

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

AGENDA
Monday, August 21, 2017
7:00 p.m.

- I. Public Comment
- II. Minutes of June 2017 Planning Commission workshop Approval
- Minutes of June 2017 Planning Commission meeting Approval
- III. Plan Review
 - Geiger shed demolition Review/Approval
 - Miller Property Lighting Plan and architectural plans 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 4:00pm 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

June 14, 2017

The regular workshop of the Middletown Planning Commission took place on Wednesday, June 14, 2017 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission members Bob Miller (Acting Chairman), David Lake, Rich Gallagher, Dixie Eichelberger and Tom Catania (Ex-Officio). Others present in official capacity: Cindy Unangst (Staff Planner). Other applicants present: Ann Miller and Geoff Ciniero (Miller Property Plans).

JUNE MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW –

Miller Property Improvement Plans – Cindy went thru her staff report in its entirety. There was discussion concerning lighting and the need for the Planning Commission to approve any changes to the existing lighting. Ann Miller asked about signage requirements and her need for a directory sign. It was also determined that architectural plans and renderings will need to be submitted for review and approval by the Planning Commission.

Miller Property Demolition Plan – Cindy explained what was shown on the demolition plan, which includes demolitions pertinent to both Phase III renovation work and Phase IV renovation work. Due to the regulations pertaining to the replacement of non-conforming structures in Section 17.32.210 of the Town Code, and the time frame delegated for the replacement, the applicant stated that the plan will be revised such that the structure on the west side of the property will not be demolished at this time.

ZONING – none

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

June 19, 2017

The regular meeting of the Middletown Planning Commission took place on Monday, June 19, 2017 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, Dixie Eichelberger and David Lake. Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: Ann Miller (property owner), Geoffrey Ciniero (C.M.S. Associates), Jane Tamagna (town resident) and Parker Ranniger (town resident).

JUNE MONTHLY PLANNING COMMISSION MEETING:

- I. **PUBLIC COMMENT** – None
- II. **Regular Workshop Minutes of April 12, 2017** – Approved as submitted.
Regular Meeting Minutes of April 17, 2017 – Approved as submitted.

III. PLAN REVIEW

Miller Property Improvement 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. These improvement plans are 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 Site Plan was conditionally approved by the Planning Commission in July 2015. The stormwater management plan has been conditionally approved by Frederick County and the plans have been reviewed by State Highway. The applicant sent updated improvement plans and architectural drawings, but the staff planner did not receive them. Many of the suggested changes from the June workshop have been addressed on those plans and drawings. The zoning classification for the property needs to be indicated somewhere on the plans, per the staff report.

- **Parking** – The parking chart should be revised to indicate that of the total 53 spaces indicated, there are 3 handicap spaces and 50 regular spaces.
- **Lighting** – Current lighting associated with the site consists of flood lights directed to the interior of the lot from buildings located in the rear of the lot, and residential-type outdoor lights on the front of the old retail building in the front of the lot. The property owner states that the lighting will eventually change, but at the moment is not sure what it will be. Changes to lighting shall be approved by the Planning Commission and are typically shown on plans at the Improvement Plan stage.
- **Architectural Renderings** – The applicant had a copy of the updated architectural renderings and provided it to the planning commission to refer to in the discussion. It

was noted that any signage would have to go to the zoning administrator for approval. The applicant should submit architectural plans for the building renovations for review and approval to the Planning Commission.

- **Town Engineer Comments** – Copies of the Town Engineer's comments were sent to the developer to address. They were water and sewer comments.
- **Green Street Access** - Access to the property from the rear of the lot from East Green Street will be limited to commercial deliveries only. The applicant is currently working on addressing what type of gate/barrier to use. The fencing at the rear and side of the property will be improved to limit access points onto the rear of the property and to funnel foot traffic to more appropriate access points.
- **Neighbor Concerns** – Residents who reside on either side of the Miller property attended the meeting and voiced the concerns they had. Their concerns included traffic volume and parking, fencing materials used and its placement, lighting and how it would affect their personal property, business hours of operation, and noise volume from the new business. Many of their concerns could be addressed as part of the architectural review. The Staff Planner recommended that these neighbors sign up for the town's list serve for information regarding future meetings on this property development.

Action: Commission Member Miller motioned to conditionally approve the Miller Property Improvement Plan, conditional upon providing additional submittals and documentation addressing; the cover sheet update to reflect the correct number and type of parking spaces, zoning classification, architectural renderings, property lighting, town engineer comments, and East Green Street access. Seconded by Commission Member Eichelberger. Motion carried (4-0).

Miller Property Demolition Plan – (Ann Miller (property owner), Geoffrey Ciniero (C.M.S. Associates, the developer), present). This is the proposed removal of the large shed-like structure attached to the back of the main building (old retail building) and the removal of identified concrete structures near the main building. This is to be done to prepare for the re-development of the existing main building for future tenants and to address additional parking as part of the Phase III development. With approval, demolition would begin as soon as permits are received from Frederick County. Most of the requirements have been met. Adjacent property owners have been notified and the property has been posted. The demolition plan was updated to reflect comments from the June workshop.

- **30 Day Submittal Requirement** – Town Code requires that demolition site plans be submitted 30 days prior to a regularly scheduled planning commission meeting. The demolition plan was submitted in conjunction with the Phase III Improvement Plan and does not meet this 30-day requirement. Since the proposed demolition involves a building facing the interior of the property, and cannot be seen from Main Street, the Planning Commission decided to continue the review and approval of this demolition plan.
- **Town Engineer Comments** – Copies of the Town Engineer's comments were sent to the developer to address.
- **Hazardous Material Inspection** - The property owner has had the proposed demolition area professionally inspected and no hazardous materials were identified. The Planning Commission asked that a copy of that report be sent to the town for review.
- **Demolition Hours** – Adjacent property owners asked what time of day the proposed demolition would take place and over what time period. The Planning Commission can include that information as part of its motion to approve.

Action: Commission Member Lake motioned to conditionally approve the Miller Property Demolition Plan conditional upon; addressing the town engineer comments, submitting a copy of the hazardous material report for town staff to review, and that demolition will take place between the hours of 8:00pm and 5:00pm. Seconded by Commission Member Gallagher. Motion carried (4-0).

IV. ZONING – None

V. MISCELLANEOUS

School Complex Roadway Improvements - Forest Preservation– The Staff Planner reported that DNR has not replied to the question regarding monitoring and enforcement of the proposed forest preservation area identified as part of the school complex roadway improvement. Middletown follows guidelines set forth by the state of Maryland. Some municipalities have stricter guidelines that they follow. The Staff Planner will research this issue and provide feedback to the planning commission.

VI. ADDITIONAL PUBLIC COMMENT – None.

Meeting adjourned at 8:12pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary

Middletown Planning Office

MEMORANDUM

To: Middletown Planning Commission

Date: 7/28/2017

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **GEIGER SHED DEMOLITION SITE PLAN**

Tax Map Parcel #03-0127257

Applicant: Annalisa Geiger

Property Owner: Annalisa Geiger

Plan Dated: July 20, 2017

Date Received: July 20, 2017

GENERAL INFORMATION

Proposal: Remove an existing 8.7' x 10' metal shed behind the existing home on the property with the purpose of replacing it with a new 8.7' x 10' prefab shed in the same place

Location: 307 West Main Street

Zoning: TC Town Commercial

Present Use: storage shed

COMMENTS

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

1. All of the requirements of Section 17.32.160 (Demolition site plan – Required in all districts.) of the Middletown Municipal Code have been met.
2. An aerial photograph of the shed to be demolished (with an X) is shown below along with an attached photo. A site plan that shows the location of the shed to be demolished is also attached.



3. It is staff's understanding that letters were sent to the adjacent property owners informing them of the proposed demolition and a copy of that letter has been submitted. The property has been posted.
4. All demolitions and post demolition restoration shall be completed with ninety (90) days of issuance of a demolition permit unless otherwise approved by the Middletown planning commission.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Demolition Site Plan conditional on the demolition work being completed within 90 days.

This review will be included in the Middletown Planning Commission materials for the August 21, 2017 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be August 16, 2017.

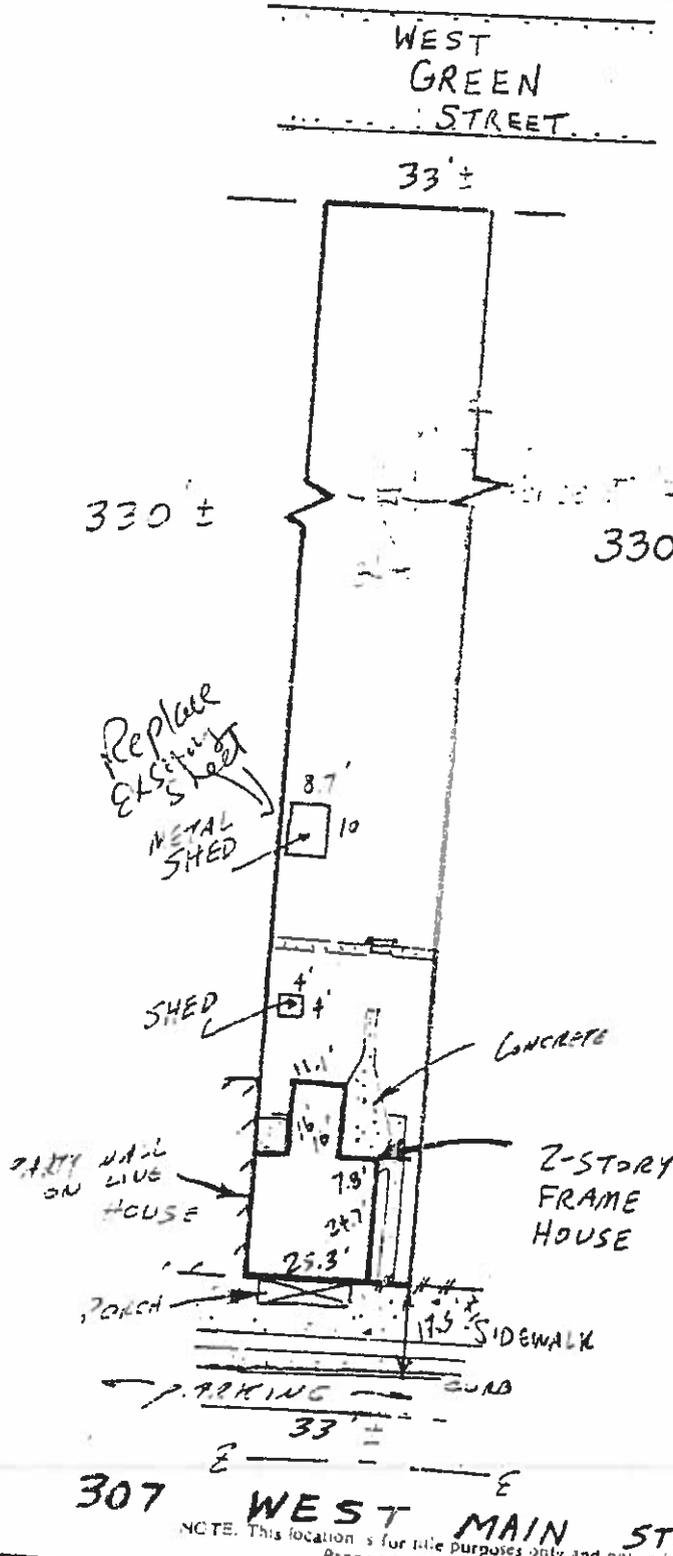
cc: Annalisa Geiger



SELLER: RUDOLPH BRANDENBURG and wife, EVELYN BRANDENBURG

LEGAL DESCRIPTION:

All that piece or parcel of land situate, lying and being on the north side of West Main Street in Middletown, Frederick County, Maryland, recorded in Liber 1143, Folio 238, one of the Land Records of Frederick County, Maryland, also locally known as 307 West Main Street, Middletown, Maryland.



HOUSE LOCATION SURVEY:
All that piece or parcel of land situate, lying and being on the north side of West Main Street Liber 1143, Folio 238, Frederick County, Maryland Land Records

BUILDING INFORMATION SYSTEMS SOURCES AND DATA

NOTE: This location is for title purposes only and not to be used for determining property lines. Property corner markers are NOT guaranteed by this location.

STATE OF MARYLAND
COUNTY OF FREDERICK

Cinthia Unangst
Planning Department
31 W Main St
Middletown MD 21769

The following information is in response to additional questions

- 1. The dimensions and boundaries of the property and the location of all improvements thereon;
 - See site plan already submitted
- 2. The location of the building or structure proposed to be demolished;
 - See site plan already submitted
- 3. The location of all adjacent properties and structures;
 - See site plan already submitted
- 4. The proposed date and time of demolition, the anticipated length of time for demolition, and the proposed manner or type of demolition to be used;
 - Demolition will commence upon issuance of permit, during normal working hours and is expected to take approximately two weeks, .demolition will be with hand tools (power drill ,hammer)
- 5. The identity of the person(s) or entity that will perform the demolition and information confirming the experience and professional credentials of such person(s) or entity;
 - Demolition will be performed by the homeowner Annalisa Geiger and husband Roger Geiger
- 6. Information describing any type of explosive or incendiary device proposed to be used in performing the demolition
 - No explosive or incendiary device will be used
- 7. A plan of safety precautions to be taken for the demolition to protect the safety of persons and surrounding properties;
 - Work to be performed is in a fenced in location
- 8. The location of all existing public utilities on the property and in the area and confirmation of a plan for the discontinuance of utility service to the structure or building proposed to be demolished
 - Work to be performed is in the rear of house in yard and replacement of shed so it will not conflict with water and sewer on the property

- 9. Assurances that the proposed demolition will be in compliance with all federal, state and local laws, ordinances and regulations including, but not limited to, any and all laws and regulations governing "Hazardous Materials" and the disturbance and/or removal of "Hazardous Materials" from the property; and
- There is no hazardous material, shed once demo will be taken to landfill to be recycled
- 10. A proposal and plan for any grading, seeding, sodding, or post demolition restoration of the demolition site.
- Shed of exact size to be replaced on site once demo is complete

Annalisa Geiger
307 W Main St
Middletown MD 21769

07/28/2017

Dear Neighbor,

I have applied to the town of Middletown Planning Commission for a permit to demolish the metal shed located on the property and replace with a new shed. Please let me know if you have any concerns. There will be a planning committee meeting re: this project on August 21 2017. You are encouraged to attend this meeting if you have any questions or concerns re: this project.

Sincerely yours,

Annalisa Geiger

A handwritten signature in black ink, appearing to read 'Annalisa Geiger', with a long horizontal flourish extending to the right.

Middletown Planning Office

MEMORANDUM

Date: 8/7/2017
Hansen# 14195

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MILLER COMMERCIAL PROPERTIES LIGHTING PLAN AND ARCHITECTURAL RENDERINGS**

Tax Map Parcel #03-0136108

Applicant: Geoff Ciniero, CMS Associates LLC

Property Owner: Miller Commercial Properties LLC

Plan Dated: July 25, 2017

Date Received: August 7, 2017

GENERAL INFORMATION

Proposal: Redevelop existing buildings in phases into new retail and/or restaurant uses. Parcel currently contains various vacant buildings plus the offices and storage facilities for Current Components. This lighting plan and architectural renderings are for Phase III of the re-development project which includes the renovation of the existing main building, construction of a new brick patio in the 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 the building.

Location: 121 & 203 East Main Street, on northeast corner 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 office and business services and storage, wholesale and warehouse buildings.

Present Use: Offices and warehouse for Current Components business. The rest of the buildings to be renovated are vacant.

COMMENTS

The following issues should be considered in your review of this Lighting Plan and architectural renderings:

1. **Previous review** – The Planning Commission reviewed the Improvement Plans for the Miller Property in June 2017. The draft minutes from that meeting are provided here for your consideration:

Miller Property Improvement Plans – (Ann Miller (property owner), and Geoffrey Ciniero, representative for CMS Associates, L.L.C. (the developer) were present.) This is the proposed re-development of existing buildings in phases into new retail and/or restaurant uses. These improvement plans are 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 Site Plan was conditionally approved by the Planning Commission in July 2015. The stormwater management plan has been conditionally approved by Frederick County and the plans have been reviewed by State Highway. The applicant sent updated improvement plans and architectural drawings, but the staff planner did not receive them. Many of the suggested changes from the June workshop have been addressed on those plans and drawings. The zoning classification for the property needs to be indicated somewhere on the plans, per the staff report.

- **Parking** – The parking chart should be revised to indicate that of the total 53 spaces indicated, there are 3 handicap spaces and 50 regular spaces.
- **Lighting** – Current lighting associated with the site consists of flood lights directed to the interior of the lot from buildings located in the rear of the lot, and residential-type outdoor lights on the front of the old retail building in the front of the lot. The property owner states that the lighting will eventually change, but at the moment is not sure what it will be. Changes to lighting shall be approved by the Planning Commission and are typically shown on plans at the Improvement Plan stage.
- **Architectural Renderings** – The applicant had a copy of the updated architectural renderings and provided it to the planning commission to refer to in the discussion. It was noted that any signage would have to go to the zoning administrator for approval. The applicant should submit architectural plans for the building renovations for review and approval to the Planning Commission.
- **Town Engineer Comments** – Copies of the Town Engineer's comments were sent to the developer to address. They were water and sewer comments.
- **Green Street Access** - Access to the property from the rear of the lot from East Green Street will be limited to commercial deliveries only. The applicant is currently working on addressing what type of gate/barrier to use. The fencing at the rear and side of the property will be improved to limit access points onto the rear of the property and to funnel foot traffic to more appropriate access points.
- **Neighbor Concerns** – Residents who reside on either side of the Miller property attended the meeting and voiced the concerns they had. Their concerns included traffic volume and parking, fencing materials used and its placement, lighting and how it would affect their personal property, business hours of operation, and noise volume from the new business. Many of their concerns could be addressed as part of the architectural review. The Staff Planner recommended that these neighbors sign up for the town's list serve for information regarding future meetings on this property development.

Action: Commission Member Miller motioned to conditionally approve the Miller Property Improvement Plan, conditional upon providing additional submittals and documentation

addressing; the cover sheet update to reflect the correct number and type of parking spaces, zoning classification, architectural renderings, property lighting, town engineer comments, and East Green Street access. Seconded by Commission Member Eichelberger. Motion carried (4-0).

2. **Acceptance of conditions of approval** – The applicant has updated the parking chart on the cover sheet (CV-1) to reflect the correct number and type of parking spaces. The applicant also added the zoning classification of the property to the Site Analysis Notes on Sheet C-1. Per the point-by-point response letter received on July 10th from Geoff Ciniero, P.E., Ms. Miller has decided, and per previous discussions with the Planning Commission, to limit the access off East Green Street to delivery trucks during the day only. When no deliveries are being made to the site, the access will be locked by a gate to vehicular traffic. An access will remain open for pedestrians during the day and evening during restaurant hours of operation. After hours, the pedestrian access will be locked to secure the site. The Town Engineer, Bruce Carbaugh, will verify that all his comments have been addressed.
3. **Lighting** – The proposed lighting consists of eight pathway-type lights around the stormwater facility and parking area, and eight goose-neck lights on the north, west and south sides of the main building (Phase III). The foot-candles show that the lighting is contained to the area around the lights due to their downward-facing design.
4. **Architectural plans and renderings** – Per Section 17.20.050 (Site plans required in commercial districts) of the Municipal Code, all applications for site plan approval shall include architectural plans, elevations, and architectural renderings or other information concerning the design and materials of the proposed building, to ensure aesthetically pleasing development compatible with adjacent or neighboring buildings. The applicant has submitted architectural plans for the building renovations for review and approval of the Planning Commission.

RECOMMENDATION

Staff recommends that the Planning Commission approve the Lighting Plan and architectural renderings with the understanding that any changes will be brought back to the Planning Commission for review and approval.

This review will be included in the Middletown Planning Commission materials for the August 21, 2017 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be August 16, 2017.

cc: Geoffrey Ciniero, P.E., applicant
Ann Miller, property owner

PROCESS SET: NOT FOR CONSTRUCTION



1 SOUTH ELEVATION
A-5

2 NORTH ELEVATION
A-5

3 WEST ELEVATION
A-5

4 EAST ELEVATION
A-5

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 8/1/2017

RE: Monthly Planning Update - August

Major Subdivisions:

Middletown Glen - Preliminary plans signed – May 29, 2013
Improvement plans conditionally approved – October 16, 2013
Final Plats conditionally approved – November 17, 2014
Plats 1 & 2 recorded at Courthouse – May 17, 2016
FRO planting at Remsberg Park completed – February 2017
Plat 3 recorded at Courthouse – March 1, 2017
Next step – record additional final plats

Site Plans, Plats and Minor Subdivisions:

Cross Stone Commons – Final FRO Plan approved – May 19, 2014
Revised Site Plan conditionally approved – October 20, 2014
Improvement Plans conditionally approved – March 16, 2015 (Plans expire 3/16/2018)
Next step – submit architectural renderings for buildings #2 and 4 for review/approval

Fire Station – BOA approved height variance request - October 20, 2016
Revised Site Plan conditionally approved – October 17, 2016 (Plans expire 10/17/19)
Demolition plans conditionally approved – December 19, 2016
Improvement Plans conditionally approved – December 19, 2016 (Plans expire 12/19/19)
Final plat recorded at Courthouse – February 7, 2017
Improvement Plan mylars signed – May 30, 2017
Building permit conditionally approved – June 29, 2017

Franklin Commons - Site Plan conditionally approved – January 19, 2015 (Plans expire 1/19/2018)
FRO plan conditionally approved – January 19, 2015
Improvement Plans conditionally approved – Sept. 21, 2015 (Plans expire 9/21/2018)
Mylars signed – January 4, 2016
Next step – submittal of PWAs for approval and apply for building and grading permits

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 Mylars signed – July 21, 2017
Next step – submittal of PWAs for approval and apply for building and grading permits

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 hearing for variance requests (approval received) – March 29, 2016 (Expired 3/29/17)

SWM plans submitted to SCD and Frederick County – December 5, 2016

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

Miller (Ingalls) – Concept and Phase I & II Plan approved & signed – September 27, 2010

Revised Concept Plan reviewed by PC – September 16, 2013

Site plan conditionally approved by PC – July 20, 2015 (Plans expire July 20, 2018)

Improvement plans conditionally approved by PC – June 19, 2017

Demolition plan conditionally approved by PC – June 19, 2017

Lighting plans submitted – July 27, 2017

Architectural renderings submitted – August 7, 2017

Next step – submittal of PWAs for approval and apply for building and grading permits

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

Site Plan reviewed by PC – May 16, 2016

Revised Site Plan conditionally approved by PC – June 20, 2016 (Plans expire June 20, 2019)

Next step – submit improvement plans for review/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

Technology MD Network Company permit application – withdrawn – March 15, 2017

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

Text Amendments:

Reports:

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

Meetings: Next Middletown Green Team Meeting – August 16, 2017

Next Joint town board/planning commission workshop – November 6, 2017