



# City of Denton

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

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Environmental Services and Sustainability

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

**DATE:** October 9, 2024

### **SUBJECT**

Hold a public hearing and consider making a recommendation to City Council regarding a request by Kimley-Horn on behalf of the property owner, Vandersmith Developers, LTD., approving an ecological mitigation plan for the disturbance of Environmentally Sensitive Areas (ESAs). The subject site is generally located 266.11 feet east of Country Club Road and to the north of Hobson Lane in the City of Denton, Denton County, Texas.

### **BACKGROUND**

The applicant, Thomas Fletcher of Kimley-Horn on behalf of the property owner, Vandersmith Developers, LTD. has requested approval of an ecological mitigation plan (Alternative Environmentally Sensitive Areas Plan, or AESA) to allow for the permanent removal of 1.46 acres of Undeveloped Floodplain ESA to construct a residential development. As mitigation, 0.8 acre of Created Habitat will be constructed within the development drainage system to offset removed ecological functions. It is important to note, the approximately 0.41 acre of the Undeveloped Floodplain ESA is within the future right-of-way of Hobson Lane, so mitigation plantings within this area is not possible.

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. Areas identified on the official ESA map are assessed as part of the development process. 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 approval.

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.

### **OPTIONS**

1. Recommend Approval
2. Recommend Approval subject to conditions.
3. Recommend Denial
4. Postpone item.

### **RECOMMENDATION**

The proposed Alternative ESA Plan meets the criteria for approval as outlined in Denton Development Code Section 2.8.4.

Staff recommends **approval** of the request with the following conditions that will be placed in the ordinance.

1. Land disturbances within Environmentally Sensitive Areas are limited to the Development Impact Area, as described in and exhibited on the map provided on **Exhibit “B”**.
2. Grading for the Created Habitat, as described in and exhibited on the map provided on **Exhibit “C”** will immediately commence upon permission from the City to clear and grade land for the development. All improvements described in **Exhibit “D”** shall commence prior to scheduling Final Walk or requesting Final Acceptance, or, upon written approval by the Environmental Services Director at a date of earliest weather-dependent availability, but prior to the issuance of the first building permit in the development.
3. A minimum of one (1) educational sign shall be installed in a visible location. The signs shall be installed prior to the issuance of the first building permit in the development.
4. Vegetation established as a part of the approved revegetation plan are to be seeded and maintained across a 0.8-acre area by the Property owner/developer for a period of three (3) years following installation. Any plants that are removed, destroyed, or die within that three (3) year period are required to be replaced by the Property owner/developer to achieve a minimum 80% land cover rate.
5. Following the installation and inspection of the revegetation, the Property owner shall submit an annual report to the Environmental Services Director during the first three (3) years describing the cumulative mitigation work performed and the survivability of the plantings for staff review and inspection. Within 30 days of approval of the report by staff, the applicant shall replace any plants that were identified in the report as removed, destroyed, or dead.
6. 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. A project component not having received a letter of acceptance will continue to be monitored and repaired until the conditions of the plan have been met.
7. 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 Alternative ESA Plan, and cure any defaults of the Alternative ESA Plan.

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

<b>Date</b>	<b>Council, Board, Commission</b>	<b>Request</b>	<b>Action</b>
October 31, 1960	City Council	Annexation into City Limits	Approved
1969	City Council	Citywide Rezoning to Agriculture District (A)	Approved
2002	City Council	Citywide Rezoning to Neighborhood Residential Mixed-Use (NRMU)	Approved
April 26, 2017	Planning and Zoning Commission	Rezoning to Community Mixed Use-General (CM-G)	Recommend Approval
June 6, 2017	City Council	Rezoning to Community Mixed Use-General (CM-G)	Approved
April 10, 2019	Planning and Zoning Commission	Citywide Rezoning; subject property transition to Suburban Corridor (SC)	Recommend Approval
September 17, 2019 (effective October 2019)	City Council	Citywide Rezoning subject property transition to Suburban Corridor (SC)	Approved
August 14, 2024	Planning and Zoning Commission	Requested zoning change from Suburban Corridor (SC) to Residential-6 (R6)	Recommend Approval

May 21, 2024	City Council	Requested zoning change from Suburban Corridor (SC) to Residential-6 (R6)	Approved
July 24, 2024	Planning and Zoning Commission	Preliminary Plat 30-day extension request	Approved
August 14, 2024	Planning and Zoning Commission	Preliminary Plat	Approved

**PUBLIC OUTREACH:**

26 notices were sent to property owners within 200 feet of the subject property. 245 notices were sent to physical addresses within 500 feet of the subject property. As of the writing of this report, there was one (1) response in support of the project and no responses in opposition to this project.

A notice was published in the Denton Record Chronicle on September 22, 2024.

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

Two (2) signs were posted on the property on September 27, 2024.

The applicant did not hold a formal neighborhood meeting as of the time this report was written; however, per the applicant the property owner mailed a letter to adjacent property owners and reached out to anyone who was interested to discuss the project.

**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. Grand Parkside ESA Plan
4. Draft Ordinance
5. Notification Map and Responses

Respectfully submitted:  
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Director of Environmental Services and Sustainability

Prepared by:  
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