

Planning Staff Analysis

Z25-0015 / Estates at Craver Ranch

City Council District #2

REQUEST:

Request by Daake Law, on behalf of Run Well Ranches, LLC to rezone approximately 224.9 acres of land from the Rural Residential (RR) zoning district to the Residential 1 (R1) zoning district.

STAFF RECOMMENDATION:

Staff recommends approval of the request as it complies with the criteria in Subsection 2.4.5.E of the Denton Development Code (DDC) for approval of all applications and the criteria in Subsection 2.7.2.D of the DDC for approval of a Zoning Map Amendment (Rezoning).

SITE DATA:

The subject property includes a total of 224.9 acres of land that is split between two unplatted parcels. The northern tract is a 85.837-acre property located at the southwest corner of the FM 2153 bend, and the southern tract includes approximately 139.06 acres out of a larger 674.27-acre tract located south and west of the 85.837-acre property. The subject property was annexed into the City of Denton in 2008 for the purpose of regulating the land use. The property was assigned the placeholder zoning of Rural Residential (RD-5x) upon annexation, which transitioned to RR zoning with the adoption of the 2019 Denton Development Code. Most of the subject property is undeveloped or used for farming and grazing, and the entire subject property is located within the City limits. The Denton 2040 Comprehensive Plan establishes a Future Land Use Designation of Agriculture.

The subject property is partially encumbered by Floodplain stretching from the eastern most property line and terminating near the center of the northern tract. Per the City's Environmentally Sensitive Area (ESA) Map, it is possible that Floodplain ESA and Riparian Buffer ESA exist within this area, so an ESA field assessment will be required prior to the development of the property.

FM 2153 abuts the property to the north and east. FM 2153 is a Texas Department of Transportation (TXDOT) roadway classified as a secondary arterial per the Denton 2022 Mobility Plan. The section of this roadway abutting the subject property is currently constructed with 2-lanes and a posted speed limit of 55 miles per hour (mph). The typical section of a Secondary Arterial is comprised of 110 feet of right-of-way width with 4 lanes of traffic and target speeds ranging from 35 to 40 mph. TXDOT currently has no plans to expand this roadway.

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SURROUNDING ZONING AND USES:

Northwest: Zoning: RR & Extraterritorial Jurisdiction 1 (ETJ 1) Use: Rural residential and agriculture	North: Zoning: ETJ 1; Lake Ray Roberts Zoning (see Exhibit 6) Use: FM 2153; rural residential; agriculture	Northeast: Zoning: ETJ 1; Lake Ray Roberts Zoning; RR Use: FM 2153; undeveloped; rural residential; agriculture
West: Zoning: Planned Development (PD-R4, -R7, - MN, -MR); ETJ 1 Use: Undeveloped; agriculture	SUBJECT PROPERTY	East: Zoning: RR; PF; ETJ 1 Use: FM 2153; Lift station; rural residential; undeveloped
Southwest: Zoning: PD-R4, -R7, -MN, - MR Use: Undeveloped; agriculture	South: Zoning: PD-R4, -R7, -MN, - MR Use: Undeveloped; agriculture	Southeast: Zoning: RR; ETJ 1 Use: Undeveloped, agriculture, single-family residential

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.*

Subsection 2.7.2.D of the DDC applies to this rezoning 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 zoning requests.

2. *Prior Approvals*

As discussed above, the subject property was annexed into the City of Denton in 2008 and assigned the RD-5x placeholder zoning which transitioned to RR with the adoption of the 2019 Denton Development Code. There are no other prior land use approvals, plans, development agreements, or plat approvals.

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, policies, or strategies with regard to this request. As discussed with the criterion, the requested rezoning is consistent with the FLUM considering the surrounding context and helps advance other goals.

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.*

Future Land Use

The Denton 2040 Comprehensive Plan Future Land Use Map indicates an Agriculture future land use designation for the subject property. The Agriculture category denotes areas that have large tracts of land in active agriculture uses for preservation, including ranchland, field crops, and other similar agricultural areas. This category may also include large lot residential with a maximum of one unit per ten acres but may allow lots as small as one acre under the gross density provision to allow for conservation development which clusters smaller lots while permanently protecting scenic rural open space.

The proposed R1 Zoning is not completely consistent with the Agriculture Future Land Use Designation as properties with this zoning may be as small as 32,000 square feet, which could yield a gross density of approximately 1.36 dwelling units per acre assuming 20% of the land area will be used for public infrastructure, which is arguably a more appropriate density transition between the Craver Ranch Development and the Lake Ray Roberts Zoning which allows for a minimum lot size between 1 and 3 acres to the west of the subject property and between 4 and 5 acres to the north of the subject property (see Exhibit 6). The applicant has stated that the intent is to subdivide the property to establish 1-acre lots but, if approved, the property may develop with any land use permitted with R1 Zoning and in accordance with the minimum dimensions applicable to R1 Zoning. As shown in Exhibit 8, the land use permissions for RR are similar to land use permissions in R1, with the key difference being that RR allows for the by-right development of more land uses such as club or lodge, day care, kennel, live/work dwelling units, indoor recreation, private clubs, and bed and breakfast. Therefore, the rezoning would mostly be beneficial for allowing lot sizes smaller than 5 acres as opposed to expanding the land use opportunities beyond what was anticipated with the Agriculture FLUM. Further, the request is consistent with other Goals of the Denton 2040 Comprehensive Plan, including:

- Goal LU-4: Grow Resourcefully: Manage growth for wise use of land resources with staged, contiguous, and compatible development.

The development of the subject property would be able to capitalize on the public improvements being constructed as part of the 26-phase Craver Ranch PD/MMD. Overall, the requested zoning change would assist in allowing for the efficient use of land while protecting the rural character and scenic open space at the city's edge by providing a transition between the Craver Ranch PD and the adjacent Lake Ray Roberts Zoning District. Additionally, the proposed R1 zoning district is consistent with the planning and development applications of Denton County via the Lake Ray Roberts Zoning District.

- Goal LU-6: Grow with Balance: Establish land use designations that respond to the growing needs and character specifications of the Denton community.

The Future Land Use Map establishes the desired pattern of future land uses. As discussed above, the proposed zoning change may allow for a density which is comparable to the surrounding character, but greater than the 10 acres per dwelling unit anticipated by the Agriculture FLUM description.

- Goal FEV-5: Design a fiscally advantageous land use pattern paired with fiscally responsible infrastructure management and investment.

The Denton 2040 Comprehensive Plan acknowledges that, on average, no single land use provides a strictly positive fiscal result. The proposed amendment is anticipated to allow for land uses at a density that is more fiscally advantageous than what is permitted with the current RR Zoning. Additionally, the subject property will be able to tap into public utilities required for and being extended by the Craver Ranch MMD.

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

The R1 District allows for the subdivision and subsequent development of 32,000 square foot lots. This would increase the overall stock of larger lot residences within the City limits.

a.

4. Compliance with this DDC

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 of the subject site. All subsequent development or redevelopment on this site will comply with applicable standards in the DDC, including, but not limited to, minimum lot size and dimensions, building coverage, access, parking, tree preservation, and landscaping.

Compliance with these standards is applied at the level of detail required for the subject submittal.

- b. Typically, a rezoning to one of the DDC's established districts does not include a full review of all development standards. If the proposed rezoning is approved and a new use and/or redevelopment is proposed, a detailed review of all required plat, zoning compliance plans, engineering plans, tree preservation plans, and building permit submittals is required prior to development.

5. *Compliance with Other Applicable Regulations*

This proposed rezoning complies with all other applicable regulations.

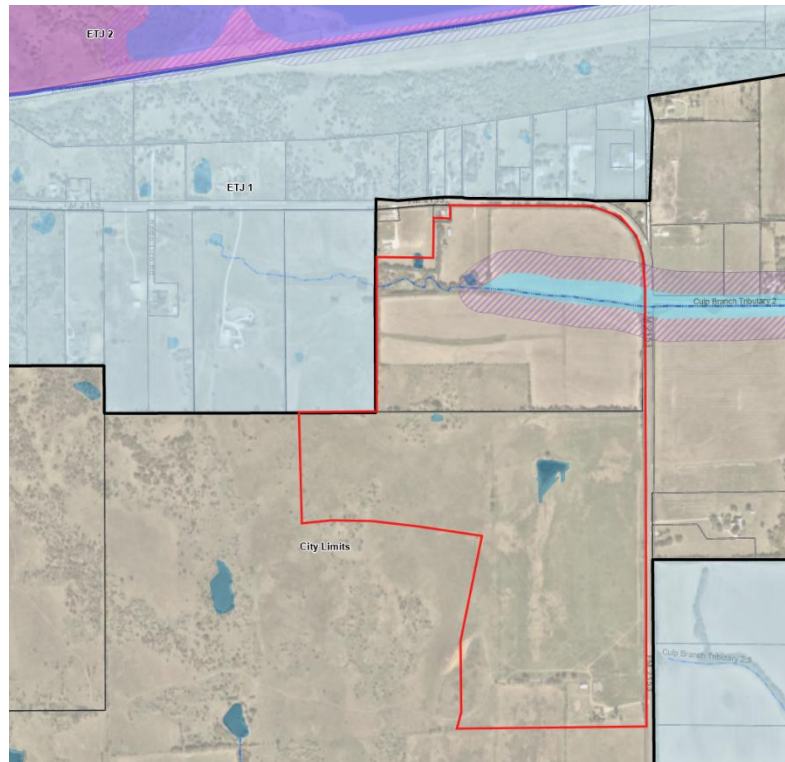
6. *Consistent with Interlocal and Development Agreements*

There are no interlocal or development agreements for the subject property.

7. *Minimizes Adverse Environmental Impacts*

As discussed above and shown in the inset image below, the subject property is partially encumbered by Floodplain stretching from the eastern most property line and terminating near the center of the northern tract. Per the City's

Environmentally Sensitive Area (ESA) Map, it is possible that Floodplain ESA and Riparian Buffer ESA exists within this area, so an ESA field assessment will be required prior to the development of the property to ensure compliance with ESA protection requirements.



8. *Minimizes Adverse Impacts on Surrounding Property*

The proposed rezoning is not anticipated to have an adverse impact on surrounding property. As discussed herein, the proposed density permitted within the R1 District is

comparable to what is permitted with the neighboring Lake Ray Roberts Zoning and should serve as an appropriate land use transition between the County zoning and the Craver Ranch MMD and mixed-use PD zoning. The subject property abuts a tract of land zoned with a base of R7 District under the Craver Ranch PD to the west and a mix of uses that includes rural residential uses, a City lift station, and undeveloped land owned by Denton Independent School District to the east. Additionally, DDC requirements for land-use compatibility buffering would apply to any future development on the subject property. Specifically, the development would have to adhere to DDC Subsections 7.7.6 Compatibility Landscape Buffer Requirements and design the site to mitigate any adverse impacts on immediately adjacent properties.

9. *Minimizes Adverse Fiscal Impacts*

While the proposed rezoning would allow for the development of any land use permitted within the R1 District, the applicant has stated that their intent is to develop the property with 115 single-family residential.

Staff used the Fiscal Impact Tool to analyze the proposed rezoning under this assumption to generate the overall projected General Fund revenues and expenses, including property tax payments, sales tax capture, roadway maintenance costs, utility usage, solid waste costs, public safety costs, and neighborhood service costs. The Fiscal Impact Summary indicates that the single-family residential development would result in a net \$19,964,400 gain in revenue to the General Fund over a 40-year project duration. An overall positive impact is not typically anticipated for single-family residential development. In this case, the resulted positive impact is partially due to a relatively higher than average home based on proposed lot and home sizes. The results of this analysis would be different for a different use or combination of uses.

10.

Compliance with Utility, Service, and Improvement Standards

This proposed rezoning will not affect utilities, services, or improvements. If the site is developed, it will be reviewed to ensure compliance with all applicable standards, and, as detailed below, utilities are going to be extended in the area and will be available to serve the subject property.

11.

Provides Adequate Road Systems

The subject property is located at the southwest corner of where FM 2153 bends and changes direction from north-to-south to east-to-west. This roadway is classified as a Secondary Arterial. This roadway is currently constructed with 2 lanes and does not include pedestrian facilities. Even though this is a TXDOT roadway, subsequent developments will still be required to submit a Traffic Impact Analysis (TIA) to determine if roadway improvements are needed to provide adequate road and access to future developments.

12.

Provides Adequate Public Services and Facilities

The proposed rezoning is not anticipated to negatively impact public services and facilities. As a part of the Craver Ranch PD/MMD for the neighboring property, utilities

will be extended to the area and will be available to serve future development on the subject property.

Rational Phasing Plan

This proposed rezoning does not include a phasing plan. Future development proposals will be required to develop in accordance with an order that ensure the adequate provision of access to roadways and other public infrastructure.

13.

Section 2.7.2.D of the DDC states that an application for a rezoning may be approved based on the following conditions:

B.

a. *The proposed rezoning is consistent with the Comprehensive Plan.*

As discussed in Consideration A.3.b above, the proposed zoning of R1 is mostly consistent with the Agriculture FLUM designation in terms of permitted uses except that it could yield a gross density greater than 10 acres per dwelling unit. Ultimately, the proposed zoning is consistent with the surrounding character and achieves other goals of the Comprehensive Plan.

b. *The proposed rezoning is consistent with relevant Small Area Plan(s).*

There is no small area plan approved for this site.

c. *The proposed rezoning is consistent with the purpose statement of the proposed zoning district, as provided in Subchapter 3, Zoning Districts.*

Per Subsection 3.2.2.A, “The R1 district is intended to preserve existing single-family neighborhoods and ensure that any new development promotes conservation of scenic rural open space and is compatible with existing land use patterns, and design standards, The R1 district can be used as a transitional district between rural development and large lot residential neighborhoods.”

The proposed R1 zoning district in this location is consistent with the purpose statement as it serves as the transition between the Craver Ranch PD/MMD and the properties developed in accordance with the Lake Ray Roberts Zoning, located within the City’s ETJ.

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- d. *There have been significant changes in the area to warrant a zoning change.*

The proposed rezoning comes at the heel of the creation of the Craver Ranch MMD, adoption of a Comprehensive Plan Amendment (CA25-0001) to change the FLUM designation from Agriculture to Master Planned Community, a Mobility Plan Amendment (MPA25-0003) to shift the alignment of a proposed west-to-east Secondary Arterial to avoid crossing the floodplain at its widest point, and a Zoning Change (PD25-0003) to change the zoning from RR to a Planned Development with a base zoning of the Residential 4 (R4) District, Residential 7 (R7) District, Mixed-Use Neighborhood (MN) District, and Mixed-Use Regional (MR) District. Additionally, the City has seen an increase in MUD activity within the City's ETJ. This indicates an increased demand for housing within this area of the City. The proposed request would ensure the provision of a housing and lot product that is in between the lot sizes seen within the PD and MUDs and what is required by the nearby Lake Ray Roberts Zoning District, allowing for additional housing options in the area while maintaining compatibility with the surrounding context.

- e. *The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.*

Adjacent Zoning & Land Use

As discussed above, Staff does not anticipate that the land uses permitted with R1 zoning would create a significant adverse impact to adjacent properties as they are similar, if not less intense, than the land uses permitted with RR zoning. Rather, this zoning change would be allowing the property the opportunity to develop with a density that is more comparable to what is permitted within this region, both within the City limits and in the City's ETJ.

Transportation Related to the Proposal

Prior to the redevelopment of the subject property, the applicant will be required to submit traffic counts based on their proposed land use. The developer would be responsible for making improvements that may be identified in the TIA to accommodate any additional trips generated by the use(s). The details of any needed improvements will be reviewed as part of the site planning, platting, and/or civil engineering plans for any future development. Furthermore, roadway improvements would be evaluated in accordance with the City's 2022 Mobility Plan.

- f. *Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service to existing development.*

Schools

For residential proposals, staff would coordinate with Denton Independent School District (DISD) regarding capacity and level of service. Since this is a straight zoning request, the proposed use and the intensity of development are not known at this time to determine impacts to area schools. School sites for elementary and middle schools are provided within the adjacent Craver Ranch PD/MMD, and DISD has acquired property across from the subject property on FM 2153, so school facilities will be available in closer proximity to this property in the future.

Water and Wastewater

Public water and wastewater services are not currently available to the site. However, in accordance with the approved Craver Ranch PD and MMD, water and wastewater will be extended throughout the site and would be available in close proximity to serve the subject property.

Roadway Impact Fees

Roadway impact fees, paid at the time of development, are determined using a proportionality calculation based on the proposed uses and projected vehicle trips. These fees will be assessed based on plans submitted and are used to make roadway system improvements related to the Mobility Plan.

Nearest Fire Station

The subject property is approximately 8.4 miles from Fire Station #5 (2230 W Windsor Drive) and approximately 10.2 miles from Fire Station #2 (110 Mockingbird Lane), exceeding the target maximum eight minute or less response time boundary. A new joint public safety facility will be constructed within 1-3 miles of the subject property in accordance with the approved Craver Ranch PD/MMD.

Parks

Should the property develop with a residential use, payment of park dedication fees will be required.

- g. There was an error in establishing the current zoning district.*

There was not an error in the assignment of the current zoning districts. As described herein, the current RR zoning was a direction transition from the RD-5X assigned to the property upon its annexation as a placeholder.