

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

October 20, 2014

The regular meeting of the Middletown Planning Commission took place on Monday, October 20, 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), 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), John Miller (Burgess), Tony Ventre (Town Commissioner), Larry Bussard (Town Commissioner), Rick Dietrick (Town Commissioner), Andrew Bowen (Town Administrator) and Annette Alberghini (Recording Secretary). Others present: Bruce Dean (Linowes & Blocher), Victor White (Hogan Companies), Noel Manalo (Miles & Stockbridge), Tom Poss (Verdant Development Group), Andrew Brown (J.F. Brown, III & Associates), Annette Clayton (town resident) and Mark Clayton (town resident).

I. PUBLIC COMMENT – Annette Clayton of 13 Walnut Pond Court stated her husband and she attended this meeting because their property is behind Chesterbrook, they are curious what the plans are, and have concerns about how this will affect their property value and also about how the additional town homes will affect current drainage issues for that area.

II. Regular Meeting Minutes of September 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).) The Phase 2 Site Plan was submitted September 10, 2014. The applicant came before the Planning Commission to get its opinion on the variances the applicant will be requesting from the Board of Appeals. Mr. Manolo and Mr. Brown provided a presentation which showed what Phase 2 would entail. They propose using the road access, stormwater systems and sewer outfall already in place from the Phase 1 construction that occurred in the 1960's. They identified a new drainage pond and system that would utilize 3 drain pipes for runoff instead of the 1 pipe currently in use.

- **Building Height**– According to the Middletown Zoning Ordinance 17.60.050, no building will exceed two and one-half stories or thirty-five feet in height. The applicant intends to request a variance to allow for a height of three stories. This will allow the applicant to utilize a garage/townhouse model (garage on the bottom with 2 story town home on top) that reduces the amount of impervious surface. The small lot size and new stormwater management regulations require reducing impervious surface area of the project. The Planning Commission stated that when requesting the variance the applicant should ask for a specific number relating to height instead of stories.
- **Open Space** – According to Middletown Zoning Ordinance 17.16.075 at least 0.05 acres per dwelling unit shall be devoted to use as an active recreational area for the combined area being developed. Phase 2 would require one acre of active recreational open space. The applicant will request a variance to waive this requirement as consideration should be given to existing open space and recreation areas currently existing at Chesterbrook. Also, there are multiple parks in proximity to Chesterbrook which include Middletown Memorial Park, Remsburg Park and Wiles Branch Park.

- **Density** – According to Middletown Zoning Ordinance 17.16.080, overall density shall not exceed one dwelling unit per six thousand (6000) square feet, or 7.26 units per acre of the net development area. The applicant will request a variance for an overall density not to exceed one dwelling unit per three thousand seven hundred eighty four (3784) square feet or 11.49 units per acre of the net development area.

Action: Commissioner Smart motioned to recommend the applicant proceed to the Board of Appeals for review and request for variances. Seconded by Commissioner Miller. Motioned carried (5-0).

Schoonover Addition Plat – (Drew Bowen Town Administrator was present for the applicant) Commissioner Lake recused himself from this item as the Schoonover family is a relative. Commissioner Gallagher then became an active voting member on this item in his place.

The proposal is to combine Parcel A (2,295 sq. ft.) from the remaining lands of Carey and Theresa Schoonover’s Parcel 2 (5,794.4 sq. ft) with Parcel 2 owned by the Burgess & Commissioners of Middletown to create a net square footage of that lot of 7,910.1 square feet. It is located at the west side of Lombardy Drive and north of Linden Boulevard. By combining these 2 parcels the Town could then complete the walking trail from the Middletown Primary School to East Main Street.

- **Minor Revisions** – The Staff Planner noted the following revisions must be made: Although General Note #2 indicates the correct minimum building restriction lines, the rear building restriction line shown on the plat shows a curved line instead of straight lines mimicking the new rear lot line. The distance from coordinate Point 100 to coordinate Point 503 should read 41.47 instead of 60.72. Also the Purchase information in the box towards the bottom left of the plat should be corrected to include an “s” at the end of Commissioner and the phone number should be corrected to 301-371-6171.

Action: Commissioner Miller motioned to approve the Schoonover Addition Plat with the corrections as stated. Seconded by Commissioner Smart. Motion carried (4-0-1) Commissioner Goodman abstained.

Cross Stone Commons Revised Site Plan – (Bruce Dean was present as representative for Linowes & Blocher. Victor White was present as representative for Hogan Companies.) Commissioner Smart recused himself from this item as his employer is a tenant. Commissioner Gallagher then became an active voting member on this item in his place.

The Cross Stone Commons Revised Site Plan was conditionally approved by the Planning Commission November 18, 2013; conditional upon formal approval of the SWM plan by Frederick County and official acceptance by SHA of the right-turn-in-only turn lane off Alt. US 40. The site plan was signed July 21, 2014 after those conditions of approval were met. During the latest State Highway Administration (SHA) review with the developer, SHA requested that the developer revise the designs along Alt. US 40 to be compatible with the streetscape improvements currently under design. Because these revisions will likely impact project schedule and delay the start of construction, the applicant is requesting to resubmit the revised site plan as a two-phased site plan. “Phase 2” will encompass the proposed improvements along Alt. US 40. All other work on this project, including Middletown Parkway improvements, will become “Phase 1”. This will allow the applicant/developer to proceed with Phase 1 on the current time schedule.

- **Phase 1** – The applicant reiterated that by having a two-phase site plan, construction on the building that would house the CVS would be completed prior to the end of the current lease CVS has in its current location in the Safeway Shopping Center. They also stated that if construction is delayed, then the project would be in jeopardy. The applicant stated that as construction occurred with Phase 1, temporary asphalt curbing and landscaping would be placed at the end near Alt. US 40 to prohibit individuals from turning in to the development directly from Alt. US 40.

1. **Middletown Parkway Improvements** – The applicant stated that any additional improvements to Middletown Parkway suggested by the Burgess & Commissioners or by the Planning Commission other than what has already been

agreed upon previously is unacceptable. These improvements would be sufficient to meet the Town needs, but would be cost ineffective and prohibitive to the developer. Commission Chair Carney stated that if any changes are made to the current level of improvements, then it affects the Improvement Plan; which would then have to be modified and resubmitted.

- **Phase 2** – The applicant stated that Phase 2 encompasses the design changes to Alt. US 40 (for the Right-Turn-In lane) needed to become compliant with SHA streetscape design for Alt. US 40. The applicant is working through the design phase with SHA and intends to break ground on Phase 2 once the new designs are approved. The applicant will not wait for physical construction on SHA streetscape to commence (2016). The question was raised as to whether a deadline was needed from the installation of the temporary curb and gutter to the completion of the right-in-only lane. Discussion included the length of time for the deadline and what would then happen to the temporary curb and gutter and landscaping in that area of the development.

Action: Commissioner Lake motioned to conditionally accept the Cross Stone Commons two-phased Site Plan conditional upon temporary asphalt curbing in the Phase 2 area of the site, temporary landscaping in the Phase 2 area of the site, and a deadline of 3 years from the installation of curb and gutter for the right-turn-only entrance of Alternate 40A; if the right-in-only entrance is not in place by that time the temporary curbing and landscaping will need to be replaced with permanent curbing and landscaping, and the applicant will be required to come back for improvement plan modifications. Commissioner Miller seconded. Motion carried (4-1, Commissioner Gallagher voting against).

Cross Stone Commons Improvement Plans – Phase 1 - (Bruce Dean was present as representative for Linowes & Blocher. Victor White was present as representative for Hogan Companies.) Commissioner Smart again recused himself from this item as his employer is a tenant. Commissioner Gallagher continued as the active voting member on this item in his place.

With site development becoming a two-phased approach, Staff recommends that the Planning Commission approve the Cross Stone Commons Improvement Plans for Phase 1 with the following conditions: 1.) The applicant shall address all agency comments as the project moves forward to final signature set submission. 2.) The applicant shall address all comments by the Town Engineer and ARRO Engineering as the project moves forward to final signature set submission. 3.) The applicant shall require a review and approval of the Planning Commission for Phase 2. 4.) Any proposed uses within the shopping center that are special exception uses in the General Commercial district will need a recommendation from the Planning Commission and subsequent approval by the Middletown Board of Appeals. 5.) The applicant shall return to the Planning Commission for architectural review and approval of any dramatic change to Building 3 due to proposed tenants ahead of building permit approval. 6.) The applicant shall submit architectural renderings for Buildings 2 and 4 to the Planning Commission for review and approval ahead of building permit approval. It was suggested that any motion also include the conditions set forth in the motion for the Cross Stone Commons Site Plan approval

Action: Commissioner Lake motioned to conditionally approve the Cross Stone Commons Improvement Plans for Phase 1, conditional upon 1.) The applicant shall address all agency comments as the project moves forward to final signature set submission. 2.) The applicant shall address all comments by the Town Engineer and ARRO Engineering as the project moves forward to final signature set submission. 3.) The applicant shall require a review and approval of the Planning Commission for Phase 2. 4.) Any proposed uses within the shopping center that are special exception uses in the General Commercial district will need a recommendation from the Planning Commission and subsequent approval by the Middletown Board of Appeals. 5.) The applicant shall return to the Planning Commission for architectural review and approval of any dramatic change to Building 3 due to proposed tenants ahead of building permit approval. 6.) The applicant shall submit architectural renderings for Buildings 2 and 4 to the Planning Commission for review and approval ahead of building permit approval. 7.) Temporary asphalt curbing in the Phase 2 area of the site. 8.) Temporary landscaping in the Phase 2 area of the site. 9.) A deadline of 3 years from the installation of curb and gutter for the right-turn-only entrance of Alternate 40A; if the right-in-only entrance is not in place by that time the temporary curbing and landscaping will need to be replaced

with permanent curbing and landscaping, and the applicant will be required to come back for improvement plan modifications. Seconded by Commissioner Miller. Motioned carried (5-0).

IV. ZONING

Zoning Code Update Review – Section 17.04 Definitions – It was decided that the definitions will be reviewed in November.

Zoning Code Update – Town Board Timeline Proposal – The proposed timeline for the Town Board zoning code update was reviewed and agreed upon.

Violations –

- **Residential Parking on Grass** – The Zoning Administrator has sent letters to several residents regarding illegally parking their vehicles, or recreational vehicles where they are not supposed to, or without proper screening. Residents have complied once notified.

V. MISCELLANEOUS –

Planning Commission Rules of Procedures Amendment – The Planning Commission discussed the recommended changes suggested by the Staff Planner. This included changing any reference to State Ethics ordinances to Town Ethics ordinances.

Action: Commissioner Smart motioned to accept the recommended changes as presented. Commissioner Miller seconded. Motion carried (5-0).

VI. ADDITIONAL PUBLIC COMMENTS – Commissioner Lake stated that he wanted it clear regarding the approval for the Cross Stone Commons Improvement Plan that the applicant would have to come back after 3 years to get approval, and if there were any Improvement Plan changes needed, then they would have to go back to the Public Works Agreement and have it modified.

Meeting adjourned at 8:25pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary