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February 16, 2021

Donald H. Mulrine, Jr.
Town Administrator
Town of Denton
4 N. Second Street
Denton, Maryland 21629

Re: Rezoning Request

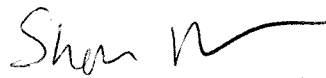
Dear Don:

As I previously indicated, I represent Rick and Elizabeth Bullock. They own several properties in Denton and are interested in having Parcels 998 and 1000 on Caroline County Tax Map 103 rezoned from TR-Town Scale Residential to GC-General Commercial so that they can develop them similar to their other nearby commercial development. The Bullocks have been able to keep their commercial rental spaces occupied with thriving businesses that have created economic activity and jobs in the Town of Denton. Based on their experience, they believe there is a need for additional commercial spaces in Denton, particularly near their existing businesses. Parcels 998 and 1000 are adjacent to existing GC-General Commercial properties and are a logical extension of that zoning district.

Please accept this as their official rezoning request. Enclosed are checks for \$1,000 and \$5,000 as the application fee and escrow towards Town expenses and costs. Also attached are the facts and circumstances to support granting the rezoning request.

Please let me know if you require anything else for Denton to consider this application or if you have any questions regarding this matter.

Very truly yours,


Sharon M. VanEmburch

Enclosures

REQUIRED FINDINGS FOR RECLASSIFICATION PURSUANT TO SECTION 128-169 OF THE TOWN OF DENTON CODE

The Bullocks are seeking rezoning of their properties located near the intersection of 6th Street and Camp Road, which are Parcels 998 and 1000 on Caroline County Tax Map 103, from TR-Town Scale Residential to GC – General Commercial. The properties shall be collectively referred to as the “Property.”

Population Change

At the time of the 2010 Denton Comprehensive Plan, the population referenced was the 2000 census data which indicated a population in Denton of 2,960 (Comp. Plan p. 2-4). The 2010 census data indicated a population for Denton of 4,418. The current population data is estimated to be 4,562. (See worldpopulationreview.com)

“With a population of 4,562, it is the 47th largest city in Maryland and the 5023rd largest city in the United States. Denton is currently growing at a rate of 0.55% annually and its population has increased by 3.26% since the most recent census, which recorded a population of 4,418 in 2010.” (See worldpopulationreview.com)

The 2010 Denton Comprehensive Plan was the basis for the last rezoning. That Plan used the population from the 2000 census of 2,960. The population has increased by 54% from 2,960 to 4,562 indicating a need for more commercial development to support Denton’s growing population.

Availability of Public Facilities

Public facilities are generally considered to be schools, roads, parks, and water and sewer facilities. The proposed rezoning is commercial, so schools and parks are not applicable. The Town has a sufficient road network to support commercial activity at these properties. Both 6th Street and Camp Road lead out to Route 404. There is also water and sewer infrastructure in close proximity to the properties with sufficient capacity to serve the Property with commercial zoning.

Present and Future Transportation Patterns

The Property is located near the intersection of 6th Street and Camp Road. It is approximately 0.4 miles from Maryland Route 404. Maryland Route 404 is a four-lane highway that bypasses most of the Town to the north and is a major east-west highway serving the Eastern Shore. It runs 24.61 miles from MD 662 in Wye Mills to the Delaware State line where it continues to Nassau, DE (near Rehoboth Beach). It provides the most direct vehicular route from major metropolitan areas to the west (Northern Virginia, Washington, D.C., Baltimore, and Annapolis) via US Route 50 to the Delaware coastal resort towns. Maryland Route 404 Business starts and ends at two intersections with Maryland Route 404 and is classified as a Rural Major Collector, along with Maryland Route 619 and 6th Street. (Comp Plan p. 7-2).

6th Street, also known as Maryland Route 619, is a state road. It also provides easy access to the downtown Denton road network. The Property is located near the intersection of 6th Street and Camp Road.

Franklin and Gay Streets formerly handled East and West through traffic prior to the Maryland Route 404 Bypass opening, but now have been reduced to single lane traffic from two lane traffic.

Sidewalks run from the Property north along 6th Street to approximately Maryland Route 404.

Compatibility with Existing and Proposed Development

To the north of the Property are Riverwoods at Denton apartments, a Best Western hotel, McDonalds, Burger King, 7-Eleven, and Coastal Care, all within a half mile of the Property. Maryland Route 404 is further north. Along 6th Street before Maryland Route 404 are commercial rental properties.

To the east of the Property are residential homes along Camp Road, including the Sandy Meadows housing development. Further east is Maryland Route 404.

To the south of the Property and directly adjacent are Bullock's Deli, a Sunoco gas station, Fisher Auto Parts, and H & R Block. The proposed development is intended to be similar to the adjacent commercial development. Further south are B&R Auto Parts, Choptank Supply, and Rick Breeding Excavating.

To the west of the Property are some residential homes and then further west are the Maryland Department of Transportation State High Administration building and the Lockerman Middle School.

The Property is proposed for commercial development similar to the adjacent developed property at Bullocks Plaza Shopping Center. The area surrounding the Property is a mix of residential and commercial property. The proposed development is consistent with the existing and proposed development.

Consistency with the Town's Comprehensive Plan

One of the Planning Visions from the Comprehensive Plan is "[e]conomic development that promotes employment opportunities for all income levels within the capacity of the State's natural resources, public services, and public facilities is encouraged." (Comp. Plan p. 3-2)

One of the goals of the Comprehensive Plan is to "[e]ncourage economic growth with land use policies that retain and expand existing businesses, and promote the emergence of new businesses in locations that provide optimal benefit to the community." (Comp. Plan p. 3-3)

Some of the objectives for the Town to pursue:

- Ensure an appropriate mix of residential, commercial, and light industrial uses within the Town, including a full array of commercial services that increases employment opportunities while meeting the needs of the community and surrounding market areas.
- Support development of a viable economic base which encourages further economic investment, business retention, diversification and expansion and which offers a broad range employment and business opportunities.
- Set aside land for development of employment uses, including small business and light industrial uses to meet the projected needs of residents. (Comp. Plan p. 3-4)

“The purpose of the General Commercial zoning district is to provide sufficient space in appropriate locations for a wide variety of business, commercial, and service activity, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or the nuisance factors of dust, odor, and noise associated with manufacturing. The overall intent of this area is to provide areas for local commercial needs within the core areas of the Town which are compatible with Town character.” (Comp. Plan p. 3-24)

Substantial Change in the Character of the Neighborhood

Section 128-169 of the Denton Town Code provides that: “[t]he Town Council may grant the reclassification based upon a finding that there was a substantial change in the character of the neighborhood where the property is located, or that there is a mistake in the existing zoning classification and that a change in zoning would be more desirable in terms of the objectives of the Town of Denton Comprehensive Plan.” The Bullocks assert that there has been a substantial change in the character of the neighborhood where the Property is located since the last comprehensive rezoning.

At the time that Denton adopted its 2010 Comprehensive Plan and its Zoning map, the State required that Comprehensive Plans be updated every six years. The State has since amended the applicable State statutes so that Comprehensive Plans now must be updated every 10 years, and it includes the ability to defer the update until the 2020 census data is received. As a result of that change, in addition to the Comprehensive Plan, Denton’s zoning map has not been updated in 11 years.

The concept of neighborhood for rezoning purposes is a flexible one, and will vary according to the geographical locations involved. In a rural or semi-rural Town such as Denton, the “neighborhood” will be larger and more fluid than in a larger city. *Montgomery v. Board of County Comm’rs for Prince George’s County*, 263 Md. 1, 280 A.2d 901 (1971).

The immediate neighborhood is shown on the attached Google map. However, given that the Town of Denton is a small town in a rural setting, the Town should consider how some of the development farther away, such as the Walmart Supercenter and the surrounding development on Legion Road, affects all of the property in Town, including the Property for which we are seeking rezoning. A map showing the larger neighborhood is also attached.

In close proximity to the Property are Lockerman Middle School, the State Highway

Administration, Caroline County Roads Department, multiple businesses on Crystal Avenue, the Bullocks Plaza Shopping Center, as well as new residential developments within walking distance.

There has been substantial residential growth near the properties since the last comprehensive rezoning in 2010. The Riverwoods of Denton is a 36-unit apartment complex located on Fleetwood Road. It was developed in approximately 2017. Sandy Meadows housing development is a 58-unit project located within a block of the subject properties on the North side of Camp Road. While the project was started around 2005, most of the properties were sold after 2010. The project is currently 74% built out. The project has increased traffic in the neighborhood. The Gardens housing development is a 62-unit project located about $\frac{3}{4}$ of a mile from the subject properties along the North side of Legion Road. The project started building in approximately 2019 and is currently about 44% built out with additional build out coming.

While some of the residential growth mentioned above was contemplated in 2010 when the last comprehensive rezoning was completed, zoning and other changes occurring prior to the last comprehensive rezoning need not be wholly disregarded in a local map amendment case when coupled with changes occurring subsequent thereto. *Runyon v. Glackin*, 45 Md. App. 457, 413 A.2d 291 (1980).

These three residential projects referenced indicate an increase in the population in the neighborhood of approximately 400 residents when they are fully developed. Neighborhood scale commercial development is necessary to support this increased population.

There has been additional commercial development in the neighborhood as well since 2010. Super Walmart, located on Legion Road, was opened in 2012. It is a regional store and brings in hundreds of people each day from all over Caroline County and the State of Delaware. There is also a new Taco Bell fast food store located on Legion Road, which has been open less than five years.

The Property for rezoning are approximately 0.4 miles from Route 404. Traffic on Route 404 has increased from 18,400 in 2010 to 25,960 in 2019. (See attached Maryland SHA Traffic County Chart.) Maryland Route 404 has been upgraded since the last comprehensive rezoning to help reduce traffic congestion.

All of the above changes referenced herein have changed the character of the neighborhood such that the rezoning of the properties is justified and in the best interest of the Town of Denton to meet the needs of its growing population.

MARYLAND DEPARTMENT OF TRANSPORTATION
 STATE HIGHWAY ADMINISTRATION
 DATA SERVICES DIVISION
 ANNUAL AVERAGE DAILY TRAFFIC (AADT) 2013-2019
 As of: 05/01/2020



ROUTE	ROADNAME	LOCATION	BEGIN MP	END MP	LOCATION DESCRIPTION	AADT						
						2013	2014	2015	2016	2017	2018	2019
MD 313	GOLDSBORO RD	P0084	33.350	34.150	MD 312 TO QUEEN ANNES COIL	0	2,600	2,686	2,877	3,005	3,230	3,350
MD 314	SUNSET AVE	B1431	0.000	1.020	SUNSET AVE (BACK) TO MD 313	2,202	2,203	2,304	2,355	2,210	2,201	2,232
MD 314	WHITTELEYSBURG RD	B1476	1.020	3.050	MD 313 TO KIBLER RD	3,422	3,433	3,584	3,665	3,340	3,321	3,362
MD 314	WHITTELEYSBURG RD	B1432	3.050	4.930	KIBLER RD TO DELAWARE ST/L	1,472	1,473	1,544	1,585	1,550	1,541	1,562
MD 315	BLOOMINGDALE AVE	B1433	0.000	1.340	MD 313 TO E CENTRAL AVE	5,881	5,892	6,143	6,274	6,415	6,660	6,741
MD 315	LIBERTY RD	B1434	1.340	2.710	E CENTRAL AVE TO WRIGHT RD	1,334	1,345	1,280	1,311	1,342	1,333	1,354
MD 315	LIBERTY RD	B1484	2.710	3.130	WRIGHT RD TO MD 318	661	662	693	714	735	580	591
MD 315	LIBERTY RD	B1484	0.000	4.670	MD 313 TO KNIFE BOX RD	4,003	4,014	4,185	4,470	4,571	4,542	4,603
MD 317	BURRSVILLE RD	B1435	4.670	4.780	KNIFE BOX RD TO DELAWARE ST/L	2,923	2,934	3,065	3,280	3,351	3,332	3,373
MD 317	BURRSVILLE RD	B1436	0.000	1.690	MD 817B TO AMERICAN CORNER RD	5,194	5,205	4,860	4,961	5,072	5,043	5,104
MD 318	PRESTON RD	B1437	0.000	1.690	AMERICAN CORNER RD TO MD 318/MD 315	5,934	5,945	5,590	5,711	5,842	5,813	5,884
MD 318	FEDERALSBURG HWY	B1440	7.870	9.540	MD 313 TO MD 315	3,514	3,670	3,761	3,842	3,560	3,541	3,582
MD 318	BRIDGEVILLE RD	B1477	9.540	10.950	MD 315 TO DELAWARE ST/L	3,524	3,535	3,740	3,821	3,912	3,893	3,944
MD 324	MAPLE AVE	B1441	0.000	0.400	CHOPTANK RD (BACK) TO MD 331	1,854	1,855	1,900	1,941	1,982	1,973	2,004
MD 328	MATTHEWSTOWN RD	B3848	0.000	1.200	TALBOT COIL TO TUCKAHOE RD	5,501	5,502	5,400	5,521	5,642	5,600	5,671
MD 328	NEW BRIDGE RD	B1442	1.200	6.270	TUCKAHOE RD TO MD 404	5,683	5,684	5,825	6,110	6,241	6,202	6,283
MD 328	RIVER RD	B050005	6.270	6.350	MD 404 TO RIVER RD (AHEAD)	1,445	1,480	1,521	1,552	1,593	1,584	1,605
MD 331	MAIN ST	B1445	0.000	1.100	DORCHESTER COIL TO MD 16	9,684	9,695	9,320	9,521	9,732	9,673	9,794
MD 331	MAIN ST	B1444	1.100	3.130	MD 16 TO TANYARD RD	8,404	8,405	8,210	8,391	8,582	8,533	8,644
MD 331	DOVER BRIDGE RD	B1443	3.130	4.510	TANYARD RD TO MD 578	8,081	8,072	7,790	7,961	8,142	7,910	8,011
MD 331	DOVER RD	B3824	4.510	7.494	MD 578 TO TALBOT COIL	11,841	11,812	11,840	11,861	12,152	12,330	12,331
MD 331	DOVER HWY	P0036	0.000	0.730	QUEEN ANNES COIL TO MD 480/RIDGELY RD	19,745	0	0	21,722	22,134	22,188	22,976
MD 404	SHORE HWY	B1446	0.730	3.010	MD 480/RIDGELY RD TO MD 312	15,282	16,570	19,500	19,911	20,352	19,060	19,291
MD 404	SHORE HWY	B1447	3.010	5.600	MD 312 TO MD 404BU	17,462	18,350	20,240	20,671	21,132	19,650	19,891
MD 404	SHORE HWY	B1481	5.600	7.430	MD 404BU TO MD 313 (NORTH)	20,302	26,310	27,421	28,002	24,920	24,771	25,072
MD 404	SHORE HWY	B1482	7.430	8.830	MD 313 (NORTH) TO MD 404BU	17,352	23,820	24,821	25,342	22,740	22,601	22,872
MD 404	SHORE HWY	B1448	8.830	11.020	MD 404BU TO MD 16/DOUBLE HILL RD	23,282	22,560	23,511	24,012	22,760	22,621	25,960
MD 404	SHORE HWY	B1479	11.020	13.300	MD 16/DOUBLE HILL RD TO MD 313 (SOUTH)	14,242	17,620	18,361	18,752	16,810	16,711	16,912
MD 404	SHORE HWY	S2000050011	13.300	14.190	MD 313 (SOUTH) TO MD 16/BECK RD	11,800	13,320	13,881	14,172	13,170	13,091	13,252
MD 404	SHORE HWY	B1449	14.190	17.370	MD 16/BECK RD TO DELAWARE ST/L	9,222	11,930	12,431	12,692	11,060	10,991	14,470
MD 404 AL	HILLSBORO RD	B1450	0.000	1.740	TALBOT COIL TO MD 404	1,545	1,300	1,361	1,392	1,423	1,414	1,435
MD 404 BU	MEETING HOUSE RD	B050004	0.000	1.170	MD 404 TO MARKET ST	2,395	2,130	2,181	2,232	2,283	2,274	2,305
MD 404 BU	GAY ST (WB COUPLE)	B050003	0.000	1.250	MD 404 TO MARKET ST	1,775	1,340	1,371	1,402	1,433	1,424	1,445
MD 404 BU	FRANKLIN ST (EB COUPLE)	B1466	1.170	2.320	MARKET ST TO MD 404	1,415	1,250	1,281	1,312	1,343	1,344	1,365
MD 404 N	SHARP RD	B050010	0.000	0.050	MD 404 TO SHARP RD (AHEAD)	1,125	500	511	522	533	634	545
MD 454	HALLTOWN RD	B1452	0.000	0.110	DELAWARE ST/L TO MD 311	4,232	4,243	4,424	4,525	4,040	4,021	3,900

Note: AADTs that are bold and italicized are counted that year

Google Maps



IMMEDIATE NEIGHBORHOOD

Google Maps



Map data ©2021 1000 ft

LARGER NEIGHBORHOOD