

# Planning Staff Analysis

## PD24-0003a/The Reserves at Brush Creek

### City Council District #4

#### REQUEST:

Rezone approximately 15.44 acres from Rural Residential (RR) and Residential 1 (R1) Districts to Planned Development – Residential 4 District (PD-R4).

#### SITE DATA:

The subject property is being proposed for a rezoning from Rural Residential (RR) and Residential 1 (R-1) Districts to Planned Development – Residential 4 District (PD-R4). The intent of the rezoning proposal is to facilitate the development of a future residential subdivision of approximately 15.44 acres. The subject property is part of a larger 18.07-acre parent tract. Approximately 2.7 acres of the parent tract located at the northeast corner of the intersection of US 377 and Brush Creek Road is not included in this request and is intended to develop independently at a later date. The site has frontage on both US 377 (Fort Worth Drive) and Brush Creek Road, which are both designated as Primary Arterials.

The subject property predominantly consists of open pasture with an existing residential home and associated accessory structures on site. There is a plugged gas well near the middle of the site. As shown in Exhibit 7, the plugged gas well is intended to be located on a common area lot to be owned by the Homeowner's Association (HOA) should this zoning change be approved.

The area surrounding the subject tract consists of a variety of land uses and zoning districts both within the City of Denton and in the Extra Territorial Jurisdiction (ETJ). To the north, northeast, and east of the site exists a mixture of commercial and residential uses located within the City's ETJ. To the south, southwest and west exists single-family development at a variety of densities and undeveloped tracts of land situated within City Limits.

The general area's street network includes the following:

- **US 377:** US 377 is a north-south road owned and maintained by TxDOT. Per the 2022 Mobility Plan, US 377 is designated as a Primary Arterial. This roadway is planned to be a six-lane undivided roadway and is proposed to be improved as part of the State's work to widen the US 377 corridor.
- **Brush Creek Road:** Brush Creek Road is an east-west road situated to the south of the subject property. Per the 2022 Mobility Plan, Brush Creek Road is classified as



a Primary Arterial and is intended to be realigned to extend westward from the property, across US 377 and connect to Allred Road, serving as a needed regional east-west

connection throughout the southern portion of the City. This would be a future phase of the City’s Capital Improvement Project for Brush Creek Road.

**SURROUNDING ZONING AND USES:**

Northwest: Zoning: Planned Development (PD) District Use: US 377 and single-family (Sagebrook Phase 1)	North: Zoning: R1 District Use: Undeveloped land with driveway leading to industrial use (self- storage warehouses) in the ETJ	Northeast: Zoning: ETJ Use: Industrial (self- storage warehouses)
West: Zoning: PD District Use: US 377 and single-family (Sagebrook Phase 1)	<b>SUBJECT PROPERTY</b>	East: Zoning: ETJ Use: Single-family Residential
Southwest: Zoning: R1 Use: Undeveloped land (remainder of parent tract)	South: Zoning: R2 District Use: Brush Creek Road and Single-family Residential (Country Club Village)	Southeast: Zoning: R2 District Use: Brush Creek Road and Single-family Residential (Country Club Village)

**CONSIDERATIONS:**

A. Section 2.4.5.E of the DDC provides approval criteria applicable to all applications.

1. *General Criteria*

a. *Unless otherwise specified in this DDC, City review and decision-making bodies must review all development applications submitted pursuant to this subchapter for compliance with the general review criteria stated below.*  
The review criteria were applied as required.

b. *The application may also be subject to additional review criteria specific to the type of application, as set forth in sections 2.5 through 2.9.*  
Section 2.7.3.D of the DDC applies to this rezoning to PD request. An analysis of this request per those criteria can be found below in Consideration B.

c. *If there is a conflict between the general review criteria in this section and the specific review criteria in sections 2.5 through 2.9, the applicable review criteria in sections 2.5 through 2.9 controls.*  
There are no conflicts between the general criteria and the criteria specific for rezoning to PD requests.

2. *Prior Approvals*

There have been no prior approvals related to this development. As discussed in Exhibit 1, a previous zoning request was brought forward to the Planning and Zoning Commission in 2023, but the Commission recommended denial and indicated that a PD zoning may be more appropriate for the property to account for neighborhood concerns expressed at the public hearing.

3. *Consistent with the Comprehensive Plan and Other Applicable Plans*

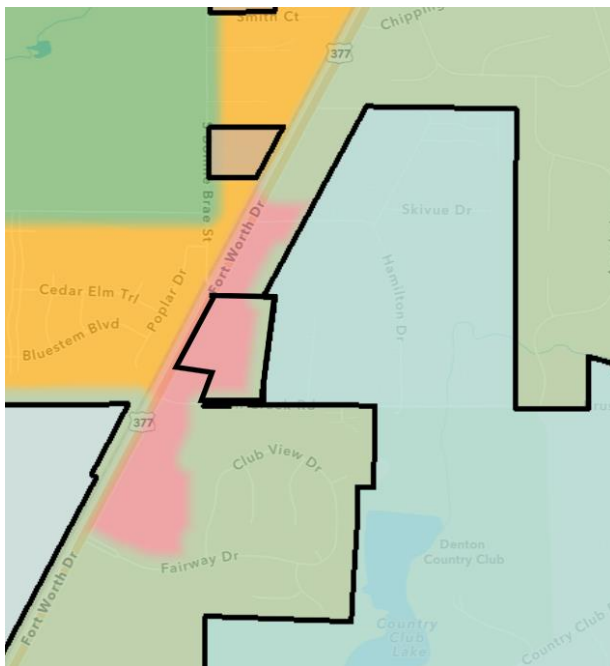
*The decision-making authority:*

- a. *Shall weigh competing goals, policies, and strategies.*

There are no competing goals or policies within the Comprehensive Plan that affect this property.

- b. *May approve an application that furthers the overall goals of the Comprehensive Plan even if the development does not match the future land use designation in the Comprehensive Plan.*

Per the Denton 2040 Comprehensive Plan Future Land Use Map (FLUM), the subject property is primarily designated as Neighborhood Mixed Use. Neighborhood Mixed Use (shown in pink on the inset map below) applies to neighborhoods or districts where the predominant use is residential, but with a mix of compatible housing types and densities along with local-serving, non-residential retail and service uses. Such use mixes are typically found in established neighborhoods in the city's core that accommodate local services. This designation is also applied in areas of future development suited primarily to single-family development, but where neighborhood-serving retail and services are critical to achieving balanced, accessible neighborhoods. Buildings should be appropriately scaled and have an intensity that complements the surrounding neighborhood and environment.



It should be noted that while the subject property is primarily designated as Neighborhood Mixed-Use, the eastern portion of the site has a Future Land Use Designation of Rural Areas (shown in light green in the inset map), which is predominantly intended for farms and ranches, as well as large-lot residential (one unit per five acres). This designation is reflected on the subject property to show the transition that occurs between the Neighborhood Mixed-Use designation along Highway 377 and the adjacent rural

residential development. The property immediately east of the subject tract is situated in the City's ETJ, and therefore designated as Rural Areas.

While the proposed development is not consistent with the designation of Rural Areas with a density of 3.6 units per acre, the proposed development is consistent with the intent of the Neighborhood Mixed Use Future Land Use Designation. The subject property will serve as a transition area from the large-lot single-family residential developments to the east to the higher density land use patterns typically seen and desired along and to the west of the US 377 corridor. As properties within this region continue to develop, the proposed PD will help to establish character within the overall region. Furthermore, as detailed in Criteria B.4 and B.5 below, the proposed Development Standards limit the allowable land uses which may be permitted within the PD and establish enhanced site design standards to reduce incompatibilities between proposed and existing development.

## **Population Projections**

Per the Denton 2040 Comprehensive Plan, the City's population is projected to increase from 139,869 residents in 2020 to 229,192 residents in 2040, requiring the addition of 37,094 total housing units, including 19,808 additional detached residential dwelling units (Table 1.3).

The proposed development is consistent with the overall need for additional housing to meet the projected needs of the growing population by adding 42 additional single-family homes to the City.

## **Housing and Neighborhoods**

The Denton 2040 Comprehensive Plan recognizes that, "With housing demand expected to increase over the next five years, providing diverse housing options in a variety of densities, styles, and price-points is critical to increasing the affordability of housing in Denton." The proposed development is consistent with the housing goals within the City, including:

Goal HN-1: Develop and maintain a housing stock that meets the needs of all residents with a diverse array of choices in type, cost, and locations.

## **Preferred Land Preservation Plan**

The site does not contain any Environmentally Sensitive Areas or other areas identified for possible preservation and is therefore consistent with the goals of the Preferred Land Preservation Plan.

4. *Compliance with this DDC*
  - a. *The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.*

This request is for a rezoning to a Planned Development district with an R4 base zoning district. The proposed Development Regulations provided in Exhibit 6 indicate an intent to develop in accordance with the 2019 DDC except for specific deviations as outlined in the document, which are further summarized in the table in Exhibit 1. The primary changes proposed with the PD are use restrictions, modified lot dimensional standards, landscaping requirement changes, and alternative building design standards.
  - b. *Compliance with these standards is applied at the level of detail required for the subject submittal.*

Compliance with the DDC has been analyzed at the level of detail necessary for a Planned Development. Other departments (Engineering, Solid Waste, Denton Municipal Electric, and Fire) reviewed the proposal for conceptual conformance with the design standards for public facilities, services, and safety. Pending approval of this PD and the associated Development Plan (Exhibit 7), additional review for full compliance with the DDC will also take place at submittal of the plat, civil engineering plan, and building permit applications.

5. *Compliance with Other Applicable Regulations*

The PD regulations document indicates that the development will comply with all provisions of the 2019 DDC other than those deviations proposed in Exhibit 6. Otherwise, the development will be required to comply with the DDC, the City's criteria manuals for roadway, utility, and drainage improvements, as well as TxDOT requirements.

6. *Consistent with Interlocal and Development Agreements*

There are no interlocal or development agreements applicable to the site.

7. *Minimizes Adverse Environmental Impacts*

The Official ESA Map and Preferred Land Use Preservation Plan show there are no environmentally sensitive areas associated with the subject tract.

8. *Minimizes Adverse Impacts on Surrounding Property*

The proposed single-family use is consistent with the existing land use patterns in the area and along the US 377 corridor and would not introduce new or incompatible activities to the area. While R4 allows a variety of land uses by right and with approval of a Specific Use Permit, the proposed Development Standards limit the allowable uses on the property to single-family detached dwellings and customary accessory uses. These proposed land uses are consistent with existing land uses in the area and are not anticipated to create and adverse impacts.

Additionally, the site's design minimizes potential impacts for the nearby properties, including:

- A landscaped buffer is provided along the eastern property line of the PD district, were adjacent to existing single-family residential uses located in the ETJ. Within this buffer, the Development Plan includes a masonry screening wall and a continual row of trees to be planted, minimizing the proposed development's impact on neighboring residential properties. The proposed screening wall is consistent with what residents to the east indicated they wanted to see at the previous public hearing in 2023.
- Along the southwestern property line of the PD district, adjacent to the undeveloped remainder of the parent tract, the development shall provide a 15-foot-wide landscaped buffer.
- Landscaped HOA lots along public rights-of-way are incorporated to enhance visual appeal.
- The PD proposes a larger R4 lot size than required by the DDC (60 feet wide by 120 feet deep vs 50 feet wide by 80 feet deep), creating larger lots and maximizing the distance between existing homes to the east and proposed new development.

9. *Minimizes Adverse Fiscal Impacts*

The Fiscal Impact Tool was used to analyze the proposed rezoning. The Fiscal Impact Summary indicates that the proposal will result in a \$164,700 cost to the General Fund over a 40-year project duration, which is typical of single-family residential development. As proposed, the infrastructure maintenance costs to the City are reduced from that of a typical single-family subdivision with public streets due to the proposed gated, private street system.

10. *Compliance with Utility, Service, and Improvement Standards*

This proposed rezoning will not negatively affect utilities, services, or other improvements, as the subject property will be served by existing utilities and infrastructure.

11. *Provides Adequate Road Systems*

The subject property is located along Brush Creek Road and US 377, both of which are classified as Primary Arterials. The applicant submitted a Traffic Impact Analysis for the initial zoning case (Z22-0022). As part of this request, the applicant has submitted a TIA Addendum, which has been approved by staff and is attached as Exhibit 12. Consideration B.7 below details the recommendations for necessary improvements to existing roadway infrastructure.

This residential subdivision is proposed to be a gated community with privately owned and maintained internal streets. Per DDC Subsection 8.3.6, a gated community may only be approved through the Planned Development process. The applicant has demonstrated compliance with DDC Subsection 8.3.6, which includes a review of access requirements for the gated community. All public infrastructure within a gated community shall be constructed in accordance with City of Denton Criteria Manuals, unless otherwise approved by the City Engineer.

The DDC specifies all streets within a gated community shall be private streets. Private streets are required to meet all requirements and standards of public streets. Although the streets are required to be designed to City standards, the City is not responsible for the construction, reconstruction, or full depth repair to private streets. Furthermore, historically, the City has not been amenable to accepting private streets as public rights-of-way in circumstances in which the cost of roadway maintenance has become cost-burdensome to the HOA. The developer has been advised of this, and if this zoning change is approved it will be incumbent upon the developer and future home builder(s) to ensure that the HOA is set up to be financially able to maintain the roadways.

12. *Provides Adequate Public Services and Facilities*

This proposed rezoning will not negatively affect public services and facilities. Adequate public services are available to serve the development. The proposed development will tie into an existing 8" water line to situated north of the proposed development, and a 15" gravity sanitary sewer line situated to the south and along Brush Creek Road.

13. *Rational Phasing Plan*

The proposed subdivision is to be developed as one phase. The remainder of the parent tract located southwest of the subject property not a part of this PD request and will require a separate zoning change request at a future date in order to facilitate commercial development, if proposed.

B. Section 2.7.3.E of the DDC states that an application for a rezoning to PD district may be approved based on the following conditions:

1. *Complies with the goals of the Comprehensive Plan.*

As was indicated above, the Future Land Use designation for the subject property is primarily Neighborhood Mixed Use with Rural Areas along the eastern property line. The development is generally consistent with the Comprehensive Plan's goals as detailed under Criterion A.3 above.

2. *Complies with the goals of relevant Area Plans.*

There are no Area Plans relevant to the subject property.

3. *Complies with this DDC, except where modifications are expressly authorized through the PD zoning document, the PD development standards document, and in the PD development plan map.*

The proposed PD Regulations indicate an intent to comply with all aspects of the DDC other than those deviations expressly identified in the Exhibit 6. These proposed deviations are summarized in the table provided in Exhibit 1.

4. *Provides a greater level of building design quality, community amenities, and connectivity than would be required if the project were not being developed in the PD district.*

Under the current zoning of RR and R1 Districts, the property could be developed with any uses permitted within those districts, including single-family dwellings, community homes, religious assembly, school, or indoor/outdoor recreation facilities. The minimum lot size is 5 acres in RR and is 32,000 square feet in R1. There are no common open space requirements in single-family detached developments nor are compatibility buffers required between developing single-family uses and existing single-family uses.

The subject property provides the following development standards that meet or exceed the DDC standards:

- DDC Standard: When a developing single-family use is adjacent to an existing single-family use, no landscaped compatibility buffer is required.
  - Proposed PD: Along the eastern property line of the PD district, which is adjacent to existing single-family development located in the ETJ, the development shall provide a 10-foot-wide landscaped buffer, consisting of a 6-foot-tall masonry wall and a continual row of trees.
- DDC Standard: When a developing use is adjacent to an undeveloped parcel, no landscaped buffer is required.
  - Proposed PD: Along the southwestern property line of the PD district, adjacent to the undeveloped remainder of the parent tract, the development shall provide a 15-foot-wide landscaped buffer.
- DDC Standard: The R4 District provides for a variety of land uses, as outlined in DDC Subchapter 5, including single-family uses, Community Homes, Outdoor Recreation Facilities, Religious Facilities, Duplex (S), Townhomes (S), select professional office uses (S). (Note: (S) indicates a Specific Use Permit is required.)
  - Proposed PD: As part of the Development Standards, the PD restricts allowable uses to single-family residential and customary accessory uses.
- DDC Standard: There is no minimum open space requirement for single-family detached developments.
  - Proposed PD: The Development Plan includes approximately 8.6% of the land area being open space. The open space areas include a retention pond and unprogrammed landscaped lawns for active and passive recreational areas. Open space areas are linked together via internal sidewalks throughout the site, and the Development Standards require at least three amenity elements be provided within the open spaces, which could include benches, a playground, a dog park, and/or a gathering area with a pergola.

- 5. In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding areas.*

The area in the vicinity of the subject property includes low-density residential and some commercial uses to the north, northeast, and east of the site located in City Limits and within the ETJ. To the south, southwest, and west exists single-family development at a variety of densities and undeveloped tracts of land situated within City Limits.

The proposed Development Standards limit the allowable uses on the property to single-family detached dwellings and customary accessory uses and would not introduce any new or incompatible uses to the area. While the proposed development is higher density in nature than the residential development to the east, the proposed Development Standards seek to promote compatibility by providing for larger lot sizes than normally required in R4, enhanced landscaped buffering along the eastern property line of the PD district, and enhanced landscaping along existing rights-of-way to reduce visual impact. Onsite amenities are provided for residents including walking path and landscaped areas for active and passive recreation.

The proposed PD in this location, situated along a two Primary Arterials, is appropriate in scale and provides a transition from existing lower density residential and rural development to the east to higher density residential development along the highway corridor.

Although the applicant has narrowed the scope of the zoning change request since it was heard in 2023 to exclude approximately 2.7 acres at the hard corner US 377 and Brush Creek Road that was previously proposed to have Suburban Corridor zoning, this change does not preclude a future request from being submitted for the corner to be rezoned for commercial development. In fact, this PD includes the provision of a 15-foot landscaped compatibility buffer between the residential lots adjacent to that corner property in anticipation of future commercial development. As noted above, no landscape buffer is required for residential development where adjacent land is undeveloped, and the proposed buffer in this area is of greater width and contains more landscaping elements than would be required of a single-family development if commercial already existed on the adjacent property.

- 6. In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses or mixed-uses, that such development will be appropriate in area, location, and overall planning for the purpose intended.*

The PD Development Standards restrict the permitted uses to single-family detached dwellings and supporting accessory uses. There are no proposed commercial, industrial, institutional, or other non-residential uses proposed as part of this request.

- 7. The provisions of public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks are adequate to serve the anticipated population within the PD district.*

## **Schools**



The subject property is situated within the Argyle Independent School District (AISD). Discussions with AISD indicate the proposed development would add approximately 31 students to the district.

### **Nearest Fire Station**

The subject property is approximately 2.02 miles from Fire Station #7 (4201 Vintage Blvd.) and within the eight minute or less response time boundary.

### **Water and Wastewater**

Public water and wastewater services are available to the site and will be extended throughout the site to serve the lots generally in accordance with the preliminary utility plans provided in Exhibit 7. No utility capacity issues have been identified that would affect the proposed development.

### **Streets**

#### *Transportation related to the proposal*

A Traffic Impact Analysis (TIA) based on the proposed single-family and commercial development for the subject property was submitted by the applicant and approved by City staff for request Z22-0022. As part of the Planned Development request, the applicant provided an addendum to the approved TIA that addresses the reduction in residential units and the removal of commercial uses (see Exhibit 12). The TIA Addendum provided the following recommendations for necessary improvements to surrounding roadway infrastructure to accommodate the proposed development:

1. With the development of the residential component, a southbound left turn lane should be installed at US 377 and the northernmost driveway into the development.

The construction of the southbound left turn lane requirement is included in the proposed PD Development Standards.

#### *Access and Perimeter Street Improvements*

Perimeter street improvements will be required along Brush Creek Road. Brush Creek Road is identified as a Primary Arterial in the City's Mobility Plan, which is required to have a right-of-way width of 135 feet. The applicant will be required to dedicate right-of-way along Brush Creek Road to ensure a half-width of 67.5 feet.

US 377 is designated as a Primary Arterial in the City's Mobility Plan. This roadway is planned to be a six-lane undivided roadway and is proposed to be improved as part of the State's work to widen the US 377 corridor. At this time, TxDOT's project tracker does not have an estimated start date for the roadway improvements adjacent to the subject site.

Additionally, the TIA recommended improvements to US 377 will be subject to coordination and approval with TXDOT.

As noted in Criterion A.11 above, this proposal is for a gated community, which requires all internal streets to be privately owned and maintained by the HOA.

### *Roadway Impact Fees*

Roadway impact fees, paid at the time of development, are determined using a proportionality calculation based on the number of dwelling units and projected vehicle trips. These will be assessed as part of the permitting process for the development.

### **Parks**

In order to provide for adequate parks, all residential developments must provide the following:

- *Dedicated park land or fees paid in lieu of dedication.* Dedication fees are assessed prior to the filing of the plat and based upon a formula whereby the City's population is divided by the number of neighborhood and community park acres in the City to establish the number of residents per acre.
- *Park development fee.* A park development fee for each single-family dwelling is required with every building permit.

8. *The conditions and/or restrictions imposed by the PD District are necessary and sufficient to address any significantly adverse impacts to surrounding properties or the neighborhood.*

The proposed development is not anticipated to generate any significantly adverse impacts to the surrounding properties or neighborhood. The proposed single-family use is consistent with the existing land use patterns in the area and along the US 377 corridor and would not introduce new or incompatible activities to the area.

As discussed in Criteria B.4 and B.5 above, the proposed PD considers the surrounding development patterns and proposes through the Development Standards land use and site design requirements to ensure the proposed development is compatible with the existing surrounding environment and site design standards are codified to enhance buffering between the existing and future developments.