

MIDDLETOWN PLANNING COMMISSION
31 West Main Street
Middletown, Maryland

Regular Meeting

August 19, 2019

The regular meeting of the Middletown Planning Commission took place on Monday, August 19, 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 David Lake, Rich Gallagher, Bob Miller, Dixie Eichelberger and Eric Ware (Temp Alternate). 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), Bob Smart (town resident), Mike Tabor (town business owner), Frank Harrell (town resident), Jennifer Robertson (town resident), John Huegelmeyer (town resident), and Bernard Pond (town resident).

AUGUST MONTHLY PLANNING COMMISSION MEETING:

- I. PUBLIC COMMENT** – None.
- II. Regular Workshop Minutes of July 10, 2019** – Approved as submitted.
Regular Meeting Minutes of July 15, 2019 – Approved as submitted.

III. PLAN REVIEW

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 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.

- **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).

Hollow Creek Professional Center Preliminary Forest Conservation Plan – (David Lingg (Lingg Property Consulting), Mark Lancaster (Lancaster Craftsman Builders) and Mark Crissman (Daft McCune Walker) present). 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. The property is located on the north side of US Route 40-A just east of the Safeway shopping center. The area is zoned GC General Commercial and is currently a vacant lot. The plan has been provided to the Maryland Department of Natural Resources for review, but no comments have been received to date.

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. According to Town Code this tree is to be considered a priority for retention due to its size. Also, the applicant needs to meet with staff to determine an appropriate location for the off-site afforestation requirement.

Action: Commission Member Miller motioned to table the Hollow Creek Professional Center Preliminary Forest Conservation Plan until additional information is determined by the applicant. Seconded by Commission Member Lake. Motion carried (5-0).

IV. ZONING –

Self-storage Text Amendment – (Bob Smart (town resident), Mike Tabor (town business owner), 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. 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 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. A mark-up of the memo sent to the Town Board from the Planning Commission with comments by the Town Board was provided.

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

- Define “Self-Storage Facilities” as any site, lot or tract of ground used for self-storage units, a business office where facility related sales are allowed, and the designated, orderly array of parking spaces for storage of registered, insured, operable vehicles including restricted vehicles and recreational equipment; and where no vehicle repair is permitted at the facility.
- Define “Personal Property” as any possession other than real estate or buildings. Personal property is movable and includes tangible items, included but not limited to (appliances, vehicles, furniture, jewelry, etc.), whose ownership belongs to an individual, organization or business.

- Define “Storage” as the action or method of keeping something for future use.
- In Section 17.48.340 – Self Storage, subsection E delete what is currently listed and replace with: 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.

Action: Commission Member Lake motioned to recommend to the Town Board to adopt the changes in definitions and text of Ordinance 19-07-02 as discussed. Seconded by Commission Member Eichelberger. Motion carried (5-0).

The Staff Planner will write the memorandum to the Town Board with the proposed changes from the Planning Commission to be included in the packet for the public hearing scheduled for Monday, August 26, 2019 at 7:00pm.

V. MISCELLANEOUS

Blue Flags Marking Property Behind 113 Manda Drive – Frank Harrell (113 Manda Drive) stated that there are two parallel rows of blue flags marking the property behind his. The flags include marking in to the tree line just beyond his property. He asked what water was being marked there. Staff took down his contact information and will pass it along to the Project Manager to follow-up.

Flooding on Manda Drive – Jennifer Robertson (104 Manda Drive) stated that since trees and brush were cleared from the Dowd property and the AC Jets property, when it rains there is run off from the fields that comes down between the houses of her neighbors across the street from her home and floods the street. She states the water rises quickly and drains very slowly; it also turns to ice in the wintertime. Staff will notify the Streets and Utilities Department to follow up.

Neighborhood View and Lighting of the Dowd Property - Jennifer Robertson (104 Manda Drive) stated that since the Dowd property has been cleared she now has a clear view of that property and Safeway. She asked what was going to be done to hide that view. Mrs. Robertson was invited to attend the future planning commission meetings when the plans for the development will be reviewed; as many of her questions would be answered at that time.

VII. ADDITIONAL PUBLIC COMMENT - None

Meeting adjourned at 9:08pm.

Respectfully submitted,

Annette Alberghini
Recording Secretary