

Denton Planning Commission

Minutes

Town of Denton

June 29, 2010

Planning Commission Members:

Doris Walls, Chairperson*
William Quick**
Ummu Bradley Thomas**
Sue Cruickshank*
Marina Dowdall*
Brian Tyler*

* Those Present
** Excused

Visitors:

Evan Lucas
Debra Lucas
Jim DiDonato
Richard Fortner
Agnes Case
Josephine Manaois

George Nier
Abigail Hill
Bill Maloney
Brenda Fortner
Dean Danielson
Robert Clendaniel

Recording:

Bill Kastning
Donna Todd

1 PROCEEDINGS

2 The regular meeting was called to order by Chairperson Walls at 6:00 p.m., on June 29,
3 2010, at the Denton Police Building and followed by the Pledge of Allegiance.

4 The Planning Commission adjourned the meeting at 6:00 p.m. for an executive session to
5 obtain legal advice on the Comprehensive Plan and no action was taken.

6 The regular meeting was reopened at 6:21 p.m.

7 Chairperson Walls asked for any corrections, deletions, or additions to the May 25, 2010,
8 Planning Commission meeting minutes and the June 8, 2010, Working Session minutes. The
9 minutes were approved as submitted.

10 Director Kastning summarized the amendments to the 2010 Draft Comprehensive Plan
11 that was presented on May 25, 2010, prior to the public hearing. The amendments are as follows:

- 12 • Crystal Avenue and Lincoln Street, Light and Heavy Industrial Zone Businesses
- 13 • Franklin and Ninth Streets – Maloney Property
- 14 • Legion and Foy Roads – Maloney and DiDonato Properties
- 15 • Market and Pearson Roads – Fortner, Wright, Moore, and Baynard Properties
- 16 • Fifth Avenue - Donohue Property
- 17 • Route 328 - Minamoto Property

18 Director Kastning asked each property owner present to confirm amendments to the
19 previous Draft Comprehensive Plan presented on May 25, 2010.

20 Chairperson Walls opened the 2010 Draft Comprehensive Plan Public Hearing at 6:40
21 p.m.

22 Chairperson Walls discussed the Donohue zoning to remain suburban residential.

23 George Nier, Attorney representing the Donohue property, stated there was a change of
24 character to the neighborhood and the zoning should be changed to regional highway
25 commercial.

1 Abigail Hill, Town Attorney, addressed Mr. Nier stating the comprehensive rezoning is a
2 separate issue from the previous rezoning request and the Planning Commission can change any
3 draft plan until adoption.

4 Director Kastning stated his credentials as a certified planner and the Donohue property
5 has not changed in character. It is currently zoned suburban residential and should remain
6 suburban residential. The property is surrounded on three sides by residential property and one
7 side by highway commercial. All properties were annexed prior to the adoption of the last
8 Comprehensive Plan.

9 Commissioner Dowdall stated that the appropriate zoning to be consistent with the
10 Comprehensive Plan should remain suburban residential.

11 Mr. Nier requested to poll the board members for the consensus of the zoning of the
12 Donohue property to be highway commercial contingent upon a historical façade easement.

13 Director Kastning commented that contractual zoning is not permitted and therefore the
14 board should not respond.

15 Chairperson Walls stated she had received telephone calls requesting the zoning to
16 remain suburban residential.

17 Vice Chairperson Cruickshank stated that regional highway commercial zoning was
18 appropriate.

19 Commission Tyler declined to comment.

20 The Draft Comprehensive Plan Public Hearing closed at 7:05 p.m.

21 The regular meeting reopened.

22 **Old Business #1 – 2010 Draft Comprehensive Plan –**

23 Commissioner Dowdall motioned to adopt the 2010 Draft Comprehensive Plan with the
24 condition that the Donohue property remain zoned suburban residential.

25 Commissioner Tyler seconded the motion. The motion passed unanimously.

1 **Old Business #2 – Ordinance No. 604 Adult Oriented Business Ordinance** – Director

2 Kastning noted the requested changes for partial nudity.

3 Commissioner Dowdall motioned to approve the amendments to the Adult Oriented
4 Business Ordinance.

5 Vice Chairperson Cruickshank seconded the motion. The motion passed unanimously.

6 **Old Business #3 – Ordinance No. 605 Adult Oriented Business Use Table** –

7 Vice Chairperson Cruickshank motioned to recommend adoption of Ordinance No. 605
8 Adult Oriented Business Use Table.

9 Commissioner Dowdall seconded the motion. The motion passed unanimously.

10 **Old Business #4 – Other** – None.

11 **New Business #1 – Josephine E. Manaois/Special Exception** – Josephine Manaois

12 made application to the Board of Appeals requesting to increase the number of rental units at 406
13 North Sixth Street from two units to four units. Mrs. Manaois provided before and after pictures
14 of the property showing improvements that have been made to the property. The parking lot will
15 accommodate 14 parking spaces. There will be two one bedroom units downstairs and two studio
16 apartments upstairs.

17 Vice Chairperson Cruickshank motioned for a positive recommendation in favor of the
18 special exception request.

19 Commissioner Dowdall seconded the motion.

20 Commissioner Tyler abstained. Chairperson Walls voted Aye.

21 The motion was passed 3:0 with one abstention.

22 **New Business #2 – Debra & Evan Lucas/Special Exception** – Commissioner Tyler

23 disclosed the fact that he owns a restaurant in the downtown and this could be perceived as a
24 possible conflict of interest.

1 Debra and Evan Lucas made application to the Board of Appeals requesting to operate a
2 vending service at the former Dollar General site, 303 Market Street. The hot dog stand will be
3 in operation Monday through Friday, 10:00 a.m. until 2:00 p.m. Applicant has obtained a
4 vending license and is waiting for the Caroline County Health Department inspection. Mr. Lucas
5 will provide trash cans and clean up each day.

6 The applicant received permission to use the Dollar 303 Market Street site from the Town
7 Council at its June 7, 2010, meeting and will be requesting permission from the Town Council to
8 operate the vending service at Crouse Park on Saturdays at the July 12, 2010, Town Council
9 meeting.

10 Commissioner Dowdall motioned for a positive recommendation in favor of the special
11 exception request for a period of time through December 31, 2010, and conditioned upon Town
12 Council approval for Crouse Park.

13 Vice Chairperson Cruickshank seconded the motion.

14 Commissioner Tyler abstained. Chairperson Walls voted Aye.

15 The motion was passed 3:0 with one abstention.

16 **New Business #3 – Ordinance No. 606 Historic Demolition** – Director Kastning
17 discussed that the previously adopted historic demolition ordinance was included with the IRBC
18 Code ordinance and was not included in the amended IRBC ordinance. This ordinance will
19 reinstate the historic demolition ordinance separate from the IRBC and will remain in effect
20 when IRBC amended in the future.

21 The Planning Commission discussed amending the time period of the review from 60
22 days to 90 days.

23 Commissioner Dowdall motioned to recommend approval of Ordinance No. 606
24 changing the review period to 90 days.

25 Vice Chairperson Cruickshank seconded the motion. The motion passed unanimously.

1 **New Business #4 – Ordinance No. 607 Moratorium Extension** - Commissioner

2 Dowdall motioned to recommend approval of Ordinance No. 607.

3 Vice Chairperson Cruickshank seconded the motion. The motion passed unanimously.

4 **New Business #5 – Other** – Director Kastning discussed the rewrite of Chapters 73 and

5 128 of the Denton Town Code. The Planning Commission scheduled working sessions for July

6 8, 15, and 22, 2010.

7 Councilperson Danielson commended the Planning Staff and Planning Commission for a

8 job well done on the Comprehensive Plan.

9 The meeting adjourned at 7:55 p.m.