

# MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center  
31 West Main Street  
Middletown, MD 21769

Agenda for the June 15, 2020 Meeting  
7:00 p.m.

- I. **Public Comment**
- II. **Minutes of May 2020 Planning Commission workshop** **Approval**
- Minutes of May 2020 Planning Commission meeting** **Approval**
- III. **Plan Review**
  - Hollow Creek Professional Center Architectural Renderings** **Review/Approval**
  - 121-123 West Main Street Change of Use** **Review/Approval**
  - Tabor Barn demolition work extension and use of foundation** **Review/Approval**
- IV. **Zoning**
  - Height of buildings code changes** **Review/Recommendation**
- V. **Miscellaneous**
  - 2019 Annual Planning and Zoning Report** **Review/Approval**
- VI. **Comprehensive Plan Update**
  - Chapter 1 Introduction** **Review**
- VII. **Additional Public Comment**

**Cindy Unangst is inviting you to a scheduled Zoom meeting.**

**Topic: June Planning Commission meeting**

**Time: Jun 15, 2020 07:00 PM Eastern Time (US and Canada)**

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/83087393493?pwd=Ujd4Ty96RHRvOWVmOWJHY2xrbWVzdz09>**

**Meeting ID: 830 8739 3493**

**Password: 110183**

**One tap mobile**

**+13017158592,,83087393493#,,1#,110183# US (Germantown)**

**Dial by your location**

**+1 301 715 8592 US (Germantown)**

**Meeting ID: 830 8739 3493**

**Password: 110183**

**Find your local number: <https://us02web.zoom.us/j/kt4Mfn0N>**

**\*\* 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**

**Virtual Workshop**

**May 13, 2020**

The virtual workshop of the Middletown Planning Commission took place on Wednesday, May 13, 2020 at 7:00 p.m. via a Zoom meeting. Those present (quorum) were Commission Chairman Mark Carney, Ex-officio member Jean LaPadula, Commission Members Rich Gallagher, Bob Miller, David Lake, Dixie Eichelberger, Alternate, and Eric Ware, Temporary Alternate. Others present in official capacity: Cindy Unangst (Staff Planner). Applicants present: Mark Lancaster (Lancaster Builders), Jeremy Boor (microbrewery). Others present: Patty Guyton, M. Kepler.

**MAY MONTHLY PLANNING COMMISSION WORKSHOP:**

**PLAN REVIEW** –

**Hollow Creek Professional Center Architectural Renderings** – Chairman Carney reviewed the renderings provided by Mr. Lancaster of Lancaster Builders, along with the comments received by Scott Bowen, Architect, and rendering received by Main Street Manager, Becky Axilbund. Mr. Lancaster was given the opportunity to respond to comments and questions, and all members of the commission gave their thoughts on the renderings.

**Memorial Park Storage Shed Replacement Site Plan** – Cindy stated that the applicant, MVAA Director of Facilities, Jon Lobenstine, hopes to have an updated plan from the contractor soon. They are looking to resubmit plans for a slightly smaller shed so that it doesn't need approval by Frederick County. If updated plans aren't received before the meeting Monday, the item might need to be tabled again.

**Revised Site Plan for 13 West Main – Antietam Gallery** – Cindy reviewed the proposed change of use of the building along with how the present second story of the building is used. There were questions regarding the proposed number of new employees and what county approvals will be necessary.

**S. Church Street Fire Station Property Concept Plan** – Cindy reviewed the potential for a microbrewery in the old fire station property along with the applicant. There was a discussion of parking constraints, but the applicant was assured that the parking limitations should not be considered a show-stopper for the proposed microbrewery use.

**ZONING** –

**Forest Resource Ordinance text amendment** – Cindy explained that the reason for the text amendment is to comply with the state regulations that went into effect last October. The Planning Commission public hearing will be held on Monday before the commission members give a recommendation to the town board who will then also need to have a public hearing before approving the text amendment.

**Accessory structures code changes** – There was a brief discussion of the proposed code changes highlighting that the proposed cumulative square footage allowed would be 10% of the rear yard. Commission member Lake stated he feels that there should be a limit of 1,000 square feet for an accessory structure.

**Height of buildings code changes** – Cindy stated that we are still awaiting on a drawing from Town Engineer Bruce Carbaugh that illustrates our current height definition. Commission member Lake spoke about using increases in setbacks for structures that exceed maximum heights as described in Section 17.20.015 of the town code in the MB Mixed Business District regulations.

**Temporary sign code changes** – Chairman Carney stated that we are going to look at temporary signs related to new business openings that would include the appropriate number of days allowed and how many would be allowed.

**MISCELLANEOUS** –

**2019 Annual Planning and Zoning Report** – Chairman Carney asked the commission members to review the report ahead of the meeting next week in hopes of approving it then. He also stated that although we still don't have some of the numbers from 2019 for the water and wastewater sections from the Town Administrator, it still could be approved with those numbers inserted when available.

**COMPREHENSIVE PLAN UPDATE**

**Chapter 1 Introduction** – Chairman Carney stated that the commission members should review the results of the SWOT Community Conversation that took place in March, as well as reviewing the track changes that Cindy has done for Chapter 1 of the Comp Plan before the meeting on Monday.

**Workshop adjourned at 8:45pm.**

Respectfully submitted,

Cynthia K. Unangst, AICP  
Middletown Staff Planner

DRAFT

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

**Regular Meeting**

**May 18, 2020**

The regular meeting of the Middletown Planning Commission took place on Monday, May 18, 2020 at 7:00 p.m. via a Zoom meeting. Those present (quorum) were Commission Chairman Mark Carney, Commission members David Lake, Rich Gallagher, commissioner Jean LaPadula (Ex-officio), Bob Miller, Dixie Eichelberger (Alternate) and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Patty Guyton (Recording Secretary). Others present: Mark Lancaster (Mark Lancaster Properties LLC), Jim Kehoe (Antietam Gallery), Bob Smart (resident), Lori Benedetto (resident), commissioner Jennifer Falcinelli, commissioner Rick Dietrick, and John Miller (Burgess).

**PUBLIC HEARING – ORDINANCE 20-03-01 – FOREST CONSERVATION-** No comments were made at the hearing. The Planning Commission will move forward with their recommendation to the Town Board.

**MAY MONTHLY PLANNING COMMISSION MEETING:**

- I. PUBLIC COMMENT – None.**
- II. Minutes of the April 2020 Planning Commission Workshop – Approved as submitted.**  
**Minutes of the April 2020 Planning Commission Meeting – Approved as submitted.**

**III. PLAN REVIEW**

**Hollow Creek Professional Center Architectural Renderings – Mark Lancaster (Mark Lancaster Properties, LLC) present.** This is for the proposed development of 47,970 square feet ± of commercial space in three separate buildings with 205 parking spaces, and 2± acres reserved for future development; 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.

During the past two months, the commission members reviewed the proposed changes that were made to the 3-story professional services building, as they conducted their architectural review of the building.

The renderings now include the view of the back of the building, the view of the west side of the building, views of the front retail buildings as seen from the south and from the north, as well as the lighting plan for the retaining wall signage.

The rendering changes include the following: 1.) Three-story building has projections on each corner which breaks up the exterior wall for some added interest. 2.) The window frames for much of the office are 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. 3.) The color of the metal roof for office building, retail buildings and gazebo is shown as well as the color of the stucco for the office building. 4.) 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. 5.) The maximum height of the brick planters is shown as 42-inches (3 ½ feet).

The specifications for the gazebo are included with a height of 15-feet indicated in the rendering. There are depictions of what the gazebo columns and railing will look like as well as the pavers that will be used for the

gazebo floor and courtyard area. The pavers will be the same color as the retaining wall used at the front of the property.

The renderings were provided to the Main Street Middletown Architectural Review Committee for review and comment. It was suggested that the windows be changed to a more traditional window look with divided lights. If the windows were a more rectangular shape and portrait-oriented, it might improve the look. The roof line and the parts of the wall that recess and project could be more dramatic, and the center of the front façade still looks odd or out of scale. Suggestions from other architects were received by the town staff on Monday, April 20<sup>th</sup> just ahead of the Planning Commission meeting.

**Action:** Commissioner Jean LaPadula motioned to conditionally approve the Hollow Creek Professional Center Architectural renderings with the following changes as presented in a document she submitted:

1. Make the triangular peak on the metal roof (of 3-story building) larger and more proportional and integral to the roof and separate from the elements below it.
2. The “top molding” should be similar size/look to that shown in the 2/17/20 architectural plan submittal but should go all the way across the top and not stop at either side of the window.
3. Make the top molding and all of the trim and columns white to add definition, interest, and separate from the body color.
4. Make the trim around the large main group of windows, in the center of the 3-story building, continuous and go all the way around and consistent with the top molding.
5. Use siding (i.e., hard plank or similar material) on top 2 levels that is the same color as the proposed stucco/concrete color which ties into Safeway.
6. Use a contrasting window grille color. For the proposed black windows, use white window grilles instead of proposed dark brown throughout the building.
7. Use on color of brick for all brick work.
8. Make the main front door(s) bigger and more proportional to the size of the building.
9. Make the front columns larger so they are more to scale/proportional with building and entrance.
10. Add an awning on the right side that mirrors the one on the left.
11. Use an awning-style covering of appropriate size/scale for the front entrance instead of a second triangular peak.
12. Replace proposed brick planters with white planters that blend with gazebo.
13. Align the walkways (between large and smaller buildings) so that they are perpendicular to buildings.
14. All entrances of the smaller buildings should be identical.
15. Change design elements of the smaller buildings (style of column, color of windows grilles, peels, etc.) to make them consistent with changes to the larger building.
16. Provide revised Architectural Review Plan incorporating these changes to the Planning Commission prior to submission of the improvements Plans.

Seconded by Commission member Lake stating his second would allow for the discussion of the motion made. Motion was defeated (1-4).

**Action:** Commission member Gallagher motioned to delay the architectural review of the Hollow Creek Professional Center until the June Planning Commission meeting so that the Planning Commission and the developer can review the recommendations and the additional information received today. Commission member Gallagher added that the back of the building should be shown with the developer’s concepts similar to the other views of the building. After confirming the motion would direct the developer to bring back design concepts that he would support, the motion was seconded by Commission member Lake. Motion carried (5-0).

**Middletown Memorial Park Revised Site Plan-** Tabled. - MVAA still needs to provide updated information for a storage shed less than 150 square feet.

**Antietam Gallery - Change of Use-13 West Main** – The proposed use is for the addition of an art gallery and picture-framing business to the second floor of More Ice Cream. There are four rooms on the second level. One room would be used for taking framing orders with samples on the wall. A second room would be decorated with

art. The third room would be a work area for employees, and the fourth room would be used for storage. The gallery would most likely be open Thursdays – Sundays from 10am – 5pm and by appointment other days of the week. Mr. Kehoe would run the business with the help of one employee two days a week to help with framing work.

The current use of this building is an ice cream parlor with seating on the first floor and on the large covered porch. The second level contains two rooms with art on the walls, mainly with Middletown high school sports. The third room is a break room for the ice cream parlor employees and the fourth room is used for storage.

Based on the square footage (Section 17.32.060), the eating establishment use requires one parking space per 90 square feet of gross floor area or three seats, whichever requirement is greater. The parking spaces needed for the ice cream parlor based on square footage (936 square feet) is 11 spaces (determined to be the actionable item from the code as referenced above). In 2018 when the Planning commission conditionally approved the ice cream parlor, the approval included a waiver of three of the required 11 spaces. Eight parking spaces are provided in the parking lot behind the business. Based on the square footage of the second floor of 870 square feet, the parking spaces needed for the retail use would be 6 additional spaces. (Retail shops require a minimum of one parking space per 150 square feet). Section 17.32.060 does allow the planning commission to waive or reduce the parking requirements in the town commercial district, or any other instances based on a demonstrated hardship. When the ice cream parlor was approved, the parking lot at the corner of East Green street and North Church street had not been designated as a municipal parking lot. That lot is only a short walk from 13 West Main street. Accordingly, it was stated that the 6 additional parking spaces needed for the Gallery would be waived with the intent that the North Church street parking lot could be used as needed.

The applicant would like to add a sign approximately 18 inches by 30 inches to hang on two chains below the existing freestanding sign in the front yard. All signage will need to be approved by the zoning administrator.

According to Section 17.32.230 site plans are required for all commercial 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 and the amount of parking needed are proposed to change, the site plan does require approval by the planning commission. A change of use application will need to be filed with the Frederick County Permits department.

**Action:** Commission member Lake motioned to approve the Revised Site Plan for 13 West Main Street – Antietam Gallery. Seconded by Commission member LaPadula. Motion carried (5-0).

#### **IV. ZONING**

**Forest Resource Ordinance Text Amendment** - 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. This proposed ordinance would comply with the new State regulations.

- **Summary of Changes to the State’s Forest Conservation Act:**

- 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.
- 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.

- o 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. Approval of the proposed changes was received from MD DNR on February 11, 2020.

**Action:** Commission member Lake motioned to move forward with the recommendation of the Forest Conservation Ordinance proposed changes per changes in the State regulations to the Town Board. Seconded by Commission member Miller. Motioned carried (4-0-1 abstention)

**Accessory structure code changes** – The Burgess & Commissioners requested the Planning Commission to review proposed changes to accessory structures in the Town Code, Section 17.32.170 – Modifications to yard requirements. The proposed changes were as follows and apply to any accessory building, use or structure within the Town:

- 1) Location – All accessory buildings and structures shall be located behind the front building line of the principle building.
- 2) Easement – No accessory building or structure, except for public utility panels or boxes, shall be erected in any easement areas. All accessory buildings or structures shall be a minimum of one foot off easements.
- 3) Height – Accessory structures shall not exceed 15 feet, measured at the peak of the roof. Accessory structures may not exceed the height of any principal building on a lot.
- 4) Size – Accessory buildings or structures may project into yard provided that: (1) An accessory structure shall be limited in size, when located on a residential zoned property, to the following. (a) The total square footage of all the floors of the accessory structure shall not exceed the footprint of the principal dwelling. (b) The cumulative area of all accessory structures may not exceed the following, based on the residential zone.

Zone	Minimum Lot Size	Cumulative square footage allowed for all accessory structures
<b>R-20</b>		
Single family dwelling	20,000	10% of rear yard not to exceed 2,000 square feet
<b>R-1</b>		
Single family dwelling	10,000	10% of rear yard not to exceed 1,000 square feet
<b>R-2</b>		
Single family dwelling	6,000	10% of rear yard not to exceed 600 square feet
Two family dwelling	4,000	10% of rear yard not to exceed 400 square feet
Duplex	6,000	10% of rear yard not to exceed 600 square feet
<b>R-3</b>		
Single family dwelling	6,000	10% of rear yard not to exceed 600 square feet
Two family dwelling	4,000	10% of rear yard not to exceed 400 square feet
Duplex	6,000	10% of rear yard not to exceed 600 square feet
Multi-family dwelling	4,000	10% of rear yard not to exceed 400

		square feet
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5) The square footage allowed for business purposes in an accessory structure shall be 600 square feet. (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; (3) garage accessory buildings entered from alley or street in the case of double frontage lots are not closer than ten (10) feet to the street or alley line; (4) one-story or 10 feet in height, or a maximum of 15 feet with roof, accessory structures on townhouse lots may be located up to two feet of a side property line and six feet of a rear property line provided the accessory structure is no more than eighty (80) square feet in size.

6) No accessory structure may be used for living, sleeping or other occupancy.

7) Homeowners Association. It is the homeowner's responsibility to have the accessory structure approved by his or her homeowners' association where applicable. A Zoning Certificate from the Town does not negate a homeowners' association's covenants and/or restrictions.

Discussion of the proposed changes by the Planning Commission centered on the height of the accessory structures and the maximum size allowed in the R-20 district.

**Action:** Commission member Lake motioned a recommendation to approve the Accessory Structure Zoning Code changes but with a few modifications: 16 feet for the max height of an accessory building or structure instead of the 15 feet; 20,000 square ft lots maximum size is 1,000 square ft instead of 2,000 square ft.; and making the height language for townhouse lots consistent with the rest of the code section. Seconded by Commission member Gallagher. Motion carried (4-0-1 abstention)

**Height of buildings code changes** – Tabled. – Planning Commission needs/wants more time to review. Will review during June meeting.

**Temporary signs code changes** – Tabled – Planning Commission will review the Temporary Sign Regulations in the June meeting.

## V. MISCELLANEOUS

**2019 Annual Planning and Zoning Report** – The Planning Commission has the most current version of the draft 2019 Annual Planning Report for review. The report is missing Town Administrator comments on a few sections.

**Action:** Tabled – Planning Commission will review in June meeting, needs more information from the Town Administrator.

## VI. COMPREHENSIVE PLAN UPDATE

**Chapter One review- Introduction** - Tabled- Cindy will add Vision Statement and any pertinent Community Comments to Chapter One for the June meeting.

## VII. ADDITIONAL PUBLIC COMMENT – None.

Meeting adjourned at 9:03 PM.

Respectfully submitted,

Patty Guyton  
Recording Secretary

## Middletown Planning Office

### MEMORANDUM

Date: 6/12/2020

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: June 3, 2020

Date Received: June 3, 2020

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#### 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. **Notes from architectural rendering review by Planning Commission on May 18, 2020** – Discussion centered on the list of sixteen items that Commissioner LaPadula brought forward in a document she submitted as a motion to conditionally approve the Hollow Creek Professional Center architectural renderings. The motion by Commissioner LaPadula, with a second by Commission Chairman Carney, did not carry. Subsequently, Commission member Gallagher motioned to delay the architectural review of the Center until the June Planning Commission meeting so that the commission members and the developer could review the recommendations brought forward. That motion was seconded and approved.

**2. Previous conditions of site plan approval on October 21, 2019–** 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
- Approval of the Stormwater Management concept plan by Frederick County

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
- 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 (Parking and Loading) 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 –** During the past three months, the commission members have reviewed changes that have been made to the 3-story professional building to make it more visually pleasing, which includes bump outs and changes to the exterior façade to provide more architectural detail. Additional detail has been included indicating exterior finishes and details for the proposed signage for the retaining wall.

The latest renderings address most of the comments made by Commissioner LaPadula at the last meeting. The items that were not changed include staying with EIFS and not lap siding on the building, and staying with the raised brick planters versus the white wood planters. The entrance portico mimics the flanking awnings while duplicating the pitch of the larger roof gable. The center window wall depicts a logo of a flowing stream in the valley with the surrounding mountains. The large gable overhead contains an Indian sun symbol which aligns directly over the top of the stream and mountain artwork. The applicant feels that these symbols seem to describe the Middletown Valley to all that have lived or visited here.

Attached to the staff report is a copy of Commissioner LaPadula's comments. The highlighted items are what was addressed in the new renderings. Areas that were not addressed have the applicant's comments as shown on a separate page.

Main Street Manager, Becky Axilbund, viewed the newest renderings and stated that she thinks this looks a lot better. She said "We don't often think of it, but windows tend to make up 60-65% of a front façade. I think designing the base with a different material provides visual interest and help with the overall massing. The doorway now looks proportional, and they kept the variation with the projecting ends of the building. The roof form also, to me, looks more

defined, and appears to have a slope that is more in keeping with the surrounding buildings in town.”

Staff recommends that the Planning Commission either review and approve (or conditionally approve) the renderings provided by Lancaster Builders, or disapprove them with clear direction as to how they should be modified.

This review will be included in the Middletown Planning Commission materials for the June 15, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on Wednesday prior to the meeting which will be held June 10, 2020.

cc: Charles Jenkins, Lancaster Builders, Inc.





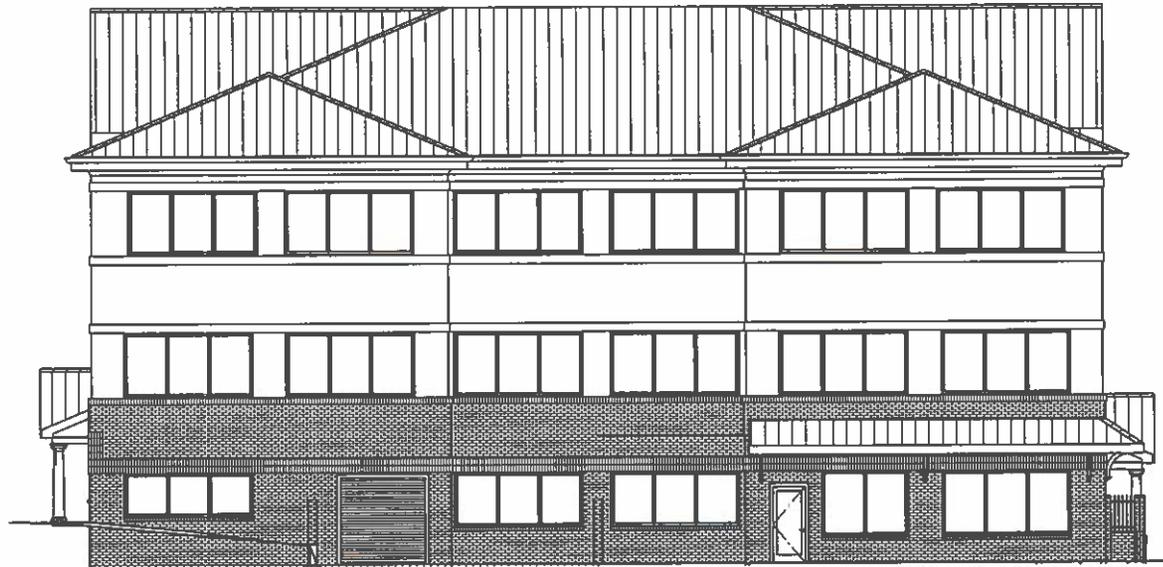




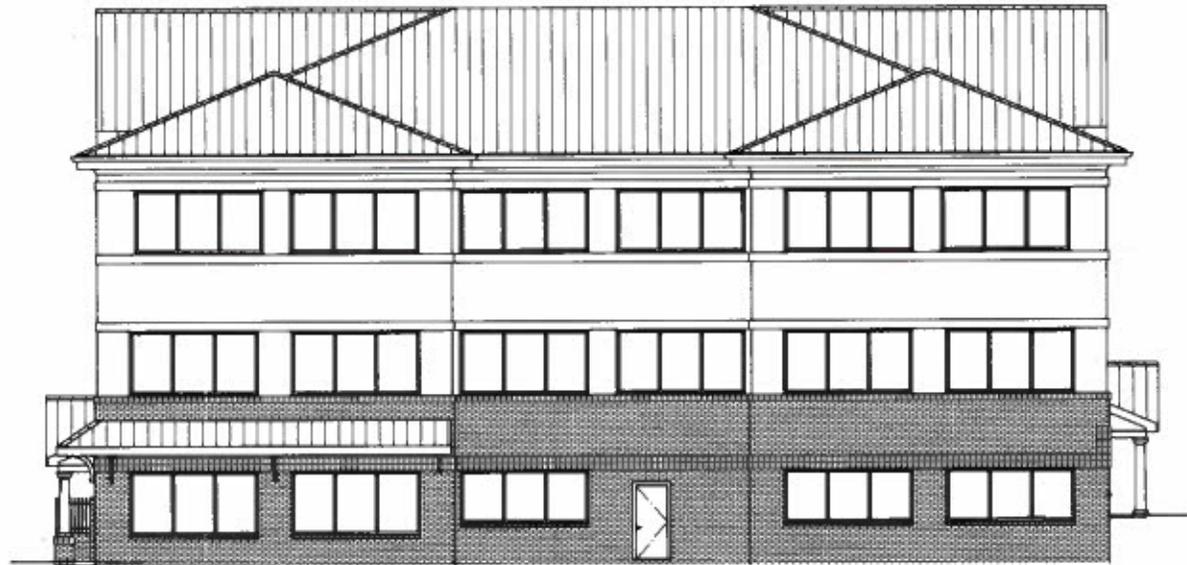
FRONT ELEVATION  
3/16" = 1'-0"



REAR ELEVATION  
3/16" = 1'-0"

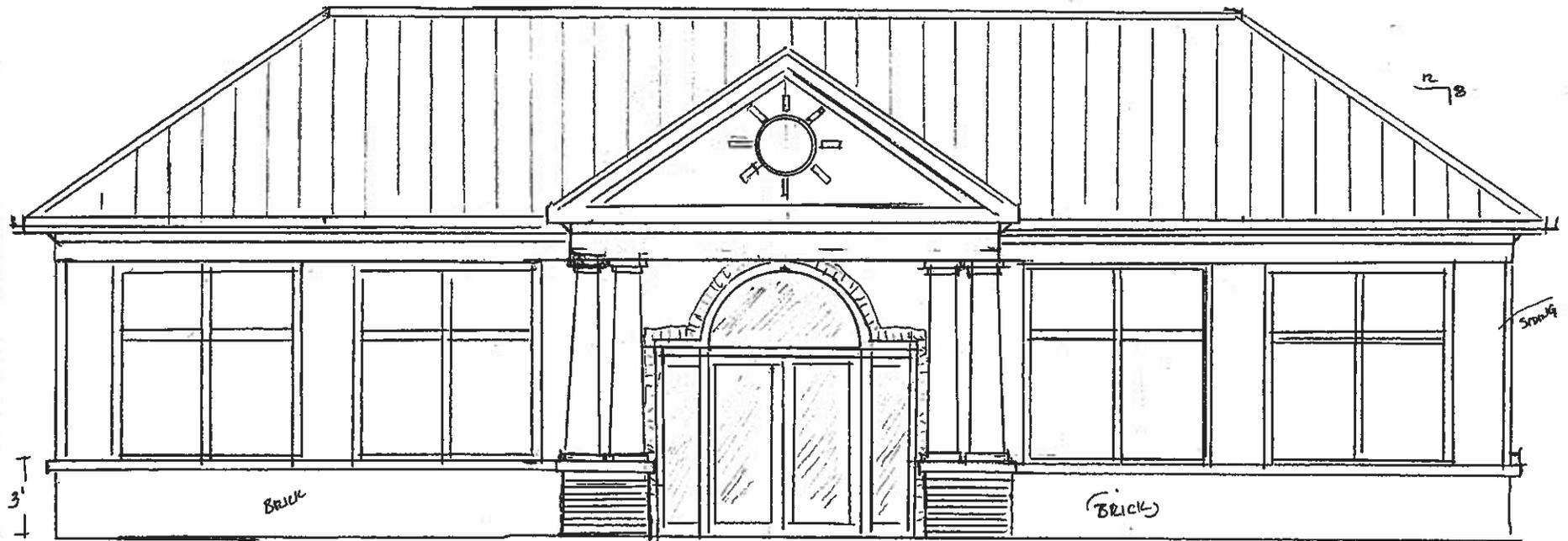


LEFT ELEVATION  
3/16" = 1'-0"



RIGHT ELEVATION  
3/16" = 1'-0"

HOLLOW CREEK PROFESSIONAL CENTER  
RETAIL BLDGS - FRONT ELEVATION



**Hollow Creek Professional Center Architectural Review Plan**  
**Proposed Motion by Commissioner Jean LaPadula**

I move to conditionally approve the Hollow Creek Professional Center Architectural Review Plan with the following changes:

1. Make the triangular peak on the metal roof (of the 3-story building) larger and more proportional and integral to the roof and separate from elements below it.
2. The "top moulding" should be a similar size/look similar to that shown in the 2/17/20 architectural plan submittal but should go all the way across the top and not stop at either side of the window.
3. Make the top moulding and all of the trim and columns white to add definition, interest, and separate from the body color.
4. Make the trim around the large main group of windows, in the center of the 3-story building, continuous and go all of the way around and consistent with the top moulding.
5. Use siding (i.e., hardiplank or similar material) on top 2 levels that is the same color as the proposed stucco/concrete color which ties into Safeway.
6. Use a contrasting window grille color. For the proposed black windows, use white window grilles instead of proposed dark brown throughout the building.
7. Use one color of brick for all brick work.
8. Make the main front door(s) bigger and more proportional to the size of the building.
9. Make the front columns larger so that they are more to scale/proportional with building and entrance.
10. Add an awning on the right side that mirrors the one on the left.
11. Use an awning-style covering of appropriate size/scale for the front entrance instead of a second triangular peak.
12. Replace proposed brick planters with white planters that blend with gazebo.
13. Align the walkways (between large and smaller buildings) so that they are perpendicular to buildings.
14. All entrances of the smaller buildings should be identical.
15. Change design elements of the smaller buildings (style of column, color of window grilles, peaks, etc.) to make them consistent with changes to the larger building.
16. Provide revised Architectural Review Plan incorporating these changes to the Planning Commission prior to submission of the Improvement Plans.

**Hollow Creek Professional Center Architectural Review Plan  
Proposed Motion by Commissioner Jean LaPadula**

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7. Use one color of brick for all brick work.
8. Make the main front door(s) bigger and more proportional to the size of

The exterior finish of the upper two stories is a textured stucco. Siding gave it an appearance of commercial building at the beach.

The white planters are not as durable as the brick masonry designed ones. Would rather not have planters if this was the only choice.

Used a combination of a shed and gable roof. Gable roof pitch matches the large gable roof above

9. Make the main front door(s) larger so that they are more proportional to the building and entrance.
10. Add an awning on the right side that mirrors the one on the left.
11. Use an awning-style covering of appropriate size/scale for the front entrance instead of a second triangular peak.
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16. Provide revised Architectural Review Plan incorporating these changes to the Planning Commission prior to submission of the Improvement Plans.

This is the plan but I would like to know if the larger building is acceptable first.

the front entrances of the two small retail buildings will have the flanking double columns and the round top window over the entrances facing Alternate Route 40

## **Middletown Planning Office**

### **MEMORANDUM**

Date: 6/3/2020

Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **121 WEST MAIN STREET CHANGE OF INTENSITY PLAN**

Tax Map Parcel #03-0144127

Applicant: Bill Ellison, Ellison & Benjamin Architecture

Property Owner: Elkana Bar-Eitan, 121 West Main Street LLC

Plan Dated: May 26, 2020

Date Received: May 29, 2020

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#### **GENERAL INFORMATION**

**Proposal:** Change of intensity of existing building for an additional apartment on the third floor. No new building square footage is proposed.

**Location:** 121 West Main Street, on northeast corner of intersection of West Main Street and Elm St.

**Zoning:** TC Town Commercial. This district permits all residential uses. The TC district allows for a mixture of uses, including residential, light assembly and fabrication uses in existing buildings provided they can meet basic performance standards concerning noise, congestion, parking, traffic, landscaping and buffers.

**Present Use:** Multi-unit three-story mixed-use building until recently when it became vacant after change in ownership

#### **COMMENTS**

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

1. **Use** – The proposed use is for an additional apartment on the third floor of the building which was previously one apartment. The first and second floors will maintain the prior use of two commercial units on the first floor and two apartments on the second floor. An interesting note about this building is that six electric meter sockets exist at the back of the building, and there are four separate entry doors from the common stairwell for the 2<sup>nd</sup> and 3<sup>rd</sup> floors. Mr. Bar-Eitan, the property owner, recently had a conversation with Jim Hoover, Zion Lutheran Church administrator. Mr. Hoover knew the tenant in the third-floor apartment and confirmed that the apartment did not extend all the way to the rear; that the rear area was a separate space having multiple purposes over the years. The rear wing of the third floor is disjointed from the front

apartment with a floor level 12-inches lower than the main third floor. It has remnants of plumbing and the applicant assumed it had been a separate dwelling unit at some point.



2. **Prior uses** – Prior uses included a heating and cooling company on the first floor as well as the Zion Lutheran Church Clothes Closet. There were two apartments on the second floor and one apartment on the third floor.
3. **Subdivision of lot by Zion Lutheran Church** – The lot was previously owned by Zion Lutheran Church and was subdivided prior to the sale of the lot after approval by the Planning Commission in February 2019. The approval came with the understanding that any future building development or change of use of the parcels on the plat would be submitted in the regular manner for approval in accordance with the provisions of the existing zoning regulations.
4. **Parking** – Based on the square footage of 835 square feet and 750 square feet for the first floor for commercial uses, 5-10 spaces would be needed depending on whether they will be retail uses or business offices. The second-floor apartments are both one-bedroom apartments. Given the current parking regulations, six spaces would be needed for those apartments. If the third floor were one apartment, it most likely would be three-bedrooms and would require three parking spaces. (Section 17.32.060)

The Town Attorney is working on an ordinance to change the number of parking spaces required for an apartment from the existing three per dwelling unit to two per dwelling unit + 0.5 per bedroom over 2 bedrooms. That change to the Municipal Code was agreed on by the Town Board and the Planning Commission in workshops that took place in 2019. The Town Board will most likely hold a public hearing on the ordinance on July 2, 2020. The new regulations would require 4 spaces total for the 2<sup>nd</sup> floor apartments, and 2.5 spaces for the 3<sup>rd</sup> floor if it were one three-bedroom apartment. If the planning commission approves the extra dwelling unit on the third floor, then 4 spaces would be needed for those two apartments.

Thus, total number of parking spaces needed for **existing** uses, given the proposed parking requirements, varies from 11.5 – 16.5. The total number of spaces needed with approval of the extra dwelling unit, given the proposed parking requirements, varies from 13 – 18. There looks to be space for 11 spaces currently. The applicant envisions that 2 or 3 parking spaces could be added in an end-to-end parking configuration if required. Section 17.32.060 does allow the planning commission to waive or reduce the parking requirements in the town commercial district.



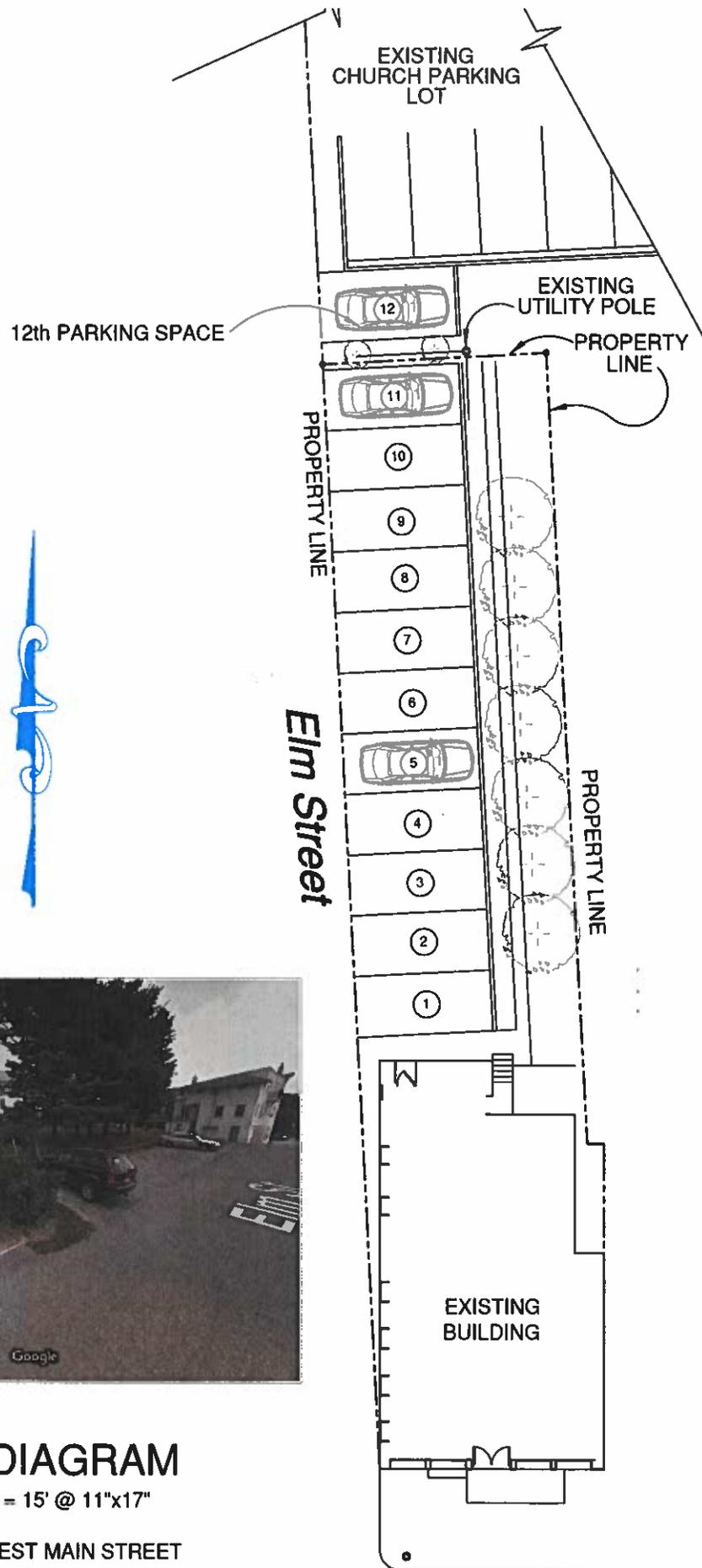
5. **Lot requirements** – The building was built in 1896 and pre-dates the zoning ordinance. It does not meet current setback requirements.
6. **Site plans required for approval by planning commission** – According to Section 17.32.230, site plans are required for all commercial and multi-family residential 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. Due to the fact that the proposed fourth apartment would be an increase in intensity and parking needs, the site plan does require approval by the planning commission.

The site plan shall show proposed building location and use, driveways, parking and loading areas, landscaping, water and sewer facilities, storm drainage facilities and street lighting, all showing relationships to adjacent development. The planning commission is being provided a site plan that shows photos of the building and indoor layouts of the building, as well as an aerial photo that shows the building and adjacent parking area.

7. **Water and Sewer requirements** – The site has existing water and sewer.
8. **Approval by Frederick County** - A change of use application will need to be filed with the Frederick County Permits department after approval by the Planning Commission.

This review will be included in the Middletown Planning Commission materials for the June 15, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be June 10, 2020.

cc: Elkana Bar-Eitan



## SITE DIAGRAM

scale: 1" = 15' @ 11"x17"

121-123 WEST MAIN STREET  
MIDDLETOWN, MD  
6-11-20 Ellison

*Main Street*



29 WEST MAIN STREET

NORTH JEFFERSON STREET

31 WEST MAIN STREET

JEFFERSON

WEST MAIN STREET

117 WEST MAIN STREET

123 WEST MAIN STREET

ELM

201/203 WEST MAIN STREET

207 WEST MAIN STREET

2 WEST MAIN STREET

MAIN

MEMORANDUM

Date: 6/3/2019

To: Burgess and Commissioners, Middletown

From: Cynthia K. Unangst, Middletown Staff Planner

RE: Required residential parking regulations for apartments and townhouses

**The subject of required residential parking for apartments and townhouses was discussed at the joint workshop of the Middletown Planning Commission and the Town Board on May 6, 2019. The regulations for other municipalities in Frederick County were reviewed at that workshop, and the Town Board decided that perhaps there should be some changes to the Middletown Code in relation to the required parking for apartments and townhouses. Below is the required parking chart showing the regulations for Middletown in relation to other municipalities.**

**Required Parking - Residential:**

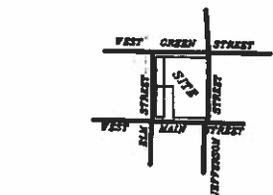
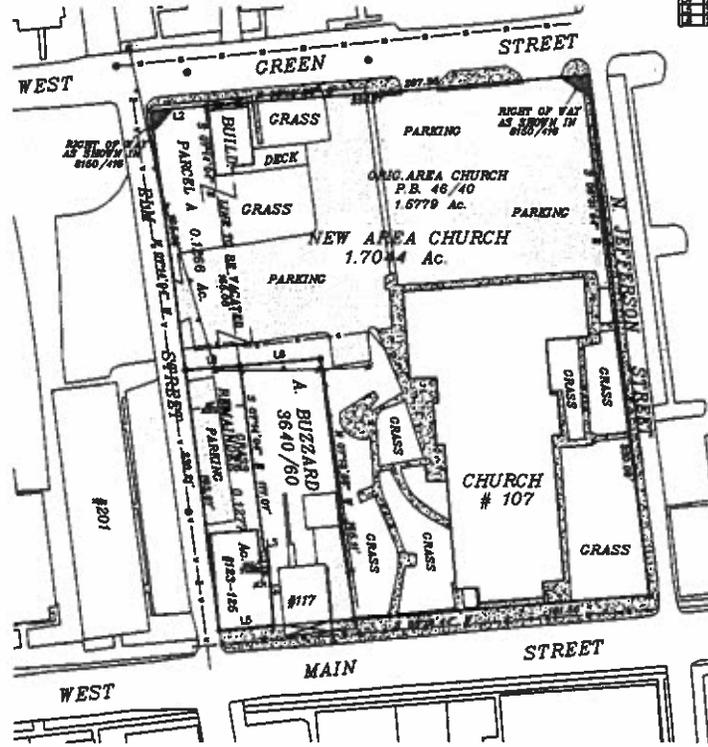
<i>Municipality</i>	<i>Multifamily dwellings (or apartments)</i>	<i>Townhouses</i>
Middletown	3 per dwelling unit	3 per dwelling unit
Brunswick	2 - 3 per unit depending on # of bedrooms	2 per dwelling unit + 0.5 per bedroom, per unit
Emmitsburg	2 per dwelling unit	2 per dwelling unit
Frederick City	min. 1.5 per dwelling unit max. 2.5 per dwelling unit	min. 2 per dwelling unit max. 3 per dwelling unit
Mount Airy	2 per dwelling unit	3 per dwelling unit
Myersville	2.5 per dwelling unit	2.5 per dwelling unit
→ New Market	2 per dwelling unit + 0.5 per bedroom over 2 bedrooms	2 per dwelling unit + 0.5 per bedroom over 2 bedrooms
Thurmont	2 per dwelling unit + 1 per five units	2 per dwelling unit + 1 per five units
Walkersville	3 per dwelling unit	3 per dwelling unit
Woodsboro	2 per dwelling unit	2 per dwelling unit



DATUM: P.B. 46/40

- SYMBOLS:
- - REBAR FOUND
  - - POST
  - - OVERHEAD UTILITY LINES
  - - FENCELINE
  - - MAN HOLE
  - - SANITARY SEWER
  - - WATER
  - - GAS

OWNERS:  
 EVANGELICAL LUTHERAN CHURCH ZION  
 107 W. MAIN STREET  
 MIDDLETOWN, MD. 21769



MIDDLETOWN

TAX MAP 500 P- 639 & 608

SCALE: 1" = 400'

**SURVEYOR'S CERTIFICATION**

I HEREBY CERTIFY THAT THE ADDITION PLAT SHOWN HEREON, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, INFORMATION, AND BELIEF, IS CORRECT, THAT IT IS A PLAN OF ADDITION OF ALL OF THE LAND AS SHOWN ON AN ADDITION PLAT "ZION'S ADDITION TO ZION" AS SHOWN IN PLAT BOOK 46/40 AND PART OF THE LAND COMBED BY G. CARLTON BROCKBERG IV UNTO EVANGELICAL LUTHERAN CHURCH ZION BY DEED DATED 19 JULY 2008 AND RECORDED AMONG THE LAND RECORDS OF FREDERICK COUNTY IN LIBER 8137 FOLIO 234, AND THAT THE REQUIREMENTS OF THE ANNOTATED CODE OF MARYLAND, REAL PROPERTY BOOK, TITLE 3, SUBTITLE 1, SECTION 3-108, AND THE REQUIREMENTS OF THE FREDERICK COUNTY CODE, SECTION 1-16-106, AS ENACTED OR AMENDED SO FAR AS IT MAY CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MONUMENTS AND MARKERS HAVE BEEN COMPLIED WITH.

*James E. Gauss*  
 DATE: JANUARY 2019  
 BY LICENSE EXPIRES 12/11/26



**OWNER'S DEDICATION & CERTIFICATION**

WE, EVANGELICAL LUTHERAN CHURCH ZION, OWNERS OF THE PROPERTY SHOWN & DESCRIBED HEREON HEREBY ADOPT THIS PLAN OF ADDITION AND IN CONSIDERATION OF THE APPROVAL OF THIS ADDITION PLAT BY THE PLANNING COMMISSION, ESTABLISH THE MINIMUM BUILDING RESTRICTION LINES AND DEDICATE THE STREETS, WALKWAYS, AND OTHER EASEMENTS TO PUBLIC USE, UNLESS OTHERWISE NOTED ON THIS PLAT.

WE CERTIFY THERE ARE NO SUITS, ACTIONS OF LAW, LEASES, LIENS, MORTGAGES, TRUSTS, EASEMENTS, OR RIGHTS OF WAY AFFECTING THE PROPERTY INCLUDED IN THIS PLAN OF ADDITION AND THAT THE REQUIREMENTS OF THE ANNOTATED CODE OF MARYLAND, REAL PROPERTY BOOK, TITLE 3, SUBTITLE 1, SECTION 3-108, AND THE REQUIREMENTS OF THE FREDERICK COUNTY CODE, SECTION 1-16-106, AS ENACTED OR AMENDED SO FAR AS IT MAY CONCERN THE MAKING OF THIS PLAT AND THE SETTING OF MONUMENTS AND MARKERS HAVE BEEN COMPLIED WITH.

*James E. Gauss*  
 DATE: EVANGELICAL LUTHERAN CHURCH ZION



THE OWNERS HAVE SHOWN, TO, AND SUBSCRIBED BEFORE ME, ON *1/11/2019* DATE OF *2019*  
*Jon C. Gauss*  
 NOTARY PUBLIC JON C. GAUSS  
 MY COMMISSION EXPIRES *9/11/21*

NOTE: THESE LOTS ARE SERVED BY PUBLIC WATER & SEWER (W-1, S-1). PLANS FOR COMMUNITY WATER AND SEWER SYSTEMS AND FOR A POINT OF DISCHARGE HAVE BEEN APPROVED BY THE STATE OF MARYLAND DEPARTMENT OF THE ENVIRONMENT AND ALL LOTS WILL BE SERVED BY PUBLIC WATER AND SEWER. FACILITIES WILL BE AVAILABLE TO ALL LOTS OFFERED FOR SALE.

1. THE SITE IS ZONED TOWN COMMERCIAL.
2. APPLICATION IS HEREBY MADE FOR YOUR APPROVAL OF THE INDICATED TRANSFER OF LAND SOLELY FOR ADDING TO ADJOINING HOLDINGS AND NOT FOR DEVELOPMENT. ANY FUTURE SUBDIVISION OF THIS LAND WILL BE SUBMITTED IN THE REGULAR MANNER FOR YOUR APPROVAL IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.
3. THERE ARE NO WELLS, DRIVEWAYS, STRUCTURES, SEPTICS, OR MANHOLE FEATURES OBSERVED WITHIN 100' OF THIS ADDITION UNLESS OTHERWISE SHOWN HEREON.
4. A SIX (6) FOOT WIDE DRAINAGE AND UTILITY EASEMENT IS RESERVED ALONG ALL RESULTING EXTERNAL LOT LINES.
5. A CONFIRMATORY DEED SHALL BE RECORDED AND THE RECORDED ADDITION PLAT SHALL BE REFERENCED IN THIS AND ALL SUCCESSIVE DEEDS. THE ADDITION AREAS SHALL NOT BE SOLD, TRANSFERRED, OR DEVELOPED AS A SEPARATE LOT, PARCELS, OR TRACTS.
6. MINIMUM BUILDING RESTRICTION LINES: FRONT-25', REAR-25', SIDE-5'. OR AS OTHERWISE REQUIRED BASED ON PROPOSED USE UNDER 17.20.060. OF THE ZONING ORDINANCE.
7. FUTURE DEVELOPMENT OF THIS PROPERTY MAY REQUIRE ROAD LAYBACK WORK TO BE DONE ALONG PREVIOUSLY DEDICATED ROAD RIGHT OF WAY.
8. FUTURE ACCESS TO THIS PROPERTY SHALL BE IN ACCORDANCE WITH REGULATIONS IN EFFECT AT THE TIME OF DEVELOPMENT.
9. THE REMAINING PARCEL HOUSE #123-#125 IS NON CONFORMING FOR THE FRONT & SIDE SETBACKS.

ORIG. AREA ZION CHURCH P.B. 46/40	=	68732.0 SQ.FT. OR 1.5778 Ac.
+ PAR. "A"	=	5513.6 SQ.FT. OR 0.1266 Ac.
<b>NEW AREA ZION CHURCH</b>	<b>=</b>	<b>74245.6 SQ.FT. OR 1.7044 Ac.</b>
ORIG. AREA ZION CHURCH 6137/234	=	11075.7 SQ.FT. OR 0.2543 Ac.
- PAR. "A"	=	5513.6 SQ.FT. OR 0.1266 Ac.
<b>REMAINDER ZION CHURCH 6137/234</b>	<b>=</b>	<b>5562.1 SQ.FT. OR 0.1277 Ac.</b>

NOTE: SURVEY PERFORMED AND PLAT PREPARED WITHOUT BENEFIT OF TITLE REPORT, NONE FURNISHED.

APPROVED  
 MIDDLETOWN PLANNING COMMISSION

*1/26/19* *James E. Gauss*  
 DATE SECRETARY OR CHAIRMAN  
*For Mark Conroy, Chairman*

SURVEY & PLAT BY  
**R.F. GAUSS & ASSOC., INC.**  
 PROFESSIONAL LAND SURVEYORS  
 103 E. MAIN ST., P.O. BOX 128  
 EMHARTSBURG, MARYLAND 21727  
 301-447-2222 FAX 301-447-3158

**ADDITION PLAT  
 EVANGELICAL LUTHERAN CHURCH ZION ADDITION  
 TO EVANGELICAL LUTHERAN CHURCH ZION**

PREVIOUSLY RECORDED IN P.B.46/40  
 SITUATED AT #107 & #123-125 W. MAIN STREET  
 TOWN OF MIDDLETOWN  
 MIDDLETOWN ELECTION DISTRICT #3  
 FREDERICK COUNTY, MARYLAND  
 MIDDLETOWN PLANNING REGION  
 DATE: JANUARY, 2019 SCALE: 1" = 50'  
 PLAT NO. 500 P-608 ADD  
 ACCT.803-144127, 03-130363

File #:
A/P #:
Recorded:
P.B. Pg.

## Middletown Planning Office

### MEMORANDUM

Date: 6/4/2020  
Hansen# 200246

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **TABOR BARN DEMOLITION EXTENSION REQUEST & USE OF EXISTING FOUNDATION FOR FUTURE STRUCTURE**

Tax Map Parcel #03-0157903

Applicant: Michael and Patricia Tabor

Property Owner: Michael and Patricia Tabor

Plan Dated: May 27, 2020

Date Received: June 1, 2020

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#### GENERAL INFORMATION

Proposal: request to extend the period for completion of post-demolition site work until September 18, 2020, and to utilize the existing foundation for use in constructing a new structure

Location: 10 Boileau Drive

Zoning: TC – Town Commercial

Present Use: foundation of demolished barn

#### COMMENTS

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

**1. Requirements of Section 17.32.160 (Demolition site plan – Required in all districts.)**

After approval by the Planning Commission for demolition of the barn at 10 Boileau Drive on September 16, 2019, the barn was subsequently demolished. One of the requirements of Section 17.32.160A is that all such demolitions and post demolition restoration shall be completed within ninety days of issuance of a demolition permit unless otherwise approved by the Middletown Planning Commission. In December 2019, the property owner asked the commission for an extension for the post-demolition work, which was approved by an additional six months. The deadline to complete the work was thus extended until June 16, 2020. The property owners request is to extend the period for completion of the site work, including restoration of the existing foundation, for the

duration of the existing Frederick County building permit (#200246) which expires on September 18, 2020.

2. **Existing foundation use** - The property owner is also asking for approval to utilize the existing foundation for use in constructing a new structure on the site in the future. A plat has been submitted that shows the location of the existing foundation to be used for the proposed replacement structure and the location for pedestrian access from Boileau Drive to the property. There are two utility support poles as shown in the photo below in the area between Boileau Drive and the existing foundation that would prevent the installation of a sidewalk along the road. Pedestrian access would be placed on the east side of the existing foundation where the adjacent shed had been located. The Town has for decades granted property owners the future use of existing foundations.



Use of the existing foundation for a planned structure would avoid reducing the number of parking spaces that exist on the lot south of the foundation. Upon approval of the requests, the applicant will proceed with the preparation and submittal of architectural plans and details for the building and site work.

This review will be included in the Middletown Planning Commission materials for the June 15, 2020 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be June 10, 2020.

R. Michael Tabor & Patricia A. Tabor  
8020 Myersville Road  
Middletown, Maryland 21769

Town of Middletown Maryland  
Planning Commission  
31 West Main St,  
Middletown, MD 21769

May 27, 2020

**RECEIVED**

JUN 01 2020

**Town of Middletown**

Re: Property at 10 Boileau Drive  
Middletown, Maryland 21769  
Request to extend t time for  
completion of site work and  
use of original Foundation for  
New structure.

Gentlemen:

We submit our request to extend the period for completion of the site work, including restoration of the existing foundation, for the duration of the existing Frederick County Building Permit # 200246, expiring September 18, 2020. We also request approval to utilize the existing foundation for use in constructing a new structure on site in the future

Attached is a plat showing the location of the existing foundation to be used for the proposed replacement structure and the location for pedestrian access from Boileau Drive to the property. In the area between Boileau Drive and the existing foundation are two utility support poles with elevated terrain that prevents installation of sidewalks.

Historically, the setback line remains in place for an existing foundation that is to be utilized for support of a replacement structure.

We have deleted the east shed footprint area of approximately 390 sq. ft. to provide for pedestrian access and landscaping to the site. This would include placing a sidewalk from Boileau Drive into the property.

We has enclosed pictures of Boileau Drive that shows the existing structure on Lot #1 (200 South Jefferson Street) “ zero” feet from Boileau Drive. Also shown is the foundation area that remains on Lot #3, which is 7 feet from Boileau Drive.

It is imperative we be able to locate the planned structure as described above and avoid reducing the number of parking spaces currently on Lot #3.

Upon approval of our requests we shall proceed with the preparation and submittal of architectural plans and details for the building and site work as required by the Town of Middletown.

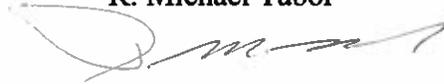
Please call us should you have need of any additional information.

Thank you for all considerations given our request.

Sincerely,



R. Michael Tabor



Patricia A. Tabor

STRUCTURE  
Removal

Shed &  
Footings  
Removed

Total Area Dedicated to  
Public Use is 146± or 0.05± AC.

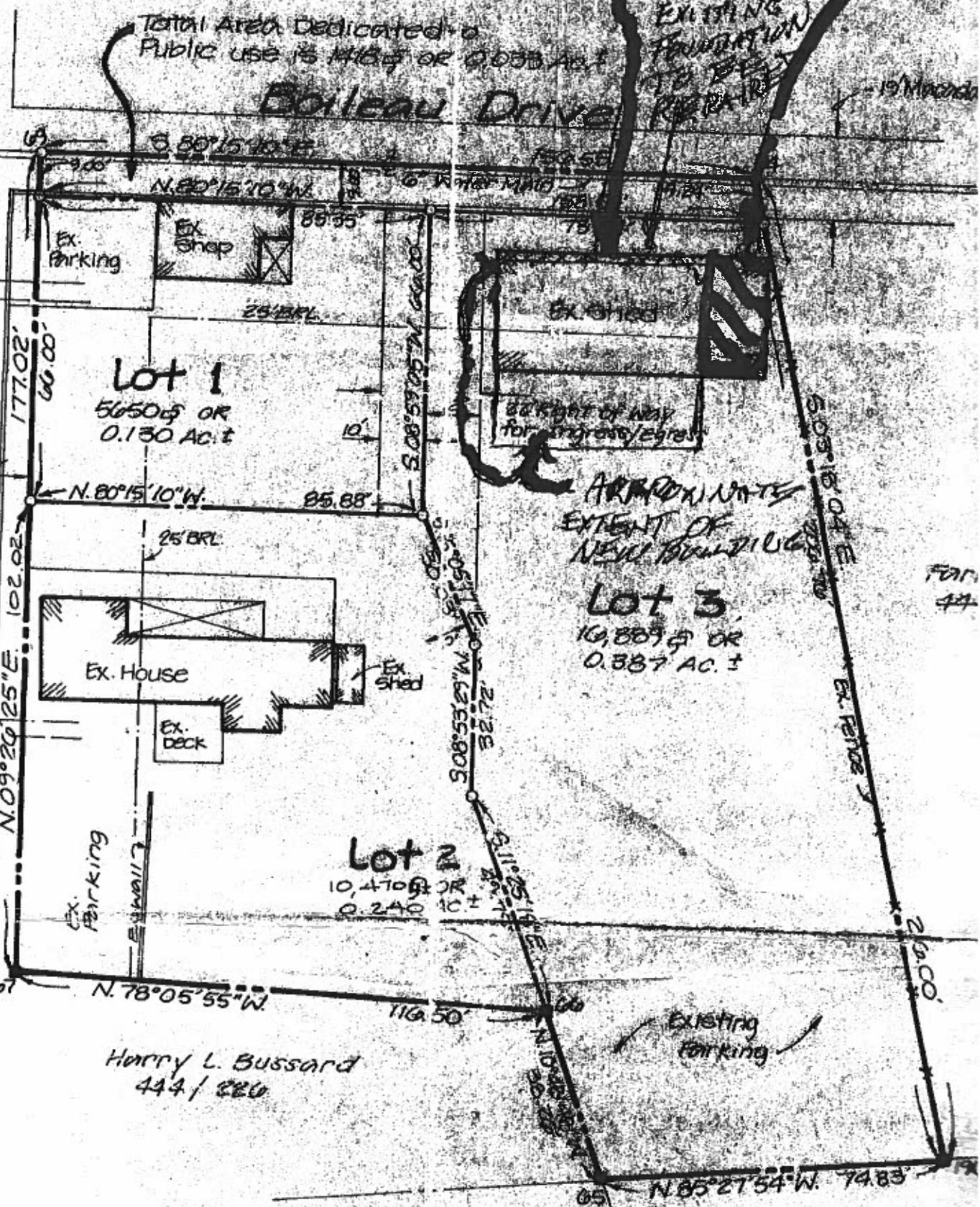
Boileau Drive

EXISTING  
FOUNDATION  
TO BE  
REMOVED

Ex. 1" Water Connection  
Ex. 6" Sewer Connection

Jefferson Street

Ex. 4" Sewer Connection  
Ex. 3/4" Water Connection



Lot 1  
56,500± OR  
0.130 AC.±

Lot 3  
10,887± OR  
0.387 AC.±

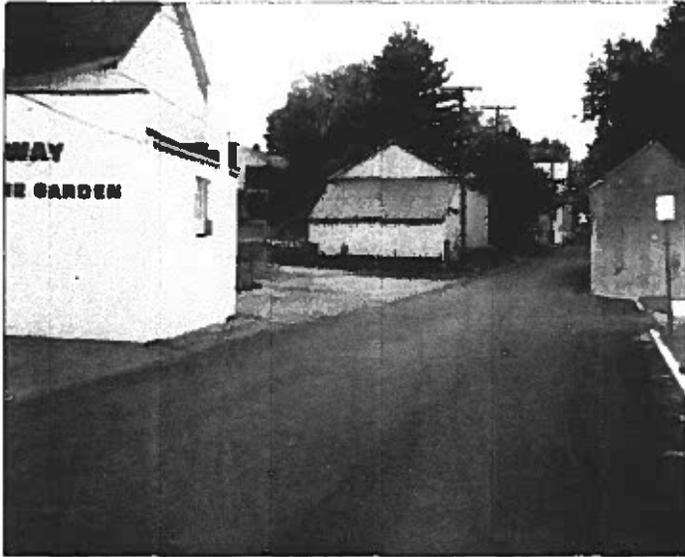
Lot 2  
10,470± OR  
0.240 AC.±

Harry L. Bussard  
444 / 220

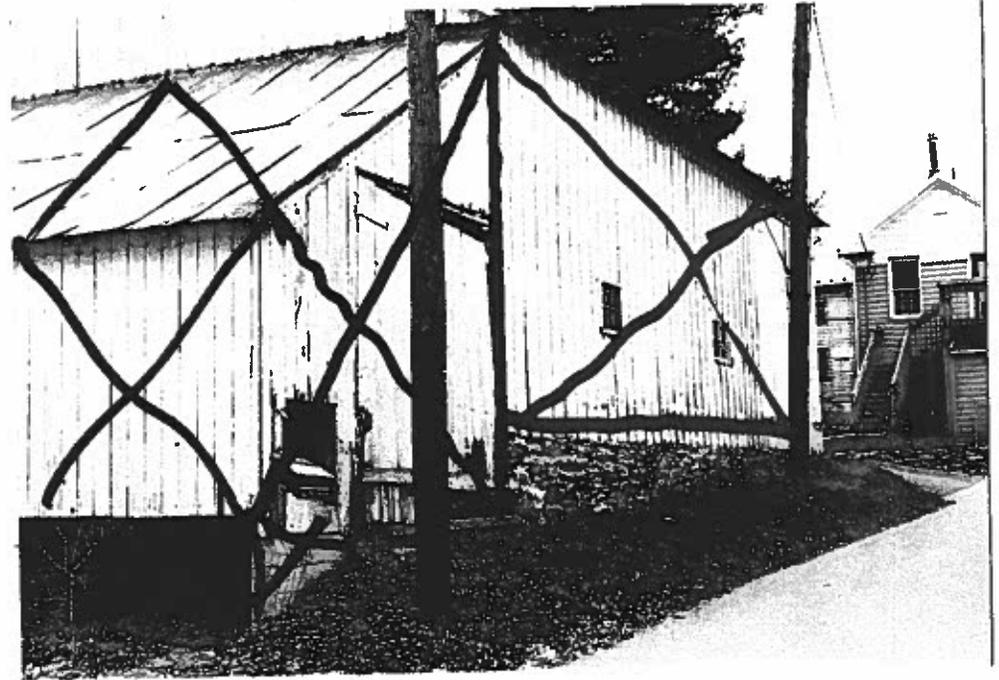
Ronald C. Fogle  
309 / 187

R. Michael Tabor  
1203 / 743

# 10 Boileau Drive Property



Boileau Drive looking west toward Jefferson Street



↑ ✂  
Portion of foundation to  
Be removed and to be  
Landscaped and provide  
Access walkway to site

↑  
Foundation to be restored  
to support proposed building

Note setback along Boileau Drive

NOTE: Existing Utility pole locations

12 SOUTH CHURCH STREET

CHURCH

103 SOUTH CHURCH STREET

201 SOUTH CHURCH STREET

207 SOUTH CHURCH STREET

9 BOILEAU DRIVE

BOILEAU

205-207 SOUTH CHURCH STREET

10 SOUTH JEFFERSON STREET

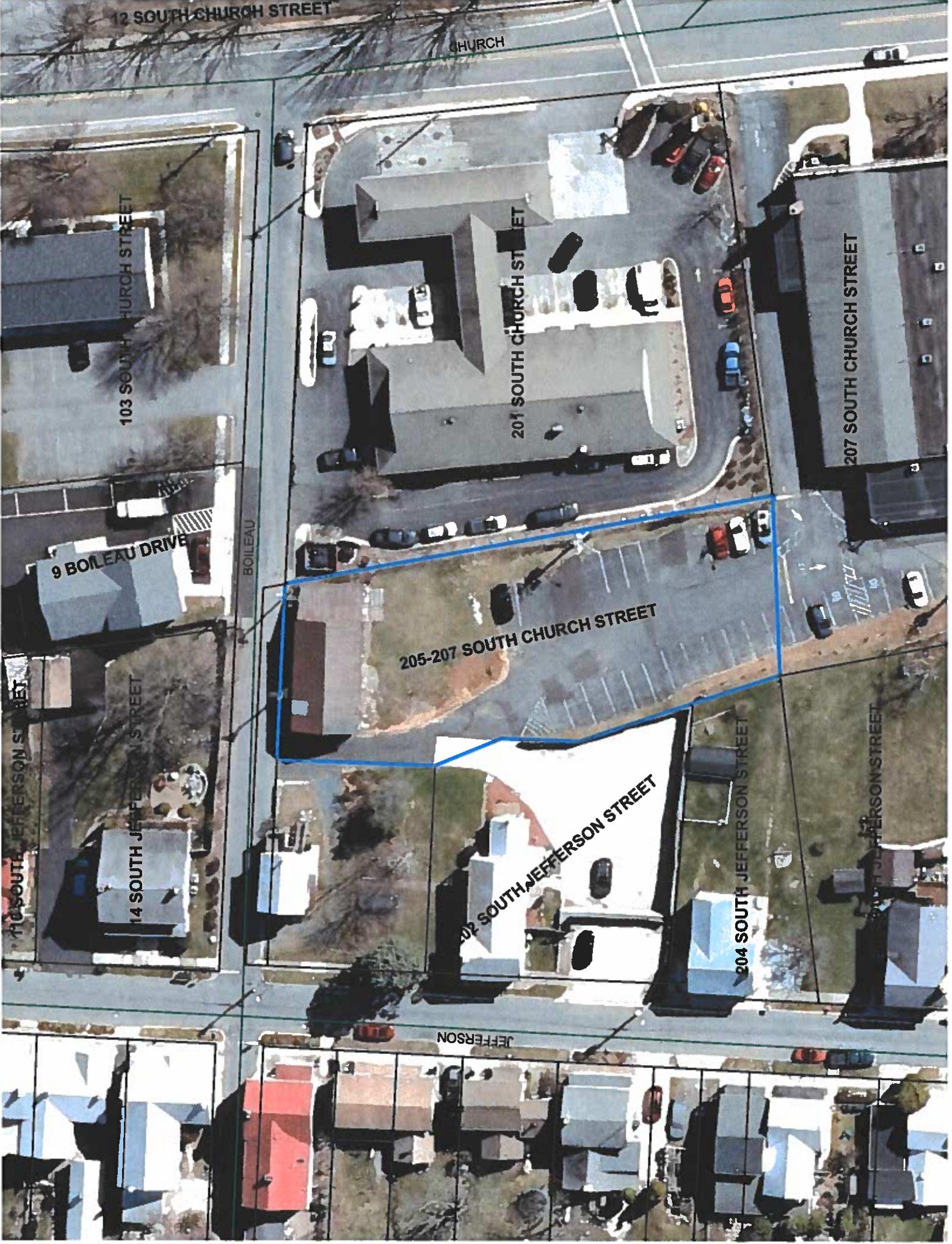
14 SOUTH JEFFERSON STREET

202 SOUTH JEFFERSON STREET

204 SOUTH JEFFERSON STREET

206 SOUTH JEFFERSON STREET

JEFFERSON



MEMORANDUM

Date: 6/12/2020

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: BUILDING HEIGHT AND 'STORY' CODE REVIEW

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In reviewing the definitions and references to building height in the Middletown Municipal Code below, here are some questions that the Town Board and Planning Commission might want to consider:

- 1) Include the language 'whichever is greater' to building height regulations (as shown in 17.17.150D), or delete the word 'or' and replace it with 'and'?
- 2) No land in Middletown is currently zoned MB Mixed Business district. In updating the Comp Plan, it should be determined whether any land should be zoned as such. If the Town decides to zone any land as MB in the future, will a maximum height of 50 feet be appropriate?
- 3) The two properties in town designated as SC/LM Service Commercial/Light Manufacturing (Industrial district) are on East Green Street and include Fountaindale Auto and the property just east of there that includes the landscape business and is mostly a gravel lot. If either property were sold or re-developed, would the maximum designated height of 45-feet be appropriate for those sites?

**MIDDLETOWN DEFINITIONS**

**Building, height of.** "Height of building" means the vertical distance from grade plane to the average height of the highest roof surface. As used herein, "grade plane" means a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

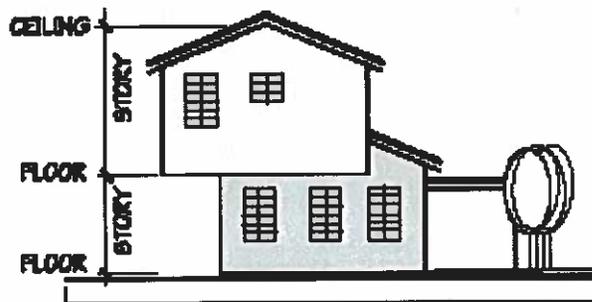
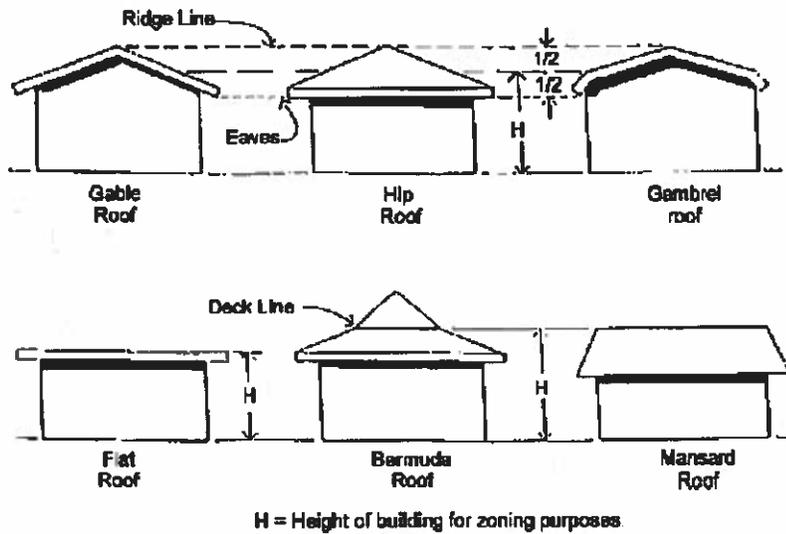
**"Story"** means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between such floor and the ceiling next above it. A basement shall be counted as a story if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty (20) feet or more.

Bruce has reviewed our definitions and submitted the attached documents with his notes. He has stated that Frederick City's building height definition and drawings are straight-forward and thorough.

Frederick City

- **Building Height**

The height is measured from the average finished grade ground level along the front facade to either the highest point of a flat roof or to the point one-half the distance between the eaves and the highest point of a pitched roof.



- **Story**

That portion of a building included between the upper surface of a floor and the upper surface of the floor or roof next above.

**17.16.050 - Building height regulations and unit limitations for structures in residential districts.**

No building will exceed ~~two and one-half stories or~~ thirty-five (35) feet in height. No one structure in any residential district may contain or include more than twelve (12) individual and separate dwelling units within the structure.

**17.17.150 - Development standards. (Overlay zoning districts)**

- A. Density. The overall density of the project shall be in conformance with the R-3 zoning district.
- B. Lot Area and Yard Requirements. The minimum lot area single-family dwelling shall be six thousand (6,000) square feet. The minimum lot area per duplex (two dwelling units) shall be eight thousand (8,000) square feet. The minimum lot width per structure for a single-family dwelling shall be sixty (60) feet, and the minimum lot width per structure for a duplex shall be forty (40) feet per duplex unit. The minimum yard areas shall be as follows:
  - 1. Front yard: fifteen (15) feet from a public street;
  - 2. Side yard: eight feet for a single-family dwelling; eight feet one side only for a duplex dwelling (one side per dwelling);
  - 3. Rear yard: twenty (20) feet (except that a detached garage accessory structure accessed via a rear alley system shall have a rear yard setback of eighteen (18) feet: or except that a detached garage accessory structure accessed via a front-loaded driveway shall have a rear yard setback of four feet.)

These minimum standards may be modified by the planning commission, in accordance with the master plan design guidelines.

- C. Accessory Structures. The minimum side yard setback for an accessory structure shall be three feet.
- D. Height Limitation. Building height is limited to a maximum of ~~two and one-half stories or~~ thirty-five (35) feet in height, ~~whichever is greater.~~

**17.20.015 - MB mixed business district.**

- C. Required Lot Area, Lot Width, and Yards in the MB District. The following requirements apply in the MB district:
  - 1. Minimum area of lot size: one acre;
  - 2. Setback requirements for front, rear, and side yard: thirty (30) feet; provided, however, that for any lot on which a structure exceeding thirty (30) feet in height is situated, the thirty (30) foot setback requirement shall be increased by one foot for every foot of the structure which exceeds thirty (30) feet in height. Additionally, for any portion of a

structure which is adjacent to a residential district or state highway, the setback requirement is one hundred (100) feet for that portion of the structure which is adjacent to such residential district or state highway;

3. Structure height: ~~fifty (50)~~ thirty-five (35) feet;
4. Lot width: one hundred (100) feet. The planning commission may, however, permit a lot width of not more than fifty (50) feet if the planning commission approves a landscaping plan which, in the commission's opinion, provides an adequate buffer for adjacent property.

#### **17.20.030 - Building regulations in commercial districts.**

No building shall exceed ~~three (3) stories or~~ thirty-five (35) feet in height or exceed sixty thousand (60,000) square feet in size.

#### **17.24.020 - Building height regulation in industrial districts.**

No building in the SC/LM district shall exceed ~~three stories or forty-five (45)~~ thirty-five (35) feet in height.

#### **17.28.040 - Required lot area, lot width, and yards in open space district.**

- A. The following requirements apply in the OS district:
  1. Minimum area: not specified;
  2. Front yard: fifty (50) feet;
  3. Rear yard: fifty (50) feet;
  4. Side yard: fifteen (15) feet.
- B. For structures higher than twenty-five (25) feet, the yard requirements shall be as follows:

All yards: Between the foundation and the nearest lot line, a distance of 2.5 times the height of the structure shall be maintained.

#### **17.30.040 - Required lot area, yards and other restrictions. (Ag district)**

The following restrictions are applicable in the agricultural district:

- A. Minimum lot or parcel size: twenty-five (25) acres;
- B. Front yard: fifty (50) feet;
- C. Rear yard: fifty (50) feet;
- D. Side yard: fifty (50) feet;

- E. Height: The restrictions for properties located within the R-20 district apply. Structures, such as silos, barns or other structures, which are typically used solely for agricultural purposes may be a maximum of fifty (50) feet in height;

**17.32.180 - Modifications to height limitations.**

- A. **Public and Semipublic Buildings may Exceed Height Limitations.** Public buildings, places of worship, medical care facilities, institutions, may exceed the height limits to a total height of seventy (70) feet providing all yards required in the particular district are increased one foot for each two feet in excess of the height limitation.
- B. **Architectural or Mechanical Appurtenances may Exceed Height Limitations.** Chimneys, church steeples, cooling towers, elevators, bulkheads, fire towers, monuments, stacks, stage towers, or scenery lofts, tanks, water towers, spires, radio and television towers, grain elevators, or other such architectural and mechanical appurtenances are exempt from height regulations except that freestanding structures must be set back a distance equal to the height of the structure when located adjacent to an R district and set back one-half the height of the structure when located adjacent to TC, GC, OS and SC/LM districts.

**17.42.030 - Applicability; general provisions. (Residential Cluster Development)**

- B. The following provisions shall apply to any residential cluster development, regardless of the general requirements of the R-20 zoning district:
  - 6. The maximum height limitation shall be that established for the R-20 zoning district.

## BUILDING HEIGHT DEFINITIONS

### Middletown

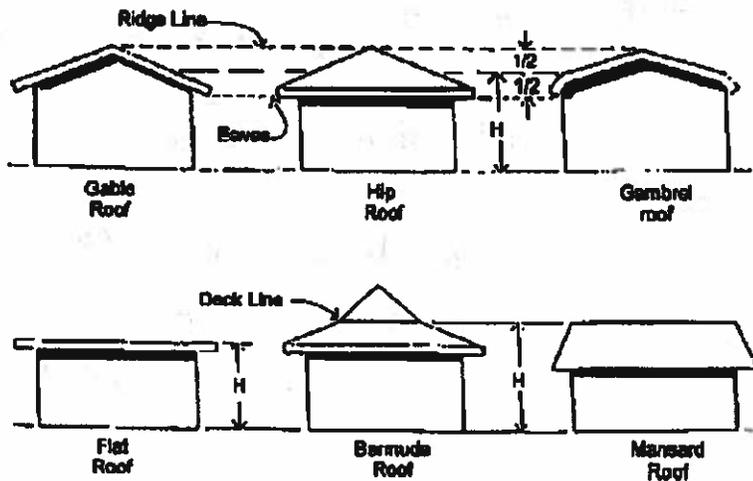
Building, height of. "Height of building" means the vertical distance from grade plane to the average height of the highest roof surface. As used herein, "grade plane" means a reference plane <sup>①</sup> <sub>②</sub> representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six feet from the building, between the building and a point six feet from the building.

<sup>③</sup> "Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between such floor and the ceiling next above it. A basement shall be counted as a story if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story if it covers more than one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty (20) feet or more.

### Frederick City

- **Building Height**

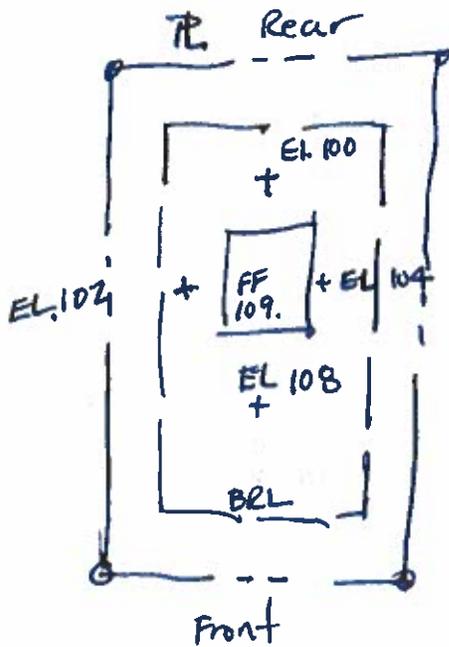
The height is measured from the average finished grade ground level along the front facade to either the highest point of a flat roof or to the point one-half the distance between the eaves and the highest point of a pitched roof.



H = Height of building for zoning purposes

① "average ht of highest roof surface": how is this defined  
 Frederick City does a good job defining. would seem reasonable to use their examples.

② Grade Plane:  
 For illustration purposes lets assume the 6 ft distance from the bldg

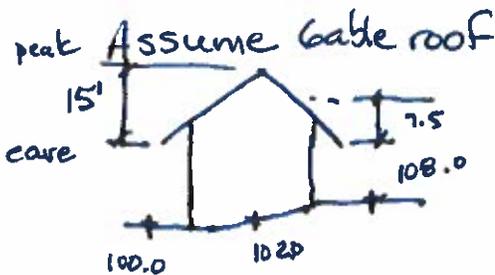


spot elevations taken at 6 ft from the building. This illustrates a typical walk out elevation on a RESIDENTIAL STRUCTURE.

Calculation of the "reference plane"  
 "the lowest points within the area" establish the reference plane  
 My opinion the highest pt is discarded therefore

$$\frac{100 + 102 + 104}{3} = \frac{306}{3} = 102$$

elevation 102 is the reference plane.



"Average Ht of Highest Roof Surface"

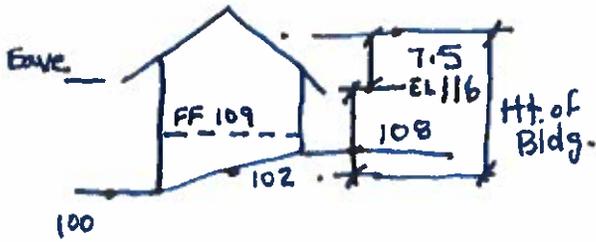
Eave = 0 ft Peak = 15 ft.

$$\frac{0 + 15}{2} = \underline{\underline{7.5 \text{ ft}}}$$

② cont

Height of Building:

grade plane + avg ht. of highest roof surface



Grade plane elv = 102.0

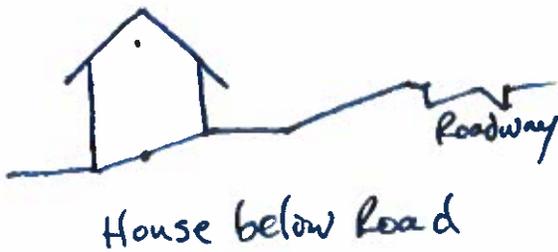
Eave elevation = 116.0

avg ht roof = 7.5

$116 - 102 = 14\text{ft} + 7.5\text{ft}$

Ht of Bldg. = 21.5ft

∴ Discussion this method disregards the appearance of the facade from the street elevation. See sketch below. Does it matter?



House below Road



House above Road

③ "Story": seem very clear to me.

"A basement shall be counted as a story if it is used for business or dwelling purposes."

Opinion: Why is it counted if it is below grade

IBC: International Building Code (current building code)

Basement: below grade story or above grade story



## MIDDLETOWN PLANNING COMMISSION

# 2019 ANNUAL REPORT

Approved \_\_\_\_\_, 2020 by Middletown Planning Commission

### **BURGESS & COMMISSIONERS**

John Miller, Burgess (4/2016-4/2020)

Jennifer Falcinelli, Burgess Pro-tem (4/2018-4/2022)

Larry Bussard (4/2018-4/2022)

Richard Dietrick (4/2018-4/2022)

Chris Goodman (4/2016-4/2020)

Tom Catania (4/2016-4/2020)

Andrew J. Bowen, Town Administrator

### **Middletown Planning Commission**

Mark Carney, Chairman (12/2016-12/2021)

David Lake (1/2017-1/2022)

Bob Miller (5/2018-5/2023)

Rich Gallagher (12/2016-12/2021)

Tom Catania, Comm. Ex-Officio (4/2016-4/2020)

Dixie Eichelberger, Alt. (6/2017-2/2021)

Eric Ware, Temp. Alt. (12/2018-5/2022)

### **Middletown Board of Appeals**

Daphne Gabb, Chair (4/17-5/19, 5/2019-5/2022)

Thomas Routzahn (1/2017-1/2020)

Tim Coakley (1/2017-1/2020)

Alex Kundrick, Alternate (3/2017-3/2020)

### **Planning Department Staff**

Cynthia K. Unangst

### **Town Zoning Administrator**

Mark Hinkle

### **Engineering Staff**

Bruce Carbaugh, Director of Public Works

J.R. Hawkins, Project Manager

## INTRODUCTION

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

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

### POPULATION IN MIDDLETOWN

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

### TEN YEAR PERIODS OF POPULATION GROWTH based on Census

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

### MIDDLETOWN PLANNING COMMISSION

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

**PLAN REVIEWS - 2019**

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

**CONCEPT PLANS**

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

**SITE PLANS**

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

**MASTER PLANS**

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

**PRELIMINARY PLANS**

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

**MASS GRADING/SWM PLANS**

Name                                      Units   Zoning                                      Request for:

None

**IMPROVEMENT PLANS**

Name                                      Units   Zoning                                      Request for:

3A. Franklin Commons                      18        R-3  
      Corner of Franklin & Broad Streets                      Re-approval of plans for construction of multi-family dwellings (Approved 3/18)

3B. Water Storage Tank                      1        OS  
      4A Ashky Court                                      Approval of water storage tank to replace reservoir (Approved 7/15)

3C. Miller Property                              1        TC  
      203 East Main Street                                      Approval of redline revisions to lighting/fencing (Approved 9/16)

**FOREST CONSERVATION PLANS**

Name                                      Units   Zoning                                      Request for:

4A. Water Storage Tank                      1        OS  
      4A Ashky Court                                      Approval of FCP and PFCP plans for water storage tank (Approved 3/18)

4B. Water Storage Tank                      1        OS  
      4A Ashky Court                                      Approval of FFCP plan for water storage tank (Approved 6/17)

4C. Hollow Creek Prof. Center              3        GC  
      821 East Main Street                                      Approval of PFCP for retail/office development (Approved 11/18)

**SUBDIVISION PLATS**

Name                                      Units   Zoning                                      Request for:

None

**ADDITION PLATS**

Name                                      Units   Zoning                                      Request for:

5. Zion Lutheran Church                      2        TC  
      West Green Street                                      Addition of partial lot to another church-owned lot (Approved 2/18)

**FINAL PLATS**

Name                                      Units   Zoning                                      Request for:

None

**RE-ZONING REQUESTS:**

None

**ANNEXATIONS:**

None

**TEXT AMENDMENTS:**

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

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

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

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

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

**INFRASTRUCTURE PROJECTIONS:**

**TRANSPORTATION:**

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

The Town Comprehensive Plan includes roadway alignments both north and south of town that will be requirements of any future annexation agreements. 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. With the annexation of the Memar Property, a section of northern alignment, west of Coblenz Road, will be built by the developer.

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

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

#### **WATER SUPPLY AND DISTRIBUTION:**

The Town depends on 23 wells, 4 major groups of springs, two reservoirs, and a 400,000-gallon elevated water storage tank to supply water to the Town. The current total withdrawal permitted by the Town is 387,000 gallons per day (gpd). The average daily use for 2019 was 310,000 gpd. The water system is routinely monitored for possible contaminants in accordance with Federal and State laws, and there were no violation levels in 2019. The Town completed an engineering study of the existing reservoir and is moving forward with construction of a stadium style ground storage tank. This new tank will be built within one of the existing reservoirs. Construction will begin in 2020. In addition, the project will remove the abandoned 6" suction water line from the reservoir to the booster station and replace it with a 16" suction supply line to the Town. This will provide the Town with dual suction lines for water supply to the Town.

#### **WASTE WATER TREATMENT FACILITIES:**

The East Wastewater Treatment Plant (WWTP) on the south side of Holter Road at Hollow Creek is designed to process 350,000 gpd of sewerage. The current discharge permit for the plant is 250,000 gpd. Average daily flows for 2019 were 302,537 gpd. The discharge permit for the West WWTP at Catocin Creek in the southwest section of Town is 250,000 gpd. Average daily flows for 2018 were 373,015 gpd. The 2019 numbers are high and over the permit allotments due to the unusually wet weather.

#### **PARKS AND GREENWAYS:**

Walking trails were completed in 2019 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 February 2019, Main Street Middletown, MD Inc. became the proud owners of 19 and 21

West Main Street. The money was raised through donations and grants from many entities, including Preservation Maryland, MD Heritage Area Authority, and the Department of Housing and Community Development's Community Legacy Fund. Upon the purchase, Main Street Middletown, MD Inc also worked with the Maryland Historical Trust that placed a perpetual easement on the historic exterior of the property.

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

## **STRATEGIC PLANNING INITIATIVES**

### **ZONING ORDINANCE UPDATE**

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

### **COMPREHENSIVE PLAN REVIEW**

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

### **PLANNING COMMISSION RECOMMENDATIONS:**

#### **ONGOING RECOMMENDATIONS:**

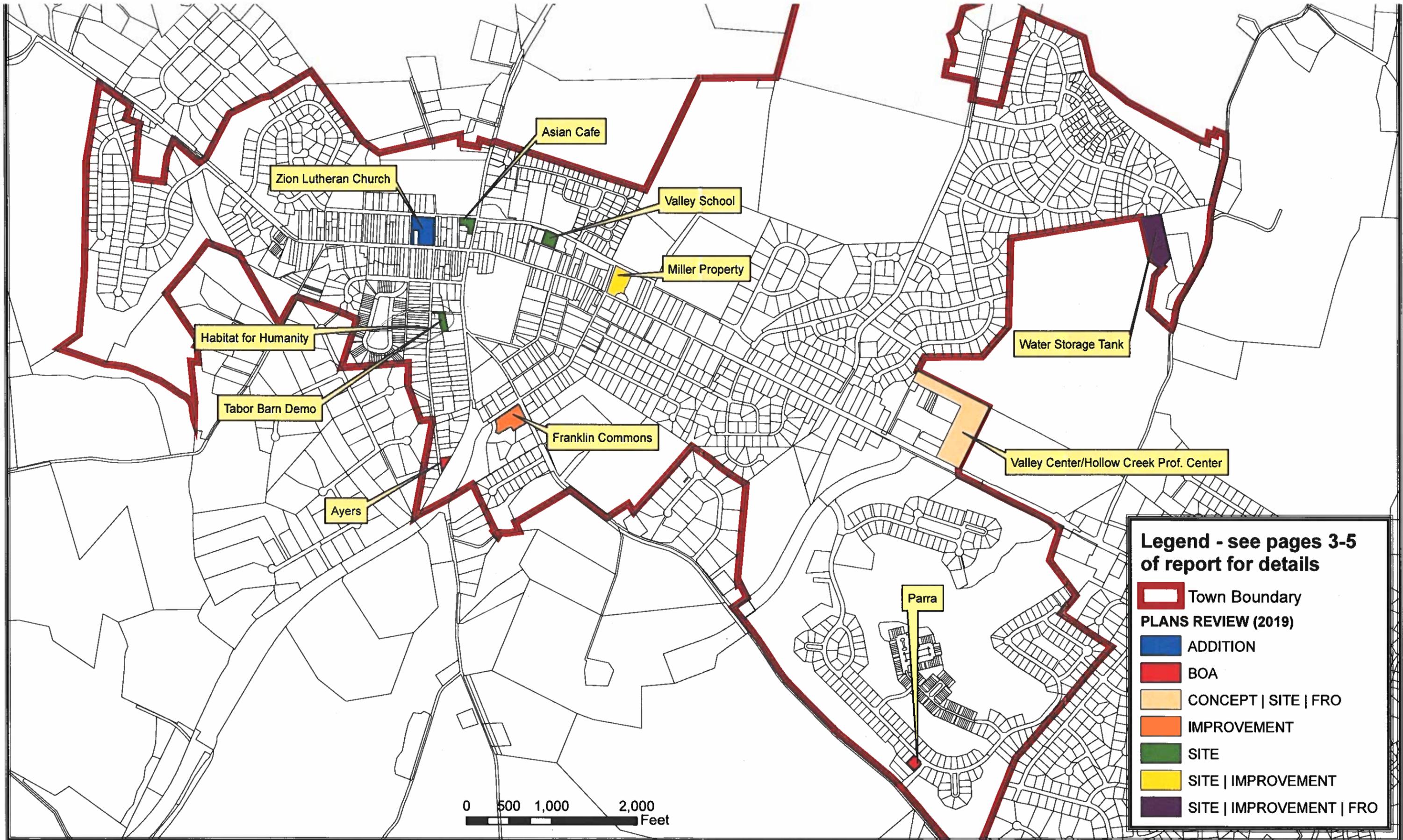
1. Review walkway and road construction strategies to be incorporated into current & future growth and development.
2. Continue to review and refine a management system which includes checklists for the plan review process to help ensure that files are complete and easily accessible, and which verifies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

**NEW RECOMMENDATIONS:**

1. Work with the Sustainability Committee on implementing energy-saving and renewable energy strategies and policies for the town.
2. Review policies that would provide guidance for sustainability and climate change resiliency as it effects the town and future annexations.
3. Develop a dark-sky policy for future and replacement lighting in the town.
4. Review and develop policies/regulations that would provide guidance for affordable housing.

### 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	39	8	25	28	23	
Multi-Family	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	1	0	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	70	16	25	19	17	
Additions	0	6	15	15	28	20	84	8	12	2	6	2	30	6	7	4	2	4	23	1	4	4	4	
Pools & Hot Tubs	23	7	9	9	16	4	45	8	12	7	4	3	34	2	6	5	2	1	16	2	6	3	6	
Decks & Porches	106	18	38	36	64	39	195	37	41	31	27	28	164	32	19	9	15	21	96	14	16	18	23	
Accessory Structure	66	14	15	24	23	16	92	18	13	14	9	9	63	6	5	7	8	15	41	11	15	10	20	
Fences	66	18	27	41	36	29	151	23	16	25	24	20	108	16	24	13	15	16	84	23	19	15	27	
Demolitions	7	1	1	0	1	2	5	0	2	0	2	1	5	2	1	2	1	3	9	5	5	2	3	
Propane Tanks	0	1	1	3	6	6	17	3	4	2	2	1	12	6	2	4	1	0	13	0	1	2	2	
Trailers	0	3	2	0	0	3	8	0	0	0	0	0	0	0	0	0	0	0	0	2	0	1	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	39	3	4	7	6	
Solar panels	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	37	20	61	25	7	8	4	
New Commercial	15	2	4	0	0	0	6	0	0	0	0	1	1	0	0	2	0	2	4	1	0	4	2	
Commercial Conversion	0	4	5	7	6	8	30	1	2	7	3	3	16	4	6	5	5	8	28	1	4	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	0	
Office Conversion	0	4	4	0	1	4	13	14	3	0	5	2	24	0	3	0	0	3	6	0	1	3	1	
Other									2	1	2	2	7	5	4	4	6	4	23	1	4	5	4	
<b>Total Permits</b>	<b>468</b>	<b>173</b>	<b>245</b>	<b>293</b>	<b>264</b>	<b>182</b>	<b>1157</b>	<b>182</b>	<b>184</b>	<b>146</b>	<b>142</b>	<b>120</b>	<b>774</b>	<b>111</b>	<b>108</b>	<b>83</b>	<b>125</b>	<b>126</b>	<b>553</b>	<b>113</b>	<b>136</b>	<b>133</b>	<b>147</b>	



# Middletown 2019 Annual Report Map



## Chapter 1 INTRODUCTION

### *Vision Statement for the Town of Middletown*

Middletown is a historic small town with strong community spirit. The small town, family-friendly essence of Middletown is valued, as are those aspects that contribute to maintaining that which makes the Town unique while giving access to more urban amenities. The diversification of the economy and opportunities for growth will be pursued with thoughtful planning and citizen involvement. Stewardship of the environment and preservation of our heritage are embraced as we strategize for the future. The historic town center of Middletown will be the social and cultural heart of the community and neighborhoods will exude a small-town charm where people feel safe and secure.

### Purpose of the Plan

The Middletown Comprehensive Plan provides a framework to guide future decision-making concerning growth, development and the provision of public services. The Plan for the Town reflects the community values of its residents and elected officials. These values are expressed through the Plan's goals and objectives which envision a desired future condition for the community. The goals and objectives are the basis for recommendations contained in the Plan and are the basis for future actions the Town will take regarding development proposals, rezonings, annexations and public works projects.

The adoption of a Comprehensive Plan is important in that it provides the framework for consistent decisions. The Plan gives succeeding administrations a better idea of what values have been expressed through the public planning process.

A Comprehensive Plan has value to the staff planner, the **Town Planning Commission**, the elected officials, and the citizens. The planner uses the Plan to evaluate land use proposals and to inform property owners about appropriate areas for development. Elected officials use the Plan to make decisions which are consistent with an adopted course of action and to make progress on issues which are identified as needing action. Citizens can use the Plan to judge the decisions of the planning body and elected officials, and to gauge the progress made in important areas of concern. Equally important is the coordination with County planning efforts since much of the public facility planning is controlled at the County level. Coordination with Town plans will enable the County to attempt to provide public facilities sufficient to meet the needs of the populace.

The Comprehensive Plan is used to coordinate planning activities with other levels of government and regional planning agencies. The State of Maryland, through the Maryland Economic Growth, Resource Protection and Planning Act of 1992 and its subsequent

**Commented [CU1]:** Commissioner LaPadula feels that there should be a statement as to how the PC uses the Plan.

amendments, requires comprehensive plans to be updated at specified intervals. Furthermore, the Act requires each municipal comprehensive plan to include elements that align with the state's core growth and development visions. These core growth and development visions expanded from the original 7 objectives to 12 in the wake of the 1987 Chesapeake Bay agreement and Maryland Senate Bill #273 (effective October 2009) to help achieve Smart and Sustainable Growth. The 12 visions are as follows:

1. A high quality of life is achieved through universal stewardship of the land, water and air resulting in sustainable communities and protection of the environment;
2. Citizens are active partners in the planning and implementation of community initiatives and are sensitive to their responsibilities in achieving community goals;
3. Growth is concentrated in existing population and business centers, growth areas adjacent to these centers, or strategically selected new centers;
4. Compact, mixed-use, walkable design consistent with existing community character and located near available or planned transit options is encouraged to ensure efficient use of land and transportation resources and preservation and enhancement of natural systems, open spaces, recreational areas, and historical, cultural, and archeological resources;
5. Growth areas have the water resources and infrastructure to accommodate population and business expansion in an orderly, efficient, and environmentally sustainable manner;
6. A well-maintained, multimodal transportation system facilitates the safe, convenient, affordable, and efficient movement of people, goods, and services within and between population and business centers;
7. A range of housing densities, types, and sizes provides residential options for citizens of all ages and incomes;
8. Economic development and natural resource-based businesses that promote employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities are encouraged;
9. Land and water resources, including the Chesapeake and coastal bays, are carefully managed to restore and maintain healthy air and water, natural systems, and living resources;
10. Waterways, forests, agricultural areas, open space, natural systems, and scenic areas are conserved;
11. Government, business entities, and residents are responsible for the creation of sustainable communities by collaborating to balance efficient growth with resource protection; and
12. Strategies, policies, programs, and funding for growth and development, resource conservation, infrastructure, and transportation are integrated across the local, regional, state, and interstate levels to achieve these visions.

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

**MARYLAND LAND USE ARTICLE**  
Article 66B of the Annotated Code of Maryland:  
*Planning & Zoning Enabling Act* is the State's  
preeminent planning law, providing jurisdictions

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

## Goals

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

### A. Provide for Quality Living Environment

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

Commented [CU2]: Eliminate this sentence?

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

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

### C. Encouragement of Sound Economic Base

The Town should provide for a variety of commercial and industrial areas which will be located to minimize the impact on adjoining land uses. It may also be helped by actions and recommendations of Main Street Middletown. The Town's natural and historic assets should also be fully utilized by encouraging tourism through promotions such as the Heart of the Civil War Heritage Area. The Town will provide for an efficient and streamlined development review process.

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

The Town should ensure that its future growth is managed properly, per the Towns residential and commercial growth policies, by requiring new development provide the

necessary water and sewer resources, traffic impact studies and subsequent needed improvements to the Town's transportation infrastructure, and recreational resources for the Town's residents, as determined by the Planning Commission and the Town Board. Additionally, developments will receive a set number of permits per year.

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

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

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

Commented [CU3]: R. Gallagher - Should this be a goal or an objective? Make Sustainability goal E?

Commented [CU4]: R. Gallagher - suggests that all this detail be moved to an appropriate chapter. Cindy suggests that there be a chapter entitled Sustainability.

3. Wetlands, streams, floodplains, forested areas, and steep slopes are not disturbed by development.
4. Streams and floodplains have vegetated buffers that help to restore the natural function of these areas. These buffers are planted in species native to Middletown and the surrounding area.
5. The Town actively seeks ways to lessen its impact on the environment by minimizing energy use, carbon emissions, water consumption, stormwater runoff, and implementing green design standards.
6. To the fullest extent practical, new development uses non-structural techniques and pervious paving to manage storm water and otherwise comply with the highest standards of the Maryland Department of the Environment.
7. Developers seeking annexation will plan their projects to the highest standards for community and environmental design using sustainable building practices.
8. Natural areas and farming remain the dominant use in the greenbelt.
9. An interconnected system of parks, shared use paths, and open spaces is created in and around Middletown. Every resident is within a five-minute walk from a community park and shared use path.
10. All residents and businesses in the Town of Middletown will participate in Frederick County's single stream recycling program.
11. An education program is put into place that teaches the public, school children, and business owners about sustainable development and sustainable living.

#### Planning in Middletown

This document is structured around 7 major components; population and housing, physical features, sensitive areas, water resources, municipal growth, land use, transportation and community facilities. Each of these components is a chapter in the Plan. Chapters 3 through 8 include background information, issues, objectives, policies, and implementation recommendations. The implementation recommendations include specific actions which are necessary to carry out the goals and objectives of the Plan. This Middletown Comprehensive Plan is the fifth comprehensive update since the original Master Plan was adopted in 1969.

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

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

**Commented [CU5]:** R. Gallagher - Do we want to add sustainability as an 8<sup>th</sup> area?

**Commented [CU6]:** C. Kehne (5 Lauber Ct) - Since moving here 10 years ago, I have always wished that Middletown would support more businesses as seen here in 'commercial development to suit locals needs'. I would highly recommend seeing some efforts to get a (1) small hardware store, this is crazy driving 10 miles for a bolt, (2) a fast food store. I.e. McDonalds to allow more socially inclined seniors who fill up Frederick's McDs for small coffee meetings and fun each morning. This would save traveling for many.

## Needs and Opportunities

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

Middletown held a community conversation in March 2020 for residents and neighbors to attend and share their goals, visions and wants and needs for the Town. The purpose in having this conversation was to gather broad input describing how attendees viewed the Town currently and their hopes and wants for the future – the vision for Middletown. The facilitator of the community conversation used the input from citizens to construct a SWOT (Strengths, Weaknesses, Opportunities, and Threats) to help gain a more accurate and balanced list of needs and opportunities.

### SWOT Analysis

(Strengths, Weaknesses, Opportunities, Threats)

Strengths	
<ul style="list-style-type: none"> <li>• Rural character</li> <li>• Mountain views</li> <li>• Quality of life</li> <li>• Small town essence, charm</li> <li>• Activities for all ages - family-focused</li> <li>• Family friendliness, welcoming nature</li> <li>• Overall cleanliness</li> <li>• Lack of crime</li> </ul>	<ul style="list-style-type: none"> <li>• Walkability</li> <li>• Proximity to good health care, highways</li> <li>• Business community consistent w/character</li> <li>• Fiscal soundness</li> <li>• Good schools</li> <li>• Long-standing community events</li> <li>• Emphasis on preservation</li> <li>• Well-kept parks</li> </ul>
Weaknesses	
<ul style="list-style-type: none"> <li>• Management of growth and taxes</li> <li>• Empty and blighted buildings</li> <li>• Commuter traffic and congestion</li> <li>• No bike paths</li> <li>• Parking downtown</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of consistent community involvement</li> <li>• Not enough trees</li> <li>• Not enough activities for seniors</li> <li>• Stormwater management program</li> <li>• Impacts of growth</li> </ul>
Opportunities	
<ul style="list-style-type: none"> <li>• Increased coordination with the county on issues that impact the town</li> <li>• Senior volunteer program</li> <li>• Preservation success tours/events</li> <li>• Recreation center/Senior center space</li> <li>• Sustainability efforts</li> </ul>	<ul style="list-style-type: none"> <li>• Sidewalk expansion</li> <li>• Sewer system</li> <li>• Parking</li> <li>• Renovation of old town hall</li> <li>• Indoor/outdoor pool</li> <li>• Walking and biking paths</li> </ul>
Threats	
<ul style="list-style-type: none"> <li>• Climate change and threats to dark sky</li> <li>• Growth outside of town</li> </ul>	<ul style="list-style-type: none"> <li>• Insufficient coordination with Frederick County and surrounding governments</li> </ul>

**Town of Middletown Planning Department**

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 6/1/2020

RE: Monthly Planning Update – June

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**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 – to be rescheduled**

**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 – April 17, 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)** – Forest Conservation Plan approved & Improvement Plan conditionally approved for commercial use – October 20, 2008 (no sunset provisions prior to November 14, 2010)  
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**

**Memorial Park** – Shed relocation plans submitted for review – March 2, 2020

**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**

**More Ice Cream (13 W. Main St)–change of use (intensity) plan approved by PC – May 18, '20**

**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) –**

Revised site plan conditionally approved – April 20, 2020 (Expires April 20, 2023)

Revised site plan to be revisited in five years – April 2025

**Valley Register Bldg. (121 W. Main St)–change of use (intensity) submitted for review – May 29th**

#### **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 – PC recommended approval (May 18, 2020); public hearing for Town Board on June 4, 2020**

**Reports: Annual Planning Report draft under review by PC**

**Grants:**

**Meetings: Next Middletown Green Team Meeting – June 16, 2020**

**Next Joint town board/planning commission workshop – July 6, 2020**