

Denton Planning Commission

Minutes

Town of Denton

April 30, 2024

Planning Commission Members:

William Quick, Chairperson*

David Burroughs, Vice Chairperson*

Doris Walls**

Stephen Mead*

Kevin Waterman*

Dona Sorce**

* Those Present

** Excused

*** Absent

Participants:

Scott Getchell, Town Administrator

Peter Johnston, Town Planner

Frank Taylor, Councilperson

Donald H. 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 April 30, 2024, 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 conference, and access to the meeting was made available on the town website.

Approval of Minutes:

March 26, 2024, the Regular Meeting Minutes were reviewed and unanimously approved.

April 9, 2024, the Working Session Minutes were reviewed and unanimously approved.

Old Business #1 – Ordinance #754 – Cannabis Ordinance:

Ordinance No. 754 includes amendments to the Denton Town Code Chapter 128 with respect to the cannabis enterprise. This ordinance requires a recommendation from the Planning Commission that will be forwarded to the Denton Town Council.

Mrs. Todd discussed Ordinance No. 754, which will be going before the Town Council on May 2, 2024. The Town Attorney amended this ordinance to include the amendments passed by both Chambers in House Bill 805 and is waiting for the Governor's signature.

Vice Chairperson Burroughs motioned to recommend Ordinance No. 754.

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

Old Business #2 – Other: None.

New Business #1 – 920 Market, LLC – Final Site Plan Extension: Kevin Sills is requesting an extension for the final site plan approved on May 30, 2023. The project is pending the State of Maryland General Services Administration's final approval.

Vice Chairperson Burroughs motioned to approve the final site plan extension for 920 Market, LLC.

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

New Business #2 – 5001 SHR LC - Denton Plaza II, Lots 3 & 4, Final Site Plan

Extension: Kevin Sills is requesting an extension for the final site plan approved on June 27, 2023. The project is pending final approval from future tenants.

Vice Chairperson Burroughs motioned to approve the final site plan extension for 5001 LC – Denton Plaza II, Lots 3 & 4.

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

New Business #3 – Other: None.

Staff Item #1 – Supplemental Use Regulations Table of Contents – 4/19/24 Update:

Mr. Johnston stated the draft Zoning Ordinance will change the approval time frame from one year to two years for site plans and subdivision plans to account for extended delays projects face. Mr. Johnston also stated site plan approvals, where no substantive improvements have been built, are subject to changes in the zoning ordinance requirements.

Chairperson Quick asked what would happen if there was a material change within the current one-year time frame.

Mr. Johnston replied if expenditures on improvements are not enough to vest the project, the applicant will be required to comply with the new regulations.

Chairperson Quick suggested there should be documentation showing the applicant is aware of the timeline and the obligations required during the approval timeframe.

Commissioner Waterman asked, in the event of a court challenge regarding a project with a site plan approval, if it would put a hold on their one-year timeline.

Mr. Johnston stated he did not know the answer, but in most cases of appeal, a stay of proceedings is applied.

Commissioner Waterman suggested adding something regarding a potential hold on a project in the event it possibly happens in the future.

Mr. Johnston provided an update about the meeting with the Town Council regarding the IRD. The Town Council would consider the idea of the Planning Commission as the approving authority and was not opposed to the idea.

Mr. Johnston wanted to review the Supplemental Use Regulations, which had been updated since the last meeting. He pointed out changes in the Supplemental Use Regulations, for example, defining terms consistent with those of the State, would be reflected in the definitions and the description of permitted use categories. In addition, continuing to permit uses such as clinics, nursing and assisted living facilities, group homes, and intermediate care facilities will be reflected in the permitted uses table.

In all applicable sections, common open space requirements refer to the Common Open Space Chapter in the Code. The only change to this Article was adding the open space requirement for cottage housing developments.

Page 15 – Outdoor storage was deleted after a discussion at the last workshop.

Page 17 – Requirements for the safe storage and removal of medical waste were added to animal clinics.

Commissioner Waterman asked if there was a description or definition differentiating large and small animal clinics.

Mr. Johnston stated the staff would address this issue.

Page 19 – Childcare, group living facilities. Mr. Johnston recommended keeping childcare to address staff recommendations for fencing outdoor spaces.

Mr. Johnston stated the Zoning Ordinance makes a distinction between health clinics of ten thousand square feet or less, those over ten thousand square feet, and those that treat addiction issues. He recommends these uses continue to be permitted as is currently allowed, eliminate the distinction between clinics and clinics that treat substance abuse, and eliminate all supplemental use regulations.

Page 21 – Mr. Johnston stated the requirement for a twenty-five-foot separation between townhouse and multifamily buildings is still under consideration, pending discussion with building code officials and representatives of the fire department.

Page 22 – Adult, item b (4) is unnecessary as the zoning ordinance, under the nonconforming use section, already provides that a special exception will be treated as a permitted use even if regulations change.

Mr. Johnston stated, after researching the State regulations, the uses of nursing care and assisted living facilities show differences but have many of the same characteristics. Those types of facilities are needed within the community and should be allowed. His recommendation for both is to eliminate any supplemental use regulations, instead of relying on the State regulations to ensure an appropriate level of care. In addition, the site plan review process will address the types of issues germane to zoning, such as pedestrian safety, traffic impact, parking, and landscape. The State regulations are very comprehensive. State regulations make it clear that small group homes, with eight or fewer occupants, cannot be treated any differently than a single-family dwelling (SFD), and large group homes (9 to 16 occupants) cannot be treated differently than multifamily

dwellings. In addition, State regulations include halfway houses in the group home category and thus cannot be regulated separately.

Commissioner Waterman commented there is new proposed State legislation for manufactured homes. As currently drafted, this legislation would prohibit local jurisdictions from treating manufactured homes differently than detached single-family dwellings.

Staff Item #2 – Article XIX - Common Open Space: Article XIX – Common Open Space has no major changes. The only change is to add open space requirements for Cottage Housing Development.

Staff Item #3 – Staff Updates: Mrs. Todd provided the Planning Commission with an update on the Eden Town Brewery. The revised final site plans and building plans have been submitted to the Town for the final review.

Mrs. Todd and Mr. Getchell met with George Baily to discuss the status of the Denton Project, LLC, and how it will be moving forward in the future.

Commissioner Waterman questioned the one-hundred-foot residential cannabis buffer and stated this would have too much of an impact on the additional zones that were added.

Chairperson Quick opened the floor for another motion on Ordinance No. 754.

Commissioner Waterman motioned to reconsider.

Chairperson Quick stated there was no seconded motion, and the motion was denied.

Commissioner Waterman asked if he could change his vote.

Chairperson Quick wants to note that Commissioner Waterman would like to express his dissatisfaction with his previous motion for Ordinance No. 754.

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