



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

DCM: David Gaines

DATE: August 10, 2022

SUBJECT

Consider a request by Aimee Bissett with 97 Land Company on behalf of Agave Ranch Development LLC for approval of a Preliminary Plat extension for the Agave Ranch Addition. The approximately 92-acre site is generally located on the east side of East Sherman Drive (FM 428), approximately 1,465 feet north of Hartlee Field Road in the City of Denton, Denton County, Texas. (PE22-0001, Agave Ranch, Julie Wyatt)

BACKGROUND

A Preliminary Plat for 252 single-family residential lots and 18 common open space lots was approved by the Planning and Zoning Commission on August 19, 2020 (PP19-0023). Due to the project timing, the Preliminary Plat was designed under the 2002 Denton Development Code (2002 DDC) regulations, including lot size: for subdivisions greater than two acres, minimum lot sizes were not required—developments were only required to comply with maximum density. The preliminary plat design was based upon the split Neighborhood Residential 2/Neighborhood Residential 3 zoning with overlay conditions, which were established in 2019 and are discussed in more detail below. In this instance, the site was transitioned with the DDC update in 2019 to PD-R2 District (maximum 2 dwellings per acre) and PD-R3 District (3.5 dwellings per acre). Residential lot sizes on the approved preliminary plat range from approximately 5,850 square feet (52 feet by 112 feet) to 15,120 square feet (130 feet by 157 feet).

As part of the rezoning approval, overlay conditions related to use, open space, landscaping, and community amenities were placed on the property. The overlay conditions did not include a minimum or maximum number of lots, street layout, or a site plan. With the implementation of the 2019 Denton Development Code (2019 DDC), the following conditions were converted to a Planned Development District in accordance with DDC Section 1.7.8:

1. Only single- family detached dwellings are permitted.
2. An off-street multi- use path (trail) is required to be installed and must include the following elements:
 - a. Each residential lot should be located within 1,300 feet of an access point.
 - b. Two remote connections to adjacent properties are required to ensure that the network will be continued with subsequent development. For the purposes of the multi- use path (trail), remoteness is defined as half of the length of the longest diagonal line bisecting the subject property.
3. A 30- foot landscape buffer is required along FM 428 for the entire frontage of the property. The 30- foot landscape buffer shall begin from the Public Utility Easement (PUE) dedicated through the platting process. If a PUE is not required, the landscape area shall begin from the right-of-way dedicated through the platting process.
4. The 30- foot landscape buffer shall include the following elements:

- a. A landscaped berm with a maximum 3: 1 side slope on both sides.
- b. One large canopy tree planted every 30 linear feet.
- c. Thirty shrubs planted per 100 linear feet. Shrubs may be clustered to create more natural effect.
- d. A maximum 6-foot-tall masonry, wrought-iron, or split-rail fence. The fence can either be constructed along the rear property line of the single-family lots or meander through the landscape buffer, provided that 75% of the required landscaping is located between the fence and FM 428.

5. A minimum of fifteen (15) percent preserved green space, including three (3) ponds and nine (9) pocket parks.
6. A pond or park amenity must be located within a five-minute walk of all homes.
7. The water well located within the boundaries of the subject property must be capped and abandoned.

The Preliminary Plat depicts the following in conformance with the overlay conditions:

- Single-family residential lots in accordance with the zoning designations
- Open space lots which will accommodate the trail system
- 50-foot-wide common area lot along FM 428 which will accommodate a 20-foot public utility easement and a 30-foot landscape buffer
- 22.13 acres of the overall 92 acres dedicated as open space (about 24%)
- All lots are within 1,300 feet of a park or trail access point

Since preliminary plat approval, the Agave Ranch development team has continued to make progress on the project with the following applications:

- **ADP20-0001, approved;** An Alternative Development Plan to deviate from 2002 DDC single-family residential design standards (attached)
- **CEP20-0076, under review;** The Civil Engineering Plans for one phase (92 lots and 7 common area lots) were submitted on December 30, 2020, and the review is ongoing. The plans have required numerous submittals and include drainage, roadway, and utility designs. The most recent comments were released to the applicant on July 14, 2022.
- **CEP22-0040, under review;** The Civil Engineering Plans for a Force Main and Lift Station were submitted on June 21, 2022. The comments were released to the applicant on July 14, 2022.

Per Denton Development Code (DDC) Section 2.6.3C.6a, a preliminary plat will become null and void 24 months from the date of approval by the Planning and Zoning Commission unless a final plat is filed and approved for all or part of the preliminary plat within that time. Pursuant to this regulation, the Preliminary Plat (PP19-0023) is set to expire on August 19, 2022. With the CEPs still under review, a Final Plat cannot be submitted and approved by this date. Therefore, an extension is needed for Preliminary Plat to avoid its expiration and the need to resubmit a new Preliminary Plat.

Because a total lot count and/or lot dimensions were not established in the overlay conditions, any standard not specified in the overlay conditions/PD would now fall under the 2019 DDC's R2 and R3 Districts instead of the 2002 DDC's NR2 and NR3. Therefore, if the approved Preliminary Plat expires, a redesign of the project will be required, as the 2002 DDC regulations related to maximum density will no longer apply, and all residential lots must meet the minimum dimensional standards for each applicable zoning district:

- **PD-R2 District Minimums:**
 - Lot Area: 16,000 square feet
 - Lot Width: 80 feet
 - Lot Depth: 100 feet
- **PD-R3 District Minimums:**

- Lot Area: 10,000 square feet
- Lot Width: 60 feet
- Lot Depth: 80 feet

Additionally, the project would be required to conform with all current development standards that are not otherwise specified in the overlay/PD conditions, including tree preservation, landscaping, and site design.

Therefore, in accordance with DDC Sections 2.6.3C.6c and 2.4.8D, the applicant submitted a request for an extension of the preliminary plat on July 12, 2022. The Planning and Zoning Commission may approve an extension of up to one year.

A full Staff Analysis of the request is provided in Exhibit 2.

OPTIONS

1. Approve as submitted.
2. Approve with conditions.
3. Deny.

RECOMMENDATION

Staff recommends approval of the requested one-year extension, as the applicant has continued to make progress toward project completion since the original preliminary plat approval.

PUBLIC OUTREACH

Public notification is not required for a plat extension request.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Date	Council, Board, Commission	Request	Action
2002	City Council	City-wide rezoning	Approval of RD-5 District
2005	City Council	Annexation of the western 55 acres as part of an involuntary annexation of 3,392 acres	Approval
January 9, 2019	Planning and Zoning Commission	Rezoning/initial zoning to NR-4 District	Denial (5-2)
May 15, 2019	Planning and Zoning Commission	Rezoning/initial zoning to NR-4, NR-3, and NR-2 Districts	Postpone indefinitely (6-0)
June 19, 2019	Planning and Zoning Commission	Rezoning/initial zoning to NR-3 and NR-2	Recommend approval with conditions (6-0)
July 16, 2019	City Council	Rezoning/initial zoning to NR-3 and NR-2	Approval with conditions (7-0)
August 5, 2020	Planning and Zoning Commission	General Development Plan	Postponed to August 19, 2020
August 5, 2020	Planning and Zoning Commission	Preliminary Plat PP19-0023	Postponed to August 19, 2020
August 19, 2020	Planning and Zoning Commission	General Development Plan	Approved
August 19, 2020	Planning and Zoning Commission	Preliminary Plat PP19-0023	Approved

November 4, 2020	Planning and Zoning Commission	Alternative Development Plan (ADP20-0001)	Approved
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EXHIBITS

1. Agenda Information Sheet
2. Staff Analysis
3. Site Location Map
4. Applicant Narrative
5. Approved Preliminary Plat
6. ADP20-0001 Approval Letter
7. LLC Members List

Respectfully submitted:
Tina Firgens, AICP
Deputy Director of Development Services/Planning Director

Prepared by:
Julie Wyatt
Senior Planner