



City of Denton

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

AGENDA INFORMATION SHEET

DEPARTMENT: Environmental Services and Sustainability

CM/ DCM/ ACM: Christine Taylor – Assistant City Manager

DATE: August 16, 2022

SUBJECT

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas approving an Alternative Environmentally Sensitive Area Plan for a site generally located on the southwest side of the intersection of Western Boulevard and Jim Christal Road, in the City of Denton, Denton County, Texas adopting an amendment to the city's official Environmentally Sensitive Areas map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. (AES A22-0002b, Denton Exeter Addition No. 3, Onsite Development, Christi Upton)
<https://dentontx.new.swagit.com/videos/178633?ts=7881>

BACKGROUND

The applicant, Trey Braswell of Kimley-Horn & Associates, on behalf of Exeter Property Group has requested an Alternative Environmentally Sensitive Areas (AES A) Plan to allow for the disturbance of 0.47 acres of Riparian Buffer Environmentally Sensitive Area (ESA). The applicant is proposing to disturb the Riparian Buffer ESA for the placement of two stormwater outfalls and restore and uplift the ecological functions offered by the Riparian Buffer ESA through the application of native vegetation within and beyond the disturbed area.

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 AES A Plan must first be obtained.

A more detailed explanation of the ESAs found on the subject property as well as a full Staff Analysis of the requested AES A 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 DDC 2.8.4.

Planning and Zoning Commission recommends **approval** (4-0) of the request with the following conditions.

1. Land disturbances within the Riparian Buffer ESA are limited to approximately 0.47 acres, as described and depicted in **Exhibits “C-1” and “C-2”**.
2. Within 14 days following the construction of the stormwater infrastructure the applicant shall apply a vegetative cover of the stormwater infrastructure, as described in **Exhibit “D”**.
3. Vegetation established as a part of the approved revegetation plan are to be seeded and maintained across a 3.81-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 90% land cover rate.
4. 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.
5. 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)

Date	Council, Board, Commission	Request	Action
August 10, 2022	Planning and Zoning Commission	Final Plat	Conditionally Approved upon Approval of AESA
August 10, 2022	Planning and Zoning Commission	AESA	Recommended Approval (4-0)
November 3, 2021	Planning and Zoning Commission	Preliminary Plat	Approved

PUBLIC OUTREACH:

19 notices were sent to property owners within 200 feet of the subject property. 25 notices were sent to physical addresses within 500 feet of the subject property. As of the writing of this report, staff has received no responses to the mailed notifications.

A notice was published in the Denton Record Chronicle on July 24, 2022.

A notice was published on the City’s website on July 24, 2022.

Six (6) signs were posted on the property on July 31, 2022.

The applicant sent invitations to a virtual neighborhood meeting held on July 21, 2022. There were no attendees at the meeting.

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. Denton Exeter Addition No. 3 Property AESA Restoration Plan
4. Draft Ordinance
5. Notification Map and Responses
6. Staff Presentation

Respectfully submitted:
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Director of Environmental Services and Sustainability

Prepared by:
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