

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

October 21, 2019

The regular meeting of the Middletown Planning Commission took place on Monday, October 21, 2019 at 7:00 p.m. at the Middletown Municipal Center, 31 West Main Street, Middletown, MD 21769. Those present (quorum) were Commission Chairman Mark Carney, Commission members Rich Gallagher, Bob Miller, Dixie Eichelberger and Eric Ware. Others present in official capacity: Cindy Unangst (Staff Planner) and Annette Alberghini (Recording Secretary). Others present: David Lingg (Lingg Property Consulting), Mark Lancaster (Lancaster Craftsman Builders), Mark Crissman (Daft McCune Walker) and Joe Colagerro (The Traffic Group).

OCTOBER MONTHLY PLANNING COMMISSION MEETING:

- I. PUBLIC COMMENT** – None.
- II. Regular Workshop Minutes of September 11, 2019** – Approved as submitted.
Regular Meeting Minutes of September 16, 2019 – Approved as submitted.

III. PLAN REVIEW

Hollow Creek Professional Center Revised Site Plan – (David Lingg (Lingg Property Consulting), Mark Lancaster (Lancaster Craftsman Builders), Mark Crissman (Daft McCune Walker) and Joe Calogerro (The Traffic Group) present). This is for the proposed property development with 47,970 square feet ± of commercial space in three separate buildings with 205 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.

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 1st 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.

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. 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 (an increase in green space). Additionally, there is a proposed variable width, revertible grading easement from the adjoiner to the east (A.C. Jets).

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.

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.

The developer reviewed the revised site plan. The following points were discussed.:

- **Easements** – 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. Other easement copies between both property owners that must be provided to the Planning Commission prior to final approval include a signage easement and a shared dumpster location easement. AC Jets granted a revertible grading easement along the eastern side of the property. A copy of this easement must be submitted the Planning Commission.
- **Parking** – The developer reviewed the revised parking for the site. The proposed site development will have 205 spaces. ARRO reported that with the location of the shared dumpster, one parking space would not be usable. The Planning Commission would have to accept the number of spaces to be 204. It was recommended that the developer include calculations for possible restaurant parking for the 2-pad site on its notes on Sheet 1. Current calculations show retail parking requirements only.
- **Signage** – The developer has proposed retaining wall signage at the front of the property. This would require Planning Commission approval. Directional signage proposed would need Zoning Administrator approval.
- **Frederick County Stormwater Management Concept Plan Approval** – The plan has been submitted to Frederick County. Awaiting approval.
- **Traffic Study** – The Traffic Group reviewed the results of the traffic study with the revised site plan modifications. The results have been sent to SHA. SHA has suggested that they would only allow a Right-In Only site access from USAIt40. If that is approved the developer can further modify its site plan to allow easier large truck access to the site. This change would have to come before the Planning Commission for approval. SHA has to approve an access permit to the site.
- **Architectural Review** – Planning Commission needs to approve the Architectural Review
- **Preliminary Forest Conservation Plan Approval** – The plan has been submitted to the Town. Planning Commission will review in November.
- **Town Engineer Review and Approval** – The Revised Site Plan has been given to the Town Engineer for review. Awaiting any comments and approval.

Action: Commission Member Gallagher motioned to conditionally approve the Hollow Creek Professional Center Revised Site Plan, conditional upon approval of an access permit from SHA, approval of the stormwater management concept plan by Frederick County, submittal of appropriate documents and easements by the owner of the shopping center and the 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, submittal of the appropriate documents and easement for the revertible grading easement from AC Jets; review and approval of the Preliminary Forest

Conservation Plan by the Planning Commission, architectural review of both the buildings and retaining wall signage approval by the Planning Commission, modification to General Note #5 for possible restaurant use on the pad sites, acceptance of 204 parking spaces by the Planning Commission instead of the 205 proposed. Seconded by Commission Member Eichelberger.

Commission member Gallagher motioned to modify his original motion to also include the additional condition of addressing of any comments from the Town Engineer. Seconded by Commission Member Eichelberger. Motion carried (5-0).

IV. ZONING – None

V. MISCELLANEOUS –

Planning Commission Rules of Procedure – The Staff Planner was asked to provide draft language to add to the Planning Commission Rules of Procedure addressing the public hearing process, red-line review policy and dark sky policy. The Planning Commission would review for approval.

- **Public Hearing Process** – The following would be added to Section 6.1: If the Planning Commission determines that the size, scope and or impact of site or subdivision plans, including phased plans, requires it, an advertised public hearing can be scheduled. In those cases, notification will be sent to residents per the Site Pan Policy of the Town Board, and properly noticed.
- **Red-line Review Policy** – Section 8.2 would be added to the policy and state: Upon approval of a site plan by the Commission, a statement will be added to the site plan approval letter to the applicant stating that no Use & Occupancy permit shall be granted until all conditions of approval are completed. The applicant shall appear before the Planning Commission at a scheduled meeting ahead of the anticipated opening date of the business to review for compliance with the approved plans.
- **Dark Sky Policy** – It was determined that rather than being placed within the Planning Commission Rules of Procedure that this policy should be added to the Town Code as an addition to the Outdoor Lighting Standards. This would require a text amendment change. This item will be added to the November 2019 Planning Commission agenda. The Staff Planner will develop draft language for the Planning Commission to review prior to sending to the Town Board for approval.

VII. ADDITIONAL PUBLIC COMMENT - None

Meeting adjourned at 8:35pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary