

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

June 15, 2020

The regular meeting of the Middletown Planning Commission took place on Monday, June 15, 2020 at 7:00 p.m. via a Zoom meeting. Those present (quorum) were Commission Chairman Mark Carney, Commission members David Lake, Rich Gallagher, Commissioner Jean LaPadula (Ex-officio), Bob Miller, Dixie Eichelberger (Alternate) and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Patty Guyton (Recording Secretary). Others present: Mark Lancaster (Mark Lancaster Properties LLC), Bill Ellison (Ellison & Benjamin Architecture), Elkana Bar-Eitan (Property Owner 121 West Main Street), Mike Tabor (Property Owner – Tabor barn).

JUNE MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None.

II. Minutes of the May 2020 Planning Commission Workshop – Approved as submitted.

Minutes of the May 2020 Planning Commission Meeting – Approved as revised.

III. PLAN REVIEW

Hollow Creek Professional Center Architectural Renderings – Mark Lancaster (Mark Lancaster Properties, LLC) present. This is for the proposed development of 47,970 square feet ± of commercial space in three separate buildings with 205 parking spaces, and 2± acres reserved for future development; located on the north side of US Route 40-A just east of the Safeway shopping center. The area is zoned GC General Commercial and is currently a vacant lot.

During the past three months, the commission members reviewed the proposed changes that were made to the 3-story professional services building and retail buildings, as they conducted their architectural review of the buildings.

The latest renderings address most of the comments made by Commissioner LaPadula at the last meeting:

1. Make the triangular peak on the metal roof (of 3-story building) larger and more proportional and integral to the roof and separate from the elements below it.
2. The “top molding” should be similar size/look to that shown in the 2/17/20 architectural plan submittal but should go all the way across the top and not stop at either side of the window.
3. Make the top molding and all the trim and columns white to add definition, interest, and separate from the body color.
4. Make the trim around the large main group of windows, in the center of the 3-story building, continuous and go all the way around and consistent with the top molding.
5. Use siding (i.e., hard plank or similar material) on top 2 levels that is the same color as the proposed stucco/concrete color which ties into Safeway.
6. Use a contrasting window grille color. For the proposed black windows, use white window grilles instead of proposed dark brown throughout the building.
7. Use on color of brick for all brick work.
8. Make the main front door(s) bigger and more proportional to the size of the building.
9. Make the front columns larger so they are more to scale/proportional with building and entrance.
10. Add an awning on the right side that mirrors the one on the left.

11. Use an awning-style covering of appropriate size/scale for the front entrance instead of a second triangular peak.
12. Replace proposed brick planters with white planters that blend with gazebo.
13. Align the walkways (between large and smaller buildings) so that they are perpendicular to buildings.
14. All entrances of the smaller buildings should be identical.
15. Change design elements of the smaller buildings (style of column, color of windows grilles, peals, etc.) to make them consistent with changes to the larger building.
16. Provide revised Architectural Review Plan incorporating these changes to the Planning Commission prior to submission of the improvements Plans.

The entrance portico mimics the flanking awnings while duplicating the pitch of the larger roof gable. The center window wall depicts a logo of a flowing stream in the valley with the surrounding mountains. The large gable overhead contains an Indian sun symbol which aligns directly over the top of the stream and mountain artwork. The applicant feels that these symbols seem to describe the Middletown Valley to all that have lived or visited here. The items that were not changed include:

- 1.) Staying with EIFS and not lap siding on the building.
- 2.) Staying with the raised brick planters versus the white wood planters.

There was discussion about the back entrances to the front retail buildings which would most likely be closed to the public for security reasons, as well as discussion about the proposed sun symbol to be sited on the buildings.

Action: Commission member Lake motioned to approve the architectural renderings of the Hollow Creek Professional Center that have been provided; the motion was seconded by Commission member Miller. Motion carried (5-0).

121-123 West Main Street Change of Use - The proposed use is for an additional apartment on the third floor of the building which was previously one apartment. The first and second floors will maintain the prior use of two commercial units on the first floor and two apartments on the second floor. An interesting note about this building is that six electric meter sockets exist at the back of the building, and there are four separate entry doors from the common stairwell for the 2nd and 3rd floors. Mr. Bar-Eitan, the property owner, recently had a conversation with Jim Hoover, Zion Lutheran Church administrator. Mr. Hoover knew the tenant in the third-floor apartment and confirmed that the apartment did not extend all the way to the rear; that the rear area was a separate space having multiple purposes over the years. The rear wing of the third floor is disjointed from the front apartment with a floor level 12-inches lower than the main third floor. It has remnants of plumbing and the applicant assumed it had been a separate dwelling unit at some point.

Prior uses included a heating and cooling company on the first floor as well as the Zion Lutheran Church Clothes Closet. There were two apartments on the second floor and one apartment on the third floor.

The lot was previously owned by Zion Lutheran Church and was subdivided prior to the sale of the lot after approval by the Planning Commission in February 2019. The approval came with the understanding that any future building development or change of use of the parcels on the plat would be submitted in the regular manner for approval in accordance with the provisions of the existing zoning regulations.

Based on the square footage of 835 square feet and 750 square feet for the first floor for commercial uses, 5-10 spaces would be needed depending on whether they will be retail uses or business offices. The second-floor apartments are both one-bedroom apartments. Given the current parking regulations, six spaces would be needed for those apartments. If the third floor were one apartment, it most likely would be three-bedrooms and would require three parking spaces. (Section 17.32.060)

The Town Attorney is working on an ordinance to change the number of parking spaces required for an apartment from the existing three per dwelling unit to two per dwelling unit + 0.5 per bedroom over 2 bedrooms. That change to the Municipal Code was agreed on by the Town Board and the Planning Commission in workshops that

took place in 2019. The Town Board will most likely hold a public hearing on the ordinance on July 2, 2020. The new regulations would require 4 spaces total for the 2nd floor apartments, and 2.5 spaces for the 3rd floor if it were one three-bedroom apartment. If the planning commission approves the extra dwelling unit on the third floor, then 4 spaces would be needed for those two apartments.

Thus, total number of parking spaces needed for **existing** uses, given the proposed parking requirements, varies from 11.5 – 16.5. The total number of spaces needed with approval of the extra dwelling unit, given the proposed parking requirements, varies from 13 – 18. There looks to be space for 11 spaces currently. The applicant envisions that 2 or 3 parking spaces could be added in an end-to-end parking configuration if required. Section 17.32.060 does allow the planning commission to waive or reduce the parking requirements in the town commercial district.

The applicant submitted a sketch showing the parking area with a proposed 12th space on land owned by Zion Lutheran Church. The church council was meeting at the same time as the Planning Commission and they discussed whether to let the applicant use that space. Commission member Eichelberger relayed to the commission members that the church would work with the applicant for use of that space.

Action: Commissioner LaPadula motioned to approve the change of intensity of the existing building for an additional apartment on the third floor of 121 West Main Street and waive any additional parking spaces needed. Motion was seconded by Commission member Lake. Motion carried (5-0)

Tabor Barn demolition work extension - After approval by the Planning Commission for demolition of the barn at 10 Boileau Drive on September 16, 2019, the barn was demolished. One of the requirements of Section 17.32.160A is that all such demolitions and post demolition restoration shall be completed within ninety days of issuance of a demolition permit unless otherwise approved by the Middletown Planning Commission. In December 2019, the property owner asked the commission for an extension for the demolition work, which was approved by an additional six months. The deadline to complete the post-demolition work was thus extended until June 16, 2020. The property owners' request is to extend the period for completion of the post-demolition work, for the duration of the existing Frederick County building permit (#200246) which expires on September 18, 2020.

Action: Commission member Lake motioned to approve the Tabor Barn demolition extension request for September 18, 2020. Seconded by Commission member Miller. Motion carried (5-0).

The second item of discussion was the request by the property owner to approve the utilization of the existing foundation for a new structure in the future. Commission Chairman Carney stated that the commission could not approve that request without a concept plan on what might be put on the foundation. Mr. Tabor said that it was to be determined whether the foundation was structurally sound before a site plan was to be submitted. There was discussion by Mr. Tabor on the history of the site, and Chairman Carney stated that historically non-conforming structure foundations were allowed to be re-built if the intensity of use does not change. Ex-officio member LaPadula told Mr. Tabor that the Planning Commission cannot give an answer regarding future use of the foundation until they know that it is structurally sound.

IV. ZONING

Height of buildings code changes – The proposed changes are to modify the language of the Middletown Municipal code by not including “story or whichever is greater” and making 35 feet the standard height of a building or structure.

17.16.050 - Building height regulations and unit limitations for structures in residential districts.

No building will exceed ~~two and one half stories or~~ thirty-five (35) feet in height. No one structure in any residential district may contain or include more than twelve (12) individual and separate dwelling units within the structure.

17.17.150 - Development standards. (Overlay zoning districts)

- A. Density. The overall density of the project shall be in conformance with the R-3 zoning district.
- B. Lot Area and Yard Requirements. The minimum lot area single-family dwelling shall be six thousand (6,000) square feet. The minimum lot area per duplex (two dwelling units) shall be eight thousand (8,000) square feet. The minimum lot width per structure for a single-family dwelling shall be sixty (60) feet, and the minimum lot width per structure for a duplex shall be forty (40) feet per duplex unit. The minimum yard areas shall be as follows:
 - 1. Front yard: fifteen (15) feet from a public street;
 - 2. Side yard: eight feet for a single-family dwelling; eight feet one side only for a duplex dwelling (one side per dwelling);
 - 3. Rear yard: twenty (20) feet (except that a detached garage accessory structure accessed via a rear alley system shall have a rear yard setback of eighteen (18) feet: or except that a detached garage accessory structure accessed via a front-loaded driveway shall have a rear yard setback of four feet.)

These minimum standards may be modified by the planning commission, in accordance with the master plan design guidelines.

- C. Accessory Structures. The minimum side yard setback for an accessory structure shall be three feet.
- D. Height Limitation. Building height is limited to a maximum of ~~two and one half stories or~~ thirty-five (35) feet in height, ~~whichever is greater.~~

17.20.015 - MB mixed business district.

- C. Required Lot Area, Lot Width, and Yards in the MB District. The following requirements apply in the MB district:
 - 1. Minimum area of lot size: one acre;
 - 2. Setback requirements for front, rear, and side yard: thirty (30) feet; provided, however, that for any lot on which a structure exceeding thirty (30) feet in height is situated, the thirty (30) foot setback requirement shall be increased by one foot for every foot of the structure which exceeds thirty (30) feet in height. Additionally, for any portion of a structure which is adjacent to a residential district or state highway, the setback requirement is one hundred (100) feet for that portion of the structure which is adjacent to such residential district or state highway;
 - 3. Structure height: ~~fifty (50)-~~thirty-five (35) feet;
 - 4. Lot width: one hundred (100) feet. The planning commission may, however, permit a lot width of not more than fifty (50) feet if the planning commission approves a landscaping plan which, in the commission's opinion, provides an adequate buffer for adjacent property.

17.20.030 - Building regulations in commercial districts.

No building shall exceed ~~three (3) stories or~~ thirty-five (35) feet in height or exceed sixty thousand (60,000) square feet in size.

17.24.020 - Building height regulation in industrial districts.

No building in the SC/LM district shall exceed ~~three stories or forty five (45)-~~thirty-five (35) feet in height.

Action: Commission member Lake motioned to approve the modifications of the building height code and recommend the changes to the Town Board; motion was seconded by Commission member Miller. Motion carried (4-0-1 abstention).

V. MISCELLANEOUS

2019 Annual Planning and Zoning Report -The Planning Commission has the most current version of the draft 2019 Annual Planning Report for review. The report is missing wastewater average daily flow measurements. The Planning Commission discussed additional new recommendations to add to the report, which Cindy will do.

Action: Tabled – Planning Commission will review at July meeting; needs more information from the Town Administrator.

VI. COMPREHENSIVE PLAN UPDATE

Chapter One review- Introduction – The Planning Commission received the proposed changes to the Comprehensive Plan Chapter 1 review. There was discussion about some of the comments in the draft including moving the information related to sustainability to a new chapter, and how the comp plan has value to the Planning Commission. They would like to move forward with the changes and discuss it with the Town Board at the joint meeting in July.

VII. ADDITIONAL PUBLIC COMMENT - None.

Meeting adjourned at 8:45 PM.

Respectfully submitted,

Patty Guyton
Recording Secretary