

**Denton Planning Commission**

**Minutes**

**Town of Denton**

**November 29, 2011**

**Planning Commission Members:**

Doris Walls, Chairperson\*  
William Quick\*  
Sue Cruickshank\* (arrived at 6:40 p.m.)  
Marina Dowdall\*\*  
Matt Breedlove\*  
Brian Tyler\*\*

\* Those Present  
\*\* Excused

**Visitors:**

Harry Kaiser, Brodie Holdings, LLC	Kevin Shearon, DMS and Assoc.
Ann Jacobs, DDMS	Sandy Hayman, DDMS
Agnes Case, Town Council Member	Mark Keeley, Traffic Concepts
Don Mulrine, Town Administrator	Scott Getchell, DPW

**Commission Attorney:**

Stephen Kehoe, Esquire

**Recording:**

William Kastning (Director of Planning and Codes Administration)

1 PROCEEDINGS

2 **Call to Order:**

3 The regular meeting was called to order by Chairperson Walls at 6:05 p.m., on November  
4 29, 2011, at the Denton Town Office and followed by the Pledge of Allegiance.

5 Approval of the October 25, 2011, minutes was deferred due to lack of quorum of  
6 eligible members (two members of those present were absent from the October 25, 2011,  
7 meeting).

8 Planning Director Kastning reminded attendees that there is no December meeting.

9 **Old Business:**

10 **Brodie Holdings, LLC - Revised Commercial Subdivision Concept Plan**

11 Kevin Shearon presented an overview of the revised concept plan, still consisting of three  
12 lots for pad sites and the remainder. He stated it was similar to the one presented to the Planning  
13 Commission earlier, however the road is proposed to be a temporary cul-de-sac until the  
14 remainder is subdivided and/or developed.

15 Mark Keeley presented the highlights of the traffic study, preceded by a quick tutorial of  
16 traffic study methodology (Critical Lane Volume used by SHA and SimTraffic modeling). The  
17 study assumed completion of the proposed Walmart improvements to Legion Road and the  
18 intersections of MD 404 and Walmart entrance, plus a fourth Legion Road westbound lane to be  
19 constructed by Brodie Holdings, LLC. Study conditions included traffic counts for existing  
20 conditions during peak traffic days and hours, plus traffic generated by background conditions of  
21 approved and pending nearby developments and growth rates, and future traffic counts generated  
22 by Brodie Holdings, LLC.

23 The results of the analysis indicated all intersections would provide acceptable Levels of  
24 Service (A through D). It was noted, however, that Eastbound Legion Road during peak hours on  
25 a summer Saturday would have an E Level of Service. It was identified that any additional

1 subdivision (pad sites), regardless of intensity of use, would deteriorate the Level of Service at  
2 the intersection of the cul-de-sac road with Legion Road.

3 Discussion ensued on the longevity of the temporary cul-de-sac road. Mr. Shearon  
4 indicated the cul-de-sac would cease to exist, and the road would need to be extended in some  
5 fashion to the Walmart entrance intersection, when additional development (subdivision or not)  
6 of the remaining Brodie site took place. Mr. Shearon stated it would be very beneficial to  
7 alleviate untenable congestion on Legion Road if another access point were created to MD 404,  
8 e.g., Commerce Drive as indicated in the Town's 2010 Comprehensive Plan.

9 Planning Commission members reviewed the conditions of approval recommended by  
10 the Planning Director Kastning, discarding one and amending another. Commissioner Quick  
11 made a motion to approve the concept subdivision plan with the following conditions:

- 12 1. No variances,
- 13 2. No design waivers or special exceptions,
- 14 3. Continued provision of sufficient parking for the existing Subway and Dunkin  
15 Donuts, if necessary during the interim period before the businesses relocate,
- 16 4. Construction by Brodie Holdings, LLC of the fourth Legion Road lane  
17 (westbound) with sidewalks and curbing,
- 18 5. Satisfactorily addressing comments by the Town Engineer and/or Town  
19 Department of Public Works regarding proposed road and subdivision stormwater  
20 management,
- 21 6. Satisfactorily addressing comments by Town Arborist regarding forest  
22 conservation,
- 23 7. Satisfactorily addressing comments by Caroline Soils Conservation District,
- 24 8. Approval from Caroline County Health Department, and
- 25 9. No further development shall take place (e.g., Phase 2) until elimination of the  
26 cul-de-sac and extension of road to another access point when the intensity of

1 proposed development exceeds the peak hour threshold as referenced in the  
2 Traffic Concepts traffic impact study for Brodie Holdings, LLC (dated November,  
3 2011).

4 The motion was seconded by Commissioner Breedlove and approved unanimously.

5 **Other Old Business - none**

6 **New Business:**

7 **Brodie Holdings, LLC Concept Site Plan**

8 Kevin Shearon presented the proposed concept site plan for the relocation of the Subway  
9 / Dunkin Donuts to proposed Lot 2 of the aforementioned concept subdivision. Discussion  
10 ensued about the bufferyard along MD 404, the facing of the building, the number and placement  
11 of signs and location of sidewalks. Mr. Shearon explained the bufferyard along MD 404 included  
12 the order/pick up lane and therefore reduced the amount of area for planting. It was suggested  
13 that the trees and bushes not planted on that bufferyard be mitigated elsewhere on the site. Mr.  
14 Shearon agreed. Planning Director Kastning stated that placement of a site sign, whether  
15 monument or pedestal type, was limited to one per site in the Regional Highway Commercial  
16 zone. A second sign would require granting of a variance. Lastly, placement of a bicycle rack  
17 was requested and applicant agreed to provide.

18 A motion to approve the concept plan with provision of bicycle rack was made by  
19 Commissioner Breedlove, and seconded by Commissioner Quick. The motion was approved  
20 unanimously.

21 **Denton Main Street Map**

22 Ann Jacobs and Sandy Hayman of Downtown Denton Main Street (DDMS) presented the  
23 reasons for the proposed expansion of the Main Street as indicated on the map provided.  
24 Commissioner Quick disclosed his primary residence would be in the expanded area. Ms. Jacobs  
25 stated that DDMS could use more support from the currently outlining district businesses. Ms.  
26 Jacobs and Ms. Hayman indicated that businesses currently outside the Main Street area wished

1 to be members of DDMS but were precluded from joining because they resided outside the area  
2 and therefore were ineligible for the benefits (e.g., grants, loans, etc.). Ms. Hayman stated that  
3 getting enough volunteers for the committees was becoming more difficult because of volunteer  
4 burnout and limited downtown proprietors.

5 Chairperson Walls asked whether the proposed expansion had been brought before the  
6 public. The reply was that there would be a public hearing when the ordinance was being  
7 considered for Town Council adoption. Chairperson Walls stated that input from businesses and  
8 residences within the proposed expanded area was necessary. Commissioner Cruickshank asked  
9 what is the mission of the Main Street. Reply was to support small businesses in the downtown  
10 and historic district. It was noted that the expanded district would need State approval.  
11 Commissioner Quick suggested that DDMS send a letter to all property owners within the  
12 proposed expansion area. Chairperson Walls suggested the letter indicate that zoning would not  
13 change and that residences would be unaffected. Planning Director Kastning questioned why  
14 certain areas along Gay and Sixth Streets were excluded.

15 Planning Commission members were unanimous in their opinion that those affected be  
16 notified and their input be taken into account.

17 **Other New Business - Allston Annexation Amendment**

18 Planning Director Kastning informed the Planning Commission that Daniel Foster  
19 wanted to change the zoning on his Greensboro Road property, north of the Fearins Crossing  
20 subdivision. Mr. Foster will be coming before the Town Council at its December 8, 2011,  
21 meeting to determine if they will consider the request. When this topic was discussed at the  
22 Town Council's November 22, 2011, working session, the Council requested Planning  
23 Commission comments.

24 Planning Director Kastning stated that this proposed annexation amendment was different  
25 than the two previous amendments (Fortner and Minamoto). Those two amendments involved  
26 stripping off the Planned Neighborhood (PN) overlay zone and retaining the underlying

1 Euclidean zone (Mixed Residential for Minamoto and Rural Agriculture for Fortner). Foster's  
2 request is to also strip off the PN overlay zone but additionally change the underlying zone from  
3 Rural Agriculture to Regional Highway Commercial (RHC). Planning Director Kastning  
4 explained the proposed change would require an amendment to the Town's Comprehensive Plan  
5 as well as the annexation agreement. Attorney Kehoe stated that in order to change the  
6 Comprehensive Plan, it would need to shown that the proposed zoning change corrected a  
7 mistake or that there was a change in the neighborhood. Planning Director Kastning indicated  
8 that the neighborhood changed when the Town annexed four lots across Greensboro Road and  
9 applied the RHC zone. Planning Director Kastning also noted that the PN overlay zone allowed  
10 mixed uses of various residential types as well as commercial.

11 A motion was made by Commissioner Cruickshank that the Planning Commission had no  
12 obvious objections. The motion was seconded by Commissioner Quick and approved  
13 unanimously.

#### 14 **Staff Items**

15 Planning staff had no items, however Chairperson Walls wished to make a statement.  
16 Chairperson Walls commented that Commissioners were appointed by the Town Council and  
17 have an obligation to attend the meetings unless there is an excused absence. Chairperson Walls  
18 reminded the members that the bylaws allow for removal of members who miss too many  
19 meetings. She suggested amending the bylaws to be more specific on what constitutes grounds  
20 for removal (a recommendation to the Town Council).

#### 21 **Adjournment**

22 The meeting adjourned at 8:13 p.m.