

Denton Planning Commission

Minutes

Town of Denton

July 31, 2013

Planning Commission Members:

Doris Walls, Chairperson*
William Quick*
Sue Cruickshank*
Marina Dowdall*
Matt Breedlove**
Brian Tyler*

* Those Present
** Excused
*** Absent

Visitors:

William Clemens
Donald Mulrine, Jr.

Robert Cheek

Recording:

Thomas Batchelor, Acting Planning Director

For the purposes of clarity the Minutes have been edited for brevity.

PROCEEDINGS

Call to Order:

The regular meeting was called to order by Chairperson Walls at 6:00 p.m., on July 31, 2013, at the Denton Town Office and followed by the Pledge of Allegiance.

Approval of Minutes:

The June 25, 2013, minutes were approved as submitted.

Old Business #1 – Comprehensive Plan: Chapter 11, Historic Features, was reviewed as part of an ongoing study of the 2010 Comprehensive Plan. Commission members agreed to include in the next Comprehensive Plan (2016) that potential cost impacts of preservation programs to provide a fair presentation of all the impacts related to historic preservation.

The Commission discussed the process for identifying properties of historic value and the establishment of the historic district boundaries. Maryland Historic Trust provided a survey to the Town of historic properties in Denton which identified properties included and which properties contribute to the historic value of the Town. The Historic District boundaries, using the survey, were established by the Town based on the survey, typically grouped by the oldest properties located in the core of the Town. In some instances, the boundaries were established surrounding exceptional examples or adjusted for political reasons.

Old Business #2 – Comprehensive Plan: Chapter 12, Implementation, was reviewed as part of an ongoing study of the 2010 Comprehensive Plan. The Commission agreed that the Community Survey was a valuable asset and should be updated and performed for the next Comprehensive Plan in 2016. The Community Survey was generated and performed by the staff of Planning and Codes and used as a valued reference for the development of the Comprehensive Plan.

Old Business #3 – Other: None.

New Business #1 – Caroline County Habitat for Humanity: Bill Clemens, Representative for Caroline County Habitat for Humanity (CCHFH), made the presentation for

1 the organization's revitalization efforts. CCHFH, in partnership with the Town, received a
2 \$400,000 grant for the strategic acquisition, demolition, and development of blighted and vacant
3 properties in Denton.

4 The grant application identified three phases: Phase I included properties, typically
5 blighted or in some state of abandonment, that required acquisition, demolition, and new
6 development of single family dwellings around and north of Market Street, High Street, and
7 Lincoln Street areas. Phase II included same, as well as, the acquisition of the vacant properties
8 formerly owned by CIII Builders on Gay Street. Phase III included same, as well as,
9 development of properties in other areas outside of the core of the downtown.

10 The final application for which funding was received will allow CCHFH to perform
11 development activity for all of Phase I and a substantial part of Phase II development activities.

12 Mr. Clemens also discussed the public perception of Habitat for Humanity as a source for
13 housing of low income populace. Mr. Clemens indicated that the market and goals of Habitat for
14 Humanity has changed and are adjusting to the new conditions. According to Mr. Clemens,
15 there are many working adults with consistent and moderate income that are desirable as
16 purchasers of Habitat for Humanity homes. The Commission also recommended coordination
17 and partnership with Walmart to determine potential candidates for homeownership.

18 **New Business #2 – Main Street Manager:** Robert Cheek introduced himself to the
19 Commission as the new Main Street Manager. Mr. Cheek provided an overview of his plan and
20 intentions for the first year, including, reviving the Downtown Denton Main Street Design
21 Committee, and development of the Sign Book. Mr. Cheek just started and will be coordinating
22 efforts with the Town of Denton staff on future projects.

23 **New Business #3 –Denton Industrial Park, 9532 Legion Road:** The property, formerly
24 owned by Gorton Merrick and foreclosed by PNC Bank, was purchased by a furniture
25 manufacturing business and retail store. Settlement is in approximately two weeks. The
26 property was abandoned approximately five years ago and contained a similar use. The

1 purchaser is proposing to relocate a business, currently in Rockville, MD, and staff discussed
2 (referenced in Staff Items) apparent vagueness pertaining to certain projects requiring
3 Administrative or Planning Commission review and approval. In the Town Code, certain
4 projects with minimal planning impacts, such as increase Water/Sewer ERU's, parking, etc., may
5 be considered a Simplified Site Plan Review and reviewed administratively, or in lieu of
6 Planning Commission review and approval. Since this project is proposed to have no parking,
7 water/sewer ERU, stormwater, or other planning impacts, staff is requesting direction on type of
8 review and approval process (Administrative or Planning Commission). Any future additions or
9 development activity on the property may require Planning Commission review and approval.

10 Commissioner Dowdall motioned to permit an Administrative level review and approval.

11 Commissioner Tyler seconded the motion. The motion was approved unanimously.

12 **Staff Items:**

13 Staff Item #1 - Discussion was also held on clarifications and direction for determination
14 of site plan and administrative site plan reviews. Staff indicated there is some ambiguity in the
15 Town Code related to Administrative level review and approval. The ambiguity has the potential
16 of causing confusion and inconsistency in the process. After discussions, staff will provide a
17 draft to clarify when an administrative site plan may be approved by the Department.

18 Staff Item #2 - Due to the Donohue property's extensive fire damage, the building will be
19 demolished. Several years ago a protective historic easement was implemented on the property
20 as a condition on receiving a zoning change to commercial use. The easement protected the
21 historic structures found on the property and required any potential purchaser to rehabilitate, or
22 otherwise protect the historic structures found on the property. A fire occurred that substantially
23 damaged the principal structure and the insurance was insufficient to cover rehabilitation costs.
24 The structure is condemned and identified as unsafe. The current easement permits demolition
25 based on the condition of an event that caused damage and insufficient funding was available for
26 repair. However, once the structure is demolished, the easement may unintentionally burden the

1 seller by an obsolete restriction (easement). An ordinance is being introduced at the August
2 Town Council Meeting to relinquish the historic structure easement. The purpose of the
3 ordinance is to remove the obsolete restriction that may burden the owner from sale of the
4 property to return into a viable use.

5 Staff Item #3 - There was discussion of Robert Jarrell's request to change the density
6 requirement for subdivision of agricultural zoned parcels. The current Town Code requires, in
7 certain instances, large parcels may not subdivide unless the subdivision is in 20 acre parcels.
8 The potential burden, as described by Mr. Jarrell's request, is of a property located on a large
9 parcel in "West Denton", zoned Rural Agriculture and Planned Neighborhood Eligible overlay.
10 Mr. Jarrell's client is a property owner with an interest to subdivide a large parcel for an existing
11 principal residential structure with minimal acreage to the current resident. The Property owner
12 does not desire to be a rental property owner and prefers to deed, or otherwise transfer the
13 residence and lot to the relative or current resident. The potential burden is that current Code
14 requires the subdivision to be a minimum of 20 acres. Several years ago, another property
15 owner, Ronald Diem, was unable to subdivide a parcel for an existing residential structure in a
16 similar manner as Mr. Jarrell's client.

17 Staff believes that the regulations are contrary to the goals of increasing density in the
18 Town jurisdiction where water and sewer service may be available (not in West Denton case).
19 Commission agreed that the size of parcel subdivided should be consistent with the County. This
20 item may be reviewed again at a future date when a formal application is submitted.

21 **Adjournment:**

22 The meeting adjourned at 7:15 p.m.