

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

January 19, 2015

The regular meeting of the Middletown Planning Commission took place on Monday, January 19, 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), Cindy Unangst (Staff Planner), Bruce Carbaugh (Director of Public Works), Ron Forrester (Zoning Administrator) and Annette Alberghini (Recording Secretary). Others present: Noel Manalo (Miles & Stockbridge), Tom Poss (Verdant Development Group), Andrew Brown (J.F. Brown, III & Associates), and Trevor Dodson (town resident).

I. PUBLIC COMMENT – None.

II. Regular Meeting Minutes of December 15, 2014 – Approved as submitted.

III. PLAN Review

Chesterbrook Phase 2 Site Plan – (Noel Manalo was present as the representative for Miles & Stockbridge. Andrew Brown was present as the representative for J.F. Brown II & Associates. Tom Poss was present as the representative for Verdant Development Group (the applicant).) This is a revised site plan. A site plan for Phase 2 Chesterbrook that included 16 rental apartments and 48 parking spaces was previously approved July 17, 2006. The applicant now proposes the construction of 18 multi-family dwellings in five buildings on a 1.74 acre parcel located on property adjacent to the existing Middletown Valley (Chesterbrook) apartments. The parcel is zoned R-3 High Density Residential which permits townhouses and multifamily dwellings such as apartments and condominiums containing no more than twelve individual residential units. It meets the minimum required lot area and density. The developer was granted a building height variance of an additional five feet by the Board of Appeals on January 13, 2015. Under the new site plan, there is no open space requirement to be met. There will be 23 on-street parking spaces with 18 driveway, and 18 garage spaces. Driveway lengths are now noted to be 20-21 feet long. In order to accommodate the required driveway length of 20 feet, the sidewalks have been reduced from 5-feet to 4-feet wide. There will be four proposed 16-foot tall light poles. The Director of Public Works has reviewed this new site plan and has provided remarks and recommendations to the developer and the Planning Commission. Staff recommends that the Planning Commission approve the Site Plan conditional upon verification that all driveways are a minimum of 20-feet in length, and a more detailed lighting plan showing the foot-candle limits for all four light poles. It would also be helpful if the applicant would provide some architectural renderings to show how the proposed buildings will conform to the existing development.

- **Definitions** – At the workshop, a resident asked for clarification on the definitions of a townhouse and multifamily dwelling. The Town ordinances define town houses as one of a group of three or more attached dwelling units divided by party walls with either separate front and rear entrances from the outside, or separate front and side entrances from the outside. A section 17.16.080 of the Ordinance considers town houses as separate dwelling units on individual lots. The Staff Planner and Zoning Administrator discussed this section and determined that it relates to town houses as separate units on individual lots. What is proposed with this new plan are multi-family dwellings.
- **Driveways and Sidewalks** – The original site plan showed 5-foot wide sidewalks and 18-20 foot long driveways. To meet the Town codes, the new site plan shows 4-foot wide sidewalks and 20-

21 feet long driveways. Both the Town ordinance and County subdivision regulations require a 4-foot wide sidewalk at minimum. However, the County is asking developers to provide 5-foot wide sidewalks. The Director of Public Works stated that the ADA requirements are 36 inch wide sidewalks with 5-feet by 5-feet passing areas every 200 feet. Discussion arose concerning whether or not the sidewalks should be 4 or 5 feet wide. The Director of Public Works stated that a 5 foot wide sidewalk will still provide enough drive way parking for 95 percent of the vehicles. If someone owns a bigger vehicle, they would extend into the sidewalk when parked. If the Town could tolerate that infringement then it would be fine. With a 4 foot wide sidewalk there would be no problem.

- **Site Plan Notes** –
 1. **Site Plan note #6** specifies that stormwater management shall be provided in part with permeable pavement. The legend on Sheet 1 indicates a symbol for pervious concrete, as well as, a symbol for the asphalt pavement and the reinforced turf for emergency access from Franklin Street. The submitted plans do not show clearly where these different surfaces are to be located. The Staff Planner also noted that the mountable curb areas are also not shown clearly on the plan. The developer stated these will all be identified on the Improvement Plan.
 2. **Site Plan note#12** should be removed as the previous approvals did not include this type of arrangement. The developer stated it was included on this Site Plan because of the possible opening of Broad Street to Route 17 in the future and the multiple variables which would be involved at that time. The developer is welcome to approach the Town Board regarding this issue, but the Director of Public Works will not sign off on the proposed site plans with note #12 present. It was determined that this issue will be worked on through the Improvement Plan.
- **Lighting** – Four proposed 16-foot tall light poles are shown on Sheet 2 with the approximate foot-candle limits shown for the pole nearest the entrance to Chester Court. The foot-candle limits should also be shown for the other three light poles, especially the one directly to the north of the existing apartment building. It should be assured that lighting from Lot 1 does not shine into the existing apartments.
- **Landscaping** – The Staff Planner noted that in addition to the proposed new plantings on the development, any existing trees to be removed due to construction should also be noted on the Site Plan.
- **Architectural Rendering** – Town staff recommended that it would be helpful if the applicant would provide some architectural renderings to show how the proposed buildings will conform to the existing development. The developer provided renderings from two projects within Frederick County to show 2 possible building types available. The developer usually selects an architectural design after Site Plan approval, when details finalize. It was suggested that the developer submit architectural rendering review during the Improvement Plan process.

The Staff Planner noted that the proposed site plan lists the street on the property as Chester Court. The previously approved site plan has it listed as Bellmeade Court. The name can be changed without issue. Chester Court makes sense as it relates to Chesterbrook. It is not an issue if approved as is.

Action: Commissioner Lake motioned to conditionally approve the Chesterbrook Phase 2 Site Plan, conditional upon meeting the comments from the Director of Public Works, include the lighting plan to be developed through the Improvement Plan, and to have architectural rendering review at the Improvement Plan stage. Seconded by Commissioner Smart. Motion carried (5-0)

Chesterbrook Phase 2 FRO Plan – (Noel Manalo was present as the representative for Miles & Stockbridge. Andrew Brown was present as the representative for J.F. Brown II & Associates. Tom Poss was present as the representative for Verdant Development Group (the applicant).) The applicant proposes the construction of 18 multi-family dwellings in five buildings on a 1.74 acre parcel located on property adjacent to the existing Middletown Valley (Chesterbrook) apartments. The parcel is zoned R-3 High Density Residential which permits townhouses and multifamily dwellings such as apartments and condominiums containing no more than twelve individual residential units. The developer has submitted a revised FRO plan which utilizes fee-in-lieu of offsite planting. The Staff Planner discussed with the Burgess possible locations for offsite planting, but could not identify an area for it to occur, so fee-in-lieu would be appropriate. The FRO plan lists the costs equal to \$6,115.82. This amount needs to be revised as the rate used to calculate the fee was for developments outside a Priority Funding Area. Middletown is within a Priority Funding Area so the fee will be less. Also, the State code reflects the most recent Forest Conservation Act updates which changed the fee after September 30, 2014. Prior to September 30, 2014 the fee was \$0.30 per square foot. The staff planner will confirm with the State DNR the current fee rate.

Action: Commissioner Smart motioned to approve the Chesterbrook Phase 2 FRO Plan utilizing fee-in-lieu with the condition that the calculation be confirmed with the Maryland Department of Natural Resources so the exact amount complies with State and Town regulations. Seconded by Commissioner Miller. Motion carried (5-0).

Cross Stone Commons Revised Site Plan – (No one was present for the applicant.) This is an information update.

- **Grading Permit** – The grading permit has been issued.
- **CVS Building Permit** – The building permit for the CVS has been approved.
- **Public Works Agreements** – All public works agreements have been signed by the Town in accordance with what the Town Board and the developer agreed to.

Action: None taken.

IV. ZONING

Documentation of Demolition Proposed Language by Main Street – The Main Street Design Committee has requested that the Town amend its current demolition ordinance to add stipulations in which they would be notified of any demolitions within the Town, given the contact information of the property owner, ascertain the historic significance to the Town and, if deemed appropriate, take photos of the structure prior to demolition. The Planning Commission determined this would be best served as a notification policy rather than a change to the ordinance. It was suggested that when a demolition permit is applied for the Main Street Manager would be notified, who would then work with the property owner regarding historical significance and photographic preservation. The Staff Planner suggested adding this notification to the checklist she utilizes regarding demolitions within the Town.

Public Hearing February 5, 2015 Ordinance Amendment – The Staff Planner stated that a public hearing regarding changes to the Town Ordinance has been scheduled for February 5, 2015 and will occur prior to the Town Board workshop. The proposed changes have been sent to the Town Attorney for review. He has several comments to address. The Planning Commission determined that the Staff Planner will review the comments, prepare a response, review these with the Planning Commission Chairman, and then forward to the Town Attorney.

Violations –

- **Middletown Library C Container** – The C container has been removed from the parking lot of the Middletown library as of last Friday (1/16/14).

- **Scarecrow Still Displayed on East Main Street** – The Zoning Administrator is investigating this issue.
- **Gas Station next to Ingalls Property** –The Zoning Administrator is sending the property owner a violation letter regarding the excess signage on their property. He will visit the property if needed.
- **Thompson Funeral Home Parking Lot** – The parking lot is still not completed. The parking spaces have not been striped. The plantings have not been done. The signage may be out of compliance. The Zoning Administrator will follow-up with the Town Administrator for information regarding the parking lot status and fines administered.
- **Violation Letters** – The Zoning Administrator reported that violation letters have been mailed to several property owners regarding parking vehicles on grass, unscreened vehicles and recreation vehicles, etc.

V. MISCELLANEOUS –

Ingalls Property – The owners usually provide a plans update February of each year. It was suggested that the Staff Planner contact them for the update information. The Staff Planner will contact them this week.

Elect Chairman and Vice Chairman for 2015 – The Staff Planner opened the floor for nominations for Chairman of the Planning Commission for 2015. Commissioner Smart nominated Mark Carney to continue as chairman. Chris Goodman seconded the motion. There were no other nominations. Motion carried (5-0).

The Staff Planner open the floor for nominations for Vice Chairman of the Planning Commission for 2015. Chairman Carney nominated Commissioner Lake. Seconded by Commissioner Smart. There were no other nominations. Motion carried (5-0).

VI. ADDITIONAL PUBLIC COMMENTS – None.

Meeting adjourned at 8:05pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary