

Denton Planning Commission

Minutes

Town of Denton

February 27, 2024

Planning Commission Members:

William Quick, Chairperson*

David Burroughs, Vice Chairperson*

Doris Walls*

Stephen Mead*

Kevin Waterman*

Dona Sorce*

* Those Present

** Excused

*** Absent

Participants:

Bill Warnock

Annaliese Long

Matthew Dahl

Sarah Dahl

Frank Taylor, Councilperson

Donald H. Mulrine, Jr.

Peter Johnston, Town Planner

Recording:

Donna Todd, Director of Planning and Codes

Scott Getchell, Town Administrator

PROCEEDINGS

Call to Order:

The Planning Commission Meeting was called to order by Chairperson Quick at 6:00 p.m., on January 30, 2024, at the Denton Town Office. Chairperson Quick lead 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:

January 30, 2024, the Regular Meeting Minutes were reviewed and unanimously approved.

February 13, 2024, the Working Session Minutes were reviewed and unanimously approved.

Old Business #1 – Second Street Ventures, LLC - Final Site Plan:

Bill Warnock, McCrone Engineering, submitted a final site plan on behalf of Matthew and Sarah Dahl, Owners of Second Street Ventures, LLC, to construct a brewery at 108 N. Eighth Street.

Mr. Warnock and Ms. Long from McCrone attended to answer any engineering questions on behalf of Matthew and Sarah Dahl.

Commissioner Walls requested more information regarding the inside layout of the brewery.

Mrs. Dahl stated the building will include a combination of spaces open to the public, such as a tap room, bar, bathrooms, event space, and a large space for the brewing production area.

Mr. Dahl provided additional information on the inside layout, including a ten-barrel production system. The total production goal for the first year is approximately one thousand

barrels. Two tanks brew the beer; a third tank processes it, and an additional three fermenting tanks for the finished product. There are six smaller serving tanks.

Unlike other local breweries, their goal is to sell most of the beer on-site and sell a minimal amount to outside vendors.

Commissioner Walls inquired if the beer production would cause any odors outside of the establishment and hours of operation.

The Owners stated there should be no problems with odor coming from the brewery since the production is done inside. They plan to be open on the weekends, Friday through Sunday, from noon to 10:00 p.m. and may expand the hours as they move forward.

Commissioner Walls inquired about the food trucks.

The food vendors are to be determined, ideally one consistent vendor. The food truck parking space shown on the site plan has an electrical hookup for the trucks, eliminating the need for generators, which will reduce any noise for a more family-friendly environment.

The kitchen in the building is for catering to the event's support and not directly to consumers.

Commissioner Waterman inquired about the necessity of the additional four trees.

Mr. Johnston noted the four additional trees were necessary to offset the required landscaping standards. The objective is to create a visual line between the property and the public. There is also a benefit of potential shade for the sidewalk located in front of the establishment.

The Owners are amenable to the additional trees and plan to add more vegetation to the site to separate the parking from the outdoor space.

Mr. Burroughs inquired about the existing fence at the back of the property.

The Owners plan to continue the chain-link fence depending on the cost.

Commissioner Walls stated a chain-link fence is not permitted.

Mr. Johnston explained it is allowed if it is an existing fence, and chain-link is permitted in the Industrial (I).

The Owners plan to install the fence as shown on the final site plan.

Chairperson Quick noted the staff notes mentioned the property is zoned Mix Industrial (MI).

The Owners completed the amendment process to approve the use before starting the project.

Commissioner Walls motioned to approve the final site plan for Second Street Ventures, LLC, contingent upon satisfying all comments from Town Staff, Town Consultant Planner and Engineer, and Health Department.

Vice Chairperson Burroughs seconded the motion. The motion passed unanimously. (5:0)

Old Business #2 – Other: None.

New Business #1 – Other: None.

Staff Item #1 – Cannabis Ordinance No. 754:

Mr. Johnston discussed Ordinance No. 754, which will be before the Town Council on March 7th. An ordinance of the Town of Denton to amend the Denton Town Code Zoning Ordinance contained in Chapter 128 concerning Cannabis Enterprises. At the Town Council Working Session, the Council discussed the retail sales of cannabis in the General Commercial (GC), and the retail sales location will remain as Regional Highway Commercial (RHC) only.

Chairperson Quick inquired if Ordinance No. 754 is more restrictive than other retail stores?

It is more restrictive, and under the current Town Code, liquor sales are permitted in the General Commercial (GC) and the Regional Highway Commercial (RHC) Districts. The cannabis establishments, however, require a 500 ft. buffer.

Commissioner Waterman stated cannabis retail sales should be treated like liquor stores or liquor stores should be treated with the same buffer.

Mr. Johnston stated a key difference is the State legislation specifically included allowable buffers for cannabis uses but not for liquor sales. Removing liquor sales from the General Commercial (GC) based on buffers as equal treatment is a legal question for the Town Attorney.

Councilman Taylor stated areas in the General Commercial (GC) zones are near schools, and the concern is related to the children subjected to it who may be walking to their homes in the area. There is also a lot of overlapping by adding the (GC); he feels the (RHC) fits the needs and is more efficient.

Mrs. Todd noted Ordinance No. 754 will be introduced at the Town Council Meeting on March 7th. It will come back to the Planning Commission in March for a recommendation.

Mrs. Todd was directed to contact the Town Attorney regarding the legal requirements and whether this ordinance is more restrictive than the state law requirements.

Staff Item #2 – Table of Use Regulations Draft – Continued from Working Session:

Mr. Johnston noted this discussion is a continuation of the last Working Session on the Permitted Uses Table. The handout provided at this meeting shows a list of changes and redrafts of the last discussion. Article III was changed per their discussion for the descriptions of SR, TR, and MR districts to expand on each zone's relationship to the goals and objectives stated in the new Comprehensive Plan. A draft of Supplemental Use Regulations for the Accessory Dwelling Unit (ADU) and Cottage Housing Development is included to aid the Planning Commission in

considering the appropriate zones for these uses. The description of “shelter care” was revised to include nonprofit organizations.

The Permitted Uses Table lists “shelter care” as a Special Exception (SE) in the Suburban Residential (SR), Town Scale Residential (TR), Mixed Residential (MR), General Commercial (GC), and Commercial Medical (CM) Districts. If an organization wants to open a facility, it must go through the proper steps. This process requires review as a Special Exception by the Board of Appeals, including a recommendation from the Planning Commission. A public hearing with notice to the adjacent property owners and the public is required. The Board of Appeals has the authority to add conditions if necessary.

Commissioner Waterman noted the manufactured housing units are not permitted in any zone and recommended removing the row from the table.

The manufactured housing units were combined with the mobile homes, resulting in one description. Mixed-use commercial buildings and mixed-use residential buildings are combined into one category. Manufactured home parks and subdivisions were added as permitted in the Rural Agriculture (RA) District.

Mr. Johnston asked the Planning Commission’s opinion on where halfway houses should be permitted. Chairperson Quick stated halfway houses should be treated as Special Exceptions (SE) like shelter care.

The Planning Commission discussed recycling. Mr. Johnston noted that under the Zoning Code's draft administration or developmental approval process section, any permitted use (P) requires a site plan except an attached single-family dwelling or minor addition to a single-family dwelling. Everything else will require a site plan. Recycling locations should have a site plan with an application. The existing facilities will be grandfathered as a nonconforming use. The

recommendation is to allow recycling in the Industrial (I) and Regional Highway Commercial (RHC) districts and possibly the General Commercial (GC) due to the proximity to the neighborhoods for convenient access.

Vice Chairperson Burroughs suggested including the Mixed Industrial (MI) Zone.

There was discussion on the process for recycling regarding a Special Exception (SE) or Permitted (P).

Mr. Johnston suggested a permitted use with a permit.

Chairperson Quick agrees to include the (I), (RHC), (GC), and the (MI) to be permitted for recycling.

Mr. Johnston asked what the current permitted use is for the antennas and towers.

Mrs. Todd stated it is currently a Special Exception (SE) if it is over fifty feet in any zone.

Commissioner Waterman suggested they remove the size of the tower due to the technology and towers typically larger than fifty feet.

Mr. Mulrine stated an ordinance was adopted for the 5G boxes that are used to boost the internet signals, which can be referred to in Ordinance No. 700.

Mr. Johnston stated that the Zoning Ordinance need only refer to Chapter 126.

Mr. Johnston noted the Table is a working draft and will continue to change over time before it is adopted. Handouts distributed to the Planning Commission will be discussed during the next Working Session. The next chapter to review is Special Districts, consisting of the floating and overlay zones, discussions on the existing Code, recommendations about the changes, and adding an overlay zone for the infill and redevelopment.

Staff Item #3 – Supplemental Use Regulations – Handout:

Mr. Johnston noted the draft Supplemental Use Regulations will be handed out during the next Working Session.

Staff Item #4 – Staff Updates:

Mrs. Todd updated the Planning Commission on the Denton Project LLC located on Camp Road and Market Street. At the March 26th meeting, the Planning Commission will consider the revised townhome section and single family section for preliminary subdivision approval.

Adjournment: The meeting adjourned at 6:58 p.m.