

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street, Middletown, MD 21769

June 12th Workshop agenda for the June 17, 2019 Meeting
(agenda is subject to change as a result of discussion at the workshop)
7:00 p.m.

- I. Public Comment
- II. Minutes of May 2019 Planning Commission workshop Approval
Minutes of May 2019 Planning Commission meeting Approval
- III. Plan Review
 - Water Storage Tank Final Forest Conservation Plan Review/Approval
 - Water Storage Tank Improvement Plans Review/Approval
 - Miller Property Phase IV Site Plan Review/Approval
- IV. Zoning
- V. Miscellaneous
- VI. Additional Public Comment

**** All requests to be on the Planning Commission agenda must be received at the Middletown Municipal Center, 31 W. Main Street, Middletown by 12:00pm on the Monday two weeks prior to the monthly meeting held on the third Monday of each month. All plans being submitted for review must be folded, and an electronic plan is required as well.**

Maryland law and the Planning Commission's Rules of Procedure regarding ex parte communications require all discussion, review, and consideration of the Commission's business take place only during the Commission's consideration of the item at a scheduled meeting. Telephone calls and meetings with Commission members in advance of the meeting are not permitted. Written communications will be directed to appropriate staff members for response and included in briefing materials for all members of the Commission.

**MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland**

Workshop

May 15, 2019

The regular workshop of the Middletown Planning Commission took place on Wednesday, May 15, 2019 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commission Members Bob Miller, Rich Gallagher, David Lake, Dixie Eichelberger, Alternate and Eric Ware, Temporary Alternate. Others present in official capacity: Cindy Unangst (Staff Planner).

MAY MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW –

Asian Café Revised Site Plan – The commission members discussed removing the requirement for the overflow parking from the site plan, and also simply waiving the extra spaces from the required amount for the restaurant use. They would like something in writing from the Asian Café owner stating agreement with the waiver.

ZONING –

No agenda items.

MISCELLANEOUS –

Commission members recapped some of the topics from the joint workshop with the Town Board for Cindy. Topics summarized were self-storage facility regulations, access to the Dowd property, parking regulations for apartments, and mother-in-law suites.

2018 Annual Planning Report – Cindy is still awaiting update information from Drew on one section of the report. The commission members discussed adding some new recommendations.

Workshop adjourned at 7:45pm.

Respectfully submitted,

Cynthia K. Unangst, AICP
Middletown Staff Planner

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

May 20, 2019

The regular meeting of the Middletown Planning Commission took place on Monday, May 20, 2019 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commissioner Tom Catania (Ex-Officio), Commission members David Lake, Rich Gallagher, Bob Miller, Dixie Eichelberger (Alternate) and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner), and Annette Alberghini (Recording Secretary). Others present: None.

MAY MONTHLY PLANNING COMMISSION MEETING:

- I. PUBLIC COMMENT – None**
- II. Regular Workshop Minutes of April 10, 2019 – Approved as submitted.**
Regular Meeting Minutes of April 15, 2019 – Approved as submitted.

III. PLAN REVIEW

Asian Café Revised Site Plan – (No one present). This is for the proposed change of use of existing overflow parking lot from employees of Model Garage Properties and Middletown Valley Bank to a public parking lot in which the Town would be responsible for snow removal and lawn mowing. There are 16 marked parking spaces on the lot. No additional parking spaces are proposed. This lot is located across Route 17 from 7 North Church Street, on southeast corner of North Church Street and East Green Street.

The Asian Café finalized Site Plan was conditionally approved November 21, 2011. The approved plan showed that the existing overflow parking area was to be used by the employees of Asian Café and South Mountain Collision. Based on square footage of the restaurant and per town code, the restaurant was required to have 36 spaces. The approved plan showed 27 spaces on the restaurant property and showed overflow parking on the lot across from the proposed restaurant (which is currently 16 spaces). On September 15, 2014 the Planning Commission approved a change in the use of the parking lot for the use to be shared by employees of Model Garage Properties and Middletown Valley Bank. The bank employees are no longer using the lot, and the lot has been vacant in recent months.

- **Proposed Municipal Lot –** The parking lot is proposed to be a public parking lot which has been leased to the Town. This proposed municipal use of the lot would necessitate a waiver of parking spaces from the parking requirement for the Asian Café restaurant. Staff visited the site to confirm the existing number of parking spaces and found that on the restaurant property there are eight spaces directly adjacent to West Green Street in addition to two handicapped access aisles, instead of the ten spaces and one handicapped access aisle shown on the approved plans. Thus, the total number of existing spaces on the restaurant property is 25; a waiver from the required number of 36 would be eleven spaces. It was also noted that there are five parking spaces along West Green Street, directly across from the restaurant.
- **Restaurant Operator Notification –** The Staff Planner emailed the restaurant operator and visited the restaurant on 5/16 and 5/17, 2019 to inform the restaurant operator of the proposed waiver of the 11 parking spaces to the revised site plan. The operator was not available. Restaurant employees were given the information along with tonight's meeting date to pass along

to the restaurant operator in case there were any questions, or concerns. The restaurant operator will be notified via email and regular mail of the determination of this waiver.

Action: Commission Member Lake motioned to approve the waiver of 11 parking spaces from the Asian Café Revised Site Plan in order for the current overflow parking lot to be used as a municipal public parking lot as discussed. Seconded by Commission Member Miller. Motion carried (5-0).

The Staff Planner will red line the parking changes on the revised site plan.

IV. ZONING - None

V. MISCELLANEOUS

2018 Annual Planning Report – The Planning Commission members have the most current version of the draft 2018 Annual Planning Report for review. The Staff Planner will contact the Director of Public Works for the average daily flow for the wastewater treatment plants data still needed for the report. It was suggested that a new recommendation be added to review and develop policies/regulations to provide guidance on affordable housing within Middletown.

Action: Commission Member Lake motioned to conditionally approve the 2018 Annual Report, conditional upon receiving the average daily flow for the wastewater treatment plant data from the Director of Public Works and adding the new recommendation discussed regarding affordable housing. Seconded by Commission Member Gallagher. Motion carried (5-0).

VII. ADDITIONAL PUBLIC COMMENT

Miller Property – The demolition of the small buildings has occurred. The Staff Planner was contacted by the site developer; they would like to modify the current plan which shows 2 parallel parking spots in the location of the demolished buildings to 5 angled parking spots. This change would have to come before the Planning Commission for approval. With the demolition complete the developer will also have to address appropriate screening necessary from adjacent property owners in that area of the property. This will also have to come before the Planning Commission for approval.

Meeting adjourned at 7:37pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary

Middletown Planning Office

MEMORANDUM

Date: 5/29/2019

Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MIDDLETOWN RAW WATER STORAGE FINAL FOREST CONSERVATION PLAN REVIEW**

Tax Map Parcel #03-151441

Applicant: Mark Crissman, DMW

Property Owner: Town of Middletown

Plan Dated: May 17, 2019

Date Received: May 17, 2019

GENERAL INFORMATION

Proposal: two water reservoirs for the storage of municipal water are to be abandoned and replaced with a 1 million gallon above-ground water storage tank

Location: 4A Ashky Court, located west of Hollow Road and south of Layla Drive

Zoning: OS

Present Use: water storage facility

COMMENTS

The following issues should be considered in your review of this Final Forest Conservation Plan:

Final forest conservation plan requirements – According to Section 16.40.035 of the Middletown Municipal Code, the requirements for final forest conservation plans are as follows:

16.40.035 Final forest conservation plan.

A. A final forest conservation plan shall:

1. Be submitted as required by [Section 16.40.031\(B\)](#) of this chapter;
2. Show proposed locations and types of protective devices to be used during construction activities to protect trees and forests designated for conservation; *n/a*
3. In the case of afforestation or reforestation, include an afforestation or reforestation plan, with a timetable and description of needed site and soil preparation, species, size, and spacing to be used; *Shown on Sheet 2*
4. Incorporate a binding two-year maintenance agreement containing at a minimum the provisions specified in COMAR 08.19.05.01 that details how the areas designated for

afforestation or reforestation will be maintained to ensure protection and satisfactory establishment, including:

a. Watering, *Noted on Sheet 2*

b. A reinforcement planting provision if survival rates fall below required standards, as provided in the conservation technical manual. *The following note (3.4.4 from the conservation technical manual) should be added to Sheet 2: If survival requirements are not met, the applicant must establish reinforcement plantings on the planting site prior to the release of the maintenance agreement, but not later than one complete growing season prior to the release of the maintenance agreement.*

5. Incorporate a long-term binding protective agreement containing at a minimum the provisions specified in COMAR 08.19.05.02 that provides protection for areas of forest conservation, including areas of afforestation, reforestation, and retention, and limits uses in areas of forest conservation to those uses that are designated and consistent with forest conservation, including recreational activities and forest management practices that area used to preserve forest; *Noted on Sheet 2*

5. Include the substantive elements required under Section 16.40.034(A) of this chapter, as finalized elements of the forest conservation plan; and *Shown*

7. Include other information the planning commission and staff determines is necessary to implement this chapter.

B. A forest conservation plan shall specify methods to protect trees during construction activity according to standards provided in the Forest Conservation Technical Manual. *Noted on Sheet 2*

C. Before cutting, clearing, grading, or construction begins on a site for which a forest conservation plan is required, the applicant shall demonstrate to the town planner that protective devices as specified by the forest conservation plan have been established. *n/a*

All the requirements for the final forest conservation plan have been met aside from the above-mentioned note to be added to the plans.

1. **Previous review** - The Planning Commission review the Preliminary Forest Conservation Plan for the Water Storage Tank project in March 2019. The minutes from that meeting are provided here for your consideration:

Middletown Water Storage Tank Forest Stand Delineation/Preliminary Forest Conservation Plan – (Town Project – Gary Hill, Jr. (205 Layla Drive), Mary Ann Geppert (7 Ashky Court), Gary Higginbotham (5 Ashky Court) and Mark Niemeyer (213 Rod Circle) present). This is for the proposed construction of a 1 million gallon prestressed concrete water storage tank to replace the two synthetic rubber lined and covered embankment reservoirs, currently in use, for the storage of municipal water, at 4A Ashky Court. The site contains 2.92 acres with no existing forest on the site, and the reservoir area is completely enclosed by an 8' high fence. The area between the chain link fence and western property line is a rip-rapped slope which contains the only woody vegetation on site. Shrub species include bush honeysuckle, multiflora rose and privet; tree species include tree of heaven, boxelder, cherry and hackberry, none of which are specimen size. Existing trees planted in adjacent residential properties provide screening from the reservoirs and storage areas. The total afforestation required for the 2.92-acre tract is 0.58 acres. No on-site afforestation can occur as there is not enough room.

All the requirements for forest stand delineation have been met. All the requirements for the preliminary forest conservation plan have been met aside from the determination of how the mitigation requirement will be met. The method for mitigation can occur at the final forest conservation plan stage.

Action: Commission member Miller motioned to approve the Middletown Water Storage Tank Forest Stand Delineation/Preliminary Forest Conservation Plan as presented. Seconded by commission member Gallagher. Motion carried (5-0).

2. **Change in net tract area and planting requirement from Preliminary Forest Conservation Plan** – The site contains 2.92 acres with no existing forest on the site, and the reservoir area is completely enclosed by an 8' high fence. The preliminary forest conservation plan used the 2.92 acres as the net area with a corresponding afforestation planting area of 0.58 acres. The final forest conservation plan uses the limit of disturbance for the net tract area which is 3.24 acres and includes grading outside of the project site parcel. The corresponding afforestation planting area for the revised net area is 0.65 acres.
3. **Meeting the FRO requirement** – The Plan indicates that the Forest Conservation mitigation method will be off-site afforestation on town-owned land adjacent to the project construction site. Off-site afforestation will be accomplished using seedling stock with 85% overstory planting utilizing native trees and 15% understory planting utilizing native trees. The proposed species have been reviewed by staff and are considered a suitable and favorable mix of species in which a majority of the species are considered fast-growing. All the computations and quantities for the proposed seedlings are accurate.
4. **Stocking and survival rates** – Sheet 2 of the plans, under Planting Instructions/Specifications, indicates that the minimum stocking ratio of 1.5-inch caliper balled and burlapped trees shall have a 75 percent survival rate. This should be revised to indicate that the minimum stocking ratio for container grown seedlings is 450/acre and shall have a 65 percent survival rate, or at least 292/acre. The plans indicate that the approximate spacing for the trees is 15-foot on center, but the MD State Forest Conservation Technical Manual specifies that the spacing for container grown seedlings should be 10-feet on center.
5. **Review by Maryland Department of Natural Resources** – The plans have been provided to the Maryland Department of Natural Resources for review, but no comments have been received to date.
6. **Planning Commission signature block** – A signature block should be added to the plans.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Final Forest Conservation Plan contingent on comments by the Staff Planner.

This review will be included in the Middletown Planning Commission materials for the June 17, 2019 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be June 12, 2019.

Cc: Nick Lewis, Gannett Fleming
JR Hawkins, Project Engineer
Bruce Carbaugh, Town Engineer

Middletown Planning Office

MEMORANDUM

Date: 6/5/2019

Hansen#

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MIDDLETOWN RAW WATER STORAGE IMPROVEMENT PLAN REVIEW**

Tax Map Parcel #03-151441

Applicant: Nick Lewis, Gannett Fleming

Property Owner: Town of Middletown

Plan Dated: May 21, 2019

Date Received: May 23, 2019

GENERAL INFORMATION

Proposal: two synthetic rubber lined and covered embankment reservoirs for the storage of municipal water are to be abandoned and replaced with a 1 million gallon prestressed concrete water storage tank

Location: 4A Ashky Court, located west of Hollow Road and south of Layla Drive

Zoning: OS

Present Use: water storage facility

COMMENTS

The following issues should be considered in your review of this Improvement Plan:

1. **Previous review** – The Planning Commission reviewed the Site Plan for the Water Storage Tank in March 2019. The minutes from that meeting are provided here for your consideration:

Middletown Water Storage Tank Site Plan – (Town Project – Gary Hill, Jr. (205 Layla Drive), Mary Ann Geppert (7 Ashky Court), Gary Higginbotham (5 Ashky Court) and Mark Niemeyer (213 Rod Circle) present). This is for the proposed construction of a 1 million gallon prestressed concrete water storage tank to replace the two synthetic rubber lined and covered embankment reservoirs, currently in use, for the storage of municipal water, at 4A Ashky Court. Section 17.32.020 of the Town Code states that underground systems for water transmission are permitted in any district provided that a comprehensive plan for such a service is submitted for the review and approval of the town planning commission. The planning commission's review of essential services will assure that the proposals are in accordance with the town master plan, do not unnecessarily form an obstruction to movement and community growth; and do not prove themselves objectionable by reason of hazard, unsightliness, odor, smoke, gas fumes, noise, vibration, radiation, refuse matter or water carried waste. A request for a stormwater waiver was submitted and approved by Frederick County. It is a permitted use in the Open

Space district. The proposed storage tank meets the yard requirements and is proposed to be 11-feet above the ground. Notice was sent to all residents within 2,000 feet of the proposed tank informing them of the Planning Commission's review of this site plan (per Town Code). The plans have been provided to the town engineer for review. Three members of the Planning Commission are members of the Town Water and Sewer Standing Committee and are familiar with the proposed Storage Tank plans. Residents present voiced concerns regarding landscaping/screening, lighting and impacts during construction.

- **Town Engineer Comments –**

- The Town Engineer reviewed the history of the 2 reservoirs currently in use by the Town. The smaller reservoir was created in 1894. The larger reservoir was created in the 1930's. Both reservoirs were lined and covered during the 1980's. The linings and both covers are past their useful life. The proposed storage tank would be built down into the location of the existing larger reservoir and then back filled so that depending on the grade of the backfill, 7 - 11 feet of the tank would be exposed above ground.
- **Construction & Access** - Access for construction of the new storage tank would be through the auxiliary gate on the east side of the site. A temporary crushed stone access road would be built from the auxiliary gate and tie in to Hollow Road. The Town Engineer provided the order in which the construction would proceed. He noted that noise would be minimal. Most would occur with the concrete trucks coming in for the pouring of the concrete slab floor. The Town Engineer expects the project to take less than a year once begun. The temporary access road will be removed once the project is complete.
- **Landscaping/Screening & Lighting** – The Town Engineer reviewed photos he had taken from the streets of the surrounding neighborhood looking towards the water reservoirs, noting where he recommends screening should be placed. It was also noted that the proposed tank is recessed to minimize the visual impact to the surrounding area. New lighting will consist of 2 LED lights at the vault locations, which would shine straight down. Landscaping/screening and lighting will be addressed at the Improvement Plan review.

Action: Commission member Lake motioned to approve the Middletown Water Storage Tank Site Plan with the understanding that the landscaping/screening, and lighting will be addressed during the Improvement Plan stage. Seconded by commission member Miller. Motion carried (5-0).

2. **90% Review Submittal** – The plans before the Planning Commission are 90% complete. The contract with the engineering firm designated that 90% plans be submitted to the Town for review. The 100% completed plans should include a Planning Commission signature block. The full set of plans is 43 sheets, most of which contain erosion and sediment control details that are reviewed by the Soil Conservation District, process details, and mechanical and electrical details. The sheets provided to the Planning Commission are those that contain information related in some way to planning and zoning requirements.
3. **Stormwater management** – A request for a SWM waiver was reviewed and approved by Frederick County on February 22, 2019.
4. **Open space district required lot area and yards** – There is no required lot area in the open space district. Minimum yard requirements are fifty feet for the front and rear yards, and fifteen feet for side yards. The proposed storage tank meets the yard requirements.

The maximum height requirement is twenty-five feet before additional yard setbacks are necessary. The tank is proposed to be 11-feet above ground level.

5. **Landscaping** – Landscaping of the property for screening purposes will be done through tree plantings to meet the Town’s Forest Conservation Ordinance regulations. The tree plantings will be sited along Layla Drive and westward towards the project site. Although the trees will start out as seedlings, the majority of the proposed tree species are fast growing.
6. **Fencing** – An existing 8-foot fence surrounds the water reservoir site. It will be replaced with the same type of chain-link fence as part of this project. The existing perimeter fence and gates will be maintained until the new fence can be installed except where removal is required for construction.
7. **Lighting** – Sheet E-601 (Electrical Schedules) contains the lighting fixture schedule and indicates that some fixture types are to be surface mounted, some are to be wall-mounted, and there is to be a pole-mounted fixture. Details on where the proposed lights are to be located should be provided.
8. **Expiration of improvement plan** – Per Section 16.12.060 of the Town Code, approval of an improvement plan shall expire three years after the date on which the Planning Commission approves the improvement plan unless construction has begun as defined by “start of construction.” Extension of the improvement plan may be granted by the Planning Commission for delays attributable to town, county or state agencies.
9. **Review by Town Engineer, Bruce Carbaugh** – The plans have been provided to the town engineers for review.
10. **Review by Soil Conservation District (SCD)** – The plans have been provided to the Soil Conservation District for review and approval.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Improvement Plans, contingent on comments by the Staff Planner and approval by SCD, if they desire to do so at this time, or approval can wait until the final set of plans is submitted for review.

This review will be included in the Middletown Planning Commission materials for the June 17, 2019 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be June 12, 2019.

Cc: Mark Crissman, DMW
JR Hawkins, Project Engineer
Bruce Carbaugh, Town Engineer



OPEN LOT

LAYLA DRIVE

LAYLA DRIVE

205 LAYLA DRIVE

ASHKY COURT

2 ASHKY COURT

ASHKY COURT

ASHKY COURT

7 ASHKY COURT

ASHKY COURT

ASHKY COURT

ASHKY COURT

OPEN LOT

OPEN LOT

7700 HOLLOW ROAD

7700 HOLLOW ROAD

7700 HOLLOW ROAD

4A ASHKY COURT

4A ASHKY COURT

Middletown Planning Office

MEMORANDUM

Date: 6/5/2019
Hansen# 14195

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MILLER COMMERCIAL PROPERTIES PHASE IV SITE PLAN**

Tax Map Parcel #03-0136108

Applicant: Geoff Ciniero, CMS Associates LLC

Property Owner: Miller Commercial Properties LLC

Plan Dated: March 19, 2014; revised May 31, 2019

Date Received: June 3, 2019

GENERAL INFORMATION

Proposal: the site plan has been revised to add Phase IV which is proposed to be a microbrewery in an existing cement block building, and an additional three parking spaces

Location: 203 East Main Street, north side of Main Street opposite the intersection of Broad Street and Main Street

Zoning: TC Town Commercial. This district permits numerous uses such as retail sales and eating and drinking establishments along with light assembly and fabricating uses including microbreweries subject to Section 17.20.080

Present Use: the building to be renovated is vacant

COMMENTS

The following issues should be considered in your review of this Phase IV Site Plan:

1. **Previous review** – The Planning Commission last reviewed a Revised Lighting Plan for Phase III of the Miller Property in October 2017. The minutes from that meeting are provided here for your consideration:

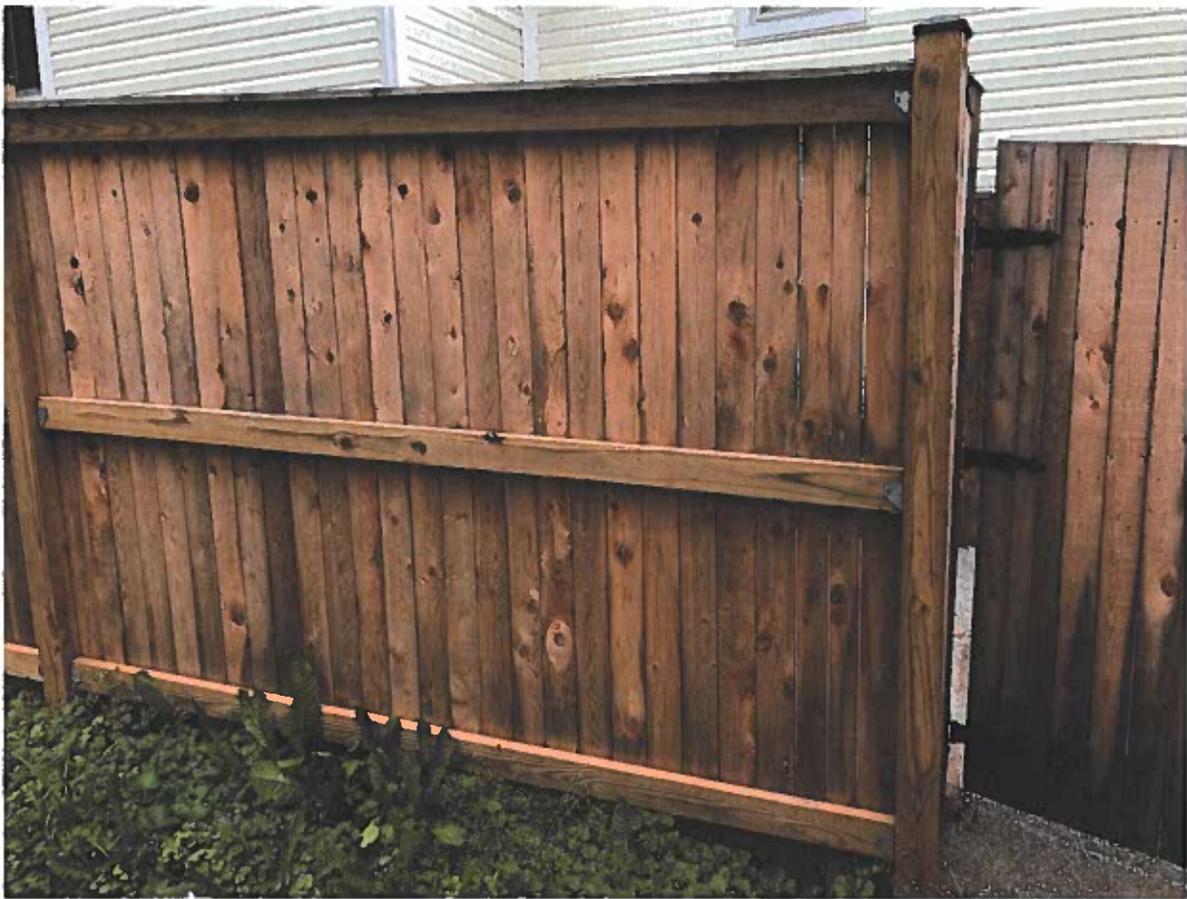
Miller Property Revised Lighting Plan – (Ann Miller (property owner), Geoffrey Ciniero (C.M.S. Associates, the developer), present). This is the proposed re-development of existing buildings in phases into new retail and/or restaurant uses. This revised lighting plan is for Phase III of the re-development project which includes the renovation of the existing main building, construction of a new brick patio in front of the existing building, installation of a new stormwater facility and associated piping, and construction of new grassed islands around the stormwater facility and building. The property is located at 121 and 203 East Main Street. The Improvement Plans were conditionally approved by the Planning Commission in June 2017. The Planning Commission reviewed the Lighting Plan and

Architectural Renderings for the Miller property in August 2017. The Staff Planner briefly reviewed the draft minutes from the August 2017 Planning Commission meeting.

- **Lighting Plan Revisions** – The revised lighting plan shows that the previously proposed eight pathway-type lights around the stormwater facility and parking area have been replaced with three antique pole lights which are to be 8 feet tall. The lower pathway-type lights were determined to not be adequate to light the parking area when cars are parked in that area. An additional goose-neck light has been added on the west side of the proposed market building and some of the other eight goose-neck lights have slightly shifted from the previously proposed locations for better lighting coverage. Additional foot-candle measurements are now being shown for the existing lighting on the site. Also shown on Sheet LT-2 is a photo of what the proposed step lighting will look like. A total of 14 step lights is proposed with one on each side of each step and two on each side at the upper and lower landings.
 - **Lighting Entering the Property from Main Street** – The revised lighting plans show zero-foot candles when entering the east and west side of the property from Main Street. Existing off-property lighting, not shown on the lighting plan, includes a street light located directly across Main Street from the property, and a light located near the property line on the gas station property adjacent to the site. The Planning Commission determined that existing lighting is satisfactory for the entrance into the front of the property from Main Street.

Action: Commission Member Miller motioned to approve the Miller Property Lighting Plan as presented. Seconded by Commission Member Eichelberger. Motion carried (4-0). The property owner was reminded that if there are any changes to the lighting plan, the Planning Commission must be notified.

2. **Project description on cover sheet** - The project description needs to be revised to include information for Phase IV; on sheet C-1 under Site Analysis, the square footage is needed for Phase IV and the Phase II use should be changed.
3. **Parking** – The previous improvement plan for Phase III showed 53 parking spaces (50 regular spaces and 3 handicapped spaces) that vary in size from 8' x 22' to 9' x 19' with the majority of the spaces being 9' x 18'. The town's parking regulations call for parking spaces to be 9' x 20'. A chart showing the parking requirements for the existing and proposed uses was approved in June 2017. The Planning Commission waived all parking requirements above the 53 spaces provided during the Phase III site plan approval in July 2015. Due to the demolition of three storage buildings on the west side of the property, the applicant is proposing to eliminate two of the approved parking spaces in order to add five parking spaces adjacent to five approved spaces on the west side. Section 17.32.060 Off-street parking requirements of the Municipal Code does not address parking needs for microbreweries. Eating establishments are to provide a minimum of one parking space for each 90 square feet of gross floor area devoted to patron use on the property or three seats, whichever requirement is greater. There are no parking requirements related to light assembly and fabricating uses.
4. **Fencing/screening** – The neighbor to the west of the Miller Property, Parker Ranniger, is going to install a 6-foot tall site tight fence as shown below, and he will be splitting the cost of the fence with Ms. Miller.



5. **Lighting** – Currently there are two light fixtures near the top of the proposed microbrewery building on the east side. Any additional lighting on the microbrewery building, or any proposed lighting near the microbrewery, needs to be submitted to the Planning Commission for review and approval.
6. **Signage** – Any signage is to be presented to the town zoning administrator for approval before being installed.
7. **Outdoor seating** – Staff has heard that outdoor seating is being proposed in conjunction with the microbrewery. If so, the location of any outdoor seating will need to be shown on the plans.
8. **Lot requirements** – The buildings on the property pre-date the zoning ordinance and do not meet current setback requirements.
9. **Stormwater management** – A Stormwater Management Plan was submitted and approved by Frederick County in conjunction with Phase III of the property. Stormwater management consists of a micro-bioretenion facility in the middle of the parking lot to accommodate the re-development of existing buildings and the reconfiguration of the parking lot. It should be noted on the plans whether the stormwater management plan included the redevelopment of

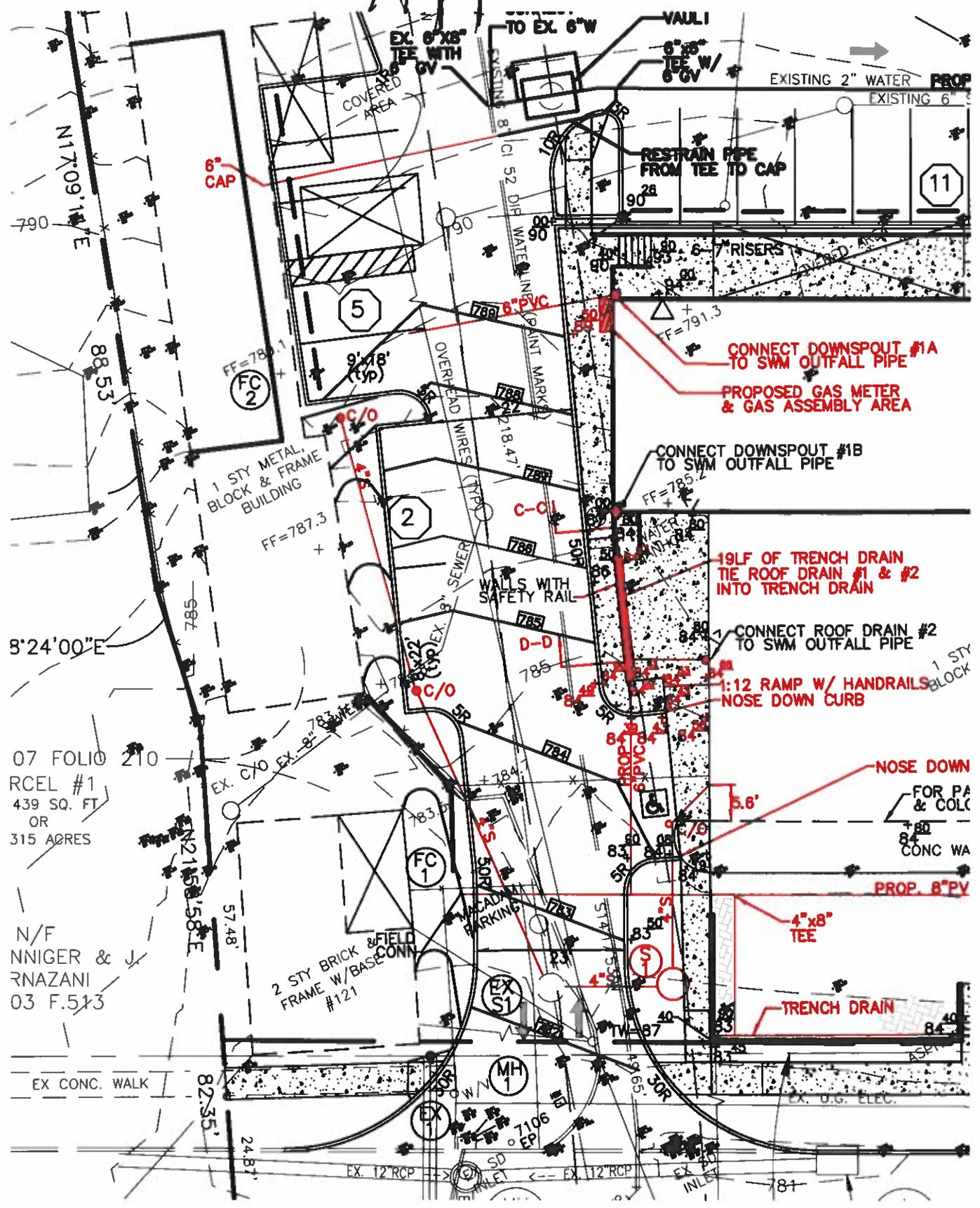
the building being proposed for the microbrewery. If the stormwater management plan did not include the redevelopment of that building, then it will need to be determined how, or if, additional measures will be required.

10. **Water and Sewer requirements** – The property has existing water and sewer service, but there is no water and sewer shown to the Phase IV building.
11. **Missing information** – Signature blocks should be expanded to allow room for Phase IV approval signature.
12. **Approval requested of Planning Commission** -At this time, the applicant is requesting approval of the additional parking spaces on the western side of the property before proceeding forward with the rest of the plans for the microbrewery.

This review will be included in the Middletown Planning Commission materials for the June 17, 2019 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be June 12, 2019.

cc: Ann Miller, property owner

Approved



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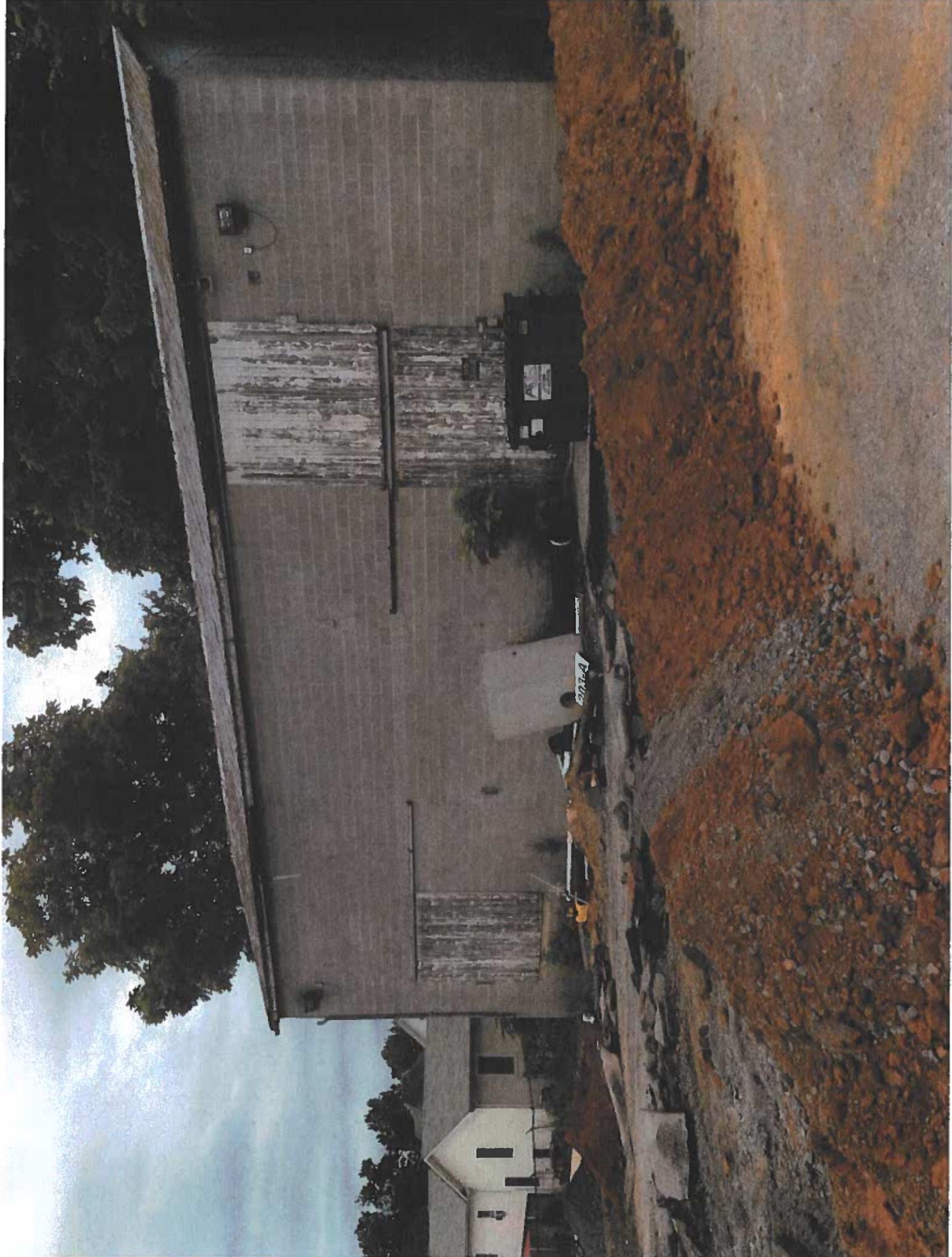
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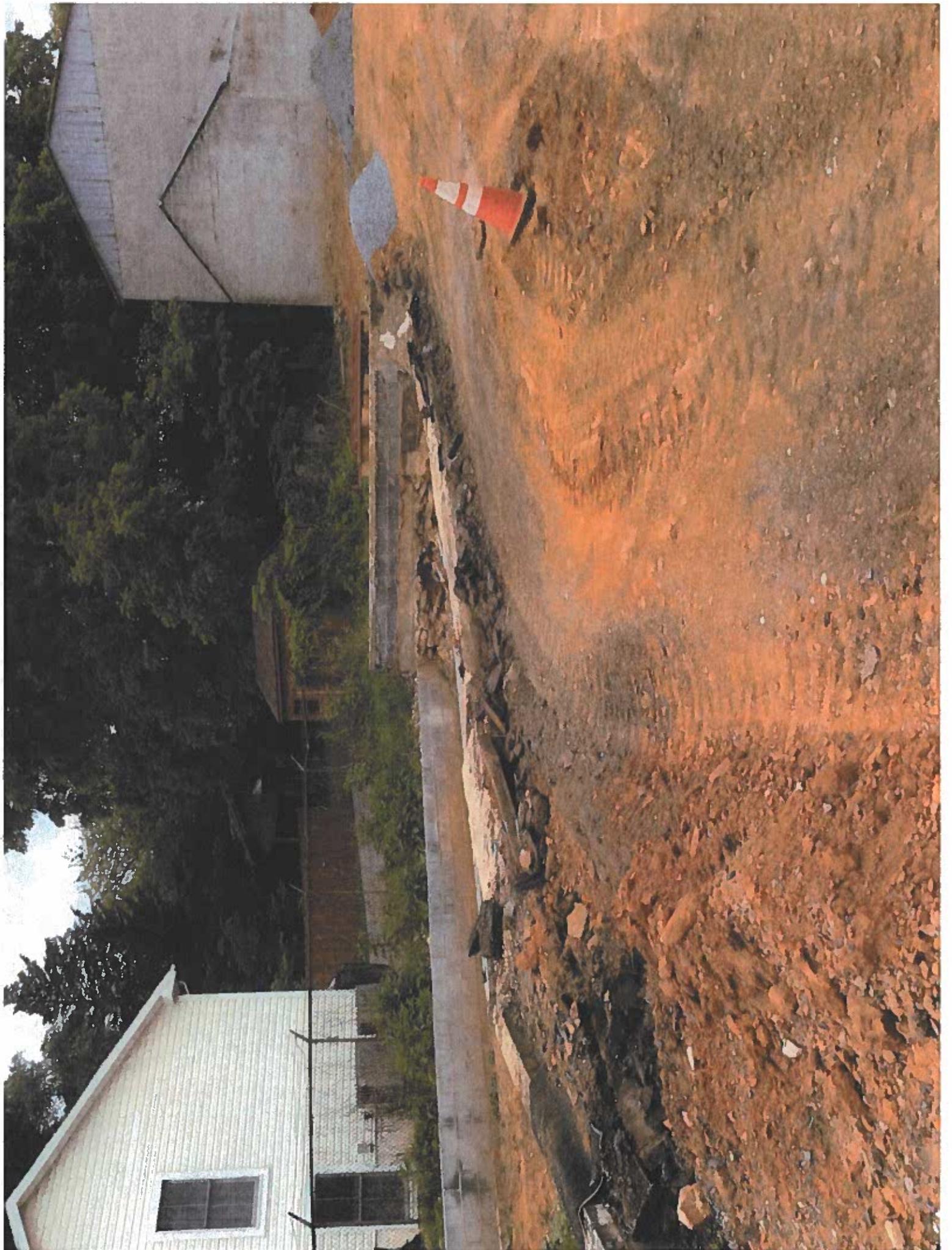
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EX. 12" RCP
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Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 6/3/2019

RE: Monthly Planning Update - June

Major Subdivisions:

Middletown Glen - Preliminary plans signed – May 29, 2013
Improvement plans conditionally approved – October 16, 2013
FRO planting at Remsberg Park completed – February 2017
All plats recorded at the Courthouse – May 17, 2016 - March 16, 2018

Site Plans, Plats and Minor Subdivisions:

Caroline's View/Horman Apartments- Site Plan approved – April 21, 2008 (no sunset provisions prior to November 14, 2010)
Improvement Plans conditionally approved – May 17, 2010 (no sunset provisions prior to 11/10)
Revised Improvement Plan mylars signed – July 21, 2017
Next step – submittal of PWAs for approval and apply for building and grading permits

Cross Stone Commons – Revised Site Plan conditionally approved – October 20, 2014
Improvement Plan mylars signed – November 6, 2015
Architectural renderings for Building #4 approved – March 19, 2018
Revised Forest Conservation Plan approved – January 21, 2019
Next step – submit architectural renderings for building #2 for review/approval

Dowd Property – Forest Stand Delineation approved – April 16, 2018
Revised Concept plan reviewed by PC – January 21, 2019
Special Exception materials submitted for self-storage use – December 21, 2018
Next step – PC review/recommendation and BOA review/approval of special exception for self- storage use, or site plan submittal without self-storage use

Franklin Commons -
Resubmitted site plan conditionally approved – May 21, 2018 (Plans expire May 21, 2021)
BOA approved height variance request – July 12, 2018 (BOA approval expires July 12, 2019)
Improvement plans conditionally re-approved – March 18, 2019 (Plans expire March 18, 2022)
Next step – submittal of letter of credit and signing of PWA's

Jiffas – Site Improvement Plan conditionally approved – October 20, 2008 (no sunset provisions prior to November 14, 2010)

Forest Conservation Plan approved – October 20, 2008

Architectural plans approved by PC – March 16, 2015

BOA approval for variance requests – March 29, 2016 (**Expired March 29, 2017**)

Next step – apply for variance requests for siting of duplex building

Middletown Water Storage Tank – Site Plan approved by PC – March 18, 2019 (Plans expire 3/18/22)

FSD/FCP approved by PC – March 18, 2019

Final Forest Conservation Plan submitted for review/approval – May 17, 2019

Improvement Plans submitted for review/approval – May 23, 2019

Next step – PC approval of improvement plans and FFCP

Miller (Ingalls) – Revised Concept Plan reviewed by PC – September 16, 2013

Site plan (Phase III) conditionally approved by PC – July 20, 2015

Improvement plans (Phase III) conditionally approved by PC – June 19, 2017 (Expires 6/19/20)

Phase IV Site plan submitted for review/approval – June 3, 2019

Next step – PC approval of Phase IV site plan

Richland Driving Range – Concept plan reviewed by PC – January 18, 2016

Revised Site Plan conditionally approved – January 15, 2018 (Plans expire January 15, 2021)

Improvement Plans reviewed and tabled by PC – September 17, 2018

Next step – submittal of improvement plans for approval

School Complex roadway plans – Improvement plans and FCP plans reviewed and approved by Town Board – May 8, 2017 (informed in June 2017 that funding was not approved for project)

SWM plans re-submitted to Frederick County and SCD for review/approval – 8/3/17

St. Thomas More Academy Site Plan revision – conditionally approved August 20, 2018

Annexations:

A.C. Jets Property- PC approval of annexation petition of 35.96 acres – December 21, 2009

Public hearing date - Monday, October 11, 2010

Annexation petition denied by Town Board – October 11, 2010

Admar Property – annexation petition sent to PC by Town Board – January 9, 2017

PC approval of consistency with zoning/comp plan – February 20, 2017

Public Hearing - April 5, 2018

Town Board passed annexation resolution – April 9, 2018

Text Amendments:

Reports: 2018 Annual Planning Report approved by Planning Commission – May 20, 2019

Grants: MEA Smart Energy Communities grant application – award granted – May 2017

Meetings: Next Middletown Green Team Meeting – June 18, 2019

Next Joint town board/planning commission workshop – August 5, 2019