

# MIDDLETOWN PLANNING COMMISSION

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

December 11<sup>th</sup> Workshop agenda for the December 16, 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 November 2019 Planning Commission workshop**      **Approval**  
**Minutes of November 2019 Planning Commission meeting**      **Approval**
- III. **Plan Review**
  - Hollow Creek Professional Center Architectural Renderings**      **Review/Approval**
  - Self-storage Facility Special Exception Use**      **Review/Recommendation**
  - Self-storage Facility Revised Concept Plan**      **Review**
- IV. **Zoning**
  - None**
- V. **Miscellaneous**
  - Joint workshop dates for 2020**      **Review**
- 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**

**November 13, 2019**

The regular workshop of the Middletown Planning Commission took place on Wednesday, November 13, 2019 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commission Members Rich Gallagher, Bob Miller, Tom Catania, Ex-Officio, Dixie Eichelberger, Alternate, and Eric Ware, Temporary Alternate. Others present in official capacity: Cindy Unangst (Staff Planner). Applicants present: David Lingg.

**NOVEMBER MONTHLY PLANNING COMMISSION WORKSHOP:**

**PLAN REVIEW** –

**Hollow Creek Professional Center Revised Preliminary Forest Conservation Plan** – Cindy reviewed the minor changes to the plan and suggested some additions and modifications that should be made to comply with the Town’s Forest Conservation Ordinance. There was a brief discussion of where the off-site tree planting is proposed to occur, and an update on the conditions of approval for the site plan for the development.

**ZONING** –

**Accessory structures regulations** – The commission members reviewed the proposed regulations as provided by the Town’s Zoning Administrator. Discussion centered on what the height of the structures should be and the addition of regulations for the Town Commercial district.

**Outdoor lighting regulations – Dark Sky policy** – Cindy reviewed some of the information she provided to the commission members from the International Dark-Sky Association and the Scottsdale, AZ Site Lighting Design Guidelines. There was discussion about how to regulate lighting for residential homes, how to formulate a policy for the Town Board to adopt and including examples of acceptable and unacceptable lighting with the Town’s Design Manual.

**MISCELLANEOUS** –

**PC Rules of Procedure amendments** – Chairman Carney went over the proposed changes to Section 6.1 and the addition of Section 8.2 to the procedures. Discussion centered on the time frame for applicants to come before the commission ahead of a business opening.

**January meeting date change due to MLK Holiday** - Commission members looked at changing the January meeting date to Tuesday, the 21<sup>st</sup> due to the office being closed on Monday, January 20<sup>th</sup>, 2020.

**Workshop adjourned at 8:24pm.**

Respectfully submitted,

Cynthia K. Unangst, AICP  
Middletown Staff Planner

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

**Regular Meeting**

**November 18, 2019**

The regular meeting of the Middletown Planning Commission took place on Monday, November 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, Commission members Rich Gallagher, Bob Miller, David Lake, Dixie Eichelberger and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: Mark Crissman (Daft McCune Walker).

**NOVEMBER MONTHLY PLANNING COMMISSION MEETING:**

- I. PUBLIC COMMENT – None.**
- II. Regular Workshop Minutes of October 16, 2019 – Approved as submitted.**
- Regular Meeting Minutes of October 21, 2019 – Approved as submitted.**

**III. PLAN REVIEW**

**Hollow Creek Professional Center Revised Preliminary Forest Plan** – (Mark Crissman (Daft McCune Walker) present). The purpose of the preliminary forest conservation plan is to allow for the owner to construct commercial buildings and associated parking and roads. The area is zoned GC General Commercial and is currently a vacant lot. There is one specimen tree near the eastern property line which is a 58" multi-trunked northern catalpa in fair condition. It has been determined that this tree is incorrectly labeled due to the fact that it is multi-trunked. The tree has three trunks measuring 14", 26", and 28" at 4.5' dbh, and therefore does not qualify as a tree to be considered priority for retention. As a conservative measure, the applicant has requested a modification from the requirement to retain the tree. The tree is proposed to be removed. One other tree of note is a 24" dbh (diameter base height) pin oak at the rear of the Safeway store near the property line. That tree is in an area of future development and when that development occurs, the tree will be removed. Portions of the site have been maintained as mowed grass or are covered in grasses and invasive multiflora rose and raspberry, along with other vines and invasives. The plan has been provided to the Maryland Department of Natural Resources for review, but no comments have been received to date. The Staff Planner reviewed her staff report with the following recommendations.

- **Minor Changes** - The Town's regulations call for the net tract area and area of forest conservation to be indicated in square feet; the plan only shows the areas in terms of acreage. The revised plan shows minor changes in the net tract area (from 6.6 acres to 6.47 acres), the disturbed area (from 5.25 acres to 5.36 acres), and the off-site afforestation needed (from 0.99 acres to 0.97 acres). The proposed mitigation provided is specified to be off-site plantings of 0.97 acres on a parcel of land owned by the town along Alternate 40-A just west of Knoll Side Lane.
- **FRO calculations** - The square-footage of the easements deducted from the gross tract area to determine the net tract area used for determining the afforestation threshold should be included on the plan, as well as the square footage of the off-site afforestation needed. Section 16.40.042 (Afforestation and afforestation threshold) of the Town Code should be referenced in the calculations instead of the Frederick County reference.

**Action:** Commission Member Gallagher motioned to conditionally approve the Hollow Creek Professional Center Revised Preliminary Forest Plan, conditional upon the developer meeting the recommendations of the Staff Planner, and acknowledging that the 58” multi-trunked northern catalpa does not qualify as a tree to be considered priority for retention. Seconded by Commission Member Eichelberger. Motion carried (5-0).

The Staff Planner informed the Planning Commission of the following updates regarding the Hollow Creek Professional Center Revised Site Plan:

- **Stormwater Management Concept Plan** – Frederick County approved the stormwater management concept plan for the site.
- **Site Access** – The Staff Planner received a letter from SHA supporting the Right-In only access, but not the Right-Out. SHA also concurs with the findings of the traffic study and will not require any additional traffic analyses. An access permit will be required from SHA and will be requested once the Right-In only access and associated deceleration lane are designed as part of the Improvement Plans for the project.
- **Town Engineer Comments** – The Town Engineer recommends the following:
  - **Water and Sewer Review** – A monitoring manhole shall be provided for the site. Details of valve locations will be addressed in the Improvement Plans.
  - **Truck Circulation Plan** – Truck turning tracks appear to be acceptable. Future movements into the storage area should not be impaired by this layout. The existing WB-50 / WB-40 movements to the existing shopping center appear to be accommodated.

The Planning Commission requested that the developer review the current intersection/access into the Safeway shopping center. Even though the traffic study results indicated that that intersection operates acceptably and will continue to operate acceptably once the Hollow Creek Professional Center is completed, they would like the developer and the Safeway property owner to review and identify potential issues with the current intersection and ways to improve it for the betterment of both properties.

#### IV. ZONING

**Accessory Structures Regulations** – The Planning Commission reviewed the proposed text amendment to the Town Code regarding accessory structures. Following are the change recommendations to that proposed text amendment:

- **Height** – Under the section on Height, remove “or 10 feet in height” it is not necessary.
- **Chart** – Under Zone, change “R-3” to “R-3 & TC”
- **Accessory Structures as Living Quarters** – In the final paragraph of the proposed text amendment remove “living quarters” and insert “for living, sleeping or other occupancy”. This is similar to what is currently in the Town Code regarding residing in a recreational vehicle.
- **Enforcement** – The Planning Commission recognizes that there will be challenges with enforcement of this proposed code that would need to be addressed.

The Staff Planner will make the changes as recommended and forward the proposed text amendment to the Town Board.

**Outdoor Lighting Regulations – Dark Sky Policy** – The Staff Planner reviewed policies that other cities and states are using. These have useful information and examples to use when developing the town’s policy. The Town Code addresses commercial lighting but not residential. The Planning Commission likes the chart of examples of acceptable and unacceptable lighting fixtures that was included in the packet. They recommend adding it to the town’s Design Manual. When developing the policy, with support from the Middletown Sustainability Committee, it was recommended to determine how to incorporate the proposed streetlight program and how to encourage residential change.

The Planning Commission requested that the Dark Sky Policy be added as an agenda item to the next Joint Town Board / Planning Commission meeting in January 2020.

## V. MISCELLANEOUS –

**Planning Commission Rules of Procedure** – The Staff Planner incorporated the recommended changes from the November workshop into the Rules of Procedure for the Planning Commission to review. Following are the further changes recommended by the Planning Commission this evening:

- **Public Hearing Process – Section 6.1:** Remove “If justified by”, after “impact of a proposed development” add “may hold”, and after “an advertised public hearing” remove “may be held”. Section 6.1 would then state: The Planning Commission, based on the size, scope and/or impact of a proposed development, may hold an advertised public hearing for site or subdivision plans, including phased plans, that come before the Commission. In those cases, notification will be sent to residents per the Site Plan Policy of the Town Board, and properly noticed.
- **Red-line Review Policy – Section 8.2:** Based upon workshop discussion, this new section would state: Upon approval of a site plan by the Commission, a statement will be added to the site plan approval letter to the applicant stating that no Use & Occupancy permit shall be granted until all conditions of approval are completed. The applicant shall appear before the Commission at a regularly-scheduled meeting at least 30 days ahead of the anticipated opening date of the business to review for compliance with the approved plans, and shall notify the Staff Planner at least 10 days ahead of the anticipated opening date to check the property for compliance.

**Action:** Commission Member Gallagher motioned to approve the revised Planning Commission Rules of Procedure as discussed. Seconded by Commission Member Miller. Motion carried (5-0).

**January Meeting Date Change Due to MLK Holiday** – On March 11, 2019 the Burgess and Commissioners approved the addition of three additional holidays for town employees: Martin Luther King Day, Veteran’s Day and Christmas Eve. Since the MLK holiday is every third Monday in January it conflicts with the regularly scheduled January Planning Commission meeting. The Planning Commission decided that from now on the January Planning Commission meeting will be held the Tuesday immediately following the MLK holiday. It was also noted that Veterans Day 2020 conflicts with the scheduled November Planning Commission workshop. The Planning Commission will address that schedule conflict when that date draws closer. It was suggested that the Town utilize the Town website and other social media to notify residents of the January Planning Commission Meeting date change.

**New Town Businesses and Small Advertising Signs** – The Planning Commission recognizes that when a new business opens in town that small temporary signs can be placed out front of the business to advertise that the business is open in order to generate customers. The Commission recommends that a proposed text amendment be developed to address this and include length of time that these temporary small signs could be displayed. It was also recommended that this text amendment address the tall thin banner flags that businesses use to advertise.

The Planning Commission requested that this be added as an agenda item to the next Joint Town Board / Planning Commission meeting in January 2020.

## VII. ADDITIONAL PUBLIC COMMENT - None

Meeting adjourned at 8:35pm.

Respectfully submitted,

Annette Alberghini  
Recording Secretary

DRAFT



HOLLOW CREEK PROFESSIONAL CENTER









## Middletown Planning Office

### MEMORANDUM

Date: 12/3/2019

Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **SELF-STORAGE SPECIAL EXCEPTION USE FOR HOLLOW CREEK PROFESSIONAL CENTER**

Tax Map Parcel #03-0140989

Applicant: Mark Lancaster, Lancaster Properties, LLC

Property Owner: Lancaster Properties, LLC

Plan Dated: November 2019

Date Received: December 2, 2019

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#### GENERAL INFORMATION

Proposal: Special exception approval to allow a self-storage facility in the general commercial district

Location: North side of US Route 40-A (Old National Pike) behind 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

Section(s) of the Code that Apply:

17.20.020	GC General Commercial District Special Exceptions
17.44.060	Board of Appeals Special Exceptions
17.48.340	Self-storage Special Exception Standards

#### COMMENTS

At the January 21, 2019 Planning Commission meeting, the commission members tabled this item due to a conflict with the Town Code regarding storage facilities as a primary versus accessory use.

Self-storage facilities were added to the zoning ordinance in 1997 as a special exception use in the Town Commercial District. When the zoning ordinance was updated in August of 2015, some changes were made to the specific standards for that special exception use. Notably, self-storage uses were removed from

the town commercial district, and added to the general commercial and the service commercial/light manufacturing districts. Other changes included the hours of access to the facility to be established by the board of appeals, the property to have access to an arterial or collector street, and concept plan review and recommendation by the planning commission. In September 2019, definitions were added to the Municipal Code in relation to self-storage units and facilities, and a condition of site plan approval was added that requires the owner of a self-storage facility to submit rules and regulations to the planning commission for review. The previous conflict in the Code regarding the primary versus accessory use has been removed. The specific standards are as follows:

**17.48.340 Self-storage facilities.**

Self-storage facilities in the GC and SC/LM commercial districts are subject to the requirements of the district in which the property is located except as provided in this section:

- A. Middletown planning commission shall have architectural review and size limitation authority and may require drawings, elevations and plans as necessary;
- B. The hours to which one may have access to the self-storage facility shall be limited as established by the board of appeals;
- C. The property shall have access to a street which is designated in the town comprehensive plan as an arterial or collector street;
- D. Concept plan, including parking provisions, review and recommendation required by the planning commission;
- E. The owner of a self-storage facility shall submit rules and regulations that shall be required by users and enforced by the self-storage facility owner to the planning commission for review. This is a condition of site plan approval of any self-storage facility.

Section 17.20.020(C) lists the special exceptions allowed in the GC District and states “the board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060”. Number 13 on that list is: Self-storage rental spaces for storage of personal goods.

All applications for a special exception shall be referred to the planning commission for a recommendation to the board of appeals. Based on staff review and site inspection, staff would offer the following:

- A. The subject property is zoned GC General Commercial per the town’s comprehensive plan.
- B. The Planning Commission will review and approve architectural plans and determine any size limitations at the site plan stage of the review process. The site plan exhibit indicates a proposed building height of 1 story. The plan submitted in January did not indicate a height for the self-storage buildings.
- C. The applicant has requested hours of operation as follows: key code access to units by customers seven days a week, 5:00 AM to 11:00 PM; and staffed office hours Monday-Saturday 8:00 AM-5:00 PM. The Board of Appeals is responsible with establishing the hours to which one may have access to the facility.
- D. The property has access to Alternate 40/Old National Pike, which is designated as a minor arterial in the Town’s comprehensive plan.
- E. A concept plan was reviewed by the planning commission in January 2019. Some changes have been made to the plan since that review, and the planning commission can review the revised plan before submitting a recommendation to the board of appeals for the special exception use, or review it concurrently with a recommendation to the board of appeals.
- F. The Planning Commission will require the review of the rules and regulations of the self-storage facility before site plan approval.

In addition to those specific requirements, the general requirements to be used by the Board of Appeals are as follows:

17.44.060 General Standards. A special exception may be granted when the Board of Appeals finds from a preponderance of the evidence produced at the hearing that:

1. The proposed use, including its nature, intensity and location, is in harmony with the intent of the district;
2. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use;
3. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences;
4. That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets;
5. That the specific standards (Chapter 17.48) set forth for each particular use for which a special exception may be granted have been met.

The Staff has reviewed the above standards and the subject property and makes the following findings:

- A. The subject property is zoned GC General Commercial and is adjoined to the north and east by agricultural land outside of town limits, to the south by GC-zoned land with a shopping center and bank buildings, across Alternate 40 by a GC-zoned CVS pharmacy on one corner and an Open Space-zoned golf course on the other corner, and to the west by Open Space-zoned land with municipal buildings. Directly west of the municipal buildings are residential properties. Given that the GC district is intended to provide areas for general commercial activities that service the needs of the entire community and the surrounding area, and that the proposed use would be sited behind the existing shopping center and not in a prominent location, staff feels the intensity of the proposed use is in harmony with the intent of the district and is compatible with the surrounding area.
- B. The applicant will need to work with the Town's Engineer on supplying water and sewage disposal to the subject property. The Town has adequate water supply and sewer capacity based on MDE's approval of all existing platted areas of town. Fire service is less than a mile away, and there are deputy sheriffs assigned to the Town for police protection. Stormwater management will need to be reviewed and approved by Frederick County if this use is approved.
- C. The proposed development might draw additional citizens to the existing commercial businesses in the area. The adjacent agricultural land outside of the town limits is proposed as commercial on Frederick County's land use map. Given the intensity and scale of development as proposed, the value of adjacent land and buildings should not be impaired.
- D. The existing streets already handle commercial traffic and a traffic study for the property has been reviewed by the planning commission as part of the site plan review. The location of an entrance to this property from Alternate 40 will need an access permit from the State Highway Administration (SHA) due to Alternate 40 being a state road. A letter received from SHA on November 5, 2019 states that a right-in entrance to the site east of Middletown Parkway may be acceptable provided the existing deceleration lane is extended east of the proposed access. No residential streets will need to be accessed to gain entrance to the property.
- E. The applicant has proposed the use in accordance with the specific standards as discussed above.

**Staff Recommendation:** Given that all of the specific standards for the proposed use are being met or will be met upon review and approval by the planning commission during the appropriate assessment stage, and the general standards for special exception uses are or will be met, staff recommends approval of the proposed self-storage facility for this property with the condition emphasized that the Middletown Planning Commission will review plans going forward that will include architectural drawings and elevations, parking provisions, and size limitation authority. Included in this review will be the approval of appropriate easements and potential relocation of the water line at the west end of the property.

This review will be included in the Middletown Planning Commission materials for the December 16, 2019 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be December 11, 2019.

cc: David Lingg  
Mark Lancaster, Lancaster Builders  
Noel Manolo, Miles & Stockbridge





Noel S. Manalo  
301.698.2321  
nmanalo@milesstockbridge.com

November 18, 2019

Middletown Board of Appeals  
c/o Mark Hinkle, Middletown Zoning Administrator  
31 West Main Street  
Middletown, Maryland 21769

Re: Valley Center, Lot # 2 – Application for Special Exception  
Self-Storage as Principal Use

Honorable Board Members:

I am writing on behalf of Lancaster Properties, LLC (“Applicant”), the applicant for the above-referenced project (the “Project”), to request special exception approval for a self-storage facility, pursuant to Middletown Zoning Ordinance (“Zoning Ordinance”) Sections 17.20.020.C.13 & 17.44.060. The Applicant is contract purchaser of the Property (defined herein).

The Project is intended to be located on the parcel of property shown and described as “Lot # 2” on the plat entitled “VALLEY CENTER SUBDIVISION, Section One, Lots # 1 & 2”, recorded among the Plat Records of Frederick County, Maryland in Plat Book 29, parcel 39, said parcel having the SDAT Tax ID # 03-140989 (the “Property”). The Property is located behind the existing Valley Center (which includes the Safeway), on Alternate U.S. 40/Old National Pike. The Property is zoned General Commercial (GC).

Zoning Ordinance Section 17.20.020.C.13 allows that the Board of Appeals may authorize by special exception “Self-storage rental spaces for storage of personal goods” as a principal use in the GC zone.

The proposed use will provide a needed service to Town residents and will be seamlessly integrated into the balance of the Valley Center property. Along with the other current and planned uses at the Valley Center, the proposed use will augment the neighborhood and contribute to the economic vibrancy to the Town.

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Justification for Special Exception

Pursuant to Section 17.44.060 of the Zoning Ordinance, the Applicant offers the following justifications to the Board of Appeals in support of the special exception request (Zoning Ordinance provisions are in bold/italic font, with the Applicant's responses immediately following):

***A. Filing of Special Exception. For any use permitted by special exception, a special exception must be obtained from the board of appeals. In addition to the information required on the building permit application, the special exception application must show:***

***1. Site plans, ground floor plans and elevations of proposed structures;***

RESPONSE: See enclosed.

***2. Names and addresses of adjoining owners.***

RESPONSE: See enclosed.

***F. General Standards. A special exception may be granted when the board of appeals finds from a preponderance of the evidence produced at the hearing that:***

***1. The proposed use, including its nature, intensity and location, is in harmony with the intent of the district;***

RESPONSE: The purpose of the GC district is to "provide areas for general commercial activities that service the needs of the entire community and the surrounding area". Zoning Ordinance § 17.20.020.A. The Project as planned is based on the market needs of the Town and surrounding area for self-storage capabilities. Also consistent with the "Purpose" statement of the GC zone, the Project will be integrated within the Valley Center, without infringement on residential areas; the Valley Center is located on Old National Pike, providing excellent vehicular accessibility. The planned number of storage units and supporting infrastructure are consistent with what would be commensurate to

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the Valley Center location. For these reasons, the Project is in harmony with the intent of the GC zoning district.

***2. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use;***

RESPONSE: Water supply, sewage disposal and storm drainage are all preliminarily deemed to be sufficient, subject to further review and approval by the Planning Commission at the Site Plan stage. Middletown Fire Company, Braddock Heights Volunteer Fire Company and Myersville Fire Company are all proximate to the Property. The Frederick County Sherriff's office currently provides service to the Valley Center. For these reasons, the required services are or will be adequate for the Project.

***3. That the use of adjacent land and buildings will not be discouraged and the value of adjacent land and buildings will not be impaired by the location, nature and height of buildings, walls and fences;***

RESPONSE: The Project will be consistent with the existing Valley Center and will in fact enhance the Center. There is no evidence that the general commercial uses of Center have discouraged the use of adjacent land and buildings, nor is there evidence that the general commercial improvements in the Center have impaired the value of adjacent land and buildings. By enhancing the Center and facilitating additional general commercial uses in service of the surrounding area, the Project will not negatively impact adjacent land and buildings.

***4. That the use will have proper location with respect to existing or future streets giving access to it, and will not create traffic congestion or cause industrial or commercial traffic to use residential streets;***

RESPONSE: The Project is planned for seamless integration with Valley Center (Lot #1), which has existing vehicular access from Old National Pike. A new, second access point is planned from the Property to Old National Pike, as well, further east from the existing access point. The planned parking and drive aisles will all flow naturally within the overall Valley Center, segregated from any residential streets. The Project therefore is in an appropriate location from a

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street access perspective, and there will be no negative traffic impacts to residential streets.

***5. That the specific standards (Chapter 17.48) set forth for each particular use for which a special exception may be granted have been met.***

RESPONSE: Zoning Ordinance Section 17.48.340 applies to self-storage use. The requirements of this section are as follows:

***Self-storage facilities in the GC and SC/LM commercial districts are subject to the requirements of the district in which the property is located except as provided in this section:***

***A. Middletown planning commission shall have architectural review and size limitation authority and may require drawings, elevations and plans as necessary;***

RESPONSE: Acknowledged.

***B. The hours to which one may have access to the self-storage facility shall be limited as established by the board of appeals;***

RESPONSE: The Applicant respectfully requests hours of operation as follows: key code access to units by customers seven (7) days a week, 5:00 AM to 11:00 PM; and staffed office hours Monday-Saturday 8:00 AM-5:00 PM.

***C. The property shall have access to a street which is designated in the town comprehensive plan as an arterial or collector street;***

RESPONSE: The Property has access to Alternate U.S. 40/Old National Pike, which is a Minor Arterial in the Town's comprehensive plan. See, Town Comprehensive Plan at Page 5-8.

***D. Concept plan, including parking provisions, review and recommendation required by the planning commission;***

RESPONSE: Acknowledged.



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***E. The owner of a self-storage facility shall submit rules and regulations that shall be required by users and enforced by the self-storage facility owner to the planning commission for review. This is a condition of site plan approval of any self-storage facility.***

RESPONSE: Acknowledged. The Applicant will provide such Rules and Regulations to the Planning Commission at the appropriate time.

***G. Burden of Proof. The applicant for a special exception shall have the burden of proof, which shall include the gathering and forwarding of evidence and the burden of persuasion on all questions of fact which are to be determined by the board of appeals.***

RESPONSE: Acknowledged. In addition to the written application materials submitted to the Board, the Applicant will provide any additional information requested by the Board, including, but not limited to, testimonial evidence at the Board's meeting.

For the reasons stated above, the Applicant submits that the request special exception will enhance the Property and the commercial services of the Town. We look forward to discussing the above with you in more detail at your hearing, and we respectfully reserve the right to offer additional evidence and testimony as may be required. Thank you for your attention to this matter.

Sincerely,



NOEL S. MANALO

cc: Lancaster Properties, LLC  
Lingg Property Consulting

## Middletown Planning Office

### MEMORANDUM

Date: 12/4/2019

Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **HOLLOW CREEK PROFESSIONAL CENTER REVISED CONCEPT PLAN (LABELED AS BOARD OF APPEALS SITE PLAN SELF-STORAGE SPECIAL EXCEPTION USE)**

Tax Map Parcel #03-0140989

Applicant: David Lingg, Lingg Property Consulting

Property Owner: Lancaster Properties, LLC

Plan Dated: November 2019

Date Received: December 2, 2019

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#### GENERAL INFORMATION

Proposal: Property is to be developed with commercial and office space and a self-storage facility in the rear of the property.

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 Concept Plan for the Self-Storage facility:

1. **Minutes from concept plan review on January 21, 2019** with sentences highlighted that relate to the self-storage facility use –

**Middletown Valley Center Revised Concept Plan** - (David Lingg (Lingg Property Consulting) and Mark Lancaster (Lancaster Craftsman Builders), present). This is for the proposed development of 48,800 square feet of commercial space in three separate buildings with 208 parking spaces, **with a self-storage facility in the rear of the property**; 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. A revised copy of the concept plan was received today and distributed to Planning Commission members and the Town Engineer for review.

While the previous plan showed two one-story buildings and one two-story building, the revised plan shows two one-story retail pads and one three-story office building. The proposed retail square footage dropped from 24,450 square feet to 9,200 square feet. The proposed office square footage increased from 28,050 square feet to 39,600 square feet. The prior concept plan had a much smaller proposed indoor self-storage square-footage area than the revised plan although it encompasses the same space. **The proposed indoor self-storage buildings are 8,400 square feet each with an additional 600 square foot office.** The prior concept plan showed 296 parking spaces plus 13 for the self-storage use, while the revised plan shows 208 parking spaces plus 8 for the self-storage use. **The Town Code does not identify the number of parking spaces required for self-storage facilities.** The revised plan also shows how the proposed parking would be integrated with the existing parking in relation to drive aisles and so forth. The developer stated that this revised concept plan will meet the State regulations for stormwater management because of the additional landscaping that will occur. The developer provided the Planning Commission with a copy of the proposed architectural rendering of the 3-story building. It meets the Town Code for height and will not be much taller than the Safeway building.

- **Transportation Plan** - The revised plan shows a proposed 30-foot wide common access to the property from Old National Pike which includes land from the AC Jets property. The granting of access to the property at that location will be determined by the State Highway Administration. A letter was received from The Traffic Group along with Exhibit 1 entitled Trip Generation for Subject Site. Based on a review of the letter and exhibit, several questions emerged. The letter indicates that the development is projected to generate 59 AM and 75 PM trips. It also states that the development would not have a major impact on the roadway network with about 1 trip/minute coming to or from the site. When the Traffic Impact Analysis is completed, staff would like to better understand how one trip per minute would not be a major impact. Exhibit 1 suggests (in parenthesis) that due to the size of the office building, AM trips are too high by using the equation, and therefore, PM trips were used for AM. Again, that statement appears to be improper and an explanation should be included in the more detailed assessment of the traffic impact study. Staff recommends that the developer hold discussions with the shopping center owner to discuss possible improvements to the circulation into and through the property to make the necessary connections to the proposed development. **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.**
- **Property Easements & Access** – The developer gave a simplified overview of the easements that were granted to the property in 1983. One is an easement, and potential access, from the Safeway Shopping Center which delineates possible reciprocating benefits to each property involved. A second easement, and possible access, is from US Alt 40 and is located on the southeast corner of the property. **There is no access from the west to the proposed self-storage area.** The developer was asked to provide a copy of the easement information to the Town Engineer and the Town Attorney for review.
- **Town Residents Comments and Concerns** –
  - **Richard Favarulo, 103 Manda Drive** – This revised concept plan shows no buffering or screening to surrounding properties, and how will the lighting impact neighboring properties? Landscaping, lighting and architectural review are addressed at the Site Plan Review. Residents are welcome to attend those meetings to give input.
  - **John Huegelmeyer, 110 Manda Drive** – Even if there is DOT allowed access from US Alt. 40, most individuals will access the development through the Safeway parking lot which is already busy and overcrowded. He is against a 3-story building because of possible stalker/voyeur potential. He is also against recreational vehicle and boat storage

at this proposed self-storage because of the range of possible vehicles stored there and the varying degrees of upkeep they may be in, and also because of the potential of those owners working on their vehicles at that location and the noise it will generate. Again, those issues can be addressed at the Site Plan Review.

- Bob Smart, 7525 Coblenz Road, - Asked if it was possible for the proposed architectural rendering of the 3-story building provided to the Planning Commission be placed in the appropriate place on the Planning and Zoning page of the town website for others to see. Staff will place it on the website as requested.

The residents in attendance were recognized for their interest and concerns with this proposed development. They were encouraged to bring their concerns to the Site Plan Review for this project once scheduled.

**Action:** None taken.

2. **Changes from concept plan reviewed in January 2019 that relate to the self-storage facility use plan submittal** – The prior concept plan had slightly larger proposed buildings for self-storage units at 60 x 140 instead of the now-proposed 54-feet by 140-feet. The placement of the buildings and the RV/Boat spaces has been reversed with the storage area for the vehicles to the east of the proposed buildings. The revised plan shows a proposed ESD stormwater facility at the west end of the subject area. The proposed office for the facility is now a separate building at the eastern end of the subject area. Another change in relation to the relocation of the buildings is a proposed relocation of the water line easement.
3. **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 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. In relation to the self-storage use 2.0 acre± of the property, the proposal meets the side and rear setback requirements. The front setback area shows proposed RV/boat/vehicle spaces within the building restriction line (BRL), which does not meet the yard requirements.
4. **Parking requirements** – Seven parking spaces are now proposed for the self-storage facility, which includes a handicap space. The previous plan showed eight spaces without a handicap space. The site plan conditionally approved by the Planning Commission on October 21, 2019 shows how the proposed parking for the entire site would be integrated with the existing Safeway parking lot in relation to drive aisles and shows that the proposed turning radii will work for large delivery trucks, RVs and trailers.
5. **Review by Town Engineer** – The plans have been provided to the Town Engineer for review. Town Administrator, Drew Bowen, along with Bruce Carbaugh, will be looking at the proposed waterline easement relocation, and will provide comments once they have had a chance to review it.
6. **Plan notes** – Plan note #5 states that the north and east property lines are proposed to have a 6' high opaque privacy fence. Staff questions whether that should state the north and west property lines.



This review will be included in the Middletown Planning Commission materials for the December 16, 2019 public meeting, and the workshop on December 11, 2019. The applicant is encouraged to attend the meeting and workshop.

cc: Mark Crissman, DMW Inc.  
Mark Lancaster, Lancaster Builders



## MEMORANDUM

**DATE:** December 3, 2019

**TO:** Burgess and Commissioners, Planning Commission

**CC:** Andrew J. Bowen, Town Administrator

**FROM:** Cindy Unangst, Staff Planner

**SUBJECT:** 2020 Joint Meeting Workshop Dates

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Below are the dates for the Joint Meetings as determined by the Town Board between the Town Board and Planning Commission for 2020:

<b>Monday, February 3, 2020</b>	<b>6:30PM</b>
<b>Monday, May 4, 2020</b>	<b>6:30PM</b>
<b>Monday, July 6, 2020</b>	<b>6:30PM</b>
<b>Monday, October 5, 2020</b>	<b>6:30PM</b>

These workshop dates will be reflected on the Town's website calendar.

If you should have any questions, please do not hesitate to contact Drew at 301.371.6171 or by e-mail at [abowen@ci.middlestown.md.us](mailto:abowen@ci.middlestown.md.us).

**Town of Middletown Planning Department**

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 12/3/2019

RE: Monthly Planning Update – December

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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

Revised Site plan conditionally approved by PC – October 21, 2019 (Plans expire 10/21/22)

**Revised Preliminary Forest Conserv. Plan conditionally approved – November 18, 2019**

**Revised Special Exception materials submitted for self-storage use – December 2, 2019**

**Next step – PC review/recommendation and BOA review/approval of special exception for self-storage use; submission of FFCP and Improvement plans for review;**

**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)

**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:**

**Grants:**

**Meetings:** Next Middletown Green Team Meeting – December 17, 2019

**Next Joint town board/planning commission workshop** – February 3, 2020