



# City of Denton

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

## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**ACM:** Cassey Ogden

**DATE:** December 3, 2024

### **SUBJECT**

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from Residential 1 (R1) and Rural Residential (RR) Districts to a Planned Development with a base of zoning of Residential 4 (PD-R4) District on approximately 15.44 acres of land generally located northeast of the intersection of US 377 and Brush Creek Road, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning 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 [3-1] to recommend approval of the request. Motion for approval by Commissioner Pruett and second by Chair Ellis. (PD24-0003a, The Reserves at Brush Creek, Angie Manglaris)

<https://dentontx.new.swagit.com/videos/320039?ts=3366>

### **BACKGROUND**

The request is a rezoning from Rural Residential (RR) and Residential 1 (R1) Districts to a Planned Development (PD) District with a Residential-4 (R4) base zoning district in order to facilitate the site design and development of a single-family residential development. The subject property is 15.44 acres and is part of a larger 18.07-acre parent tract of land. The proposed project includes 42 single-family residential homes along with on-site amenities.

In June 2023, the Planning and Zoning Commission considered a rezoning request for the larger 18.07 - acre parent tract situated at the northeast corner of US 377 and Brush Creek Road. At that time, the request was a rezoning from RR and R1 to Residential 6 (R6) and Suburban Corridor (SC). The 2023 request included rezoning the same 15.44-acres that is the subject of this request to R6 to allow for a single-family development with approximately 55 residential homes. The remaining 2.70 acres, situated at the southwest corner of the property was proposed to be rezoned to SC for future commercial development. During the public hearing, several residents expressed concerns surrounding the uncertainty of a straight zoning case, specifically uses which would be allowed by right in the R6 zoning district, including townhomes, duplexes, triplexes, and fourplexes. Additionally, residents expressed the following: concerns regarding lot size and compatibility with the neighborhood situated in the extraterritorial jurisdiction (ETJ) to the east; concerns regarding impacts to surrounding property values; a desire to see a screening wall situated between the subject property and the neighborhood to the east; and a desire to see a site plan which would allow more assurance in how the property would be developed. The Planning and Zoning Commission recommended denial [5-1] of the zoning case and expressed a desire to see the proposal come back as a Planned Development (PD) to address the concerns of the surrounding neighborhood by establishing and codifying a development plan. The Planning and Zoning Commission meeting from June 28, 2023, may be viewed here: [Jun 28, 2023 Planning and Zoning Commission on 2023-06-28 5:30 PM - Denton, TX](#)

Following the Planning and Zoning Commission meeting, the applicant decided to refrain from moving the project forward for City Council consideration, and in May 2024, submitted a new application for a PD with a base zoning of R4 on only the 15.44-acres of land intended for single-family development, excluding the 2.7 acres previously proposed for commercial development at the intersection of US 377 and Brush Creek Road. Instead, this 2.7 acres will retain the existing R1 zoning at this time, and a separate zoning change action would have to be considered should commercial development be contemplated again in the future.

The purpose of the proposed PD is to facilitate the design and development of a single-family neighborhood in a manner that takes into account concerns previously heard from neighboring property owners. The proposed amendments to the Denton Development Code (DDC) (i.e. the PD regulations) are outlined in Exhibit 7 and are summarized in the table below. For any standard not specified in the PD regulations, the DDC would apply. The proposed PD Development Plan includes the following:

- 42 Single-Family Homes on minimum 7,000 sq ft lots;
- 8 Homeowner’s Association Lots;
- Gated community, with privately owned and maintained streets;
- A 10-foot-wide landscaped buffer along the eastern property line of the PD district, consisting of a 6-foot-tall masonry wall and continual row of trees; and
- A 15-foot-wide landscaped buffer along the southwest portion of the PD district.

DDC Standard	R4 District	Proposed PD Regulations	Difference
Permitted Uses (DDC Subchapter 5)	<p>Uses as outlined in DDC Subchapter 5, including Single-Family Detached Homes, Community Homes, Outdoor Recreation Facilities, Religious Facilities, Duplex (S), Townhomes (S), select professional office uses (S)</p> <p>Note: (S) indicates a Specific Use Permit is required</p>	<p>The following principal uses shall be permitted:</p> <ol style="list-style-type: none"> <li>1. Single-Family Homes</li> </ol> <p>The following accessory uses and structures shall be permitted:</p> <ol style="list-style-type: none"> <li>1. Accessory Structures</li> <li>2. Home Occupations</li> <li>3. Swimming Pools</li> <li>4. Detached garages/carport</li> </ol>	Limits allowable uses to single-family dwelling units and a limited variety of accessory uses and structures.
Lot Width (DDC Subchapter 9)	The horizontal distance between the side lines, measured at the front property line adjacent to the public right-of-way. The lot width for a corner lot shall be measured along the right-of-way upon which the address is assigned. The flagpole portion of a flag lot shall be ignored in measuring lot width.	<p><b>Lot Width, Type A:</b> Type A Lots shall follow the definition for Lot Width as defined in in the Denton Development Code.</p> <p><b>Lot Width, Type B:</b> Applies to lots with Trapezoidal shape fronting a street knuckle. Lot width shall be measured at the front setback line. (See Exhibit EX-C3)</p>	This PD introduces an additional definition of Lot Width (Type B) for lots located on street knuckles.

R4 District Minimum Lot Size and Dimensional Standards (DDC 3.2.5)	Lot Width: 50 feet Lot Depth: 80 feet	Minimum lot width: 60 feet  Minimum lot depth: 120 feet	Lot Width: +10 feet wider  Lot Depth: +40 feet deeper
R4 District Minimum Setback and Building Coverage (DDC 3.2.5)	Minimum Front Yard Setback: 20 feet  Maximum Building Coverage: 50%	Minimum Front Yard Setback: 16 feet  Maximum Building Coverage: 55%	Front Yard Setback: -4 feet  Building Coverage: Increase of 5%
Street Tree Requirements DDC 7.7.7. D.1	At least one street tree is required for every 30 feet of street frontage	Where DDC 7.7.7 spacing requirements cannot be met, street trees shall be placed outside the right-of-way and in HOA Lots. 15 Street Trees are located within HOA Lots.	Street Tree requirements are fulfilled by locating those that cannot be accommodated along right-of-way in HOA Lots.
Landscape Buffers DDC Table 7. F (Eastern Property Line)	When a developing single-family use is adjacent to an existing single-family use, no landscaped compatibility buffer is required.	Adjacent to existing single-family development, a 10-foot-wide landscaped buffer is required, consisting of a 6-foot-tall masonry wall and a continual row of trees.	Additional buffering and landscape requirements where adjacent to an existing single-family development.
Landscape Buffers DDC Table 7. F (Southwestern Property Lines)	When a developing use is adjacent to an undeveloped parcel, no landscaped buffer is required.	Where adjacent to the remaining 2.7 undeveloped acres out of the parent tract, the development shall provide a 15-foot-wide landscaped buffer.	Additional buffering and landscape requirements where adjacent to the undeveloped remainder parcel.
Single-Family Detached, Duplex, Townhome, Triplex, Fourplex Dwelling Site and Building Design (DDC 7.10.3)	The same building elevation shall not be used within any 10-lot grouping as defined by the two adjacent lots on either side of the subject property and the five lots immediately across the street from those same lots.	The same floor plan and building elevation shall not be used on the lot immediately on either side of the subject property or directly across the street from the subject property..	Reduction in number of lots on which a building elevation may not be repeated on and introduction of a no-repeat requirement for floorplans as well.

<p>Single-Family Detached, Duplex, Townhome, Triplex, Fourplex Dwelling Site and Building Design (DDC 7.10.3.E Building Mass and Form)</p>	<p>Buildings shall incorporate at least three of the following design features to provide visual relief along the front of the residence:</p> <ol style="list-style-type: none"> <li>1. Dormers;</li> <li>2. Gables;</li> <li>3. Recessed entries, a minimum of three feet deep;</li> <li>4. Covered front porches;</li> <li>5. Cupolas;</li> <li>6. Architectural pillars or posts; and/or</li> <li>7. Bay window with a minimum 24 inches projection.</li> </ol>	<p>Building shall incorporate at least three of the following design features to provide visual relief along the front of the residence:</p> <ol style="list-style-type: none"> <li>1. Dormers;</li> <li>2. Gables;</li> <li>3. Recessed entries, a minimum of three feet deep;</li> <li>4. Covered front porches;</li> <li>5. Cupolas;</li> <li>6. Architectural pillars or post;</li> <li>7. Bay windows with a minimum 24 inches projection;</li> <li>8. Shed roof accents;</li> <li>9. Water tables;</li> </ol>	<p>Introduction of two additional possible elements to be incorporated along the front façade.</p>
<p>Single-Family Detached, Duplex, Townhome, Triplex, Fourplex Dwelling Site and Building Design (DDC 7.10.3.F Garage Design)</p>	<p>The garage shall be offset a minimum of three feet from the building</p>	<p>A front facing garage door shall be offset a minimum two feet from the front façade of the home.</p>	<p>Reduction of one foot in offset from garage and residence.</p>

A full Staff Analysis is provided in Exhibit 2.

**PLANNING AND ZONING COMMISSION**

On November 13, 2024, the Planning & Zoning Commission held a public hearing and recommended approval of the rezoning [3-1]. The applicant and intended builder for the subdivision presented to the Commission. Several members of the public submitted comment cards in opposition to the project and declined to speak. Three members of the public spoke in opposition to the project. A summary of public comments received is below:

- One member of the public cited concerns regarding the appropriateness of the R4 base zoning designation and the ability of the City to enforce the planned development regulations as presented, including the home builder associated with the project. The Chair asked staff to address the resident’s concerns. Staff stated once planned development districts are approved by City Council, the development standards and development plan are attached to the adopting Ordinance, which is binding and enforceable by the City. Staff noted planned development regulations do not specify which builders must be used, and the proposed builder could change during the process.
- One member of the public spoke and expressed concerns regarding the status of Brush Creek Road and the responsibility of the developer to make improvements to the roadway. Additional concerns were raised regarding increased demand the project would place on Argyle Independent School District (AISD). The Chair asked staff to address the residents’ concerns.

- Staff stated the City reached out AISD for information regarding the number of students this development would be anticipated to add to the district. AISD predicted this development would add approximately 31 students to the school district.
- Regarding Brush Creek Road, staff stated per the City’s 2022 Mobility Plan Brush Creek Road is designated a Primary Arterial, which is required to have a right-of-way width of 135 feet. The applicant is required to dedicate right-of-way along Brush Creek Road to ensure a half-width of 67.5 feet along the proposed project’s property line. Ultimately, Brush Creek Road 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.
- A member of the public spoke regarding neighborhood engagement, and expressed concern regarding lack of information and notification received for neighborhood meetings about the project for those who reside in the Hills of Argle.

Following the public hearing, the Commission asked the applicant to address how neighborhood meeting notification was sent to surrounding residents. The applicant explained they used the 200-foot and 500-foot mailing lists provided by the City as well as contact information they had collected from residents residing in the ETJ.

The Commission asked staff if water and sewer services were within the vicinity and available to serve the site. Staff confirmed there is a water line situated north of the subject property and a sanitary sewer line situated to the south of subject property. The proposed development will be able to make connections to these facilities.

**OPTIONS**

1. Approve.
2. Approve with conditions.
3. Deny.
4. Postpone Item.

**RECOMMENDATION**

Staff recommends approval of the request as it complies with the criteria in Section 2.4.5.E of the Denton Development Code (DDC) for approval of all applications, and Section 2.7.3.E of the DDC for approval of a Planned Development

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

December 1969	City Council	Annexed western 11.359 acres of site into city.	Approved
February 2002	City Council	Rezoned western portion from Agricultural (A) to NR-2 during citywide rezoning.	Approved
September 2002	Planning and Zoning Commission	City initiated rezoning of Western portion of subject site from NR-2 to NR-1	Recommended approval of requests
November 2002	City Council	City initiated rezoning of Western portion of subject site from NR-2 to NR-1	Approved

August 2017	City Council	Annexed eastern 6.71 acres into the city. Placeholder zoning of RD-5x applied upon annexation.	Approved
April 10, 2019	Planning and Zoning Commission	City initiated city-wide rezoning of western portion of subject site from NR-1 to R-1	Recommended approval
April 23, 2019	City Council	City initiated city-wide rezoning of western portion of subject site from NR-1 to R-1	Approved
October 16, 2019	Planning and Zoning Commission	Rezoning request from RR and R1 to MN	Recommended Denial
June 28, 2023	Planning and Zoning Commission	Rezoning request from RR and R1 to R6 and SC	Recommended Denial
November 13, 2024	Planning and Zoning Commission	Rezoning request from RR and R1 to PD-R4	Recommended Approval

**PUBLIC OUTREACH:**

Six (6) notices were sent to property owners within 200 feet of the subject property, and 70 postcards were mailed to current residents within 500 feet of the subject property. Based on the City’s current notification policy and state law, these notices were mailed to property owners and residents within the City limits. As of the writing of this report, staff has received four (4) emails opposed to the request, which are included in Exhibit 10.

A notice was published in the Denton Record Chronicle on October 27, 2024.

A notice was published on the City’s website on October 24, 2024.

Two signs were posted on the property on October 30, 2024.

Since the Planning and Zoning Commission meeting in June 2023, the developer has held three neighborhood meetings for the proposed project on August 8, 2023; May 14, 2024; and October 22, 2024. Four residents attended the first meeting. Seven residents attended the second neighborhood meeting on May 14, 2024, and one resident attend the October 22, 2024 meeting. Primary concerns from the residents were the proposed residential lot sizes, buffering between the proposed development and the existing residential uses to the east, the price point of the residential units, and traffic concerns along Brush Creek Road and in the greater region.

**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**

- Exhibit 1 - Agenda Information Sheet
- Exhibit 2 - Staff Analysis
- Exhibit 3 - Site Location Map
- Exhibit 4 - Existing Zoning Map
- Exhibit 5 - Future Land Use Map

Exhibit 6 - Development Standards  
Exhibit 7 - PD Development Plan  
Exhibit 8 - Comparison of Allowed Uses  
Exhibit 9 - Fiscal Impact Analysis  
Exhibit 10 - Notification Map and Responses  
Exhibit 11 - Draft Ordinance  
Exhibit 12 - Traffic Impact Analysis Addendum  
Exhibit 13 - LLC Members List  
Exhibit 14 - Staff Presentation

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

Prepared by:  
Angie Manglaris, AICP  
Development Review Manager