

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

September 15, 2014

The regular meeting of the Middletown Planning Commission took place on Monday, September 15, 2014 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), David Lake, Bob Miller, Bob Smart, and Rich Gallagher (Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: Lee Ropp (Model Garage Properties).

I. PUBLIC COMMENT – None

II. Regular Meeting Minutes of July 21, 2014 – The Planning Commission reviewed the suggested corrections to the minutes submitted by email from Commissioner Lake and the Zoning Administrator, Ron Forrester.

Action: Commissioner Lake motioned to approve the minutes as corrected. Seconded by Commissioner Smart. Motioned carried (5-0).

III. PLAN Review

Asian Café Overflow Parking Lot Revised Plan – (Lee Ropp was present as the representative of Model Garage Properties.) This would be a revision to the Asian Café Finalized Site Plan. The Asian Café Finalized Site Plan was conditionally approved by the Planning Commission on November 21, 2011. The approved plan shows that the existing overflow parking area is to be used by employees of Asian Café and the garage.

- **Current Use of the Overflow Parking Lot** - The Staff Planner has been recording the use of the Asian Café parking lot and the overflow parking lot weekdays since May 2014 and noted that the businesses of Model Garage Properties rarely utilize the overflow parking lot. The Staff Planner has also spoken with those business owners and none of them had any challenges with the overflow parking lot being used by another business. Middletown Valley Bank would like permission for its employees to utilize the overflow parking lot as there is currently not enough parking at its location.
- **Site Plan Revision** – The question concerning whether or not just the Asian Café Site Plan or both it and the Model Garage Property Site Plan needed to be revised was raised. The garage received an exemption from the required 20 parking spaces to only 5 needed for employees. The applicant has stated that only 2-3 employees were working there and park adjacent to the building. They have not used the overflow parking lot at all. If approved the revised Asian Café Site Plan would allow use of the overflow parking lot by Model Garage Properties and extend to include employees of the Middletown Valley Bank. It was stated that if, in the future, additional businesses wanted to use the overflow parking lot then the Asian Café revised site plan would have to come back before the Planning Commission for revision and approval.

Action: Commissioner Smart motioned to approve use of the overflow parking lot of Model Garage Properties to include use by Middletown Valley Bank employees with this use being noted in the Asian Café Site Plan. Commissioner Miller seconded. Motioned carried (5-0).

Cross Stone Commons Improvement Plans – (Cross Stone Commons Representatives present: none) The Staff Planner reported that the revised plans incorporating the changes required by the State Highway

Administration, Frederick County and from Middletown have been submitted by the applicant. The Middletown Director of Public Works is reviewing this revised plan. It has also been sent to ARRO for review. The Staff Planner also stated that the approved Addition Plat has not been submitted for signature as the applicant is reviewing the easements for the Right-Turn-In along Nancy Newton's property.

Action: None taken.

IV. ZONING

Adult Entertainment Business Revised Text Amendment – Because of information presented and remarks made at the Public Hearing held September 4, 2014, the Town Board referred the Adult Entertainment Business Revised Text Amendment back to the Planning Commission for review and to provide recommendations to the Town Board.

- **The Revision** – The revisions in this text amendment occur in Title 17 Zoning, Section 17.32.225, subsection b. It originally stated, “Adult entertainment businesses are permitted provided that such businesses are not located within 1,500 feet of any school, park, child day care center, church or house of worship or another adult entertainment business.” The additional language added includes “, or within 600 feet of any property located within a Residential zoning district.”

Action: Commissioner Lake motioned to approve the revised Adult Entertainment Business Text Amendment as proposed and to forward it to the Town Board for approval. Seconded by Commissioner Smart. Motioned carried (5-0).

Gun Retail Business Regulations – The Staff Planner will be attending a webinar in late October addressing this topic. Further discussion will take place in November.

Action: None taken.

Violations –

- **More Ice Cream** – The Zoning Administrator stated at the Planning Commission workshop that people are parking on the grass at the back of the property. The Staff Planner reviewed the minutes from the meeting where approval took place, and stated there was no mention in those minutes or on the Site Plan regarding vehicles parking on the grass. The Planning Commission would like it added as an agenda item for the next joint Town Board/Planning Commission meeting.
- **Dumpster Information** – The Staff Planner confirmed that in the zoning code update the Planning Commission has added language for dumpsters in the C container section of the code. It has not gone to the Town Board for approval.

V. MISCELLANEOUS – None

VI. ADDITIONAL PUBLIC COMMENTS – None

Meeting adjourned at 7:35pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary