

# MIDDLETOWN PLANNING COMMISSION

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

Agenda for the October 21, 2019 Meeting  
7:00 p.m.

- I. Public Comment
- II. Minutes of September 2019 Planning Commission workshop Approval
- Minutes of September 2019 Planning Commission meeting Approval
- III. Plan Review
  - Hollow Creek Professional Center Revised Site Plan Review/Approval
- IV. Zoning
- V. Miscellaneous
  - PC Rules of Procedure Review/Approval
    - Public hearing process
    - Red-line review policy
    - Dark Sky policy
- VI. Additional Public Comment

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

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

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

**Workshop**

**September 11, 2019**

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

**SEPTEMBER MONTHLY PLANNING COMMISSION WORKSHOP:**

**PLAN REVIEW** –

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

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

**ZONING** – none

**MISCELLANEOUS**

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

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

Respectfully submitted,

Cynthia K. Unangst, AICP  
Middletown Staff Planner

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

**Regular Meeting**

**September 16, 2019**

The regular meeting of the Middletown Planning Commission took place on Monday, September 16, 2019 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commissioner Tom Catania (Ex-Officio), Commission members David Lake, Rich Gallagher, Bob Miller, Dixie Eichelberger (Alternate) and Eric Ware (Temp Alternate). Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: Mike Tabor (property owner), Ann Miller (property owner), Chris Miller (business associate), Geoffrey Ciniero (C.M.S. Associates), Lonnie Darr (town resident), Jane Tamagna (town resident), Parker Ranniger (town resident), and John Miller (town resident).

**SEPTEMBER MONTHLY PLANNING COMMISSION MEETING:**

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

**III. PLAN REVIEW**

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

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

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

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

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

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

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

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

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

**IV. ZONING – None**

**V. MISCELLANEOUS - None**

**VII. ADDITIONAL PUBLIC COMMENT - None**

Meeting adjourned at 9:12pm.

Respectfully submitted,

Annette Alberghini  
Recording Secretary

DRAFT

## Middletown Planning Office

### MEMORANDUM

Date: 10/9/2019

Hansen# 19932

To: Middletown Planning Commission

From: Cynthia K. Unangst, Middletown Staff Planner

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

Tax Map Parcel #03-0140989

Applicant: David Lingg, Lingg Property Consulting

Property Owner: Mark Lancaster Properties, LLC

Plan Dated: August 1, 2019

Date Received: October 4, 2019

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#### GENERAL INFORMATION

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

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

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

Present Use: vacant

#### COMMENTS

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

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

**Hollow Creek Professional Center Site Plan** – (David Lingg (Lingg Property Consulting), Mark Lancaster (Lancaster Craftsman Builders) and Mark Crissman (Daft McCune Walker) present). This is for the proposed property development with 50,640 square feet ± of commercial space in three separate buildings with 212 parking spaces, and 2± acres reserved for future development; located on the north side of US Route 40-A just east of the Safeway shopping center. The area is zoned GC General Commercial and is currently a vacant lot. This district permits numerous uses along with numerous special exception uses with Board of Appeals approval. The intent of the district is to provide areas for general commercial activities that service the needs of the entire community and the surrounding area. The location should be such that stores and commercial activities can be grouped together in an attractive and convenient manner that will not infringe on residential

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **RECOMMENDATION**

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

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

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

## RULES OF PROCEDURE

of the

### MIDDLETOWN PLANNING COMMISSION

EFFECTIVE September 19, 2011 (amended November 21, 2016)

#### FOREWORD

The Rules of Procedure are issued to assist the Middletown Planning Commission in the orderly and efficient conduct of all matters with which the Commission is concerned. In all matters not provided for in these Rules, the applicable rules in the current edition of Robert's Rules of Order Newly Revised govern. All meetings and workshops of the Middletown Planning Commission are subject to the Maryland Open Meetings Act.

#### OBJECTIVE

The Middletown Planning Commission seeks to conduct all business which may properly come before it by law or custom to secure the harmonious development of the entire Town for the benefit of its present and future inhabitants. The Commission will conduct its business in accordance with the provisions of the Land Use Article (<http://www.michie.com/maryland/lpExt.dll?f=templates&eMail=Y&fn=main-h.htm&cp=mdcode/1f224>) of the Annotated Code of Maryland as well as these rules of procedure.

Though this Commission recognizes that its powers and responsibilities within the Town do not extend to land outside the Town, the Commission will, where appropriate, assist and coordinate its activities with the County and its planning and zoning agencies, and on request provide staff assistance to those agencies within the limits of available resources. With the County, the Commission seeks out mutual cooperation.

#### SECTION 1 – DEFINITION

“Authorized Member” shall mean one of the seven members appointed by the burgess with confirmation by the commissioners, one of whom is a town commissioner to serve in an ex officio capacity concurrent with his/her official term, one of whom is designated as an alternate who may sit in the absence of any member of the commission, and one of whom is designated as a temporary alternate to sit on the commission when required.

The word “Commission” shall refer to the Middletown Planning Commission, and consists of five authorized members.

## SECTION 2 – OFFICERS AND COMMITTEES

- 2.1 The Commission shall organize annually in the month of January and elect a Chairman and Vice-Chairman.

The Chairman or in the Chairman's absence, the Vice-Chairman or designated Town Board liaison, shall preside at all meetings or hearings of the Commission. In the absence of an officer, the member with most current continuous Planning Commission service shall preside. The presiding officer shall decide on all points of order and procedure, consistent with these rules and Article 66B.

- 2.2 A designated member of the Town Commissioners may serve as a member of the Commission having all the rights and privileges of the regularly appointed members, and serve in an ex-officio capacity concurrent with his/her official term.
- 2.3 Ad-hoc committees may be appointed by the Commission for special purposes or study.

## SECTION 3 – MEETINGS

- 3.1 Regular meetings shall be held on the 3<sup>rd</sup> Monday of each month. In addition, a workshop shall be held on Wednesday prior to the regular meeting. The staff shall give each member 48 hours or more notice of any change of date of the meeting.
- 3.2 Special meetings and workshops may be called by the Chairman or in the Chairman's absence the Vice-Chairman. Reasonable notice of a special meeting shall be given each member, 48 hours or more before said meeting. Meetings requiring advertisement or other notice may be called only after the appropriate notice or advertisement is provided.
- 3.3 Attendance – It shall be the duty of each member to attend all meetings. A member is required to contact the town planner, chair or vice-chair, to notify them of a planned absence which will be deemed excused. Should any member be absent for three consecutive unexcused absences, the Commission shall recommend to the Burgess and Commissioners that the member's resignation be requested, unless determined by vote of a majority of Commission members that there is a sufficient excuse for non-attendance. The Chair shall have the discretion to recommend a member's resignation if that member is absent from one half of all meetings held during the year.

## SECTION 4 – VOTING

- 4.1 A quorum shall consist of four out of five authorized members of the existing membership. A presiding officer must be present to conduct a meeting. No official business can be conducted without the presence of a quorum.

- 4.2 The order of business shall be in accord with the agenda as approved or modified as the first order of business.
- 4.3 Questions put to a vote are decided by a majority of the members present and voting. No decision may be made in the absence of a quorum.
- 4.4 A tie vote by the Commission shall be interpreted as a failure to approve the motion upon which the vote was taken. Additional motions may then be proposed. If a tie vote remains on an advisory matter, the Commission's action shall be deemed as "No-Recommendation". If a motion can not be approved on non-advisory matters (i.e. subdivision, site plan, etc.) then the matter shall be deemed "not approved" but may be brought back before the Commission by the Applicant.
- 4.5 No member shall vote on a matter in which he (she) has personal involvement or as otherwise specified in the Town's Ethics Ordinance. Unless specifically defined in the Ethics Ordinance, the judgment of a conflict is at the discretion of the member. Members recusing themselves from a commission matter shall leave the dais of the Planning Commission for the duration the matter is being considered. Members are encouraged to consult the Commission's counsel as to the propriety of their voting on any matter which may involve an actual or perceived conflict of interest.
- 4.6 In order to be eligible to vote, a member should attend all relevant meetings or review the audio, video or transcript of any meetings from which the member was absent. It is a member's obligation to be familiar with any proceedings of any prior meeting on a topic that comes to the PC for a vote.
- 4.7 The Commission's votes shall be recorded on each motion. Each member shall either vote on each motion (affirmative or negative) or abstain from voting by indicating a desire to abstain. The chair shall announce the results of each vote. All votes will be a voice vote of either positive, negative or abstention unless a raising of hands (counted vote) is requested by the Chair.

#### SECTION 5 – CONDUCT OF COMMISSION MEMBERS

- 5.1 Speaking for the Commission – A member will not appear to speak for the Commission except as authorized by the Commission. This includes any public or private statement concerning Commission affairs.
- 5.2 Ethics Ordinance – Commission members are subject to and must comply with the Town's Ethics Ordinance (Ethics Ordinance 2014 14-05-02) and any other applicable ordinances.
- 5.3 Conduct at meetings – Members shall conduct themselves at Commission meetings in a fair, understanding and courteous manner. They shall be considerate

of all individuals, attitudes and differences of opinion involved in official Commission business. It is the presiding officer's responsibility to manage the meetings in a manner that is consistent with these rules of conduct.

- 5.4 Being recognized – Commission members shall only speak after being recognized by the chair. Any member may raise “point of order” if they feel that the item being discussed is inconsistent with the agenda item being discussed or is otherwise not in conformance with the conduct of the Commission’s business at hand. It is the presiding officer’s responsibility to rule as to whether the “point of order” is valid.
- 5.5 Ex-parte communications – Commission members shall refrain from ex-parte communication (meaning communication that occurs outside a formal Planning Commission meeting) regarding matters that will likely come before the Commission for decision. It is important to maintain the impartiality and integrity of the Planning Commission. It is also important that Planning Commission decisions be based solely on information presented in public documents and during open and public meetings. Receiving communication outside Planning Commission meetings denies participants the opportunity to respond to all information upon which Commission members may base their decisions.

## SECTION 6 – MEETING PROCEDURES

- 6.1 All agenda items that require an advertised public hearing shall be preceded by notices as prescribed by law in Maryland Code Article 66B and the Middletown Municipal Code. **If warranted by the Planning Commission, a public hearing will be held for site or subdivision plans that come before the Commission. In those cases, notice will be sent to residents per the Site Plan Policy of the Town Board.**
- 6.2 Commission meetings shall be public meetings and subject to the Maryland Open Meetings Act (Annotated Code of Maryland - Maryland State Government – Title 10. Governmental Procedures Subtitle 5. Meetings). (<http://michie.lexisnexis.com/maryland/lpext.dll?f=templates&fn=main-h.htm&cp=>) Any person is entitled to appear and be heard by the Commission before it reaches a decision on any matter. Except as otherwise permitted by the Maryland Open Meetings Act, voting shall be held during a public meeting and the Commission shall keep an open record of its resolutions, proceedings and actions which shall be available for public inspection during business hours. Nothing contained herein shall be construed to prevent the Commission from holding closed sessions for discussion of those items as permitted under the Maryland Open Meetings Act.

Summary of MD Open Meetings Act: The Act is based on the General Assembly’s policy determination in favor of open decision-making by governmental bodies. It is applicable to any entities that consist of at least two people and are created by certain formal legal instruments. The Act applies only if

a public body is holding a “meeting,” which is defined as “convening a quorum of a public body for the consideration or transaction of public business.” It does not apply when a public body is carrying out an “executive function,” a “judicial function,” or a “quasi-judicial function.” Exceptions to the Open Meetings Act include permitting a meeting to be closed to protect the privacy of individuals with respect to a matter that is not related to public business, or when the discussion deals with a “personnel matter.”

6.3 Recording of Proceedings – It shall be the duty of the Administrative Specialist or Administrative Assistant, assisted by the Commission’s staff, to keep a true and accurate record of all proceedings at all meetings and public hearings. A video or audio recording may be accepted as the official record. Minutes shall be prepared, distributed to the individual members, and if approved by the Commission, placed in a record book or file. The Administrative Specialist or Administrative Assistant shall sign the minutes, resolutions, and other official documents, as adopted or approved.

6.4 Anyone may appear in his/her own behalf or be represented by an agent or attorney at a Commission meeting. In the absence of any appearance by or on behalf of the Applicant the Commission will proceed to dispose of the matter on record before it or the Commission may by consensus postpone indefinitely the item and it will only be rescheduled upon proper request by the Applicant.

6.5 The ordinary order of hearing and time limits for testimony (EXCEPT AS PROVIDED IN SECTION 6.6) shall be as follows:

Staff Report & Recommendation

The Applicant or the Applicant’s Agent or Attorney (15 minutes)

Public Comment (5 minutes per individual or 10 minutes per organization)

Applicant’s Rebuttal (5 minutes);

It is the presiding officer’s responsibility to notify the speaker of their time limit prior to the testimony and to notify them when their time has expired.

Additional time for any speaker to address pertinent issues or make a public presentation may be requested in writing at least 7 days (one week) in advance of the meeting. Decisions on whether to grant the additional time shall be made by the Chairman or in their unavailability, by the Vice-Chairman. The additional time granted shall be defined at the time of approval and must be contained in the approved agenda.

6.6 Special Rezoning Meetings – In order to efficiently review rezoning cases in accordance with Sections 17.08.090 and 17.08.100 of the Zoning Ordinance, the following special meeting procedures shall apply.

A. As required in the Zoning Ordinance a public hearing shall be held on rezoning applications. All review of rezoning cases shall take place in a public

meeting or workshop. The order of the Agenda of cases shall be determined prior to the meeting by the Staff Planner.

- B. Applicant testimony, the staff report, and reviewing agency comments will be presented to the Planning Commission at the Public Hearing held for this purpose.
- C. Public testimony will be permitted in connection with review of rezoning applications during public hearings held for this purpose. The date and time of these hearings will be advertised no less than 14 days in advance of the hearings. The ordinary order of hearing and time limits for testimony shall be as follows:

Staff report & Recommendation

The Applicant or the Applicant's Agent or Attorney (30 minutes)

Public Comment (5 minutes per individual or 10 minutes per organization)

Applicant's Rebuttal (5 minutes)

- D. Written comments must be filed in advance of or at the Planning Commission meeting in order to be considered by the Commission in making its decision. Extensions may be granted by the action of the Chair.
- E. The Planning Commission shall base its findings and recommendations on the information presented and within the time limits as required in the Zoning Ordinance.

- 6.7 The Commission may postpone to a time certain any case due to lack of quorum or for further study and information as determined by the Commission but in no event longer than six (6) months, except where otherwise provided by law.
- 6.8 The Commission may require any additional relevant Planning materials in the form of maps, charts, reports, and studies, in order to reach a decision.
- 6.9 The presiding officer will allow reasonable cross-examination/testimony of interested parties at a time and in a manner considered reasonable by the presiding officer under the circumstances. An issue may be postponed for one month to achieve this information if in the presiding officer's opinion such information would provide new or relevant information related to the matter under consideration.

SECTION 7 – PROCEDURE IN BRINGING MATTERS BEFORE THE COMMISSION

- 7.1 The agenda shall be prepared by the staff who will consult with the Chairman on such matters of the agenda as may be appropriate. Members of the Commission who wish to add to the agenda shall first notify the Chairman of their request at least 7 days prior to the meeting.

- 7.2 Miscellaneous requests and petitions shall, from time to time, come before the Commission, either upon the initiation of an individual or agency or by reference from the governing body. In all cases, the Commission shall be guided by the principles set forth in the “Comprehensive Plan”; the “Subdivision Regulations”; the “Zoning Ordinance”; and rules, regulations and ordinances of the Town. All such matters shall be handled with as much dispatch as possible.
- 7.3 Any agenda item continued by the Commission shall not be rescheduled for 60 days unless otherwise provided by a majority vote of the Commission, or otherwise provided by law.

#### SECTION 8 – FINAL DISPOSITION OF COMMISSION MATTERS

- 8.1 The disposition of all formal petitions and requests before the Commission requiring further action by the Burgess & Commissioners shall be in the form of a letter of recommendation to the Burgess & Commissioners. In all matters, the Applicant shall be notified by letter of the action taken by the Commission.
- 8.2 Upon approval of a site plan by the Commission, a statement will be added to the site plan approval letter to the applicant stating that no Use & Occupancy permit shall be granted until all conditions of approval are completed. The applicant shall notify the Staff Planner in a timely manner ahead of the anticipated opening date of the business to check the property for compliance with the approved plans.

#### SECTION 9 – DELEGATION OF AUTHORITY

- 9.1 The Chairman shall and may delegate some of its authority to the vice-chair or Staff Planner in order to expeditiously and efficiently perform the work of the Commission. This would include such items as the signing of subdivision plat approvals and letters when the Commission has approved such documents. In the absence of the chairman, the vice-chair, or Staff Planner may perform this work in order to expeditiously dispose of these administrative matters.

#### SECTION 10 – COMMISSION – STAFF RELATIONSHIPS

- 10.1 The Staff Planner or his/her designees is the normal contact for all routine communications between Commission members and the staff. The Staff Planner is also the normal contact for preliminary/final plats and site plan agenda items. Commission members take no part in the daily routine or administration of regulations and research of matters of fact, although they do participate in field trips and discussions pertaining to the more significant matters to be considered at Commission meetings. Issues of conflict in this realm can be raised to the Commission or Chairman for direction.

10.2 Matters of policy and important changes in the administration of the Commission's affairs are developed by the Staff Planner on behalf of the Commission and presented for resolution to members at regular meetings.

SECTION 11 – AMENDMENTS

Amendments to these rules of procedure may be introduced at any meeting and recorded in the minutes. The Commission will then vote on any such amendments at any subsequent regular meeting with passage requiring majority vote of the membership.

The foregoing is a true and correct copy of the Rules of Procedure of the Middletown Planning Commission as amended on the 20th day of June 2016.

ATTEST:

\_\_\_\_\_  
Mark Carney, Chairman

\_\_\_\_\_  
Date

APPENDIX A

ANNOTATED CODE OF MARYLAND  
LAND USE ARTICLE

<http://www.michie.com/maryland/lpExt.dll?f=templates&eMail=Y&fn=main-h.htm&cp=mdcode/1f224>

**Town of Middletown Planning Department**

To: Burgess & Commissioners and Middletown Planning Commission

From: Cindy Unangst, Staff Planner

Date: 10/10/2019

RE: Monthly Planning Update – October

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**Site Plans, Plats and Minor Subdivisions:**

**Caroline's View/Horman Apartments-** Site Plan approved – April 21, 2008 (no sunset provisions prior to November 14, 2010)

Improvement Plans conditionally approved – May 17, 2010 (no sunset provisions prior to 11/10)

Revised Improvement Plan mylars signed – July 21, 2017

**Next step – submittal of PWAs for approval and apply for building and grading permits**

**Cross Stone Commons** – Revised Site Plan conditionally approved – October 20, 2014

Improvement Plan mylars signed – November 6, 2015

Revised Forest Conservation Plan approved – January 21, 2019

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

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

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

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

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

**Next step – approval of site plan and PFCP; PC review/recommendation and BOA review/approval of special exception for self-storage use;**

**Franklin Commons -**

Resubmitted site plan conditionally approved – May 21, 2018 (Plans expire May 21, 2021)

BOA approved height variance request – July 12, 2018 (BOA approval expires July 12, 2019)

Improvement plans conditionally re-approved – March 18, 2019 (Plans expire March 18, 2022)

**Next step – submittal of letter of credit and signing of PWA's**

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

Forest Conservation Plan approved – October 20, 2008

Architectural plans approved by PC – March 16, 2015

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

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

**Middletown Water Storage Tank** – Site Plan approved by PC – March 18, 2019 (Plans expire 3/18/22)

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

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

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

**Richland Driving Range** – Concept plan reviewed by PC – January 18, 2016  
Revised Site Plan conditionally approved – January 15, 2018 (Plans expire January 15, 2021)  
Improvement Plans reviewed and tabled by PC – September 17, 2018  
**Next step – submittal of improvement plans for review and approval**

**School Complex roadway plans** – Improvement plans and FCP plans reviewed and approved by Town Board – May 8, 2017 (informed in June 2017 that funding was not approved for project)  
SWM plans re-submitted to Frederick County and SCD for review/approval – 8/3/17  
(Planning Commission reviewed plans as courtesy to Town Board. No expiration date of approval due to type of plans – i.e., no structures, etc. – just changes to roadways, sidewalks.)

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

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

**Annexations:**

**A.C. Jets Property**- PC approval of annexation petition of 35.96 acres – December 21, 2009  
Public hearing date - Monday, October 11, 2010  
Annexation petition denied by Town Board – October 11, 2010

**Admar Property** – PC approval of consistency with zoning/comp plan – February 20, 2017  
Public Hearing - April 5, 2018  
Town Board passed annexation resolution – April 9, 2018

**Text Amendments: Accessory structures**

**Residential parking requirements for townhouses and apartments**

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

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

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

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