

**TOWN OF MIDDLETOWN  
PLANNING COMMISSION MEETING MINUTES  
September 23, 2024 | 7:00 P.M.**

The Town of Middletown Planning Commission meeting was held on Monday, September 23, 2024, at 7:00 p.m. in the town council chambers located at 7875 Church Street, Middletown VA.

**Planning Commission Members Present**

Chairman Mark Klein  
Anothony Boring  
William Kircher  
Angela Morelock  
Vice Chair Rebecca Anderson

**Others Present**

Jennifer Kittlaus, Steel Dog Legal Counsel  
Lesley McKnight, Urban Ltd. Project Manager  
Ryan David, PE, Urban Ltd. Principal

**Planning Commission Members Absent**

Jeffery Pennington, Council Liaison

**Staff Present**

Amanda Kerns, Senior Planner NSVRC  
Town Manager Les Morefield

**1. Set Agenda**

Chairman Klein asked for a motion to set the agenda as presented. Vice Chair Anderson made a motion to amend the agenda to add Mr. Plummer to item 10a and add item 10b under unfinished business to repeal a previous recommendation for a zoning text amendment on 3/25/24. Commissioner Kircher seconded the motion, all Commissioners were in favor and the motion carried. Commission Morelock then made a motion to set the agenda as amended. Vice Chair Anderson seconded the motion. All commissioners were in favor and the agenda was set.

**2. Approval of Previous Meeting Minutes**

Chairman Klein requested a motion to approve the meeting minutes from the August 26, 2024, meeting. Commissioner Morelock made a motion to approve the Planning Commission minutes from the August 26, 2024 meeting with two edits; correct 25ft to 125ft in the first paragraph of the new business section, and replace “stated that he wished” with “expressed his opinion that he wished” in the first sentence of the Update from Council Liaison section. Vice Chair Anderson seconded the motion with the suggested edits. All Commissioners were in favor and the minutes were approved

**3. Public Comments**

Anna Hatke – A Strasburg resident expressed concerns regarding the proposed Steel Dog development. She mentioned that her children frequently travel on Route 11 between Laurel Ridge and Strasburg, and she wanted to highlight her perspective on the overwhelming opposition to the proposed development among local residents. She noted that many drivers use Route 11 to avoid truck traffic on I-81, and that inclement weather combined with slower truck reaction times increases the risk of accidents. She referenced the proposed Walmart development in Front Royal as an example of a community successfully opposing harmful development. The resident suggested alternative development options that would better serve the community, stating that the proposed development does not provide any local benefit.

Kristen Laise – Executive Director of Belle Grove Plantation, requested reconsideration of the special use permit for the site. While acknowledging the industrial nature of the site, she emphasized that special use should be carefully evaluated. Ms. Laise provided examples of businesses and events hosted by Belle Grove Plantation that bring economic development and attract business to Middletown. She also echoed concerns

about traffic impacts and expressed a desire for more clarity regarding the buffering requirements and how they will be enforced.

Jacob Anderson – referenced a statement by Mayor Harbaugh, noting that no one supports the proposed development. He agreed with the mayor and shared that he has heard numerous reasons why the development would negatively impact the town and the community. Mr. Anderson emphasized the importance of considering smart growth and urged the Planning Commission to reject both the special use permit and the rezoning request. He expressed concern about the potential negative impacts on Belle Grove and Cedar Creek, stressing that smart growth should be consistent with the principles and values of the community.

#### **4. Chairman Comments**

None

#### **5. Report from Planning and Zoning Administrator**

Ms. Kerns provided recent updates at the State level in regards to local short-term rental ordinances. Ms. Kerns reviewed the previously submitted draft of short-term rental ordinances considered by the Planning Commission. She stated that the most impactful change is the inability to require special use permits for short-term rentals that have property owners in residence when guests are present. Due to this change, she recommended adding a separate definition and adjusting the by-right/special use requirements in the appropriate zoning districts in order to align with State requirements. The Planning Commission agreed that would be a good path forward. Ms. Kerns stated she would update the ordinance for review at the next meeting.

Ms. Kerns also provided an update on the Holtzman redevelopment application.

Ms. Kerns stated that the Plan Review Committee was unable to schedule a meeting time between the August and September meetings and suggested they go ahead and select a meeting date while everyone was present. The Committee chose to schedule a meeting for October 7, 2024, to begin review of the Capital Improvement Plan.

#### **6. Update from Council Liaison Jeffrey Pennington**

None

#### **7. Unfinished Business**

Vice Chair Anderson inquired about the compliance status of construction at Mr. James Plummer's residence, a recently recommended resident for appointment to the Planning Commission. Mr. Plummer reported that he has received all necessary permits and approvals from both the Town and the Department of Education for his child care business. However, he is still awaiting approvals from the County Building Inspections Department.

Vice Chair Anderson made a motion to repeal the Planning Commission's recommendation to approve the proposed zoning text amendment to add truck or fleet maintenance and sales facility to section 17-7.C at the March 25, 2024 meeting. Commissioner Morelock seconded the motion. All commissioners were in favor and motion carried.

Vice Chair Anderson stated that because the item had been not been decided on and a new application had been submitted, it would be wise to repeal the action and start with a clean slate.

#### **8. New Business**

Ms. Kerns presented applications for rezoning, zoning text amendment, and special use permit from the developers of the proposed Steel Dog development. Ms. Kerns clarified that the rezoning application, while signed and submitted by the property owners, was actually a Town initiated rezoning in accordance with the Boundary Line Adjustment agreement and a resolution passed by Town Council in February. Ms. Kerns reviewed all of the submitted materials and recommended conditions. The Applicant's legal representative, Jennifer Kittlaus, provided additional details and presented architectural renderings.

After the presentation, Planning Commission members engaged in an in depth discussion and asked a variety of questions to the applicant's representatives in order to better understand the proposed development and possible implications for the Town. During this discussion the Planning Commission requested an updated statement of justification that outlines how the proposed development aligns with community needs and standards. Additionally, the Commission asked for information on any wetlands present on the property, the percentage of hardscaping versus landscaping, and the rules regarding idling trucks, overnight and short-term parking, and sleeping in trucks. They emphasized the need for noise abatement measures at the rear of the property, particularly sound suppression related to I-81. The Commission also inquired whether the building would comply with the height requirements of the B-2 district and how the conditions of the Special Use Permit (SUP) would be enforced. They suggested adding exclusions for truck stop elements to the SUP conditions and requested further clarification on the delineation of parking types on the site plan, estimated trip counts, and definition language.

Vice Chair Anderson provided a detailed statement outlining her approach to evaluating the proposed development. Her remarks addressed the potential impacts on the town and how the town's police powers may apply in this situation. A written copy of her statement, along with educational resources and citations, has been attached to these minutes for reference.

Once the discussion concluded, Chairman Klein asked for a motion to authorize a public hearing for the October 28, 2024 meeting. No motion was made. Staff was advised to revisit the application at the next meeting.

#### **9. Announcements**

Chairman Klein reminded the group that a Plan Review Committee meeting would take place October 7<sup>th</sup> at 7pm.

#### **10. Adjournment**

Chairman Klein adjourned the meeting at 8:51 p.m.

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Christina Smith  
Municipal Clerk

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Mark Klein  
Chairman