

**Denton Planning Commission**

**Minutes**

**Town of Denton**

**January 30, 2024**

**Planning Commission Members:**

William Quick, Chairperson\*

David Burroughs, Vice Chairperson\*

Doris Walls\*

Stephen Mead\*

Kevin Waterman\*

\* Those Present

\*\* Excused

\*\*\* Absent

**Participants:**

Richard Bullock

Alexis Higdon

Sean Callahan

Matthew Willis

Will Chapman

Frank Taylor

Peter Johnston

Donald H. Mulrine, Jr.

**Recording:**

Donna Todd, Planning and Codes

Scott Getchell, Town Administrator

## PROCEEDINGS

### **Call to Order:**

The Planning Commission Meeting was called to order by Chairperson Quick at 6:00 p.m., on January 30, 2024, at the Denton Town Office. Chairperson Quick 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.

### **Election of 2024 Officers:**

William Quick was elected Chairperson, and David Burroughs was elected Vice Chairperson unanimously.

### **Approval of Minutes:**

November 28, 2023, the Regular Meeting Minutes were reviewed and unanimously approved.

**Old Business #1 – Other:** None.

### **New Business #1 – John Richard Bullock – Minor Site Plan:**

Sean Callahan, Lane Engineering, LLC, submitted a minor site plan for John Richard Bullock (Applicant) for two (2) additional leasable units. One unit is an addition to the Auto Parts Store, and the other is a Kitchen/Rental Unit. The project is located at 420 N. Sixth Street.

Mr. Callahan and Attorney Will Chapman were in attendance to represent Mr. Bullock.

Mr. Callahan provided a summary of the proposed project for an addition to the rear of Bullock's Plaza, as shown on sheet C-101. A new enclosed dumpster pad is included in the site plan. Mr. Callahan noted the Applicant is requesting approval to use the commercial units as provided in the Zoning Code of Permitted Uses. After discussions with the Town Planner and

Director of Planning and Codes, the Applicant is seeking approval for the commercial space and will seek approval for the office or retail use after securing the tenant. The space above the new units may be additional space for storage and equipment and is not intended for use otherwise. The Town's comments regarding adding a sidewalk have been addressed.

Commissioner Walls motioned to approve the plans, along with satisfying all comments from Town Staff, Town Consultant Planner and Engineer, and Caroline County's comments.

Vice Chairperson Burroughs seconded the motion. The motion passed unanimously. (5:0)

**New Business #2 – John R. Bullock – Major Site Plan:**

Sean Callahan, Lane Engineering, LLC, submitted a major site plan for John R. Bullock (Applicant) for one proposed office/retail building for property located at 502 & 506 North Sixth Street, Caroline County Tax Map 103, Parcels 999 & 1000, and one proposed retail/office building for property located at 617 Camp Road.

Mr. Callahan and Attorney Will Chapman represented Mr. Bullock, who was also present.

Mr. Callahan distributed copies of the proposed landscape plan and shading diagrams for the parking area. The Applicant requests approval for a 6,000 sq. ft. commercial building on the parcel located on the corner of Sixth Street and Camp Road and a 3,900 sq. ft. building at 617 Camp Road. Bufferyards are provided for both buildings. The corner lot contains a stormwater management rain garden.

Mr. Callahan requested a waiver on the number of parking spaces since the tenants will determine the retail or office space. Parking is based on the use of the buildings. Forty-four (44) spaces are required for retail uses, and thirty-two (32) parking spaces are required for office space. The Applicant requested a waiver for three (3) parking spaces per Denton Town Code § 128-97 and § 128-98, two (2) spaces for the compact car spaces that were removed, and one (1) additional

regular parking space. Four (4) additional trees were added to the original site plan along the front of the building on the corner of Sixth Street and Camp Road for additional parking lot shading to comply with the Town Code. Between both commercial buildings is a total of 17,000 sq. ft. of parking area, and 12% of the interior parking area is shaded. The shading requirement is 20%. The buildings are 25 ft. tall and help achieve the shading requirement, bringing it to a 37% shaded area. Denton Town Code § 128-143 (H) allows flexibility in the standards. Appendix V, Commercial Infill and Redevelopment Guidelines, Denton Town Code, applies to this project. This parcel is in a transitional area from residential to commercial, and the landscape suits that change. Perimeter landscaping is located along the rear. The front of the property is the entryway to parking lots and street. Appendix V refers to mechanical and utility screening and will be addressed in the final site plan for the HVAC units.

Chairperson Quick requested that Mr. Johnston, Town Planner, clarify the Denton Town Code requirements for shading trees and buildings based on times of day.

Mr. Johnston stated that per the Denton Town Code, shading is calculated by drawing a circle centered on a tree with a radius of 15 feet. That portion of the circle on the parking lot is counted as shade. However, shading is a dynamic process, and the required methodology does not demonstrate actual shading experienced daily over time and at different times of the year. Some sites benefit from building and tree orientation to the sun, while others do not.

Chairperson Quick asked Mr. Callahan to address the public right of way between the two buildings that lead to residential properties.

Mr. Callahan stated the private right of way provides access to designated properties. The Bullocks will only use the road between the two properties. This portion of the road will be paved, and a sign stating no trespassing beyond the paved drive will be installed to prevent unauthorized

use of the right of way. The Applicant has no intention of blocking off the right of way. The Applicant has a parking agreement that shares the parking and maintenance costs between the two lots. Mr. Callahan noted beyond the pavement will be the existing dirt road, and there will be no obstruction of the use of the road for the property owners.

Matthew Willis, representing a property with access to the right of way, asked if there would be any issues getting to and from their house that's located right behind the Bullock's corner lot. He stated the house was purchased last year, and the owners are interested in how future development may impact entry to their home when the road is paved.

Mr. Callahan stated that with any new construction, you occasionally may be unable to use the area.

Mr. Bullock stated that the road in question is a road that loops around and that there are other ways of entry.

Ms. Alexis Higdon, Property Owner, stated that when they bought the home, they were told that the entryway to the back of their home was only accessed from Camp Road and were unaware that the road had another access way.

Chairperson Quick stated that Mr. Bullock would be paving a portion of an entranceway to their driveway, and this portion of the right of way would remain public.

Commissioner Mead asked if there would be any pedestrian signs for people crossing the right of way when they are coming and going from the different establishments and parking lots.

Mr. Callahan stated that this topic has not been discussed and that he will have his traffic engineers investigate this matter. This issue will be addressed with the final site plan.

Vice Chairperson Burroughs asked if they have any issues with people cutting through the right of way.

Mr. Callahan stated, per the Chief of Police, the Police Department will ticket people who continue to abuse it as a cut-through.

Commissioner Waterman asked Mr. Johnston if shade from the trees is the only thing written in the Town Ordinance. Should other objects be taken into account towards the shade?

Mr. Johnston stated the Town benefits from the added tax base new commercial uses provide, and an appropriate balance among floor area, parking, shading, and landscaping is required.

Vice Chairperson Burroughs motioned to approve the waiver of the three (3) parking spaces and the tree count and to grant preliminary site plan approval subject to addressing any comments from the Town Planner and Town Engineer.

Commissioner Waterman seconded the motion. The motion passed unanimously. (5:0)

**New Business #3 –Ordinance No. 751 – Subdivision Ordinance Amendment:**

Ordinance No. 751 includes amendments to the Denton Town Code Chapter 73 to allow private streets in minor subdivisions with the approval of the Planning Commission.

Scott Getchell, Town Administrator, explained that Caroline County approached the town to subdivide Sharp Road Park to install a baseball field for the County. There have been discussions between staff and Elected Officials, and there is a complete consensus that everyone favors this plan. In addition, with the ballfield, there was a compromise about creating multi-use areas. The current plan with the County includes a subdivision of Sharp Road Park into three lots. Two lots are used strictly for athletic purposes, and one for multi-use purposes. This proposed ordinance amends Chapter 73 and requires the Planning Commission's recommendation. The Town cannot enter into a Memorandum of Understanding (MOU) with the County if regulations require lots to front on a public street. The Town Code needs to be

modified to allow minor subdivisions to share access to a private street. In the future, minor subdivisions would be allowed a shared access road rather than having three separate driveways to the same street.

Chairperson Quick asked if Sharp Road Park currently has parking lots.

Mr. Getchell stated there is currently a parking lot to the far right of the lot and plans to add additional parking in the same area for the community playground area. The County proposes adding two parking lots between the properties after they have been subdivided.

Commissioner Walls asked what happens to the existing fields.

Mr. Getchell stated the one in the front will stay the same, but the rear fields will be updated to a larger facility to accommodate more people.

Vice Chairperson Burroughs asked if the walking trail will remain.

Mr. Getchell stated there would be no change regarding the trail. However, part of the trail would be turned over to the County.

Commissioner Waterman stated that Ordinance No.751 questioned the need to amend the legislation to include a public entity owning the street instead of private ownership.

Mr. Johnston asked if they expected the County to build the private street.

Mr. Getchell stated he believes so since it is in the County.

Chairperson Quick stated their recommendation should include their concerns about the private street, and the Town Attorney should address them.

Commissioner Waterman asked Mr. Johnston his opinion on allowing some flexibility to property lots or subdivisions that abut a private road with the approval of the Planning Commission.

Mr. Johnston stated that private streets present issues, including maintenance responsibility and access to public utilities and services. There are ways to address these issues, including establishing appropriate construction specifications for a private street and creating special taxing districts if the Town takes ownership of the streets. In general, he would be cautious about allowing private streets.

Chairperson Quick noted this topic should be taken up at the next Working Session and discussed in more detail.

Commissioner Waterman motioned to forward a favorable recommendation for Ordinance No.751 to the Town Council, provided the Town Attorney addressed their concerns about public roads.

Vice Chairperson Burroughs seconded the motion. The motion passed unanimously. (5:0)

**New Business #4 – Ordinance No. 752 – Official Zoning Maps:**

Ordinance No. 752 includes the zoning changes recommended by the Planning Commission and approved by the Town Council with the adoption of the Comprehensive Plan. These changes include the elimination of the Recreation and Parks (RP) Zone and the rezoning requests.

Mr. Johnston noted that during the Comprehensive Plan update, the Planning Commission approved two actions affecting the Official Zoning Map. The first action was the Planning Commission's vote to eliminate the RP Zone and revert these properties to their prior zoning classification. The second was the Planning Commission recommending the Town Council approve rezoning requests from individual property owners. Following these Comprehensive Plan recommendations, recommending specific changes to the Official Zoning Maps is one of the tasks for the comprehensive zoning update process the Planning Commission is currently undertaking.



Rather than wait until the end of the comprehensive zoning update process to address Official Zoning Map changes already identified, which may take several months to complete, the staff suggests the Planning Commission forward these Zoning Map amendments to the Town Council for consideration now.

Vice Chairperson Burroughs motioned to forward a favorable recommendation for Ordinance No.752 to the Town Council.

Commissioner Waterman seconded the motion. The motion passed unanimously. (5:0)

**New Business #5 –2023 Maryland Department of Planning Annual Report:**

Staff provided the 2023 Annual Report as required by the Maryland Department of Planning for their review and approval.

Commissioner Mead motioned to approve the 2023 Annual Report as submitted.

Vice Chairperson Burroughs seconded the motion. The motion passed unanimously. (5:0)

**New Business #6 –Other:** None.

**Staff Item #1 – Cannabis Ordinance Amendments:**

Peter Johnston provided an update on the proposed Cannabis Ordinance Amendments. The Town is under a moratorium on processing and approving applications, site plans, and permits for the location, construction and/or operation of businesses engaged in manufacturing or selling cannabis. The Town is responsible for drafting an ordinance to address cannabis sales and production uses. The proposed ordinance will allow cannabis retail sales in the Regional Highway Commercial (RHC) but not within 500 ft. from existing childcare centers, schools, parks, or libraries. The commercial use in the legislation is for the retail component but not onsite consumption. The processing of any cannabis will only be allowed in the Industrial Park or Industrial (I) District.

Commissioner Waterman requested clarification on the provision of grow operations and whether this is encompassed under the current State regulations.

Mr. Johnston stated that the grow operations are in processing, permitted in the Industrial District (I).

Councilman Taylor stated that a 500 ft. buffer map has been created showing locations, although properly zoned, will not allow a cannabis establishment. As for the consumption area, that is optional within the law and asked if the Town should address it if they do not want it.

Mr. Johnston stated that consumption is not permitted in the RHC and will also be included in the table of permitted uses.

Chairperson Quick requested clarification for churches in the buffer area due to Sunday schools and daycares, especially during the summer.

Mr. Getchell stated the map currently displays any available locations on the outskirts of the town and Route 404 without adding churches to the cannabis buffer map.

Mrs. Todd stated that the map also includes Maryland State Licensed Family Daycares.

**Staff Item #2 – Revised Zoning Ordinance format:**

Mr. Johnston provided information on the Comprehensive Rezoning Objectives & Draft Table of Contents. The proposed draft will reorder the Town Code to eliminate inconsistencies and conflicts in the Code. This process will replace the Zoning Code (repeal and replace), which will be reorganized according to the Table of Contents handout draft. Working Sessions focused on chapters of the zoning ordinance will be held over the next nine to twelve months, and discussions will continue at regular meetings as time allows. The first Working Session will be on Article III, Zoning Districts, and Article V, Permitted Uses Table. Mr. Johnston requested the Planning Commission to review the draft Article V to decide what uses should be permitted in

which zoning district(s) and which uses should be permitted by special exception. He encouraged the members to mark up the draft table of permitted uses.

**Staff Item #3 – Tentative Workshop Outline:**

Mr. Johnston provided information and discussion on the tentative outline for the update to the Zoning Ordinance. Mr. Johnston recommends inviting His Hope Ministries to the Working Session to discuss the needs for shelter housing and the permitted use list.

Chairperson Quick asked if Stefanie Johnson would be attending the next meeting.

Mrs. Todd will contact Stefanie Johnson.

**Staff Item #4 – Draft Article III Zoning Districts and Article V Permitted Uses:**

Mr. Johnston provided information and handouts regarding Draft Article III, Zoning Districts, and Article V, Permitted Uses. Article III is a description of each of the zoning districts. It is the linkage between the Zoning Ordinance and the Comprehensive Plan. The most significant change is the addition of infill and redevelopment in the residential district. Article V sets up a section of categories and permitted uses listed. The next Working Session will review these categories. The Planning Commission will review the table provided and note any items for discussion during the next Working Session.

Chairperson Quick requested staff to contact Mrs. Johnson about attending the Working Session to discuss the halfway house and shelter care.

**Staff Item #5 – Planning Commission Alternate:**

Dona Sorce submitted a letter requesting consideration of appointment to the Planning Commission to fill the Alternate position. This appointment is scheduled for February 1, 2024, by the Denton Town Council.

**Staff Item #6 – Staff Updates:**

Mrs. Todd informed the Planning Commission that Second Street Ventures, LLC, has submitted their final site plan and is scheduled for review at the February 27<sup>th</sup> Planning Commission Meeting.

**Adjournment:** The meeting adjourned at 7:15 p.m.