

MIDDLETOWN PLANNING COMMISSION

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

Agenda for the August 19, 2019 Meeting
7:00 p.m.

- I. Public Comment
- II. Minutes of July 2019 Planning Commission workshop Approval
Minutes of July 2019 Planning Commission meeting Approval
- III. Plan Review
 - Hollow Creek Professional Center Site Plan Review/Approval
 - Hollow Creek Prof. Center Preliminary Forest Cons. Plan Review/Approval
- IV. Zoning
 - Self-storage Text Amendment Review/Comment
- V. Miscellaneous
- VI. Additional Public Comment

**** All requests to be on the Planning Commission agenda must be received at the Middletown Municipal Center, 31 W. Main Street, Middletown by 12:00pm on the Monday two weeks prior to the monthly meeting held on the third Monday of each month. All plans being submitted for review must be folded, and an electronic plan is required as well.**

Maryland law and the Planning Commission's Rules of Procedure regarding ex parte communications require all discussion, review, and consideration of the Commission's business take place only during the Commission's consideration of the item at a scheduled meeting. Telephone calls and meetings with Commission members in advance of the meeting are not permitted. Written communications will be directed to appropriate staff members for response and included in briefing materials for all members of the Commission.

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Workshop

July 10, 2019

The regular workshop of the Middletown Planning Commission took place on Wednesday, July 10, 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 Bob Miller, Rich Gallagher, David Lake, Dixie Eichelberger, Alternate, Eric Ware, Temporary Alternate, and Tom Catania, Town Board Liaison. Others present in official capacity: Cindy Unangst (Staff Planner). Residents present: John Huegelmeyer.

JULY MONTHLY PLANNING COMMISSION WORKSHOP:

PLAN REVIEW –

Water Storage Tank Improvement Plans – Cindy reviewed parts of her staff report and the new lighting plans that were submitted. There were questions about access to the tank and the wall packs over the doors. Chairman Carney stated that he would draw a line of constant lighting on the photometric plans to show the commission members on Monday night. The commission members would also like to see a photo of the fence slats that are proposed.

ZONING –

Self-storage Text Amendment – There was a lot of discussion about the proposed definitions in the text amendment which the commission members will review again during the meeting on Monday so that all their comments can be included in the meeting minutes. Those comments will then be sent to the Town Board. The commission feels that ultimately the Town Board needs to decide whether outdoor storage of vehicles, etc. will be allowed at self-storage facilities, and the definition(s) will need to reflect that. Resident John Huegelmeyer was invited to the table to give the commission members his thoughts.

MISCELLANEOUS –

Site Plan Review Process document – Cindy reviewed the document with the commission members and received comments on ways to improve it with suggested links to include and additional information to add to it.

Cindy announced that MPCA is looking for board members.

Workshop adjourned at 8:05pm.

Respectfully submitted,

Cynthia K. Unangst, AICP
Middletown Staff Planner

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

July 15, 2019

The regular meeting of the Middletown Planning Commission took place on Monday, July 15, 2019 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commissioner Tom Catania (Ex-Officio), Commission members David Lake, Rich Gallagher, Bob Miller, Dixie Eichelberger (Alternate) and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner), JR Hawkins (Town Engineer) and Annette Alberghini (Recording Secretary). Others present: John Huegelmeyer (town resident), and Bernard Pond (town resident).

JULY MONTHLY PLANNING COMMISSION MEETING:

- I. PUBLIC COMMENT – None**
- II. Regular Workshop Minutes of June 12, 2019 – Approved as submitted.**
Regular Meeting Minutes of June 17, 2019 – Approved as submitted.

III. PLAN REVIEW

Water Storage Tank Improvement Plans – (JR Hawkins (Town Engineer) present). This is for the proposed construction of a 1 million gallon prestressed concrete water storage tank to replace the two synthetic rubber lined and covered embankment reservoirs, currently in use, for the storage of municipal water, at 4A Ashky Court. The plans before the Planning Commission are 90% complete. The contract with the engineering firm designated that 90% plans be submitted to the Town for review. The 100% completed plans should include a Planning Commission signature block. The full set of plans is 43 sheets, most of which contain erosion and sediment control details that are reviewed by the Soil Conservation District, process details, and mechanical and electrical details. The sheets provided to the Planning Commission are those that contain information related in some way to planning and zoning requirements. The full set of plans is available for review. A request for a SWM waiver was reviewed and approved by Frederick County on February 22, 2019. The proposed storage tank meets the yard requirements for an Open Space district. The plans have been provided to the Town Engineer for review, and the Soil Conservation District for review and approval.

- **Lighting –** Sheet E-601 (Electrical Schedules) contains the lighting fixture schedule and indicates that some fixture types are to be wall mounted, dusk to dawn fixtures that cast the light downward. There will be two telescoping light poles on the roof of the structure. One on the western side and one over the mechanical addition. These are to be operated by a switch, so will not turn on automatically. The current light on the chemical building will stay. The Town Engineer stated that the lighting from any wall mounted fixtures should not be seen by the surrounding area due to bowl-like topography of the site with the storage tank being “in the bowl”.
- **Fencing –** An existing 8-foot fence surrounds the water reservoir site. It will be replaced with the same type of chain-link fence as part of this project. The existing perimeter fence and gates will be maintained until the new fence can be installed except where removal is required for construction. The Staff Planner reviewed the photo of the slat screening used at the Town Maintenance facility. This same type of screening will be used at the reservoir if needed. Slat screening can be put in the sections of replacement fence near the northeast corner to help screen the site from neighboring properties. The Planning Commission recommended that slat screening be

installed once the new fencing is in place along the north side of the property from one entrance gate to the other.

- **90% Review Submittal** – The Planning Commission asked with the 90% plan submittal if there would be any items in the 100% plan that would require Planning Commission attention. The Town Engineer stated that the Town has met with the project engineer, and the items outstanding are internal to the structure itself and have nothing to do with the Site Plan.
- **Action:** Commission Member Lake motioned to approve the Water Storage Tank Improvement Plan with the addition of slat screening for the fence along the north side of the property from one entrance gate to the other. Seconded by Commission Member Gallagher. Motion carried (5-0).

IV. ZONING –

Self-storage Text Amendment – (John Huegelmeyer (town resident), and Bernard Pond (town resident) present.) On Monday, July 8th, the Town Board introduced a proposed text amendment to add definitions for the terms “household good”, “personal property”, “self-storage units” and “storage” to the Municipal Code, as well as to delete and repeal the requirement that self-storage facilities may only be permitted as an accessory use to a primary business from Section 17.48.030 of the Code. It is being forwarded to the Planning Commission for review and comment. A public hearing is being scheduled for Thursday, August 1st, with a vote on the proposed ordinance by the Town Board to take place on Monday, August 12th. A draft ordinance by the Town Attorney with the proposed changes as suggested from previous discussions between the Town Board and the Planning Commission was provided. The Town Attorney questioned the need for a definition for “household good” since there is no reference to it in the Municipal Code. Additionally, he isn’t sure that a definition of “storage” is necessary since it is a common term, and when terms are not specifically defined in a statute, its common-use dictionary meaning is used. The Staff Planner noted that the proposed terminology of “self-storage units” doesn’t conform with “self-storage facilities” as used in the Municipal Code in Section 17.48.340.

The Planning Commission reviewed the draft ordinance and provided the following information for the Town Board to consider:

- Remove the definition of “Household Goods” as it is not needed.
- Remove the reference to chattels as it is also not needed.
- Remove the reference to “Intangible Items” as tangible items are what is related to in this section of the municipal code.
- In the definition of “Personal Property” remove “car” and replace with “vehicle”, in the beginning of the description of tangible items insert “including but not limited to”, and after jewelry insert “,etc.”.
- Recommend adding a definition for Self-Storage Facilities which includes self-storage units, including office space, and designated parking areas for storage of vehicles. If a designated parking area for storage of vehicles is included in the definition, the Planning Commission asks that the Town Board further define what to include/exclude as it relates to that designated parking area and asks the Town Board to consider the following:
 - Will it correspond with what is currently in the Town Code regarding restricted vehicles, recreation equipment, trailers and commercial vehicles, or will they be allowed.
 - Should define the status of the vehicle being stored (registered or not, operable vs inoperable, powered or unpowered, size limits, etc.)
 - Recommend that repair, maintenance or modification of the vehicle not be allowed to take place at the storage facility.
 - Recommend that this storage parking is designated so as to prohibit vehicles stored around the perimeter of the storage facility or in grassy areas.

The Staff Planner will write the memorandum to the Town Board with the comments from the Planning Commission.

V. MISCELLANEOUS

Joint Town Board/Planning Commission Meeting - The next joint Town Board/Planning Commission Meeting is Monday, August 5, 2019.

New Placards - The Staff Planner showed the new placards developed for Planning Commission use.

Work Crews - There are work camp crews in town this week. They are working on three residences in town.

Dumpsters - There are 2 commercial dumpsters on Main Street with little to no screening. The Zoning Administrator will be notified to follow up.

VII. ADDITIONAL PUBLIC COMMENT - None

Meeting adjourned at 8:11pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary

DRAFT

Middletown Planning Office

MEMORANDUM

Date: 8/5/2019

Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **HOLLOW CREEK PROFESSIONAL CENTER SITE PLAN**

Tax Map Parcel #03-0140989

Applicant: David Lingg, Lingg Property Consulting

Property Owner: Mark Lancaster Properties, LLC

Plan Dated: August 1, 2019

Date Received: August 2, 2019

GENERAL INFORMATION

Proposal: Property is to be developed with 50,640 square feet ± of commercial space in three separate buildings with 212 parking spaces, and 2± acres reserved for future development

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

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

Present Use: vacant

COMMENTS

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

1. Minutes from concept plan review on January 21, 2019 –

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** – Previously the concept plan showed 48,800 square feet ± of commercial space in three separate buildings in addition to the possibility of self-storage areas in the rear of the property. The revised plan shows 50,640 square feet of commercial space in three separate buildings in addition to 2± acres reserved for future development. The site plan continues to show two one-story retail pads and one three-story office building. The proposed retail square footage of 9,200 square feet now includes an additional ancillary restaurant/retail use of 2,000 square feet to be located on the 1st floor of the office building. The proposed office square footage decreased from 39,600 square feet to 39,440 square feet. The prior concept plan showed 208 parking spaces plus 8 for the self-storage use, while the revised plan shows 212 parking spaces including 8 handicapped spaces.
- 3. Consistency with Comprehensive Plan** – The proposed development appears to be consistent with the goals and objectives of the comprehensive plan. There are no environmentally sensitive areas, floodplain or wetlands on the site. The property was annexed into the town in 1973. The site is not within an historic survey district and is not a historic site. The site is adjacent to a General Commercial zoned property and has been zoned General Commercial for at least 25 years. The Municipal Growth Element states as an objective that commercial uses be designed and scaled to be compatible with the neighborhood in which it is located.
- 4. GC District Uses** – General Note #3 on Sheet 1 states that all proposed buildings will contain uses permitted within the Town of Middletown General Commercial zone. Special exception uses for the General Commercial district that would need a recommendation from the Planning Commission and subsequent approval by the Board of Appeals include gas stations, greenhouses, private and commercial schools, retail of construction and building materials, vehicle repair and services, vehicle sales, animal kennels and clinics, child care centers, and self-storage rental spaces for storage of personal goods.
- 5. Site plan requirements** – Section 17.20.050 of the Municipal Code states that whenever any use is to be established within the GC district, a site plan of development must be submitted. The site plan shall show proposed building location and use, driveways, parking and loading areas, landscaping, water and sewer facilities, storm drainage facilities and street lighting, all showing relationships to adjacent development. The submitted site plan is in conformance with this regulation. Additional regulations in this section of the Code state that new principal structures in the commercial districts shall be compatible with the massing, size, scale, materials, and architectural features of nearby buildings, so as to present an aesthetically pleasing and finished appearance as viewed from all sides. Loading docks, service areas or other similar features shall

be screened from view from all public streets and adjoining residential districts. To ensure aesthetically pleasing development compatible with adjacent or neighboring buildings, all applications for site plan approval shall include architectural plans, elevations, and architectural renderings or other information concerning the design and materials of the proposed building. The site plan requirements listed in Section 17.32.240 for all site plan submissions have all been met as well.

6. **Curbs, gutters and sidewalks** – According to Section 16.28.030R., curbs, gutters and sidewalks shall be provided in front of all nonresidential lots. Although the site certainly has some constraints, there needs to be some consideration for how pedestrians will access the proposed buildings if they were to be walking to the site from the Glenbrook subdivision or even from residences along East Main Street.
7. **Traffic Impact Analysis** – A traffic impact analysis was prepared by The Traffic Group. The study indicates that the project site is proposed to be developed with 39,600 square feet of general office, 9,200 square feet of retail uses, and 30,000 square feet of mini-warehouse. The study does not include the proposed restaurant use which is ancillary to the office building. Two different access scenarios were created: each scenario has access via the existing traffic signal at Alt. US 40 at Middletown Parkway/Town Center Plaza, and a second scenario consists of a full movement access east of that traffic signal. A conservative 3% growth rate was applied to the three-year build-out period for the background condition. (As a comparison, a 1% growth rate was applied to the two-year build-out period for the background condition for the Cross Stone Commons traffic impact analysis.) The analysis study results indicate that the intersection of Alt. US40 @ Middletown Parkway/Town Center Plaza is operating at acceptable levels of service and will continue to operate with acceptable levels of service during each of the peak periods with the methodologies used for the analysis. The proposed East Site Access has some delay while leaving the site during the evening peak hour only. A full movement access at that intersection is recommended since the methodology used typically overestimates the delay times according to the analysis. It is the opinion of The Traffic Group that the proposed Professional Center meets the requirements for approval without offsite intersection mitigation. The traffic impact analysis was conducted using a full movement access east of the existing traffic signal (and is recommended according to the analysis), but the site plan submittal shows a proposed right-in/right-out access only. Due to the discrepancies between the traffic impact analysis and the site plan – access to the site and proposed uses – staff feels that those discrepancies should be addressed by the applicant.

Staff also still has a concern about a statement in Exhibit 6 (page 15) that 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 analysis. A copy of the traffic impact analysis has been sent to the Town's consulting engineer for review, and a copy will also be sent to SHA for review and comment.

8. **Lot requirements** – Within the GC General Commercial district, there is no minimum lot area or minimum lot width. The front yard depth is 40 feet, side yards are to be a minimum of 20 feet and the rear yard depth is to be at least 40 feet. Yard requirements in the GC district are to be

measured from the parking area or structure, whichever is closest to the lot line. The proposed site plan meets the lot requirements as indicated on the plans and in General Note #4 on Sheet 1.

9. **Parking requirements** – According to the proposed square footage and usage of the three buildings, the total parking spaces required per the proposed square footage for the retail and office buildings would be 206 spaces. General Note #6 on Sheet 1 indicates the total parking required to be 207 spaces due to rounding, but staff didn't get the same result. The applicant states in General Notes #3 and #6 that there will be 2,000 square feet of ancillary restaurant or retail space located in the office building on the first floor. Note #6 incorrectly states that parking for that use of 1 parking space per 150 square feet is the more restrictive requirement of the two uses. If that space is occupied by a restaurant, as shown on Sheets 2 – 6 of the plans, then the parking requirement would be 1 parking space per 90 square feet of gross floor area. The total number of spaces required for that use would then be 22 spaces instead of 13 (Section 17.32.060 of the Municipal Code - Off-street parking). The square footage of the outdoor seating area would also need to be included in the calculations. With the 2,000 square-footage being proposed as a restaurant use, the total number of parking spaces required for the development would be 214 plus the required number for the outdoor seating for the restaurant. The applicant has shown 212 spaces provided on the plan. The applicant during the workshop on August 14th clarified how it was determined that the retail parking requirement would be more restrictive than that of a restaurant due to the square footage devoted to patron use in a restaurant only being half or so of the total gross floor area. The applicant should include that clarification under Note #6.

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

10. **Loading and service areas** - Off-street loading space requirements (Section 17.32.070) state that every building used for commercial use shall provide space on the property to be used exclusively for loading and unloading of vehicles. The numbers of spaces required per the Code are one space for a building floor area up to 8,000 square feet, three spaces for 25,001-40,000 square feet, and 4 spaces for 40,001-60,000 square feet. If you look at the total square footage for the buildings, which is what the applicant did, the number of loading spaces required would be four as stated in General Note #6 on Sheet 1. The applicant has shown a dedicated loading space (of the required size) at the office building, a smaller loading space (van/box truck size) at the retail pads, and has indicated that the proposed drop-off area of the office building will function as off-hours loading for two of the required spaces.

If you were to determine the number of loading spaces required per building square footage, then the two retail buildings would require one loading space each, and the office building with ancillary restaurant would require four spaces for a total of six loading spaces on the site. Loading docks, service areas or other similar features are to be screened from view from all

public streets and adjoining residential districts. The one loading area at the office building looks to be in an area that will be screened from public streets and adjoining residential districts, but the small loading space at the front of the pad sites does not look to be a screened area and isn't the required size.

11. **Stormwater management approval by Frederick County** – Although General Note #8 on Sheet 1 states that a stormwater management concept plan and associated calculations is submitted with this plan, it has not yet been completed and will need to be reviewed and approved by Frederick County. The site plan shows 16 Environmental Site Design facilities mostly within the parking areas.
12. **Landscape plan** – The landscape plan shows a total of 108 proposed deciduous and evergreen trees and 138 proposed deciduous and evergreen shrubs to be planted on and off the site, with the off-site plantings being proposed for the shopping center and BB&T sites. The proposed trees are to be 5-6 foot, or 2"-2 1/2" caliper balled and burlapped plants. The proposed shrubs are to be 24"-30" in height except for the hollies which are to be 18"-21" in height. The variety of trees and shrubs for the site are generally a good mix of native plants with a good distribution along the boundary and within the parking areas. There are thirteen proposed Village Green Zelkova trees which are not native to the US. Staff would recommend that they be replaced with American Linden or Willow Oak trees. Staff also recommends that the non-native Carrissa Holly shrub be replaced with the native American Holly (*Ilex opaca*) or Winterberry Holly (*Ilex verticillata*), and the non-native Sea Green Juniper be replaced with the native Inkberry (*Ilex glabra*) shrub.
13. **Signage** – A proposed monument sign is indicated on the plans near the BB&T Bank on property outside of the limits of the lot being developed. Staff questions whether there is an agreement with the shopping center owner with approval for a sign at that location. It would seem that the monument sign could be located directly across the building restriction line to the east on the end of the parking area labeled with 11 parking spaces. Regarding the proposed identification sign on the proposed retaining wall, staff feels that it would be appropriate for the applicant to submit a rendering of what the sign might look like, as well as the dimensions of the sign, to the Planning Commission for review. There are no sign regulations in the Municipal Code for such a sign since it would not be considered a wall sign due to it not being attached to any part of a building.
14. **Lighting** – A Lighting Plan (Sheet 5) is included in the plans but it was determined ahead of the workshop that the paper copy reviewed by the staff planner and the pdf that the commission members received by email were not the same. The lighting plan will therefore be reviewed in conjunction with the next site plan submission.
15. **Proposed pad sites** – General Note #3 on Sheet 1 indicates that the two proposed retail pads could be combined into one retail building up to 9,200 square feet depending on leasing. The Planning Commission should be provided with a plan for what that might look like for their review and approval.
16. **Architectural review** – To ensure aesthetically pleasing development compatible with adjacent or neighboring buildings, all applications for site plan approval shall include architectural plans,

elevations, and architectural renderings or other information concerning the design and materials of the proposed building(s). The applicant should submit the required renderings and elevations for review by the Planning Commission, and the Main Street Design Committee for their consideration and guidance.

17. **Transportation plan** – The site plan shows a proposed 30-foot wide right-in/right-out access to the property from U.S. 40 (Alt). The granting of access to the property at that location will be determined by the State Highway Administration.

In relation to traffic patterns, the developer has held discussions with the shopping center owner and BB&T Bank personnel to discuss possible improvements to the circulation into and through the property to make the necessary connections to the proposed development. The applicant should submit written documents of approval by those entities before the Planning Commission grants approval of the site plan. Sheet 6 shows a truck circulation plan that will need to be reviewed by the Town Engineer. If the rear of the proposed development is to include RV and boat storage, the turning radiuses within the two properties will need to be examined.

18. **Review by Town Engineer and consulting engineer** – The plans have been provided to the Town Engineer and the Town’s consulting engineer for review.

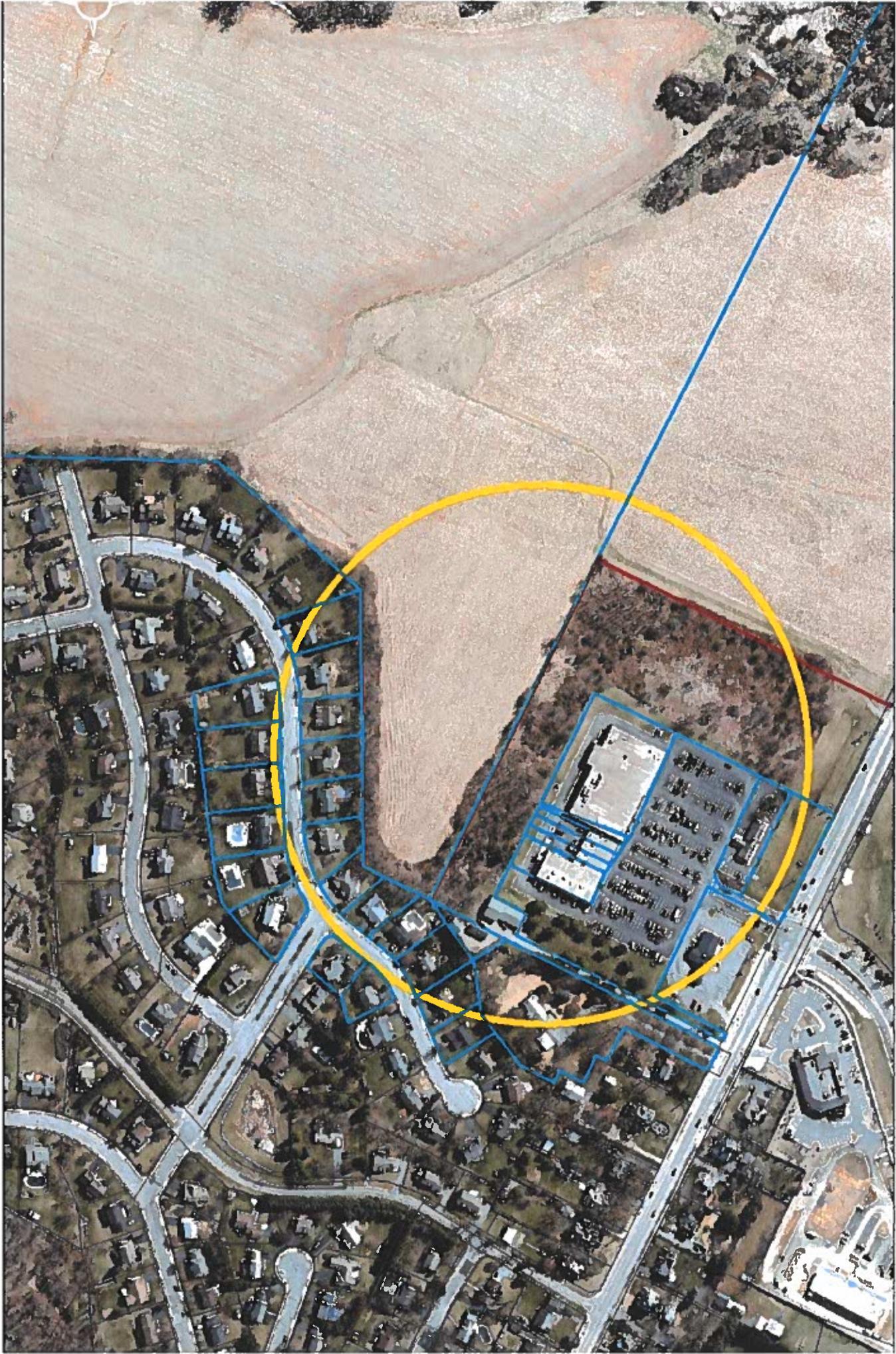
19. **Incorrect information** - Although it really doesn’t have an impact on the subject development, staff would appreciate having the correct information on the plans regarding the tenants of the Town Plaza Center.

RECOMMENDATION

Staff recommends that the Planning Commission table the Site Plan until the applicant has addressed the following: concerns of the staff planner; review of the stormwater management concept plan by Frederick County; submittal of appropriate documents by the owner of the adjacent shopping center and BB&T bank agreeing to proposed changes to the existing drive aisles, parking and islands in the shopping center; and review and approval of the right-in/right-out at Alternate US-40 by the State Highway Administration.

This review will be included in the Middletown Planning Commission materials for the August 19, 2019 public meeting. The applicant is encouraged to attend this meeting and the workshop on Wednesday prior to the meeting which will be held August 14, 2019.

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



**Site Plan Notification Map
Hollow Creek Professional Center**

Middletown Planning Office

MEMORANDUM

Date: 8/5/2019

Hansen# n/a

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: **HOLLOW CREEK PROFESSIONAL CENTER PRELIMINARY FOREST CONSERVATION PLAN**

Tax Map Parcel #03-140989

Applicant: David Lingg, Lingg Property Consulting

Property Owner: Mark Lancaster Properties, LLC

Plan Dated: August 1, 2019

Date Received: August 2, 2019

GENERAL INFORMATION

Proposal: the purpose of the preliminary forest conservation plan is to allow for the owner/owner representative to construct three mixed-use office buildings and associated parking and roads

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

Zoning: GC

Present Use: vacant

COMMENTS

The following issues should be considered in your review of this Preliminary Forest Conservation Plan:

1. **Preliminary Forest Conservation Plan submittals** – According to Section 16.40.031.B.2.b of the Middletown Municipal Code, a preliminary forest conservation plan (FCP) shall be submitted for the planning commission's approval along with application for final site plan approval according to regular planning deadlines for site plan submissions. Once the preliminary FCP or final site plan is approved by the planning commission, applicants should proceed with final FCP in conjunction with engineering improvement plans.
2. **Preliminary forest conservation plan requirements** – According to Section 16.40.034 of the Middletown Municipal Code, the requirements for a preliminary forest conservation plan are as follows:

16.40.034 Preliminary forest conservation plan.

A. A preliminary forest conservation plan shall:

1. Be submitted as required by [Section 16.40.031](#)(B) of this chapter;
2. Include the approved forest stand delineation for the site;
3. Include a table that lists the proposed values of the following, in square feet:
 - a. Net tract area,
 - b. Area of forest conservation required, and
 - c. Area of forest conservation that the applicant proposed to provide, including both on-site and off-site areas.
4. Include a clear graphic indication of the forest conservation provided on the site drawn to scale, showing areas where retention of existing forest or afforestation or reforestation is proposed;
5. Include an explanation of how the provisions of [Section 16.40.033](#) of this chapter have been met;
6. In the case of afforestation or reforestation, include a proposed afforestation or reforestation plan;
7. Include a proposed construction timetable showing the sequence of forest conservation procedures;
8. Show the proposed limits of disturbance;
9. Show proposed stockpile areas;
10. Incorporate a proposed two-year maintenance agreement that shows how areas designated for afforestation or reforestation will be maintained to ensure protection and satisfactory establishment;
11. Include information required in the Forest Conservation Technical Manual; and
12. Include other information the appropriate approving authority determines is necessary to implement this chapter.

B. The review of the preliminary forest conservation plan shall be concurrent with the review of the site plan or preliminary plan of subdivision for planning commission approval and with initial plan submission to the DOC, if appropriate.

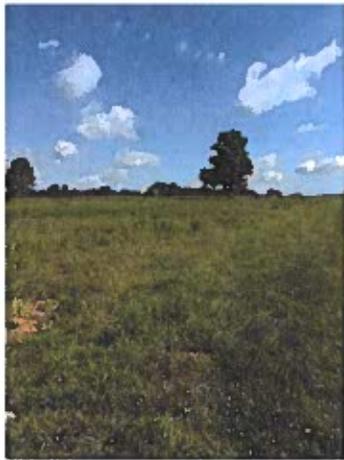
C. During the different stages of the review process, the preliminary forest conservation plan may be modified provided the approving authority approves of the changes.

The Forest Stand Delineation was approved by the Planning Commission on April 18, 2018. 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 proposed mitigation provided is specified to be off-site plantings of 0.99 acres or an easement protecting 2.47 acres of existing forest, but the plans do not indicate where any off-site planting would be completed, or where any existing forest would be protected.

3. **Summary of PFCP narrative** – There is one specimen tree near the eastern property line which is a 58" multi-trunked northern catalpa in fair condition. 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.

4. **Priority tree** – According to Section 16.40.041.B(3) of the Municipal Code, trees having a diameter measured at four and one-half (4.5) feet above the ground of thirty (30) inches or more shall be considered priority for retention and protection, and they should be left in an undisturbed condition unless the applicant has demonstrated, to the satisfaction of the approving authority, that the applicant qualifies for a modification under Section 16.40.023. The 58" northern catalpa qualifies as a tree to be considered priority for retention. The applicant has not requested a modification from this requirement and/or demonstrated that the enforcement would result in unwarranted hardship.



5. **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. The land use category should be listed as commercial, not agriculture. Section 16.40.042 (Afforestation and afforestation threshold) should be referenced in the calculations.
6. **Required afforestation** - The required afforestation of 0.99 acres needs to be established in terms of location. Staff suggests that the applicant set up a time to meet with the staff planner to determine an appropriate location.
7. **Review by Maryland Department of Natural Resources** – The plan has been provided to the Maryland Department of Natural Resources for review, but no comments have been received to date.

RECOMMENDATION

Staff recommends that the Planning Commission not approve the Preliminary Forest Conservation Plan for this property until a location has been proposed for the required afforestation, the necessary changes have been made to the plan, and either a modification request has been submitted or the plan has been modified to retain the catalpa tree.

This review will be included in the Middletown Planning Commission materials for the August 19, 2019 public meeting. The applicant is encouraged to attend this meeting and the workshop on the Wednesday prior to the meeting which will be August 14, 2019.

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

Middletown Planning Office

MEMORANDUM

Date: 8/15/2019

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

RE: SELF-STORAGE TEXT AMENDMENT

On Monday, July 8th, the Town Board introduced a proposed text amendment to add definitions for the terms “household good”, “personal property”, “self-storage units” and “storage” to the Municipal Code, as well as to delete and repeal the requirement that self-storage facilities may only be permitted as an accessory use to a primary business from Section 17.48.030 of the Code. There was a second reading of the proposed text amendment by the Town Board at their meeting held on Monday, July 22nd. Comments from the Planning Commission were discussed at that meeting. It has been referred back to the Planning Commission for your review and comment on wording for details related to the storage of vehicles. The public hearing originally scheduled for Thursday, August 1st was cancelled, and has been re-scheduled for Monday, August 26th.

Attached is a mark-up of the memo sent to the Town Board from the Planning Commission with comments by the Town Board as put into the document by Drew. I was not present at the meeting on July 22nd, but Mark Carney and Rich Gallagher were present and joined in on the discussion.

Also attached are the definitions related to vehicles that are in the Middletown Municipal Code and a legal definition of self-service storage facility as found on the internet.

As an alternative to the legal definition, staff would propose the following for consideration:

Bare-bones version - “Self-storage facilities” means any site, lot, or tract of ground used for self-storage units, a business office where some retail sales are allowed, and designated parking spaces for storage of vehicles.

Comprehensive version – “Self-storage facilities means any site, lot, or tract of ground used for self-storage units, a business office where retail sales are allowed, and the designated, orderly array of parking spaces for storage of registered, operable vehicles including restricted vehicles and recreational equipment; and where no vehicle repair is permitted at the facility.

ORDINANCE NO. 19-07-02

AN ORDINANCE TO AMEND TITLE 17 OF THE MIDDLETOWN MUNICIPAL CODE TO ADD DEFINITIONS FOR THE TERMS ~~"HOUSEHOLD GOOD"~~, "PERSONAL PROPERTY", "SELF-STORAGE UNITS", AND "STORAGE"; TO AMEND TITLE 17, CHAPTER 17.48, SECTION 17.48.340 TO DELETE AND REPEAL THE REQUIREMENT THAT SELF-STORAGE FACILITIES MAY ONLY BE PERMITTED AS AN ACCESSORY USE TO A PRIMARY BUSINESS.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.04, Section 17.04.30 of the Middletown Municipal Code be, and hereby is amended as follows. The amendment shall adopt the definitions stated, and the new definitions shall be codified in this section of the Municipal Code alphabetically. The remaining provisions of Section 17.04.030 shall remain unaltered. New language is designated by being in **BOLD CAPITAL LETTERS**:

TITLE 17 ZONING

CHAPTER 17.04 – ADOPTION, PURPOSE AND DEFINITIONS

17.04.030 - Definitions.

For the purpose of this title certain terms or words used in this chapter shall be interpreted as follows:

Words used in the present tense include the future. All words in the singular include the plural and all words in the plural include the singular. The word "shall" is mandatory and not directory. The word "used" shall be deemed to include "designed, intended, or arranged to be used."

~~"HOUSEHOLD GOOD" MEANS PERSONAL PROPERTY OTHER THAN REAL ESTATE, BELONGING TO AN INDIVIDUAL OR HIS OR HER IMMEDIATE FAMILY AND INCLUDING (BUT NOT LIMITED TO) APPLIANCES, BOOKS, CLOTHING, FURNISHINGS, AND FURNITURE.~~

“PERSONAL PROPERTY” MEANS POSSESSIONS OTHER THAN REAL ESTATE OR BUILDINGS. PERSONAL PROPERTY IS MOVABLE AND INCLUDES TANGIBLE, INCLUDED BUT NOT LIMITED TO (APPLIANCES, CAR VEHICLE, FURNITURE, JEWELRY, ETC.) AND INTANGIBLE (BONDS, RIGHT TO A BENEFIT, SHARES OR STOCKS) ITEMS WHOSE OWNERSHIP BELONGS TO THE INDIVIDUAL. ALSO CALLED CHATTELS.

“SELF-STORAGE UNITS” MEANS A BUILDING OR GROUP OF BUILDINGS CONSISTING OF INDIVIDUAL, SELF-CONTAINED UNITS LEASED OR RENTED TO INDIVIDUALS, ORGANIZATIONS, OR BUSINESSES FOR SELF-SERVICE STORAGE OF PERSONAL PROPERTY AND WHERE NO COMMERCIAL TRANSACTIONS ARE PERMITTED OTHER THAN THE LEASING AND RENTAL OF THE STORAGE UNIT.

“STORAGE” MEANS THE ACTION OR METHOD OF STORING SOMETHING FOR FUTURE USE.

“SELF STORAGE FACILITIES” MEANS AREAS INCLUDING SELF STORAGE UNITS, INCLUDING OFFICE SPACE, AND DESIGNATED PARKING AREAS FOR STORAGE OF VEHICLES.

SECTION II. BE IT FURTHER ORDAINED AND ENACTED by the Burgess and Commissioners of the Town of Middletown, Maryland that Title 17, Chapter 17.48, Section 17.48.340 of the Middletown Municipal Code be, and hereby is amended as follows. Language being repealed and deleted is designated by being in ~~brackets and stricken through~~.

TITLE 17 ZONING

CHAPTER 17.48 – SPECIFIC STANDARDS FOR SPECIAL EXCEPTIONS

17.48.340 - Self-storage **FACILITIES.**

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

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Commented [DB1]: Town Attorney does not recommend removing the word intangible, in the event of a dispute. The entire issue could be avoided by simply defining personal property as "any property other than real property or real estate. See highlighted section and email from Clapp dated 7/18/2019

A. – D. {Unchanged}

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

SECTION III. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE _____ DAY OF _____, 2019

PASSED ON THE _____ DAY OF _____, 2019

EFFECTIVE DATE: _____, 2019

ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Andrew J. Bowen, Town Administrator

By: _____
John D. Miller, Burgess



MEMORANDUM

Date: 7/19/2019

To: Burgess and Commissioners, Middletown
From: Middletown Planning Commission and Cynthia K. Unangst, Middletown Staff Planner
RE: Self-storage text amendment comments

At the Planning Commission (PC) meeting on Monday, July 15th, the PC members provided comments on the proposed definitions and associated sections of the Municipal Code related to self-storage text amendment. The following are a summary of the PC member's comments.

Town Board to consider:

- Remove the definition of "Household Goods" as PC does not believe it is needed.
- Remove the reference to "chattels" as it is also not needed.
- Remove the reference to "Intangible Items" as tangible items are what is related to in this section of the municipal code. (Some members believed it could be included as "stocks and bonds" could be stored in these storage units)
- In the definition of "Personal Property" remove "car" and replace with "vehicle" (to cover all forms of motor vehicles), in the beginning of the description of tangible items insert "including but not limited to" (to broaden the definition), and after jewelry insert ", etc."
- Suggest adding a definition for "Self-Storage Facilities" which would be defined as "includes self-storage units, including office space, and designated parking areas for storage of vehicles."

PC suggests that the Town Board needs to determine:

1. if a designated parking area for storage of vehicles should be included in this self-storage text amendment and specifically this definition and
2. what type of vehicle should be allowed in the designated parking area.
 - Items to consider in this discussion:
 - Will vehicles allowed correspond with what is currently in the Town Code regarding restricted vehicles, recreation equipment, trailers and commercial vehicles, or will they be prohibited.
 - Should the status of the vehicle being stored be defined in the definition (e.g. registered or not, operable vs inoperable, powered or unpowered, size limits, etc.)
 - Suggest that repair, maintenance or modification of any vehicles not be allowed to take place at the self-storage facility

Commented [DB1]: Remove – Board Approved

Commented [DB2]: Remove – Board Approved

Commented [DB3]: Replace the word "Possessions" in accordance with Clapp's email of 7/18/2019

Commented [DB4]: Board Approved

Commented [DB5]: Board Approved

- o Suggest that this self-storage facility's parking be designated so as to prohibit vehicles stored around the perimeter of the self-storage facility or in grassy areas.

Commented [DB6]: The Board is requesting recommendation of wording to address the storage area. Of particular concern is the storage area not becoming a junk yard or people working on their vehicles.

PC also suggested that additional references to self-storage in the Code should be made consistent.

For example, 17.48.340 should be renamed "Self-storage facilities" and should be defined as noted above [Self-Storage Facilities" which would be defined as "includes self-storage units, including office space, and designated parking areas for storage of vehicles." taking into consideration the suggested discussion items.

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;*

Commented [DB7]: Board Approved

For example, in 17.20.020 and 17.24.010: "self-storage rental spaces" should be changed to "self-storage facilities".

17.20.020 - GC general commercial district.

- A. *Purpose.*
- B. *Uses Permitted in the GC District. No building or structure may be erected or used and no land may be used or occupied except for one or more of the following principal uses:*
- 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*
- 13. *Self-storage rental spaces for storage of personal goods.*

17.24.010 - Service commercial/light manufacturing district.

- A. *Purpose.*
- B. *Uses Permitted in the SC/LM District. No building or structure may be erected or used and no land may be used or occupied except for the following principal uses:*
- C. *Special Exceptions in the SC/LM District. The board of appeals may authorize the following special exceptions in accordance with the provisions of Section 17.44.060*
- 8. *Self-storage rental spaces for storage of personal goods;*

Commented [DB8]: Amendments to take place as a separate Text Amendment

Staff also notes that if a definition of "personal property," should be added to the Town Code, it should be used in 17.20.020(C)13. and 17.24.010(C)8. instead of personal goods.

Commented [DB9]: Amendments to take place as a separate Text Amendment

Thanks for the opportunity to provide our comments on this text amendment. The PC would be happy to provide additional insights if you'd like. Please let us know how we can help.

Vehicle Definitions and references in the Municipal Code:

"Recreational equipment" means any mobile apparatus specifically designed for recreational activities and including utility trailers, travel trailers, pickup campers, motorized dwellings, tent trailers, boat trailers, houseboats or storage containers used for transporting, recreational equipment.

"Restricted vehicles" means:

- A. A motor vehicle with permanent outside dimensions greater than eight feet wide or eight feet tall, or twenty-two (22) feet long; or
- B. A motor vehicle with externally mounted work equipment that causes the outside dimensions to be greater than eight feet wide, or eight feet tall, or twenty-two (22) feet long; or
- C. A trailer or semitrailer; or
- D. Recreational equipment with permanent outside dimensions greater than eight feet wide, or eight feet tall, or twenty-two (22) feet long are deemed to be restricted vehicles.

"Trailer" means a vehicle that has no motive power, and is designed to carry people or property and to be towed by a motor vehicle.

17.16.060 - Off-street parking and loading.

- A. There shall be provided in the residential district off-street parking and loading in accordance with the schedule in [Chapter 17.32](#).
- B. The parking and storage of not more than one unregistered or inoperative motor vehicle is permitted provided that such a vehicle is effectively screened from adjoining properties.

17.16.080 - Townhouse development.

H. Accessory Buildings. d. The accessory buildings may not exceed fifteen (15) feet in height and may not be used for the parking or storage of automobiles, vans, busses, sport utility vehicles, trucks, trailers and other large multi-passenger vehicles.

17.32.060 J. Off-Street Parking in Residential Districts and for Residential Use Property in the TC (Town Commercial) District.

- 1. This subsection applies to any property located in a residential zoning district and to any property used for residential purposes in the TC (town commercial) district.
- 2. The parking and storage of not more than one unregistered or inoperable motor vehicle is permitted provided that such vehicle is effectively screened from adjoining properties.
- 3. A person may only park a motor vehicle on an impervious surface.

Self Service Storage Facility Law and Legal Definition

Self-service storage facility means any real property designed and used for the purpose of renting or leasing individual storage space to occupants who are to have access to such facility for the purpose of storing and removing personal property. A self-service storage facility is not a public warehouse. (from <https://definitions.uslegal.com>)

storage place



STORAGE PLACE > RULES AND REGULATIONS

RULES AND REGULATIONS

These Rules and Regulations (called "Rules") are incorporated into and made a part of the Agreement between the Customer and the Owner. Defined terms in these Rules have the same meanings given to them in the Agreement. If there is a conflict between these Rules and the Agreement, the Agreement will control. Owner may change these Rules at any time by posting 30 days advance notice of the change on the website. Customers are encouraged to view this website often.

Write A Review

A. Prohibited Uses. Customer may only use the Unit for storing Customer's personal property. Customer may NOT:

- Modify or alter the Unit
- Allow anyone else to use the Unit.
- Conduct a business or hobby, or manufacture, exhibit, or sell items from the Unit.
- Use the Unit for any illegal purposes.
- Store guns, ammunition, weapons and/or illegal drugs in the Unit. Marijuana is considered illegal even if it is legal in the state where the Store is located.
- Store or abandon hazardous materials in the Unit including, without limitation, substances that are toxic, reactive, volatile, flammable, explosive, hazardous, or corrosive, or that are, at any time, regulated by state, Federal or local authorities.
- Store items with an aggregate value of more than \$5,000 unless Owner has expressly consented in writing to a higher value. Customer's purchase of insurance from any provider in an amount greater than \$5,000 will not be considered Owner's consent to the storage of Unit Contents in excess of \$5,000.
- Store animals, food or other perishable items in the Unit.
- Store items that, in Owner's determination, attract vermin, create a nuisance, have a noxious odor or stench, or endanger the safety or health of people or the environment.
- Store any documents, film, or electronic data containing any personal information relating to Customer, Customer's clients, customers, patients, or others, such as social security numbers; credit card, debit card, bank account or passport information; or tax, employment, medical, or legal records. If Customer is in default and Owner finds any documents, film or electronic data in the Unit, Owner may, at Owner's option, immediately destroy these items and charge Customer for the destruction costs.
- Store items with special or sentimental value, or with unknown immediate resale or market value.
- Connect to any electricity, cable, internet or any other utilities serving the Store.

- Bring pets to the Store or Unit other than trained service dogs.
- Use any dumpsters or garbage depositories at the Store. Customer will be charged fees for violating this prohibition.

B. Unit Access.

- Unless otherwise consented to in writing by Owner (which consent may be withdrawn at any time), Customers may access their Units only during the Store's access hours, and Customers found at the Store during times other than the Store's access hours will be deemed to be trespassers.

C. Unsecured Units & Overlocks.

- Owner may place a new lock on any Unit that is not secured by a lock. Customer will pay for the cost of the new lock and any other costs incurred by Owner in connection with the new lock.
- If an unsecured Unit is vacant, or if there are only items that appear to be trash, Owner may dispose of the trash, at Customer's cost, and consider the Agreement terminated.
- If Rent is 30 days or more past due, Owner will remove Customer's lock from the Unit to prepare for the sale of the Unit Contents.

D. Store Gates, Driveways & Security.

- If there is a gate at the Store, Customers must follow all procedures to enter the gate. If no procedures are posted, then the following procedures apply:
 - Customer must pull up to and enter Customer's gate code into the key pad.
 - Customer must wait for the gate to open completely before driving through the gate area.
 - After the gate has fully opened, only 1 vehicle may drive through the gate area. Each vehicle must enter a gate code into the key pad to access the property. Customers are warned that when a gate code is entered into the key pad, the gate opens only for enough time to allow 1 vehicle to drive through the gate area. The gate may close on, and damage, a vehicle if more than 1 vehicle enters through the gate when a gate code is entered into the key pad. Owner is not liable for this damage.
- Customers will be responsible to pay to Owner all costs incurred by Owner to repair any damage to the gate or fence due to Customer's or Customer's guests improper use or negligence.
- All driveways at the Store are for vehicular use only. Pedestrians are not permitted to walk through the driveways.
- Any security systems at the Store such as fences, gates, or video cameras are for Owner's protection only. Customer may not rely on these security systems to protect the Unit or the Unit Contents.

E. Vehicle Storage.

- If a motorized vehicle including, without limitation, a car, boat, motorcycle, snow mobile, or wave runner (called "Vehicle"), is stored in a Unit, the following requirements must be complied with:
 - The Vehicle must be stored over drip trays or cardboard to prevent fluids from leaking into the Unit. If fluids from the Vehicle leak into the Unit or Store, Customer will remediate the Unit or Store at Customer's expense in accordance with applicable laws.
 - The gas tank must be drained.
- If a Vehicle is stored in an outside parking lot at the Store, the following requirements must be complied with:
 - The Vehicle must be insured.
 - At Owner's request, identification stickers, decals, or tags must be placed in the Vehicle so that they are visible from the outside of the Vehicle.
 - In the event of an emergency, Owner may relocate the Vehicle to different areas of the Store without notice.
 - The Vehicle must be in good, operational condition.
 - Only 1 Vehicle may be stored in a Space.
- If a Customer is in default of the Agreement, Owner may, without incurring any liability, have any Vehicle being stored by the Customer towed at the Customer's expense.

Write A Review

F. Special Equipment & Keys.

- If any special equipment such as remote controls, keys, or portable electronic devices is provided to a Customer, it is the Customer's responsibility to protect and safeguard the equipment. If the equipment is damaged or lost, Customer will pay to Owner the cost to replace or repair the equipment.
- Customer must protect and safeguard Customer's keys to the Unit. If Customer loses a key, it is recommended that Customer replace Customer's lock immediately to avoid unauthorized access. Owner does not verify the authority of those entering Units with keys.

G. Law Enforcement Directives.

- Owner cooperates with law enforcement officials in all reasonable respects including, without limitation, allowing law enforcement officials to comply with and enforce search warrants, and providing business records (excluding financial information), video footage, and subpoenaed documents to law enforcement officials.

H. Fees.

- Customers will not receive an invoice for the Monthly Rent unless Customers pay a monthly invoice fee in the amount determined by Owner.
- The Agreement does not include all fees, expenses, or charges that Customers may be required to pay under the Agreement, and Owner reserves the right to charge additional fees.
- Owner reserves the right to increase, decrease, supplement, or otherwise modify any fees or charges in the Agreement by either sending advance notice directly to the Customer, or posting advance notice of any such change on this website or in the office.
- The list of fees set forth in this Agreement is not all inclusive and additional fees may apply.

I. Temperature.

- The temperature in a Unit is not controlled unless a Unit is designated as a "temperature controlled Unit."
- When a Unit is designated as a "temperature controlled" Unit, it means that we use reasonable efforts to maintain a temperature in the building where the Unit is located of between 55 and 80 degrees Fahrenheit. The temperature control may be accomplished through any type of system including, without limitation, "swamp coolers."

J. Accepted Payment Method.

- Customer's payments may be made in check, credit card, debit card or ACH. Owner may accept other forms of payment at Owner's sole discretion.
- Owner may refuse any form of payment other than Cash when a Customer is in default.

K. Customer Conduct While on Premises.

- Customers shall conduct themselves appropriately while on Owner's premises. Any type of harassment toward Owner's employees, foul language, boisterous behavior or other behavior that interferes with Owner's business or negatively affects Owner's employees or Customers will not be tolerated.



Town of Middletown Planning Department

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 8/9/2019

RE: Monthly Planning Update - August

Major Subdivisions:

Middletown Glen - Improvement plans conditionally approved – October 16, 2013
All plats recorded at the Courthouse – May 17, 2016 - March 16, 2018
All lots have been sold!

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 – submit architectural renderings for building #2 for review/approval

Dowd Property – Forest Stand Delineation approved – April 16, 2018
Revised Concept plan reviewed by PC – January 21, 2019
Special Exception materials submitted for self-storage use – December 21, 2018
Site plan and Preliminary Forest Conservation Plan submitted for review – August 2, 2019
Next step – PC approval of site plan and PFCP; PC review/recommendation and BOA review/approval of special exception for self- storage use;

Franklin Commons -
Resubmitted site plan conditionally approved – May 21, 2018 (Plans expire May 21, 2021)
BOA approved height variance request – July 12, 2018 (BOA approval expires July 12, 2019)
Improvement plans conditionally re-approved – March 18, 2019 (Plans expire March 18, 2022)
Next step – submittal of letter of credit and signing of PWA's

Jiffas – 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

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
Next step – PC approval of Phase IV site plan

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 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

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 – 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: Self-storage regulations and definitions

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

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

Meetings: Next Middletown Green Team Meeting – August 20, 2019

Next Joint town board/planning commission workshop – October 7, 2019 (Cindy will be at APA conference, so Drew will attend in her place.)