

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA
Monday, March 19, 2018
7:00 p.m.

- I. Public Comment
- II. Elect chairman and vice chairman for 2018
- III. Minutes of January 2018 Planning Commission workshop Approval
- Minutes of January 2018 Planning Commission meeting Approval
- III. Plan Review
 - Moody Shed Demolition Site Plan Review/Approval
 - Cross Stone Commons Plan revisions Review/Approval
- IV. Zoning
- V. Miscellaneous
 - 2017 Annual Planning Report Review/Approval
- VI. Additional Public Comment

**** All requests to be on the Planning Commission agenda must be received at the Middletown Municipal Center, 31 W. Main Street, Middletown by 4:00pm on the Monday two weeks prior to the monthly meeting held on the third Monday of each month. All plans being submitted for review must be folded, and an electronic plan is required as well.**

Maryland law and the Planning Commission's Rules of Procedure regarding ex parte communications require all discussion, review, and consideration of the Commission's business take place only during the Commission's consideration of the item at a scheduled meeting. Telephone calls and meetings with Commission members in advance of the meeting are not permitted. Written communications will be directed to appropriate staff members for response and included in briefing materials for all members of the Commission.

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Workshop

January 10, 2018

The regular workshop of the Middletown Planning Commission took place on Wednesday, January 10, 2018 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission members Mark Carney (Chairman), Bob Miller, David Lake, Rich Gallagher, Meredith McKittrick, Tom Catania (Ex-officio) and Dixie Eichelberger. Others present in official capacity: Cindy Unangst (Staff Planner). Other applicants present: Tim Witter and Bill Williams (Williams Subdivision Plat) Jian Jun Sun (Richland Golf Club Driving Range).

JANUARY MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW –

Williams Preliminary-Final Plat – Cindy went through her staff report and noted the adjoining property owner for the parcel at the back of the Moser property is still shown as the Burgess and Commissioners because the executed deed has not been recorded in the land records by the Moser's yet. Also discussed were the nonconforming structures on the proposed lots. Commissioner Catania asked what the next steps would be after the Planning Commission approves the subdivision.

Richland Driving Range Structure Revised site plan – The revised site plan shows the building to be one story instead of two stories with a larger footprint than formerly proposed. Discussion for this project focused again on the parking tabulation table due to the revised plans and also the realignment of the proposed pathway from the town-owned parking lot. There was a question about whether the proposed bar in the driving range structure would necessitate a need for an additional liquor license. Cindy was asked to look into the County agency review. The applicant indicated that the HOA has been made aware of the revised plans and no comments have been received to date.

Workshop adjourned at 7:50pm.

Respectfully submitted,

Cynthia K. Unangst, AICP
Middletown Staff Planner

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

January 15, 2018

The regular meeting of the Middletown Planning Commission took place on Monday, January 15, 2018 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commissioner Tom Catania (Ex-Officio), Commission members Bob Miller, David Lake, Rich Gallagher, Dixie Eichelberger (Alternate) and Meredith McKittrick (Temp. Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: Bill Williams (property owner), Tim Witter (surveyor, Shelly Witter & Fox) and Jian Jun Sun (architect, Studio SKG).

JANUARY MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None

II. Regular Workshop Minutes of October 11, 2017 – Approved with minor changes suggested at the workshop.

Regular Meeting Minutes of October 16, 2017 – Approved as submitted.

Regular Workshop Minutes of November 15, 2017 – Approved as submitted.

III. PLAN REVIEW

Williams Preliminary/Final Plat – (Bill Williams (property owner) and Tim Witter (surveyor, Shelly Witter & Fox) present). This is the proposed subdivision of a lot located on the south side of East Green Street and along the north side of East Main Street, approximately 400 feet east of the intersection of East Main Street and Route 17, into two lots. This property is zoned R-2 Residential. The Final Plat meets all the requirements according to Chapter 16.24.010 of the Municipal Code. It was noted that although Tax Map Parcel 698, at the rear of the Moser property, has been deeded to the Moser's, they have not had the executed deed recorded in the land records. Therefore, the lands records still show that parcel as being owned by the Burgess and Commissioners. The minimum building restriction lines have been indicated and both lots meet the requirements for lots within an R-2 Residential district. Both Lot 1 and Lot 2 will each have an existing nonconforming structure on each lot once the subdivision is complete. Both nonconformities are not being created by this proposed subdivision.

- **Minor Subdivisions Requirements –** Section 16.12.030 of the Municipal Code states that “in the event that a subdivision of five lots or less from an original tract and it involves no new streets or extensions of existing streets, the developer may proceed directly to the preparation of a final plat in accordance with the requirements of this title” In addition to final plat data, a minor subdivision shall also show the following: 1) Topography at two- or five-foot intervals. This provision may be waived by the planning commission. 2) All existing permanent features, natural or man-made, that may influence the design of the plat. 3) Location of existing, recorded and proposed utility lines and easements on or within two hundred (200) feet of the tract.
- **Frederick County Health Department Approval –** The plat has been submitted to the County for their review and approval. The Town has not heard back. According to previous correspondence with the Health Department the following note on the plat is required under COMAR: “Plans for community water and sewer systems and for a point of discharge have been

approved by the Maryland State Department of the Environment. Facilities will be available to all lots and lots are served by public water and sewer.” Per COMAR regulations, the plat will need to be recorded within 6 months of approval.

Action: Commission Member Lake motioned to conditionally approve the Williams Preliminary/Final Plat conditional upon approval from the Frederick County Health Department and the Planning Commission waiving the provision requirement of the topography contours shown on the plat. Seconded by Commission Member Miller. Motion carried (4-0).

Revised Richland Driving Range Site Plan – (Jian Jun Sun (architect, Studio SKG), present). The Planning Commission reviewed and conditionally approved the Richland Driving Range Structure Site Plan in June 2016. Revised Site Plans were brought before the Planning Commission tonight for review. This is for a now proposed one-story accessory building to be used for offices, a pro shop, a small bar area, bathrooms/locker rooms, golf cart storage and heated driving range stalls. The concept plan had indicated a small café which is now included in the revised Site Plan as a small bar. The proposed 17,678 square foot building would meet the parcel lot requirements.

- **Changes to Site Plan** – This revised site plan proposal shows the building to be a one-story structure (previously two-stories with a basement) with a gross building area of 17,678 square feet (previously 15,280 square feet). The proposed building will be 220 feet long and almost 93 feet wide (previously 190 feet by 62 feet). A crosswalk and pathway are now shown from the proposed lower parking lot to an existing cart way that leads to the current driving range across Glenbrook Drive. The hours of operation have been changed to a 7:00am starting time. It should be noted that town staff questions the hours shown for banquets as many events such as wedding receptions often continue past the 9:00pm time indicated on the Facility Operations Study (Sheet G-04).
- **Parking Requirements** – According to the Municipal Code, the revised site plan would now require 108 parking spaces (7 for the pro shop, 6 for the bar, 2 for the offices, 58 for the recreational establishment aspect of the facility, 17 for the cart storage area and 18 for general commercial). The Planning Commission waived 47 parking spaces for the previously approved plan. This revised site plan is asking for a waiver of 42 spaces (17 cart storage, 25 maintenance garage). The total number of required parking spaces for the entire Richland Golf Club is 252, with a waiver of 42 spaces. The Burgess and Commissioners have given approval to allow Richland Golf Club permission to use the Town parking lot adjacent to the maintenance facility for parking for the proposed driving range structure, provided that the parking lot is paved, striped and maintained by the Richland Golf Club.
- **Walkway from Lower Parking Lot to Driving Range** – The revised plan shows a revised pathway from the lower town-owned parking lot to the existing pathway on the golf course to the driving range. This shows the proposed pathway to be at a much gentler slope than the previous plan.
- **Items to Review at Improvement Plan Review** – The following items will be reviewed during the Improvement Plan review: The applicant is asked to provide a photometric plan that shows the foot-candle measurements within the area to be developed. The landscape plan will need to be updated to include the types of proposed shrubs for approval, and Frederick County will review the stormwater management plan.
- **Town Engineer Comments** – The Town Engineer has provided his comments to the Planning Commission for informational purposes, and to the applicant to address.

The applicant was reminded that if any new use(s) within the existing clubhouse have a change in intensity and/or would require a change in off-street parking requirements, it must come before the Planning Commission for review and approval.

Action: Commission Member Lake motioned to conditionally approve the Richland Golf Club Driving Range Revised Site Plan conditional upon addressing comments from both the Staff Planner and Town Engineer reports and the Planning Commission waiving 42 parking spaces. Seconded by Commission Member Gallagher. Motion carried (4-0).

IV. ZONING

Town Cleaners (813 E. Main Street) – Flashing Business Sign - Planning Commission members have noted that the “open” sign at Town Cleaners is flashing. It is in violation of Town Code. The Commission has asked that the Zoning Administrator be notified. The Planning Commission has identified this as an ongoing issue with this business.

V. MISCELLANEOUS

Joint Town Board/Planning Commission Meeting – The next joint Town Board/Planning Commission meeting is scheduled for Monday, February 5, 2018 at 6:30pm. The Staff Planner stated that if any Planning Commission members had items to place on the agenda to get them in as soon as possible.

VI. ADDITIONAL PUBLIC COMMENT – None.

Meeting adjourned at 7:37pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary

Middletown Planning Office

MEMORANDUM

Date: 2/19/2018
Revised 3/15/2018

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MOODY SHED DEMOLITION SITE PLAN**

Tax Map Parcel #03-0141020

Applicant: Dolyn Martin, contractor with Bobcatt Solutions

Property Owner: Robert & Susan Moody

Plan Dated: February 14, 2018

Date Received: February 14, 2018

GENERAL INFORMATION

Proposal: Remove an existing non-conforming (due to setback) 333 square-foot frame shed

Location: 103 S. Jefferson Street

Zoning: R-3 Residential

Present Use: Storage building

COMMENTS

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

1. All the requirements of Section 17.32.160 (Demolition site plan – Required in all districts.) of the Middletown Municipal Code have been met. A mini excavator is to be used to remove the shed and demolition will take a week to complete. No explosives will be used, and safety precautions to be taken include the use of hardhats and a spotter to alert for any signs of trouble. There are no public utilities to, or near, the shed as shown on the aerial photo which includes the location of public utilities. A new 160 square-foot shed will replace the existing shed and the additional area involved will be graded and seeded immediately upon completion of the demolition work.
2. The permit will be issued from the County once the Town's Zoning Administrator signs off on the permit after Planning Commission approval. It was conditionally approved on February 22nd by the Town's Zoning Administrator, conditional on approval by the Planning Commission.

3. An aerial photograph of the shed to be demolished (indicated with the 'X') has been attached to this memo as well as photos. A site plan that shows the location of the shed to be demolished is also attached.
4. It is staff's understanding that letters were sent to the adjacent property owners informing them of the proposed demolition and a copy of that letter has been submitted. The property has been posted.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Demolition Site Plan conditional on the demolition work being completed within 90 days.

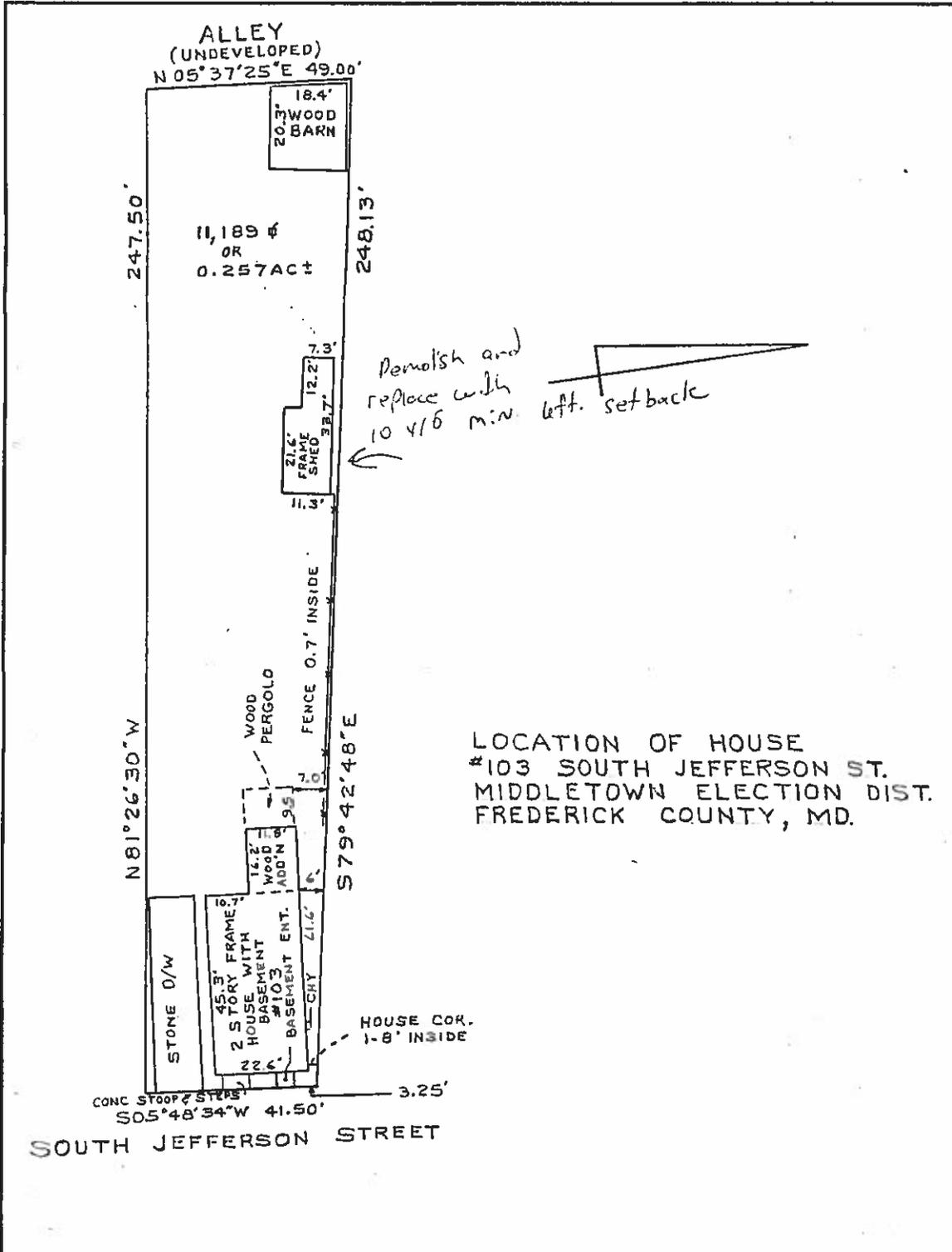
This review will be included in the Middletown Planning Commission materials for the March 19, 2018 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be March 14, 2018.

cc: Robert and Susan Moody

Hoody

CASE No. _____

NOTE: This location for title purposes only -- not to be used for determining property lines. Property corner Markers Not guaranteed by this location.



H.U.D. FLOOD PANEL No. 240162 0001 B ZONE - C

<p>CERTIFICATE</p> <p>I HEREBY CERTIFY THAT THE POSITION OF ALL THE EXISTING IMPROVEMENTS ON THE ABOVE DESCRIBED PROPERTY HAS BEEN CAREFULLY ESTABLISHED BY A TRANSIT TABLE.</p> <p><i>[Signature]</i></p> <p><i>[Seal: David J. Haller, No. 240, Registered Professional Land Surveyor, State of Maryland]</i></p>	<p>REFERENCES</p> <p>PLAT BK.</p> <p>PLAT NO.</p>	<p>HALLER ASSOCIATES LAND SURVEYORS • CONSULTANTS</p> <p>(301) 663-1543 10 E CHURCH ST., FREDERICK, MARYLAND 21701</p>		
	<p>LIBER 1061</p> <p>FOLIO 446</p>	<p>DATE OF SURVEYS</p> <p>WALL CHECK:</p> <p>HSE LOC: 3-17-87</p> <p>BOUNDARY:</p>	<p>SCALE: 1" = 30'</p> <p>DRAWN BY: RMB</p> <p>JOB NO.: 87-082</p>	



Frederick County,
Maryland

Moody Job, 103 South Jefferson Street, Middletown, Frederick County, MD 21769



Frederick County Boundary
Surrounding Counties
 <call other values>
 Maryland

*Building with
Red X will
be demolished
and replaced with
10 X 16
Pie sub Shed*

100.2

0 50.08

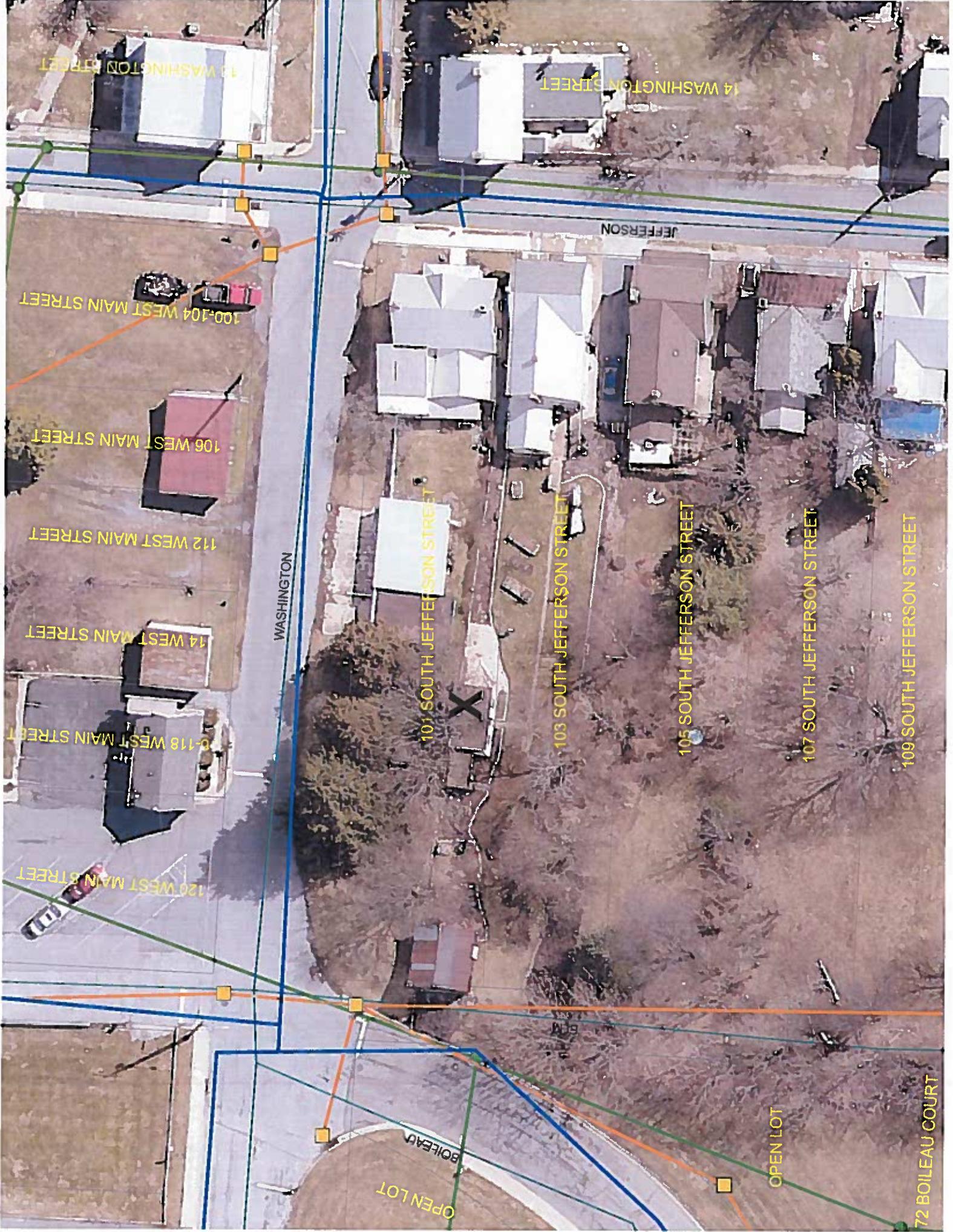
100.2 Feet

2/6/2018

1:601

NAD, 1983_StatePlane_Maryland_EPS, 1900_Feet

While efforts have been made to ensure the accuracy of this map, Frederick County accepts no liability or responsibility for errors, omissions, or positional inaccuracies in the content of this map. Reliance on this map is at the risk of the user. This map is for illustration purposes only and should not be used for surveying, engineering, or site-specific analysis.



13 WASHINGTON STREET

14 WASHINGTON STREET

JEFFERSON

100-104 WEST MAIN STREET

106 WEST MAIN STREET

112 WEST MAIN STREET

14 WEST MAIN STREET

8-118 WEST MAIN STREET

120 WEST MAIN STREET

WASHINGTON

101 SOUTH JEFFERSON STREET

103 SOUTH JEFFERSON STREET

105 SOUTH JEFFERSON STREET

107 SOUTH JEFFERSON STREET

109 SOUTH JEFFERSON STREET

OPEN LOT

BOILEAU

OPEN LOT

72 BOILEAU COURT

- 17.32.160 - Demolition site plan—Required in all districts.

A.

In all districts a proposal and permit application for the demolition of any building or structure, as defined in Section 17.04.030, shall require site plan approval by the Town of Middletown Planning Commission prior to the issuance of a permit for said demolition. The demolition site plan shall show:

1.

The dimensions and boundaries of the property and the location of all improvements thereon;

2.

The location of the building or structure proposed to be demolished;

3.

The location of all adjacent properties and structures;

4. April 23, 2018, 1 week length of time, will remove Building with mini excavator

The proposed date and time of demolition, the anticipated length of time for demolition, and the proposed manner or type of demolition to be used;

5. Bobcatt Solutions LLC Established 2003 MHIC # 111821

The identity of the person(s) or entity that will perform the demolition and information confirming the experience and professional credentials of such person(s) or entity;

6. No Explosives. Will use mini excavator to Demolish

Information describing any type of explosive or incendiary device proposed to be used in performing the demolition;

7. Men will wear Hard hats. We will use Spoter to

A plan of safety precautions to be taken for the demolition to protect the safety of persons and surrounding properties; alert any persons operator will be

8. protected by machine cab

The location of all existing public utilities on the property and in the area and confirmation of a plan for the discontinuance of utility service to the structure or building proposed to be demolished prior to the proposed demolition;

9. *Proposed Demolishing of Shed will meet any and all requirements (Building & wood and vinyl siding)*
Assurances that the proposed demolition will be in compliance with all federal, state and local laws, ordinances and regulations including, but not limited to, any and all laws and regulations governing "Hazardous Materials" and the disturbance and/or removal of "Hazardous Materials" from the property; and

10. *Area will be graded and seed immediately upon completion of work*
A proposal and plan for any grading, seeding, sodding, or post demolition restoration of the demolition site.

Upon any demolition site plan approval granted by the planning commission and upon the issuance of a demolition permit by the Town of Middletown, all such demolitions and post demolition restoration shall be completed within ninety (90) days of issuance of a demolition permit unless otherwise approved by the Middletown Planning Commission.

For purposes of this section, fences of any type shall not be considered a "structure" and shall, therefore, be exempt from this requirement.

B.

All site plans for demolition shall be submitted a minimum of thirty (30) days prior to a regularly scheduled planning commission meeting. The planning commission may require bonds or guarantees to ensure restoration of the site.

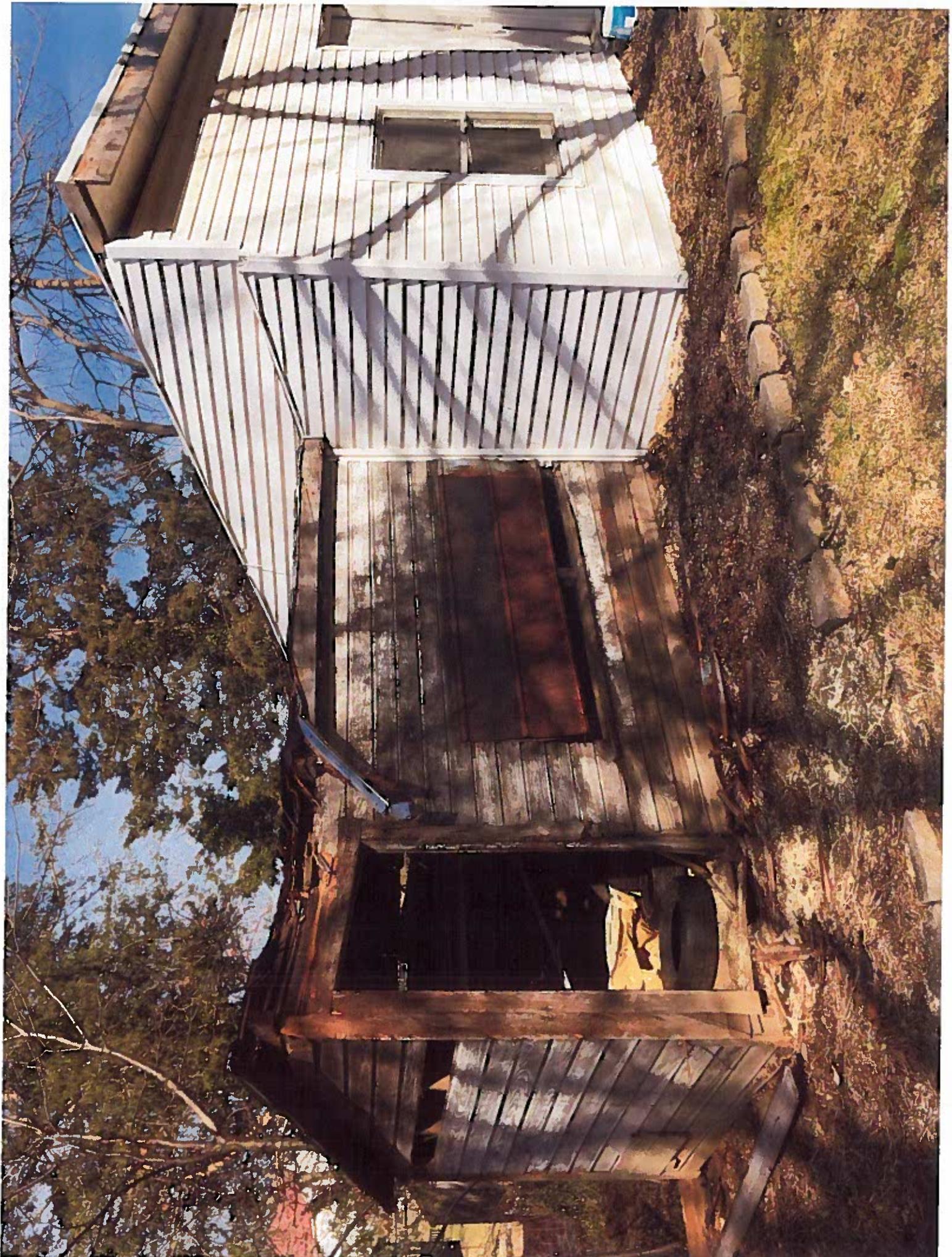
C.

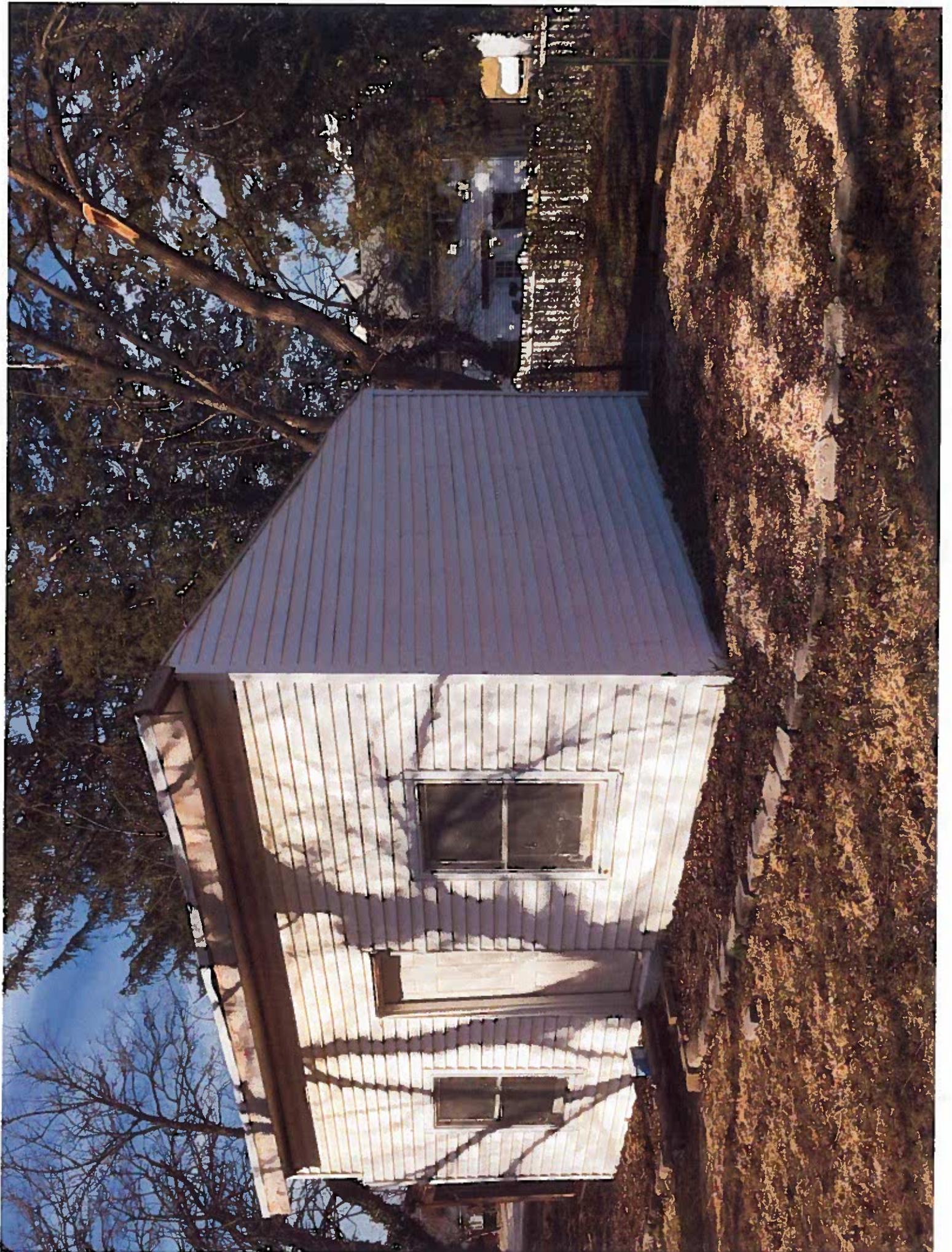
Notices. In addition to posting a public notice sign on the property advising of the proposed demolition, an applicant seeking to demolish a building or structure hereunder shall be required to give written notice thereof to all adjacent and contiguous property owners not more than ten (10) days after submitting the demolition permit application and the demolition site plan to the Town of Middletown Planning Commission, advising of the date, time and manner of the proposed demolition. A record of such notice shall be made to the planning commission.

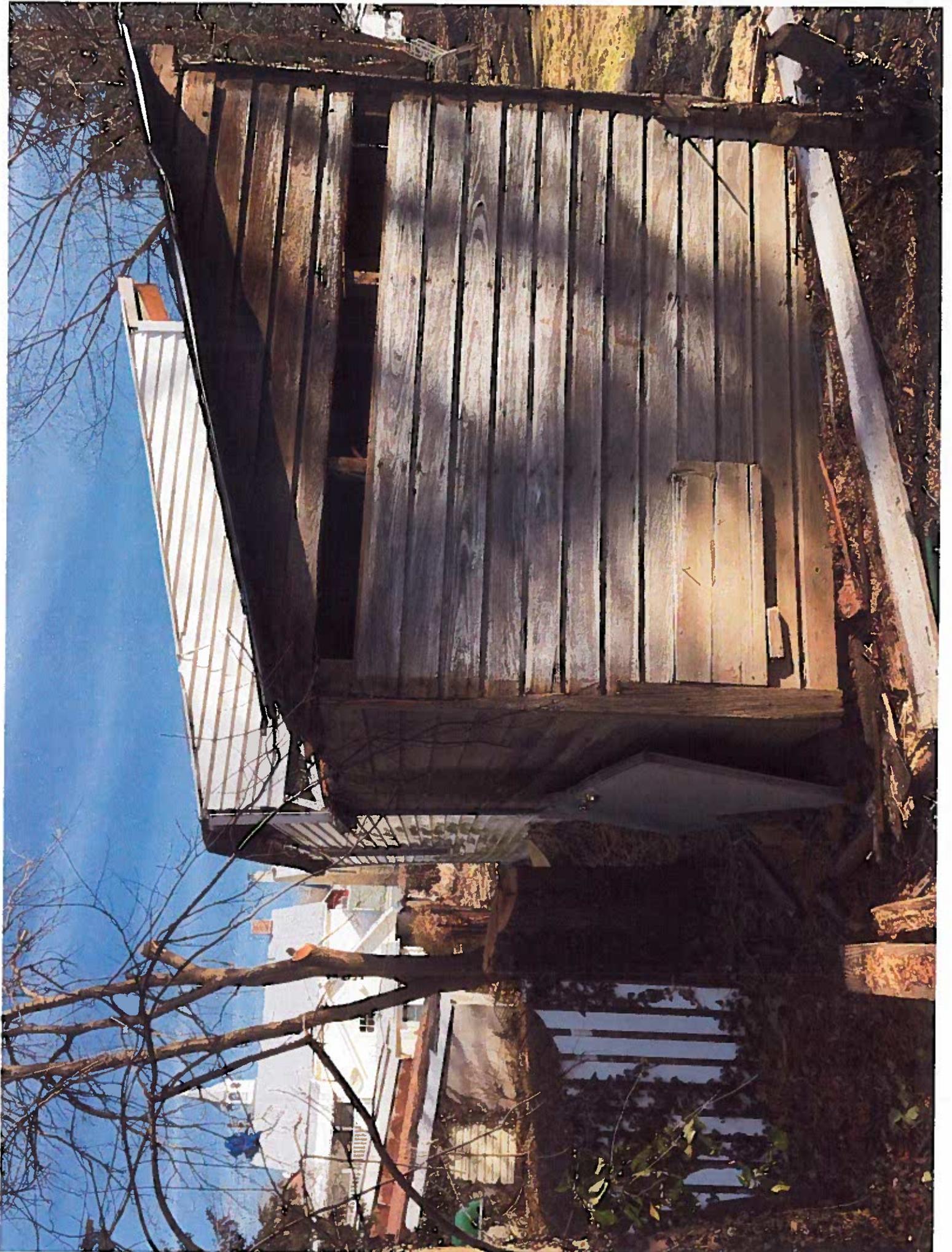
D.

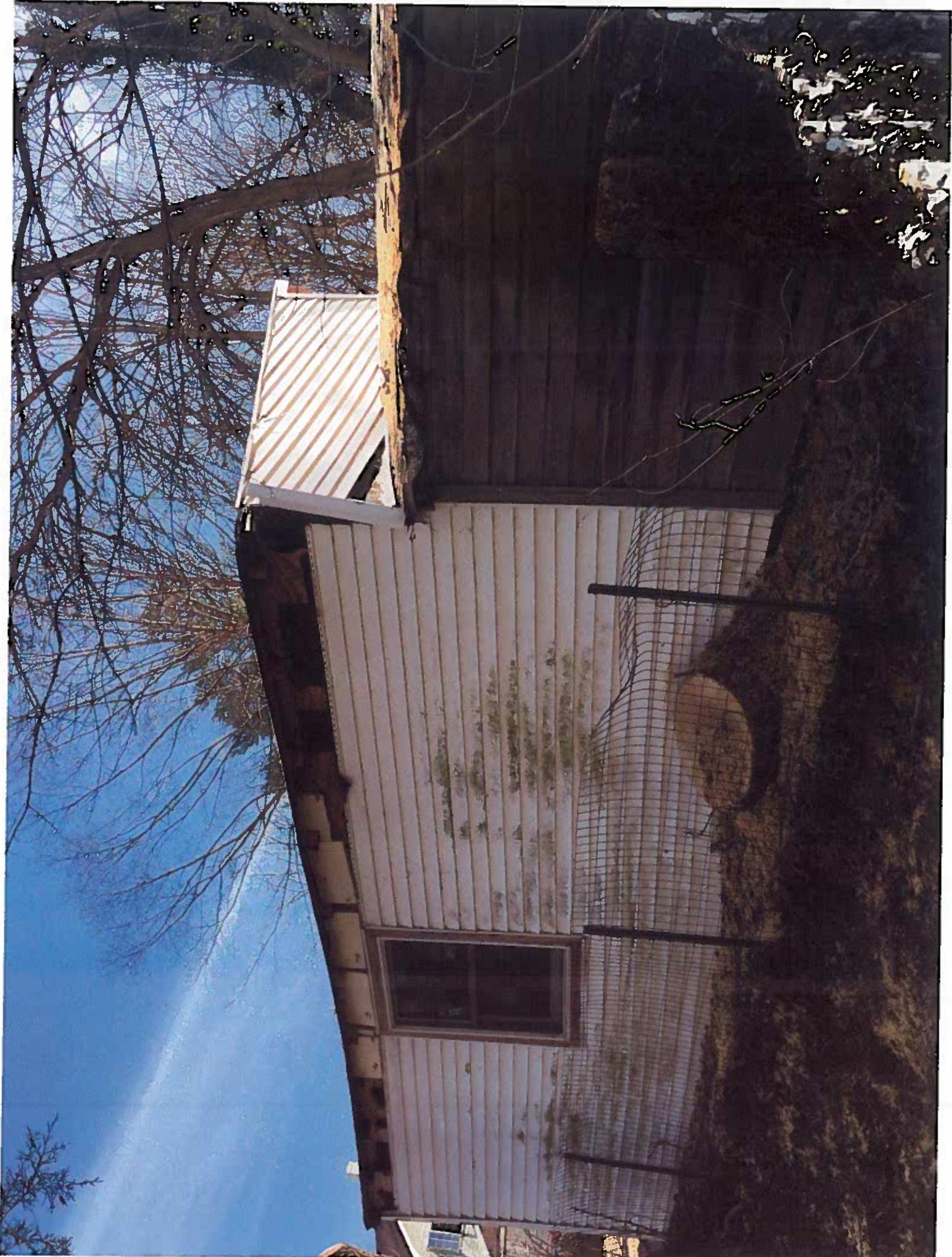
Responsibility for Damages and Indemnification. An applicant who demolishes any building or structure in the Town of Middletown shall repair and restore, at its sole cost and expense, any adjacent, contiguous, nearby or other property or structure which is damaged, in whole or in part, by the demolition. An applicant who demolishes any

Bobcatt Solutions will be responsible for any and all damages relating to Shed & Demolition









Feb 16, 2018

Dear Neighbors,

We have applied to the town of Middletown Planning Commission for a permit to remove a 11*21 shed and will be installing a 10*16 Cement Pad for a 10*16 Shed.

All interested persons are encouraged to attend the Planning Commission hearing on Monday, March 19, 2018 at 7PM in the Middletown Municipal Center, 31 W. Main St., Middletown, MD

Sincerely,

Robert & Susan Moody

103 South Jefferson Street

Middletown, MD 21769

**For any questions concerning the project
please contact the contractor:**

Bobcatt Solutions LLC

717-597-0900

sales@bobcattsolutions.com

105 South Jefferson Street - Barbara Fine
101 South Jefferson Street - Daryl O'Conner
14 Washington Street - Joseph Cocco

Middletown Planning Office

MEMORANDUM

Date: 3/8/2018 (revised 3/15/18)
Hansen# 15270

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **CROSS STONE COMMONS SITE PLAN & IMPROVEMENT PLANS – REVISION #3**
Tax Map Parcels #03-156044 and 03-174158
Applicant: DMW
Property Owner: Middletown Valley Investment Partners, LLC
Plan Dated: Revised February 9, 2018
Date Received: March 1, 2018

GENERAL INFORMATION

Proposal: Site is to be developed with 35,357 square feet ± of commercial space in four separate buildings with 229 parking spaces. Buildings 1 and 3 have already been built.

Location: West side of Middletown Parkway at the intersection with US Route 40-A (Old National Pike)

Zoning: GC General Commercial. This district permits numerous uses along with numerous special exception uses, including shopping centers, 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: Shopping center with two of four buildings completed.

COMMENTS

The following issues should be considered in your review of these redline revisions to the Site Plan and the Improvement Plans:

1. **Previous site plan approval** – On October 20, 2014, the Planning Commission conditionally approved the site plan, conditional upon temporary asphalt curbing and landscaping in the Phase 2 area of the site, and a deadline of 3 years from the installation of curb and gutter for the right-turn-only entrance off Alternate 40-A.
2. **Previous Improvement Plan approval** – The Planning Commission conditionally approved the Phase 2 Improvement plans for Cross Stone Commons on March 16, 2015. The approval was contingent on the following:
 - The applicant shall address all agency comments as the project moves forward to final signature set submission.

- The applicant shall address all comments by the Town Engineer as the project moves forward to final signature set submission.
 - The applicant shall make any needed corrections to the plans.
3. **GC District Uses** – Shopping centers are a special exception use in the GC District. The Middletown Board of Appeals approved the special exception use of a shopping center on May 8, 2013 conditional on the applicant receiving approval from the Planning Commission of an exemption from the yard and buffer requirements set forth within the specific standards for shopping centers, as well as Planning Commission approval for the landscaping plan and architectural review approval. Special exception regulations for shopping centers include a minimum lot area of five acres, a buffer yard of 100 feet in all instances where the site adjoins an R district, and all buildings must be setback at least 50 feet from any property line and 100 feet from a street line.

The Planning Commission approved the previously requested modifications as shown on Site Plan Sheet 1 and in General Note #3. This proposed revision would require a change in the building setback for Building #4 of 2.2 feet for a setback of 47.8 feet instead of the required 50-feet. In regard to the previous modifications that were requested and approved by the Planning Commission, a 6-foot high privacy fence was proposed (and has been erected) as a compensating feature.

4. **Revision #3 submittal** – The redline revisions proposed include an enlargement to the footprint to building #4, changes to the sidewalk around building #4, the addition of an outdoor seating area at building #4, a change to the traffic pattern behind building #4, and a proposed monument directional sign at the northernmost entrance to the site from Middletown Parkway. The plans have been submitted to the Town Engineer for review.
5. **Redline revisions #1 and #2** – Redline revisions #1 and #2 were reviewed and approved at the staff level due to the minor changes involved.

Revision #1 changes were as follows:

- Minor changes to the footprint of building #3 due to architect designing building with all the features requested by the planning commission's architectural review and approval
- Addition on rear of building #3 for mechanical equipment room to house electric meters, fire sprinkler controls, water sub-meters, and other dry utility connections

Revision #2 changes were as follows:

- Shifted locations of ADA parking spaces in front of building #3 (no change in number)
- Replaced grass island on the front right corner of building #3 with a concrete patio to accommodate outdoor dining; to expand the island area, two parking spaces were eliminated in the front, and one tree was relocated from the island area to near the dumpster
- Expanded the dumpster pad for building #3 to accommodate recycling bin and waste grease container with the trash bin, which eliminated one parking space
- Added concrete pads for refrigeration area behind building #3 and drive-thru lane, and added a menu board in the drive-thru lane
- Added bollards around building #3

- Expanded island in the back-right corner of building #4 to accommodate two transformer pads and two pedestals per Potomac Edison's direction, which eliminated one parking space
6. **Parking requirements for shopping centers** – The specific standards for a shopping center regarding parking are that parking be provided at the minimum ratio of 5.5 parking spaces for each 1,000 square feet of total floor area. Given the previously proposed square footage of 35,357 square feet, 195 spaces would be required, and the previously approved plans showed a total of 229 spaces provided. Four parking spaces were eliminated due to the redline revision #2 changes resulting in a total of 225 spaces provided. The proposed increase in square footage to building #4 from 7,000 square feet to 7,452 square feet would result in a total of 201 parking spaces required. Sheet 1 of the Site Plan shows a total of four parking spaces in front of building #4 with two of those being handicapped spaces. The previously approved site plan shows a total of three spaces at that location with all three being handicapped accessible spaces. According to the applicant, the change to that parking area took place at the improvement plan stage, and subsequent site plan submittals did not capture that change. The result is a total of 226 parking spaces shown on the plans.
 7. **Incorrect information on plans** – Note 4 on Site Plan Sheet 1 under General Notes should state in red the proposed square footage of the buildings for the parking requirement.
 8. **Architectural review** – According to the Middletown Municipal Code, the Planning Commission has architectural review authority for shopping centers. The applicant has submitted the floor plan and building elevations sheets for Building #4, and will bring pictures of the existing building #3 to the workshop and meeting to be able to point to it as an example. All colors and materials are intended to be the same, and the applicant will discuss any proposed differences with the planning commission.
 9. **Sidewalks** – The previously approved plans showed the sidewalks on the sides of building #4 to be 6-feet in width and the front sidewalk to be 5-feet in width. The revised plans show the side sidewalks to be 4-feet in width and the front to be 7-feet in width.

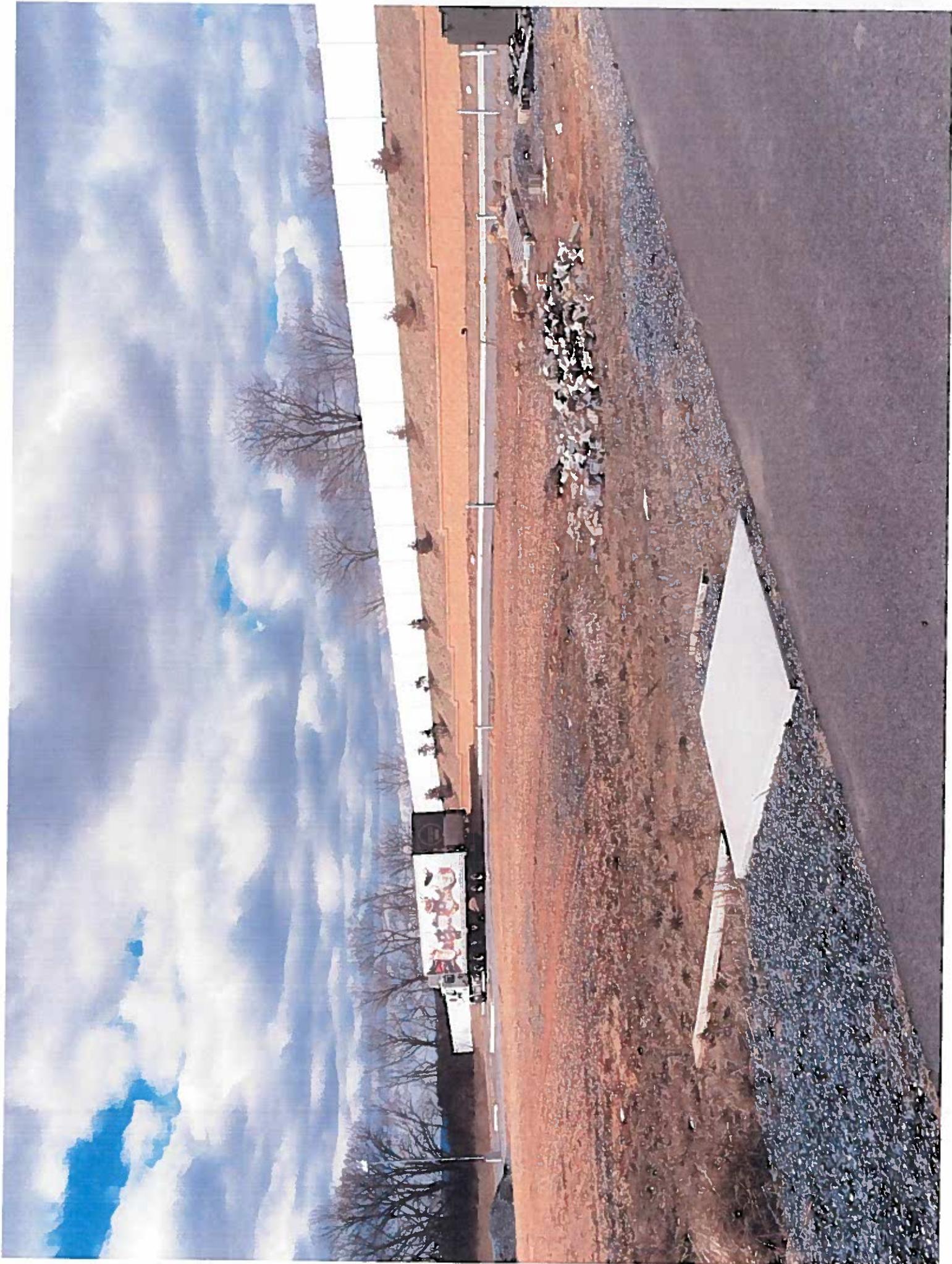
RECOMMENDATION

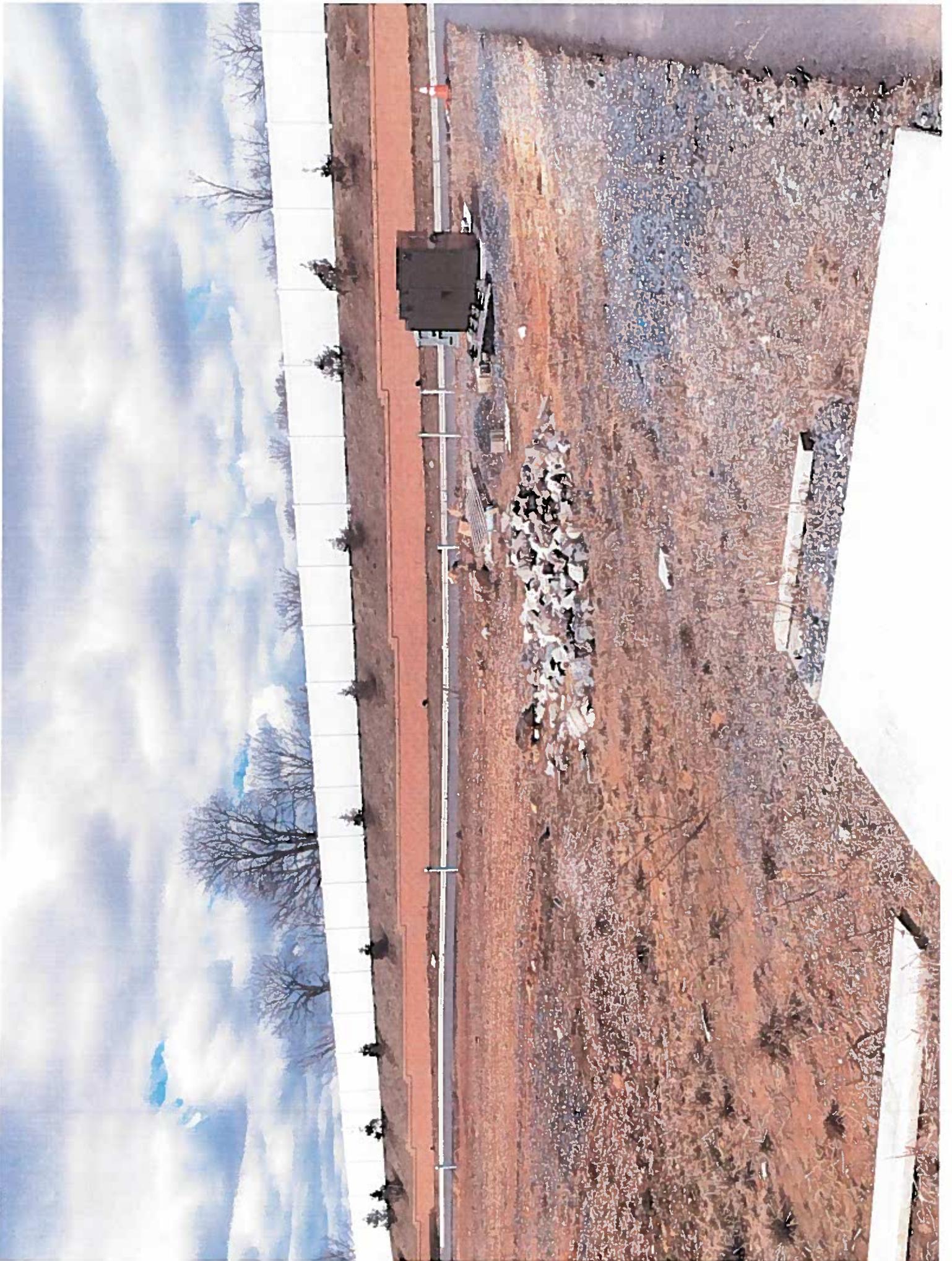
Staff recommends that the Planning Commission approve the requested modification to the required setback for Building #4 given the small distance (2.2 feet) requested, and the fact that the change in topography to the nearest property line and the privacy fence make the modification requested of little consequence to the adjacent property owner. Staff also recommends that the Planning Commission approve the other revisions to the plans with the following conditions:

- 1) The applicant shall address all comments by Town Engineer, Bruce Carbaugh.
- 2) The applicant shall make any needed corrections to the plans.

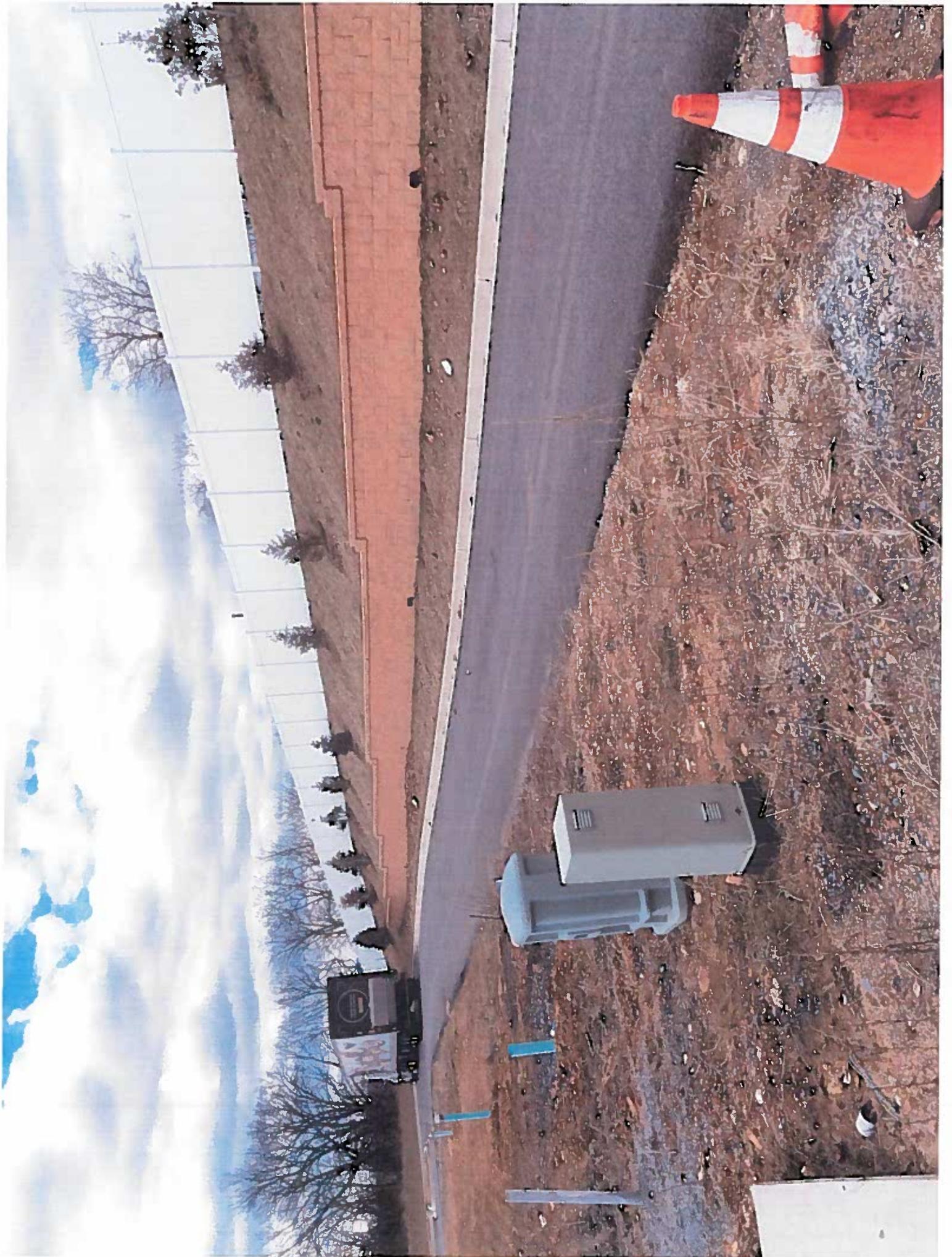
This review will be included in the Middletown Planning Commission materials for the March 19, 2018 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be March 14, 2018.

cc: Victor White, Hogan Properties
David Lingg, Lingg Property Consulting
Mark Crissman, DMW
Daphne Matthews, DMW









Middletown Planning Office

MEMORANDUM

Date: 3/6/2018

To: Middletown Planning Commission

From: Cindy Unangst, Middletown Staff Planner

RE: **DRAFT ANNUAL REPORT**

The following document is enclosed for your review and direction:

- Draft Annual Report for the year ending 2017, and all planning and zoning activity reflected for that year, conducted by the PC, staff, zoning administrator, and Board of Appeals. This report must be reviewed, and staff would request comments, especially on goals for the new year, before approving and forwarding to the Town Board for their information and submitting to the State and Frederick County.



TOWN OF MIDDLETOWN PLANNING COMMISSION

CERTIFICATE OF ADOPTION

IN ACCORDANCE WITH DIVISION 1, TITLE 1-207 OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND, THE PLANNING AND ZONING ENABLING ACT, THE TOWN OF MIDDLETOWN PLANNING COMMISSION OFFICIALLY ADOPTS THE FOLLOWING 2017 ANNUAL REPORT, FILING SAME WITH THE MIDDLETOWN BURGESS AND COMMISSIONERS AND THE SECRETARY OF STATE PLANNING.

TOWN OF MIDDLETOWN PLANNING COMMISSION

BY: _____

Mark Carney, Chairman

_____, 2018



MIDDLETOWN PLANNING COMMISSION

2017 ANNUAL REPORT

Approved _____, 2018 by Middletown Planning Commission

BURGESS & COMMISSIONERS

- John Miller, Burgess (4/2016-4/2020)
- Jennifer Falcinelli, Burgess Pro-tem (4/2014-4/2018)
- Larry Bussard (4/2014-4/2018)
- Richard Dietrick (4/2014-4/2018)
- Chris Goodman (4/2016-4/2020)
- Tom Catania (4/2016-4/2020)

Andrew J. Bowen, Town Administrator

Middletown Planning Commission

- Mark Carney, Chairman (12/2016-12/2021)
- David Lake (1/2017-1/2022)
- Bob Miller (5/2013-5/2018)
- Rich Gallagher (12/2016-12/2021)
- Tom Catania, Comm. Ex-Officio (4/2016-4/2020)
- Dixie Eichelberger, Alt. (2/2014-6/2017, 6/2017-2/2021)
- Meredith McKittrick (1/2017-6/2022)

Middletown Board of Appeals

- Fred Rudy, Chair (6/2016-4/2017)
- Thomas Routzahn (1/2017-1/2020)
- Tim Coakley (1/2017-1/2020)
- Daphne Gabb, Chair (4/2017-5/2019)
- Alex Kundrick, Alternate (2/2014-2/2017, 3/2017-3/2020)

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 Department of Planning. The report is a retrospective look at development activity within the jurisdiction with a focus on whether that activity is or is not consistent with a variety of adopted plans. The report thus informs both the Planning Commission and local legislative body about the strengths and weaknesses of the local planning program.

POPULATION IN MIDDLETOWN

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

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 - 2017

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

Name Units Zoning Request for:

None

SITE PLANS

Name Units Zoning Request for:

1A. 219 S. Jefferson Street 1 R-3 Approval of demolition of dwelling and shed
Demolition (Approval 2/20)

1B. Harris Garage Demolition 1 R-1 Approval of demolition of a garage
Prospect Street (Approved 4/17)

1C. Miller Property Demolition 1 TC Approval of demolition of partial building
East Main Street (Approved 6/19)

1D. Geiger Shed Demolition 1 TC Approval of demolition of shed
West Main Street (Approved 8/21)

1E. Williams Coop Demolition 1 R-2 Approval of demolition of chicken coop
East Main Street (Approved 10/16)

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. Middletown School Complex n/a OS Review of improvement plans for
Schoolhouse Drive school complex roadway (Commented 4/17)

2B. Miller Property 1 TC Approval of improvement plans for new
East Main Street commercial businesses (Approved 10/16)

FOREST CONSERVATION PLANS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
3. School Complex Roadway Schoolhouse Drive	1	OS	Approval of FRO plans for school complex roadway (Approved 4/17)

SUBDIVISION PLATS

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

ADDITION PLATS

<u>Name</u>	<u>Units</u>	<u>Zoning</u>	<u>Request for:</u>
4. East Green Street	2	R-2	Addition of small parcel areas to existing lots (Approved 1/16)

FINAL PLATS

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

RE-ZONING REQUESTS:

None

ANNEXATIONS:

Admar Property Coblentz Road	94 acres	R20	Recommendation of approval to annex property into town boundaries (2/20)
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TEXT AMENDMENTS:

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

None reviewed

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. H. Brown	variances from min. lot width, side yard setbacks, and front yard setback for single family dwelling	219 S. Jefferson	Approved	2/22
B. Gauthier	variances of 12' from required 18' setback for a pool	701 Glenbrook Drive	Approved	7/26

INFRASTRUCTURE PROJECTIONS:

TRANSPORTATION:

Action taken by the Town in the year 2017 has been consistent with the Town Comprehensive Plan and best management planning practices.

The Town Comprehensive Plan includes roadway alignments both north and south of town that will be requirements of any future annexation agreements. Future development should incorporate roadway dedication and construction to provide minimum collector type road links from east to west, and a collector from US 40-A north to I-70.

The State Highway Administration has funded the Main Street streetscape project and the notice to proceed to construction was received on September 6, began in FY 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 take up to two years to be completed~~ on June 21, 2019.

Improvements to West Green Street were started in FY 2016 and were completed in June of 2017. The project included new sidewalks, storm drain, curbs and gutter, as well as the addition of public parking along the street.

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 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 2017 was 305,000 gpd. The water system is routinely monitored for possible contaminants in accordance with Federal and State laws, and there were no violation levels in 2017. The Town has an engineering study underway for the replacement of the reservoirs.

WASTE WATER TREATMENT FACILITIES:

The East End Wastewater Treatment Plant (WWTP) on the south side of Holter Road at Hollow Creek is designed to process 350,000 gpd of sewerage. The current discharge permit for the plant is 250,000 gpd. Average daily flows for 2017 were 227,000 gpd.

The discharge permit for the West End WWTP at Catoclin Creek in the southwest section of Town is 250,000 gpd. Average daily flows for 2017 were 203,000 gpd.

There were no violations for either plant in 2017.

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 2017, the Town developed a new recreation area in the downtown called Heritage Park which is located across West Main Street from the Municipal Center. This park includes a fountain and mural with interchangeable historic images of Middletown. The Town also installed a footbridge over Cone Branch Creek, across Franklin Street from the Primary School, for continuation of the walking trail system around the Town. The walking trails will be completed in 2018 that connect to this footbridge and Remsberg Park. Trail signage was installed in four locations at the origin of trails in Town that show the trail system as a whole and information about the site-specific trail. The locations of the trail signage is as follows: off Franklin Street near the Primary School on the Cone Branch Trail; at the beginning of the walking trail at Remsberg Park; near the basketball courts at Wiles Branch Park on the Wiles Branch Trail; and off Layla Drive on the Foxfield Trail. Once the streetscape project is completed, an additional sign will be installed on the Cone Branch Trail off of East Main Street.

PROTECTION OF HISTORIC STRUCTURES:

~~At the present time,~~ The Town 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. Photos are taken before buildings are to be torn down and are archived.

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

Main Street Middletown, MD, Inc. is a 501c3 organization that supports the economic development of the Town. In 2017, the organization started a direct financial incentive program to help offset the expenses associated with the physical improvement and maintenance of historic properties. Through Main Street Middletown’s Façade Improvement Program, commercial properties that are listed as Contributing to the Middletown Historic District, that make improvements that conform to the Secretary of the Interior’s Standards for Rehabilitation, may be reimbursed up to 50% of eligible project costs. In 2017, The Main Cup, a restaurant and bar, took advantage of the program to restore the historic Main’s Ice Cream sign associated with the property.

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

STRATEGIC PLANNING INITIATIVES

ZONING ORDINANCE UPDATE

The Town Board approved the addition of Outdoor Lighting regulations to the Middletown Municipal Code in February 2017.

COMPREHENSIVE PLAN REVIEW

Since 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 will begin in 2018~~20~~ in order to be completed in conjunction with the availability of the 2020 Census data. The Maryland Department of Planning now requires a ten-year review ~~instead of a seven-year review~~.

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 which includes checklists 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 p~~Promote 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 p~~Promoteing sustainable development practices thru the development review process as outlined in the 2010 Middletown Comprehensive Plan, along with potential projects to consider for any applicable funding associated with the new Sustainable Communities designation through DHCD.

NEW RECOMMENDATIONS:

1. ~~Work on~~ Establish town regulations to address blighted properties.
2. ~~Work on the promotion of~~ Develop energy-saving and renewable energy policies for the town.

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 3/8/2018

RE: Monthly Planning Update - March

Major Subdivisions:

Middletown Glen - Preliminary plans signed – May 29, 2013
Improvement plans conditionally approved – October 16, 2013
Plats 1 & 2 recorded at Courthouse – May 17, 2016
FRO planting at Remsberg Park completed – February 2017
Plat 3 recorded at Courthouse – March 1, 2017
Plat 4 recorded at the Courthouse – November 13, 2017
Plat 5 at Health Department for signature – March 7, 2018
Next step – record additional final plat

Site Plans, Plats and Minor Subdivisions:

Cross Stone Commons – Final FRO Plan approved – May 19, 2014
Revised Site Plan conditionally approved – October 20, 2014
Improvement Plans conditionally approved – March 16, 2015 (Plans expire 3/16/2018)
Improvement Plan mylars signed – November 6, 2015

Redline revisions of site & improvement plans submitted for review/approval–March 1, 2018
Next step – submit architectural renderings for buildings #2 and 4 for review/approval

Fire Station – BOA approved height variance request - October 20, 2016
Revised Site Plan conditionally approved – October 17, 2016 (Plans expire 10/17/19)
Improvement Plans conditionally approved – December 19, 2016 (Plans expire 12/19/19)
Improvement Plan mylars signed – May 30, 2017
Building permit conditionally approved – June 29, 2017

Franklin Commons - Site Plan conditionally approved – January 19, 2015 (Plans expired 1/19/2018)
FRO plan conditionally approved – January 19, 2015
Improvement Plans conditionally approved – Sept. 21, 2015 (Plans expire 9/21/2018)
Improvement Plan mylars signed – January 4, 2016
Next step – resubmittal of site plan for review/approval

Caroline's View/Horman Apartments- Site Plan approved – April 21, 2008 (no sunset provisions prior to November 14, 2010)
Improvement Plans conditionally approved – May 17, 2010 (no sunset provisions prior to 11/10)
Revised Improvement Plan mylars signed – July 21, 2017
Next step – submittal of PWAs for approval and apply for building and grading permits

Jiffas – Site Improvement Plan conditionally approved – October 20, 2008 (no sunset provisions prior to November 14, 2010)

Forest Conservation Plan approved – October 20, 2008

Architectural plans approved by PC – March 16, 2015

BOA hearing for variance requests (approval received) – March 29, 2016 (**Expired 3/29/17**)

SWM plans submitted to SCD and Frederick County – December 5, 2016

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

Miller (Ingalls) – Concept and Phase I & II Plan approved & signed – September 27, 2010

Revised Concept Plan reviewed by PC – September 16, 2013

Site plan conditionally approved by PC – July 20, 2015 (Plans expire July 20, 2018)

Improvement plans conditionally approved by PC – June 19, 2017

Improvement plan mylars signed – January 2, 2018

Building permit submitted – January 22, 2018

Moody – Demolition plan submitted for review/approval – February 14, 2018

Richland Driving Range – Concept plan reviewed by PC – January 18, 2016

Site Plan conditionally approved by PC – June 20, 2016 (Plans expire June 20, 2019)

Revised Site Plan conditionally approved – January 15, 2018

Next step – submittal of improvement plans for review and approval

School Complex roadway plans – Improvement plans and FCP plans reviewed and approved by Town Board – May 8, 2017

(informed in June 2017 that funding was not approved for project)

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

Annexations:

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

Public hearing date - Monday, October 11, 2010

Annexation petition denied by Town Board – October 11, 2010

Admar Property – annexation petition sent to PC by Town Board – January 9, 2017

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

Public Hearing scheduled for April 5, 2018

Text Amendments:

Reports: 2017 Annual Planning Report – submitted to PC for review/approval – March 2018

2017 Annual FRO Report – submitted to MD DNR – March 7, 2018

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

Meetings: Next Middletown Green Team Meeting – March 21, 2018

Next Joint town board/planning commission workshop – May 7, 2018