

**Denton Planning Commission**

**Minutes**

**Town of Denton**

**September 24, 2013**

**Planning Commission Members:**

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

\* Those Present  
\*\* Excused  
\*\*\* Absent

**Visitors:**

Dean Danielson	E. T. & Joan Dize
Donald Mulrine, Jr.	Curtis Schuyler
Jim DiDonato	Rick Van Emburgh
Merry Lee Beaven	Robert Clendaniel
Jay Corvan	Korah Pulimood
Tom Wilkes	Christopher Drummond
Chris Fazio	

**Recording:**

Thomas Batchelor, Acting Planning Director

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

PROCEEDINGS

**Call to Order:**

The regular meeting was called to order by Chairperson Walls at 6:00 p.m., on September 24, 2013, at the Denton Town Office and followed by the Pledge of Allegiance.

**Approval of Minutes:**

The August 27, 2013, minutes were approved as submitted.

**Old Business #1 – Other:** None.

**New Business #2 – Gardens Land Group, Inc./Amended Preliminary & Final**

**Subdivision Plan:**

Rick Van Emburgh, Project Engineer for Lane Engineering, made the presentation on behalf of Gardens Land Group, Inc. Jim DiDonato, representative for Gardens Land Group, Inc., was present to answer any questions. Applicant is requesting preliminary and final approval for the relocation of four recorded lots 55, 56, 61, and 62, elimination of Daisy Lane, and removal of alleyways, potential reconfiguration of lots with alley impacts, and phasing of project. Primary purpose of this request is conservation of cost. Mr. DiDonato explained the economy may be improving for single family homes in the area. However, Mr. DiDonato may be required to provide funding, versus traditional financing, to begin the project because of greater resource restrictions from a bank.

Chris Fazio and Tom Wilkes, Town's Consultant Engineer, were present to comment on the infrastructure and stormwater details.

Chris Drummond, Town's Attorney, commented on the legal impacts of the proposal. The proposal being requested is an amendment to the recorded plat and previous approval. According to Mr. Drummond, the determination whether changes to an approved project is considered a major or minor revision is determined by the Planning Commission. Once a project receives an approval by the Planning Commission, only the Planning Commission may amend by majority vote. The applicant believes the proposal is a minor change to the approved

1 subdivision. Major revision triggers the requirement to comply with latest regulations, for  
2 example, relative to stormwater management, forest conservation, and other components of the  
3 previous approval. The applicant prefers an amendment versus major change in approval  
4 because of the cost burden associated with a major change. An amendment permits previous  
5 approvals to maintain grandfathered regulations. For legal agreements, such as the Public Works  
6 Agreement (PWA), and drawing changes the applicant will coordinate and satisfy Town  
7 Engineer, Town Attorney, Staff, and Public Works comments and concerns.

8 Water and sewer allocations are paid.

9 Propane tank farm was not shown on this submittal. Mr. DiDonato indicated that the  
10 tank farm is to be installed at the relocated Tot lot and is approximately the same size as  
11 presented in the recorded plat.

12 The interior lots of the subdivision are revised in this proposal showing removed alleyways and  
13 inclusion of drainage easements. Property lines affected by the change are shown in the center  
14 of the easement and lots sharing the easement. Staff indicated the practical difficulties for  
15 maintenance of the easement and provided several examples of approved subdivisions in Town  
16 with this condition. A suggestion was made to require the Homeowners' Association (HOA) to  
17 maintain any easements as an alternative. In Concept review, the applicant agreed to  
18 recommendation by Chairperson Walls to install fencing along front similar to Mallard Landing.  
19 All parties agreed that the details may be resolved in coordination with staff, Town Engineer,  
20 and Public Works.

21 Questions received from the Public related to the preservation of forested buffer between  
22 the subdivision and adjacent properties. The applicant responded and indicated though not  
23 recalling the details, a buffer is required.

24 Commissioner Dowdall motioned to approve the amended preliminary subdivision plan  
25 for the relocation of the four lots and elimination of Daisy Lane, addressing all of the comments  
26 provided by the Town Engineer.

1 Commissioner Quick seconded the motion. The motion was approved with Chairperson  
2 Walls voting Nay.

3 Commissioner Quick motioned to approve the final subdivision plan including all  
4 payments for the revisions, and contingent upon receiving final approvals from Staff, Town's  
5 Engineer, Town's Attorney, and Public Works Department.

6 Commissioner Dowdall seconded the motion.

7 Commissioner Cruickshank voted Aye. Chairperson Walls voted Nay because in her  
8 opinion, the proposed change is a substantial revision and not an amendment.

9 **New Business #1 – Dr. Korah Pulimood/Concept Plan:**

10 Jay Corvan, Architect, and Dr. Korah Pulimood, the property owner, made the  
11 presentation for the proposed renovations at 619 North Sixth Street. Dr. Pulimood signed an  
12 Administrative Consent Order to satisfy property maintenance complaints. The Order requires  
13 Dr. Pulimood an established timeframe to remedy the complaints. Dr. Pulimood elected to  
14 renovate the property and re-establish legal use to satisfy the complaints. Property has been  
15 vacant for approximately 16 years, and the last legal use included residential apartments and an  
16 auto repair establishment. The proposed renovations include residential and commercial units.  
17 Commercial use will remain on the first floor and residential apartments are the proposed use for  
18 the second floor. The architect also discussed the potential for 6-residential units, either  
19 apartments or condominiums, and commercial space, and construction of another similar use  
20 structure on Gay Street located on the same parcel.

21 The Commission viewed the proposals favorably. Condominiums, though referenced in  
22 the current Town Codes, are not cohesive and the Town may introduce new regulations  
23 specifically addressing condos. Robert Cheek, Denton Mainstreet Manager, expressed the need  
24 for condos for young professionals such as himself and viewed the proposal favorably. Mr.  
25 Cheek offered to assist Dr. Pulimood in his efforts.

26 Applicant is required to seek approval from Board of Appeals for Special Exception if

1 residential units are constructed. Additional Water / Sewer allocations may be required based on  
2 the application.

3 Renovation of the existing building does not trigger additional regulations, such as storm-  
4 water management. However, any new structures or parking will require compliance with  
5 stormwater management and other regulations. The Town attorney indicated that though an  
6 architect has their expertise, typically stormwater management and civil engineering requires  
7 sealed site drawings for compliance with State regulations.

8 **New Business #2 – Other:** None.

9 **Staff Items:**

10 Open Meetings Act Training Requirement was discussed. Commissioner Walls  
11 completed the training.

12 The status of the Ethics ordinance proposal was discussed. The Town Attorney received  
13 clarification from Council and State working to finalize the ordinance.

14 **Adjournment:**

15 The meeting adjourned at 7:45 p.m.