

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

January 18, 2022

The regular meeting of the Middletown Planning Commission took place on Tuesday, January 18, 2022 at 7:00 p.m. via a Zoom meeting. Those present (quorum) were Commission Chairman Mark Carney, Commission members Sean Mahar, Commissioner Jean LaPadula (Ex-officio), Chris Mills, Bob Miller, Eric Ware (Alternate), and Robert Wilkes (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Patty Guyton (Recording Secretary). Applicants present: Chris Benjamin (Memorial Hall lighting plan); Bobby Riggs (Oak & Steel change of use).

JANUARY MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT - None

II. MISCELLANEOUS – Elect Planning Commission Chairman and Vice Chairman for 2022

•**Planning Commission Chair** – The Staff Planner opened the floor to accept nominations for Chair of the Planning Commission for 2022. Commission member Miller nominated Mark Carney as Planning Commission Chair for 2022. Seconded by Commission member Mahar. There were no other nominations. Motion carried (5-0).

•**Planning Commission Vice Chair** – The Staff Planner opened the floor to accept nominations for Vice Chair of the Planning Commission for 2022. Commission Chairman Carney nominated Robert Miller as Planning Commission Vice Chair for 2022. Seconded by Commission member Mahar. There were no other nominations. Motion carried (5-0).

III. Minutes of the December 2021 Planning Commission Workshop – Approved as submitted.

Minutes of the December 2021 Planning Commission Meeting – Approved as submitted.

IV. PLAN REVIEW –

Memorial Hall Revised lighting plan – The proposal is an exterior lighting plan for an existing building to be developed with fifteen apartments and two commercial spaces located at 4 East Main Street, near the southeast corner of East Main Street and South Church Street.

1. **Lighting** - The proposed lighting now consists of two (previously three) Outdoor LED wall cylinder downlights on the east side of the building. The new proposed lights have lower luminous flux numbers and connected load wattages compared to the previously proposed lights. The proposed height of the fixtures is 8' above grade. They are to be installed on either side of the parking entrance. The location of the light fixture to the south of the parking garage entrance remains the same as previously proposed; the location of the light fixture to the north of the parking garage entrance has been moved slightly to the south. The foot-candles are shown on the new plan that was submitted prior to the meeting and are more readable. According to the cut sheet, the Lithonia Lighting Outdoor LED Wall Cylinder Downlights are ideal for applications such as lighting walkways and stairways. The Lithonia Lighting selection for this project is the downlight model and uses 4000K color LED – Daylight Glow.

The proposed lighting for the balconies is a black Westinghouse LED Wall Sconce with one per balcony. Staff understands from the applicant that the lights selected for the balconies will provide light at the floor

of the balconies, but none of that light will reach the ground. All lights are down directed and will not provide light more than six feet from the building.

2. **Compliance with footcandle requirements** – Due to the fact that the Memorial Hall property shared ingress and egress location and property line is directly adjacent to a residential property, it was previously thought that it could be difficult to comply with the requirement that light trespass from the originating property not exceed 0.5 footcandles at the property line. However, the applicant has revised the proposed lighting to show the photometric data numbers are not greater than 0.5 footcandles on the adjacent residential property due to the light intensity being lower and the location of the lighting being adjusted.
3. **Exterior elevations lighting review** – The revised lighting plan includes the proposed lighting for the balconies which is necessary for safety reasons. As indicated earlier, the lighting is designed to just light the balcony area with no trespass at ground level. The balcony lighting is proposed to be located 7-feet above the balconies, and the balconies on the second level are shown as 21-feet above grade.

There was discussion on whether the lights would be daylight sensitive. Chris Benjamin (Ellison & Benjamin Architecture) stated yes, the lights will be daylight sensitive except for the lights near the garage which will be motion sensitive for safety issues at night.

Action: Commission member Miller motioned to approve the Memorial Hall Lighting Plan. Seconded by Commission member Mills. Motion carried (5-0)

CHANGE OF USE PLAN FOR 1 WEST MAIN – Oak & Steel Designs Furniture shop - The proposal is change of use of existing building to include the addition of a small coffee brewing station and donut/pastries display case, along with additional signage. No new building square footage is proposed. The proposed use would be called “Brew 30”.

1. **Proposed use** – The proposed use is for the addition of a small coffee and donut shop at the front of the furniture store. Per the Frederick County health department guidance, there will not be any restaurant-style seating in the coffee shop. The coffee and donuts/pastries will be carry-out only in keeping with a “low priority” food license through the health department. All food products will be made and prepackaged elsewhere, and coffee will be brewed on the typical commercial coffee pot system. The coffee shop will be open Mondays thru Wednesdays from 6am – 11am and Thursdays thru Sundays from 6am – 6pm (to coincide with the operating times of Oak & Steel). The applicant requests that their hours be extended under certain circumstances with permission from the Town of Middletown.
2. **Current use** – The current use of this building is a furniture and other accessories store on the first floor of 1 West Main Street. The furniture store is currently open 10am-6pm Thursdays thru Sundays.
3. **Parking** – Based on the square footage (Section 17.32.060), the eating establishment use requires one parking space per 90 square feet of gross floor area or three seats, whichever requirement is greater. The parking spaces needed for the coffee shop based on square footage (236 square feet) is 2.6 spaces. The parking spaces needed currently for the retail use for that square footage is 1.6 (one per 150 square feet). So, the additional parking needed would be just one space. There is limited parking available for the building, but the parking lot at the corner of East Green Street and North Church Street has been designated as a municipal parking lot. That lot is only a short walk from 1 West Main Street. Section 17.32.060 does allow the planning commission to waive or reduce the parking requirements in the town commercial district or any other instances based on a demonstrated hardship.
4. **Signage** – The applicant would like to add a back lit modern sign above the existing sign as well as one on the rear of the building above the rear entrance. The sign dimensions have not been provided. All signage will need to be approved by the zoning administrator.

5. **Site plans required for approval by planning commission** – The change of use application has been referred to the Planning Commission from the Zoning Administrator to review signage, additional parking requirements and the change in intensity of use since the proposed coffee shop is in addition to the existing furniture store.
6. **Property owner approval** – Staff received an email from property owner, Martha Pirrone, stating that her tenant, Justin Riggs, has her permission to include a coffee shop inside his store (Oak and Steel) located in the Arnett Building.
7. **Approval by Frederick County Health Department** – The applicant has submitted everything the Health Department requires. Two interior sinks will be added to the business space per guidance from the Health Department. The proposed plans have been approved by the County, and a pre-opening inspection will be needed.
8. **Approval by Town Engineer, Bruce Carbaugh** – The Health Department stated in their approval letter that the facility must contact the Town of Middletown for grease trap requirements. The Town Engineer in his review said he has no objection to approval. A statement that there will be no food ware washing and everything is to be disposable will need to be noted on the plan. He also stated that the approval is only for this business and does not transfer to subsequent businesses. The non-transferable statement will also need to be noted on the plan. The applicant sent staff an email stating that there will be no food ware washing and everything is to be disposable.
9. **Approval by Frederick County** - A change of use application will need to be filed with the Frederick County Permits department.

There was discussion on whether there is a need for a grease trap and per the Town Engineer and Frederick County, no grease trap is required due to no food ware washing and everything is to be disposable. Planning Commission members asked about the applicant requesting that their hours be extended under certain circumstances with permission from the Town of Middletown. Bobby Riggs (Oak & Steel Co-owner) stated that they would ask the Town’s permission to extend their store hours for special events such as Christmas in the Valley, Heritage Days, etc.

Action: Commission member Mahar motioned to approve the Change of use of 1 West Main Street (Oat & Steel) as submitted with the Planning Commission waiving the one additional parking spot required for the new use and the understanding by the applicant that the change of use application will need to be filed with and approved by the Frederick County Permits department. Seconded by Commissioner LaPadula. Motion carried (5-0)

V. ZONING – none

VI. COMPREHENSIVE PLAN UPDATE

Chapter 8 Municipal Growth Element – Staff stated that information was added from discussion from the workshop. There was discussion on the Middletown 20-Year Land Use Comprehensive Plan map and if the Coblenz property should be labeled Medium Density Residential, R20 or R30. Planning Commission members stated that it should not be labeled “Medium Density Residential” due to the fact that there are houses already in this area but are not shown on the map. Staff will contact GIS Specialist to add these houses to the map. Staff will discuss future changes to this chapter with the Town Board and Planning Commission at the next Joint Meeting on February 7, 2022.

VII. MISCELLANEOUS

PC Rules of Procedure – Chairman Carney reviewed the changes that were made in September 2021. Planning Commission members and staff made some suggestions on adding the word Frederick ahead of references to ‘county’ in paragraph two of the Objective on page 1, adding the meeting date change for January in Section 3.1 and adding information about virtual meetings in Section 4.5. Staff will make the changes and bring back to the Planning Commission at the February meeting.

Bluebeam Software/ FTP Site - The Town Administrator set up an account through Bluebeam Software and added a FTP Site for the Planning Commission members to have access to downloaded plans and files. Some Planning Commission members stated they cannot access the Bluebeam Software. Chairman Carney will investigate why these issues are happening and help members access the site.

VIII. Additional Public Comment – none

Meeting adjourned at 8:13PM.

Respectfully submitted,

Patty Guyton
Recording Secretary