

# Denton Planning Commission

## Minutes

Town of Denton

August 25, 2009

### Planning Commission Members:

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

\* Those Present  
\*\* Excused

### Visitors:

Robert Clendaniel	Paul R. Mills
Harry Kaiser	Sue Cruickshank
Zebulon Brodie	Donald Braden
Alan Lord	Troy Livingstone
Clif Dayton	Joe Calogoro
Tim Glass	Abby Schmidt
Tom Batchelor	Deborah Young
Victoria Goldsborough	Gabe Massa
Tom Kleine	H. J. Young
Mike Birkland	

**Recording:** Donna Todd & Bill Kastning

1 PROCEEDINGS

2 The meeting was called to order by Chairwoman Walls at 6:00 p.m., on August 25, 2009,  
3 at the Denton Police Facility and followed by the Pledge of Allegiance.

4 Chairwoman Walls asked for any corrections, deletions, or additions to the minutes of the  
5 July 28, 2009, Planning Commission meeting and the Working Session minutes of August 12,  
6 2009. The minutes were approved as submitted.

7 Other Old Business – None

8 New Business #1 – Wesleyan Home Care/Simplified Site Plan – Tim Glass and Dr. Paul  
9 Mills made the presentation for the proposed addition at the Wesleyan Home Care. The  
10 applicant discussed the stormwater quality comments from George, Miles & Buhr, additional  
11 landscaping to enhance the natural environment, and no additional parking was necessary to  
12 accommodate the parking requirements.

13 Planning Commissioner Miller motioned to approve the simplified site plan for the  
14 addition contingent upon water and sewer allocation approval from the Town Council,  
15 stormwater management approval from George, Miles & Buhr, Caroline Soil Conservation  
16 approval, and approval of forest conservation plan.

17 Planning Commissioner Thomas seconded the motion. The motion passed unanimously.

18 New Business #2 – WalMart\* Final Site Plan – Mike Birkland, Bowman Consulting  
19 Engineer, began the presentation requesting approval for the final site plan on behalf of  
20 WalMart\*.

21 Chairperson Walls disclosed the fact that her son owns two pharmacies.

22 Mr. Birkland referred to the plat noting the gross floor area was reduced by 2,000 square  
23 feet from the preliminary site plan. Colored plat renderings were referred to for presentation.

24 The Planning Commission inquired as to the placement of the required bike rack that was  
25 omitted from the final site plan.

1 Judy Schwartz, Consulting engineer for the Town of Denton, was present to discuss the  
2 comments from George, Miles & Buhr's engineering review. WalMart\* still had 19 outstanding  
3 comments to be revised and reviewed by George, Miles & Buhr.

4 Mrs. Schwartz had four (4) comments to be addressed at the meeting:

- 5 1. Mrs. Schwartz recommended that WalMart\* complete the curbing down the median on  
6 Legion Road in full on both sides of the island not partially completed as shown on the  
7 plans.
- 8 2. Main entrance did not show the signalized entrance.
- 9 3. Mrs. Schwartz recommended a left turn lane added for Subway with additional  
10 supplemental signage to prohibit U turns.
- 11 4. Add additional note to the plat stating WalMart\* is responsible for sewage pumping  
12 station located at the Wastewater Treatment Facility.

13 WalMart\* agreed to accommodate the comments listed above.

14 Mr. Birkland requested reimbursement to WalMart\* when other users connect to the sewage  
15 pumping station.

16 Donald Braden, Attorney representing Zeb Brodie, addressed WalMart\* regarding the  
17 easement to the Brodie property. No legal agreements have been signed by Mr. Brodie  
18 allowing WalMart\* to make improvements to Mr. Brodie's property for the Legion Road  
19 improvements. Mr. Braden's concerns were that the restricted access to Subway would  
20 destroy the business.

21 Tom Kleine, Attorney representing WalMart\*, stated formal agreements would be sent to  
22 the affected property owners/developers prior to any construction on Legion Road.

23 John Meyer, Black Oak Associates, stated plans are being reviewed by the State Highway  
24 Administration and they are awaiting comments.

25 Joe Calogoro, Traffic Concepts, commented on the traffic analysis for the recommended

1 road improvements to Legion Road. His analysis concluded that the 250 feet access to Route  
2 404 was sufficient during the summer peak time and the left turn analysis was documented in the  
3 report.

4 Gabe Massa, Architect for Wal-Mart\*, referred to the colored rendering of the Wal-Mart\*  
5 elevations reflecting the recommended changes from the Planning Commission.

6 Planning Commissioner Thomas motioned to approve the WalMart\* final site plan contingent  
7 upon the following conditions:

- 8 1. WalMart\* addressing all of Town Engineer’s Comments, including but not limited to the  
9 comments regarding:
  - 10 a. Main Entrance signalization
  - 11 b. Sewage pumping station constructed @ expense of applicant, although potential  
12 for cost recovery from future users.
  - 13 c. Signage to prohibit U-turns
  - 14 d. Curbing installed on both sides of median island.
- 15 2. WalMart\* and Town entering into Public Works Agreement to address the construction  
16 and maintenance of all required infrastructure and related improvements.
- 17 3. WalMart\* obtaining all easements, rights of way, or other agreement of purchase, for  
18 WalMart\* to acquire the right to construct all road and utility improvements as shown on  
19 the plans, including all access points to other properties fronting on Legion Road.
- 20 4. WalMart\* addressing all State Highway Administration, Denton Department of Public  
21 Works, and Fire Marshall comments.
- 22 5. WalMart\* addressing all technical comments of the Town staff, including but limited to  
23 the following comments:
  - 24 a. Relabel to Final Site Plan
  - 25 b. Acreage to show surveyed acreage
  - 26 c. Add owner information (name and address)
  - 27 d. Add appropriate signature blocks for Town and County officials
  - 28 e. Add appropriate certification blocks
  - 29 f. Change references to Land Records pages to “Folio”
  - 30 g. Identify Legion Road and Engerman Avenue on plans
  - 31 h. Add/amend to show setbacks accurately
  - 32 i. Remove language regarding ability to adjust gross floor area
  - 33 j. Label all screening of loading areas
  - 34 k. Label “Bulk Storage Area”
  - 35 l. Label masonry wall screening surrounding dumpster

- 1 m. Adjust parking to capture 10 spaces necessary to meet parking standard of 1 space  
2 per 226 gross square feet.  
3
- 4 6. WalMart\* obtaining approval from NRCS of Soil Conservation Plan  
5
- 6 7. WalMart\* obtaining approval for a lot line revision combining Parcels 2365 and 2366  
7
- 8 8. WalMart\* obtaining DNR wetlands permits/licenses for non-tidal areas to be filled.  
9
- 10 9. WalMart\* installing a bicycle rack on site.  
11
- 12 10. Seasonal materials such as plants, mulch and other such items shall not be stored in the  
13 parking lot serving the retail facility.  
14
- 15 11. The management of the retail facility undertaking reasonable efforts to maintain the  
16 parking lot, landscaped areas, and pedestrian areas free from unattended shopping carts  
17 (with the exception of those stored in cart corrals) litter, and other debris.  
18
- 19 12. Once the retail facility is opened, WalMart\* providing the Town Director of Planning and  
20 Codes with the name and telephone number of the store manager and/or assistant  
21 manager, or other individual designated by WalMart\* to serve as a liaison with the Town  
22 concerning the store and its operations.  
23
- 24 13. WalMart\* obtaining all MDE sanitary construction permits required  
25
- 26 14. WalMart\* obtaining all necessary County Health Department approvals  
27
- 28 15. WalMart\* obtaining water and sewer allocations from the Denton Town Council  
29
- 30 16. WalMart\* entering into an Agreement with the Town and approved by the Planning  
31 Commission regarding the operation of the store.  
32
- 33 Planning Commissioner Case seconded the motion. The motion passed unanimously.
- 34 New Business #3 – Ordinance No. 585 & Ordinance No. 586.
- 35 Planning Commissioner Quick motioned to accept Ordinance No. 585 and forward a  
36 positive recommendation to the Denton Town Council.
- 37 Planning Commissioner Thomas seconded the motion. The motion passed unanimously.
- 38 Planning Commissioner Quick motioned to accept Ordinance No. 586 and forward a  
39 positive recommendation to the Denton Town Council.
- 40 Planning Commissioner Thomas seconded the motion. The motion passed unanimously.
- 41 No other new business.

1 Meeting adjourned at 7:35 p.m.