



AGENDA FOR ANNEXATION WORKSHOP

July 18, 2017

7:00 p.m.

PLEDGE TO THE FLAG

CALL TO ORDER

ANNEXATION ITEMS FOR DISCUSSION

- Zoning Designation
 - Comp Plan Consistency
 - Density
 - Open Space Requirements
 - Affordable Housing
 - County Waiver
- Streets & Roads
 - Traffic Impact Study
 - Coblantz Road Improvements
 - Subdivision Entrance – Split Island
 - Future Road Right-of-Way North
 - Future Road Right-of-Way West
 - Reduction of Cul-de-Sacs
- Water & Sewer
 - Water Study – Determination of water needs; Pressure and Fire Flow
 - Amendments to County Water & Sewer Plans
 - Easement for Sanitary Sewer Line through County Park
 - Dedication of Production Wells and Raw Waterlines
- Other Services or Requirements

ADJOURNMENT

Foxfield Section 6

REGIONAL MAP
Middletown, Maryland



Memorandum

To: Middletown Burgess and Commissioners

From: Cindy Unangst, Staff Planner

Date: February 27, 2017

RE: MEMAR ANNEXATION PETITION

MIDDLETOWN ANNEXATION

Annexation Plan

Petitioner: Memar Corporation

Request: Annexation of 93.938 acres of land to be zoned R-20.

Location: West side of Coblenz Road, and north of Middletown County Park

Land Use & Zoning: The subject property is currently open, undeveloped farmland with drainage predominately to the south. The property is currently zoned A-Agricultural under the Frederick County jurisdiction. County A-Agricultural zoning adjoins this property to the north and west. Middletown R-20 Residential zoning is to the east and Middletown OS – Open Space is to the south for the County Park and southwest for the school complex.

Land use adjoining the subject property is a combination of agricultural, residential, open space and institutional. A large agricultural tract remains to the north, which is in the county's Agriculture Preservation program. Single-family homes adjoin the property to the east, and the remainder of the property adjoins institutional property owned by the Frederick County Board of Education and parkland owned by Frederick County Board of County Commissioners.

The petition under item #4 requests a change of zoning upon annexation to R-20 Residential. This request is not consistent with the *Frederick County's Future – Many Places, One Community - A Comprehensive Plan for Frederick County, Maryland* (Adopted April 2010) classification as outlined on the 2010 Adopted Countywide

Comprehensive Land Use Plan which designates Agricultural/Rural land use where the R-20 zoning is proposed and the Zoning Plan designates the parcel as Agricultural zoning. The request is consistent with the Middletown 20-Year Land Use Comprehensive Plan map which indicates Low Density Residential land use for the parcel in question and which is within the municipal growth boundary.

Comprehensive Plan: The *Frederick County's Future – A Comprehensive Plan for Frederick County, Maryland* (Frederick County Comprehensive Land Use Plan) designates this property as Agricultural/Rural and does not show the parcel within the growth boundary for the municipality. The County Land Use Plan shows a proposed collector road running east/west thru the southern portion of the property. The *Middletown Comprehensive Plan*, adopted March 2010, designates the property as Low Density Residential. *Middletown Comprehensive Plan* maps show an unnamed stream running north to south through the property, and the transportation map shows a future roadway running east/west thru the southern boundary of the property. The proposed annexation is within the growth boundary established by the Middletown Comprehensive Plan. **Due to the fact that the annexation petition is not consistent with the County's Comprehensive Plan, this petition would trigger the need for an Express Approval review by the County Council. The Middletown Town Board would need to request that the County Council conduct that review, which can occur before or even after the town board public hearing.**

Streets & Roads: The subject property totals 537.47 ft. of frontage on Coblentz Road, which is a 22ft. wide bituminous concrete County road with no curb and gutter. The Middletown Comprehensive Plan designates Coblentz Road as a county road. Improvements to this property with access to this road would require approval from appropriate agencies. Both the Frederick County Comprehensive Plan and the Middletown Comprehensive Plan show a proposed collector road running east/west at the southern end of the property.

Although the petition does not address this item, the concept plan does provide for the collector road which aligns to the east with Smithfield Drive. Consideration should also be given to the following:

- a traffic impact study should be required as part of the annexation agreement,**
- upgrading Coblentz Road to Town standards,**
- only one access point serving this entire development**

Community Facilities

Schools: The subject property is located in the Middletown Primary, Middletown Elementary, Middletown Middle and Middletown High School districts. The current enrollment of each school as of December 30, 2016 is 99%, 83%, 93%, and 95% respectively. FCPS projections out to 2025 show the Primary, Elementary and Middle schools to remain at 80-99% of capacity for that time frame. There are three years during the time frame given that show the High School to be at 100-119% of capacity. Those years are projected to be at 100%, 102% and 103% of capacity. Both Middletown Middle School and Middletown High School are to have modernization projects completed by 2025, but neither will include increased student capacity.

The requested zoning of R-20 Residential (without consideration of active adult housing) could yield the following densities according to the Pupil Yield Rates Report done by Frederick County Public Schools:

Primary School – additional 24 students

Elementary School – additional 24 students

Middle School – additional 12 students

High School – additional 19 students

Water/Sewer: The subject property, if annexed, would be required to be served by Middletown water and sewer systems. Water and sewer taps are made available for new developments through annexation agreements with the Town.

The adequate public facilities policy for the Town now requires that all development provide 250 gpd/unit of water into the system. The policy also requires that any upgrades to the sewer system to serve development be funded at the sole cost of the developer. The developer agrees to such conditions under item #3.1 in the petition.

The Town has adopted a Water/Sewer Certification Ordinance that requires that resources be available in the system prior to approval of Improvement Plans.

The petitioner requested an appropriation from MDE for a total of 57,000 gpd, but received a water rights evaluation from MDE for 34,200 gpd. This would provide for approximately 137 units based on 250 gpd/unit. The Town would need to determine whether the water must be appropriated or connected prior to the development moving

forward, whether the entire amount must be achieved before allowing development to move forward, and whether the Town would provide any existing reserve to support any “other” component of this development.

The Town has adopted a Water Resources Element and associated water and sewer service maps as a component of the Middletown Comprehensive Plan adopted in 2010. Under this plan, the property is classified a PS – Planned Service, which projects development for this property to occur within the 11-20 year time frame (2021-2030).

The designation of PS – Planned Service is not consistent with the County Master Plan for water and sewer which shows NPS – No Planned Service. The petition does not address the timeframe in which to proceed with development of the property.

Fire Service: This property would be served by the Middletown Fire and Ambulance service currently located less than 1 mile southwest of the site. The average calls for service have increased by 20-30 per year over the last decade, while the increase in residents over the last decade has been about 200 total residents.

Police Service: Police service would be provided by the Frederick County Sheriff’s Department. Due to continued growth, the Town now has three deputies as well as an additional resource deputy who works out of the Middletown High School.

Solid Waste Disposal: The Town of Middletown contracts with a private hauler for trash service for residential and some smaller commercial customers. This service would be extended to this property if annexed.

Electric: Allegheny Power currently provides service to the area. This service would continue.

Parks: The Middletown Community Park adjoins this property to the south. Additional park facilities are further south and west in Town.

Although the petition does not address parkland, the concept plan shows 40 acres of open space with a proposed walking trail and gazebo. This proffer of open space should be subject to review by the Planning Commission as expressly stated in the Town residential growth policy. Further, FRO and SWM can no longer be counted as open space and each development must provide a minimum of .05 acres/ unit. Please note that based on the proposed development of 116

units, 5.8 acres would be required to meet the requirements of all policies and ordinances subject to that acreage not including FRO, SWM, and unusable areas as determined by the Planning Commission.

Growth Policy:

The adequate public facilities policy requires the following:

- Must provide 250 gpd/unit for water/sewer prior to water/sewer certification being approved.

Based on the petition and the water rights analysis from MDE, the developer could build 137 units.

- Schools cannot be greater than 105% over State-rated capacity at time of Preliminary approval.

None of the schools is projected to be over 105% of the State-rated capacity prior to 2025.

- Must provide traffic impact study at time determined by Town.

There is no mention of providing a traffic impact study as part of this petition, but given the road connections, staff would assume one should be required early in the plan review process.

- Must provide .05 acre/unit of usable open space as determined by the Planning Commission.

As stated above, the concept plan does appear to meet the requirement, subject however to review and agreement on usable space provided.

- No development will receive more than 20 of the available 30 permits per year.

This phasing would be worked out under petition item #6.

- All off-site improvements will be negotiated through public works agreements with the Town.

This would be worked out under petition item #6.

Staff Comments:

The requested annexation and zoning for R-20 Residential on the subject property is consistent with the adopted 2010 Middletown Comprehensive

Plan. Annexation would ensure that development occurs under Town standards and that the Town gets the tax benefits of this growth. The staff generally supports municipal annexations where facilities and services are in place to support development.

As stated in connection with other annexations, the staff is of the opinion that any future development in and around existing municipalities should first be considered for annexation. This is stated County and State policy. This proposal is within a logical area for annexation into the Town limits. In addition, this property already has water and sewer in close proximity.

Recommendations:

1. Given the most recent information regarding the Level of Service as it pertains to roads, schools, water and sewer, as well as other services, staff would recommend that all outstanding issues, affected by this proposal, be addressed and/or resolved before development of this proposed annexation is considered.
2. The Town Board will need to determine whether to request an Express Approval review by the Frederick County Council in order to avoid having to wait the five years for any development to occur.
3. Because of the amount of growth currently in the development pipeline for the Town of Middletown, it would appear to be in the Town's best interest for future growth and development to maintain the orderly process of phasing in any and all future development proposals. As the Town attempts to address infrastructure needs at all levels, this process of phasing should be updated to assure that growth remains congruent with the services that are available.
4. This site appears to contain a location for a collector road with future connection to extend west toward MD Route 17, which should be considered in the timing of development of this property. The staff would also recommend that consideration be given to Coblentz Road for improvements to Town standards.
5. Consideration should be given for this property's connectivity to the County Park adjacent to the south, and the Town should consider requiring that some open space be provided for usable recreational activities, as requested by the Middletown Parks and Recreation Committee.
6. Public Works agreements are needed to be in place so that the development of this property does not occur prior to any needed water and sewer system improvements.

7. Consideration should also be given for the development of a certain percentage of homes to be moderately-priced dwelling units in order to provide some much-needed entry-level homes within the Town.

DRAFT

John D. Miller
Burgess

Commissioners
Larry K. Bussard
Thomas S. Calania
Richard L. Dietrick
Jennifer J. Falcinelli
Christopher I. Goodman

Middletown

Celebrating 250 Years 1767 - 2017



Memorandum

To: Middletown Burgess and Commissioners

From: Cindy Unangst, Staff Planner and the Middletown Planning Commission
CKU

Date: February 27, 2017

RE: MEMAR ANNEXATION PETITION- RECOMMENDATION

After review of the proposed annexation of the 94+ acre Memar Property, the Planning Commission recommended that the petition is indeed consist with the Middletown Comprehensive Plan at their meeting held on Monday, February 20, 2017. Staff notes below information that was included in the materials submitted to the Planning Commission:

I. Findings of fact

- A. Property DOES adjoin existing corporate boundary
- B. Property DOES NOT create an enclave of any unincorporated area
- C. Property DOES NOT exceed 1.5% of the present corporate area
- D. Request for zoning of R-20 IS consistent the 2010 Middletown Comprehensive Plan

II. Recommendation – Planning Commission voted to accept the proposed annexation petition.



Memorandum

To: Middletown Burgess and Commissioners

From: Middletown Planning Commission

Date: April 17, 2017

RE: MEMAR ANNEXATION PLAN - COMMENTS

At their meeting held on Monday, March 20, 2017, the Planning Commission (PC) reviewed and discussed the draft annexation plan for the 94+ acre Memar Property.

The discussion centered on density, traffic and open space – issues the PC determined were appropriate for them to provide comments on to the Town Board. PC agreed that the maximum density for the site using the R-20 proposed zoning would be 186 units. The PC understands that other considerations would decrease the final number of units, i.e. . The members also strongly feel that there will be a significant impact to town roads (including Coblentz Road) with the proposed annexation and have additional concerns regarding the limited ingress and egress from the property.

The comments of the Planning Commission are:

- A traffic impact study should be completed prior to an annexation agreement being finalized using a maximum density number of 186 dwellings. The Town should be review, revise and approve the assumptions used in the study and be allowed to fully review and evaluate its results.
- Coblentz Road should be upgraded to town standards and the ownership of the road (from County) should be considered as part of the annexation agreement.
- More than one access point for ingress and egress (for emergency purposes) from the property should be identified prior to finalization of the annexation agreement.
- At least 9.3 acres should be provided of usable open space (not including wetlands, stormwater management areas, forest conservation areas, etc) as determined by the maximum number of units using the R-20 zoning.

The Planning Commission appreciates the opportunity to comment on this annexation agreement and is available to answer any questions regarding these comments.

Water Service Areas



- W-1. Connected
- W-3. 1-3 Years
- W-4. 4-9 Years
- W-5. 10-20 Years
- FS. Planned Service 11-20 Years
- MAU. Multi-Use (Private)
- NPS. No Planned Service



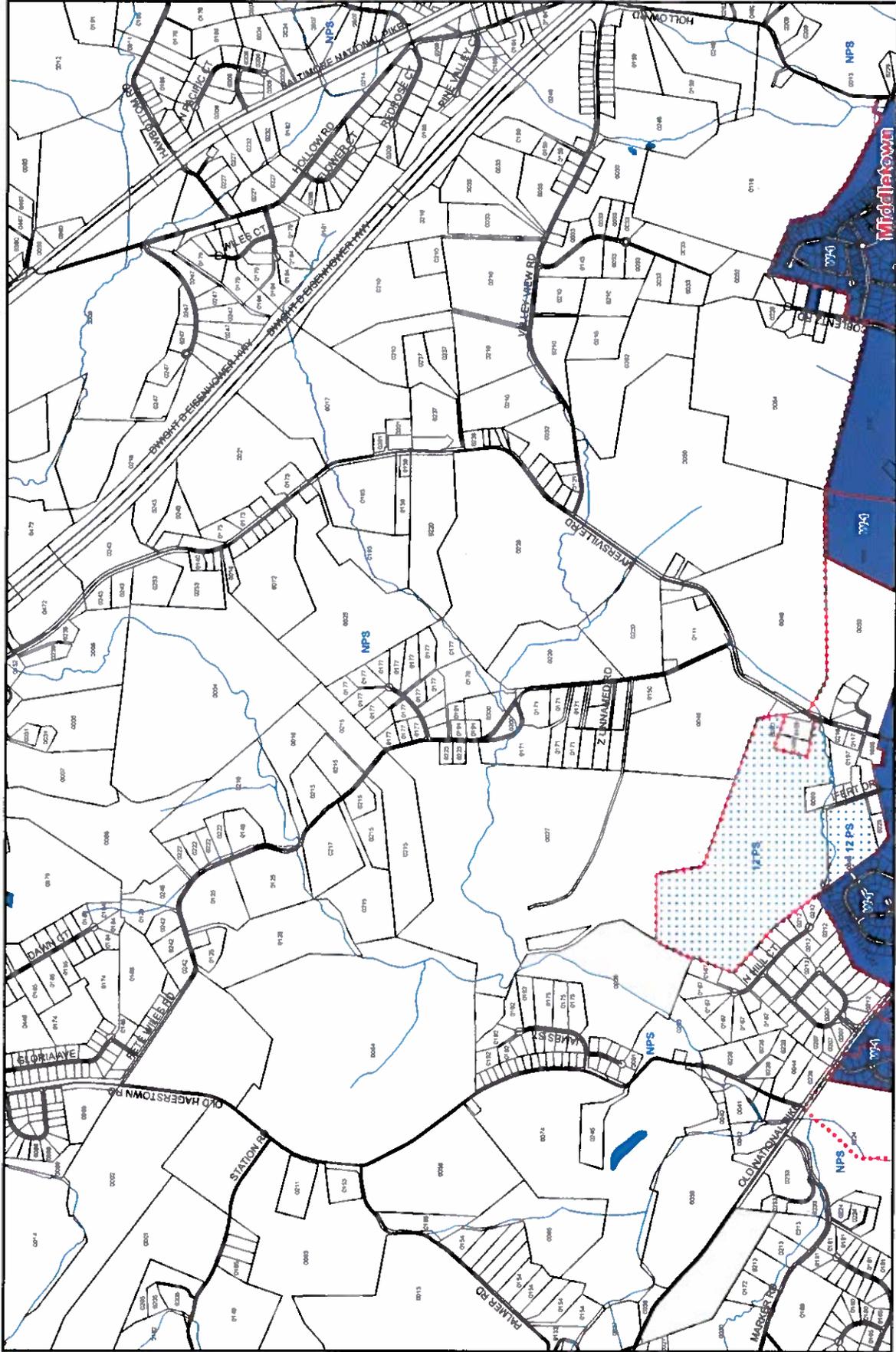
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For detailed water service areas, please contact the City of Middletown, Planning Services Division, 20 North Main St., Middletown, NJ 07043, Phone: 908-682-2324.

February 13, 2013



The Map 85



Sewer Service Areas



- S-I Connected
- S-3-13 Years
- S-4-48 Years
- S-5-7-10 Years
- PS- Planned Service (11-20 Years)
- M-L- Muni-Like (Private)
- NPS- No Planned Service



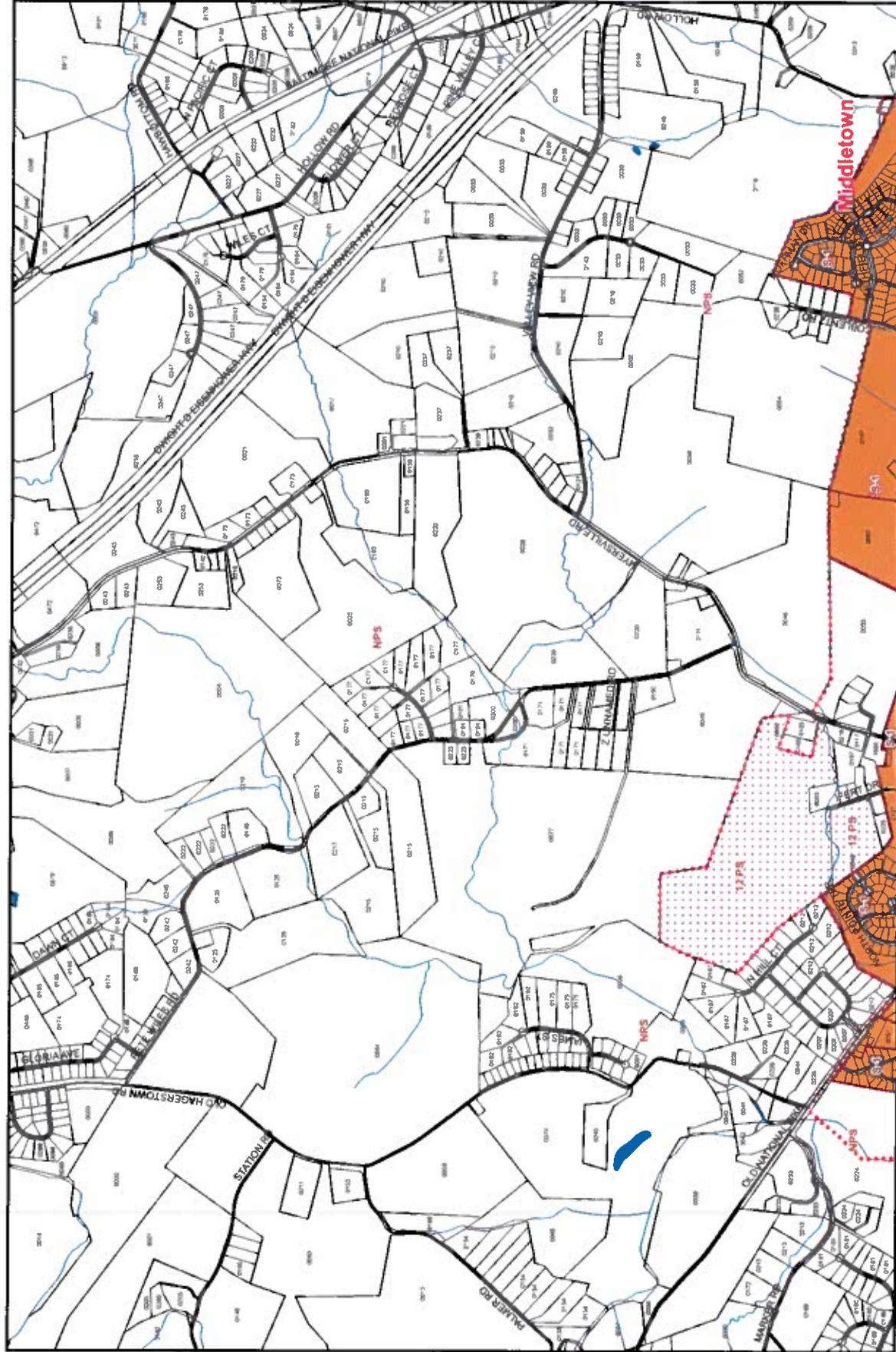
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For detailed sewer service areas contact the utility service areas map. Planning Department, Frederick County Government, Frederick, MD 21701, 301-600-2324

February 13, 2013



Top Map 56





**Burgess and Commissioners
Middletown, Maryland**

Water Rights Evaluation
Admar Annexation

Original Calculations

Little Catoclin	44	Cone Branch	50
Land Area	16,000	Water Rights - MDE	18,200

Total	34,200	Residential Growth Policy Unit / EDU's	250 137
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*Information from MDE Evaluation Report 6/14/07

OTHER INFORMATION

Sustainable Well Yields	Annual Average	Month of Maximum Use
Requested by Developer	57,000	86,400
MDE - Approval	42,000	82,100

Residential Growth Policy Units / EDU's - MDE Approved #'s	300 140	250 168
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Requested Calculations

Little Catoclin	44	Cone Branch	50
Land Area	16,000	Water Rights - MDE	18,200

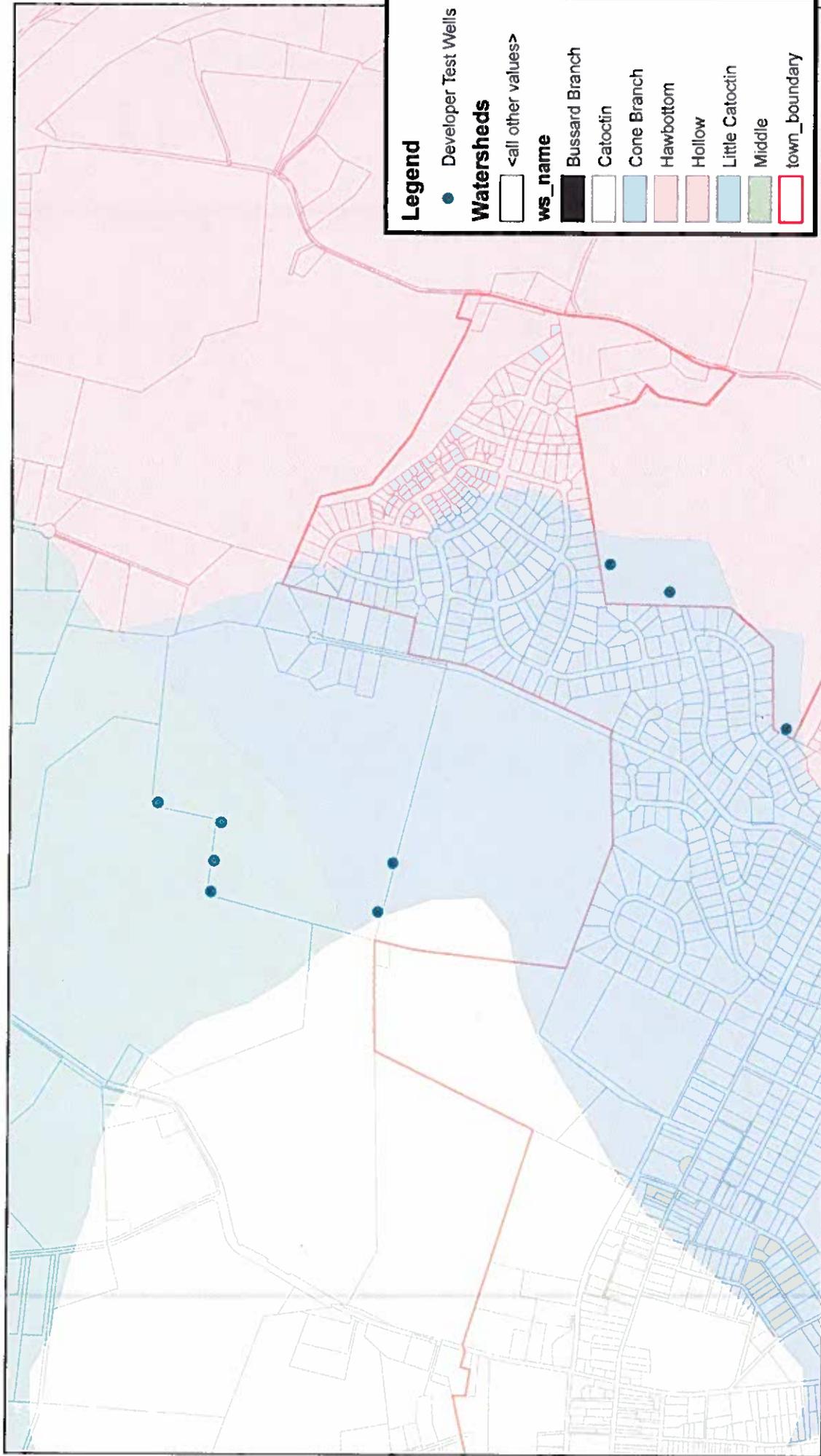
Total	34,200	Active Adult Usage Number Unit / EDU's	200 171
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*Information from MDE Evaluation Report 6/14/07

OTHER INFORMATION

Sustainable Well Yields	Annual Average	Month of Maximum Use
Requested by Developer	57,000	86,400
MDE - Approval	42,000	82,100

Active Adult Usage Number Units / EDU's - MDE Approved #'s	200 210
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Town of Middletown - Frederick County
MDE - Watersheds for Water Allocation

