Denton Planning Commission Minutes

Town of Denton

January 27, 2009

Planning Commission Members:

Doris Walls, Chairperson*
Dean Danielson*
Valerie Miller*
William Quick*
Ummu Bradley Thomas*
Agnes Case*

* Those Present
** Excused

Visitors:

Tristan Stewart	Christine Albright
Chris Coile	Ernesto Zamparini
Toniann Mamone	Tom King
Bob Ciprietti	Karen Kilheffer
Dave Wolcott	George Nier
John Evans	Dudley Dixon
Cynthia McCann	Frank Fluharty
Tom Chambers	J.O.K. Walsh
Rick VanEmburgh	Bonnie Johnson
Carol Donohue	Pastor Thomas H. Fisher
Joe Stevens	Beth Brewster
Bill Mengel	Chuck Petrick
Christine Dayton	Dennis Weaver, Sr.
Keith Singer	Susan Halsey Belton
Michael Border	George Nier
Orrell Saulsbury	

Recording: Bill Kastning

PROCEEDINGS

The meeting was called to order by Chairwoman Walls at 6:00 p.m., on January 27, 2009, at the Denton Police Facility and followed by the Pledge of Allegiance.

Election of Officers proceeded. Planning Commissioner Dean Danielson nominated Doris Walls for Chairperson, seconded by Planning Commissioner Ummu Bradley Thomas. There were no other nominations presented for this position and Doris Walls was approved unanimously. Planning Commissioner Dean Danielson nominated Valerie Miller for Vice-Chairperson, seconded by Planning Commissioner Bill Quick. There were no other nominations presented for this position and Valerie Miller was approved unanimously.

Chairwoman Walls asked for any corrections, deletions, or additions to the minutes of the November 25, 2008, Planning Commission meeting. Minutes were approved as presented.

Old Business#1 – Crouse Park Parking Concept Plan

Tim Glass from Lane Engineering, representing the Town of Denton and Denton Development Corporation, presented a concept parking plan. Plan shows 37 pull-in spaces which replace proposed parking under the Business 404 Bridge rejected by the State Highway Administration. The proposed restaurant requires 46 parking spaces based upon the Town of Denton Zoning Code. However, many patrons are expected to arrive by boat and moor at the marina, thereby not utilizing parking spaces. In addition, pre-existing parking (19 spaces) as well as those approved for the visitors' center (12 spaces) can be shared among the visitor center, marina, boat launch ramp, and restaurant patrons. A total of 68 spaces are proposed for the site. Mr. Glass indicated that "no parking" signs would be placed along the access road to prevent illegal parking there.

Planning Commissioner Alternate Agnes Case made the motion to approve, Planning Commissioner Dean Danielson seconded, and the motion passed unanimously among the voting members (excluding Ms. Case).

New Business#1 – Glenfield Critical Area / Growth Allocation Review

Ms. Cynthia McCann, Esq., and Tristan Stewart from McCrone Engineering presented on behalf of the applicant, Chris Coile, for his 41-lot subdivision to be located on Sharp Road. Ms. McCann and Mr. Stewart provided a history of the project from inception to current date. A PowerPoint presentation facilitated the update (available in the project file). Applicant seeks Critical Area Growth Allocation from Limited Development Area to Intense Development Area. Approval is required by both the Town Council and the Critical Area Commission.

Applicant seeks favorable recommendation and approval of Findings of Fact from the Planning Commission, which then would be presented to the Town Council for adoption when its members consider an ordinance to approve the growth allocation. Town Council would hold a public hearing on the matter and take a vote on whether to approve the growth allocation.

If growth allocation is not approved, the allocation would revert back to Caroline County for use elsewhere, and the project would not proceed as presented and previously approved as a final subdivision by the Planning Commission.

If growth allocation is approved, the approved request is submitted to the Critical Area Commission for approval. Once approved by the Critical Area Commission, the Town's official Critical Area Map would be amended to reflect the appropriate land classification for the project area.

A motion was made by Planning Commissioner Ummu Bradley Thomas that the project is consistent with the Town's Comprehensive Plan and requests that Findings of Fact be prepared

by the Town's attorney for review at the February 27, 2009, Planning Commission meeting. Motion was seconded by Planning Commissioner Bill Quick and unanimously approved by the five regular members.

New Business #2 – Zoning Amendment - Waiver

This agenda item was deferred to the February 24, 2009, meeting.

New Business #3 – Donohue Rezoning Request

Mr. George Nier, Esq., represented the applicants, John and Carol Donohue, who request a zoning change for property located at 808 South 5th Avenue from Suburban Residential (SR) to Highway Commercial (HC). Mr. Nier indicated the SR zoning was both a mistake and that the neighborhood character had changed dramatically, both of which warranted the requested zoning change. He provided three witnesses, Tom Chambers, Woody Logan, and Orrell Saulsbury, who testified their support for the change in zoning.

Chairwoman Walls reiterated that the property had not been mistakenly zoned, however, concurred that the neighborhood character had changed.

Mr. Nier indicated the historical home known as Plain Dealings would remain to be preserved through some legal mechanism to be agreed to by the town and the applicants if rezoning were approved.

JOK Walsh, from the Caroline County Historical Society, gave an overview of the home's history and supported its preservation. He also indicated he had no trouble with the proposed rezoning as long as the house was permanently preserved. Mr. Nier indicated his client may consider donating the house. Planning Commissioner Bill Quick inquired as to the owner's plans for the property to which Mr. Nier indicated that it would be sold.

Planning Commissioner Bill Quick made a motion indicating there had been a change in the neighborhood character justifying the change in zoning to Highway Commercial, that a recommendation for a change in zoning be forwarded to the Town Council, and that rezoning be contingent upon taking the appropriate measures to protect the historic home. Planning Commissioner Dean Danielson seconded the motion which was passed unanimously by the five regular Planning Commission members.

New Business #4 – Fearins Crossing II

Mr. Joseph Stevens, Esq., and Rick VanEmburgh from Lane Engineering represented the applicant, Dixon Brothers, LLC, who requested preliminary and final approval of a 12-lot subdivision located off of MD Route 313. Mr. Stevens indicated that the previous 14-lot approval including three design waivers had been deemed flawed by the Town's attorney, Brynja Booth, given that these waivers required a super-majority (three-quarters) vote which had not been attained (vote was 3:2 in favor). The applicant submitted a fully conforming subdivision of two less lots meeting the required setbacks, building heights, and requisite number of parking spaces. Planning Director Bill Kastning indicated the requirement for three contingencies: 1) amended landscape plan, 2) payment of water and sewer surcharge of $6,000 and 3) acceptance by the Town's attorney of phase I covenants amended to include phase II.

A motion was made by Planning Commissioner Dean Danielson to approve the preliminary subdivision and grant final subdivision approval contingent upon payment of the water/sewer surcharge, an amended landscape plan, and mutually agreeable amended covenants. The motion was seconded by Planning Commissioner Ummu Bradley Thomas and approved unanimously by the five regular Planning Commission members.

New Business #5 – Chesapeake Culinary Center – Concept Site Plan

Planning Commissioner Bill Quick recused himself for this presentation. Alternate Planning Commissioner Agnes Case participated in his place.

Applicant was represented by their Architect Tom King and Director Beth Brewster who explained the site plan, architecture, and intended uses for the former High School located at 512 Market Street (Map 103, Parcel 222). Although previously approved by the Planning Commission and Board of Appeals (for variance and use), the site plan approval expired in December 2008. This re-submittal requires no variance as the building has been reconfigured to eliminate the setback variance. Planning Director Bill Kastning indicated that preliminary and final site plan approvals will require an amendment to the zoning table of use regulations to accommodate vocational and trade schools in Mixed Residential (MR) zoning district (next New Business topic).

Chairwoman Walls inquired as to how handicapped access would be provided given that the building is elevated. Architect King responded by showing the design's ramps and elevators. Chairwoman Walls asked about State Highway Authority approval for driveway access onto 6th Street, which is also MD Route 313. Applicant indicated that SHA approval would be requested. It was indicated that no student cars or school mini-buses would utilize the parking area.

Alternate Planning Commissioner Agnes Case (sitting in for Bill Quick on this application) made a motion to approve the concept plan subject to an amendment to the Zoning Table of Use Regulations permitting trade and vocational schools. Planning Commissioner Valerie Miller seconded the motion which passed unanimously.

<u>New Business #6 – Zoning Amendment Table of Use Regulations</u>

Planning Commissioner Bill Quick returned to participate in the remaining agenda items.

Planning Director Bill Kastning provided insight to the Planning Commission on the genesis of a proposed ordinance to change the Table of Use Regulations to permit private group homes, handicapped group homes, and homes for infirmed as either conditional or exceptional uses, and to permit trade or vocational schools as conditional uses where now these are prohibited. Mr. Kastning indicated that these homes are not permitted anywhere within the town and there prohibition may be in violation of federal statutes designed to protect handicapped or infirmed individuals. In addition, Mr. Kastning indicated that two homes currently exist in the Commercial Medical (CM) zoning district as pre-existing, non-conforming uses and should be allowed as a matter of record.

Mr. Kastning stated that trade and vocational schools, especially those who benefit secondary education students, should be allowed where elementary and secondary schools are allowed (SR, TR, MT, GC, CC and CM zoning districts). Currently, these uses are permitted only within the Highway Commercial (HC) and Planned Neighborhood (PN) zoning districts as conditional uses and Light Industrial (LI) as a special exception.

A motion was made by Planning Commissioner Dean Danielson to recommend the Town Council adopt the proposed ordinance as written. The motion was seconded by Planning Commissioner Ummu Bradley Thomas and passed unanimously by the five regular members.

<u>New Business #7 – Official Zoning Map</u>

The map presentation was deferred to the February 24, 2009, meeting.

<u>Working Session – Gay Street Redevelopment</u>

Planning Director Bill Kastning requested a working session to review the November 25, 2008, denial of the Gay Street Redevelopment subdivision. After discussing the denial with the applicant in December 2008, a poll of Planning Commission members was taken as to whether

they would consider a working session to discuss the details of the denial. The Planning Commissioners agreed, hence this working session. Mr. Kastning asked the three members who voted against the approval to provide the applicant with insight on the reasons for voting as they did.

Planning Commissioner Valerie Miller indicated her reasons were related to insufficient setback of the houses from Gay Street and that the proposed parking was insufficient. Chairwoman Doris Walls indicated that parking was also an issue for her as was the project's density. Planning Commissioner Dean Danielson stated his reasons were insufficient parking, main access to houses from Stockley Alley and the narrowness of the alley to accommodate two-way traffic.

Dialogue continued among all participants including some members of the audience as to how best resolve the Planning Commissioners' concerns. Applicant Bob Ciprietti indicated he could accommodate more parking in three ways: 1) convert the corner lot that was to become a commercial building into a parking lot, 2) improve the triangular area of Stockley Alley, owned by the Town, to accommodate 12 parking spaces and 3) enter into an agreement with Samaritan House for 12 parking spaces.

Mr. Bill Kastning asked each Planning Commission member to indicate whether the changes proposed by Mr. Ciprietti would be acceptable and allow him to return seeking preliminary and final subdivision approval. Planning Commissioner Bill Quick, who voted in favor of the application before, indicated he was okay with changes. Commissioner Valerie Miller indicated the changes would not change her vote against approval. Chairwoman Doris Walls indicated she would support the application with two stipulations: 1) An agreement was struck between the Samaritan House and the applicant before the applicant returned seeking

approvals and 2) parking would be provided across Gay Street on property owned by the applicant to replace the Samaritan House parking arrangement before the last of 25 homes was constructed/sold. Planning Commissioner Ummu Bradley Thomas who previously voted in favor of the application indicated she would continue to support it. Planning Commissioner Dean Danielson indicated he would be supportive if the Good Samaritan agreement was struck before the hearing date and the Town Council would agree to the improvements upon the triangular section of Stockley Alley. Alternate Planning Commissioner Agnes Case indicated, if given the opportunity to vote, she would vote in favor of approval.

Staff Item #1 – 2008 Annual Report

The Planning Commission agreed to approve the annual report subject to changing one typographical error and revision of verbiage commenting on required training. (Resolution approving the Annual Report will be signed at the February 24, 2009, meeting.)

Staff Item #2 – Water and Sewer Allocation Process Presentation

This agenda item was deferred to the February 24, 2009, Planning Commission meeting.

Staff Item #3 – Comprehensive Plan Working Sessions

Planning Director Bill Kastning asked for monthly working sessions dedicated to the completion of the Town's Comprehensive Plan. It was agreed to meet the second Wednesday of each month for the next ten months at 6:00 p.m. – location to be determined.

No additional staff items were discussed.

A motion was made and approved unanimously at 9:30 p.m. to adjourn the meeting.