

Denton Planning Commission

Minutes

Town of Denton

March 30, 2021

Planning Commission Members:

- Doris Walls, Chairperson*
- William Quick*
- Joseph Mayer, Jr.*
- Lauren Shilling*
- Stephen Mead*
- George Schwaeble*

* Those Present

** Excused

*** Absent

Participants:

- | | |
|--------------------------------|---|
| Peter Johnston, Town Planner | Councilperson Walter Keith Johnson,
Attended Virtually |
| Eugene Hicks | Sharon VanEmburch |
| Rick Bullock | Michelle Bullock |
| Sean Callahan | Ryan Showalter |
| Bill Warnock | Kevin Sills |
| Linda Tate, Attended Virtually | |

Recording:

- Donna Todd, Planning and Codes
- George Bacorn, A/Chief of Police
- Donald H. Mulrine, Jr., Town Administrator

PROCEEDINGS

Call to Order:

The Planning Commission Meeting was called to order by Chairperson Walls at 6:00 p.m., on March 30, 2021, at the Denton Town Office. Chairperson Walls lead everyone in the Pledge of Allegiance.

This Meeting was made available to the public via Zoom Video Conferencing, and access to the meeting was made available on the Town website.

Approval of Minutes:

February 23, 2021, Planning Commission Meeting minutes were reviewed and unanimously approved as submitted.

Old Business #1 – Other: None.

New Business #1 – Eugene Hicks/Special Exception Request:

Eugene Hicks, the Applicant for an intermediate-care home at 1233 Painted Fern Road, presented to the Special Exception Request. He stated the request was to allow a use that includes care for no more than four (4) individuals in a residential setting. The individuals are elderly or disabled and require some assistance with daily living.

Commissioner Schwaeble requested the Applicant to explain the difference between Level III and Level II care for the proposed facility.

In response, Mr. Hicks stated that he is requesting approval for Level III care as defined by the State of Maryland. The State of Maryland has guidelines for the type of care allowed in a residential setting. The State of Maryland guidelines may be different than the guidelines for the local jurisdiction. State of Maryland Level III care allows medication assistance for patients living in the home. The intermediate care group home is a family-owned business, and the State of

Maryland license limits the maximum number of beds in these types of facilities. In this case, care for patients includes daily living activities, such as assistance with walking, bathing, etc.

Vice Chairperson Quick requested information regarding the Applicant's payment for the services.

The Applicant responded that they receive payment through private pay and some Medicaid subsidy.

The State of Maryland regulates the care and requires a nurse to perform assessments of patients to evaluate the level of care. The Applicant is a CT Tech and an Assisted Living Manager. Two family members will be living in the residence with the patients.

No additional parking is required for patients. There is a strict visitation policy for one or two persons visiting by appointment only.

The Applicant has three (3) designated parking spaces and three (3) parking spaces in the garage.

Commissioner Schwaeble requested information on an intermediate-care home's effect on adjacent property values and any studies of impacts.

The Applicant stated he is not aware of any studies for property values.

The Applicant is licensed to have two (2) beds in a bedroom and a total of four (4) beds. The Applicant's wife lives in the home full time. The Applicant has other caregiver staff if necessary.

Vice Chairperson Quick confirmed the application was advertised, and property owners within 200 feet were notified.

The Applicant stated the property notification letter was posted on the Community's Facebook page, and residents have posted comments.

Vice Chairperson Quick stated he was involved in establishing a homeless shelter in Easton's Historic District, which became very contentious.

Commissioner Schwaeble recused himself due to a conflict of interest and disclosed that he resides across from the Applicant.

Vice Chairperson Quick motioned that the Planning Commission recommends the Board of Appeals hear the request.

Commissioner Mayer seconded the motion. Motion passed. (3:1:1)

Chairperson Walls voted Nay.

Commissioner Shilling abstained due to a conflict in interest.

New Business #2 – Rick & Elizabeth Bullock/Rezoning Request:

Commissioner Mayer disclosed that the Town of Easton, and Sharon VanEmburch, Attorney for the Applicants, is the Easton Town Attorney. Based on the nature of the relationship and the fact that Commissioner Mayer has no interest that would be affected by the vote's outcome, it was determined he had no conflict of interest.

Sharon VanEmburch, Attorney for Rick & Elizabeth Bullock (Applicants), made the presentation for the rezoning request for two (2) parcels, 998 and 1000, located on Caroline County Tax Map 103. The parcels are located at the intersection of Sixth Street and Camp Road.

The Attorney distributed handouts showing the property subject of this rezoning request's location. Ms. VanEmburch stated the Applicants plan to develop the property similar to the existing Bullock's Deli establishments, that is, with the same small-scale neighborhood commercial development. She pointed out that this area thrived during the COVID-19 pandemic, creating jobs for the Town and providing Town residents services.

She described the Planning Commission's role as investigation and recommendation to the Town Council. The Town Council has to make findings of fact to support the rezoning reclassification related to population, adequacy of public facilities, transportation network, consistency with the Comprehensive Plan, compatibility with the existing and proposed development in the area, as well as the recommendation of the Planning Commission. Depending on the findings, the Town Council must determine if there is a mistake in the original zoning or a substantial change in the neighborhood. The Applicants are suggesting there is a change in the neighborhood.

The Attorney submitted detailed information on each of these findings to suggest a change in the neighborhood. The two (2) parcels, 998 and 1000, are adjacent to the other General Commercial (GC) properties and would be an extension of these GC properties. There are a transportation network and public facilities to support this development.

The 21 acres rezoned to Mixed Residential (MR) included in the staff report supports the neighborhood change. This property could potentially be developed with as many as 170 units.

The Applicants' corner property has a State Highway Administration drainage easement along the property's front. Buildings could not be located close to the corner due to visibility issues.

The traffic counts on Sixth Street in the staff report confirm 6th Street has excess capacity, and this new development will not create issues in this area.

The Applicant began the Bullock's Deli in the old store located on the adjacent corner property and referred to the old store's photograph. After four (4) years, the Bullock's purchased the property across the Street and moved their business. The old store building was razed. The Applicant later purchased the corner property that they wish to develop with small-scale businesses. The Applicant owns the Plaza next to Bullock's Deli and has retained businesses for

as long as twenty-five (25) years. The Bullock's Deli busy traffic time is lunchtime, and the Applicant has not witnessed any accidents in this general area.

In response to a question concerning pedestrian safety for children traveling to Lockerman Middle School, Mr. Mulrine stated the Town of Denton provides Police Officers at the intersection of Sixth Street and Caroline Street for the buses entering and exiting from the Lockerman Middle School twice daily during the school year. Also, the Town of Denton asked State Highway Administration (SHA) to assist in making this area safer, and SHA did not find any reason to change the intersection. SHA added a sidewalk for pedestrian traffic but did not find any adverse traffic impacts.

The Applicant will install sidewalks for new businesses as required.

Commissioner Shilling motioned to approve the rezoning request for Parcels 998 and 1000 on Caroline County Tax Map 103 from Town Scale Residential (TR) to General Commercial (GC).

Commissioner Mayer seconded the motion. Motion passed unanimously. (5:0).

Mrs. Tate requested information on the impact of the rezoning request to General Commercial (GC) for the alley between Parcels 998 and 1000 to the corner property of Sixth Street.

Mr. Mulrine stated that no development plans have been submitted for the properties and that the alley's right-of-way will remain open.

Vice Chairperson Quick stated the Planning Commission recommends the Town Council grant the change in zoning. In response to a question from Mrs. Tate, Mr. Quick pointed out the Town Council decides changes in zoning, and there are more opportunities for her to participate and submit comments at the Town Council public hearing.

New Business #3 – Mid-Atlantic Real Estate Investments, Inc./Denton Plaza II

Subdivision Plan:

Ryan Showalter, Attorney for the Mid-Atlantic Real Estate Investments, Inc. (Applicant), and Bill Warnock, Engineer for the Applicant, made the Denton Plaza II presentation. Kevin Sills, Principal for Mid-Atlantic Real Estate Investments, Inc., was present to answer questions.

Denton Plaza is undergoing an expansion. The presentation includes the Denton Plaza II Subdivision Plan, Phase II Site Plan, and revised Comprehensive Sign Plan for the existing Denton Plaza and the expansion.

The Denton Plaza II Preliminary Subdivision Plan creates four (4) commercial lots for the proposed development projects.

Commissioner Mayer motioned to approve the preliminary subdivision plan to create four (4) commercial lots for Denton Plaza II.

Commissioner Mead seconded the motion. Motion passed unanimously. (5:0).

New Business #4 – Mid-Atlantic Real Estate Investments, Inc./Denton Plaza II Site Plan:

Mr. Showalter presented the Denton Plaza II Preliminary Site Plan highlights, including development plans for committed users identified on the plans and proposed users.

Mr. Warnock provided an overview of the preliminary site plan for four (4) new buildings, one on each new lot. A grocery store, Popeyes restaurant, one-story retail building, and a three-story mixed-use building for office and retail space are planned for the new lots. A spine road connecting from Legion Road to the industrial park frontage road is planned to access the parcels with joint use for parking, traffic, and infrastructure use. Legal documents will ensure joint use for parking, traffic, and infrastructure.

An existing pump station that services the area will be relocated to the southeast corner of the site. The new pump station will be installed to meet the entire Denton Plaza I and II's capacity requirements. The architecture will be consistent with the existing Denton Plaza.

The roads will connect to the existing Denton Plaza. The parking plan was based on conservative numbers to ensure compliance for the new users.

The environmental investigation determined a small area in the southeast corner was considered an intermittent stream (waters of the US). All construction is outside of that buffer.

No forest is on-site because this is currently cropland. Forestation will be addressed with a fee-in-lieu.

The stormwater plan for managing the two-year and ten-year plan will be confirmed at the final site plan. All ESD measures have been satisfied.

There was discussion on the parking space sizes and the need for large spaces to accommodate the large trucks in this area.

There will be access off the service road into the Denton Plaza II that connects to Denton Plaza I to alleviate some of the traffic flows from the Denton Plaza onto Legion Road.

Mr. Showalter stated he met with the Town Council twice to discuss some improvements to Legion Road on behalf of the Applicant. The Town Council approved the improvements with a 3:2 vote. The Town Council requested the Applicant delay the implementation of the improvements until the Town Council has the opportunity to pursue a collaboration among area businesses to improve a larger portion of the Legion Road area traffic pattern.

The Applicant will make substitutions in the landscape plan to include native species as noted in Mr. Johnston's staff report.

Commissioner Mayer motioned to approve the preliminary site plan for Denton Plaza II as submitted.

Commissioner Shilling seconded the motion. Motion passed unanimously. (5:0).

As previously reported to the Chairperson, Vice Chairperson Quick departed from the meeting at 7:00 p.m.

Mr. Sills confirmed tenants include Aldi's, Popeyes, Five Guys, and Dairy Queen as committed tenants.

Leases for the commercial tenants expected to be twenty to thirty years.

New Business #5 – Mid-Atlantic Real Estate Investments, Inc./Denton Plaza I & II

Comprehensive Sign Plan:

The Denton Plaza I & II Comprehensive Sign Plan includes all proposed signage for the sites. The sign plan is essential from a management perspective to ensure uniform aesthetics. A comprehensive regulatory sign scheme for the Denton Plaza ensures compliance with the Denton Town Code and is consistent with the shopping center. As tenants change within the shopping center, it provides guidance to the new tenants for the allowed signage.

There are two existing pylon signs. The sign plan adds two more pylon signs for the shopping center to serve Denton Plaza II and Starbucks and Popeyes own pylon signs.

The benefit of the pylon signs provides motorists with the opportunity of identification and wayfinding. A better signage plan for motorists will enable traffic to flow off Shore Highway through Denton Plaza II and alleviate some traffic congestion on Legion Road.

Commissioner Mayer motioned to approve the comprehensive sign plan for Denton Plaza I and II as submitted.

Commissioner Mead seconded the motion. Motion passed unanimously. (5:0).

Mr. Mulrine noted that Mr. Sills worked diligently with MDOT to allow additional entrances and exits off Shore Highway but was denied. The Traffic Study suggested additional entrances and exits. This was a six-month process working with MDOT.

New Business #6 – Other: None.

Staff Item #1 - Other:

Chairperson Walls discussed the Legion Road traffic problems that occurred several years ago.

Adjournment: The meeting adjourned at 7:08 p.m.