

MIDDLETOWN PLANNING COMMISSION

Middletown Municipal Center
31 West Main Street
Middletown, MD 21769

Monday, January 21, 2019
7:00 p.m.

I. Public Comment

II. Miscellaneous

Elect chairman and vice chairman for 2019

III. Minutes of November 2018 Planning Commission workshop Approval

Minutes of November 2018 Planning Commission meeting Approval

III. Plan Review

Cross Stone Commons Revised Forest Conservation Plan Review/Approval

IV. Zoning

Self-Storage Facility Special Exception Use Review/Recommendation

Middletown Valley Center Revised Concept Plan Review

V. Comprehensive Plan Review

Comprehensive Plan Update – Timeline 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 14, 2018

The regular workshop of the Middletown Planning Commission took place on Wednesday, November 14, 2018 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 and Dixie Eichelberger, Alternate. Others present in official capacity: Cindy Unangst (Staff Planner). Members of the public in attendance: Brian Lizzi (102 Prospect Street).

NOVEMBER MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW –

Foxfield Section 6 Street names - Cindy stated that the Town Board approved the street names at their meeting on November 12th. She also said that she had met with County employees and discussed the street types with them. According to the County guidelines, it would be more appropriate to use the words ‘lane’ or ‘run’ instead of ‘circle’ for the Harvest View road.

ZONING –

Blighted property ordinance – Commission members reviewed the revised draft ordinance and Commission member Gallagher brought one editing correction to Cindy’s attention.

MISCELLANEOUS –

Elm Street Parking Lot – trailer/RV issue – This topic was brought up at the joint workshop in November and Chairman Carney agreed to put it on the Planning Commission’s agenda for discussion. The commission agreed that the matter really is a Town Board issue and not the Planning Commission purview.

Brian Lizzi of 102 Prospect Street asked the commission members about the conditions of approval for the St. Thomas More Academy revised site plan for the addition of temporary classrooms behind the existing building.

Commission member Gallagher brought up the matter of the newly planted street trees along East Main Street and his feeling that they are not appropriately sited due to sidewalk and sight distance concerns.

Workshop adjourned at 7:50pm.

Respectfully submitted,

Cynthia K. Unangst, AICP
Middletown Staff Planner

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

November 19, 2018

The regular meeting of the Middletown Planning Commission took place on Monday, November 19, 2018 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 David Lake, Rich Gallagher, Bob Miller and Dixie Eichelberger. Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: None.

NOVEMBER MONTHLY PLANNING COMMISSION MEETING:

I. PUBLIC COMMENT – None.

II. Regular Workshop Minutes of September 12, 2018 – Approved as submitted.

Regular Meeting Minutes of September 17, 2018 – Approved as submitted.

Regular Workshop Minutes of October 10, 2018 – Approved as submitted.

III. PLAN REVIEW

Foxfield Section 6 Street Names – (No one, present). The Staff Planner apologized to the Planning Commission regarding the Town Board having this as an agenda item on the November 12th, 2018 Town Board meeting agenda prior to a formal recommendation from the Planning Commission. At the November 12th Town Board meeting the board formally approved the street names for the Memar Development as: Winter Corn Way, Summer Wind Trail and Harvest View Circle. The Planning Commission can approve the names as suggested or change to coincide with County guidelines.

- **County Guidelines Regarding New Street Names –** The Staff Planner inadvertently met with County officials November 14th and received clarification on county guidelines regarding street types. These guidelines assist emergency services with the movement of emergency equipment during emergency responses. The County would like any street name ending in Circle to be used in conjunction with either a public rotary, or when a street has a large loop with no through movement. Harvest View Circle does not meet either of those guideline conditions. After reviewing the suggestions and discussions from the October Planning Commission workshop, the Planning Commission decided by consensus to modify the name of Harvest View Circle to Harvest View Run in its recommendation to the Town Board. The Planning Commission is in consensus with the street names Winter Corn Way, Summer Wind Trail, and Smithfield Drive.
- **Smithfield Drive –** There was also discussion at the meeting about Smithfield Drive based on discussions at the last joint workshop. It was suggested at the joint workshop that Smithfield be a divided road its full length from Coblenz Road to the west, and traffic circles be used at intersections to help slow down traffic. The Planning Commission recognizes that this would be part of the public works discussion for this development and outside of the scope of the Planning Commission. The Planning Commission is restricted to the guidelines within the Town Design Manual with very limited flexibility to make other recommendations. The Planning Commission suggested that within this Memar development that Smithfield Drive ought to be changed to Smithfield Boulevard from Coblenz Road to the west if it indeed were built as a boulevard.

The Staff Planner will send a memorandum to the Town Board with the Planning Commission's recommendations.

IV. ZONING

Blighted Property Ordinance – Based on the comments from the Planning Commission Workshop, the Planning Commission reviewed the revised final draft of the blight ordinance which included one minor edit.

Action: Commission member Miller motioned to recommend the blighted property ordinance to the Town Board as modified. Seconded by commission member Lake. Motion carried (4-0).

The Planning Commission recommends that the Staff Planner include identified key items in the memorandum that accompanies the blighted property ordinance to the Town Board.

V. MISCELLANEOUS

Elm Street Parking Lot – trailer/RV issue – Discussion occurred as to whether this was a zoning issue or town regulation issue. The Staff Planner reviewed the general prohibitions of Title 10 – Vehicles and Traffic of the town code. It was decided that this issue was an issue for the Town Board to address. The Staff Planner will notify the Town Board of this determination via memorandum.

Planning Commission Temporary Alternate – The Temporary Alternate position advertisement is listed on the town website.

Signs Hanging from Light Poles at CVS (Cross Stone Commons) – It was stated that there are signs hanging from the light poles at the CVS. These are against Town Code. The Staff Planner brought this issue to the Zoning Administrator to follow up with the complaint. The Staff Planner will check with the Zoning Administrator for an update.

New Zoning Administrator – Mark Hinkle is the new Zoning Administrator. He can be reached at zoning@ci.middlestown.md.us.

Planning Department Update – The Staff Planner reviewed some of the activities within the Planning Department.

- **Cross Stone Commons** – A construction trailer is now on-site in preparation of the construction of Building 4 at Cross Stone Commons. Internal remodeling continues within the site for Fratelli's restaurant.
- **Dowd Property** – A traffic impact study is being done for the Dowd property.

Comprehensive Plan – The Staff Planner is working on a timeline for the comprehensive plan update. The idea is to review a different section every month with the understanding that certain sections may take longer. It was stated that the comprehensive plan could include new sections for other topics such as economic development and/or sustainability. Public meetings for discussion will be scheduled for resident input.

Streetscape Trees – 22 planted trees are being relocated from Main Street to other locations within town yet to be determined. State Highway will help with tree relocation once the best places are identified. Planning Commission members suggested locations.

2019 Joint Town Board / Planning Commission Meetings – Dates for the 2019 joint meetings are being determined. The first will occur in January 2019.

VI. ADDITIONAL PUBLIC COMMENT – None.

Meeting adjourned at 7:32pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary

DRAFT

Middletown Planning Office

MEMORANDUM

Date: 1/17/2019

Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **CROSS STONE COMMONS REVISED FOREST CONSERVATION PLAN REVIEW**

Tax Map Parcel #03-156044 and 03-174158

Applicant: DMW, Daphne Matthews

Property Owner: Town of Middletown

Plan Dated: November 5, 2018

Date Received: December 11, 2018

GENERAL INFORMATION

Proposal: Site is to be developed with 35,357 square feet ± of commercial space in four separate buildings with 229 parking spaces. Buildings 1 and 3 have already been built.

Location: West side of Middletown Parkway at the intersection with US Route 40-A (Old National Pike)

Zoning: GC General Commercial. This district permits numerous uses along with numerous special exception uses, including shopping centers, 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: Shopping center

COMMENTS

The current Forest Conservation Plan (FCP) was approved in May of 2014. The following issues should be considered in your review of this revised Offsite Forest Conservation Plan for Wiles Branch Park:

1. **FRO approval by MD DNR** – The revised Offsite Forest Conservation Plan has been submitted to the Maryland Department of Natural Resources for review and approval.
2. **Meeting the FRO requirement** – The Plan indicates that the Forest Conservation requirement will be met via offsite mitigation with planting to be done at Wiles Branch Park. The revised proposal intends to use smaller seedling stock instead of larger nursery stock. Section 16.40.044 of the Municipal Code lists the preferred sequence for afforestation and reforestation. Off-site afforestation or reforestation using whip and seedling stock is listed directly after nursery stock that is greater than 1.5 inches diameter (indicated on current approved FCP) in the preferred

sequence. The MDNR definition of a whip is: an unbranched woody plant greater than 24" in height and having a diameter of less than one-inch caliper measured at 6" above the root collar. The definition of seedling is: an unbranched woody plant, less than 24" in height and having a diameter of less than one-half inch caliper measured at 2" above the root collar. Staff will note that off-site mitigation is preferred over a fee-in-lieu payment.

3. **Proposed tree planting** – The revised Offsite Forest Conservation Plan is proposing two other tree stocking options. One specifies that 401 container grown overstory seedlings instead of 128 1.5" caliper trees, and 72 container grown understory seedlings instead of 30 1.5" caliper understory trees are proposed to be planted to meet the town's regulations for afforestation. The other option proposed would be bare root seedlings with 625 deciduous overstory plantings and 110 understory plantings. The proposals would use the same ratio of overstory plantings (85%) to understory plantings (15%).
4. **Survival rates** – As noted under Stocking and Survival Rates in the narrative on the plan, bare root seedlings and container grown seedlings have minimum stocking ratios and survival rates which are different than the requirements for larger trees. The survival rate is lower for bare root seedlings (55%) because the stock density per acre is higher (700/acre), than for the container grown seedlings with a 65% survival rate and a minimum 450/acre density. If fewer trees are planted per acre, then the survival rate requirement increases.
5. **FRO cost estimate errors** – The dollar amount used for the 1.05acre planting with the seedling stock should be \$5,227.20 per acre instead of \$7,405.20 which is shown. Therefore, the dollar amount for the 1.05-acre planting should be \$5,488.56; the subtotal should be \$7,848.56; the 15% contingency should be \$1,177.28; and the surety should be \$9,025.84.
6. **Timing** – According to Section 16.40.045(C) of the Municipal Code, a person required to conduct afforestation or reforestation shall accomplish it within one year or one growing season, whichever is a greater time period, following development project completion. There is a concern that the afforestation might not take place for many, many years if Building #2 doesn't come to fruition soon. It is hoped if this revised plan is approved, that the plantings might take place this spring, or once Building #4 is completed either this fall or next spring.

Recommendation – Staff recommends approval of the revised plan using the container grown seedling size which complies with the Code requirements. Staff will also note that since the offsite planting area will be done on a steep slope, it will be important to develop a good site preparation and maintenance strategy for key survival of the trees.

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

cc: David Lingg, Lingg Property Consulting
Mark Crissman, DMW
Daphne Matthews, DMW

November 5, 2018

Ms. Cynthia K. Unangst, Middletown Staff Planner
Town of Middletown
31 West Main Street
Middletown, MD 21769

Re: Newton Property (Cross Stone Commons) Offsite FFCP at Wiles Branch Park – Cost Estimate
DMW Project No. 12706

<u>FRO COST ESTIMATE</u>	
SUBDIVISION/SITE NAME: WILES BRANCH PARK (OFFSITE MITIGATION FOR CROSS STONE COMMONS)	
1,050 L.F. 2-STRAND FENCE @ \$2.00 L.F. =	\$2,100.00
13 SIGNS @ \$10.00 EACH =	130.00
13 SIGN POSTS @ \$10.00 EACH =	130.00
1.05 AC PLANTING @ \$7,405.20 (AC)	<u>\$ 5,227.20</u>
SUBTOTAL =	\$7,587.20
15% CONTINGENCY =	<u>\$1,380.08</u>
SURETY =	\$8,725.28

16.40.044 - Afforestation and reforestation.

- A. After techniques for retaining existing forest on the site have been exhausted, the preferred sequence for afforestation and reforestation, as determined by the department, is as follows:
1. Selective clearing and supplemental planting on site;
 2. On-site afforestation or reforestation, if economically feasible, using transplanted or nursery stock that is greater than 1.5 inches diameter measured at 4.5 feet above the ground;
 3. On-site afforestation or reforestation, using whip and seedling stock;
 4. Street trees as a permissible step in the priority sequence for afforestation and reforestation with a mature canopy coverage;
 5. Landscaping of areas under an approved landscaping plan which establishes a forest that is at least thirty-five (35) feet wide and covering two thousand five hundred (2,500) square feet or more of area or other landscaping as provided for in Section 16.40.045(F).
 6. Off-site afforestation or reforestation, using transplanted or nursery stock that is greater than 1.5 inches diameter measured at 4.5 feet above the ground;
 7. Off-site afforestation or reforestation, using whip and seedling stock;
 8. Natural regeneration on-site;
 9. Natural regeneration off-site;
 10. Payment into the Middletown forest conservation fund as provided for by Section 16.40.028(B) of this chapter;
 11. Purchase of credits from the Middletown forest banking program.
- B. The forest conservation plan shall specify the sequence proposed for afforestation and reforestation most appropriate for the site and character of the proposed project. The appropriate approving authority may require that any sequence be considered to achieve the objectives of this chapter and the Middletown comprehensive plan.

(Ord. 04-02-01 § 2 (part), 2004)

Middletown Planning Office

MEMORANDUM

Date: 1/7/2019
Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **SELF-STORAGE SPECIAL EXCEPTION USE FOR MIDDLETOWN VALLEY CENTER**
Tax Map Parcel #03-0140989
Applicant: Mark Lancaster, Lancaster Properties, LLC (Contract Purchaser)
Property Owner: First Financial Bank NA under Thomas N. Dowd Trust
Plan Dated: December 2018
Date Received: December 21, 2018

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) 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

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

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. The specific standards are as follows:

17.48.340 Self-storage.

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. This use may be permitted only as an accessory use to a primary business.

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.
- 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 staff 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 May 2018. 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. There appears to be an incongruity in the Town Code relating to this specific requirement. In Section 17.20.020(C), the list of special exception uses is preceded by a sentence that states “the board of appeals may authorize the following **principal** uses as special exceptions....” However specific standard E (Section 17.48.340) explicitly states that the “use may be permitted **only as an accessory use....**” Staff suggests that this discrepancy be corrected.

In relation to the interpretation of accessory use, one understanding could be that the facility is to be used specifically for storage of goods related to the primary business on the property. It is staff’s opinion that such a facility would be termed a warehouse. The other understanding relates to the phrase used for the use in Section 17.20.020(C)13, which is “self-storage rental spaces for storage of personal goods”. The words **rental** and **personal** give credence to the type of self-storage facility that the applicant has in mind. The use would be an accessory use to other proposed businesses (retail uses and office building) on the property.

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 addressed in the required site plan 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 is 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 will be 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 to be approved by the State Highway Administration due to Alternate 40 being a state road. 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 ease to which the facility is accessed by recreational vehicles and trailers to be stored at the facility.

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

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

Board of Appeals
Town of Middletown, Maryland

Date Filed December 21, 2018
Map/Grid/Parcel/Lot 501/021/395/2
Zoned GC

APPEAL FOR SPECIAL EXCEPTION UNDER ZONING ORDINANCE

Petition is hereby made for a special exception under the Zoning Ordinance, as follows:

Location N side of U.S. 40-A at Middletown Parkway to the rear of Valley Center Safeway.
N S E W side of road; distance N S E W from nearest intersecting road

Subdivision Valley Center Subdivision Lot P/O Lot 2 Block _____

Street and Number near 815 East Main Street Zoning Classification General Commercial

Use proposed Self-Storage, as a part of a mixed-use development (Office & Retail)

Zoning Ordinance subsection(s) providing for proposed use: 17.20.20(c)(13) & 17.48.340

Owner of property: Name Lancaster Properties, LLC (Contract Purchaser)
Address 3120 Old National Pike, Middletown, MD. 21769

Appellant's present legal interest in above property: (Check one)

Owner (including joint ownership) Lessee Contract to lease or rent
 Contract to purchase Other(describe) _____

Has any previous petition or appeal involving this property been made to the Board: If so, give Case Number(s):

Further comments, if any:

See attached Justification Statement.

I hereby affirm that all of the statements and information contained in or filed with this appeal are true and correct.

Mark A. Laurentis

Signature of Petitioner

3120 Old National Pike, Middletown, MD. 21769

Address of Petitioner

Phone # 301 371 9101



Noel S. Manalo
301.698.2321
nmanalo@milesstockbridge.com

December 21, 2018

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.

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

4817-8877-1219v2

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(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 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 Sheriff's office currently provides service to the Valley Center. For these reasons, the required services are or will be adequate for the Project.

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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 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;

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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.

E. This use may be permitted only as an accessory use to a primary business.

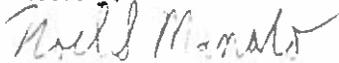
RESPONSE: The Applicant is proposing the Project for special exception approval as a principal use, pursuant to Zoning Ordinance § 17.20.020.C.13, as discussed above.

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

Light assembly and fabricating: clothing, draperies, curtains, furniture and cabinets, tool and die, bakery, electrical components, toys, books. (Subject to Section 17.20.080);

12. Storage, wholesale and warehouse buildings: indoor storage of goods and material which will be sold, processed or disposed of on or off premises. (Not, however, to include auto wrecking, junk or other salvage storage or truck or shipping terminals.) (Subject to Section 17.20.080);
13. Public safety services, subject to site development plan approval;
14. Farmers' markets;
15. Museums;
16. Medical care facilities.

C. Special Exceptions in the GC District. The board of appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Section 17.44.060

1. Residential uses;
2. Gasoline stations;
3. Greenhouses, nurseries;
4. Private and commercial schools—dance, business trade;
5. Shopping centers;
6. Lumber and other building material—retail;
7. Vehicle repairs and services;
8. Hotels and motels;
9. Vehicle sales;
10. Animal kennels and clinics;
11. Nursery schools and child care centers;
12. Light vehicle repair limited to a vehicle weight maximum of one-ton capacity. Repair and service shall be limited to lubrication, brakes, exhaust systems, wheel alignment, installation of accessories and parts, and installation of tires;
13. Self-storage rental spaces for storage of personal goods.

(Ord. No. 15-05-01, § I, 5-11-2015, eff. 10-1-2015; Ord. 07-12-01 § 1 (part), 2008; Ord. 07-01-01 § 2 (part), 2007: amended after public hearing, 4-6-00; Ord. 182 § 6.1, 1976)

17.44.060 - Special exceptions:

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;
2. Names and addresses of adjoining owners.

Unless otherwise specified or extended by the board of appeals, a special exception authorized by the board expires if the applicant fails to obtain, where required to do so, a building permit or use certificate within twelve (12) months of the date of the authorization of the special exception.

B. **Temporary Special Exceptions.** A temporary special exception must be obtained from the board for any nonconformity which is or will be seasonal or is or will be in the public interest. The board may grant a temporary special exception for a nonconforming use or structure, existing or new, which:

1. Is beneficial to the public health or general welfare;
2. Is necessary to promote the proper development of the community;
3. Is seasonal in nature.

The temporary special exception may be issued for a period not exceeding one year, and may be renewed for an aggregate period not exceeding three years. The nonconforming structure or use must be completely removed upon the expiration of the special exception without cost to the town.

C. **Referral to Planning Commission.** All applications for a special exception shall be referred to the town planning commission for a recommendation.

D. **Conditions.** The board of appeals, in passing upon special exception applications, may attach conditions considered necessary to protect the public welfare and the comprehensive plan, including conditions which are more restrictive than those established for other uses in the same zone.

E.

Application of Extent-of-Use Regulations. The lot area, lot width and yard requirements as set forth in this title must be followed as the minimum by the board of appeals. Where no extent-of-use regulations are set forth for the particular use, the board must impose extent-of-use requirements as necessary to protect the public welfare and the comprehensive plan.

- 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;
 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.
- 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.

(Ord. 182 § 10.5.1—10.5.6, 1976)

17.48.340 - Self-storage.

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. This use may be permitted only as an accessory use to a primary business.

(Ord. No. 15-08-01, § I, 8-14-2015, eff. 10-4-2015; Ord. 182 § 10.5.7 (part), 1976)

1-11-6. NUISANCE - NOISE LEVELS.

(A) The County Council finds that excessive noise harms public health and welfare and impairs enjoyment of property. The intent of this Chapter is to limit noise sources to protect public health and welfare and to allow the peaceful enjoyment of property.

(B) *Definitions.*

DAYTIME HOURS. 7:00 a.m. to 10:00 p.m., local time.

dBA. Abbreviation for the sound level in decibels determined by the A-weighting network of a sound level meter or by calculation from octave band or one-third octave band data. (COMAR 26.02.03.01.)

NIGHTTIME HOURS. 10:00 p.m. to 7:00 a.m., local time.

(C) *Noise standards for residential areas as receiving property.*

(1) Except as provided in paragraph (2) of this subsection and in subsection (F) of this section, a person may not cause or permit noise levels emanating from any property, such that the levels received on residential property exceed the levels contained in Table 1 below. (COMAR 26.02.03.02B.(1))

Table 1

Maximum Allowable Noise Levels (dBA) for Receiving Land Use Categories

<i>Day/Night</i>	<i>Industrial</i>	<i>Commercial</i>	<i>Residential</i>
Day	75	67	65
Night	75	62	55

(2) A person may not cause or permit noise levels emanating from construction or demolition-site activities that exceed:

- (i) During daytime hours, 90 dBA; or
- (ii) During nighttime hours, the levels specified in Table 1 above (COMAR 26.02.03.03B.(1))

(D) *Measurement of noise levels.*

(1) The measurement of noise levels under this subsection shall be conducted at points on or within the property line of the receiving property (or the boundary of a land use area) and may be conducted at any point for the determination of identity in multiple source situations.

(2) Sound level meters used to determine compliance with this section shall meet or exceed the specifications for Type II sound level meters.

(E) *Off-road internal combustion vehicles.*

(1) A person may not operate or permit to be operated an off-road internal combustion engine powered recreational vehicle, including, but not limited to, a dirt bike, an all terrain vehicle, a go cart, a snowmobile, or a similar vehicle, on private property without the express written permission of a person owning an interest in the property.

(2) A person may not operate or permit to be operated an off-road internal combustion engine powered recreational vehicle, including, but not limited to, a dirt bike, an all terrain vehicle, a go cart, a snowmobile, or a similar vehicle, on private property closer than 300 feet to a neighboring residence, without the written

permission of the affected resident, unless the operator of the vehicle can demonstrate that the operation of the vehicle, at all of its operating speeds, within 300 feet of the neighboring residence, will not cause the noise levels set forth in (C)(1) above to be exceeded at the receiving property line. (COMAR 26.02.03.02 B.(5))

(F) *Exemptions.* The provisions of this section do not apply to:

(1) Devices used solely for the purpose of warning, protecting, or alerting the public, or some segment thereof, of the existence of an emergency situation;

(2) Household tools and portable appliances in normal usage;

(3) Lawn care and snow removal equipment during daytime hours, when used and maintained in accordance with the manufacturer's specifications;

(4) Agricultural field machinery when used and maintained in accordance with manufacturer's specifications;

(5) Blasting operations for demolition, construction, and mining or quarrying, between the hours of 7:00 a.m. and 5:00 p.m.;

(6) Motor vehicles on public roads;

(7) Aircraft and related airport operations at airports licensed by the State Aviation Administration;

(8) Boats on State waters or motor vehicles on State lands under the jurisdiction of the Department of Natural Resources;

(9) Emergency operations;

(10) Pile driving equipment, between the hours of 8:00 a.m. and 5:00 p.m.;

(11) Sound not electronically amplified created by sporting, amusement, and entertainment events and other public gatherings operating according to terms and conditions imposed by the County, between the hours of 7:00 a.m. and 12:00 midnight;

(12) Railroads;

(13) Construction and repair work on public property;

(14) Air conditioning or heat pump equipment used to cool or heat housing on residential property. For this equipment, a person may not cause or permit noise levels which exceed 70 dBA for air-conditioning equipment at receiving residential

property, and 75 dBA for heat pump equipment at receiving residential property;

(15) Trash and recycling collection between the hours of 7:00 a.m. and 10:00 p.m.;

(16) Carnivals, fairs and amusements conducted by civic and service organizations;

(17) Sporting events conducted by primary or secondary schools, colleges, or recreational leagues on Board of Education, County or municipally owned properties, between the hours of 7:00 a.m. and 11:00 p.m.; and

(18) Trapshooting, skeet shooting, or other target shooting on any range or property approved by the Division of Planning and Permitting for such activities. (Envir. Art. § 3-401.)

(Bill No. 16-15, 11-1-2016)

MT-B-19-1

Storage unit hours of operations comparison

Unit	Location	Access hours
Fort Knox	5106 Old National Pk. Frederick	6a-9p all days
Security	17 Western Dr	6a-10p all days
Life Storage	1212 W. Patrick	7a-10p all days
Public Storage	396 Prospect Blvd	6a-9p all days

Surrounding business hours of operations

Safeway	815 E. Main	5a-12a all days
Goodwill	815 E. Main	10a-8p
James Gang	815 E. Main	11a-10p

Middletown Planning Office

MEMORANDUM

Date: 1/14/2019

Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **MIDDLETOWN VALLEY 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: First Financial Bank NA under Thomas N. Dowd Trust

Plan Dated: December 2018

Date Received: December 21, 2018

GENERAL INFORMATION

Proposal: Property is to be developed with 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.

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:

1. Minutes from concept plan review on May 21, 2018 –

Middletown Valley Center Concept Plan – (David Lingg (Lingg Property Consulting), Mark Crissman (Daft, McCune Walker) and Mark Lancaster (Lancaster Craftsman Builders), present). This is for the proposed development of 52,500 square feet of commercial space in three separate buildings with 296 parking spaces, with the additional possibility of self-storage areas 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. The proposed development appears to be consistent with the goals and objectives of Middletown's Comprehensive Plan and is not within a historic survey district. Concept Plan reviews are informal and provide

the developer initial feedback and identify potential issues that might be raised during the site plan and improvement plan reviews.

- **GC District Uses** – If the proposed development is determined to meet the definition of a shopping center per the Town Code, it will need special exception approval from the Middletown Board of Appeals and must meet the special exception regulations for shopping centers as indicated in the Town Code.
- **Parking Requirements** – If developed under the shopping center guidelines, the total parking spaces required per the proposed square footage of the buildings would be 289 spaces. The Concept Plan provides for 296 spaces. The Concept Plan shows how the proposed parking would be integrated with the existing parking in the Safeway shopping center parking lot in relation to drive aisles and so forth.
- **Traffic Study** – Concern was raised over the impact from the increase in traffic volume on the entrance/exit of the Safeway shopping center parking lot should the property development occur as proposed. It was suggested that besides the traffic study, the developer investigate a separate access to the property due to the current traffic volume entering and exiting the Safeway shopping center.
- **Comments from the Director of Public Works/Town Engineer** – The Director of Public Works reviewed the Concept Plan regarding water and sewer needs only. This property is considered a remote site with no water or sewer access currently. The Director of Public Works indicated on the Concept Plan where two gravity feed lines run across a section of the property to the booster station adjacent to the Safeway shopping center.
 - **Water Service** – The Concept Plan shows an existing 6-inch waterline, but the Town does not know if it exists, as there is no valve present. County plans show a blow off towards the property. Town Code requires 1 meter to service a property. There is currently one present which services the Safeway shopping center. Developers would have to piggy back on the current line so that there would be 2 meters with a subtraction. The Town Engineer shared a potential plan for water service to the proposed development. He recommended that the developer connect to the water line via the higher-pressure side of the pressure reducing valve (prv), which currently reads 90+psi. The developer will look for the cap to the 6-inch water line and the blow off.
 - **Sanitary Sewer** – The Town Engineer showed a potential sanitary sewer schematic that could be used to develop the property. This sanitary sewer would be gravity run.

Action: None taken.

2. **Changes from concept plan reviewed in May 2018** – Previously the concept plan showed 52,000 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 48,800 square feet of commercial space in three separate buildings in addition to the self-storage facility. 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 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.

3. **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.

In relation to traffic, staff would recommend 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.

A letter was received from The Traffic Group along with Exhibit 1 entitled Trip Generation for Subject Site. (see attached) Based on a review of the letter and exhibit, several questions have 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.

The Walkway and Trail map in the Middletown Comprehensive Plan shows a future greenway at the southern end of the subject property. This proposed greenway would connect the sidewalk along the Middletown Parkway with the AC Jets property and future greenways on that property.

4. **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. The concept plan shows the lot requirements as being met.
5. **Parking requirements** – If developed with the proposed uses, the total parking spaces required per the proposed square footage for the retail and office buildings would be 193 spaces. Eight parking spaces are proposed for the self-storage facility. The concept plan provides for 208 spaces in addition to the eight proposed for the self-storage facility. The concept plan shows how the proposed parking would be integrated with the existing parking in relation to drive aisles and so forth.
6. **Review by Town Engineer and consulting engineer** – The plans have been provided to the Town Engineer for review.

This review will be included in the Middletown Planning Commission materials for the January 21, 2019 public meeting. The applicant is encouraged to attend this meeting.

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



A SERVICE DISABLED
VETERAN-OWNED
SMALL BUSINESS

CORPORATE OFFICE

Baltimore, MD
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410.931.6600
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ARIZONA OFFICE

443.290.4070

DELMARVA OFFICE

443.290.4060

FIELD LOCATIONS

Arkansas
Arizona
Georgia
Maryland
New York
North Carolina
Ohio
South Carolina
Texas
Utah
Virginia
West Virginia

December 19, 2018

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

RE: Middletown Valley Center
Town of Middletown
Frederick County, Maryland
Our Job No.: 2018-0710

Honorable Board Members:

The proposed Middletown Valley Center is located along Alt. US 40 (Old National Pike) at its intersection with Middletown Parkway in the Town of Middletown, Frederick County, Maryland. The area for development is generally located east and north of the existing Valley Center (which includes Safeway). The Middletown Valley Center, which is zoned General Commercial (GC), is proposed with a 39,600 SF Office Building, 9,200 SF of Retail Pad Sites, and a conservative 30,000 SF self-storage facility. Access to the site is proposed at the existing traffic signal at the intersection of Alt. US 40 @ Middletown Parkway and a proposed full movement or a limited access intersection on the eastern property line along Alt. US 40. A Traffic Impact Analysis will be prepared to analyze the access including different types on the eastern property line and will be approved by the SHA, who owns and maintains Alt. US 40.

The Institute of Transportation Engineers (ITE) Trip Generation (10th Edition) was utilized to generate trips for the proposed uses on this property. Exhibit 1 details the proposed trip generation rates and trips. Please note that this is somewhat conservative since internal trip capture between the existing and proposed uses were not taken into consideration. Based on ITE, this development is projected to generate 59 AM and 75 PM Trips. If internal trips were taken into consideration, these trips would be lowered.

It is our opinion that this development would not have a major impact on the roadway network with about 1 trip/minute coming to or from the site. Once the Traffic Impact Analysis is completed, a more detailed assessment can be provided. If you have any questions, please let me know. Thank you.

Sincerely,

Joseph J. Caloggero, P.E., PTOE, PTP
Vice President

JJC:mij

(F:\2018\2018-0710_Middletown Valley Center\DOCS\CORRESP\ANALYST\ltr_Hinkle Board of Appeals.docx)

TRIP GENERATION FOR SUBJECT SITE

TRIP RATES / FORMULAE

IN/OUT

General Office Building (ksf, ITE-710)

Morning Trips = $0.94 \times \text{ksf} + 26.49$ 86/14

Ln(Evening Trips) = $0.95 \times \text{Ln}(\text{ksf}) + 0.36$ 16/84

Retail Uses (ksf, ITE-820)

Morning Trips = $0.94 \times \text{ksf}$ 62/38

Evening Trips = $3.81 \times \text{ksf}$ 48/52

Mini-Warehouse (ksf, ITE-151)

Morning Trips = $0.10 \times \text{ksf}$ 60/40

Evening Trips = $0.17 \times \text{ksf}$ 47/53

TRIP TOTALS

MORNING PEAK HOUR			EVENING PEAK HOUR		
IN	OUT	TOTAL	IN	OUT	TOTAL

General Office Building

(Due to the size of office building, AM trips are too high by using the equation. Therefore, PM trips were used for AM.)

39,600 sq.ft. 40 7 47 8 39 47

Retail Uses (ksf, ITE-820)

9,200 sq.ft. 6 3 9 17 18 35

Pass-by Trips (0, 34%) -6 -6 -12

New Trips 6 3 9 11 12 23

Mini-Warehouse (ksf, ITE-151)

30,000 sq.ft. 2 1 3 2 3 5

Total	Pass-by Trips	0	0	0	6	6	12
	New Trips	48	11	59	21	54	75



ITE Trip Generation, 10th Edition.

**EXHIBIT 1
TRIP GENERATION
FOR SUBJECT SITE**

MEMORANDUM

To: Middletown Planning Commission members
Annette Alberghini
Drew Bowen
Burgess Miller

From: Cynthia K. Unangst, Staff Planner

Date: December 20, 2018

Middletown Planning Commission Terms

Mark Carney, Chairman (12/2016 – 12/2021) began service 3/2000

David Lake (1/2017-1/2022) began service 1/2007

Bob Miller (5/2018-5/2023) began service 5/2008

Rich Gallagher (12/2016 – 12/2021) began service 2/2011

Tom Catania, Town Board liaison (4/2016-4/2020) began service 4/2016

Dixie Eichelberger, Alternate (7/2017-2/2021) began service 2/2014

Eric Ware – Temporary Alternate will finish Meredith McKittrick's term of office (6/2017-5/2022) began service 12/2018

2.16.020 - Composition.

The commission shall consist of five members appointed by the burgess with confirmation by the commissioners, each to serve five years, or until a successor takes office. In addition, the burgess and commissioners may designate one alternate member to the commission who may sit on the commission in the absence of any member of the commission. When the alternate is absent, the burgess and commissioners may designate a temporary alternate to sit on the commission. The alternate and temporary alternate will serve for five years from the date of original appointment.

Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 1/2/2019

RE: Monthly Planning Update - January

Major Subdivisions:

Middletown Glen - Preliminary plans signed – May 29, 2013
Improvement plans conditionally approved – October 16, 2013
FRO planting at Remsberg Park completed – February 2017
All plats recorded at the Courthouse – May 17, 2016 - March 16, 2018

Site Plans, Plats and Minor Subdivisions:

Cross Stone Commons – Final FRO Plan approved – May 19, 2014
Revised Site Plan conditionally approved – October 20, 2014
Improvement Plan mylars signed – November 6, 2015
Architectural renderings for Building #4 approved – March 19, 2018
Revised Forest Conservation Plan submitted – December 11, 2018
Next step – submit architectural renderings for building #2 for review/approval

Franklin Commons - Improvement Plans approved – Sept. 21, 2015 (**Plans expired 9/21/2018**)
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**)
Next step – resubmittal of improvement plans for review and approval

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

Dowd Property – Forest Stand Delineation approved – April 16, 2018
Concept plan reviewed by PC – May 21, 2018
Special Exception materials submitted for self-storage use – December 21, 2018
Next step – PC review/recommendation and BOA review/approval of special exception for self- storage use

Jiffas – Site Improvement Plan conditionally approved – October 20, 2008 (no sunset provisions prior to November 14, 2010)

Forest Conservation Plan approved – October 20, 2008

Architectural plans approved by PC – March 16, 2015

BOA approval for variance requests – March 29, 2016 (**Expired March 29, 2017**)

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

Miller (Ingalls) – Revised Concept Plan reviewed by PC – September 16, 2013

Site plan (Phase III) conditionally approved by PC – July 20, 2015

Improvement plans (Phase III) conditionally approved by PC – June 19, 2017 (Expires 6/19/20)

Improvement plan (Phase III) mylars signed – January 2, 2018

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 – approval of improvement plans by Planning Commission

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

St. Thomas More Academy Site Plan revision – conditionally approved August 20, 2018

Annexations:

A.C. Jets Property- PC approval of annexation petition of 35.96 acres – December 21, 2009

Public hearing date - Monday, October 11, 2010

Annexation petition denied by Town Board – October 11, 2010

Admar Property – annexation petition sent to PC by Town Board – January 9, 2017

PC approval of consistency with zoning/comp plan – February 20, 2017

Public Hearing - April 5, 2018

Town Board passed annexation resolution – April 9, 2018

Text Amendments:

Reports:

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

Meetings: Next Middletown Green Team Meeting – January 15, 2019

Next Joint town board/planning commission workshop – May 6, 2019