

**Middletown Planning Commission
31 West Main Street
Middletown, Maryland 21769**

Regular Meeting

August 19, 2013

The regular meeting of the Middletown Planning Commission took place on Monday, August 19, 2013 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were: Commissioners David Lake (Vice-Chairman, acting as Chairman), Chris Goodman (Ex-Officio), Bob Miller, Bob Smart, and Rich Gallagher (Alternate). Others present in official capacity: Commissioner Ron Forrester (Temp. Alternate), Cindy Unangst (Staff Planner), Bruce Carbaugh (Director of Operations & Construction), and Julie Baer (Recording Secretary). Chairman Carney was not present.

I. Public Comment – None

II. Regular Meeting Minutes of July 15, 2013- Approved as submitted.

III. Plans

The Valley School Demolition Plan – Cindy stated that the demolition plan was conditionally approved by the Planning Commission on July 15, 2013. She noted that approved demolition plan calls for site construction to begin within 60 days of the completion of the demolition work (in place of site restoration requirement). Bruce stated that the electric service to the shed and garage need to be disconnected and the Town is waiting to issue the demolition permit until they receive Frederick County approval for site demolition. It was noted that the Ginkgo tree on the site, that was originally to be saved, is now recommended by the applicant to be removed. **No action required.**

The Valley School Site Plan – Cindy read her report and addressed topics previously discussed by the Planning Commission such as signage, grading of play areas, and lighting. Site Plan conditions discussed were:

- **Signage:** agreed to be no larger than 4'X4' in size
- **Lighting:** lighting has been modified from the July plan to address Planning Commission discussions; there will be three poles that are 15' tall and the lumens have been reduced from 13,000 to 12,000.
- **Parking:** Cindy noted that the plan shows 20 parking spaces and a loading space.
- **Landscape:** meets plan requirements

Also noted that a water/sewer tap is already present on the site and that Frederick County has approved the Stormwater Management Concept Plan.

Action: Commissioner Smart motioned to conditionally approve the plan, conditioned on Frederick County approval of the Stormwater Management Permit, seconded by Commissioner Miller. Motion carried (5-0).

The Valley School Improvement Plan – The improvement plan was previously reviewed by the Planning Commission but needed some corrections. Cindy noted that corrections were made to a discrepancy in the landscape plan: the number of Dogwoods has been corrected.

Action: Commissioner Lake motioned to conditionally approve upon Frederick County approval, seconded by Commissioner Miller. Motion carried (5-0).

Cross Stone Commons Addition Plat – General site plan issues were reviewed. Cindy read her report and stated: the property is zoned GC-General Commercial and the shopping center use was approved by the Board of Appeals On 5/8/13. Cindy noted: GC district does not have a lot area minimum or a lot width minimum, the yard depth is required to be 40'. She also noted that the zoning ordinance does not require lots in shopping centers to comply with yard or frontage requirements; the applicant has requested these exemptions. Cindy indicated there will need to be further discussions on the property setbacks in relation to the Middletown Parkway road right-of-way. David Lingg (Lingg Property Consulting) discussed the right-of way/setback site plan issues with the Commission, including paving and building setbacks. Cindy stated that the minimum building restriction lines on the plat were correct. She stated that the Frederick County Health department still needs to review and approve the plat, indicating they are waiting for the Town to review the Capacity Management Plan for the water and sewer taps needed. Bruce Dean, attorney representing the purchaser, requested the Planning Commission hold off on the addition plat approval until the Planning Commission was ready to approve the site plan. **No action (as requested).**

Cross Stone Commons Site Plan – Cindy stated that the site plan requirements as identified in the development requirements have been met. A traffic impact study was completed and meets the standards accepted by Maryland SHA and Frederick County. Sidewalks and curbs/gutters are being proposed. Other issues discussed:

- **Parking:** Guidelines require 5.5 parking spaces per 1000 sq. ft. of total building floor area. Required: 195 spaces. The site plan shows 229 spaces. Mr. Lingg indicated that no pervious pavement is being planned.
- **Off-Street Loading Spaces:** Cindy explained that at the Planning Commission workshop earlier in July, there was a discussion about the requirements for loading spaces in this proposed development. The site plan submitted has: Buildings 1, 2 &4 have one loading space and building 3 has 3 identified loading spaces; these spaces are regulation size. Cindy indicated that the regulation requires that Building 1 should have two loading spaces. Mr. Lingg discussed a desire for some flexibility in loading spaces per building based on their proposed use. Commissioner Gallagher had a question about the spaces being drive-in or back-in. Mr. Lingg indicated that the intent was to be drive-in, it was agreed that access distances would be reviewed and that the intent was for deliveries to occur during off hours.
- **Storm Water Management Concept Plan:** Cindy indicated the previous concept was approved by Frederick County, but changes proposed in the site plan have resulted in additional reviews by Frederick County.
- **Landscaping Plan:** Cindy indicated that at the Planning Commission workshop in July, the landscaping was reviewed and a request was made for additional shrubs along the parkway, near Building 1.
- **Lighting:** Lighting has been proposed for 20 ft. light poles with directional/anti-glare lighting.
- **Architectural Review:** According to Town Code, the Planning Commission has authority to review the design of buildings in shopping centers. Ron Forrester (Temp. Alt.) was asked to represent the Planning Commission at a meeting of the Main Street Design Committee; indicated that they may be interested in assisting the Planning Commission in their architectural review. Commissioner Lake indicated that this should be coordinated to occur in a future Planning Commission workshop. Commissioner Lake asked the applicant if all building in the proposed shopping center were to be of similar architectural design/style. It was indicated that they would be of a similar style. A couple of building architectural concepts were presented to the Planning Commission. Commissioners Lake and Smart indicated a desire to see gables on the roof line. It was suggested that the initial focus should be on Building 1, to set a tone for design style. It was

suggested that it would be valuable to have some building design concepts available for discussion at the planned October joint Town Board/Planning Commission meeting. It was also suggested that the banks across the street could be used to develop concept ideas.

Middletown Fire Station #7 Concept Site Plan – The Middletown Volunteer Fire Department will be deeding lot to Frederick County for the purpose of building a new fire station. Cindy indicated at the Planning Commission workshop that the existing and proposed property lines for the two lots are difficult to read on the plans submitted. Robert Barrick, ADTEK Engineers was asked to clarify the lines on the drawings. He indicated that the property lines were not complete since details were not final at this time. Commissioner Lake indicated that all details will need to be marked clearly on the plans. Other site plan issues discussed:

- **FRO:** Cindy indicated that would be no FRO requirements for this development since the entire property, including the primary school and fire department property was addressed in the subdivision in 2005.
- **Building Setbacks:** Cindy indicated that the revised site plans need to have all building setbacks identified.
- **Pavilion Building:** Cindy indicated that the existing free standing pavilion needs to be identified on the plans and an indication as to whether it is to be demolished or moved. Brent Harne, Middletown Volunteer Fire Department indicated that the fate of the pavilion is still being discussed.
- **Parking Spaces:** Cindy stated that 59 parking spaces are proposed.
- **Fuel Tank:** Cindy indicated to Robert Barrick and Sue Barthol (Frederick County Facilities) that more information will need to be provided on where and how they intend to store flammable fuels and to ensure that all Middletown required setbacks for fuel tanks are addressed; presently shown as a fuel tank behind the proposed building.
- **Building Height:** Cindy reviewed the height limits, noting the tower and building height on the plans; noting the Open Space zoning regulations contain a height limitation.
- **Landscaping:** Cindy noted that landscaping is minimal but acceptable.
- **Signage and lighting:** Not yet submitted for review.
- **Staff Review:** Bruce Carbaugh stated that there is a waterline on record and natural gas is available to the site. He asked other questions related to vehicle maintenance on site, egress from equipment bays, kitchen size, etc.. This information will be provided.
- **Water Taps:** Fire Department is discussing with Town Board.
- **Stormwater Management Plans:** Being reviewed by Frederick County

Action: No action taken

Middletown High School “C Container” – Cindy stated that she received an email from Vernon Beals, Project Manager for FCPS, regarding an extension of the permit for the “c container” associated with the high school boiler work. Due to delays associated with the offsite gas line installation, they are requesting a two month extension of the permit. The permit for the “c container” was approved by the Planning Commission on 2/18/13 and its removal date was 8/18/13.

Action: Commissioner Miller made a motion to approve the permit extension for two months (to 10/18/13), seconded by Commissioner Smart. Motion carried (5-0).

IV. Zoning

Violations – Commissioner Goodman mentioned the new signs advertising Freddie’s Subs at the BP station at 211 East Green Street, wondering if the signs were permitted. Cindy said she would check into it.

Commissioner Lake asked Cindy about the status of the Thompson Funeral Home parking lot, noting that the existing status was a zoning violation. She stated the plans for stormwater management were submitted to Frederick County on Tuesday, August 13, 2013. Commissioner Lake recommended that a schedule for compliance (parking lot completion) be submitted by the property owner by September.

V. Miscellaneous – Commissioner Lake asked Cindy if any she had any updated information on More Ice Cream at 13 West Main Street. Cindy stated that she has seen them doing work in the building.

IV. Additional Public Comment – None

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Julie Baer, Receptionist