

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA
Monday, July 20, 2015
7:00 p.m.

- I. **Public Comment**
- II. Minutes of May 2015 Planning Commission meeting **Approval**
- III. **Plan Review**
Miller Property Site Plan **Review/Approval**
- IV. **Zoning**
Zoning Code review – Sections 17.36 and 17.48 (Workshop only)
Zoning Code review of Town Board proposed changes – Section 17.08 (Workshop only)
Subdivision Regulations Update review – Sections 16.28 and 16.32 (Workshop only)
- V. **Miscellaneous**
- 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.**

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

May 18, 2015

The regular meeting of the Middletown Planning Commission took place on Monday, May 18, 2015 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commissioners Mark Carney (Chairman), Chris Goodman (Ex-Officio), Bob Miller, Bob Smart, and David Lake. Others present in official capacity: Commissioners Rich Gallagher (Alternate), Dixie Eichelberger (Temp. Alternate), John Miller (Burgess), Cindy Unangst (Staff Planner), Ron Forrester (Zoning Administrator) and Annette Alberghini (Recording Secretary). Others present: Rich Thometz (Hailey Development L.C.), and Mike Fitzgerald (Hailey Development L.C.).

I. PUBLIC COMMENT – None.

II. Regular Meeting Minutes of April 20, 2015 – Approved as submitted.

III. PLAN Review

Coblentz HOA Document – (Rich Thometz and Mike Fitzgerald were present as representatives for Hailey Development, L.C. (the developer).) The HOA document was revised due to changes from the planning commission workshop and additional questions.

- **Parking and Storage** – Given the lot sizes, easements for stormwater management facilities, and the Town’s requirements for the location of sheds, staff is concerned about the approval of sheds for the property owners storage needs. Town code states minimum setbacks for accessory structures is six (6) feet in residential districts, though the master plan for this development states that the accessory structure setback will be three (3) feet. Section 8.02.(u) was deleted from the document and the following sections were retitled as needed.
- **Setbacks** – Discussion concerning setbacks with neotraditional residential (NTR) developments occurred. Town code requires twenty (20) foot setbacks for back yards in the NTR district. Those lots which will have rear alley access to their garages (along East Green Street) will have eighteen (18) feet setbacks. The staff planner will review the setbacks to see if it applies to the whole development or just the overlay district.
- **Parking of RV’s** – Additional language was added to Section 8.02.(d) to include recreational vehicles RV’s, campers etc..
- **Recycling Containers** – Additional language was added to Section 8.02.(e) to include recycling containers.
- **Easement Interference** – Additional language was added to Section 8.02.(j) to include soil.
- **References to “Middletown”** – All references to the Town have been changed to “Town of Middletown” instead of just “Middletown”.
- **House and Lot Sizes and Variances** – It was determined that the Middletown Board of Appeals will handle any requests for variances for decks.
- **Dissolution of HOA** – There is concern of what will happen to the common areas, storm water management areas etc. if the HOA were to cease to exist. The Town is not interested in taking over management of those areas/facilities. Currently the document does not put the responsibility on the Town. The developers have struck the dissolution clause from the articles of incorporation, but Burgess Miller suggested that the language remain.

- **Storm Water Management Structures and Parcel H** – Discussion on the future use of Parcel H, “the library parcel”, occurred. Additional language was added to the HOA document so that the HOA could not impede the development of that parcel in the future. Additional language was also added so the storm water management facilities could be modified, if needed, for the future development of that parcel.

Action: Commissioner Lake motioned to approve the modification to the HOA document with the incorporation of staff comments and recommendations and edits received after the planning commission workshop. Seconded by Commissioner Miller.

- Commissioner Smart stated a concern that there is no record of approval of the HOA document by the Town Board. Chairman Carney stated that all issues the Planning Commission identified have been addressed. The Town Board will address any issues it may identify.

Motion carried (5-0)

IV. ZONING

Sheffler Reconsideration Letter to BOA – The Planning Commission reviewed the drafted letter to the Middletown Board of Appeals requesting reconsideration of their decision on the Sheffler restricted vehicle special exception request granted at the hearing held March 17, 2015. The revisions to the letter after the Planning Commission workshop included referencing the three (3) emails from the Town Attorney to the Staff Planner, and adding contacting the Zoning Administrator for any questions. The Planning Commission chairman will sign the letter once it is printed on Town letterhead. Copies of the signed letter and included attachments will be emailed to Planning Commission members, Board of Appeal members, the Staff Planner, and the Zoning Administrator. Registered mail copies will be sent to the Board of Appeal members, Mr. Sheffler, and other residents present at the Board of Appeals meeting March 17, 2015. It was suggested that the Town Board members also receive an emailed copy so they are aware of the situation.

Action: Commissioner Smart motioned to approve the letter, and its attachments, to the Middletown Board of Appeals from the Planning Commission requesting reconsideration of its decision on the Sheffler restricted vehicle special exception request granted at the hearing held March 17, 2015, with the addition of Town Board members as recipients. Seconded by Commissioner Miller. Motion carried (5-0).

V. MISCELLANEOUS –

Hollow Creek Golf Club – The Zoning Administrator reported that he has been in contact with the new owners of Hollow Creek Golf Course. They are interested in opening a golf academy with residential type dormitories for attendees. The Zoning Administrator is providing a written opinion as to whether it is a permitted use or permitted with special exception within an open space district. The club house and maintenance facilities for that property are zoned commercial.

VI. ADDITIONAL PUBLIC COMMENTS – None.

Meeting adjourned at 7:47pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary

Middletown Planning Office

MEMORANDUM

Date: 6/26/2015

Hansen# 14195

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MILLER COMMERCIAL PROPERTIES SITE PLAN**

Tax Map Parcel #03-0136108

Applicant: Geoff Ciniero, CMS Associates LLC

Property Owner: Miller Commercial Properties LLC

Plan Dated: March 19, 2014

Date Received: June 24, 2015

GENERAL INFORMATION

Proposal: Redevelop existing buildings in phases into new retail and/or restaurant uses. Parcel currently contains various vacant buildings plus the offices and storage facilities for Current Components.

Location: 121 & 203 East Main Street, on northeast corner of Broad Street and Main Street.

Zoning: TC Town Commercial. This district permits numerous uses such as retail sales and eating and drinking establishments along with office and business services and storage, wholesale and warehouse buildings.

Present Use: Offices and warehouse for Current Components business. The rest of the buildings to be renovated are vacant.

COMMENTS

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

1. **Previous review** – The Planning Commission reviewed a Concept Plan for the Miller Property in September 2013. The minutes from that meeting are provided here for your consideration:

Miller Property Revised Concept Plan – Cindy reviewed the changes to the new revised plans which differed from the original plan approved in September 2010. The changes were in regards to parking and storm water management. Cindy logged on to the website which showed the most current 3D version of the plan. Chris Miller (Miller Properties, Inc.) then reviewed this version of the plan with the Commission. Other issues discussed:

- **Property Entrance:** Commission Chairman Carney questioned the proposed two way entrance on the west side of the property and its access to the parking lot regarding if the width was wide enough. Mr. Miller replied that State Highway requires access to the property to be 26 feet wide. He also stated that the exit on to Green Street was not to be taken away, but they are looking for limited access to prohibit drivers from using the parking lot as a short cut. The Green Street access could be open as needed.
- **Signage and Landscaping on East Side of Property:** Questions were also raised regarding signage and landscaping on the east side of the property, specifically, line of sight with respect to exiting the property.
- **Parking:** Discussion ensued regarding the future success of the property. What would they do if they needed more parking? Currently there is no parking along 40A. It was noted that there is parking further down on Broad Street. Chairman Carney suggested that the property owners investigate with Frederick County Public Schools about using the school parking lot for overflow parking during non-school hours. Commissioner Lake suggested looking at Green Street as well. Cindy will review parking considerations that were identified a few years ago regarding shared parking for the property. Commissioner Smart questioned the differing sizes of the parking spaces in the revised plans that do not meet the town parking regulations. Bruce Carbaugh said that wider aisles beside the shorter parking spaces in the revised plan would qualify for the same square footage.
- **Solar Panels:** Cindy remarked that the solar panels are shown on the roof of the 3D plan. Mr. Miller said it would be a 90 KW array.
- **Facility Operator, Tenants & hours:** Mr. Miller stated that they were still looking for a facility operator, that there would be up to 7 tenants for the market spaces, and that the hours had yet to be defined. They are thinking 10am-7pm or 10am-9pm.

Mr. Miller stated they are expecting permit plans in December 2013 and digging to commence January or February of 2014. Commission Member Lake then remarked to the property owners that this is a concept plan and they now know the comments from the Planning Commission regarding site plan approval.

2. **Changes from prior plan** – The main changes from the concept plan are the additional insets showing details for the utilities, stormwater management, grading, etc. per comments received from Frederick County and State Highway. Also, there are additional details within the plan per comments from the County such as the addition of stormwater management easements, water and sewer connections, and stormwater management details including the location of trench drains and roof drain connections. A legend should be provided to more clearly indicate what is being proposed as patio, concrete, and landscape/grass areas.
3. **Parking** – The site plan shows 52 parking spaces that vary in size from 8' x 22' to 9' x 19' with the majority of the spaces being 9' x 18'. The town's parking regulations call for parking spaces to be 9' x 20'. It would be helpful to include a chart showing the parking requirements for the proposed uses in relation to the amount of parking that is being proposed so that the planning commission can determine how many parking spaces it might

need to waive. Section 17.32.060 Off-street parking requirements of the Municipal Code states that eating establishments require a minimum of one parking space for each 90 square feet of gross floor area or three seats, whichever requirement is greater. That section of the Code does not list warehouse as a type of use; therefore it would be beneficial for the applicant to indicate also how many employees there are at the existing warehouse (Phase 1).

4. **Lighting** – Lighting associated with the site consists of flood lights directed to the interior of the lot from some of the buildings located in the rear section of the lot, and residential-type outdoor lights on the front of the old retail building at the front of the lot. Changes to lighting, or additional lighting, shall be approved by the Planning Commission.
5. **Signage** – Any signage is to be presented to the town zoning administrator for approval before being installed.
6. **Lot requirements** – The buildings on the property pre-date the zoning ordinance and do not meet current setback requirements.
7. **Stormwater management** – A Stormwater Management Plan has been submitted and conditionally approved by Frederick County. Stormwater management consists of a micro-bioretenion facility in the middle of the parking lot to accommodate the re-development of existing buildings and the reconfiguration of the parking lot. The County indicated in their approval that the construction details of the facility will be reviewed with final improvement plans.
8. **Water and Sewer requirements** – The site has existing water and sewer in the back building.
9. **Missing information** – The plans should indicate the zoning classification of the subject parcel.
10. **Other agency reviews** – The plans have been approved by the Frederick County Office of Life Safety and the State Highway Administration.

This review will be included in the Middletown Planning Commission materials for the July 20, 2015 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be July 15, 2015.

cc: Geoff Ciniero, applicant
Ann Miller, property owner

17.36.140 - Exempt signs.

A sign permit shall not be required for the following signs; provided, however, that all such signs shall comply with the other applicable requirements of this chapter:

1. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
2. Signs erected by the town, county, state, or federal government in furtherance of their governmental responsibility;
3. Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance;
4. **Political signs that do not exceed six (6) square feet in size;**
5. Garage/yard sale signs that do not exceed six (6) square feet in size. Such signs may be displayed only one-day prior to the sale and must be removed within one day after the sale;
6. Incidental signs as defined herein;
7. Ballfield/sports complex signs and scoreboards that face the inside of a playing field;
8. A-frame, sandwich board, or T-frame signs as defined herein;
9. Government sponsored banners affixed to light standards promoting community events.

(Ord. No. 10-11-01, § 1, 11-8-2010)

Frederick County Zoning Code:

DIVISION 3. SIGNS

§ 1-19-6.310. GENERAL REGULATIONS.

(E) Each sign will be removed when the circumstances leading to its erection no longer apply.

(H) Political campaign signs identifying candidates seeking public political office or political issues and other data pertinent thereto shall be permitted as set forth: Each sign shall be located within the owner's property boundaries and shall not be located within the public right-of-way.

Definition: A political sign is a sign for a legally recognized election at the City, County, State, or Federal level or for Special Districts.

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 7/7/2015

RE: Monthly Planning Update

Major Subdivisions:

Coblentz on Green - Master Plan Amendment approved - March 11, 2013

Planning Commission conditionally approved preliminary plan – March 18, 2013

Improvement plans conditionally approved – October 16, 2013 (Plans expire 10/16/2016)

Final FRO Plan approved – April 21, 2014

Final Plats conditionally approved – November 17, 2014

HOA documents approved by PC – May 18, 2015

Signed mylars submitted to Town; getting ready to apply for grading permits

Bruce is reviewing cost estimates

Foxfield Section 4- 5 homes still to be built.

Site Plans and Minor Subdivisions:

Chesterbrook Apts/Middletown Valley Apts - Site Plan approved – July 17, 2006

Improvement Plans approved and signed – September 16, 2008

Phase 2 Site Plan conditionally approved – January 19, 2015 (Plans expire 1/19/2018)

Phase 2 FRO plan conditionally approved – January 19, 2015

Meeting with Town Board on July 13th to discuss intersection improvements

Fire Station – Concept plan submitted to PC for comments – April 22, 2013

Fire Station plat conditionally approved – October 16, 2013

Fire Station Site Plan conditionally approved – November 18, 2013 (Plans expire 11/18/2016)

Horman Apartments- Site Plan approved – April 21, 2008

Improvement Plans conditionally approved – May 17, 2010

Currently approved SWM plans remain valid until May 4, 2017

Jiffas – Site Improvement Plan conditionally approved – October 20, 2008

Forest Conservation Plan approved – October 20, 2008

Revised Architectural Plans submitted and reviewed – June 16, 2014

BOA hearing for variance requests (approval received) – December 16, 2014

Architectural plans approved by PC – March 16, 2015

Miller (Ingalls) – Concept and Phase I & II Plan approved & signed – September 27, 2010
Revised Concept Plan reviewed by PC – September 16, 2013
SHA comment letter received February 18, 2014
Site plan submitted for review – June 24, 2015

Cross Stone Commons – BOA Special Exception Use Hearing – May 8, 2013
Revised architectural plans approved by PC – March 17, 2014
Final FRO Plan approved – May 19, 2014
Revised Site Plan conditionally approved – October 20, 2014 (Plans expire Oct. 20, 2017)
Phase 1 Improvement Plans conditionally approved – October 20, 2014
Addition Plat recorded– November 10, 2014
Dedication Plat conditionally approved – March 16, 2015
Phase 2 Improvement Plans conditionally approved – March 16, 2015 (Plans expire March 2018)

Nicholson - Final Plat submitted for review – March 2, 2015

Putman – Site Plan conditionally approved- November 17, 2008
Forest Conservation Plan approved – June 16, 2009
Improvement Plans approved and signed by all agencies – July 2010
Revised Site Plan approved – April 16, 2012; (Plans expire April 16, 2015)
Revised Site Plan Extension request approved for 6-months – March 16, 2015 (Oct. 2015)
Revised Improvement Plans conditionally approved – March 16, 2015(Plans expire March 2018)
Zoning certificate applied for – May 2015

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 – October 11, 2010

Text Amendments:

Zoning Code review – town board to be holding public hearings first half of 2015

Subdivision regulations review – Planning Commission began review – January 2015

Reports:

Meetings: Next Middletown Green Team Meeting – July 15, 2015

Next Joint town board/planning commission workshop – October 5, 2015