

Denton Planning Commission

Minutes

Town of Denton

May 25, 2010

**Regular Planning Commission Meeting and
Joint Session of Town Council and Planning Commission for Public Hearing on
2010 Draft Comprehensive Plan**

Planning Commission Members:

Doris Walls, Chairperson*
William Quick*
Ummu Bradley Thomas*
Sue Cruickshank*
Marina Dowdall*
Brian Tyler* (arrived in the midst of the Comp Plan Public Hearing)

* Those Present

** Excused

Town Council Members:

Conway Gregory, Mayor**(arrived near the end of the Comp Plan Public Hearing)
Robert L. Clendaniel*
Dennis Porter*
Dean Danielson*
Agnes G. Case*

* Those Present

** Excused

Visitors:

Planning Commission Regular Meeting and
Public Hearing – Joint Session with Town Council

Bud Walls	Albert McCullough	Dallas Lister	Peter Johnston
Joseph R. Smith	Sandra A. Keating	Tolbert Rowe	Leonard Vogt
Joseph B. Smith	Guy Geisel	Wayne Fretterd	Helen Vogt
Rob Breeding	John Evans	John Adams	George Nier
Joseph Hardisty	John Beck	Don Mulrine	Sharon VanEmburch
David McKinny	J. D. Neal	John Webster	
David Blough	David Hutchison	Karen Monteith	
Rick Breeding	Michael Hutchison	Paula Wright	
Mike Asche	Alan Lord	Jeff Wright	
Tolbert Rowe	Ray Briscuso	Ronald Diem	
Karen Breeding	Ann Jacobs	Mark Hutchison	
Jim DiDonato	Bobby Mills	Rick Conner	
Victoria Hoffman	Patti Wood	Helen Conard	
Rev. Stan Steele	Brenda Fortner	Ben Minamoto	
Richard Fortner	Donna Todd	Phil Riordan	

Recording:

Bill Kastning
Janice Henderson

1 PROCEEDINGS

2 The regular meeting was called to order by Chairperson Walls at 6:12 p.m., on May 25,
3 2010, at the Denton Volunteer Fire Company and followed by the Pledge of Allegiance.

4 Chairperson Walls asked for any corrections, deletions, or additions to the April 27,
5 2010, Planning Commission meeting minutes and the May 13, 2010, and May 18, 2010,
6 Working Session minutes. The minutes were approved as submitted for April 27 and May 13
7 meetings. The minutes for the May 18th working session were approved with corrections as noted
8 by Commissioner Thomas.

9 **Old Business #1 – Ordinance #604 & #605 Adult Oriented Business Legislation –**

10 Chairperson Walls asked if any of the Commissioners had questions or comments concerning the
11 proposed Adult Oriented Business Ordinance draft. The purpose of the proposed ordinance is to
12 safeguard the safety, health, morals, and general welfare of the citizens of Denton, by addressing
13 the secondary effects associated with unregulated Adult Oriented Businesses. Commissioner
14 Quick questioned whether a prohibition to off-site signage should be addressed; Town Attorney
15 VanEmburch stated that off-site signage is addressed in the current sign ordinance. The
16 Industrial zone has been chosen to allow adult oriented business uses; excluded industrial
17 properties include areas within a 1,000 foot buffer from residential zoning and 500 foot buffer
18 from commercial zoning. The buffering excludes areas such as the Crystal Avenue Industrial
19 zoned properties, other Industrial properties south and east of the MD404 bypass and some near
20 the Denton Industrial Park. The Denton Industrial Park properties are subject to covenants and
21 restrictions that preclude them from an adult oriented business use. If the proposed zoning
22 change from SR to Industrial for Map 108, Parcel 9 and Map 106, Parcel 359 does not occur then
23 there would be insufficient land for the adult oriented business use. Ordinances #604 & #605 will
24 be considered for introduction at the Town Council meeting of June 7, 2010.

1 **Old Business #2 – Stormwater Management Ordinance No. 602** – The Stormwater

2 Management Ordinance #602 was introduced at the Denton Town Council meeting on May 3,
3 2010. Stormwater Management Ordinance #599 is being amended to include emergency
4 regulations creating waiver options for projects in the development pipeline. The Denton Town
5 Council has requested a recommendation from the Planning Commission.

6 Chairperson Walls entertained a motion. Commissioner Quick motioned to forward a
7 positive recommendation to the Denton Town Council. Commissioner Thomas seconded the
8 motion. The motion passed unanimously.

9 **Old Business #3 – 2009 Annual Report** – Chairperson Walls asked if any of the

10 Commissioners had questions or comments concerning the draft 2009 Annual Report. Maryland
11 Department of Planning requires the Annual Report to be filed by July 1, 2010.

12 Chairperson Walls entertained a motion. Commissioner Thomas motioned to approve the
13 report as submitted. Commissioner Dowdall seconded the motion. The motion passed
14 unanimously.

15 The approved report will be forwarded to the Town Council as information at the June 7,
16 2010 meeting.

17 **New Business #1 – 808 South 5th Street** - Director Kastning informed the Planning

18 Commission about a rezoning request for 808 South 5th Street, a residential structure is located
19 on the property known as “Plaindealing”, which is listed on the Maryland Historical Trust Sites
20 Survey. The current zoning is Suburban Residential; the requested zoning is Highway
21 Commercial. The property owners, John A. Donohue III and Carol Anne Donohue have been in
22 discussion with the Town since 2008 concerning rezoning of the property. Director Kastning
23 stated that the Town has drafted a Historic Preservation Easement Ordinance for the Donohue
24 property concerning the “Plaindealing” structure, and will be considered on the Town Council
25 agenda that follows this Planning Commission meeting.

1 Chairperson Walls called for a recess at 6:40 p.m. Vice Mayor Clendaniel opened the
2 Town Council meeting at 7:00 p.m., followed by the Pledge of Allegiance. Vice Mayor
3 Clendaniel closed the meeting at 7:13 p.m. Note: minutes for the Council session are not part of
4 this record.

5 **PUBLIC HEARING – 2010 DRAFT COMPREHENSIVE PLAN**

6 Chairperson Walls opened the Public Hearing for the 2010 Draft Comprehensive Plan at
7 7:15 p.m. This meeting is a joint session of the Planning Commission and Town Council. Vice
8 Mayor Clendaniel asked that Chairperson Walls preside over the joint session and public hearing
9 in Mayor Gregory’s absence.

10 Chairperson Walls began the hearing with the introduction of the Town Council and
11 Planning Commission members. Chairperson Walls stated that time was being set aside to
12 receive public comments concerning the 2010 Draft Comprehensive Plan. Persons wishing to
13 speak shall rise, state their names for the record, and address their comments to the Denton
14 Planning Commission and Town Council. Only comments regarding this specific project shall be
15 heard and each participant will be allowed five minutes.

16 George Nier, an attorney representing some of the property owners in the Crystal Avenue
17 rezoning, addressed the joint members. A letter written by Peter Johnston of Johnston &
18 Associates was added to the record, and a summary of Mr. Johnston’s credentials were read into
19 the record. Mr. Johnston summarized his letter saying that changing the land use for the
20 Industrial properties on Crystal Avenue was a mistake and that the businesses were a good
21 economic base for the Town. He asked the Plan be modified so that the Industrial uses remained
22 and that zoning changes needed to be addressed after the adoption of the Comprehensive Plan.
23 Vice Mayor Clendaniel asked Mr. Johnston if he thought the idea of combining the Heavy
24 Industrial zone with the Light Industrial zone into one “Industrial” zone was appropriate and Mr.
25 Johnston replied, yes.

1 Mr. Nier asked if any of his clients would like to speak. Rick Breeding addressed the
2 joint members and asked that the Industrial zoning remain as it is. Joe Smith also stated that he
3 wanted the zoning to remain as is. Brian Smith addressed the joint members stating that he had
4 made many improvements to the property, supports the Town of Denton by employing over 30
5 people and felt like his business was being choked out by the proposed change.

6 Chairperson Walls asked Director Kastning if he would summarize the changes to the
7 Crystal Avenue rezoning that the Planning Commission has suggested. The Planning
8 Commission consensus, after numerous working sessions, suggests that the Industrial zoning
9 remain as it is currently for property N/NE of the railroad parcel, the railroad parcel should be
10 changed to a new zone of Recreation and Parks, and the Industrial properties S/SE of the railroad
11 parcel remain as Industrial with an added residential use, this area could be changed to a new
12 zone that would allow for the inclusion of residential uses. Mr. Nier asked the Planning
13 Commission for the record if they are withdrawing the Mixed Residential zoning for these
14 properties and the Commission stated, yes. David Hutchison, owner of property on Crystal
15 Avenue wanted to thank both the Commission and Council for listening to their concerns, which
16 is to leave the property Industrial. J.D. Neal of Nuttle Lumber Company said he would not
17 object to adding a residential component, specifically a mixed residential use added to his
18 property.

19 Phil Riordan, representing Ben Minamoto, requested that the joint members consider a
20 zoning change for Mr. Minamoto's property from the Suburban Residential with a Planned
21 Neighborhood overlay to Highway Commercial. He would agree to limit the uses permitted if
22 the Commission was so inclined and understands that the Annexation Agreement would have to
23 be amended to permit the zoning change.

24 Chairperson Walls asked if there were any other comments from the public.
25 Commissioner Quick noted that he felt the public had not been notified adequately concerning

1 the zoning changes proposed in the Draft Comprehensive Plan. Commissioner Quick added that
2 an ordinance should be considered that would require property owners and surrounding
3 properties within 200 feet be notified within 90 days of a zoning change. Vice Mayor Clendaniel
4 and Councilman Porter concurred with Commissioner Quick's comments. It was also suggested
5 that properties be posted, agendas for Planning Commission and Town Council be advertised in
6 the Times-Record and /or Star Democrat for every meeting. Discussion of creating an Advisory
7 Committee was also proposed. Director Kastning stated that he had suggested eight months ago
8 that all notices appear in the Star Democrat and that more communication is welcomed by the
9 Planning Staff. Currently agendas are posted on the Town website at www.dentonmaryland.com.

10 Jim DiDonato, JPA Ventures, addressed the joint session concerning property he owns on
11 Legion Road that is proposed in the Draft Comprehensive Plan to change zoning from Town
12 Residential to Highway Commercial. Mr. DiDonato displayed a site plan for property that
13 showed an alternate rezoning plan. Mr. DiDonato requested that not all acreage be rezoned and
14 approximately 40 acres be rezoned to Highway Commercial, with the remainder to stay at Town
15 Scale Residential. Chairperson Walls said that the alternate plan was a good plan and stated that
16 there would be buffering between the commercial properties and the residential component,
17 which Mr. DiDonato agreed. Chairperson Walls asked the other Commission members and
18 Town Council members if this was an adequate compromise and all agreed.

19 Jeff Wright addressed the joint session and stated that he and his family have sold real
20 estate in the Town of Denton for many years. He agrees with the Plan's direction to limit growth,
21 would like to see the Town take a more active role in the demolition of deteriorating housing,
22 and to please repair the roads in Town.

23 Victoria Hoffman, with JPA Ventures, addressed the joint session with the same concerns
24 as Mr. DiDonato. She stated that if the Town were to rezone all 80 acres it would be a hardship
25 for the property owners to find buyers or lessees for that much Commercial property. She asked

1 that the Planning Commission and Town Council please consider Mr. DiDonato's current
2 proposal.

3 Tolbert Rowe addressed the joint session and stated that the Planning Commission and
4 Town Council keep the dialogue open with the school board and to slow growth in Denton.

5 Chairperson Walls closed the Public Hearing at 8:20 p.m., Vice Mayor Clendaniel closed
6 the Town Council session at 8:22 p.m.

7 Commissioner Quick made a motion to defer making a recommendation to the Town
8 Council on the Draft Comprehensive Plan until the Planning Staff had adequate time to complete
9 the plan to encompass the recommendations that have been made. Commissioner Dowdall
10 seconded the motion. The motion passed unanimously.

11 Councilman Danielson made a motion to take the advice of the Planning Commission
12 and defer any action until the Planning Commission makes a recommendation, seconded by
13 Councilman Porter, and passing unanimously.

14 Councilman Danielson made a motion to close the meeting at 8:31 PM, seconded by
15 Councilwoman Case, and passing unanimously.