



## MIDDLETOWN PLANNING COMMISSION

# 2015 ANNUAL REPORT

Approved May 16, 2016 by Middletown Planning Commission

### **BURGESS & COMMISSIONERS**

John Miller, Burgess (4/2012-4/2016)

Jennifer Falcinelli, Burgess Pro-tem (4/2014-4/2018)

Larry Bussard (4/2014-4/2018)

Richard Dietrick (4/2014-4/2018)

Anthony Ventre (4/2012-4/2016)

Chris Goodman (4/2012-4/2016)

Andrew J. Bowen, Town Administrator

### **Middletown Planning Commission**

Mark Carney, Chairman (12/2011-12/2016)

Robert Smart (12/2011-12/2016)

David Lake (2/2012-2/2017)

Bob Miller (5/2013-5/2018)

Chris Goodman, Comm. Ex-Officio (4/2012-4/2016)

Rich Gallagher, Alt. (2/2011-2/2016)

Dixie Eichelberger, Temp. Alt (2/2014-6/2017)

### **Middletown Board Of Appeals**

Fred Rudy, Chair (6/2013-6/2016)

Thomas Routzahn (2/2014-2/2017)

Kenneth Kyler (2/2014-2/2015)

Alex Kundrick, Alternate (2/2014-2/2017)

### **Planning Department Staff**

Cynthia K. Unangst

### **Town Zoning Administrator**

Ron Forrester

### **Engineering Staff**

Bruce Carbaugh, Director of Public Works

J.R. Hawkins, Project Manager

## INTRODUCTION

Section 1-207 of the Land Use Article of the Annotated Code of Maryland requires that the Planning Commissions of non-charter counties and municipalities prepare, adopt and file an annual report with the local legislative body and a copy of the report be mailed to the Director of the Maryland Office 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	173
2001 Estimate	2,768	100
2002 Estimate	2,951	183
2003 Estimate	3,237	286
2004 Estimate	3,655	418
2005 Estimate	3,833	178
2006 Estimate	3,966	133
2007 Estimate	4,105	139
2008 Estimate	4,198	93
2009 Estimate	4,239	41
<b>2010 Census</b>	<b>4,136</b>	<b>-103</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

### 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, 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 names are shown on attached map.)**

### PLAN REVIEWS - 2015

All plans reviewed and approved were consistent with the Middletown Comprehensive Plan adopted in 2010, the Middletown Zoning Code, and the Middletown Subdivision Regulations.

CONCEPT PLANS

Name                                      Units    Zoning                                      Request for:

None

SITE PLANS

Name                                      Units    Zoning                                      Request for:

- 1A. Chesterbrook Rev. Phase 2    18    R-3                                      Approval of revised plans for multi-family  
    Franklin St. /Broad St.                                      development (Approved 1/19)
  
- 1B. Overfield Demolition            1      R-1                                      Approval of demolition of a carport  
    East Main Street    (Approved 3/16)
  
- 1C. Jiffas Architectural Review    2      TC                                        Approval of architectural renderings for duplex  
    West Green Street    (Approved 3/16)
  
- 1D. Morrissey Demolition            1      R-1                                      Approval of demolition of a sunroom  
    Lombardy Court     (Approved 4/20)
  
- 1E. Miller Property                    4      TC                                        Approval of site plan for restaurant and market  
    East Main Street    (Approved 7/20)
  
- 1F. Washington Gas Approach    1      OS                                        Approval of approx. 400 linear feet of gas line  
    Cone Branch Pump Station                                (Approved 9/21)
  
- 1G. Frasher Demolition              1      R-3                                      Approval of demolition of porches and shed  
    South Jefferson Street                                     (Approved 10/19)

MASTER PLANS

Name                                      Units    Zoning                                      Request for:

None

PRELIMINARY PLANS

Name                                      Units    Zoning                                      Request for:

None

MASS GRADING/SWM PLANS

Name                                      Units    Zoning                                      Request for:

None

IMPROVEMENT PLANS

Name                                      Units    Zoning                                      Request for:

- 2A. Cross Stone Commons Ph.2    4      GC                                        Approval of improvement plans for shopping center  
    Middletown Parkway                                     (Approved 3/16)

2B. Putman Plumbing Boileau Drive	1	R-3	Approval of revised improvement plans for plumbing business (Approved 3/16)
2C. Chesterbrook Rev. Phase 2 Franklin St. /Broad St.	18	R-3	Approval of revised improvement plans for multi-family development (Approved 9/21)

**FOREST CONSERVATION PLANS**

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
3. Chesterbrook Phase 2 Franklin St. /Broad St.	18	R-3	Approval of forest conservation plan (Approved 1/19)

**DEDICATION PLATS**

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
4. Straits East Main Street	1	R-1	Approval of dedication plat for right-of-way purposes (Approved 3/16)

**ADDITION PLATS**

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

**FINAL PLATS**

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

**RE-ZONING REQUESTS:**

None

**ANNEXATIONS:**

None

**TEXT AMENDMENTS:**

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

Definitions and zoning administration update – Planning Commission recommended adoption of new definitions to the zoning code; to repeal and revise certain definitions; to reduce the time period for which a zoning certificate is valid from two years to one year; and to authorize the zoning administrator to extend the time period of validity for a zoning certificate. (Sections 17.04 and 17.08) [PC recommended 1/5; B&C adopted 2/9]

Open Space and Agricultural districts update – Planning Commission recommended adoption of revisions of the uses permitted and uses permitted by special exception in the open space district; to make other stylistic changes in the chapters regulating land use in the open space and agricultural districts. (Sections 17.28 and 17.30) [PC recommended 3/16; B&C adopted 4/13]

Residential districts update – Planning Commission recommended adoption of revisions to the types of uses permitted and uses permitted by special exception in the residential districts; to revise and restate the purpose intended for the regulation of uses in the R-2 and R-3 residential districts; to make other stylistic changes in the

chapters regulating land use in the residential districts. (Sections 17.16, 17.28 and 17.30) [PC recommended 3/16; B&C adopted 4/27]

Commercial districts update – Planning Commission recommended adoption of revisions to the types of uses permitted and uses permitted by special exception in the commercial districts; to repeal provisions relating to overnight parking of motor vehicles and the maximum size of signs in the MB mixed business zoning district; to revise the standards and requirements for site plans in the commercial zoning districts; to make other stylistic changes in the chapters regulating land use in the commercial districts. (Section 17.20) [PC recommended 3/16; B&C adopted 5/11]

Design standards update – Planning Commission recommended adoption of revisions to the design standards section of the code with the following: to clarify that mobile homes and mobile home parks are prohibited in all districts; to regulate disposal containers in the same manner as storage containers; to repeal off-street parking requirements for condominiums and boarding houses; to provide that off-street parking requirements for indoor sports facilities are subject to site plan approval; to revise the requirements for off-street loading spaces; to delete the requirement that an applicant for a demolition permit execute a release, waiver and indemnification agreement prepared by the town; to provide and revise regulations for non-conforming structures and uses; to add a definition of the term “impervious surface”; to make other stylistic and grammatical revisions and correct typographical errors. (Sections 17.04 and 17.32) [PC recommended 3/16; B&C adopted 6/8]

Special exception use requirements update – Planning Commission recommended adoption of regulations relating to requirements for special exception uses; to delete provisions relating to special exception uses for boarding and lodging houses, hospitals and sanatoriums, and offices for interior design services; to clarify various sections of that chapter and to make other grammatical, stylistic and non-substantive revisions. (Section 17.48) [PC recommended 7/20; B&C adopted 8/14]

Zoning amendment approvals – Planning Commission recommended adoption of regulations relating to the procedures and requirements for enacting amendments to Title 17 of the Code; to delete provisions requiring re-submission of proposed amendments to the planning commission when the burgess and commissioners propose changes to the proposed amendment after the amendment has been reviewed by the planning commission; to make other grammatical and stylistic changes to Section 17.08.100. (Section 17.08) [PC recommended 7/20; B&C adopted 9/28]

Subdivisions regulations update – Planning Commission recommended adoption of definitions for the terms ‘cul-de-sac,’ ‘floodplain,’ ‘plat,’ ‘right-of-way,’ ‘arterial street,’ and ‘tract’; to require the submission of electronic copies of certain plats and other documents; to reduce the demands of a proposed subdivision or project for water and sewer consumption to 250 gallons of water per equivalent dwelling unit; to remove bonds as an acceptable type of guarantee for the construction of improvements; to add provisions relating to development in wetlands, floodplains, water buffer areas and forest lands; to increase minimum sight distances to 300 feet for development on collector streets; to require street name signs to be installed initially by the developer; and to make other non-substantive stylistic and linguistic changes. (Title 16 - Subdivisions) [PC recommended 10/19; B&C adopted 12/14]

Board of appeals regulations update – Planning Commission reviewed and commented on the adoption of stylistic and grammatical changes to the board of appeals regulations and to correct references to state statutes and court rules. (Section 17.44) [PC commented 10/19; B&C adopted 12/14]

Sign regulations update – Planning Commission reviewed and commented on adoption of revised provisions relating to political signs; to authorize the zoning administrator to enforce certain provisions of the code relating to signs; to make stylistic and grammatical changes. (Section 17.36) [PC commented 10/19; B&C adopted 12/14]

**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. Chesterbrook-Phase 2	variance of 5' for height of buildings	corner of Broad and Franklin Streets	Approved	1/13
B. Sheffler	special exception for restricted vehicle in residential district	9 Linden Boulevard (PC recommended denial 3/16)	Approved	3/17
C. Overfield	variances of 1.5' from side setbacks for accessory building	122 East Main Street	Approved	3/17
D. Smart	variances from lot width and side setback	214 Broad Street	Approved	10/17

**INFRASTRUCTURE PROJECTIONS:**

**TRANSPORTATION:**

Action taken by the Town in the year 2015 has been consistent with the Town Comprehensive Plan and best management planning practices.

A Middletown Parkway remains a priority of the Town and is included in the Town Comprehensive Plan with alignments both north and south of town. Future development should incorporate roadway dedication and construction to provide minimum collector type road links from east to west, and a collector from US 40-A north to I-70.

The County and Town should develop plans to transfer Coblenz Road from county road status to the municipal street system in conjunction with the Admar annexation, should that ever occur.

The State Highway Administration has funded the Main Street streetscape project and notice to proceed is scheduled for June of 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 the 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 take up to two years to complete.

Improvements to West Green Street will include providing curb, gutter, and sidewalk from the Asian Café to the AMVETS's Post #9. Also included in the project will be new storm drain and street lighting, and natural gas service. This project received all necessary approvals in 2015, began construction in May of 2016 and is expected to take 9-12 months to complete.

**WATER SUPPLY AND DISTRIBUTION:**

The Town depends on 22 wells, 4 groups of springs, two reservoirs, and a water tower 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 2015 was 300,667 gpd. The water system is routinely monitored for possible contaminants in accordance with Federal and State laws, and there were no violation levels in 2015.

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

The East End Wastewater Treatment Plant (WWTP) on the south side of Holter Road at Hollow Creek is designed to process 350,000 gpd of sewerage. The current discharge permit for the plant is 250,000 gpd. Average daily flows for 2015 were 202,761 gpd.

The discharge permit for the West End WWTP at Catocin Creek in the southwest section of Town is 250,000 gpd. Average daily flows for 2015 were 193,117 gpd.

There were no violations for either plant in 2015.

#### **WATER/SEWER MASTER PLAN**

Although the Town developed a Water/Sewer Master Plan as a Subsidiary Plan to the County Water/Sewer Master Plan, it was denied by the State in 2004, and consequently the Town complies with the County's Water and Sewer Master Plan.

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

In 2015, the Town completed a new pavilion and tot lot at the town-owned Remsberg Park, which is located outside of the town limits. Additionally, a new dog park was completed at Wiles Branch Park with small and large dog areas.

#### **PROTECTION OF HISTORIC STRUCTURES:**

At the present time, the only 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.

The Town has two historic districts approved by the National Register, allowing for property owners to voluntarily participate in government programs to recognize and improve properties. This process required establishment of a Historic Commission, which acts as a conduit between property owners and available programs. The Town also worked with private citizens to implement an identification plaque program for placement of plaques on historically significant structures in the historic districts. No plaques were placed on historically significant structures in 2015.

#### **STRATEGIC PLANNING INITIATIVES**

##### **ZONING ORDINANCE UPDATE**

The Planning Commission and planning staff completed their comprehensive review of the Town Zoning Ordinances and the Subdivision regulations to review changes for consistency with the updated Middletown Comprehensive Plan in 2010 and sent the proposed revisions to the Town Board for approval which was done Section by Section throughout 2015.

##### **COMPREHENSIVE PLAN REVIEW**

Due to the fact that there have been no policy changes made in recent years to warrant an update to the Town's Comprehensive Plan at this time, the Plan will most likely begin the update process in 2020 in conjunction with the 2020 Census data.

## **PLANNING COMMISSION RECOMMENDATIONS:**

### **ONGOING RECOMMENDATIONS:**

1. Review walkway and road construction strategies to be incorporated into current & future growth and development.
2. Review and refine a management system for the plan review process to help ensure that files are complete and easily accessible, and which includes a checklist to verify that all agency approvals are in place.
3. Continue review of zoning ordinances as needed to ensure compatibility with the comprehensive plan.
4. Work on promotion and development of 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. Work on promoting sustainable development practices thru the development review process as outlined in the 2010 Middletown Comprehensive Plan, along with potential projects to consider for any applicable funding associated with the new Sustainable Communities designation through DHCD.

### **NEW RECOMMENDATION:**

1. Work on town regulations to address blighted properties.