

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

February 18, 2019

The regular meeting of the Middletown Planning Commission took place on Monday, February 18, 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: Jim Hoover (Zion Lutheran Church), Hebba Hassanein (The Valley School), Bob Smart (resident), and Alex Kundrick (resident).

FEBRUARY MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None

II. INTRODUCTION OF NEW PLANNING COMMISSION MEMBER – Temp Alternate Eric Ware – Chairman Carney formally introduced Eric Ware as the new Temp Alternate to the Planning Commission. Commission member Ware is a resident who loves Middletown and is excited for the opportunity to serve on the Planning Commission.

III. Regular Workshop Minutes of January 16, 2019 – Approved as submitted.

Regular Meeting Minutes of January 21, 2019 – Approved as submitted.

IV. PLAN REVIEW

Zion Lutheran Church Addition Plat – (Jim Hoover (Zion Lutheran Church Administrator) present). Both lots being considered for this addition plat are owned by the church; addition of parcel A (5513.6 square feet) at the corner of Elm Street and West Green Street to the original area of the main church lot will result in a lot area of 74,235 square feet or 1.7044 acres. The remainder of Parcel 6137/234 will result in a lot of 5,535.4 square feet or 0.1270 acres. The lots are located in TC Town Commercial district and are situated on West Main Street, Elm Street and West Green Street. The plat was submitted to the Health Department for review and approval. ARRO Engineering reviewed the plat and sent comments to the Staff Planner today. The Staff Planner reviewed those comments and is not sure if the information ARRO suggested being placed on the plat is necessary. The Staff Planner will review and provide input. The Staff Planner reviewed the proposed new plat which showed where the new property lines would now be. She also explained Zion Lutheran Church’s reasons for this plat addition.

- **Addition Plat Requirements** – Certain information required for an addition plat, per Town Code, has been shown except for the registered surveyor signature certifying it as an accurate survey. The plat will be signed prior to Plat recordation.
- **Nonconforming Structure** – The existing white brick building on the remainder lot fronts West Main Street is an existing nonconforming principal structure to the front and side yard setbacks.
- **Required Lot Area, Lot Width and Yards in the Town Commercial District** – Per section 16.12.040 of the Town Code “*No transfer of land shall be approved if the original lot from which the transfer was made causes said lot to be less than the minimum lot size for its zoning district or causes the lot to be in violation of any other applicable zoning or health requirements*”. The

minimum building restriction lines for the Town Commercial district are a front yard depth to be determined by the planning commission, each side yard is to be 5 feet, and the rear yard is to be 25 feet in depth as stated in Note #6. There is no minimum lot area or lot width in the Town Commercial district. The plat shows the 25-foot rear setback for the remainder lot. The Zoning Code reference in Note #6 is incorrect and should be revised. The reference used is Frederick County's Code; the correct Middletown Zoning Code reference is 17.20.060.

For residential uses in the Town Commercial district, the R-3 setbacks are to be used which are a front yard of 35 feet, 12-foot side yards and a rear yard of 40 feet. Residential uses in the TC district shall meet the lot area requirements of the R-3 district which requires a minimum lot area of 6,000 square feet and a minimum lot width of 60 feet. If the remainder lot were to be used exclusively for residential purposes, it would not meet the necessary minimum lot area or lot width.

Action: Commission member Miller motioned to conditionally approve the Zion Lutheran Church Addition Plat, conditional upon revising the code reference in Note #6, approval by the Health Department, revising the plat per agreed upon comments by ARRO Engineering and Town staff, and it comes with the understanding that any future building development or change of use of the parcels on the plat will be submitted in the regular manner for approval in accordance with the provisions of the existing zoning regulations.. Seconded by commission member Gallagher. Motion carried (5-0).

The Valley School Revised Site Plan – (Hebba Hassanein (Owner) present). This is for the proposed addition of a shed, not to exceed 150 square feet, at 30 East Green Street; at the Valley School property. The shed would be placed behind the trash enclosure and used to store classroom supplies and equipment. The yard requirement for a one-story accessory building is that it may project into the side and rear yards providing it projects no closer than six feet to the side or rear lot lines. The trash enclosure is 10 feet from the side lot lines, and the proposed shed would be in line with the enclosure. The proposed shed is vinyl, standing 7.65 feet in height, and would sit on a concrete base.

Action: Commission member Lake motioned to approve the revised Valley School Site Plan for the addition of a small shed, less than 150 square feet, on the east side of the property behind the trash enclosure, as presented. Seconded by commission member Eichelberger. Motion carried (5-0).

V. ZONING - None

V. COMPREHENSIVE PLAN REVIEW

Comprehensive Plan Update - Timeline – The implementation of the Comprehensive Plan update has been put on hold so as to include information from the 2020 Census. A new timeline will be developed after discussion at the next joint Town Board/ Planning Commission meeting May 6, 2019. Public forums will be included in the new timeline.

VI. MISCELLANEOUS

Planning Commission Rules of Procedure – The Planning Commission members reviewed the Planning Commission Rules of Procedure at the February workshop. It is beneficial to review the established procedures occasionally. Chairman Carney stated that during future meetings commission members should raise their hands to be recognized in order to speak. The Alternate (commission member Eichelberger) and Temp Alternate (commission member Ware) positions were recognized on the valuable opinions and input they provide at the meetings even though they may not be voting.

VII. ADDITIONAL PUBLIC COMMENT

Staff Planner Planning Department Monthly Planning Update – The Staff Planner updated the Planning Commission on several projects occurring within the Town.

- **Middletown Glen** – There are 14 lots left available for sale.
- **Cross Stone Commons** – Building 4 construction has begun.
- **Franklin Commons** – The Improvement Plans will probably come before the Planning Commission at the March meeting for reapproval. There are no changes to those plans.

Meeting adjourned at 7:44pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary