

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

February 21, 2011

The regular meeting of the Middletown Planning and Zoning Commission took place on Monday, February 21, 2011 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present were Chairman Carney, Commission members David Lake, Bob Smart, Bob Miller, Chris Goodman, Alternate, Richard Gallagher, Temporary Alternate, Commissioner Dietrick, Cindy Unangst, Staff Planner and Bruce Carbaugh, Director of Operations.

I. Regular Meeting Minutes of January 17, 2011 – tabled to next month.

II. PLANS

Kevin Air Temporary Storage Container Request – Cindy stated that Mr. Air is requesting placement of a storage container on east side of his property. The Commission asked Mr. Air to try to place the container behind the front line of the house as much as possible and to report back to Cindy after 120 days to give her an updated time frame on how long the container will be there.

Motion by Smart to approve the storage container request with the conditions that Mr. Air report back to Cindy after 120 days giving her an updated time frame and to try and place it behind the front line of the house, seconded by Miller. Motion carried (5-0).

Hollow Creek Golf Course Revised Site Plan – Cindy stated that this plan was before the Commission last month and it was determined to give the residents time to look at it; Cindy stated that they were all notified. Cindy stated that the leader board is considered a structure not a sign therefore will need a building permit and not a sign permit.

K.C. Reed with Loiderman Soltesz Assoc. stated that this plan was submitted previously and that additional landscaping has been added for screening purposes per the resident's feedback. Mr. Reed stated that the pond improvements will not be back before April as Mr. Klein is currently out of town and will not be back in time to get the plan submitted for March.

Motion by Lake to approve the revised site plan for the leader board, seconded by Smart. Motion carried (5-0).

Coblentz Grove Improvement Plans – Cindy stated that this is the 1st review of these plans. Cindy went over a few issues that need to be considered in the review of these improvement plans. Cindy stated that the County is deferring the number of driveways and the widths of the driveways to the Town. The County would like to have a meeting on site to discuss some trees on the opposite side of the street that need to be trimmed back. Bruce Carbaugh stated that he is aware of which trees the county is referring to as they are a problem when we get snow/ice. Bruce stated that it's the white pines that are the problem. Bruce said that typically the Town sends a letter to the property owner asking them to trim the trees back to the right-of-way line within so many days; if they do not respond then the Town staff will trim the trees back. Cindy also stated that the County is requesting No Stopping signs be placed

along this section of Coblenz Road, 4 on the side with new houses and 3 on opposite side. The commission agreed to defer the width of the driveways as well as the no stopping signs to Bruce.

Cindy stated that according to our Code, curb, gutter & sidewalk is to be installed. Cindy stated that the County would rather not see curb & gutter installed. Cindy stated that the Planning Commission has no general authority to waive this unless there is evidence that unusual hardships may result from strict compliance with the regulations. Cindy stated that we cannot waive the sidewalk but there are other options available. Bruce stated that in the past we have put a stipulation in the deed stating that if the sidewalk connects to their property the property owner would need to install theirs at their cost. Bruce also stated that we have had the developer pay to have sidewalk installed in other places in town to have it connect.

Bruce stated that bio-swales being installed on these properties will be privately owned and maintained by the property owners.

Motion by Lake to conditionally approve the Coblenz Grove Improvement Plans subject to: Town engineer comments, County comments, Town planner comments, move the driveway for lot 1 off the water line easement and the developer add note in deed stating that if sidewalks would connect they would have to install the sidewalk on their property, seconded by Miller. Motion carried (4-0-1 Smart abstained).

Valley Fitness Site Plan – Cindy stated that the Commission conditionally approved this site plan previously but we needed clarification on the square footage to determine the number of parking spaces that we need to waive. George Harne, architect, handed out an updated plan, showing the parking area and the buildings with the correct square footage of each use. Mr. Harne stated that the entrance will be off of Rt. 17 in a circular pattern with 2 way travel lanes near the building. It was stated that 37 spaces are required and they are asking for a waiver of 3 spaces. Cindy stated that Valley Fitness will need 28 spaces and Custom Marble needs 9 spaces.

It was asked that the owner add another wheel stop at the curb and stop sign. Mr. Harne stated that he didn't see a problem with that.

Motion by Smart to waive the 3 parking spaces and add the additional curb stop for approval of the revised site plan. Seconded by Miller. Motion carried (5-0).

III. ZONING

Vehicle Repair Use Special Exception text amendment – This was discussed in depth at the workshop meeting. The changes include changing Section 17.20.010 special exception number 6 from a weight capacity of 1 ton to 2.5 ton and include major repairs involving replacement of engines, transmissions, chassis or body work within the types of repair and service that can be performed. The other change is to Section 17.48.250 changing the parking space requirement to that being determined by site plan instead of no more than four vehicles; to delete the requirements that vehicle repair and service not include major repairs.

Motion by Lake to approve the text amendment changes as submitted, seconded by Miller.

Motion carried (5-0).

Kenny Keeney provided to the Commission a sketch of where the proposed parking would be for the Model Garage property on Garage Drive.

Zoning Violation Draft Ordinance – Cindy stated that at the Town Board meeting on January 24, 2011, the Town Board received the Planning Commission’s recommendation for changes to the zoning enforcement provisions in the Town Code. The Town Board decided that they would like to change the draft submitted with the following: 1)The Town Board would like the language pertaining to fines being imposed upon any person committing a municipal infraction to be “not to exceed one thousand dollars (\$1,000.00)” instead of the Planning Commission’s recommendation of “one hundred dollars (\$100.00).” The Town Board was in favor of providing for the amount of the fine to be determined by the zoning administrator as is the case with the town administrator per Section 1.16.020 of the Town Code.

Cindy stated that per the Town Attorney that is why you are seeing this draft ordinance back because the Town Board is recommending a change.

Commission member Lake stated that he was not present at the Town Board meeting nor was he present for the workshop therefore he would like the Town Board liaison to shed some light on why the Town Board feels it’s necessary to make this change. Commission Member Lake questioned that if the zoning administrator writes up a resident for a violation is the Town Board saying that they want to hit them with a \$1,000 fine? Lake stated that seems counter to the direction from the discussion previously making sure our laws are reasonable and not burdening the community. Chairman Carney stated that it says not to exceed therefore in his opinion it puts a burden on the zoning administrator to determine the fee to charge. Cindy stated that she did show the Town Board the list of infractions she made up showing them not to exceed \$250 for some, not to exceed \$500 for others, and so on.

After much discussion motion by Miller to approve the draft Zoning Violation Draft Ordinance with the change recommended from the Town Board, seconded by Smart. Motion carried (3-1-1 Lake voted against and Dietrick abstained).

Restricted Vehicle Text Amendment – Cindy stated that at the Town Board meeting on January 24, 2011, the Town Board received the Planning Commission’s recommendation for changes to the restricted vehicles provisions in the Town Code. The Town Board decided that they would like to have the following changes made: 1)The Town Board would like to have the provisions for the exemption of emergency be vehicles from the prohibition of restricted vehicles parking in the front yard in a residential district. Emergency vehicles would include recovery vehicles like tow trucks and would also include snow plows. Emergency vehicle operators would need to submit proof from the governmental agency that they are under contract to provide emergency assistance and the parking of such vehicles would be limited to seven times per month, and 2)Eliminate the section regarding “on-street parking of restricted vehicles in all districts.”

Motion by Smart to deny the recommended changes proposed by the Town Board, seconded by Miller. Motion carried (4-0-1 Dietrick abstained).

Forest Conservation Ordinance Text Amendment – Cindy stated that in 2009, amendments were made to the Maryland Forest Conservation Act. The changes repeal the provisions which authorize the return, after a certain period of time, of unused funds paid into the forest conservation fund; revise the amounts to be paid in to the forest conservation fund after September 20, 2014; revise the requirements for the annual report; and amend the requirements for retention priority.

Motion by Smart to approve the proposed changes to bring it in line with the new state regulations, seconded by Lake. Motion carried (4-0-1 Dietrick abstained).

Plan Review Process management system and checklists – discussion took place at the workshop regarding the checklists and Commission member Smart made some recommendations to improve what Cindy has prepared.

Violations –

Restricted vehicles – on hold

IV. PUBLIC COMMENTS – none

Meeting adjourned at 8:47p.m.

Respectfully submitted,

Ann Barkdoll
Administrative Specialist