

May 25, 2010

Denton Town Council Special Meeting & Joint Public Hearing with the Denton Planning Commission

6:00 – 7:00 Planning Commission monthly meeting

(See the Planning Commission minutes for details)

Special Meeting

At 7:00 PM Vice Mayor Clendaniel opened a special meeting of the Denton Town Council leading everyone in the Pledge of Allegiance to the Flag. The special meeting was held at the Denton Volunteer Fire Dept.

Vice Mayor Clendaniel asked that the record reflect that Councilwoman Case, Councilman Danielson and Councilman Porter were in attendance. Mayor Gregory was absent for most of the meeting due to another conflict.

Public Hearing

Ordinance #603 – Donohue Historic Preservation Easement

At 7:01 PM, Vice Mayor Clendaniel opened a public hearing to receive comments on Ordinance #603 – An Ordinance of the Town of Denton to accept a preservation easement for property located at 808 South Fifth Ave in the Town of Denton.

Vice Mayor Clendaniel asked if there were any comments from the State – there were none.

Vice Mayor Clendaniel asked if there were any comments from the Public – Mr. George Nier, Attorney representing the Donohue's came before the Council stating that the ordinance was out of order. Mr. Nier stated that the Planning Commission has found a change in the character of the neighborhood and as part of the comprehensive plan are proposing to change the zoning to regional highway commercial. The owners support and are seeking a change in the zoning from suburban residential to regional highway commercial, but do not support having the historic preservation easement. Mr. Nier asked that Ordinance #603 be tabled and not addressed at this time.

Vice Mayor Clendaniel asked if there were any comments from the County – there were none.

Vice Mayor Clendaniel asked if there were any comments from the Council – there were none.

Vice Mayor Clendaniel asked staff if there was any response from staff and there was none.

With no further discussion, Vice Mayor Clendaniel closed this public hearing at 7:07 PM.

Introduction and Adoption of Resolution and Ordinances

Ordinance #603 – Donohue Preservation Easement

An Ordinance of the Town of Denton to accept a Preservation Easement for property located at 808 S. Fifth Ave.

Vice Mayor Clendaniel mentioned that given Mr. Nier's concerns expressed during the public hearing that the Council may wish to defer action on this ordinance.

Councilman Porter made a motion to defer action on Ordinance #603 until the June 7, 2010 meeting. The motion was seconded by Councilman Danielson, passing unanimously.

Resolution #728 – Red Flag Identity Theft Program

A resolution of the Town of Denton adopting an Identity Theft Prevention Program to detect, prevent and mitigate identity theft in connection with opening or maintaining an account with the Town in accordance with Federal Regulations relating to red flag identity theft.

The Federal Trade Commission Part 681 of Title 16 of the Code of Federal Regulations requires the Town to adopt an Identity Theft Prevention Program by June 1, 2010.

Councilman Porter made a motion to adopt Resolution #728 to comply with the Federal Trade Commission regulations, seconded by Councilwoman Case, passing unanimously.

Joint Planning Commission/Town Council Public Hearing

2010 Comprehensive Plan Public Hearing

Planning Commission members Doris Walls, Sue Cruikshank, Ummu Bradley Thomas, Bill Quick and Marina Dowdall joined the Town Council. Mr. Brian Tyler arrived around 7:18 PM.

At 7:14 PM Vice Mayor Clendaniel asked that Chairperson Walls preside over the joint session and public hearing in Mayor Gregory's absence.

Chairperson Walls opened the Public Hearing for the 2010 Draft Comprehensive Plan at 7:15 p.m.

Chairperson Walls began the hearing with the introduction of the Town Council and Planning Commission members. Chairperson Walls stated that this time was being set aside to receive public comments concerning the 2010 Draft Comprehensive Plan. Persons wishing to speak shall rise, state their names for the record, and address their comments to the Denton Planning Commission and Town Council. Only comments regarding this specific project shall be heard and each participant will be allowed five minutes.

Mr. George Nier, an attorney representing some of the property owners in the Crystal Avenue rezoning, addressed the joint members. A letter written by Mr. Peter Johnston of Johnston & Associates was added to the record, and a summary of Mr. Johnston's credentials were read into the record. Mr. Johnston summarized his letter saying that changing the land use for the Industrial properties on Crystal Avenue was a mistake and that the businesses were a good economic base for the Town. He asked the Plan be modified so that the Industrial uses remained and that zoning changes needed to be addressed after the adoption of the Comprehensive Plan. Councilman Clendaniel asked if Mr. Johnston thought the idea of combining the Heavy Industrial zone with the Light Industrial zone into one "Industrial" zone was appropriate and Mr. Johnston replied, yes.

Mr. Nier asked if any of his clients would like to speak. Mr. Rick Breeding addressed the joint members and asked that the Industrial zoning remain as it is. Mr. Joe Smith also stated that he wanted the zoning to remain as it is. Mr. Brian Smith addressed the joint members stating that he had made many improvements to the property supports

the Town of Denton by employing over 30 people and felt like the business was being choked out by the proposed change.

Chairperson Walls asked Director Kastning if he would summarize the changes to the Crystal Avenue rezoning that the Planning Commission has suggested. The Planning Commission consensus, after numerous working sessions, suggests that the Industrial zoning remain as it is currently for property N/NE of the railroad parcel, the railroad parcel should be changed to a new zone of Recreation and Parks, and the Industrial properties S/SE of the railroad parcel remain as Industrial with an added residential use, this area could be changed to a new zone that would allow for the inclusion of residential uses. Mr. Nier asked the Planning Commission for the record if they are withdrawing the Mixed Residential zoning for these properties and the Commission stated, yes. Mr. David Hutchison, owner of property on Crystal Avenue wanted to thank both the Commission and Council for listening to their concerns, which is to leave the property Industrial. Mr. J.D. Neal of Nuttle Lumber Company said he would not object to adding a residential component, specifically a mixed residential use added to his property.

Mr. Phil Riordan, representing Mr. Ben Minimoto, requested that the joint members consider a zoning change for Mr. Minimoto's property from the Suburban Residential with a Planned Neighborhood overlay to Highway Commercial. He would agree to limit the uses permitted if the Commission was so inclined and understands that the Annexation Agreement would have to be amended to permit the zoning change.

Chairperson Walls asked if there were any other comments from the public. Commissioner William Quick noted that he felt the public had not been notified adequately concerning the zoning changes proposed in the Draft Comprehensive Plan. Commission Quick added that an ordinance should be considered that would require property owners and surrounding properties within 200 feet to be notified within 90 days of a zoning change. Councilman Robert Clendaniel and Councilman Dennis Porter concurred with Commission Quick's comments. It was also suggested that properties be posted, agendas for Planning Commission and Town Council be advertised in the Times-Record and /or Star Democrat for every meeting. Discussion of creating an Advisory Committee was also proposed. Director Kastning stated that he had suggested eight months ago that all notices appear in the Star Democrat and that more communication is welcomed by the Planning Staff. Currently agendas are posted on the Town website at www.dentonmaryland.com.

Mr. Jim DiDonato, JPA Ventures, addressed the joint session concerning property he owns on Legion Road that is proposed in Draft Comprehensive Plan to change zoning from Town Residential to Highway Commercial. Mr. DiDonato displayed a site plan for property that showed an alternate rezoning plan, he would like ask that not all acreage be rezoned but that approximately 40 acres be rezoned to Highway Commercial, with the remainder to stay at Town Scale Residential. Chairperson Walls said that the alternate plan was a good plan and stated that there would be buffering between the commercial properties and the residential component, Mr. DiDonato agreed. Chairperson Walls asked the other Commission members and Town Council members if this was an adequate compromise and all agreed.

Mr. Jeff Wright addressed the joint session and stated that he and his family have sold real estate in the Town of Denton for many years. He agrees with the Plan's

direction to limit growth, would like to see the Town take a more active role in the demolition of deteriorating housing and to please repair the roads in Town.

Ms. Victoria Hoffman, with JPA Ventures, addressed the joint session with the same concerns as Mr. DiDonato, she stated that if the Town were to rezone all 80 acres it would be a hardship for the property owners to find buyers or lessees for that much Commercial property. She asked that the Planning Commission and Town Council please consider Mr. DiDonato's current proposal.

Mr. Tolbert Rowe addressed the joint session and suggested that the Planning Commission and Town Council keep the dialogue open with the school board and to slow growth in Denton.

Chairperson Walls closed the Public Hearing at 8:20 p.m.

Councilman Danielson confirmed that the plan includes an agricultural zone.

Councilman Clendaniel closed the Town Council public hearing session at 8:22 p.m.

Resolution #726 – 2010 Comprehensive Plan

A Resolution of the Town of Denton Adopting the 2010 Comprehensive Plan.

Mr. Kastning advised that the Planning Staff would make the changes to the sections of the plan and that it would take approximately four to six weeks to modify, the Planning Commission would need to make a recommendation to the Council. Mr. Kastning mentioned that residential moratorium will expire on June 30, 2010. The Planning Staff will prepare and extension ordinance to be brought before the Council for consideration at the June 7, 2010 meeting.

Commissioner Quick made a motion to defer making a recommendation to the Town Council on the 2010 Draft Comprehensive Plan until the Planning Staff had adequate time to complete the plan to encompass the recommendations that have been made. Planning Commissioner Dowdall seconded the motion. The motion passed unanimously.

Councilman Danielson made a motion to take the advice of the Planning Commission and defer any action until the Planning Commission makes a recommendation, seconded by Councilman Porter. The motion passed unanimously.

Councilman Danielson made motion to close the meeting at 8:31 PM, seconded by Councilwoman Case, and passing unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*

** Page 3037 amended 6/7/2010 to remove the word "~~another~~" under attendance. Adopted as amended.