

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

July 20, 2015

The regular meeting of the Middletown Planning Commission took place on Monday, July 20, 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), and Annette Alberghini (Recording Secretary). Others present: Geoffrey Ciniero (CMS Associates LLC), and Ann Miller (Property Owner).

I. PUBLIC COMMENT – None.

II. Regular Meeting Minutes of May 18, 2015 – Approved as submitted.

III. PLAN Review

Miller Property Site Plan – (Ann Miller (property owner), and Geoffrey Ciniero, representative for CMS Associates, L.L.C. (the developer) were present.) The Planning Commission reviewed the Concept Plan for the Miller property September 2013. This Site Plan includes the additional insets showing details for the utilities, stormwater management, grading, etc. per comments received from Frederick County and State Highway. The Site Plan was approved by State Highway. A stormwater management plan was approved by Frederick County. Lighting and signage will be included in the Improvement Plan. The buildings on the property pre-date the zoning ordinance and do not meet current setback requirements.

- **Parking** – Fifty two (52) spaces are provided on the plan. Based upon the proposed usage for the various buildings, the parking requirements per the Town Code would be much greater. The Planning Commission will waive the required number of parking spaces beyond the fifty two provided. The Planning Commission is asking the developer for a table as an addendum to the Site Plan which indicates the number of parking spaces proposed and the number required per the Town Code for the various uses. This table will also be included in the Improvement Plan. The applicant will provide the number of employees using the parking area for Phase 1 of the development
- **Building Usage** – The proposed restaurant will not utilize the whole building. The applicant must identify the total square footage to be used for the restaurant and the total square footage to be used by the proposed market.
- **Parking Spaces** – The site plan shows 52 parking spaces of varying sizes. Per the previous review, the Director of Public Works stated that wider aisles beside the shorter parking spaces in the revised plan would qualify for the same square footage.
- **Suggestions for the Improvement Plan** – It was suggested the applicant not limit their identified operation hours on the Improvement Plan. If the proposed business is open too late that could also have an impact as it is located next to a residential area.

Action: Commissioner Smart motioned to conditionally approve the Miller property Site Plan. Conditional upon the applicant providing a table with the requested parking data as an addendum as soon as possible or before the submission of the Improvement Plan and include with it the waiver of the required parking spaces based upon the information provided in that table. Seconded by Commissioner Goodman.

Motion carried (5-0)

IV. ZONING

Political Signs – The Staff Planner corresponded with Stuart Harvey of the Frederick County Board of Elections for input regarding political signs. Mr. Harvey stated that the State Highway Administration is very lax in enforcing any rules it has on this issue. He could not provide clear guidance as to how to proceed and referred the Town to seek input from the State Attorney General.

- **Zoning Code** - The Staff Planner provided information from the Frederick County Zoning Code, division 3, sect. 1-19-6.310 General Regulations,(E) which stated that each sign will be removed when the circumstances leading to its erection no longer apply. It was suggested to add this to the general sign regulations section of the Town Code. Subparagraph H of that same section of Frederick County code also states that each sign shall be located within the owner's property boundaries and not within the public right-of-way. This will also be added to the general sign regulations section of the Town Code.
- **Definition** – It was determined that the definition of a political sign is a sign for a legally recognized election at the municipality, County, State or Federal level or for Special Elections or Special Districts.
- **Violations** – If a resident is in violation of this code, the Planning Commission suggests leaving it to the discretion of the Zoning Administrator to resolve the issue.

The Staff Planner will bring this item before the Town Board for consideration.

Subdivision Regulations Update Review – Proposed changes to sections 16.28 and 16.32 took place at workshop. The Staff Planner presented the timeline for going forward with the changed to the subdivision regulations.

V. MISCELLANEOUS –

Planning Commission Members Term of Office – According to the Maryland Land Use Articles (Article 66B), the term of office for Planning Commission members is five (5) years. The Staff Planner will provide the Town Board this information.

VI. ADDITIONAL PUBLIC COMMENTS – None.

Meeting adjourned at 7:35pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary