

Denton Planning Commission

Minutes

Town of Denton

November 5, 2012

Planning Commission Members:

Doris Walls, Chairperson*
William Quick**
Sue Cruickshank**
Marina Dowdall*
Matt Breedlove*
Brian Tyler*

* Those Present
** Excused

Visitors:

Donald Mulrine, Jr.
Robert Jarrell
Harry Kaiser
Kevin Shearon

Recording:

Thomas Batchelor, Acting Planning Director

For the purposes of clarity the Minutes have been edited for brevity.

1 PROCEEDINGS

2 The meeting scheduled for October 30, 2012, was rescheduled until November 5, 2012,
3 due to the severe weather conditions from Hurricane Sandy.

4 **Call to Order:**

5 The regular meeting was called to order by Chairperson Walls at 6:00 p.m.,
6 on November 5, 2012, at the Denton Police Department and followed by the Pledge of
7 Allegiance.

8 **Approval of Minutes:**

9 The September 25, 2012, minutes were approved unanimously.

10 **Old Business #1 – Critical Area Ordinance:**

11 Mr. Batchelor summarized the changes that potentially impact property owners located in
12 the Critical Area.

13 The following is a list of concerns:

- 14 • New bonding requirements.
- 15 • Affected property owners may not or likely not be aware of the legal changes.
- 16 • Greater enforcement with limited Town resources.
- 17 • In current economic climate, hardship is likely for property owners with potential
18 projects in the Critical Area.
- 19 • Apparent lack of incentives for compliance
- 20 • Apparent lack of offsetting options for compliance.

21 Staff will draft a summary of the Planning Commission's concerns to forward to the
22 Town Council.

23 **Old Business #2 – Other:** None.

24 **New Business #1 – Brodie Holdings, LLC/Preliminary Subdivision Plan –**

1 Kevin Shearon made the presentation for the preliminary subdivision plan on behalf of
2 Brodie Holdings, LLC. Mr. Shearon provided a brief summary and addressed some comments
3 from the Town Engineer (KEI) and Town.

4 Chairperson Walls stated the Town Code requirement against cul-de-sacs in new
5 construction. Mr. Shearon per the recommendation of KEI provided a hammerhead or other
6 configuration. The Commission preferred to have the cul-de-sac / private road extended to the
7 new signal light across from Walmart on Legion Road. Mr. Shearon indicated extending the
8 road, in a previous agreement with the Town, would require eliminating a left turn from the
9 public road onto Legion Road. For economic viability, until all lots are developed, the left turn
10 restriction would make the project unfeasible. Mr. Shearon indicated that this project is also
11 contingent on the sale of Lot #1.

12 Robert Jarrell, legal representative of Provident State Bank, a property owner of one of
13 the lots, indicated there were a number of concerns related to the subdivision that he learned
14 during the presentation. In general, Provident State Bank agrees with the project in principle.
15 However, the two areas of greater concern is that Provident State Bank negotiated a Right-of-
16 Way to the new signal light (across from Walmart property) and to locate water and sewer
17 entrance on Provident State Bank property during the group negotiations with Walmart, Brodie
18 Properties, Black Oaks Properties, and JPA Venture. The drawings indicate elimination of the
19 Right-of-Way and water and sewer entrance off Legion Road has been relocated by lot line
20 revisions. Mr. Jarrell indicated that the water and sewer entrance was of importance during the
21 group negotiations and no legal agreements have been made to replace in-kind the elimination of
22 the Right-of-Way.

23 The Commission, in general, agreed that the applicant has a significant amount of
24 information and agreements needed before preliminary site plan approval is given.

25 Commissioner Dowdall motioned to table the subdivision plan until the next meeting.

26 The motion was seconded by Commissioner Breedlove and passed unanimously.

1 **New Business #2 – Brodie Holdings, LLC/Preliminary Site Plan –**

2 Kevin Shearon made the presentation for the preliminary site plan on behalf of Brodie
3 Holdings, LLC.

4 The discussions on the subdivision application and preliminary site plan were combined.
5 The Commission, in general, agreed that the applicant has a significant amount of information
6 and agreements needed before preliminary site plan approval is given.

7 Commissioner Dowdall motioned to table until the next meeting.

8 The motion was seconded by Commissioner Breedlove and passed unanimously.

9 **New Business #3 – Other** – None.

10 **Staff Item –December Meeting Date** – Staff discussed a proposed project that may
11 require submission for December. The Commission will meet December 18, 2012, if necessary.

12 **Staff Item –2013 Planning Commission Schedule** – Commissioner Dowdall motioned
13 to accept the 2013 Planning Commission Schedule.

14 The motion was seconded by Commissioner Breedlove and passed unanimously.

15 **Adjournment:**

16 The meeting adjourned at 7:26 p.m.