

# **Denton Planning Commission**

## **Minutes**

### **Town of Denton**

**April 29, 2025**

#### **Planning Commission Members:**

William Quick, Chairperson\*

David Burroughs, Vice Chairperson\*

Kevin Waterman\* (Virtual)

Dona Sorce\*\*

James Guay, Alternate\*\*

\* Those Present

\*\* Excused

\*\*\* Absent

#### **Participants:**

Peter Johnston, Town Planner

Frank Taylor

Brandon Davis

Benson Harper

Wes Jones

Sarah Dahl

#### **Recording:**

Donna Todd, 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 29, 2025, 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.

### **Approval of Minutes:**

March 25, 2025, the Regular Meeting Minutes were reviewed and unanimously approved.

April 8, 2025, the Public Information Meeting Minutes were reviewed and unanimously approved.

**New Business #1 – Harper & Sons, Inc. – Preliminary Site Plan:** Brandon Davis, DMS & Associates, LLC, submitted a preliminary site plan on behalf of Harper & Sons, Inc. (Applicant) for the construction of two buildings. One proposed combined office and shop building with 4,704 square feet of office space and 7,113 square feet of shop space. The second building is an 11,200 square foot 3-sided detached accessory structure. The property is located at 90 Engerman Avenue, Denton Industrial Park, Lot 9A.

Mr. Davis explained the site will be used as a general contractor's facility and is located on the 2.6-acre property. The facility will be composed of two buildings. Building one (1) is a combination of office/shop areas. Building two (2) is a 3-sided storage unit that will function as an accessory unit and will be adjacent to building one (1). The two (2) buildings will be connected by a fence that will function as a contractor's yard for the facility. The primary entrance will be off Engerman Avenue, and the secondary entrance will be off Legion Road. The main car parking

area will be adjacent to Engerman Avenue and is requesting a parking reduction/relief. §128-98 requires them to have a minimum of thirty-four (34) spaces for general services. The second building is an accessory structure and will only be used for storage of work equipment and vehicles.

The Applicant is asking for relief on parking and suggests fifteen (15) parking spaces along Engerman Avenue, which they contend is adequate for the nature of the business.

The Applicant is requesting relief from the outdoor storage area limitation of ten percent of the site. Under Denton Town Code §128-75, the Planning Commission can increase allowable outdoor storage to twenty-five percent of the site. The Applicant contends the use, site conditions, the proposed location of outdoor storage and proposed screening support the Planning Commission granting this request.

Vice Chairperson Burroughs asked what the storage area will be used for.

Mr. Davis stated it will be used for equipment and vehicles and the opening will face the inner area.

Typical landscaping is provided for the site. The landscaping plan includes street buffers, parking, planting, landscaping, screening, and shading. The Applicant is requesting relief to the buffer along Engerman Avenue, Denton Town Code §128-148 G (1). It allows for relief when consistent with the neighborhood and feels they are proposing more than neighboring properties.

Chairperson Quick requests the final approval to show the fencing and screening plan to hide the twenty-five percent storage area and add bicycle parking.

Vice Chairperson Burroughs motioned to approve the preliminary site plan with the relief for the fifteen parking spaces, the outside storage to twenty-five percent, street buffer relief, and

bicycle parking, along with satisfying all comments from Town Staff, Town Consultant Planner, and Town Engineer.

Commissioner Waterman seconded the motion. The motion passed unanimously. (3:0)

**New Business #2 – Other:** None.

**Old Business #1 – Zoning Ordinance:** The Denton Town Council discussed the Draft Zoning Ordinance at their April Working Session and requested additional review of items. Peter Johnston, Town Planner, reviewed and prepared recommendations for the Planning Commission's consideration and approval.

- Accessory Building Height Restrictions

Wes Jones, a Resident of Denton, stated he wants to build a pole building on his property. Currently, the recommendation from the Planning Commission will limit the height of an accessory structure to the height roof ridge or twenty-two feet or whatever is more restrictive in the proposed Draft Zoning Ordinance. He would like to get more leniency in the height allowed because it would not allow him the building and space to park his boat. He attended the Town Council Working Session, and the Council recommended the Planning Commission review the height restrictions again.

Councilman Taylor stated the Council communicated about removing the most restrictive verbiage and making the height twenty-two feet for all accessory buildings. He noted the Council requested more input from Peter Johnston, Town Planner, and no definitive answer has been made.

Mr. Jones recommended they use a percentage of the house as opposed to a height limit.

Chairperson Quick elucidated the rationale behind this rule, emphasizing its purpose to prevent the placement of incongruous buildings within residential neighborhoods. He acknowledges the homes surrounding him exceed twenty percent of the total area. However, he

believes the language should encompass not only the primary structure but also the surrounding area within proximity to the residence. He expresses his disagreement with the specified percentage and the suggestion of making the height twenty-two feet for all buildings.

Vice Chairperson Burroughs does not agree with making a zoning change for one property. A blanket rule might not be ideal, as it could lead to inconsistent applications.

Mr. Johnston proposed establishing a process for the Planning Commission to grant administrative variances on a case-by-case basis while simultaneously ensuring compliance with the public notice requirements.

Commissioner Waterman indicated this process would be less intricate and cost-effective compared to the Board of Appeals process.

Mr. Jones mentioned that the aesthetics could be jeopardized with what is being proposed.

Mr. Johnston emphasized the Planning Commission would not be obligated to approve an administrative variance if it does not align with the relevant context. Should the variance not be approved by the Planning Commission, it would then proceed to the Board of Appeals, where a compelling case of hardship would be required to be presented.

The Planning Commission discussed the need for a caveat in the Planning Commission's height section, which would allow for additional height as an administrative variance.

Mr. Johnston emphasized the importance of context-appropriate designs, suggesting that applicants should provide 3D renderings or photographs to demonstrate how their proposed structures fit into the neighborhood.

- Sign Regulations

Sarah Dahl, Owner of Eden Town Brewery, noted their building is in the Mixed Industrial (MI) District and presented a request to change the zoning ordinance to allow for larger, illuminated signs in the Mixed Industrial (MI) District.

Chairperson Quick agreed to the changes presented.

- Urgent Care

Mr. Johnston explained an issue that was discussed during the Town Council Working Session regarding access to and from urgent care. It was suggested urgent care facilities be limited to locations in the Commercial Medical (CM) District. Mr. Johnston believes the Regional Highway Commercial (RHC) District is the appropriate location for this type of facility. The existing (CM) District is not appropriate for an urgent care facility due to it not being as accessible.

Vice Chairperson Burroughs asked what the University of Maryland Medical Center is zoned.

Mrs. Donna Todd, Director of Planning and Codes, stated it is zoned RHC. The building in question is the Urgent Care in the Denton Plaza.

Councilman Taylor explained the concerns stem from Commissioners and emergency personnel due to the layout and parking situation.

Chairperson Quick agrees with Mr. Johnston's statement but is also aware of the issues that come from the shopping center and agrees that it is not suitable for medical health.

Vice Chairperson Burroughs stated they would have to change behavioral health that was located in the former Mattress Warehouse.

Mr. Johnston stressed that even if the proposed change were implemented, it would not address the underlying issue. The existing establishment would continue to operate at its current

location until compelled to relocate. Consequently, an urgent care facility must be permitted within the RHC District.

Chairperson Quick indicated the current occupancy in the Denton Plaza is exempt from the proposed regulations.

Mr. Johnston suggested they could consider making it a special exception in the RHC District, and the Board of Appeals will review it. Lyndsey Ryan, the Town Attorney, noted that making these facilities a Special Exception adds uncertainty for anyone contemplating locating a new urgent care facility in Denton. She suggested instead allowing urgent care facilities but with conditions that address issues like safe and efficient access. Mr. Johnston agreed this approach was probably the best option. Mr. Johnston was tasked with drafting conditions for approval for the Town Council to consider at their May Working Session.

The Planning Commission discussed the need for a caveat in the Zoning Ordinance for the accessory structure height section, which would allow for additional height as a special exception. Mr. Johnston emphasized the importance of context-appropriate designs, suggesting that applicants should provide 3D renderings or photographs to demonstrate how their proposed structures fit into the neighborhood.

**Staff Item #1 – Other:** Mrs. Todd noted 920 Market Street, Social Services Building, has received State funding approval and will be moving forward with their site plan.

Commissioner Waterman suggested they review the new Zoning Ordinance considering the recently signed bill on accessory dwelling units.

**Adjournment:** The meeting adjourned at 6:54 p.m.