



**MIDDLETOWN BOARD OF APPEALS
Middletown, Maryland 21769**

Meeting Minutes for February 26, 2020

Case #MT-B-20-1

The Middletown Board of Appeals (BoA) met on Thursday, February 26, 2020 at 7:00 p.m. at the Middletown Municipal Center, 31 W. Main Street, Middletown, MD 21769. Present were BoA members Daphne Gabb (Chairwoman), Jean LaPadula, Alex Kundrick, and Mark Hinkle (Zoning Administrator) and Annette Alberghini (recording secretary).

Others present: Mark Lancaster, Lancaster Properties, LLC (applicant), Noel Manolo, Miles & Stockbridge (land use attorney), John Huegelmeyer (resident) and Richard Favarulo (resident).

Minutes – Chairwoman Gabb asked if there were any corrections to the October 17, 2019 BoA meeting minutes as submitted. Hearing no comments, the minutes were approved.

Case MT-B-20-1 (Lancaster Properties LLC)– A special exception request has been received from Lancaster Properties, LLC located near 815 East Main Street Middletown, MD 21769. The applicant has requested a special exception approval for a self-storage facility found in Sections 17.20.020 C13 and 17.44.060. The Zoning Administrator stated that for this case all appropriate actions were taken; it was properly advertised, adjoining property owners were notified and the property was properly posted.

Staff Report:

The applicant is filing for a special exception use for a self-storage facility in the General Commercial District (GC) near 815 East Main Street.

The Board must determine that the Specific Standards found under section 17.48.340 – Self-Storage Facilities are followed for the proposed use of the property. Based on staff review, staff would offer the following.

17.48.340 - 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;
 - *Planning Commission will review and approve all plans.*

- B. The hours to which one may have access to the self-storage facility shall be limited as established by the Board of Appeals;
- *Staff has reviewed several neighboring facilities regarding hours of operations, chart included. Staff would recommend key code access to units by customers seven (7) days a week, 6:00 AM to 9:00 PM; and staffed office hours Monday-Saturday 8:00 AM-5:00 PM. This allows adequate time both in the morning and evening while reducing any potential impact for noise and light to neighboring properties.*
- C. The property shall have access to a street which is designated in the town comprehensive plan as an arterial or collector street.
- *The property is accessed via Old National Pike, which according to the Comprehensive plan is considered a minor arterial road Concept plan, including parking provisions, review and recommendation required by the Planning Commission;*
 - *All concept plans will be reviewed by the Planning Commission to ensure compliance*
- D. Concept plan, including parking provisions, review and recommendation required by the planning commission.
- *Planning Commission will review, and approval all plans. The Planning Commission recommended approval at their December 17, 2019 meeting*
- E. The owner of a self-storage facility shall submit rules and regulations that shall be required by users and enforced by the self-storage facility owner to the Planning Commission for review. This is a condition of site plan approval of any self-storage facility.
- *All rules and regulations will be reviewed by the Planning Commission to ensure compliance.*

In addition to the specific requirements above, the general requirements to be used by the Board of Appeals are found in Section 17.44.060 sections A and F and are as follow:

- 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. *Provided and enclosed*
 2. Names and addresses of adjoining owners. *Provided and 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;
 - *The town commercial district is intended to provide areas for frequently used retail, service and employment establishments while maintaining the basic character of the area in which they are located. The uses permitted in this district will allow for a mixture of uses, including residential, light assembly and fabrication uses in existing buildings provided they can meet basic performance standards concerning noise, congestion, parking, traffic, landscaping and buffers. The location of the town commercial district should be such as to provide for small, safe and attractive shopping areas that cater primarily to pedestrian traffic and are compatible with the surrounding residential environment.*

- ***The subject property is zoned GC General Commercial. The proposed use is well suited for the subject property given its location to existing shopping, offices and residential areas.***
2. That adequate water supply, sewage disposal, storm drainage and fire and police protection are or can be provided for the use;
 - ***The subject property has adequate water and sewer supply for the proposed use. Storm drainage will be reviewed by Frederick County. Middletown is served by Deputies assigned to Middletown and Frederick County provides 24-hour coverage for both Ambulance and Fire Response.***
 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;
 - ***The enhancement and development of the subject property should not adversely affect the value of the adjacent shopping center nor should it negatively impact any neighboring properties. The Planning Commission will ensure that any "buffer areas" around property are properly enforced to ensure a minimal visual impact from any neighboring communities.***
 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;
 - ***The subject property area already handles commercial traffic. A traffic impact study has been completed and indicates that Old National Pike will operate at acceptable levels of service. Ingress and egress will be studied by Maryland Department of Transportation to ensure the safety of residents and visitors alike.***
 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.

Staff Recommendation:

After review of all applicable code and historical background provided by the Town Staff Planner, I would recommend approval for Special Exception use of a self-storage facility with the condition that the Middletown Planning Commission will review all plans moving forward to include architectural drawings and elevations, parking provisions, and size limitation authority and such. This project and specific standards for the proposed use are being met or will be met upon review and approval by the Planning Commission during the appropriate review period. The Middletown Planning Commission met on December 17, 2019 and recommended approval of the special exception use requested as the "proposed use is consistent with the requirements of the specific standards for a self-storage facility."

The applicant has requested hours of operation to include "key code access to units by customers seven (7) days a week, 5:00 AM to 11:00 PM; and staffed hours Monday-Saturday 8:00 AM-5:00 PM." Based on a review of several local self-storage facilities staff would recommend hours as follows, include "key code access to units by customers seven (7) days a week, 6:00 AM to 9:00 PM; and staffed office hours Monday-Saturday 8:00 AM-5:00 PM." The proposed hours of operations are more in line with other self-

storage facilities and surround business while allowing adequate time both in the morning and evening while reducing any potential impact for noise and light to neighboring properties.

Chairwoman Gabb asked the Zoning Administrator to correct his staff report to reflect that the Planning Commission meeting date where the special exception use was recommended for approval was December 16, 2019 and not December 17, 2019 as written. The Zoning Administrator will make those corrections.

Discussion:

Chairwoman Gabb asked for questions and comments.

Board member Kundrick stated he liked the hours proposed by the Zoning Administrator.

Noel Manolo, Miles & Stockbridge, 30 West Patrick Street, Frederick, MD, stated he agrees with the Zoning Administrator recommendations and proposed hours also. He looks forward to working with the Town officials moving forward.

Mark Lancaster, Lancaster Properties, LLC, 3120 Old National Pike, Middletown, MD, has been speaking with town officials and this self-storage is addressing needs identified within the Town.

Mr. Lancaster provided a rendering of what the view of the self-storage facility would look like from the north side of the property. He briefly reviewed what the screening would entail; this included a perimeter 6ft. high chain link fence with a black mesh weaved through, trees would also be planted which would help to hide the fencing.

Richard Favarulo, 103 Manda Drive, asked if there would be time for the buffer of trees to grow first prior to the construction of the self-storage facility. He also asked if the developer could build a higher berm so even less of the property is seen from those residents who live just north of the development area. Mr. Lancaster stated that it would be difficult to let the buffer grow and then complete the construction as the construction could kill off/injure the trees. He also stated it would be difficult to build a higher berm as it also damages the trees.

John Huegelmeier, 110 Manda Drive, stated he has attended many meetings on this proposed development. He would like to see the hours of operation adjusted to be even more restrictive. He also highlighted item number 3 under General Standards of the Zoning Administrator's staff report which states "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." He believes a proper barrier might help mitigate property values, but if a couple homes are affected, it could have a domino effect for others in the neighborhood.

He asked the Zoning Administrator if any of the self-storage properties researched were near communities with \$400,000 homes. He is also concerned with the proposed hours that contractors will be storing equipment at the self-storage lot and will be accessing that equipment very early in the morning and late in the evening. Since it is a retirement community behind this proposed self-storage perhaps the hours of operation should begin later in the morning. The Zoning Administrator stated that the 6am-9pm would give time for those residents who commute to DC and Baltimore time to get in and get things and not have them rushing to get back to access their storage unit.

Mr. Lancaster stated that hours are determined to make it convenient for customers and to make it competitive with other storage facilities in the area.

Board member LaPadula asked if there was any recourse if the buffering did not work as it should/was planned. The Zoning Administrator stated that the Planning Commission and Staff Planner are the ones who review and address those issues with the developer.

Mr. Lancaster stated that everything must be in place prior to a Use & Occupancy certificate can be issued. There are many levels of check and balances to ensure things are taken care of.

Action:

Motion by Board member LaPadula to approve the special exception for the self-storage facility as presented to include the hours of operation to be determined as: key code access by customers as seven days a week from 6:00 AM to 9:00 PM, and staffed office hours Monday-Saturday from 8:00 AM to 5:00 PM. Seconded by Board member Kundrick. Motion carried (3-0).

The meeting adjourned at 7:30 p.m.

Respectfully submitted,

Annette Alberghini
Administrative Assistant
Town of Middletown