

Denton Planning Commission

Minutes

Town of Denton

August 29, 2023

Planning Commission Members:

William Quick, Chairperson*

David Burroughs, Vice Chairperson*

Doris Walls*

Stephen Mead**

Kevin Waterman*

Joseph Mayer, Jr.**

* Those Present

** Excused

*** Absent

Participants:

Bonnie Johnson

Daniel Foster

Don Mulrine, Jr.

Philip Hildebrandt, Jr.

David Renshaw

Bob Jarrell

Peter Johnston

Albert Retowsky

Amanda J. Benchoff

Harry Wyre

Jim DiDonato

Nicole Benchoff

Victoria Hoffman

Recording:

Donna Todd, Director of Planning and Codes

George Bacorn, Chief of Police

PROCEEDINGS

Call to Order:

The Planning Commission Meeting was called to order by Chairperson Quick at 6:00 p.m., on August 29, 2023, at the Denton Town Office. Chairperson Quick led 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:

July 25, 2023, the Regular Meeting Minutes were unanimously approved.

Old Business #1 – Other: None.

New Business #1 – Comprehensive Rezoning Request Reviews:

Chairperson Quick addressed the property owners and explained the Planning Commission would review their rezoning requests, make a recommendation, and forward their recommendations to the Town Council.

Mr. Johnston led the discussion on rezoning properties. He informed the Commission and property owners the change in the rezoning will not occur until the comprehensive rezoning goes into effect, following the comprehensive planning process. The Commission will finalize its recommended revisions to the Official Zoning Map during comprehensive rezoning.

The following fifteen (15) rezoning requests received from individual property owners were reviewed by the Planning Commission, and the record reflects the consensus/recommendation for each property.

Rezoning Request #1: Superior Rentals LLC/Denton Sales and Rentals LLC submitted a rezoning request for Caroline County Tax Map 101, Parcel 1026, zoned Regional Highway

Commercial (RHC) to be rezoned to Rural Agricultural (RA)/Planned Neighborhood Eligible (PNE). Daniel Foster, Owner of the property, requested the change from (RHC) to (PNE) making the property more marketable since the property's primary use is agriculture. There has been no interest in commercial development for the property.

Vice Chairperson Burroughs motioned to recommend the change from Regional Highway Commercial (RHC) to Rural Agricultural (RA)/Planned Neighborhood Eligible (PNE).

Commissioner Waterman seconded the motion. The motion passed. (4:0)

Rezoning Request #2: Custom Cannery Service, Inc. submitted a request for Caroline County Tax Map 103, Parcel 625, zoned Town Scale Residential (TR), to be rezoned. Industrial (I).

Custom Cannery Service, Inc., had no representation.

Mr. Johnston explained this is a single parcel adjacent to residential and industrial. The Mixed Industrial (MI) zoning offers a broader variety of uses.

Commissioner Waterman noted in their application form that the buildings are not residential and are designed for office space use.

David Renshaw provided more information regarding the property and confirmed it is office space and currently storage for mechanical equipment. The use of the property does not comply with the current zoning code.

Mr. Johnston explained the Department of Assessment and Taxation classified the property as commercial.

Chairperson Quick asked if there were any tax differences or liabilities between the two zoning categories.

Mr. Johnston said there is no difference between them.

Commissioner Waterman commented the table of use indicates that Custom Cannery is not in compliance with its current zoning, Town Scale Residential (TR), regarding the office spaces but would be in compliance with Mixed Residential (MR).

Mr. Johnston explained that (MI) will provide the owner with a range of uses for the property that is consistent with the property's size, the building's size, and the capacity.

Chairperson Quick asked if the industrial classification would include the existing use.

Commissioner Waterman commented this would be grandfathered as a nonconforming use.

Commissioner Waterman recommended deferring the recommendation on this request until after the remainder of the other property rezoning requests have been reviewed.

Chairperson Quick tabled the request until after the other requests were reviewed.

Rezoning Request #3: Terry Hannawald and Karen Calloway submitted a rezoning request for Caroline County Tax Map 101, Parcel 982, split zoned Suburban Residential (SR) and Recreation and Parks (RP) to remain in the current zoning classification, Suburban Residential (SR).

Mr. Johnston informed the panel that the State owns the parcel and was not updated in Maryland's Real Property Data and asked the Commission to disregard this request. The property would remain currently zoned (SR).

Rezoning Request #4: Philip Hildebrandt, Jr., requested Caroline County Tax Map 105, Parcel 268, zoned Mixed Residential (MR) to be rezoned General Commercial (GC).

Mr. Johnston explained it was a button factory that continues to operate as a nonresidential use. This nonconforming use is located in the middle of a residential area. His recommendation is to rezone the property to General Commercial (GC) to be consistent with the use of the property.

The descriptions of the land use district and the old town part of Denton recognize mixed uses in that district.

Philip Hildebrandt, Jr., Owner of the property, was present. Mr. Hildebrandt mentioned the property was changed to Mixed Residential in the 1990s. The property was converted to offices after the button operation ceased. Mr. Hildebrandt questioned if Mixed Residential allows the offices as conditional use.

Mr. Johnston confirmed that to be true.

Mr. Hildebrandt explained the building was renovated into offices 20 years ago. The property needs improvements, and the offices are not in demand. The current zoning does not allow uses that are appropriate for the building. Mr. Hildebrandt is retired from a woodworking business out of Baltimore and is aware that the current zoning only allows him to store items, but he would like to restore the old machines at this location. There is no plan for any retail, but the (GC) would allow use for the additional space for an art or craft studio. The (GC) will support the uses he plans to achieve.

Commissioner Walls motioned to recommend the change from Mixed Residential (MR) to General Commercial (GC).

Chairperson Quick seconded the motion. The motion passed. (4:0)

Rezoning Request #5: Railroad Properties, LLC, submitted a request for Caroline County Tax Map 103, Parcel 629, zoned General Commercial (GC), to be rezoned Industrial (I).

Railroad Properties, LLC, had no representation.

Mr. Johnston explained the property is adjacent to property zoned (GC) and (I) and recommended granting the request because the property is small enough not to allow an intense use and would conform with the surrounding properties.

Commissioner Walls motioned to recommend the change from General Commercial (GC) to Industrial (I).

Vice Chairperson Burroughs seconded the motion. The motion passed. (4:0)

Rezoning Request #6: Sixth Street Holdings, LLC, submitted a request for Caroline County Tax Map 100, Parcels 1014 and 1014-1, zoned Town Scale Residential (TR) to be rezoned Regional Highway Commercial (RHC).

Bob Jarrell, Attorney, represented the property owner.

Mr. Jarrell stated rezoning the property to (RHC) is consistent with Burger King and other neighboring properties. There are currently four (4) storefronts across the road from the property. The vacant lot is being assessed as commercial property.

Mr. Johnston agreed that (RHC) is a good transition, and there is not much reinvestment in homes in that area due to the location adjacent to commercial uses.

Commissioner Walls motioned to recommend the change from Town Scale Residential (TR) to Regional Highway Commercial (RHC).

Commissioner Waterman seconded the motion. The motion passed. (4:0)

Rezoning Request #7: 608 High Street LLC submitted the attached request for Caroline County Tax Map 100, Parcel 613, zoned Mixed Industrial (MI), to be rezoned Mixed Residential (MR).

Mr. Johnston noted this location is next to the fourplex that the Commission approved, and the only impact of this rezoning is the buffer requirements for additional plants.

Albert Retowsky, Owner of AR Builders, was present.

Mr. Retowsky explained the fourplex recently built on Sixth Street is zoned MR, and rezoning this lot would be consistent with their adjacent property. The fourplex has full occupancy and has been a success.

Commissioner Waterman asked if this would allow the construction of an additional duplex and if the owner is seeking approval. Mr. Retowsky stated this depends on the housing market and the rent demand.

Commissioner Waterman motioned to recommend the change from Mixed Industrial (MI) to Mixed Residential (MR).

Commissioner Walls seconded the motion. The motion passed. (4:0)

Rezoning Request #8: Ryan M. and Andrea Maloney Etal submitted a request for Caroline County Tax Map 104, Parcel 864, zoned Town Scale Residential (TR), to be rezoned Mixed Residential (MR).

There was no representation for the request.

Mr. Johnston explained the change of zoning provides more opportunities for a variety of housing than the detached single-family dwelling. This type of development is consistent with the surrounding area. Another property across from this property (JPA) also requests to be rezoned as Mixed Residential (MR).

Vice Chairperson Burroughs motioned to recommend the change from Town Scale Residential (TR) to Mixed Residential (MR).

Commissioner Walls seconded the motion. The motion passed. (4:0)

Rezoning Request #9: James D. Neal submitted a request for Caroline County Tax Map 103, Parcel 604, zoned Mixed Residential (MR), to be rezoned Mixed Industrial (MI).

There was no representation for the request.

Mr. Johnston explained this property is located next to the auction house, and there is a potential buyer for that property that would add to the auction site for parking or the potential for expansion. It is in a transitional area where the market has been changing. This area is transitioning into different types of uses driven by the market.

Commissioner Walls motioned to recommend the change from Mixed Residential (MR) to Mixed Industrial (MI).

Commissioner Waterman seconded the motion. The motion passed. (4:0)

Rezoning Request #10: Jason J. and Eric M. Zamparo submitted a request for Caroline County Tax Map 104, Parcel 859, zoned Town Scale Residential (TR), to be rezoned Mixed Residential (MR).

Bonnie Johnson was there to represent the property owner.

This property is adjacent to Chesapeake Drive. The applicant requested this oddly shaped property be rezoned to (MR), allowing for more housing options than single-family homes.

Vice Chairperson Burroughs motioned to recommend the change from Town Scale Residential (TR) to Mixed Residential (MR).

Commissioner Waterman seconded the motion. The motion passed. (4:0)

Rezoning Request #11: Nicole B. Vanhekle, Etal, and Amanda J. Benchhoff, Etal, submitted a rezoning request for Caroline County Tax Map 103, Parcel 551, zoned Mixed Residential (MR) to be rezoned General Commercial (GC).

Nicole Benchhoff and Amanda J. Benchhoff were present.

Nicole Benchhoff stated the family is requesting to change the zoning to (GC) since the property is nonconforming and has not been usable since their father operated the auto body shop. The commercial nonconforming use expired after their father passed away due to existing zoning

regulations requiring nonconforming uses on vacant properties expire within six months. The requested change will allow the property commercial uses and allow the property to be rented or sold. The property has been vacant for nine years.

Mr. Johnston noted this property lost its conforming use status and was changed back to (MR), and it has been vacant for nine years. The building has become useless. It is an example of spot zoning that will address the hardship issues. GC-type uses at this location will not draw excessive traffic to that area or significantly impact the neighborhood.

Commissioner Waterman commented that (GC) would not interfere with redevelopment into residential. The property would be able to be changed later if needed.

Commissioner Walls motioned to recommend the change from Mixed Residential (MR) to General Commercial (GC).

Commissioner Waterman seconded the motion. The motion passed. (4:0)

Rezoning Request #12 & #13: JPA Venture and 4AC Den LLC submitted rezoning requests for Caroline County Tax Map 106, Parcel 2474, zoned Regional Highway Commercial (RHC) to rezone approximately twelve (12+/-) acres of the forty-six (46) acres Mixed Residential (MR) and for Caroline County Tax Map 106, Parcels 2473, 2475, and 2480, zoned Town Scale Residential (TR) to be rezoned Mixed Residential (MR).

Jim DiDonato and Victoria Hoffman, Owners of JPA Venture and 4AC Den, LLC, were present to provide additional information for their rezoning requests.

Mr. DiDonato explained all of the properties were initially zoned Town Scale Residential (TR), and one parcel (2474) was changed to Regional Highway Commercial (RHC) during the 2010 Comprehensive Rezoning. Mixed Residential (MR) is more conducive for properties adjacent to (RHC). Since (RHC) does not allow as much flexibility for mixed uses, the request is

to rezone a portion of the property, approximately twelve (12) acres, to Mixed Residential (MR). A subdivision of the property can be completed if split zoning is not permitted or is preferred. The owners expressed interest in rezoning to General Commercial (GC).

Mr. Johnston recommends that (RHC) is the preference since there is no plan for the properties, and Commerce Drive has not been built. The recommendation is to finalize the subdivision process during the comprehensive rezoning when their plans are completed to support the development of the property.

Mr. Johnston recommended approving the original rezoning requests and that the owners show their reasonings for the change.

Commissioner Waterman noted that his understanding of zoning law is that it typically follows property lines. There is no necessary reason that it must do so.

Mr. Johnston commented that it depends on who develops the commercial and who develops the residential. As far as the subdivision is concerned, it is not a rule. We typically try to avoid split zoning by keeping the zoning district boundaries along the property lines, so it is identifiable. The owners are agreeable to a subdivision and create two lines so that it will not create an issue. During the comprehensive rezoning, discussions will include floating zones and the range or flexibility required to accommodate the development of the properties and appropriate text amendments. The purpose of this meeting is for the Planning Commission to recommend these rezoning requests to the Town Council.

Commissioner Walls motioned to recommend the submitted rezoning requests for Caroline County Tax Map 106, Parcel 2474, zoned Regional Highway Commercial (RHC) to rezone approximately twelve (12+/-) acres of the forty-six (46) acres Mixed Residential (MR) and for

Caroline County Tax Map 106, Parcels 2473, 2475, and 2480, zoned Town Scale Residential (TR) to be rezoned Mixed Residential (MR).

Vice Chairperson Burroughs seconded the motion. The motion passed. (4:0)

Rezoning Request #14: C. McConnell Lewis Trust submitted a rezoning request for Caroline County Tax Map 105, Parcels 189, 190, and 191, zoned Town Scale Residential (TR), to be rezoned Commercial Medical (CM).

There was no representation for the request.

Mr. Johnston explained the proposed zoning change. These are small lots adjacent to Commercial Medical (CM), and the staff has recommended granting their request.

Mr. Renshaw provided additional information on the vacant properties. This property is for sale, and the owners have been unable to sell it. Previously, the use was doctor's offices. There has been a transfer of ownership due to a death in the family, and current zoning does not allow the previous use.

Commissioner Waterman motioned to recommend the change from Town Scale Residential (TR) to Commercial Medical (CM).

Vice Chairperson Burroughs seconded the motion. The motion passed. (4:0)

Rezoning Request #15: Korah M. Pulimood submitted a request for Caroline County Tax Map 103, Parcel 715, split-zoned General Commercial (GC) and Mix Residential (MR) to rezone both General Commercial (GC).

Harry Wyre provided representation on behalf of the property owner.

Mr. Wyre provided a history of the three lots merged into one lot, creating a split-zoned parcel, and the entire parcel will change to GC.

Mr. Johnston stated this change was discussed during their prior site plan review. The rear of the property is split-zoned MR. This rezoning is just a cleanup operation and is consistent with the development of the property.

Vice Chairperson Burroughs motioned to recommend the change for the zoned Mixed Residential (MR) portion to General Commercial (GC).

Commissioner Waterman seconded the motion. The motion passed. (4:0)

Chairperson Quick moved to Custom Cannery Service Rezoning Request #2.

Town Scale Residential (TR) to be rezoned Industrial (I).

Mr. Renshaw contacted the owner, and he could not attend due to a doctor's appointment.

Mr. Johnston noted the only difference between (MI) & (I) is that (MI) allows office space and (I) does not.

Commissioner Waterman motioned to change the zoning from Town Scale Residential (TR) to Mixed Industrial (MI).

Vice Chairperson Burroughs seconded the motion. The motion passed. (4:0)

Recreation & Parks (RP) Rezoning: After a review of the negative impacts for properties with this designation, the Planning Commission recommended eliminating the RP Zoning District from the Zoning Ordinance during the comprehensive rezoning process. This change includes twenty-five (25) properties to be rezoned to their previous 2010 zoning or other appropriate zoning classification.

Mr. Johnston recommended Crouse Park be put in the Central Business Commercial (CBC) District with the possibility of commercial use to be located with the Visitor Center or restaurant. Overall, none of the properties require a change in the land use plan because most land use districts anticipate mixed uses within the district. All properties are being reverted to their original zoning,

and most are public properties owned by the Town, County, or State. All property owners were notified about the rezoning.

Harry Wyre confirmed that Trafalgar Properties requests their properties to be rezoned Mixed Residential (MR) as recommended.

Commissioner Waterman motioned to recommend the change for all Recreation and Parks (RP) zoned properties to revert to their prior 2010 zoning designation except for Crouse Park, which is recommended to be rezoned Central Business Commercial (CBC).

Vice Chairperson Burroughs seconded the motion. The motion passed. (4:0)

New Business #2 – Other New Business: None.

Staff Item #1 – Comprehensive Plan Working Session & Updates:

Mr. Johnston addressed the Board of the upcoming Working Session with the Town Council on October 10, 2023, to forward the recommendations provided during this meeting. There is a Public Information Meeting on September 12, 2023, at the Wharves of Choptank Visitor & Heritage Center. A 15–20-minute presentation of the overview of the Comprehensive Plan changes and provide an opportunity for the public to ask questions and share concerns about the changes.

Mrs. Todd noted that the meeting scheduled for September 12th has been published in both the Times Record and is posted on the Town of Denton website.

Commissioner Waterman asked if there are any updates on the Comprehensive Plan and the review by the State.

The State will take 60+ days.

Staff Item #2 – Staff Updates:

The ordinance for the townhomes is currently under draft and will include the Planning Commission's comments during the revisions.

The Maryland Planning Commission Association 2023 Annual Conference is on October 24-26 at the Kent Island Resort.

Four site plans and one subdivision may be reviewed at the September 26th meeting.

Adjournment: The meeting adjourned at 7:09 p.m.