



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**ACM:** Cassey Ogden

**DATE:** February 14, 2024

### **SUBJECT**

Consider a request by B.J.H. Johnson Properties, Ltd. for approval of a Final Plat of Audra Oaks, Phase 2B. The approximately 10.5489-acre site is generally located south side of Audra Lane, approximately 110 feet west of Barbara Street in the City of Denton, Denton County, Texas. (FP24-0004, Audra Oaks Phase 2B, Julie Wyatt)

### **BACKGROUND**

The purpose of the Final Plat is to establish the easements, right-of-way dedication, and boundaries for twenty-five single-family lots and a parkland dedication lot. The property is zoned Planned Development-Residential 4 (PD-R4) District, which permits the use with the following stipulations:

- The permitted uses are restricted to single-family detached units only on individually platted lots
- The minimum lot width is fifty (50) feet

Originally developed with the 2002 Denton Development Code (DDC) development standards and Neighborhood Residential 4 (NR-4) District zoning, Audra Oaks Phase 2 Addition contained two phases (Phase 2A and 2B) and a total of 37 single-family residential lots. Under the 2002 DDC, subdivisions greater than two acres were not required to meet minimum lot sizes; they were only required to comply with maximum density. Therefore, the original Preliminary Plat (PP19-0003) for both phases was approved on June 19, 2019 with a density of 2.75 dwellings per acre and lot sizes that ranged from about 5,700 square feet to over 10,000 square feet (NR-4 District requires minimum 7,000 square-foot lots).

A Final Plat for Phase 2A was approved on September 16, 2020 and is currently under construction. A Final Plat for Phase 2B was not submitted; consequently, the Preliminary Plat expired 24 months from the date of approval (June 19, 2021) in accordance with Denton Development Code Section 2.6.3C.6.a. Thus, a new Preliminary Plat was required to develop Phase 2B. The Preliminary Plat was submitted, reviewed, and ultimately approved on October 12, 2022.

Prior to scheduling consideration of the current Preliminary Plat request, the applicant submitted a Vested Rights Petition to the City to determine if the project was vested under Texas Local Government Code Chapter 245. Texas Local Government Code Chapter 245 allows some rules to “freeze” at the time of the first required submittal, provided that the project continues to make progress toward completion. Through the Vested Rights Petition process, the applicant demonstrated that construction of the project has continued and the 2002 DDC regulations for lot sizes and setbacks still apply.

The proposed Final Plat is consistent with the approved Preliminary Plat.

A full analysis of the criteria for approval is provided as Exhibit 2.

Date Application Filed:	January 16, 2024
Planning and Zoning Meeting:	February 14, 2024
Days in Review:	29 Days

This is the **first extension request** received for this item.

This application is being considered under Texas Local Government Code (TX LGC) 212.009, which was updated as of September 1, 2023 with the passage of House Bill 3699. The applicant has requested a 30-day extension to allow for additional time to work through staff's comments on the plat and additional review (Exhibit 5). Based upon recent updates to Section 212.009, the applicant may request additional 30-day extensions in the future if they are determined to be necessary.

### **OPTIONS**

1. Approve as submitted
2. Approve 1<sup>st</sup> extension request
3. Deny with reasons

### **RECOMMENDATION**

Staff recommends denial of this plat as it does not meet the established criteria for approval; however, Staff has no objection to the requested extension (Exhibit 5), which could be granted to a date certain of February 28, 2024. See Staff Analysis (Exhibit 2) for detailed reasons for recommendation.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

Date	Council, Board, Commission	Request	Action
2002	City Council	Citywide rezoning	Rezoned from Agriculture District to Neighborhood Residential 2 (NR-2) District
October 16, 2018	City Council	Rezone Neighborhood Residential 2 (NR-2) District to Neighborhood Residential 4 (NR-4) with overlay restrictions	Approved (Z18-0015a)
October 1, 2019	City Council	Zoning transition from NR-4 District with overlay restrictions to Planned Development-R4 District	Approved
June 19, 2019	Planning and Zoning Commission	Preliminary Plat PP19-0003	Approved (subsequently expired on June 19, 2021)
September 14, 2022	Planning and Zoning Commission	Preliminary Plat PP22-0007	Extension approved

October 12, 2022	Planning and Zoning Commission	Preliminary Plat PP22-0007	Approved
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### **PUBLIC OUTREACH**

No public outreach is required for a Final Plat.

### **DEVELOPER ENGAGEMENT DISCLOSURES**

No developer contact disclosures have been provided to staff from members of this body as of the issuance of this report.

### **EXHIBITS**

1. Agenda Information Sheet
2. Staff Analysis
3. Site Location Map
4. Final Plat
5. 1<sup>st</sup> Extension Request

Respectfully submitted:

Tina Firgens, AICP

Deputy Director of Development Services/Planning Director

Prepared by:

Julie Wyatt, AICP

Principal Planner