e. behind the curb and gutter.
 - Street lights shall be private not town owned and a note needs to be added to the plans to reflect this.

Action: Commission member Lake motioned to conditionally re-approve the Franklin Commons Improvement Plan, conditional upon County re-approval of the stormwater management plans, addressing comments from both the Town Engineer and Town Project Manager, and Planning Commission review of the Condominium Association documents prior to building permit submittal. Seconded by commission member Miller. Motion carried (5-0).

IV. ZONING – The Planning Commission would like to receive a copy of the monthly report the Zoning Administrator provides to the Town Board. The Staff Planner will pass this request to the Zoning Administrator.

V. MISCELLANEOUS

2018 Annual Planning Report – The Planning Commission members have copies of the draft 2018 Annual Planning Report for review. Planning Commission members are asked to submit any new recommendations to the Staff Planner for inclusion in this report.

VII. ADDITIONAL PUBLIC COMMENT

Staff Planner Monthly Planning Update – The Staff Planner updated the Planning Commission on several projects occurring within the Town.

- **Middletown Glen** – Three more zoning certificate applications have been received for 3 new houses.
- **Cross Stone Commons** – Building 4 construction is continuing.
- **Dowd Property** – The developer would like to meet with the Safeway property manager regarding traffic flow improvement between the two properties.
- **Miller Property** – The Town has received a demolition plan for the 3 small buildings on the west side of the property. They are to be removed in order to provide additional parking spaces. This will be an agenda item for the April Planning Commission meeting.
- **Next Joint Town Board/Planning Commission Meeting** – May 6, 2019.

Meeting adjourned at 8:17pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary

Middletown Planning Office

MEMORANDUM

Date: 3/20/2019

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MILLER PROPERTY DEMOLITION SITE PLAN**

Tax Map Parcel #03-036094 and 03-136108

Applicant: Ann Miller

Property Owner: Miller Commercial Properties LLC

Plan Dated: March 19, 2014; revised April 20, 2018

Date Received: March 7, 2019

GENERAL INFORMATION

Proposal: Remove the three side buildings behind 121 East Main Street on the west side of the property

Location: 203 East Main Street, at the intersection of East Main and Broad Streets

Zoning: TC Town Commercial.

Present Use: Vacant buildings

COMMENTS

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

1. The reason for the proposal is to continue the re-development of the property for future tenants – a restaurant and market, as well as the proposed re-use of the concrete building at the rear of the west side of the property which will be developed as Phase IV.
2. With approval, demolition is set to begin as soon as permits are received from the County and is proposed to last no more than two weeks, and probably just one.
3. Most of the requirements of Section 17.32.160 (Demolition site plan – Required in all districts.) of the Middletown Municipal Code have been met.

17.32.160A. In all districts a proposal and permit application for the demolition of any building or structure, as defined in [Section 17.04.030](#), shall require site plan approval by

the Town of Middletown Planning Commission prior to the issuance of a permit for said demolition. The demolition site plan shall show:

1. The dimensions and boundaries of the property and the location of all improvements thereon; *shown*
 2. The location of the building or structure proposed to be demolished; *shown*
 3. The location of all adjacent properties and structures (to include fences and accessory structures); *shown*
 4. The proposed date and time of demolition, the anticipated length of time for demolition, and the proposed manner or type of demolition to be used; *shown*
 5. The identity of the person(s) or entity that will perform the demolition and information confirming the experience and professional credentials of such person(s) or entity; *shown*
 6. Information describing any type of explosive or incendiary device proposed to be used in performing the demolition; *shown*
 7. A safety plan that outlines the precautions to be taken for the demolition in order to ensure the safety and protection of persons and surrounding properties; *shown*
 8. The location of all existing public utilities on the property and in the area and confirmation of a plan for the discontinuance of utility service to the structure or building proposed to be demolished prior to the demolition taking place; *shown*
 9. Assurances that the proposed demolition will be in compliance with all federal, state and local laws, ordinances and regulations including, but not limited to, any and all laws and regulations governing "Hazardous Materials" and the disturbance and/or removal of "Hazardous Materials" from the property; and
 10. A proposal and plan for any grading, seeding, sodding, or post demolition restoration of the demolition site. *shown*
4. An aerial photograph of the property has been attached to this memo along with a site plan that shows the location of the area of the three buildings to be demolished.
 5. An aerial photo of the property that includes the utility lines and structures in the area of the proposed demolition is also attached. Bruce Carbaugh, Director of Public Works, has reviewed the plans, and his only comment is to provide verification that the sanitary sewer lateral on the south side of the proposed demolition has been abandoned and is capped off.
 6. Letters were sent to the adjacent property owners informing them of the proposed demolition. The property was posted as well.
 7. The demolition plan will need to be reviewed and approved by Frederick County. Approval will most likely be conditioned on all demolition materials to be discarded properly to an approved disposal facility.

This review will be included in the Middletown Planning Commission materials for the April 15, 2019 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be April 10, 2019.

TO: Town of Middletown
FROM: Ann Miller representing Miller Commercial Properties, LLC
Date: March 7, 2019

RECEIVED

MAR 07 2019

TOWN OF MIDDLETOWN, MD

Demolition Plan

Location of Demolition: 203 East Main Street

To Be Demolished: three buildings on west side of property (as indicated on site plan)

Proposed Date of Demolition: soon after approval

Duration of Demolition: most likely one week and no more than two weeks

Method of Demolition: deconstruction; no explosives will be used

Performed by: BSI – company doing work on the property presently

Post Demolition restoration: additional parking will be added to the property

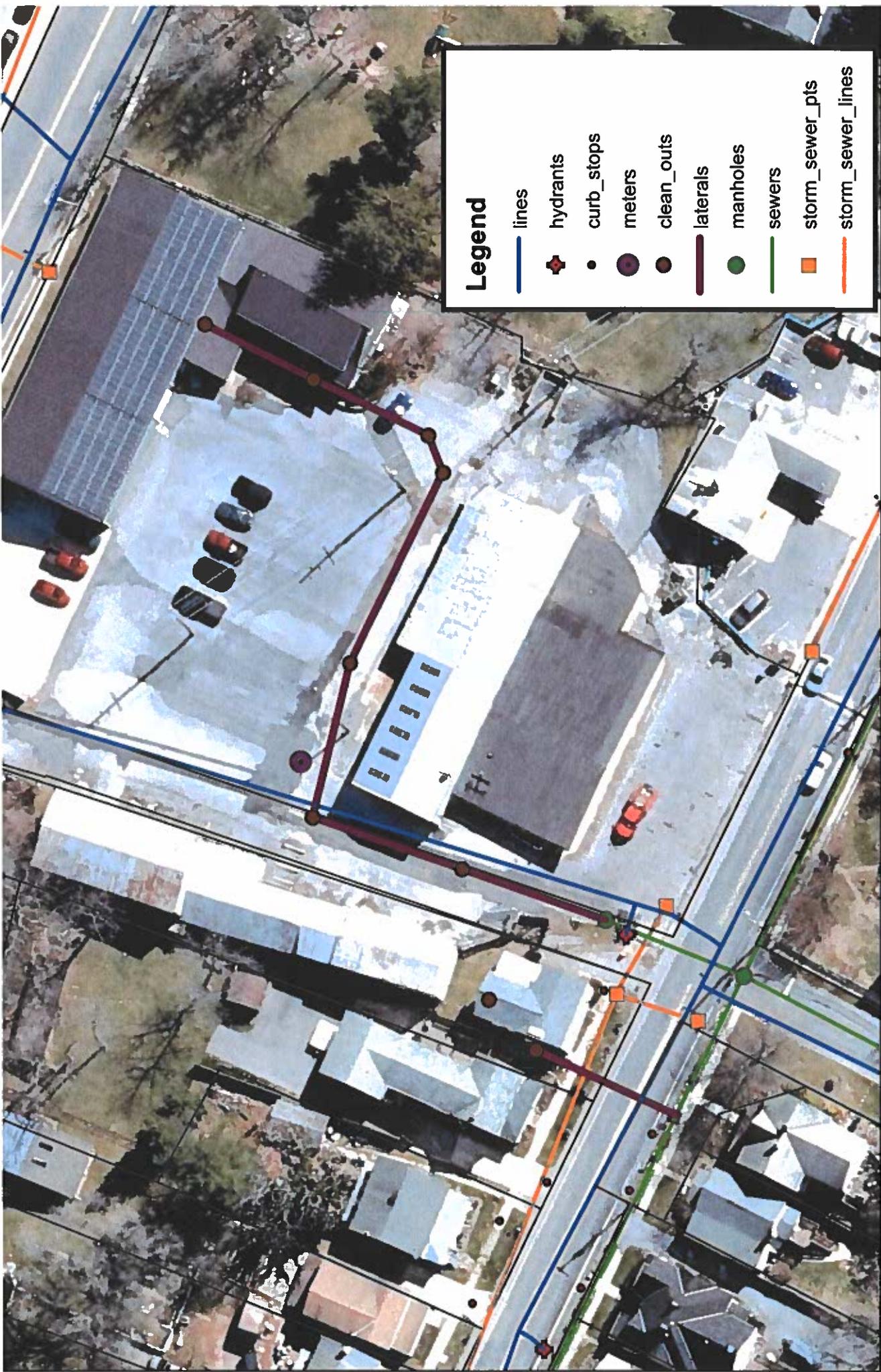
Notes:

Workers will utilize all necessary safety equipment to deconstruct the buildings. Materials from the demolition will be recycled or taken to the County landfill.

Adjacent Property Owners Notified:

1. Jeannine and Parker Ranniger 119 E. Main St.
2. James and Kathleen Shankle 128 E. Main St.
3. James and Josette E. Dent 200 E. Main St.
4. Middletown BP Inc., 211 East Main Street
5. Jane Tamagna and Lonnie Darr 217 E. Main St.
6. Frederick County Public Schools, 191 South East Street, Frederick, MD 21701
7. Middletown Land Venture, 22 West Second Street, Fredrick, MD 21701



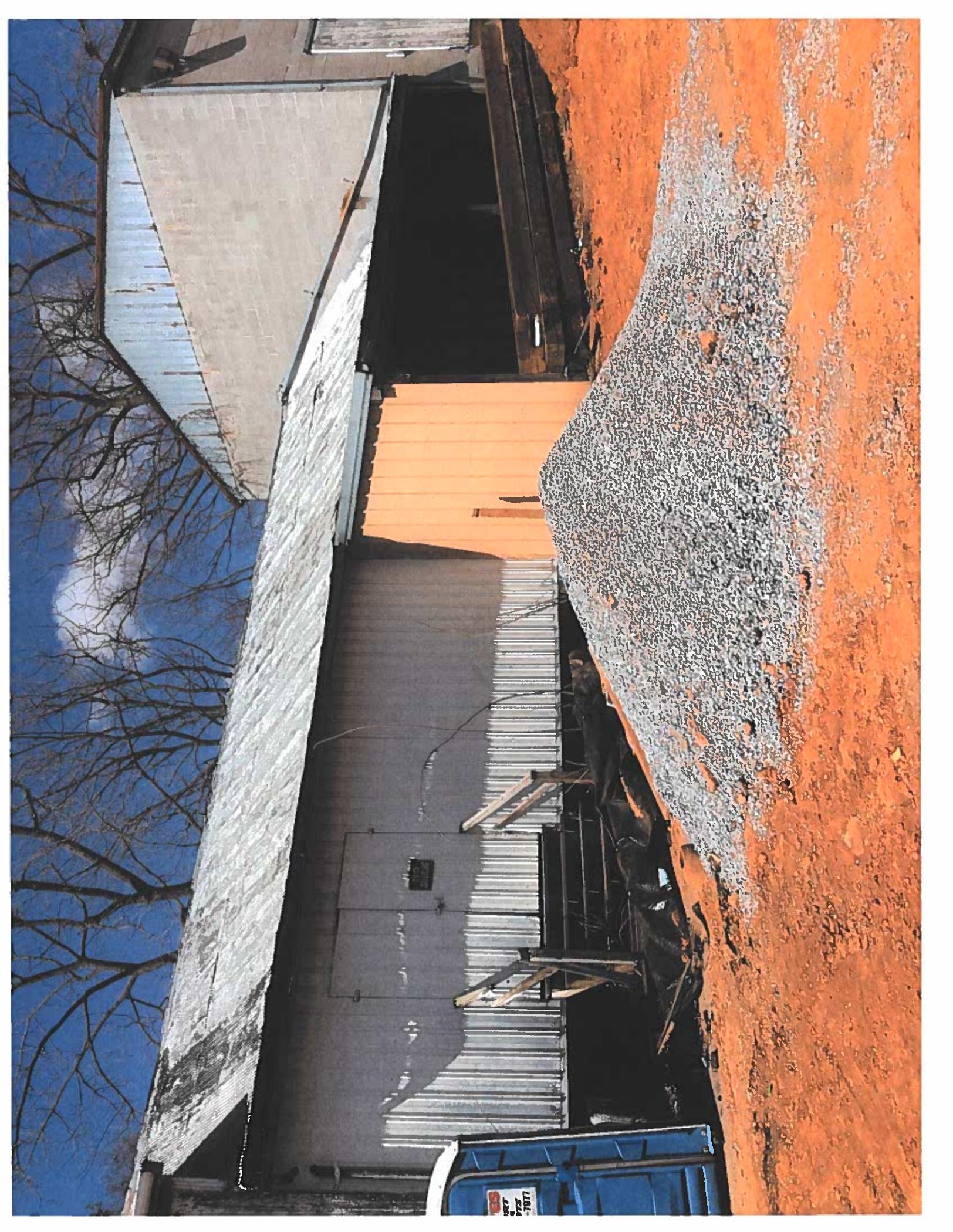


Legend

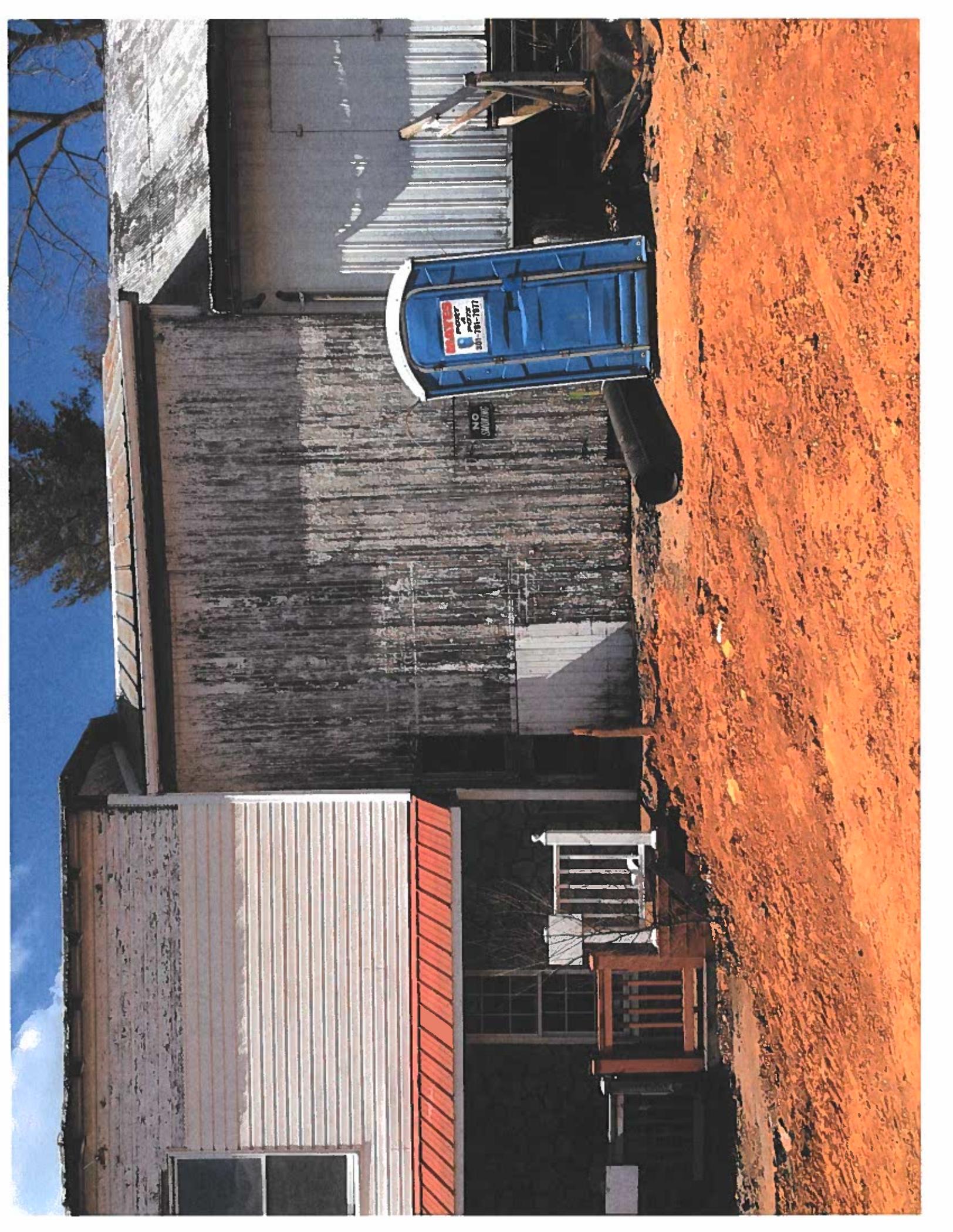
- lines
- ⊕ hydrants
- curb_stops
- meters
- clean_outs
- laterals
- manholes
- sewers
- storm_sewer_pis
- storm_sewer_lines

Utilities Map

Town of Middletown

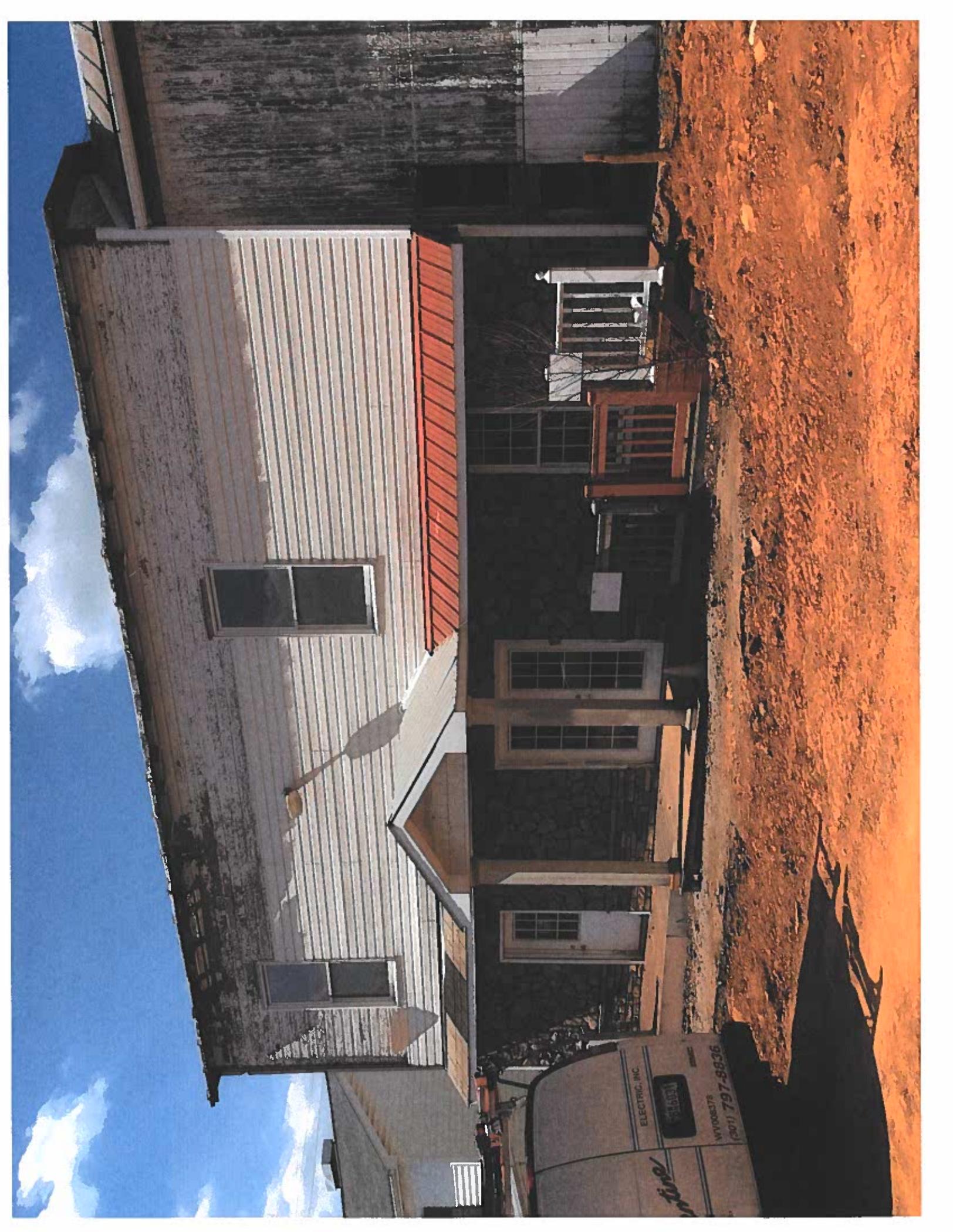


855-888-7977



BATH
240-781-7877

NO SWAMPING



ELECTRIC, INC.

WV0008378
(301) 797-8836

in line

**Miller Commercial Properties
8600 B Myersville Rd
Middletown, Maryland 21769**

March 7, 2019

Dear Neighbor,

This letter is to notify you that I have applied to the Town of Middletown Planning Commission for a permit to demolish three side buildings behind 121 East Main Street.

As soon as this project is approved, the demolition will begin shortly thereafter. Workers will utilize all necessary safety equipment to demolish the buildings.

If you have any concerns, there will be a planning commission meeting regarding this project on Monday, April 15, 2019.

Sincerely yours,

Ann Miller

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, § I, 8-14-2015, eff. 10-4-2015; Ord. 182 § 10.5.7 (part), 1976)



MEMORANDUM

DATE: February 4, 2019
TO: Burgess and Commissioners
FROM: Andrew J. Bowen, Town Administrator
SUBJECT: Town Code Conflict in General Commercial (GC) Zoning District

ISSUE

There is a conflict in the Town Code Section 17.20.020.C. and Section 17.48.340.E. How should the Town Board address this conflict?

BACKGROUND

The developer of the Dowd Estate has filed a Preliminary Site Plan proposing Self-Storage on the property which is zoned GC. Under GC (17.20.020.C.) Special Exceptions, it listed all of the special exceptions uses as **PRINCIPAL**, if approved by the Board of Appeals; but when you look under Specific Standards for Special Exceptions (17.48.340.E.), it states that Self-Storage may be permitted only as an **ACCESSORY** use. The Town Board requested an opinion from the Town's Attorney to advise the Town Board how to address this conflict. The attorney's opinion pointed out, under *statutory construction*, the status last enacted is deemed to have repealed the inconsistent term of the former.

Section 17.20.020.C. was passed in 2007 and Section 17.48.340.E. was passed in 1997. Therefore, under statutory construction, a self-storage facility can be allowed as a primary use as a Special Exception in the GC.

RECOMMENDATION

Staff has no recommendations, but offers the following options for the Town Board to consider:

1. Do nothing. Use the concept of statutory construction to deem the self-storage as an principal use to be permitted only and an accessory use to be inconsistent.
2. Remove the line E. from 17.48.340. That would remove any inconsistency.
3. Redebate the entire issue of self-storage in GC and decide what you want today and enact and repeal a new ordinance with what the Town Board wants today.

If the decision of the Town Board is to enact any type of ordinance to address this issue, staff would suggest the new ordinance to address a couple of things to avoid any problems in the future. They are:

- i. The Town should define the following words in Zoning Section
 - a. Self-Storage
 - b. Storage
- ii. The Town has three (3) commercial zoning districts. Only GC uses the wording in the Special Exception of "*principal uses*", does the Town Board want these three (3) commercial districts to be consistent when it comes to Special Exceptions.

ATTACHMENTS

Code Section 17.20.020.C. & Section 17.48.340.E.

• **17.20.020 - GC general commercial district.**

A. Purpose. The GC district is intended to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. The uses permitted in this district are of such character as to provide for comparative shopping needs, service and repair needs, office uses, specialized commercial and entertainment activities and those establishments which cater primarily to the motoring public.

The location of such areas should be such that stores and commercial activities can be grouped together in an attractive and convenient manner at locations that will not infringe on residential areas. It is also essential that areas for this district be on major thoroughfares in order to provide for vehicular accessibility.

B. Uses Permitted in the GC District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:

1. Clubs, lodges, fraternal organizations;
2. Public buildings, structures and services;
3. Retail sales: paint, wallpaper, hardware, food, apparel, appliances, jewelry, fabric, furniture, furnishings, office equipment and supplies, general merchandise, equipment rental, floral items, plants, plumbing, heating and electrical;
4. Eating and drinking establishments;
5. Personal services—laundry, barber, beauty, funeral;
6. Office and business services—contractor, finance, insurance, real estate, advertising, employment agencies, business management, photocopying, printing;
7. Repair services—electrical appliances, furniture, upholstery, jewelry repair, clothing, shoe;
8. Professional offices and services—medical, dental, legal, engineering, veterinary, architectural, design;
9. Commercial recreation—theaters, bowling alleys, amusements;
10. Places of worship;
11. 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)



MIDDLETOWN PLANNING COMMISSION

2018 ANNUAL REPORT

Approved April __, 2019 by Middletown Planning Commission

BURGESS & COMMISSIONERS

John Miller, Burgess (4/2016-4/2020)
Jennifer Falcinelli, Burgess Pro-tem (4/2014-4/2018)(4/2018-4/2022)
Larry Bussard (4/2014-4/2018)(4/2018-4/2022)
Richard Dietrick (4/2014-4/2018)(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 (5/2013-5/2018)(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)
Meredith McKittrick, Temp. Alt. (1/2017-6/2018)
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 (4/2017-5/2019)
Thomas Routzahn (1/2017-1/2020)
Tim Coakley (1/2017-1/2020)
Alex Kundrick, Alternate (3/2017-3/2020)

Town Zoning Administrator

Ron Forrester (2/2014-5/2018)
Mark Hinkle (10/2018 – present)

INTRODUCTION

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

TEN YEAR PERIODS OF POPULATION GROWTH based on Census

1970 – 1980	486
1980 – 1990	86
1990 – 2000	834
2000 – 2010	<u>1,468</u>
	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 - 2018

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. Valley Center 821 East Main Street	4	GC	Discussion of retail, office and self-storage development (5/21)

SITE PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
2A. Richland Driving Range 50 Glenbrook Drive	1	GC	Approval of driving range structure (Approved 1/15)
2B. Moody Shed Demolition 103 S. Jefferson Street	1	R-3	Approval of demolition of a shed (Approved 3/19)
2C. Cross Stone Commons 100 Middletown Parkway	1	GC	Approval of revisions to Building #4 (Approved 3/19)
2D. Dewitt Deck Demolition 116 Mariam Pass	1	R-1	Approval of demolition of deck (Approved 4/16)
2E. Harne Deck Demolition 6 Caroline Drive	1	R-1	Approval of demolition of deck (Approved 5/21)
2F. Franklin Commons Franklin and Broad Streets	18	R-3	Approval of 18 townhouse condo units (Re-approved 5/21)
2G. St. Thomas More 103 Prospect Street	2	R-2	Approval of two temporary classroom buildings (Approved 8/20)

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>
3. Richland Driving Range 50 Glenbrook Drive	1	GC	Approval of improvement plans for driving range structure (Deferred 9/17)

FOREST CONSERVATION PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
4. Valley Center 821 East Main Street	4	GC	Approval of FSD plans for commercial development (Approved 4/16)

SUBDIVISION PLATS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
5. Williams Plat 19 East Main Street	2	R-2	Subdivision of lot into two lots (Approved 1/15)

ADDITION PLATS

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

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)

Storage container text amendment – Planning Commission reviewed and commented on adoption of revisions to provisions pertaining to the use of storage containers. (Section 17.32.045) [PC commented 5/21; B&C adopted 8/13]

Demolition site plan text amendment – Planning Commission reviewed and commented on adoption of revisions to the demolition ordinance to allow demolition of certain structures under 500 square feet with the authority of the zoning administrator; and to make other language and stylistic changes. (Section 17.32.160) [PC commented 5/21; B&C adopted 8/13]

Microbrewery text amendment – Planning Commission reviewed and commented on establishing microbreweries as a permitted use in the GC and TC commercial zoning districts; to provide a definition for the term “microbrewery”; and to amend Section 17.02.080 to clarify the date before which a structure must be in existence in order to use the structure for fabrication, light assembly and storage. (Sections 17.04.030, 17.20.010, 17.20.020 and 17.20.080) [PC commented 7/16; B&C adopted 12/10]

Blighted property ordinance – Planning Commission drafted regulations which would provide a definition of blighted property and enforcement, penalties and remediation incentives for offenses. (Chapter 8.24) [PC commented 11/19]

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. Franklin Commons	variance of 5' for height of buildings	corner of Franklin and Broad Streets	Approved	7/12
B. Fire Department	variance from sign area requirement	401 Franklin St.	Approved	9/20
C. Safeway Shopping Center	variance for sign size and height	815 E. Main St.	Approved	12/19

INFRASTRUCTURE PROJECTIONS:

TRANSPORTATION:

Action taken by the Town in the year 2018 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. Future development should incorporate roadway dedication and construction to provide minimum collector type road links from east to west, and a collector from US 40-A north to I-70.

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 Fall of 2019.

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 2017 was 305,000 gpd. The water

system is routinely monitored for possible contaminants in accordance with Federal and State laws, and there were no violation levels in 2018. The Town has an engineering study underway for the replacement of the reservoirs.

WASTE WATER TREATMENT FACILITIES:

The East End 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 2017 were 227,000 gpd.

The discharge permit for the West End WWTP at Catocin Creek in the southwest section of Town is 250,000 gpd. Average daily flows for 2018 were 203,000 gpd.

There were no violations for either plant in 2018.

PARKS AND GREENWAYS:

Walking trails were completed in 2018 that connect to the footbridge over Cone Branch Creek across Franklin Street from the Primary School, and Remsberg Park, for continuation of the walking trail system around the Town. Once the SHA streetscape project is completed, a walking trail sign will be installed on the Cone Branch Trail off East Main Street.

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 2017, the organization started a direct financial incentive program to help offset the expenses associated with the physical improvement and maintenance of historic properties. Through Main Street Middletown’s Façade Improvement Program, commercial properties that are listed as Contributing to the Middletown Historic District, that make improvements that conform to the Secretary of the Interior’s Standards for Rehabilitation, may be reimbursed up to 50% of eligible project costs. In 2017, The Main Cup, a restaurant and bar, took advantage of the program to restore the historic Main’s Ice Cream sign associated with the property.

In addition, Main Street Middletown has taken on the historic plaque program that was formerly managed by the Town. In 2017, the organization reached its goal of adding 6 additional properties with honorary plaques for a total of 19. Main Street Middletown received funding from the Heart of the Civil War Heritage Area through a Mini-Grant to help off-set the expenses of each plaque.

STRATEGIC PLANNING INITIATIVES

ZONING ORDINANCE UPDATE

No updates to the Zoning Code were completed in 2018 aside from the few text amendments 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 2019 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:

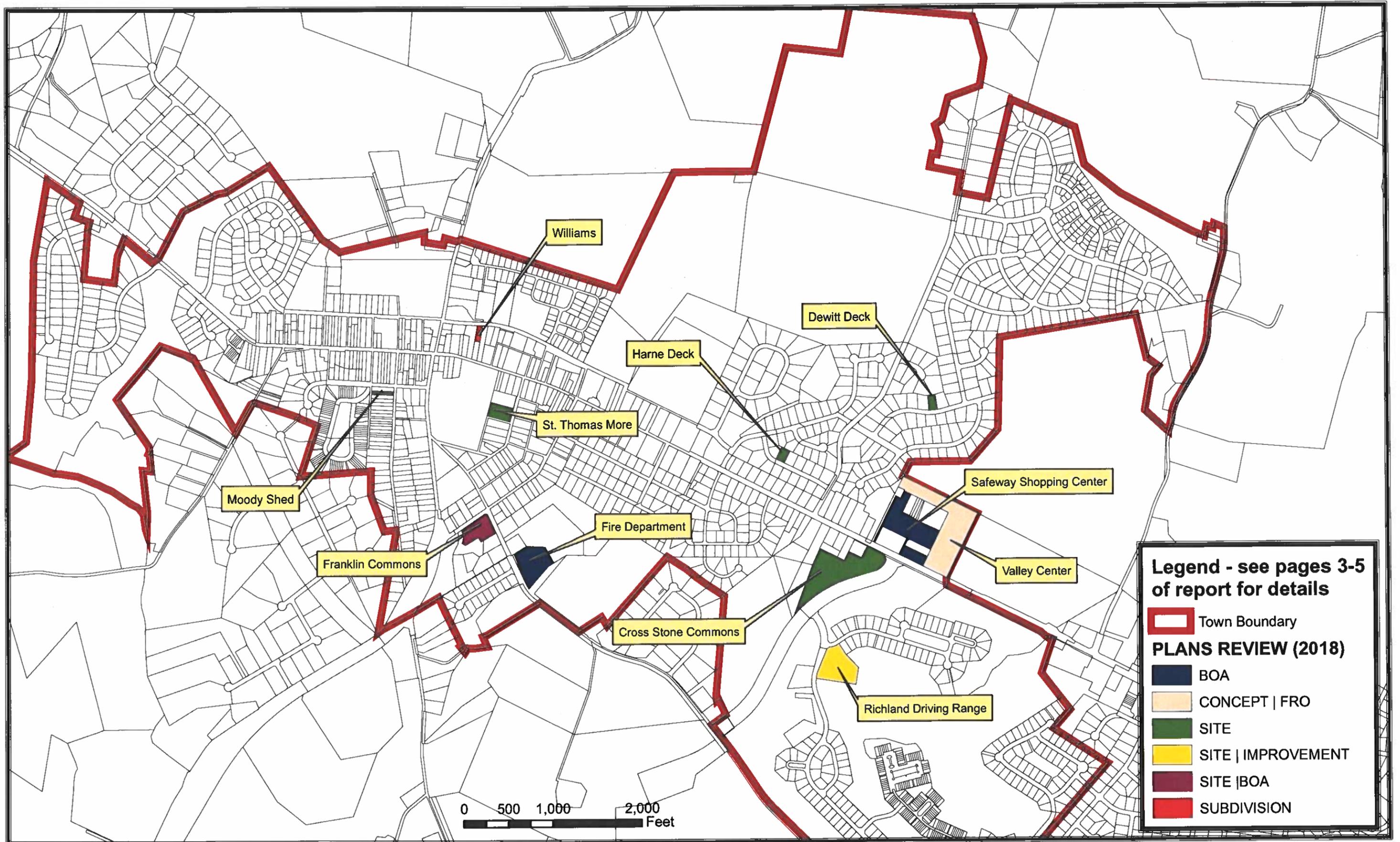
1. Review walkway and road construction strategies to be incorporated into current & future growth and development.
2. ~~Continue to R~~review and refine a management system which includes checklists for the plan review process to help ensure that files are complete and easily accessible, and which verifies 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 new Sustainable Communities designation through DHCD.

NEW RECOMMENDATIONS:

- ~~1. Establish town regulations to address blighted properties.~~
- 2.1. Work with the Sustainability Committee on implementing energy-saving and renewable energy strategies and policies for the town.

Permits Issued

TYPE	1996-2000	2001	2002	2003	2004	2005	5 Yr.	2006	2007	2008	2009	2010	5 Yr.	2011	2012	2013	2014	2015	5 Yr.	2016	2017	2018	2019	5 Yr.	
Single - Family	168	75	106	92	45	22	340	30	31	12	17	23	113	10	12	5	8	4	4	39	8	25	28		
Multi-Family	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1	0	0	0		
Duplex	0	0	0	0	0	0	0	1	0	0	0	0	1	0	0	0	0	0	0	0	0	0	0		
Townhouse	0	0	0	42	15	0	57	16	19	23	24	0	82	0	0	0	0	0	0	0	0	0	0		
Apartments	1	0	1	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
Interior Improvements	0	9	11	20	19	22	81	18	20	19	12	19	88	15	11	12	15	17	17	70	16	25	19		
Additions	0	6	15	15	28	20	84	8	12	2	6	2	30	6	7	4	2	4	4	23	1	4	4		
Pools & Hot Tubs	23	7	9	9	16	4	45	8	12	7	4	3	34	2	6	5	2	1	1	16	2	6	3		
Decks & Porches	106	18	38	36	64	39	195	37	41	31	27	28	164	32	19	9	15	21	21	96	14	16	18		
Accessory Structure	66	14	15	24	23	16	92	18	13	14	9	9	63	6	5	7	8	15	15	41	11	15	10		
Fences	66	18	27	41	36	29	151	23	16	25	24	20	108	16	24	13	15	16	16	84	23	19	15		
Demolitions	7	1	1	0	1	2	5	0	2	0	2	1	5	2	1	2	1	3	3	9	5	5	2		
Propane Tanks	0	1	1	3	6	6	17	3	4	2	2	1	12	6	2	4	1	0	0	13	0	1	2		
Trailers <i>Cross Street</i>	0	3	2	0	0	3	8	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	1		
Pump Station	0	1	0	0	0	0	1	0	0	1	0	0	1	0	0	0	0	0	0	0	0	0	0		
Signs	16	8	6	4	4	7	29	5	7	2	5	6	25	7	8	6	10	8	8	39	3	4	7		
Solar panels	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	37	20	20	61	25	7	8		
New Commercial	15	2	4	0	0	0	6	0	0	0	0	1	1	0	0	2	0	2	4	4	1	0	4		
Commercial Conversion	0	4	5	7	6	8	30	1	2	7	3	3	16	4	6	5	5	8	28	1	4	4			
Industrial Conversion	0	2	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0			
Office Conversion	0	4	4	0	1	4	13	14	3	0	5	2	24	0	3	0	0	3	6	6	0	1	3		
Other <i>Antenna Replacement</i>									2	1	2	2	7	5	4	4	6	4	4	23	1	4	5		
<i>any reconfiguration?</i>																									
<i>Sales office, sign, etc?</i>																									
Total Permits	468	173	245	293	264	182	1157	182	184	146	142	120	774	111	108	83	125	126	553	113	136	133			



Middletown 2018 Annual Report Map



Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 4/1/2019

RE: Monthly Planning Update - April

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:

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

Cross Stone Commons – 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 approved – January 21, 2019
Next step – submit architectural renderings for building #2 for review/approval

Dowd Property – Forest Stand Delineation approved – April 16, 2018
Revised Concept plan reviewed by PC – January 21, 2019
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, or site plan submittal without self-storage use

Franklin Commons - Improvement Plans approved – Sept. 21, 2015
Resubmitted site plan conditionally approved – May 21, 2018 (Plans expire May 21, 2021)
BOA approved height variance request – July 12, 2018 (BOA approval expires July 12, 2019)
Improvement plans conditionally re-approved – March 18, 2019
Next step – submittal of letter of credit and signing of PWA's

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

Middletown Water Storage Tank – Site Plan approved by PC – March 18, 2019

FSD/FCP approved by PC – March 18, 2019

Next step – submittal of improvement plans and FFCP for approval

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

Demolition plan submitted for review and approval – March 7, 2019

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: Draft Annual Report being reviewed by Planning Commission

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

Meetings: Next Middletown Green Team Meeting – April 16, 2019

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