



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Environmental Services and Sustainability

**ACM:** Christine Taylor – Assistant City Manager

**DATE:** January 14, 2025

### **SUBJECT**

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, approving an Alternative Environmentally Sensitive Plan to offset the removal of 1.92 acres of Environmentally Sensitive Areas (ESAs). The subject site is on approximately 84.14 acres of land located west of Interstate-35 and 1,900 feet south of the intersection of State Highway 288 and Interstate-35 in the City of Denton, Denton County, Texas; adopting an amendment to the city's official environmentally sensitive areas map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted [5-0] to recommend approval of the request. Motion for approval by Commissioner Pruett and second by Commissioner Padron. (AESA24-0004b, Harris Ranch Industrial, Christi Upton)

[Dec 11, 2024 Planning and Zoning Commission on 2024-12-11 5:00 PM - Denton, TX](#)

### **BACKGROUND**

The applicant, Aimee Bissett of 97 Land Company, on behalf of the owner, Drew Feagin, representing Urban Logistics Realty, has requested an Alternative Environmentally Sensitive Areas (AESA) Plan to allow for modifications to Environmentally Sensitive Areas (ESAs) located on the subject property. The ESAs will be removed to allow for appropriate detention to serve the industrial development. The detention basin will be designed to recreate ecological services offered by the existing ESAs.

Denton designates and provides regulations that limit land-disturbing activities to protect water quality, provide habitat, provide critical wildlife corridors, and other ecological services that are offered by ESAs. Properties are assessed for ESA, including a review of the official ESA map. As part of the development process the applicant determines if the areas meet the ecological standards of being an ESA.

If a property owner wishes to disturb an ESA beyond the limited encroachments authorized by right within Section 7.4 of the Denton Development Code, approval of an AESA Plan must first be obtained. Approval of an AESA Plan requires two public hearings, the first at the Planning and Zoning Commission for a recommendation and the second at the City Council for ultimate action.

A more detailed explanation of the ESAs found on the subject property as well as a full Staff Analysis of the requested AESA Plan are provided in Exhibit 2.

## PLANNING AND ZONING COMMISSION

On December 11, 2024 the Planning and Zoning Commission held a public hearing and recommended approval of the Alternative ESA Plan [5-0] with conditions presented by staff. The Commission commented on and discussed the following topics:

- A question about dredging of the established mitigation structure. While the applicant explained the AESA Plan does not call for dredging, the structure is serving a dual purpose as a detention basin. The complete maintenance plan of the detention basin will need to be merged with the AESA Plan. A long-term strategy for ensuring the detention basin continues to be effective may include removing accumulated sediment.
- The applicant discussed conversations with the neighboring properties. The applicant stated neighbors understood the AESA Plan and were in favor of the project.

## OPTIONS

1. Approve
2. Approve subject to conditions
3. Deny
4. Postpone item

## RECOMMENDATION

The proposed Alternative ESA Plan is a complete application as outlined in the Denton Development Code Section 2.8.4 and the AESA Application Checklist.

The Planning and Zoning Commission recommends **approval** [5-0] of the request with the conditions presented by staff that will be placed in the ordinance.

1. Land disturbances within Environmentally Sensitive Areas are limited to the Property described on **Exhibit "A"** and depicted on the map provided on **Exhibit "B"**.
2. Grading for the AESA Plan, described in "**Exhibit "C"**" and depicted on the map provided on **Exhibit "D"**" shall immediately commence upon permission from the City to clear and grade land for the development.
3. All improvements described in **Exhibit "E"** shall commence prior to the issuance of the first building permit, or during the next appropriate growing season with a date certain provided by the applicant and upon written approval from the Director of Environmental Services and Sustainability.
4. Vegetation established as a part of the approved AESA Plan shall continue to be monitored and repaired for a minimum of three (3) years starting at the time of the initial planting and until the conditions of the plan have been met. Any plants that are removed, destroyed, or die within that minimum three (3) year period are required to be replaced by the Property Owner/developer to achieve a minimum rate of survival as described in the AESA Plan. Upon receipt of the third annual report City of Denton staff will perform an inspection and, upon confirmation the conditions of this plan have been met, issue a letter of acceptance.
5. All perpetual maintenance activities in the AESA Plan shall be included in a Stormwater Facility Maintenance Agreement for this development.
6. The Property Owner retains all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep and maintenance of the AESA Property, and the responsibility to implement and enforce the requirements of the AESA Plan, and cure any defaults of the AESA Plan.

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

<b>Date</b>	<b>Council, Board, Commission</b>	<b>Request</b>	<b>Action</b>
October 20, 2020	City Council	Multiple Non-Annexation Agreements, Ordinance 20-2081	Approved
August 3, 2021	City Council	Municipal Services Agreement Ordinance	Approved
August 3, 2021	City Council	Public Hearing	No Action
August 3, 2021	City Council	First Reading of the Annexation Ordinance	No Action
August 8, 2021	Staff	Publication of Annexation Ordinance	Published
September 14, 2021	City Council	Second Reading and Adoption of the Annexation Ordinance	Approved, the property was annexed into the city
November 3, 2021	Planning and Zoning Commission	Consider initial and zoning change request	Recommended approval (6-0)
December 7, 2021	City Council	Consider initial and zoning change request	Approved
December 11, 2024	Planning and Zoning Commission	Public Hearing – Alternative ESA Plan	Recommended Approval (5-0)

**PUBLIC OUTREACH:**

25 notices were sent to property owners within 200 feet of the subject property. Seven (7) notices were sent to physical addresses within 500 feet of the subject property. As of the writing of this report, staff received three (3) responses (41%) in favor of the project,

A notice was published in the Denton Record Chronicle on November 24, 2024.

A notice was published on the City’s website on November 20, 2024.

Three (3) signs were posted on the property on November 21, 2024.

The applicant scheduled a neighborhood meeting for December 5, 2024 and requested an RSVP. No responses were received by the applicant and the applicant cancelled the meeting.

**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. Harris Ranch Industrial Alternative ESA Plan
4. Ordinance
5. Notification Map and Responses
6. Staff Presentation

Respectfully submitted:  
Michael A. Gange  
Director of Environmental Services and Sustainability

Prepared by:  
Christi Upton  
Environmental Compliance Coordinator