

## ***2008 Planning Commission Annual Report***

The Town of Denton with a population of approximately 3,800 residents is home to the county seat of Caroline County, Maryland. Denton has an elected board of five Council members, an appointed board of six Planning Commission members (five regular and one alternate), four Board of Appeals members (three regular and one alternate), and five members on the Historic and Architecture Review Commission.

This annual report is compiled by the Planning Commission to provide data on current building trends as well as an historical perspective. A combination of charts and graphs are included to aid in understanding the development and building activity within the municipal limits. References to projects that have been reviewed and approved by the Planning Commission are also included.

In April 2008, the town hired a full-time planner to manage the newly created office of Planning and Codes which succeeded the office of Housing and Community Development wherein the planning and code enforcement activity previously took place.

During 2008, the Town of Denton adopted ordinances for the International Building Code 2006, International Residential Code 2006, International Mechanical Code 2006, and the International Property Maintenance Code 2006 editions.

The Department of Planning and Codes issues all permits for properties within the Town of Denton's incorporated limits. Denton has two full time and one part time building code inspectors who review plans, approve permits, and conduct on-site inspections. Additionally, the town has a part time property maintenance inspector to evaluate existing structures, parcels, and investigate complaints of alleged violations.

The Town Council, at the behest of the planning staff and recommended by the Planning Commissioner, created one alternate position on the Planning Commission. The vacancy was filled by an individual who was very active in community affairs.

The planning staff took over the responsibility of water and sewer allocations. It revisited the water and sewer allocation process to insure adherence to the codes and policies. It was determined that certain allocations had lapsed. The process will be communicated to all applicants to ensure their understanding of the flow and requirements for necessary approvals.

Upon review by the planning staff it was determined that many subdivision and site plans, both preliminary and final, had lapsed due to missing code-required timeframe dependent subsequent steps. Most of these applications were not resubmitted for consideration due to the downturn in the real estate market.

Denton began its first ever Critical Area growth allocation associated with a Denton

Planning Commission approved 41-lot subdivision in a recently annexed area.

Planning Staff began work to create a new Official Zoning Map to replace the one approved in May 1999.

During the 2008 calendar year, 175 permits were issued, of which 17 were for new residential units. This represents a 33% decrease in total permits from 2007. New construction for both the commercial and private sectors totaled \$4,883,930. Total dollar amount for all construction, including renovations and new for this period, was \$10,093,454. This year's construction of approximately \$10 million decreased 41% from last year's total of approximately \$17 million.

The following projects are ongoing:

- Denton Development Corporation development of Crouse Park waterfront visitor's center and restaurant – approval stage
- Savannah Overlook (Cattail Commons) 161 unit residential subdivision completely built; phase IV of two lots approved but not yet under construction
- Mallard Landing 187 unit residential subdivision – 98 percent built
- Trice 41 Lot Residential Subdivision – 36 percent built
- Sandy Meadows 58 Dwelling Unit Residential Subdivision – 72 percent built
- Parkview Estates 26 unit residential subdivision – 27 percent built
- Gannon's Purchase – Village at Watts Creek 250 unit Planned Neighborhood (PN) preliminary site plan with approved Development Rights and Responsibilities Agreement – not yet under construction
- The Gardens 62 unit residential subdivision (final plat recorded in 2006) – not yet under construction
- Fearins Crossing I 60 lot residential subdivision – not yet under construction
- Fearins Crossing II 14 lot residential subdivision – final approval rescinded due to procedural irregularities. To be resubmitted as a 12 lot subdivision in 2009.
- Glenfield – 41 Lot Residential Subdivision Final Approval (conditioned upon growth allocation and project approval by Critical Area Commission)
- Gay Street Redevelopment 25 residential unit subdivision – Denied, but may be resubmitted in 2009
- West Denton – 3,000 Dwelling Unit Planned Neighborhood (PN) Concept Plan (no approved findings of fact)
- Pines at Franklin – 120 residential unit site plan – Concept Plan approved
- Vineyards JPA Venture, LLC – 250 Lot Residential Subdivision Concept Plan
- Pearson Road 119 unit residential Planned Neighborhood (PN) – no approvals
- Pritchetts Farm 472 unit residential Planned Neighborhood (PN) – no approvals
- Walmart – Preliminary Site Plan approved
- Chesapeake Culinary Center – Concept Plan approved

To address the demand for new dwelling units, and to protect the integrity of architecture common to the area, the town hired a firm to design a pattern book. Through a series of public meetings with residents and community stakeholders, the desire to eliminate architectural monotony in new residential communities was solidified. The Denton Town Council reviewed and approved the final draft of the Pattern Book. Although they considered a formal adoption of an ordinance which would provide for the application of the Pattern Book to all residential subdivisions, site plan and individual residential lots, the Council approved to maintain the book as a resource guide for individual property owners. However, the Denton Planning Commission shall utilize the Pattern Book for all Planned Neighborhood development projects.

An additional tool available to the Planning Commission is the Planned Neighborhood District (PN). The PN offers an opportunity for a planned mixed use neighborhood through a floating zone. All newly annexed parcels of land in excess of 50 acres are required to develop as a PN as part of their annexation agreement. The PN offers increased density opportunities in exchange for a variety of housing types, central neighborhood areas, cohesiveness with adjoining properties, extension, implementation of pedestrian walkways, and design criteria that mimic the architecture of the Eastern Shore.

The Planning Commission remains vigilant in its role to direct growth and development appropriately and offers the following recommendations for consideration by the Town Council:

- Adopt a new official zoning map as soon as possible.
- Finish the draft Comprehensive Plan, including the new state required growth and water resources elements, by October 2009.
- Incorporate into the Comprehensive Plan robust transportation, economic redevelopment and recreation components.
- Rewrite zoning and land use codes to support the intent of the 2009 Comprehensive Plan.
- Revise zoning and land use codes as appropriate throughout the 2009 year based upon Planning Commission and planning staff recommendations.
- Continue any and all activities, plans, processes and/or procedures which encourage infill and redevelopment opportunities.
- Insure that quality of life considerations for health, safety and welfare of town residents are appropriately addressed.
- Support the enforcement of the sidewalk policy ordinance & require sidewalks or a pedestrian trail on at least one side of every street.
- Continue requesting SHA approval for access onto MD Route 404 at Gay Street intersection, which allows access via Commerce Drive, from Legion Road.

The Town of Denton has received a significant increase in residential development with little corresponding commercial growth. While a number of commercial development projects are in the planning stages, the Planning Commission remains concerned about this trend and recommends that the Council implement policies that will encourage balanced growth going

forward. The ultimate goal should be to foster local job growth to complement and support our growing population.

The Planning Commission has focused on the need for connectivity within the town between government offices, parks, and residential areas. As a result, a sidewalk policy was developed into an ordinance that requires all government owned properties within the town limits to construct public sidewalks at all abutting streets within two years. If the sidewalks are not constructed by the property owner, the Ordinance directs the Council to establish a special taxing district for this purpose.

#### Infrastructure in process or completed in 2008

- Market Street infrastructure repairs from 3<sup>rd</sup> Street east to Gay Street was completed
- Fifth Avenue infrastructure improvements design complete with project commencement pending funding
- Construction of Well #6 on Camp Road design complete; project pending need assessment and / or funding
- Expansion of the lift station at the Wastewater Treatment Facility is under design
- North Denton Phase I infrastructure repairs for High Street and Lockerman Street is underway
- Lockerman Pump Station completed
- Replacement of sewer line on N. Third Street between High & Lincoln Street completed

#### Pending Infrastructure

- Municipal building design underway; potential for project to commence upon receipt of funding.

The following is a description of the responsibilities of the Planning Commission, Board of Appeals, and Historic and Architectural Review Commission. Charts and graphs breaking down data of permits issued and historical construction dollars spent are included at the end of the report.

## Town of Denton Planning Commission

Planning Commission Members, 2008

Doris Walls, Chairperson  
Valerie Miller  
Dean Danielson  
William Quick  
Ummu Bradley Thomas (appointed 08/08)  
Jake Holmes (resigned 6/08)

The five regular members and one alternate of the Planning Commission are appointed by the Town Council and serve as a citizen review board for Denton planning issues. The Planning Commission holds regularly scheduled meetings the last Tuesday of every month except December, at 6:00 p.m., at the Denton Police Facility, 100 N. Third Street, Denton, Maryland. Special meetings, workshops, and public hearings to discuss keynote issues are held as necessary at an agreed upon time and location.

Two members have completed an Urban Planning Certification through the University of Maryland. Training is strongly recommended for anyone interested in local planning, however, the UMD training program is currently unavailable. Staff is researching alternative training opportunities and once identified will schedule member training for the four new members.

The duties of the Planning Commission include but are not necessarily limited to:

- Review, evaluate, and approve or disapprove plans for subdivisions, and mobile home subdivisions in accordance with the Denton Zoning Ordinance and Denton Subdivision Ordinance.
- Review and make recommendations to the Town Council regarding proposed changes or amendments to the Denton Comprehensive Plan.
- Review and make recommendations to the Town Council regarding proposed text amendments to the Zoning Ordinance.
- Review and make recommendations to the Town Council regarding proposed rezoning.
- Review and make recommendations to the Town Council regarding proposed changes or amendments to the Subdivision Regulations.
- Review and make recommendations to the Town Council regarding proposed acquisition and development of lands for Town open space or recreation purposes.

- Review and make recommendations to the Town Council regarding proposed changes in land use or development arising from local, state, or federal programs or policies.
- Review and make recommendations to the Town Council regarding development site plans required by Article XXIII of the Denton Town Code.

The following represents action taken by the Planning Commission during calendar year, 2008:

Subdivision/Site Plan Approval: The Planning Commission reviewed twelve (12) site plans, three (3) major subdivisions, and one (1) minor subdivision. Major subdivisions cannot proceed to final subdivision approval until the water/sewer allocation is reviewed by the Maryland Department of the Environment (coordinated through Caroline County). One (1) major subdivision and one (1) minor subdivision were granted final approval. In addition, three (3) concept plans and two (2) Board of Appeals applications were reviewed.

There were five (5) administrative site plans and seven (7) administrative line revisions approved at staff level. Concept plans that age more than four months before returning to the Planning Commission for preliminary review are required to resubmit as concept plans before moving forward. Administrative site plans and line revisions are handled at staff level and reviewed at Planning Commission level at the discretion of the Director of Planning and Codes.

Annexations: No annexation petitions were filed during 2008.

Meetings: There were eleven (11) regularly scheduled Planning Commission meetings, five (5) public hearings, two (2) special meetings and seven (7) training or working sessions.

## Town of Denton Board of Appeals

### 2008 Members

Florence Doherty, Chairperson  
Scott Brewster  
Frank Fluharty  
Michelle Wasson, Alternate (appointed 06/08)  
Barbara Porter, Alternate (term expired 05/08)

The three regular members and one alternate of the Board of Appeals are appointed by the Town Council. They serve as a citizen review board for conditional uses, variances, and appeals cases. The Board of Appeals holds public hearings and open meetings at the call of the Chairperson and at other times, as deemed necessary by the members of the Board. Hearings and meetings are both held in the Town of Denton's Hearing Room at 13 N. Third Street, Denton, Maryland.

The duties of the Board of Appeals include but are not necessarily limited to:

- Conduct public hearings and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of the Denton Zoning Ordinance.
- Conduct public hearings and decide special exceptions to the terms of the Denton Zoning Ordinance upon which such Board is specifically authorized to pass under the Denton Zoning Ordinance.
- To authorize upon appeal in specific cases such variance from the specific terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, the enforcement of the provisions of this Ordinance will result in unwarranted hardship, and injustice, but which will most nearly accomplish the purpose and intent of this Ordinance.
- To determine, in cases of uncertainty, the classifications as to district of any use not specifically named in this Ordinance; provided, however, such use shall be in keeping with uses specifically named in the district regulations.

In 2008, the Board of Appeals scheduled four (4) public hearings and reviewed three (3) cases. These cases consisted of three (3) requests for variances and one (1) special exception request which was not reviewed due to the applicant's absence.

## Town of Denton Historic and Architectural Review Commission

### 2008 Members

Kathy A. Mackel, Chairperson  
Richard Peterson  
Melissa Jones  
Damian Dowdall (appointed 04/08)  
Ray Claytor (appointed 04/08)

The five members are appointed to serve by the Town Council. They serve as a citizen review board regarding properties that lie within the Denton Historic District, and make recommendations to the Town Council regarding designation or removal of the Historic Overlay Zone, and make recommendations to the Planning Commission regarding land subdivision within the historic Overlay Zone when historic resources are involved. Open meetings are held at least once every three months or by the call of the Chairperson. Typically meetings are held monthly, on the third Wednesday evening, to review applications for permits. All meetings and/or hearings are held at the Denton Town Office, 13 N. Third Street, Denton, Maryland unless otherwise advertised.

Duties of the Historic and Architectural Review Commission include but are not limited to:

- To maintain and update an inventory of historic resources within the Town.
- To review applications for designation of or removal of Historic Overlay Zones, and to forward recommendations to the Mayor and Council who will approve or disapprove the designation of or removal of a Historic Overlay Zone.
- To review and process applications for Historic Area Work Permits.
- To make recommendations to the Planning Commission on courses of action in the event of subdivision of land within a Historic Overlay Zone as it relates to the preservation of the historic resource, of the architectural setting, and of the environmental setting in which the resource is located.
- To review any legislation and proposal affecting historic preservation, including preparation of master plans, and to make recommendations on said legislation and proposals to the appropriate authorities.
- To research Town historic resources and recommend applicable sites and structures to the Mayor and Council for designation as Historic Overlay Zone(s).

- To serve as a clearinghouse for information on historic preservation for Town government, individuals, citizens' associations, historical societies, and local advisory committees; to provide information and educational materials for the public; and, to undertake activities to advance the goals of historic preservation in the Town of Denton.
- To regularly inform the Maryland Historical Trust of addition or removal of Town Historic Overlay Zones and of new information or data found or researched regarding historic sites or structures in the town.
- To employ consultants or other temporary personnel, consistent with Town contract provisions, as deemed necessary to assist the Commission in the accomplishment of its functions.

The Historic & Architectural Review Commission held eight (8) regular meetings in 2008. The board reviewed eighteen (18) applications for various exterior improvements.

Map Amendments  
(Rezoning Petitions and Critical Area Map Amendments)

A land use change, or reclassification initiates a map amendment as does a change in the critical area boundary, or buffer exemption area. A proposal for amendment of the Official Town Zoning Map may be filed by any governmental agency or by a person with a committed financial, contractual, or proprietary interest in the property affected by the proposed amendment. The request is submitted to the Town Council who forward it to the Planning Commission for an investigation and recommendation. The Planning Commission submits its recommendation to the Town Council within sixty days. After receiving the recommendations of the Planning Commission concerning any map amendment, the Town Council introduced legislation for a proposed change and holds a public hearing. If the proposed amendment is a critical area map amendment, the proposed amendment is sent to the Critical Area Commission for review and approval. Both agencies hold a public hearing sometimes jointly regarding the amendment. If approved by the Critical Area Commission, the Town Council can consider approval of the map amendment. Prior to voting on any reclassification of land, a visit to the site in question must be made by a majority of the Town Council to inspect the physical features of the property and to determine the character of the surrounding area. A site visit is not required for sectional or comprehensive reclassification. The Town Council may not approve a reclassification without a finding of facts:

That there was a substantial change in the character of the area where the property is located; Or that there was a mistake in the existing zoning classification.

With respect to critical area map amendments the Town Council can:

1. Elect to amend the critical area boundary or classification when it is found that there was a mistake in the original classification, or the site will be granted the Growth Allocation (GA) floating zone district classification.
2. Elect to add land to the critical area district.

The findings of fact that the Town Council will consider include but are not limited to:

1. Population change
2. Availability of public facilities
3. Present and future transportation patterns
4. Compatibility with existing and proposed development
5. Compatibility with the Town's Comprehensive Plan

Map Amendments Proposed and or Effective in 2008

Three (3) rezoning petitions were filed in 2008. One (1) rezoning petition was denied by the Planning Commission. Two (2) remaining petitions will proceed to the Planning Commission and Town Council in 2009.

## *2008 Town of Denton Boards Applications*

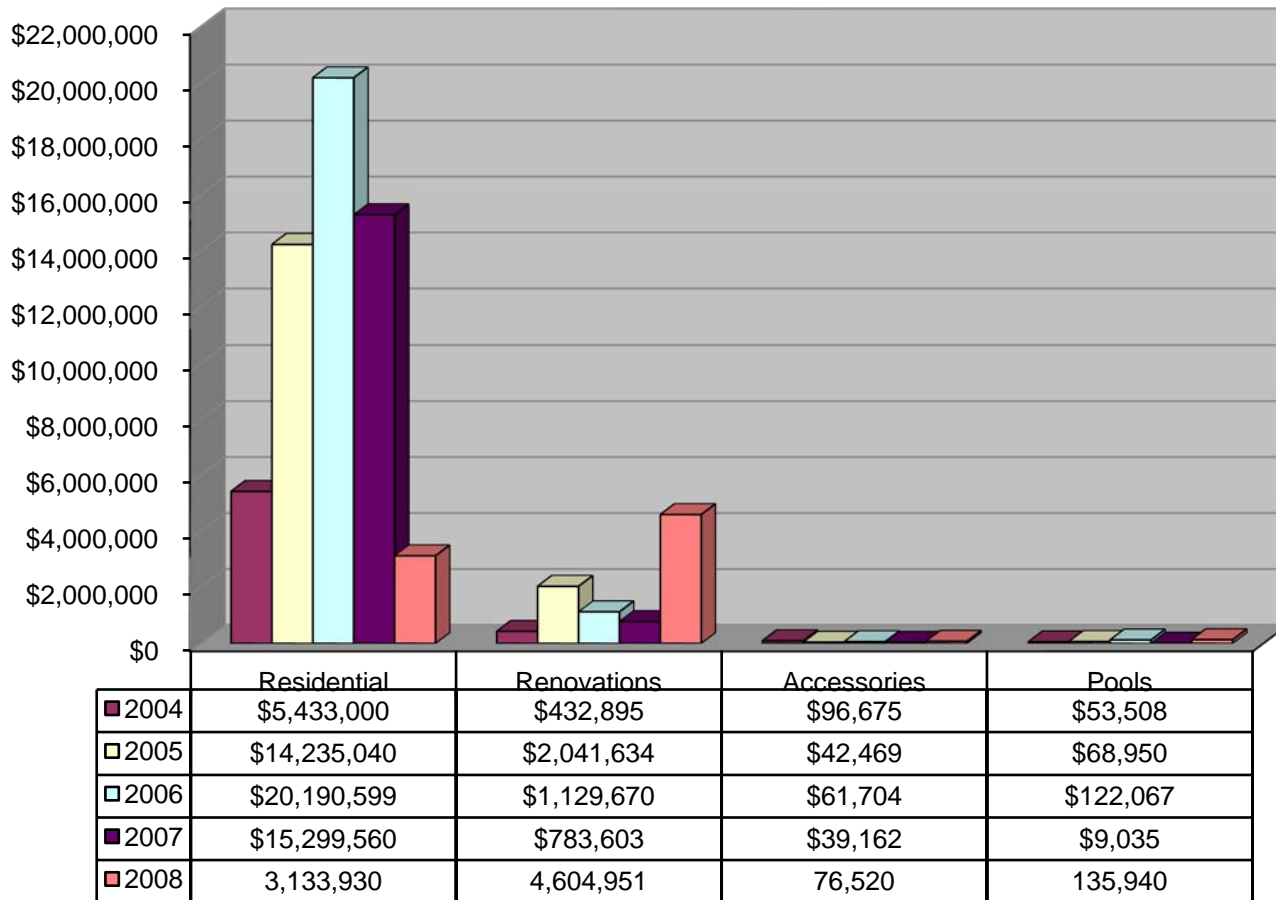
| Planning Commission |                                       |  |
|---------------------|---------------------------------------|--|
| SITE PLANS          |                                       |  |
| Number              | Applicant Name                        | Project Type                             |
| SP-08-001           | Town of Denton/Sharp Road Park        | Concept Plan                             |
| SP-08-002           | Black Oak Associates/Hershey Creamery | Preliminary Site Plan/Denton Ind. Park   |
| SP-08-003           | Wal-Mart #3843-03                     | Preliminary Site Plan/610-640 Legion Rd. |
| SP-08-004           | J. W. Logan, Jr. - JWL, Inc.          | Concept Plan                             |
| SP-08-005           | Chesapeake Bluff                      | Simplified Site Plan                     |
| SP-08-006           | Patti's Petals                        | Administrative Site Plan                 |
| SP-08-007           | Lil' Taste of Dresden                 | Simplified Site Plan                     |
| SP-08-008           | Allright Rentals/Denton Carpets, Inc. | Simplified Site Plan                     |
| SP-08-009           | A Beautiful Day                       | Administrative Site Plan                 |
| SP-08-010           | Choptank Community Health Systems     | Simplified Site Plan                     |
| SP-08-011           | Garland & Hobbs, LLC                  | Concept Plan/The Pines at Franklin St.   |
| SP-08-012           | Gems Event Production                 | Simplified Site Plan                     |
| SP-08-013           | Denton Liquor Outlet                  | Administrative Site Plan                 |
| SP-08-014           | 212 Market St., LLC                   | Administrative Site Plan                 |
| SP-08-015           | Chesapeake Bluff                      | Simplified Site Plan                     |
| SP-08-016           | Preston Creative Arts Studio, LLC     | Simplified Site Plan                     |
| SP-08-017           | Town of Denton/Sharp Road Park        | Final Site Plan                          |
| SP-08-018           | Adjustfirst Chiropractic              | Simplified Site Plan                     |
| SP-08-019           | Garland & Hobbs, LLC                  | Revised Concept Plan/The Pines           |
| SP-08-020           | Town of Denton/Crouse Park            | Revised Final Site Plan                  |
| SP-08-021           | What's New Shop                       | Administrative Site Plan                 |
| Planning Commission |                                       |  |
| SUBDIVISIONS        |                                       |  |
| Number              | Applicant Name                        | Project Type                             |
| SD-08-001           | Joseph & Zina Lichaa                  | Administrative Line Revision             |
| SD-08-002           | Town of Denton/4th Street             | Administrative Line Revision             |
| SD-08-003           | Dixon Brothers, Denton, LLC           | Fearins Crossing Phase II/Final          |
| SD-08-004           | Chris Coile Development D, LLC        | Glenfield/Final                          |
| SD-08-005           | Garland & Hobbs, LLC                  | Savannah Overlook Phase IV/Final         |
| SD-08-006           | Chris Coile Development D, LLC        | Glenfield/Final                          |
| SD-08-007           | Caroline Nursing Home                 | Administrative Line Revision             |
| SD-08-008           | Dixon Brothers, Denton, LLC           | Fearins Crossing Phase II/Final          |
| SD-08-009           | Town of Denton/Denton Police Facility | Administrative Line Revision             |
| SD-08-010           | Joseph Quinn                          | Administrative Line Revision             |
| SD-08-011           | CIII Builders, LLC                    | Gay Street Redevelopment/Final           |
| SD-08-012           | Drew & Andrea Martin                  | Administrative Line Revision             |

| Board of Appeals                      |                              |  |
|---------------------------------------|------------------------------|--|
| Number                                | Applicant Name               | Project Type                               |
| SPECIAL EXCEPTION, VARIANCE OR APPEAL |                              |  |
| BOA-08-001                            | Sharon Hall                  | Special Exception/Assisted Living Facility |
| BOA-08-002                            | J. W. Logan, Jr. - JWL, Inc. | Variance                                   |
| BOA-08-003                            | J. Rick Breeding Excavating  | Variance                                   |
| BOA-08-004                            | Gables at Caroline, Inc.     | Variance                                   |
|                                       |                              |  |
| RE-ZONING                             |                              |  |
| Number                                | Applicant Name               | Project Type                               |
| RZ-08-001                             | John & Carol Donohue         | 808 S. Fifth Ave.                          |
| RZ-08-002                             | Rede, LLC                    | Caroline & 6th Street                      |
| RZ-08-003                             | Chris Coile Development      | Glenfield Growth Allocation                |

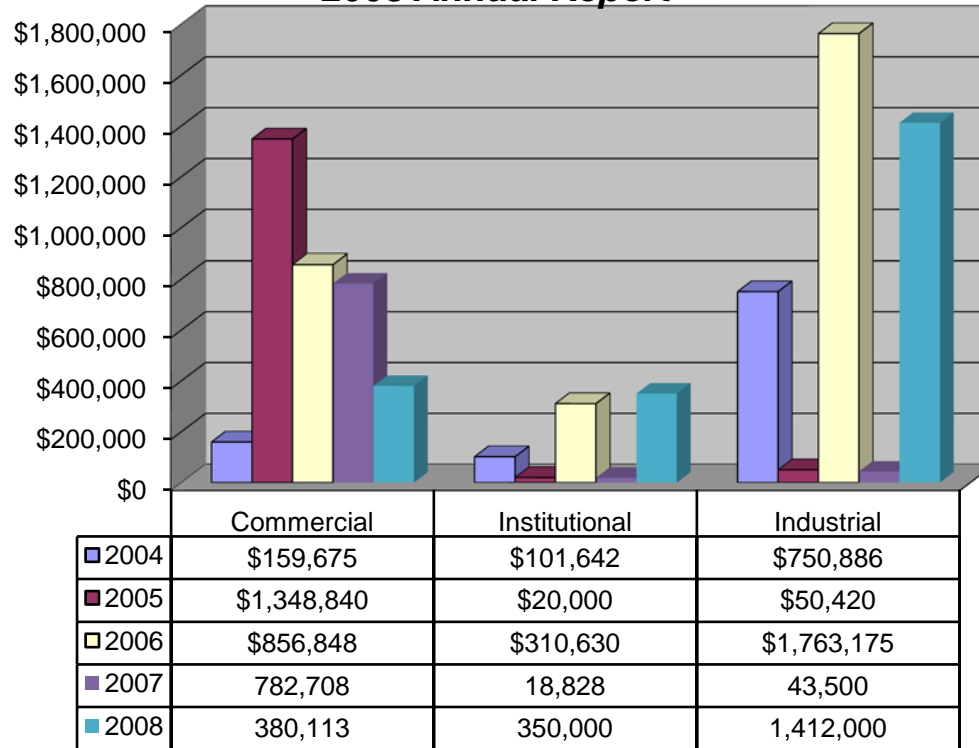
### **Town of Denton Permits**

|                                      | <b>2008 Percent</b> | <b>2008</b> | <b>2007</b> | <b>2006</b> | <b>2005</b> | <b>2004</b> |
|--------------------------------------|---------------------|-------------|-------------|-------------|-------------|-------------|
| New Single Family Homes/Multi-Family | 10%                 | 17          | 67          | 147         | 138         | 64          |
| New Accessory Structures             | 9%                  | 15          | 20          | 11          | 21          | 18          |
| New Roof/Repairs                     | 13%                 | 23          | 31          | 26          | 28          | 25          |
| Building Maintenance                 | 29%                 | 51          | 104         | 143         | 97          | 74          |
| Pools                                | 6%                  | 10          | 8           | 9           | 6           | 13          |
| New Industrial Construction          | 1%                  | 1           | 0           | 4           | 0           | 2           |
| New Commercial Construction          | 0%                  | 0           | 3           | 4           | 2           | 1           |
| New Institutional Construction       | 1%                  | 1           | 0           | 1           | 0           | 0           |
| Demolition                           | 4%                  | 7           | 4           | 12          | 3           | 8           |
| Signs (Banners)                      | 6%                  | 11          | 23          | 32          | 23          | 43          |
| Rezoning/Other                       | 22%                 | 39          | 0           | 0           | 0           | 3           |
|                                      |                     |             |             |             |             |             |
| <b>Total</b>                         | 100%                | 175         | 260         | 389         | 318         | 251         |

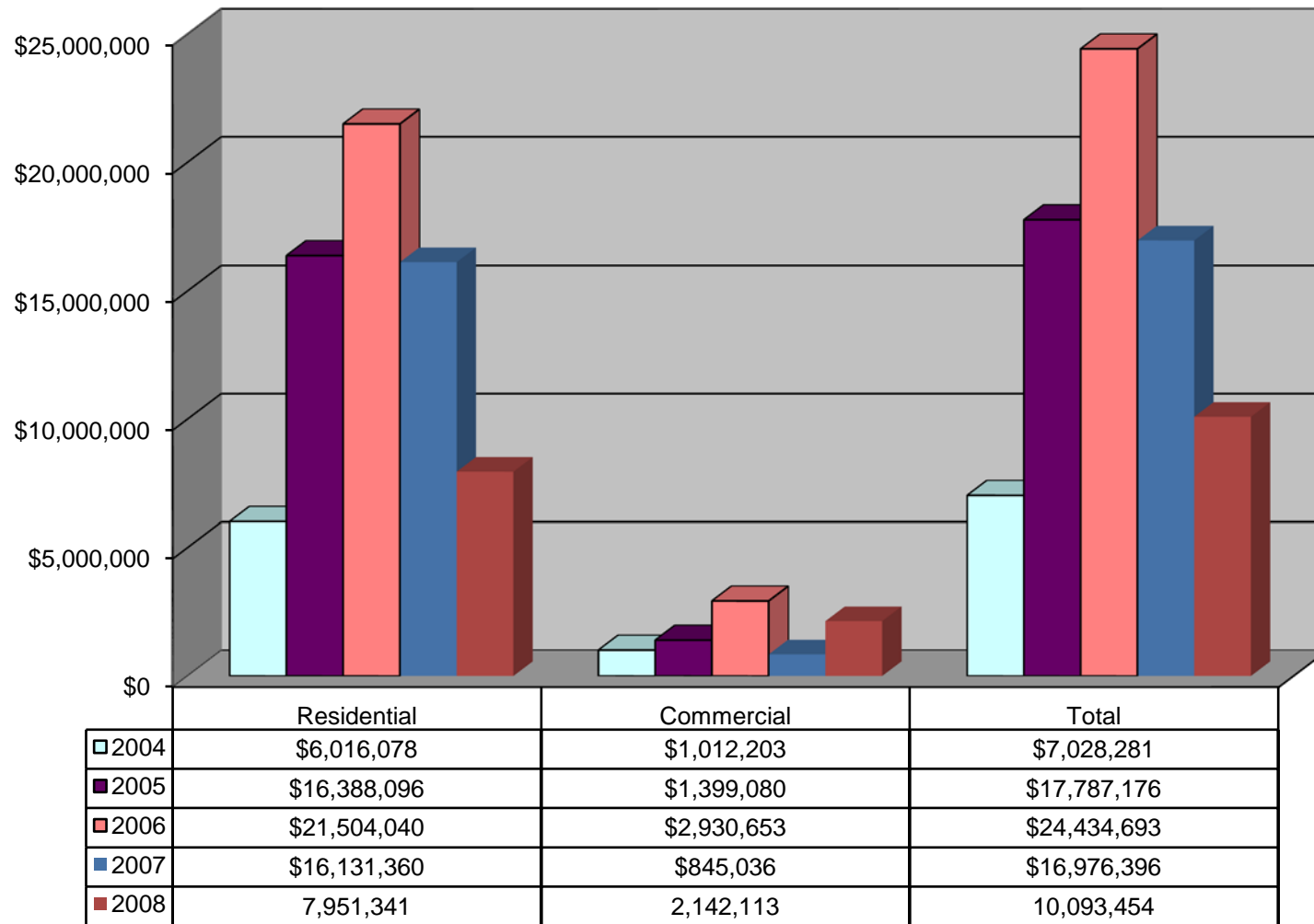
### **Residential Yearly Construction \$\$ Comparison 2008 Annual Report**



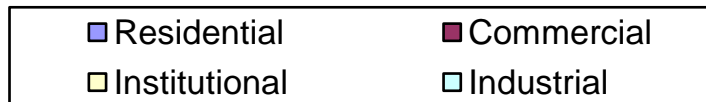
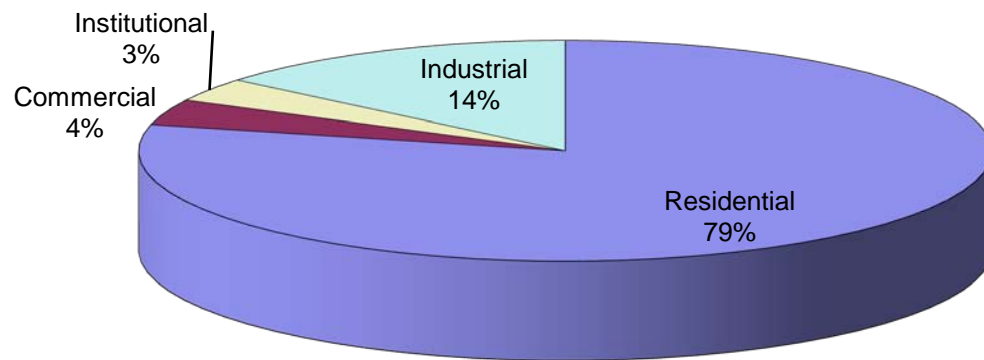
**Commercial Yearly Construction \$\$ Comparison  
2008 Annual Report**



## Residential vs. Commercial Yearly \$\$ Comparison 2008 Annual Report



## 2008 Permit Analysis



### ***Town of Denton Construction Dollars***

|                                      | <u><b>2004</b></u>         | <u><b>2005</b></u>          | <u><b>2006</b></u>          | <u><b>2007</b></u>          | <u><b>2008</b></u>          |
|--------------------------------------|----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| Residential                          | \$ 5,433,000               | \$ 14,235,043               | \$ 20,190,599               | \$ 15,299,560               | \$ 3,133,930                |
| Accessories                          | \$ 96,675                  | \$ 42,469                   | \$ 61,704                   | \$ 39,162                   | \$ 76,520                   |
| Major Renovations<br>(over \$5,000)  | \$ 303,068                 | \$ 1,913,602                | \$ 886,062                  | \$ 625,980                  | \$ 151,405                  |
| Minor Renovations<br>(under \$5,000) | \$ 129,827                 | \$ 128,032                  | \$ 243,608                  | \$ 157,623                  | \$ 4,453,546                |
| Pools                                | <u>\$ 53,508</u>           | <u>\$ 68,950</u>            | <u>\$ 122,067</u>           | <u>\$ 9,035</u>             | <u>\$ 135,940</u>           |
| <i>Subtotal</i>                      | \$ 6,016,078               | \$ 16,388,096               | \$ 21,504,040               | \$ 16,131,360               | \$ 7,951,341                |
| Commercial,<br>Institutional         | \$ 159,675                 | \$ 1,348,840                | \$ 856,848                  | \$ 782,708                  | \$ 380,113                  |
| Institutional                        | \$ 750,886                 | \$ 20,000                   | \$ 310,630                  | \$ 18,828                   | \$ 1,412,000                |
| Industrial                           | <u>\$ 101,642</u>          | <u>\$ 50,240</u>            | <u>\$ 1,763,175</u>         | <u>\$ 43,500</u>            | <u>\$ 350,000</u>           |
| <i>Subtotal</i>                      | \$ 1,012,203               | \$ 1,399,080                | \$ 2,930,653                | \$ 845,036                  | \$ 2,142,113                |
| <b>TOTAL</b>                         | <u><b>\$ 7,028,281</b></u> | <u><b>\$ 17,787,176</b></u> | <u><b>\$ 24,434,693</b></u> | <u><b>\$ 16,976,396</b></u> | <u><b>\$ 10,093,454</b></u> |

