

# MIDDLETOWN PLANNING COMMISSION

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

October 16<sup>th</sup> Workshop agenda for the October 21, 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 September 2019 Planning Commission workshop Approval  
Minutes of September 2019 Planning Commission meeting Approval
- III. Plan Review  
Hollow Creek Professional Center Revised 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**

**September 11, 2019**

The regular workshop of the Middletown Planning Commission took place on Wednesday, September 11, 2019 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Vice Chairman Rich Gallagher, Commissioner Tom Catania (Ex-Officio), Commission Members Bob Miller, David Lake, Dixie Eichelberger, Alternate, and Eric Ware, Temporary Alternate. Others present in official capacity: Cindy Unangst (Staff Planner). Applicants present: Mike Tabor, Ann Miller, Geoff Cinero. Residents present: Jane Tamagna, Lonnie Darr, Jeannine Ranniger, Sean Maher.

**SEPTEMBER MONTHLY PLANNING COMMISSION WORKSHOP:**

**PLAN REVIEW** –

**Tabor Barn Demolition Plan** – Cindy briefly provided her comments from the staff report and the information from the letter by the Tabors about the proposed demolition. There was discussion about the existing foundation, what will take the place of the barn, concern about the existing utility lines close to the barn, and whether the barn has any historical significance. Mr. Tabor provided answers to all the commission members questions.

**Miller Property Redline Site & Improvement Plans** – Cindy spoke about why the Miller Property plans were back before the commission which was due to changes made on the site that were not shown in the approved site plan. The most significant changes were to the lighting on the site. Commission members asked Ms. Miller and Mr. Cinero why the changes were made. Commission member Gallagher stated that he would like the applicant to submit a list of all the redline changes, including any changes not already shown on the plans, with the rationale for the changes. Neighbors to the property, Jane Tamagna and Lonnie Darr, were given the opportunity to talk about their concerns with the changes to the lighting, the location of the trash corral, and the fence to be installed adjacent to their property.

**ZONING** – none

**MISCELLANEOUS**

Commissioner Catania briefed the commission members on some of the actions by the Town Board from their meeting on Monday, September 9<sup>th</sup>, including the LED solar-powered walking sign lights to be installed and their locations in town, the new crosswalk being installed on East Green Street, and the two new EV stations to be installed by Potomac Edison and their locations.

**Workshop adjourned at 8:22pm.**

Respectfully submitted,

Cynthia K. Unangst, AICP  
Middletown Staff Planner

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

**Regular Meeting**

**September 16, 2019**

The regular meeting of the Middletown Planning Commission took place on Monday, September 16, 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: Mike Tabor (property owner), Ann Miller (property owner), Chris Miller (business associate), Geoffrey Ciniero (C.M.S. Associates), Lonnie Darr (town resident), Jane Tamagna (town resident), Parker Ranniger (town resident), and John Miller (town resident).

**SEPTEMBER MONTHLY PLANNING COMMISSION MEETING:**

- I. PUBLIC COMMENT** – None.
- II. Regular Workshop Minutes of August 14, 2019** – Approved as submitted.  
**Regular Meeting Minutes of August 19, 2019** – Approved as submitted.

**III. PLAN REVIEW**

**Tabor Barn Demolition Site Plan** – Mike Tabor (property owner) present). This is for the proposed demolition of an approximately 1,700 square foot 100-year-old barn at 10 Boileau Drive. All the requirements per the Town Code have been met. Adjacent property owners have been notified of the proposed demolition, and the property was properly posted. The Barnyard Boys from Peach Bottom, PA will be completing the work. The demolition plan was approved by Frederick County on September 6, 2019. The permit will be issued once the Town Zoning Administrator signs off on the permit after Planning Commission approval. Once approved, demolition is set to begin as soon as the permit is received and is proposed to last from three to six working days, weather dependent.

The Planning Commission requested that the applicant provide the Maryland license number of the company handling the demolition to prove it is licensed to complete the work in Maryland.

**Action:** Commission Member Lake motioned to approve the Tabor Barn Demolition Site Plan as presented, and the demolition work shall be completed within 90 days. Seconded by Commission Member Gallagher. Motion carried (5-0).

**Miller Property Redline Site & Improvement Plans** – (Ann Miller (property owner), Geoffrey Ciniero (C.M.S. Associates), Lonnie Darr (town resident), Jane Tamagna (town resident), Parker Ranniger (town resident), and John Miller (town resident) present). This is in regards to the proposed re-development of existing buildings in phases into new retail and/or restaurant uses. This 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 203 East Main Street. The site and improvement plans have been revised to add red-line revisions for changes to the lighting on the site; changes to the porch; and the addition of fencing on the east side of the property.

- **Lighting Changes** - The redline changes to the site and improvement plans include changing the type and pole heights of the parking lot poles in the area of the stormwater management facility from 8-foot in height to 15-feet in height; changing the type and height of the other parking lot pole on the west side of the property from 8-foot in height to 8.5-foot in height, which will include a shield on the western side of the fixture; adding a 15-foot pole light on the island at the northeastern corner of the Phase III building; changing the wall lights from a “goose-neck” type to a low profile wall light; adding wall lights to the back and at the side and front doorways; and adding string lights over the patio in the front. The previously approved pole lights were identified as antique streetlamps, while the new pole lights are a more modern look. The changes to the pole lights meet the regulations in Section 17.32.245 – Outdoor lighting standards, in which pole lights shall be located at least ten feet from the closest exterior property lines and stand-alone light poles located more than 25-feet from the property lines shall not exceed a maximum height of 20-feet, which height shall include any base, wall pedestal, platform or other supporting structure. The changes to the wall-mounted lighting also meet the regulations of the Code which states that any lighting which is mounted or secured to a wall of a building, including wall-packs, shall not be located more than 25-feet above the surface of the ground directly below it. The wall-mounted lighting is shown to be located at a height of six-feet except for one light located at a height of twelve-feet on the west side of the building. Sheet LT-2 shows renderings of the fixtures that directs lighting in a downward direction. Section 17.32.245 of the Code does not address lighting such as the string lights, although landscape and architectural lighting are addressed. Also, the number of step lighting fixtures has been reduced from 14 to 2.

According to the Municipal Code, exterior lighting fixtures shall include full cutoff features and shall be directed downward on the site, so that the light does not create excessive glare on adjacent properties, and light trespass from the originating property shall not exceed 0.5 footcandles measured on a vertical plane five feet above grade at the property line. The proposed footcandles on the west side of the property are 0.1 at the property line, and on the east side of the property are less than 0.1 at the property line.

- **Trench Drain Changes on Patio** – The trench drain on the patio was expanded to the west side of the patio steps, and the planter box was removed and replaced with concrete.
- **Fencing/Screening** –
  - **Fencing** - The addition of fencing on the east side of the property was added to the plans. The fence will be a 6-foot tall sight-tight fence to replace the chain-link fence currently located between the two properties. It will be the same as the fencing installed on the west side of the property. The fence will be erected completely on the Miller Property.
  - **Screening** – There is a small change to the trash enclosure. It has been reduced in size and will no longer encompass the existing transformer.

At the September workshop the applicant was asked to provide a listing of all red-line changes and the reasons for each change to the Planning Commission for review at tonight’s meeting. See Addendum #1. The Planning Commission reviewed and discussed each item on the list provided. Prior to the motion, the Planning Commission requested that the Staff Planner add another column to that spreadsheet which would list the conditions/requirements of approval for each item. See Addendum #2.

**Action:** Commission Member Lake motioned to conditionally approve the Miller Property Redline Site and Improvement Plans according to the 15 items identified and discussed; on items with modifications listed, they are to be added to the plans; items related to lighting are to be addressed prior to the restaurant opening; all other items are to be completed within 90 days of the restaurant opening; if changes do not occur, the applicant will have to come back before the Planning Commission for review and discussion; the Staff Planner will review all item actions for compliance. Seconded by Commission Member Miller. Motion carried (4-1). Commission member Gallagher voted against.

**IV. ZONING – None**

**V. MISCELLANEOUS - None**

**VII. ADDITIONAL PUBLIC COMMENT - None**

Meeting adjourned at 9:12pm.

Respectfully submitted,

Annette Alberghini  
Recording Secretary

**DRAFT**

# Middletown Planning Office

## MEMORANDUM

Date: 10/9/2019  
Hansen# 19932

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **HOLLOW CREEK PROFESSIONAL CENTER SITE PLAN**  
Tax Map Parcel #03-0140989  
Applicant: David Lingg, Lingg Property Consulting  
Property Owner: Mark Lancaster Properties, LLC  
Plan Dated: August 1, 2019  
Date Received: October 4, 2019

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### GENERAL INFORMATION

Proposal: Property is to be developed with 47,970 square feet ± of commercial space in three separate buildings with 205 parking spaces, and 2± acres reserved for future development

Location: North side of US Route 40-A (Old National Pike) just east of the Safeway shopping center

Zoning: GC General Commercial. This district permits numerous uses along with numerous special exception uses with Board of Appeals approval. The intent of the district is to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. The location should be such that stores and commercial activities can be grouped together in an attractive and convenient manner that will not infringe on residential areas.

Present Use: vacant

### COMMENTS

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

#### 1. Minutes from site plan review on August 19, 2019 –

**Hollow Creek Professional Center Site Plan** – (David Lingg (Lingg Property Consulting), Mark Lancaster (Lancaster Craftsman Builders) and Mark Crissman (Daft McCune Walker) present). This is for the proposed property development with 50,640 square feet ± of commercial space in three separate buildings with 212 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. This district permits numerous uses along with numerous special exception uses with Board of Appeals approval. The intent of the district is to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. The location should be such that stores and commercial activities can be grouped together in an attractive and convenient manner that will not infringe on residential

areas. The proposed development appears to be consistent with the goals and objectives of the comprehensive plan. There are no environmentally sensitive areas, floodplain or wetlands on the site. The property was annexed into the town in 1973. The site is not within an historic survey district and is not a historic site. The site is adjacent to a General Commercial zoned property and has been zoned General Commercial for at least 25 years. The plans have been provided to the Town Engineer and the Town's consulting engineer for review. Due to an information distribution error, the lighting plan for the site will be reviewed in conjunction with the next site plan submission. Staff recommends that the Planning Commission table the Site Plan until the applicant has addressed the following: concerns of the Staff Planner; review of the stormwater management concept plan by Frederick County; submittal of appropriate documents by the owner of the adjacent shopping center and BB&T bank agreeing to proposed changes to the existing drive aisles, parking and islands in the shopping center; and review and approval of the right-in/right-out at Alternate US-40 by the State Highway Administration.

Together the consultant and the property owner reviewed the Site Plan with the Planning Commission.

- **Changes from the Concept Plan Reviewed January 2019** - Previously the concept plan showed 48,800 square feet ± of commercial space in three separate buildings in addition to the possibility of self-storage areas in the rear of the property. The revised plan shows 50,640 square feet of commercial space in three separate buildings in addition to 2± acres reserved for future development. The site plan continues to show two one-story retail pads and one three-story office building. The proposed retail square footage of 9,200 square feet now includes an additional ancillary restaurant/retail use of 2,000 square feet to be located on the 1<sup>st</sup> floor of the office building. The proposed office square footage decreased from 39,600 square feet to 39,440 square feet. The prior concept plan showed 208 parking spaces plus 8 for the self-storage use, while the revised plan shows 212 parking spaces including 8 handicapped spaces.
- **Traffic Impact Analysis** - A traffic impact analysis was prepared by The Traffic Group. The study indicates that the project site is proposed to be developed with 39,600 square feet of general office, 9,200 square feet of retail uses, and 30,000 square feet of mini-warehouse. The study does not include the proposed restaurant use which is ancillary to the office building. Two different access scenarios were created: each scenario has access via the existing traffic signal at Alt. US 40 at Middletown Parkway/Town Center Plaza, and a second scenario consists of a full movement access east of that traffic signal. The analysis study results indicate that the intersection of Alt. US40 @ Middletown Parkway/Town Center Plaza is operating at acceptable levels of service and will continue to operate with acceptable levels of service during each of the peak periods with the methodologies used for the analysis. The proposed East Site Access has some delay while leaving the site during the evening peak hour only. A full movement access at that intersection is recommended since the methodology used typically overestimates the delay times according to the analysis. It is the opinion of The Traffic Group that the proposed Professional Center meets the requirements for approval without offsite intersection mitigation. The consultant had sent an email today trying to clarify the findings of the traffic study. Due to both the technical nature of the report provided by The Traffic Group and the traffic study questions from Planning Commission members, it was suggested that an executive summary of the report be provided to the Planning Commission and that a representative from The Traffic Group attend a future Planning Commission meeting to provide clarification.
- **Transportation Plan** - The site plan shows a proposed 30-foot wide right-in/right-out access to the property from U.S. 40 (Alt). The granting of access to the property at that location will be determined by the State Highway Administration. In relation to traffic patterns, the developer has held discussions with the shopping center owner and BB&T Bank personnel to discuss possible improvements to the circulation into and through the property to make the necessary connections to the proposed development. The applicant should submit written documents of approval by those entities before the Planning Commission grants approval of the site plan. Sheet 6 shows a truck circulation plan that will need to be reviewed by the Town Engineer. If the rear of the

proposed development is to include RV and boat storage, the turning radiuses within the two properties will need to be examined.

- **Sidewalk Access** – Concerns were raised regarding pedestrians accessing the site from USAlt40. The site will utilize the crosswalks already in place across USAlt40 at the entrance to the Safeway Shopping Center. The developer identified the “pedestrian loop” that connects the Safeway Shopping Center and the Hollow Creek Professional Center buildings. It was suggested that the developer widen the lane along BB&T in order to place a sidewalk there. It was also suggested that the developer strategically place crosswalks for foot traffic that will flow from Safeway to the 2 buildings in the front of the Hollow Creek Professional Center site.
- **Loading and Service Area** - The numbers of spaces required per the Code are one space for a building floor area up to 8,000 square feet, three spaces for 25,001-40,000 square feet, and 4 spaces for 40,001-60,000 square feet. Using the total square footage for the buildings the applicant determined the number of loading spaces required would be four as stated in General Note #6 on Sheet 1. The applicant has shown a dedicated loading space (of the required size) at the office building, one smaller loading space (van/box truck size) at the retail pads, and has indicated that the proposed drop-off area of the office building will function as off-hours loading for two of the required spaces. It was suggested that the applicant provide a written explanation concerning projected delivery scenarios, including expectations and the number of daily deliveries.
- **Safeway Shopping Center Site Plan** – Since the proposed development will impact the Safeway Shopping Center, it was suggested that the Planning Commission review the changes to the Safeway Shopping Center site plan in conjunction with this site plan.
- **Architectural Review** – All applications for site plan approval should include architectural plans, elevations and renderings. The applicant will submit the required renderings and elevations for review by both the Planning Commission and the Main Street Design Committee.

**Action:** Commission Member Lake motioned to table the Hollow Creek Professional Center Site Plan until further information is provided by the applicant which addresses identified concerns, and upon further review by the Planning Commission. Seconded by Commission Member Gallagher. Motion carried (5-0).

2. **Changes from site plan reviewed in August 2019** – Previously the site plan showed 50,640 square feet ± of commercial space in three separate buildings in addition to 2± acres reserved for future development. The revised plan shows 47,970 square feet of commercial space in three separate buildings. The site plan continues to show two one-story retail pads and one three-story office building. The proposed ancillary restaurant/retail use has been increased to 2,600 square feet (from 2,000 sf) to now be located on the western side of the 1<sup>st</sup> floor of the office building. An outdoor seating area of 1,000 square feet will be a covered area. The proposed office square footage decreased from 39,440 square feet to 36,170 square feet. The total area of building footprint decreased from 10% to 9% of the total net area of the site (does not include area reserved for future development); the total area of paving also decreased, while the total area of hardscape/green space increased a percentage, according to General Note #4.

The prior site plan showed 212 parking spaces, while the revised plan shows 205 parking spaces which still includes 8 handicapped spaces. Two additional parking spaces were added to the BB&T southern parking lot, while other areas of the proposed development had spaces deleted. There were also changes made to the loading spaces/areas which are discussed in comment #11 below. The drop-off area in front of the office building was increased to 14-foot wide from 12-foot wide. Setbacks for the office building were increased from 51-feet on the eastern side to 54-

feet, and from 67-feet on the western side to 97-feet. Additionally, a proposed variable width, revertible grading easement from the adjoiner to the east (A.C. Jets) is shown on Sheet 2.

3. **Consistency with Comprehensive Plan** – The proposed development appears to be consistent with the goals and objectives of the comprehensive plan. There are no environmentally sensitive areas, floodplain or wetlands on the site. The property was annexed into the town in 1973. The site is not within an historic survey district and is not a historic site. The site is adjacent to a General Commercial zoned property and has been zoned General Commercial for at least 25 years. The Municipal Growth Element states as an objective that commercial uses be designed and scaled to be compatible with the neighborhood in which it is located.
4. **GC District Uses** – General Note #2 on Sheet 1 states that all proposed buildings will contain uses permitted within the Town of Middletown General Commercial zone. Special exception uses for the General Commercial district that would need a recommendation from the Planning Commission and subsequent approval by the Board of Appeals include gas stations, greenhouses, private and commercial schools, retail of construction and building materials, vehicle repair and services, vehicle sales, animal kennels and clinics, child care centers, and self-storage rental spaces for storage of personal goods.
5. **Site plan requirements** – Section 17.20.050 of the Municipal Code states that whenever any use is to be established within the GC district, a site plan of development must be submitted. The site plan shall show proposed building location and use, driveways, parking and loading areas, landscaping, water and sewer facilities, storm drainage facilities and street lighting, all showing relationships to adjacent development. The submitted site plan is in conformance with this regulation. The site plan requirements listed in Section 17.32.240 for all site plan submissions have all been met as well.
6. **Red-line revisions to Town Center Plaza property** – Sheet 3 has been included with this plan submission which shows the proposed red-line revisions to the existing Town Center Plaza property. The proposed changes include reconfiguring and widening the drive aisle north of the BB&T bank pad, relocating parking spaces within the shopping center property, and relocating some of the displaced parking spaces onto the Hollow Creek Professional Center property which will be accessed via a “blanket parking, ingress/egress, and pedestrian easement.” A copy of that easement to be executed by and between both property owners will need to be submitted to the Planning Commission before final approval of the plans. Also shown are proposed sidewalks to increase pedestrian connectivity between the two projects as well as a signage easement and a shared dumpster location easement. Contained on Sheet 3 is a parking calculation that shows 307 parking spaces are currently existing and the proposed parking, which includes parking on the Town Center Plaza site and in the proposed off-site easement areas on the Hollow Creek Professional Center, will remain at 307 spaces.
7. **Curbs, gutters and sidewalks** – According to Section 16.28.030R., curbs, gutters and sidewalks shall be provided in front of all nonresidential lots. Based on discussions during the last site plan review, the applicant has proposed some new sidewalks on the Town Center Plaza property as shown on Sheet 3, both west and north of the BB&T bank and east of the Safeway food store. At both of those locations, crosswalks have been added to connect them to the new development.

8. **Traffic Impact Analysis** – A traffic impact analysis was prepared by The Traffic Group and was revised to include requested information based on the last review by the planning commission. The Traffic Engineer will be in attendance for both the workshop and the PC meeting this month. The study indicates that the project site is proposed to be developed with 39,600 square feet of general office, 9,200 square feet of retail uses, and 30,000 square feet of mini-warehouse. The study does not include the proposed restaurant/retail use which is ancillary to the office building. Two different access scenarios were created: each scenario has access via the existing traffic signal at Alt. US 40 at Middletown Parkway/Town Center Plaza, and a second scenario consists of a right in/right out movement access east of that traffic signal. The previous report stated that the second scenario consisted of a full movement east of the traffic signal. A conservative 3% growth rate was applied to the three-year build-out period for the background condition. (As a comparison, a 1% growth rate was applied to the two-year build-out period for the background condition for the Cross Stone Commons traffic impact analysis.) The analysis study results indicate that the intersection of Alt. US40 @ Middletown Parkway/Town Center Plaza is operating at acceptable levels of service and will continue to operate with acceptable levels of service during each of the peak periods with the methodologies used for the analysis. The proposed right in/right out east site access is projected to have some minor delays but is considered acceptable based on the HCM Unsignalized methodology. It is the opinion of The Traffic Group that the proposed Professional Center meets the requirements for approval without offsite intersection mitigation.

The paragraph at the top of page 4 now includes a statement explaining the 95<sup>th</sup>-percentile queue as used in the intersection capacity analyses. It clarifies the definition of the 9<sup>th</sup>-percentile queue as the queue length that has only a 5-percent probability of being exceeded during the analysis period, and is a useful parameter for determining the appropriate length of turn pockets. Also included in the revised report is information on page 12 under Trip Generation/Distribution that explains why the standard practice accepted by Frederick County is to utilize the trips from the evening peak for the morning peak hour for consistency between the two time periods. One minor change shown in the revised report is the number of feet shown for the left lane on the Middletown Parkway in Exhibit 2; previously it was shown as 220-feet, and is now being shown as 235-feet. The applicant should inform the commission about why that change was made. A copy of the traffic impact analysis has been sent to the Town's consulting engineer for review, and a copy has also been sent to SHA for review and comment.

9. **Lot requirements** – Within the GC General Commercial district, there is no minimum lot area or minimum lot width. The front yard depth is 40 feet, side yards are to be a minimum of 20 feet and the rear yard depth is to be at least 40 feet. Yard requirements in the GC district are to be measured from the parking area or structure, whichever is closest to the lot line. The proposed site plan meets the lot requirements as indicated on the plans and in General Note #3 on Sheet 1. The proposed rear yard building setback is now shown as 246.5 feet; previously the rear yard setback was shown as 248.9 feet.
10. **Parking requirements** – General Note #5 gives a thorough accounting of the parking and loading requirements for the proposed development. The parking requirements are broken down into the three proposed or potential uses depending on leasing for the 2,600 square-foot restaurant or retail space on the first floor of the office building. According to the proposed

square footage and usage of the three buildings, the total parking spaces required per the proposed square footage for the retail and office buildings would be a maximum of 205 spaces. Changes from the previous site plan include a reduction in the number of spaces required for the office building from 131 to 120.57 due to a decrease in the square-footage for office space. There is also an increase in the number of spaces required for a restaurant use from 13 to 17 spaces. The applicant has included the square footage of the outdoor seating area for seasonal seating of five months out of the year. The applicant has shown 205 spaces provided on the plan which meets the stated parking requirement.

The site plan shows how the proposed parking would be integrated with the existing parking in relation to drive aisles and so forth. Due to the proposed changes to the drive aisles, parking spaces and parking islands, the thirty-three parking spaces that are proposed to be removed from the existing shopping center lot would be replaced by the same number of spaces as shown on the plans (see Sheet 3). Some of those replacement spaces would be located on the shopping center property, and some would be located on the site of the proposed development. There will need to be documentation from the owner of the shopping center and the BB&T bank that they have approved the proposed changes to their properties.

11. **Loading and service areas** - Off-street loading space requirements (Section 17.32.070) state that every building used for commercial use shall provide space on the property to be used exclusively for loading and unloading of vehicles. The numbers of spaces required per the Code are one space for a building floor area up to 8,000 square feet, three spaces for 25,001-40,000 square feet, and 4 spaces for 40,001-60,000 square feet. If you look at the total square footage for the buildings, which is what the applicant did, the number of loading spaces required would be four as stated in General Note #5 on Sheet 1. The applicant has moved the dedicated loading space (of the required size) at the office building from the NE corner to the NW corner due to the change in the location of the ancillary use on the first floor. Additionally, a 9' x 40' loading space has been added along the east side of Pad #2.

If you were to determine the number of loading spaces required per building square footage, then the two retail buildings would require one loading space each, and the office building with ancillary restaurant would require three spaces for a total of five loading spaces on the site. Loading docks, service areas or other similar features are to be screened from view from all public streets and adjoining residential districts. The one loading area at the office building looks to be in an area that will be screened from public streets and adjoining residential districts, but the small loading space at the front of the pad sites does not look to be a screened area and isn't the required size. General Note #5 provides additional information regarding the loading spaces provided and screening related to those spaces.

12. **Stormwater management approval by Frederick County** – A Stormwater Management Concept Plan and Concept Stormwater Management Report have been submitted to Frederick County for review and approval. The site plan shows numerous Environmental Site Design facilities located within the parking areas.
13. **Landscape plan** – The landscape plan (Sheet 5) now shows a total of 128 proposed deciduous and evergreen trees (previous plans showed 108) and 163 proposed deciduous and evergreen shrubs (previous plans showed 138) to be planted on and off the site, with the off-site plantings

being proposed for the shopping center and BB&T sites. The net increase in the number of trees and shrubs is 45. The proposed trees are to be 5-6 foot, or 2"-2 1/2" caliper balled and burlapped plants. The proposed shrubs are to be 24"-30" in height except for the hollies which are to be 18"-21" in height. The variety of trees and shrubs for the site are generally a good mix of native plants with a good distribution along the boundary and within the parking areas. The previously proposed non-native Village Green Zelkova have been replaced with native sweetgums; the non-native Carrissa Holly shrub have been replaced with the native Inkberry Holly (*Ilex glabra*), and the non-native Sea Green Juniper has been replaced with the native Kosteri Juniper (*Juniperus virginiana 'Kosteri'*) shrub.

14. **Signage** – A proposed monument sign is indicated on the plans near the BB&T Bank on property outside of the limits of the lot being developed. There will need to be an agreement with the shopping center owner with approval for a sign at that location. A rendering of what the retaining wall sign might look like has been included with the plans for review. There are no sign regulations in the Municipal Code for such a sign since it would not be considered a wall sign due to it not being attached to any part of a building.
15. **Lighting** – A Lighting Plan (Sheet 6) is included in the plans and lighting contours have been added. Most of the proposed light poles on the eastern side of the property have been moved a few feet to the west on the parking islands so that the footcandle measurements at the property line are not greater than 0.5 at the property line. One set of pole lights on the western side of the property to the north of the proposed office building has also been moved a few feet to the east to avoid footcandle measurements above 0.5 at the property line. A pole light to the west of proposed pad #1 has been changed to a single head instead of a double-headed light.
16. **Proposed pad sites** – General Note #2 on Sheet 1 indicates that the two proposed retail pads could be combined into one retail building up to 9,200 square feet depending on leasing. The Planning Commission should be provided with a revised plan for what that will look like for their review and approval if leasing determines that it will be one retail building instead of two.
17. **Architectural review** – To ensure aesthetically pleasing development compatible with adjacent or neighboring buildings, 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(s). The applicant has submitted a rendering for review by the Planning Commission, and a copy has been given to the Main Street Design Committee for their consideration and guidance.
18. **Transportation plan** – The site plan shows a proposed 30-foot wide right-in/right-out access to the property from U.S. 40 (Alt). The granting of access to the property at that location will be determined by the State Highway Administration.

In relation to traffic patterns, the developer has held discussions with the shopping center owner and BB&T Bank personnel to discuss possible improvements to the circulation into and through the property to make the necessary connections to the proposed development. The applicant should submit written documents of approval by those entities before the Planning Commission grants approval of the site plan. Sheet 7 shows a truck circulation plan that was revised to show an additional movement towards the rear of the existing Town Center Plaza on the east side. This

was added to demonstrate that the improvements on Lot 1 do not affect the existing truck circulation to navigate from the entrance to the docks at the rear of the existing center.

19. **Review by Town Engineer and consulting engineer** – The plans have been provided to the Town Engineer and the Town’s consulting engineer for review. Previous comments from the engineers have been addressed with this submission.
20. **Dumpster detail** – Sheet 8 shows the wooden enclosure dumpster detail and indicates that the enclosure is to be 8-feet in height. According to Section 17.32.170 – Modifications to yard requirements of the Municipal Code, fences in excess of six feet in height in commercial and industrial districts and for nonconforming businesses may be approved by the planning commission subject to review of the fence material during site plan review. The shared dumpster area between the existing BB&T bank site and Pad site #1, as shown on Sheet 3, has been revised and enlarged to accommodate the multiple uses. The applicant has indicated that the truck circulation templates show that maneuverability is possible to access the dumpster area, although that isn’t clear to staff. General Note #11 on Sheet 1 states that all trash enclosures shall architecturally match or complement the proposed buildings.
21. **Incorrect information** – Base Note #3 incorrectly states that no trees with d.b.h.’s of 30” or greater exist on the site. There is a 58” catalpa tree on the property.

#### **RECOMMENDATION**

**Staff recommends that the Planning Commission conditionally approve the Site Plan with the following conditions: review of the stormwater management concept plan by Frederick County; submittal of appropriate documents and easements by the owner of the adjacent shopping center and BB&T bank agreeing to proposed changes to the existing drive aisles, parking and islands in the shopping center, as well as the sign and dumpster locations; and review and approval of the right-in/right-out at Alternate US-40 by the State Highway Administration.**

This review will be included in the Middletown Planning Commission materials for the October 21, 2019 public meeting. The applicant is encouraged to attend this meeting and the workshop on Wednesday prior to the meeting which will be held October 16, 2019.

cc: Mark Lancaster, Mark Lancaster Properties, LLC  
Mark Crissman, DMW

**Town of Middletown Planning Department**

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 10/10/2019

RE: Monthly Planning Update – October

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**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

Revised Forest Conservation Plan approved – January 21, 2019

**Next step – submittal of architectural renderings for building #2 for review/approval**

**Dowd Property** – Forest Stand Delineation approved – April 16, 2018

Special Exception materials submitted for self-storage use – December 21, 2018

Site plan & Preliminary Forest Conservation Plan reviewed and tabled by PC – August 19, 2019

**Revised Site plan submitted to PC for review/approval – October 4, 2019**

**Next step – approval of site plan and PFCP; PC review/recommendation and BOA review/approval of special exception for 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** – 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)

Final Forest Conservation Plan conditionally approved by PC – June 17, 2019

Improvement Plans conditionally approved – July 15, 2019 (Plans expire 7/15/22)

**Miller (Ingalls)** – Revised Concept Plan reviewed by PC – September 16, 2013  
Improvement plans (Phase III) conditionally approved by PC – June 19, 2017 (Expires 6/19/20)  
Phase III Revised Site plan approved by PC – June 17, 2019  
**Phase III Redline Site & Improvement Plans conditionally approved – Sept. 16, 2019**  
**Next step – submittal of Phase IV site plan for review and approval**

**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 review and 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  
(Planning Commission reviewed plans as courtesy to Town Board. No expiration date of approval due to type of plans – i.e., no structures, etc. – just changes to roadways, sidewalks.)

**St. Thomas More Academy Site Plan revision** – conditionally approved August 20, 2018 (Expires August 20, 2021)

**Tabor Barn Demolition Plan** – conditionally approved by PC – September 16, 2019 (Expires December 15, 2019)

**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** – 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: Accessory structures**

**Residential parking requirements for townhouses and apartments**

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

**Grants:** MEA Smart Energy Communities grant application – \$25,000 award granted – solar panels installed on food bank building September 19, 2019

**Meetings:** Next Middletown Green Team Meeting – October 15, 2019

**Next Joint town board/planning commission workshop** – January 6, 2020 (?)