

Denton Planning Commission

Minutes

Town of Denton

September 29, 2020

Planning Commission Members:

Doris Walls, Chairperson*

William Quick*

Sue Cruickshank*

Joseph Mayer, Jr.*

Lauren Shilling*

Stephen Mead*

* Those Present

** Excused

*** Absent

Participants:

Peter Johnston

Recording:

Donna Todd, Planning and Codes

Donald H. Mulrine, Jr., Town Administrator

PROCEEDINGS

Call to Order:

The Planning Commission Meeting was called to order by Chairperson Walls at 6:00 p.m., on September 29, 2020, at the Denton Town Office, leading everyone in the Pledge of Allegiance.

This Meeting was made available to the public via Zoom Video Conferencing, and access to the meeting was made available on the Town website.

Approval of Minutes:

The August 25, 2020, Planning Commission Meeting minutes were reviewed and unanimously approved as submitted.

Old Business #1 – Other: None.

New Business #1 – Zoning Ordinance Amendments:

Peter Johnston, the Town Consultant Planner, discussed with the Planning Commission reasons due to the unknown impacts of the COVID-19 to delay the Comprehensive Plan update and consider other alternatives to implement infill and redevelopment objectives.

Mr. Johnston provided a hard copy of a PowerPoint presentation to the Commission for the proposed Community Redevelopment Overlay Zone (CR). This overlay zone would replace the existing Redevelopment District Floating Zone (RD). The purpose is to provide a more flexible development review, and approval process by the Planning Commission. The current Comprehensive Plan objectives support the proposed CR Overlay Zone by encouraging appropriate infill and redevelopment for economic development and housing opportunities.

This CR Overlay Zone process eliminates time and expense for project approvals. The RD Floating Zone process is expensive and requires Planning Commission approval and Town

Council approval. The CR Overlay Zone process would allow the Planning Commission to allow more context-appropriate residential and nonresidential infill and redevelopment. Characteristics for the proposed development would be based on the Pattern Book. If a project were context-appropriate in terms of use, intensity, and building appearance, the Planning Commission could approve the development project. The intent, among others, is to streamline the approval process.

The RD Floating Zone's purpose was for blighted areas. The purpose of the CR Overlay Zone is to provide more flexibility through a larger part of the Town so people can use their property more intensely. Extending the CR Overlay Zone to the south also presents an opportunity to increase improvement values.

Mr. Johnston discussed increasing the zoning regulations for accessory dwelling units. The proposed zoning amendments would include more specific design characteristics for accessory dwelling units and increase the allowable floor area to 50% of the principal structure with a maximum of 800 square feet. Characteristics for accessory dwelling units would require an appearance consistent with the primary structure and general area.

Vice Chairperson Quick commented that property values in Denton had increased slightly in the last fifteen years. An increase in property values for existing homeowners is a good thing. Vice Chairperson Quick is concerned about the effect of increasing density on property values.

Mr. Johnston commented there are potential COVID-19 impacts in the community, and issues like shelter will be more important to families than property values.

Vice Chairperson Quick is concerned about the effect the proposed overlay will have on the Historic District.

Mr. Johnston noted all properties located in the Historic District will still be required to receive the Historic and Architectural Review Commission approval.

Commissioner Cruickshank does not support expanding the previous RD Floating Zone for the proposed CR Overlay Zone.

Mr. Johnston's explanation for expanding the area was that the land to improvements value ratio in much of the area is less. When land values are relatively more substantial than improvement values, this condition indicates the area is in decline and ripe for redevelopment.

Commissioner Cruickshank does not support allowing duplexes and multifamily dwellings in the Town Scale Residential (TR) Zone for single-family dwellings.

Mr. Johnston clarified the proposed CR Overlay Zone and zoning amendments do not create a by-right use. The Planning Commission would have the final decision if the Applicant's development plans were found not to be context-appropriate.

Commissioner Mayer noted that the zoning amendments would have to include language that if the development plan does not meet the criteria, the Planning Commission can deny the proposed plan. The Town still has vacant homes and empty lots and experienced very little growth since the last recession. Guidelines for this approval process are needed.

Mr. Johnston noted all the standard Building Codes, Plumbing Codes, Electrical Codes, and off-street parking would still apply.

Vice Chairperson Quick supports affordable housing but believes the issue is jobs. His opinion is the focus should be on building jobs first. To grow the town, we need good jobs.

Mr. Johnston noted these jobs might begin in a garage and grow into a larger commercial space. Economic development has changed, and attracting large manufacturing companies in the Denton Industrial Park is challenging because there are a large number of jurisdictions competing for a limited number of manufacturing companies. The job market will include small businesses and local businesses to supply local demand with local goods and services.

Chairperson Walls clarified the intent of the proposed amendments to add dwellings to properties was not only townhomes but for all types of dwelling units and would have to meet all the criteria in the zoning ordinance and public notice requirements.

Mr. Johnston confirmed the proposed amendments would allow an applicant to propose a cottage community for seniors or a single-family dwelling conversion to a duplex that would allow a senior to remain in the house and receive additional income from the rental unit.

Commissioner Mayer noted Code Enforcement would require compliance for the rental units.

Mr. Mulrine informed the Commission there is a rental licensing program enforced by the Town. The proposed amendments would help with small lots that have been purchased by Habitat for Humanity for meeting setback requirements. Nonconforming lots are difficult for placing homes under current codes. The Town is over 48% rentals, and the goal is to encourage homeownership with the proposed amendments.

Commissioner Cruickshank requested clarification for the proposed amendment for the conversion of single-family homes into duplexes. Currently, this is not a permitted use.

Mr. Johnston commented there are three ways to achieve infill development, addition, repurposing, and subdividing. A single-family home could be converted to a duplex in a district where it is currently not permitted.

Commissioner Cruickshank requested clarification on the proposed zoning amendment for a small business in a home versus the existing home occupation regulations.

Mr. Johnston stated a small low-intensity business would not be allowed as a home occupation, e.g., a first-floor shop in a residence. The zoning ordinance currently permits such use

by special exception, but the Board of Appeals is the approving authority. The overlay would allow the Planning Commission to approve such use, provided it was context-appropriate.

Vice Chairperson Quick would consider the proposed amendments for a smaller town area with specific examples of why that part of the town needs it. He suggested bringing in Habitat Representatives to provide the reasons.

Mr. Johnston stated he would recommend the amendments regardless of the impacts of COVID-19 because this is the direction in which zoning is moving. The existing zoning is causing issues for development. The proposed amendments are for the Planning Commission to consider.

Commissioner Cruickshank supports the proposed amendments for the accessory dwelling units.

Commissioner Mayer supports the proposed amendments for the accessory dwelling units.

Mr. Johnston requested direction on the revision for the proposed CR Overlay District area.

Commissioner Cruickshank supports the area to be defined as the existing RD Floating Zone District.

Mr. Mulrine defined the target area for Habitat from Third Street to Sixth Street and Gay Street to High Street. The lots are narrow and nonconforming.

Commissioner Quick requested information on the Board of Appeals process.

Mr. Mulrine commented its expensive for the Applicant.

Mr. Mayer commented there is a higher cost for staff review for the Board of Appeals process.

Mr. Johnston reiterated the Pattern Book would serve as the basis for reviewing the design characteristics of the proposed development. The Planning Commission could approve or deny any development that is not context-appropriate.

Chairperson Walls motioned to accept the proposed zoning amendments for the CR Overlay District and Accessory Dwelling Units, as presented by Mr. Johnston.

Commissioner Mayer seconded the motion. The motion failed 3:2.

Vice Chairperson Quick, Commissioner Cruickshank, and Commissioner Shilling voted Nay.

The Commission further discussed if the proposed zoning amendments for the CR Overlay District and Accessory Dwelling Units should be voted on separately and proceeded with this action.

Commissioner Mayer motioned to accept the proposed zoning amendments for the Accessory Dwelling Units per Attachment B, as presented by Mr. Johnston.

Commissioner Shilling seconded the motion.

Further discussion on the motion included Vice Chairperson Quick requesting clarification for the proposed zoning amendments for the Accessory Dwelling Units.

Mr. Johnston explained the current Zoning Code does allow accessory dwelling units as a permitted use. The amendments add more specific standards for the appearance and characteristics of the accessory dwelling unit. They also increase the size to 50% of the principal dwelling or a maximum of 800 square feet. The current Zoning Code allows for 30% of the principal dwelling. Accessory dwelling units are required to meet the setback requirements.

The Chairperson called for a vote. The motion passed unanimously 5:0.

Chairperson Walls motioned to review the proposed zoning amendment for the proposed CR Overlay District at a later date when the proposed area has been revised for the CR Overlay District, and other organization's representatives can provide input for the targeted area.

Commissioner Shilling seconded the motion. The motion passed 4:0:1.

Vice Chairperson Quick abstained.

New Business #2 – Other: None.

Staff Item #1 – Other: None.

Adjournment: The meeting adjourned at 7:10 p.m.