

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

October 15, 2012

The regular meeting of the Middletown Planning Commission took place on Monday, October 15, 2012 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 Miller, Bob Smart, Rich Gallagher, Ron Forrester, Bruce Carbaugh, Director of Operations & Construction and Cindy Unangst, Staff Planner.

I. Regular Meeting Minutes of September 17, 2012 – approved as submitted.

II. PLANS

Main Cup Expansion Site Plan Amendment– Cindy stated that due to Frederick County asking for a new emergency exit area from the bar and banquet areas, the plans have been revised to show the emergency exit on the Church Street side. With the exit being installed, Mr. Brenengen intends to enclose the new patio area which would accommodate bar patrons, with fencing.

Motion by Lake to approve the amended site plan as presented, seconded by Smart. Motion carried. (5-0).

Thompson Funeral Home Parking Lot Site Plan – Chairman Carney stated that Mr. Thompson, owner of the Funeral Home located at 31 East Main Street, purchased the lot behind the funeral home and put in a gravel parking area for parking for the funeral home. Chairman Carney stated that the funeral home is a non-conforming use in the R2 district in which this lot is located, and the parking lot is not a permitted use. Chairman Carney also stated that Mr. Thompson put in the parking lot without obtaining the proper permits and he disturbed more than 5,000 sq.ft. of land.

Cindy stated that she determined that this parking lot is not an expansion of the non-conforming use.

Commission member Miller asked if the site plan submitted was sufficient for us to even make a decision on.

Commission member Lake stated that it's not an approved use.

Cindy stated that the Town received reports from Frederick Co. back in July and an inspection was done and failed. It was determined that the area disturbed exceeded 5,000 square feet. No permits were received. No violations have been given to date from the County; the County was waiting for the Town to take action.

William Ryan, Engineer for Mr. Thompson stated that he spoke with Dave Crable at the County and Mr. Crable asked for a submission of an entire SWM plan showing the impervious surface. Mr. Ryan stated that they realize they are going at their own risk; they are proceeding with the survey and topo and will submit the plan to the County.

Motion by Smart to deny this request as it is not a permitted use in an R-2 district or as a Special Exception, seconded by Gallagher. Motion carried. (5-0).

AMVETS Expansion Site Plan – Cindy stated that the AMVETS wants to expand their building to add handicap accessible bathrooms and more storage. Cindy stated that the proposed expansion is 925 sq. ft. for bathrooms & storage; they will disturb 2, 250 sq. ft. for the driveway and dumpster pad and another 600 sq. ft. for grading; all is under the 5,000 sq. ft. for new SWM regulations.

Bruce Carbaugh asked if the sanitary sewer line to the proposed expansion will be run outside of the existing building to the existing sewer line in the street or will it be gravity flow. Monty Ahalt representing the AMVETS stated that he is being told that the new sewer line will be run outside and hook into the existing line.

Motion by Lake to approve the expansion site plan on the condition that they provide a plumbing plan to the Town, seconded by Smart. Motion carried. (5-0).

Middletown Valley (Newton property) Concept Plan – Chairman Carney stated that we have received a concept sketch plan for the Newton Property located at the corner of Middletown Parkway and East Main Street. Commission member Lake stated that he would like to have a workshop setting to discuss the concept plan.

David Lingg, representing the purchaser stated that they wanted to submit this concept plan to get a feel on how the Commission felt on the conceptual layout and also how they plan to handle the SWM.

It was noted that shopping centers are a special exception use in the GC district. Special exception regulations for shopping centers include a minimum lot 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.

Per this conceptual layout, not all buildings meet these setbacks. Cindy stated that we should wait on the traffic impact study that has been done. David Lingg stated that the traffic study has been completed and the report states that it is SHA acceptable; he will forward a copy of that report to Cindy. David Lake stated that he would like to discuss this at the joint workshop meeting with the Town Board in November.

Bruce Dean, attorney representing purchaser, stated that he will plan to meet with the adjoining neighbors before the joint meeting with the Town board in November.

Chairman Carney stated that this will be discussed at the joint meeting on Nov. 5 and then we have our next workshop on Nov. 14 where we can discuss this in detail. All parties were in agreement with this plan.

2 East Main Street Change of Use Plan – Cindy stated that she received a change in use plan for the Church located at 2 East Main Street. The proposed use is for a personal studio for the first 6 months and then a music studio for occasional recitals and workshops. The building would also be open to visitors as a resource center beginning in the spring. The applicant intends to have a business office for her real estate business as well.

420 sq.ft. for storage/art workshop area

420 sq.ft. for 4 office spaces

1,952 sq.ft. for music space

Commission member Lake asked if we determined if this is less intense use than the previous use. Cindy stated that although she does not have any information to go off of with the previous use which was a church, she feels the intensity would be the same or less. Hours of operation were

discussed, and Commission member Lake stated that we didn't need operating hours for every use that comes to us.

Motion by Miller to approve the change of use plan for 2 East Main Street as presented with the condition that we get a copy of the signed lease, waive the parking requirements and no limits for hours of operation at this time, seconded by Lake. Motion carried (5-0).

St. Thomas More Academy Site Plan – Cindy stated that this is before us to change the hours of operation. The approved site plan had the hours from 8:00am. – 3:15 pm. and the amendment states that regular hours of operation are 7:00am.-3:00pm. for regular school activities. From 3:30-6:00pm. some students stay after for homework club; twice a month there are various clubs that meet after school and also the PTO meets once a month in the evening. After some discussion it was agreed to remove Note #16 on the site plan to have no set hours of operation.

Motion by Smart to approve the request to amend the hours of operation and remove #16 on the previously approved site plan in regards to the hours of operation, seconded by Lake. Motion carried (5-0).

III. ZONING

Violations – Ivy Hill Dr. – untagged vehicle - removed
Boileau Ct. – Boat - removed
West Main Street – Free standing pole – letter sent
West Main Street – untagged vehicles – letter sent
Wiles Creek Circle – boat – letter sent
Willow Street – shed – letter sent

IV. MISCELLANEOUS

V. PUBLIC COMMENTS – none.

Meeting adjourned at 8:25pm.

Respectfully submitted,

Ann Barkdoll
Administrative Specialist