

**Denton Planning Commission**

**Minutes**

**Town of Denton**

**October 31, 2023**

**Planning Commission Members:**

William Quick, Chairperson\*

David Burroughs, Vice Chairperson\*

Doris Walls\* (Attended Virtually)

Stephen Mead\* (Attended Virtually)

Kevin Waterman\*\*

Joseph Mayer, Jr.\*\*

\* Those Present

\*\* Excused

\*\*\* Absent

**Participants:**

Kevin Shearon

Nick Nistazos (Attended Virtually)

Scott Getchell

Peter Johnston

Don Mulrine, Jr.

**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 October 31, 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:**

September 26, 2023, the Regular Meeting Minutes were unanimously approved.

October 10, 2023, the Joint Working Session Minutes were unanimously approved.

**Old Business #1 – Strato Holdings, LLC – Final Site Plan:** Kevin Shearon, DMS & Associates, LLC, submitted a final site plan on behalf of Strato Holdings, LLC, for a three-tenant commercial building to be located at 601 Legion Road, Denton, Maryland. The Applicant is requesting final site plan approval.

Mr. Shearon presented on behalf of Nick Nistazos, Property Owner, who was attending virtually. The new Dunkin' Donuts will occupy the three-bay commercial building, the second unit has a lease agreement with T-Mobile, and the third is to be determined. Mr. Shearon stated a final engineering plan was submitted to the Town for approval and received their comments. The comment letter included minor items such as the Public Works Agreement. The Applicant is requesting this as a condition for final approval.

Mr. Johnston, the Town Planner, provided comments regarding the loading area.

Mr. Shearon made changes that include no longer using the first lane for the loading area. The revised plan uses the side parking lot as the loading area and designates this parking lot for

employee parking only. The delivery trucks will back into the lot for short periods to load and unload. There is some flexibility in the Town Code for the designation of loading areas, and their preference would be to use the employee parking area for easy access to the back of the building.

Commissioner Burroughs addressed Sheet 4, in which some markings are labeled as parking bumpers, and the symbols are incorrect and marked as 13 when they should be 12. Another issue was the bike rack location shows it to be closer to the building. This location differed from Sheet 12-13, which shows being close to the Legion Road side.

Mr. Shearon noted one was an older version of the site plan, which will be updated.

Mr. Johnston noted the Town Code requirement for the loading and unloading dimensions are 12 ft. x 35 ft. Will the new loading area meet the requirements? If it does not meet the Town Code, the record should show that the Planning Commission finds the proposed area adequate to service the facility.

Mr. Shearon noted the dimensions are provided and shown. The loading and unloading area coincides with the parking lot travel lane, and the dimensions could be overlaid in that area.

Chairperson Quick requested clarification on the size of the employee parking area.

Mr. Shearon stated the lot is 64 ft. wide, and the parking spaces are 20 ft. long and 24 ft. for the travel lane between the two parking aisles.

Mr. Getchell addressed the water lines and noted prior to breaking ground to confirm the 2" line leading up to the building is adequate for domestic, but if any fire flow is needed, it will need to be larger. A field decision should be made on the water line.

Mr. Shearon stated it should not need to provide a sprinkler system for the building.

Mr. Getchell recommended that each unit have its meters. It is not a requirement but more of a suggestion.

Mr. Nistazos mentioned there is a utility room in the building. The plan is to have a central and sub-meter for the two tenants. It would be in the same room that controls the outdoor lights.

Mr. Getchell noted that the Town does not endorse the meters indoors due to their access when there is a problem.

Mr. Shearon noted the main water meter would be outside and internally meter the other two units from inside.

Commissioner Burroughs approved moving forward with the final site plan with the agreement they find a parking solution adequate. Also, approval is contingent on addressing staff comments with the Town on implementation, building, and authorizing the Chair to sign the final site plan once all conditions have been met.

Commissioner Burroughs motioned to approve the final site plan for Strato Holdings, LLC, for the three-tenant commercial building as presented.

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

**Other Old Business #2: None.**

**New Business #1 – Ordinance No. 750 - Multifamily Housing and Apartments:**

Ordinance No. 750 includes amendments to the Denton Town Code Chapter 128 to clarify the building and design standards for multifamily housing and apartments in all Zoning Districts.

Mrs. Todd explained why the ordinance is being brought to them for approval. The Town Council reviewed some complaints from townhome owners regarding who would be responsible for issues regarding their roofs. The Town Attorney has reviewed this ordinance.

Commissioner Burroughs motioned to approve Ordinance No. 750 and forward it to the Denton Town Council.

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

**Other New Business #2:** None

Commissioner Burroughs asked if the intermediate care center should submit an update since this was a condition of the agreement made for the Planning Commission.

Mrs. Todd noted that the Board of Appeals approved it with a Special Exception. The application will be reviewed regarding the status of the approval.

**Staff Item #1 – Comprehensive Plan – Comments & Responses:**

Peter Johnston provided an update on the Comprehensive Plan.

**Staff Item #2 Comprehensive Plan Working Session Updates:**

Mr. Johnston noted the Town received the A95 Clearing House comments from the State regarding the 2020 Draft Comprehensive Plan (Plan). The Land Use Article has a requirement to submit the Plan for the A95 Clearing House sixty days before adoption. The State distributes the Plan to other state agencies for review and comments. The Town must send the Plan to neighboring jurisdictions, such as Caroline County, for review and comments. The Town received several comments from the State and a few from DNR. These comments have been addressed through the most updated version of the Plan. The updated version has been distributed to the Planning Commission for review. The Summary of Substantive Changes addresses new Land Use Article requirements, fair housing, updated goals, objectives, and strategies to address any issues. The Town Council adopted the Fair Housing Resolution No. 894 in July 2023. The language was used from this resolution to include that the Town will not condone unfair housing practices, and any complaints received by the Planning Commission would be referred to the proper organization to address them. The Planning Commission would consult with agencies that are required to develop a housing plan to assess the needs within the community. When the Town was in the beginning

stages of the process for the 2020 Comprehensive Plan, the Census only reported population and housing. Since then, more data has become available, and all the tables have been updated in the new Plan that were initially based on the American Community Survey (ACS) estimates to reflect the Census data. Another comment noted that the town must include an updated Septic Tier Map in the Plan. The map has been revised to reflect current data. The most significant changes were in the land use to change the land use designation for the recently requested properties to be rezoned. These changes will keep the maps consistent with each other. Under the Natural Resources section, one of the Land Use Article requirements includes the Town examining the potential impact of sea level rise and climate change in the community. This section was refined and added to the Plan. Data was captured from catastrophic storm events, storm surges under climate change, and sea level rise and compared to where properties, structures, and infrastructures might be impacted. This information was distributed to Public Works so they could have a basis for planning new facilities and locating them in areas that would be more beneficial and safe. This data was also used to identify any future potential areas that could flood in a catastrophic event, such as manholes and meters.

Commissioner Burroughs noted that the percentage did not add up in Table 2-19 on page 17, year 2020.

Mr. Johnston acknowledged the error and will update it.

Commissioner Burroughs also noted that on page 96 of Parks and Recreation, the population percentage should be 14% instead of 4%.

Mr. Johnston acknowledged the mistake and will correct it.

Commissioner Burroughs noted that on page 96, well #4 should state “test well.”

Mr. Johnston said he would correct that as well.

Chairperson Quick asked if anyone felt there should be another Joint Working Session with the Town Council or Planning Commission Working Session.

All favored not scheduling a Joint Working Session with the Town Council or a Planning Commission Working Session on November 14<sup>th</sup>.

Chairperson Quick gave consensus and noted there will be a Public Hearing on November 28th for the final 2020 Comprehensive Plan and to move forward with advertising the meeting to the public.

**Staff Item #3 Other – Staff Updates:** None

**Adjournment:** The meeting adjourned at 6:44 p.m.