



Legislation Text

File #: ADP16-0001a, **Version:** 1

Planning Report

ADP16-0001/Villages of Carmel Phase 4B

City Council District 1

Planning & Zoning Commission

June 8, 2016

REQUEST:

Hold a public hearing and consider a recommendation to City Council regarding an Alternative Environmentally Sensitive Area (ESA) Plan for the Villages of Carmel Phase 4B. The subject property is generally located on the north side of Pockrus Page Road, east of Monte Verde Way, and west of Swisher Road. (ESA16-0001, Villages of Carmel Phase 4, Mike Bell).

OWNER:

Justin Bono, Astra Carmel, LLC

APPLICANT:

Rodney Zielke, P.E., Z Professional Services

BACKGROUND:

The subject property is located within Phase 4 of the Villages of Carmel, an approximately 45-acre property located on the north side of Pockrus Page Road which was rezoned in 2015 from a Neighborhood Residential Mixed Use (NRMU) District to a Neighborhood Residential 6 (NR-6) District to allow single-family development. Within Phase 4 there are two areas of potential environmental importance:

- *Upland Habitat* - At the northwest corner of the property is an area formerly located within an Upland Habitat ESA. This designation includes the remnants of the eastern Cross Timbers forest that are at least ten acres in size and requires that 50% of the ESA remain protected from residential development. The Upland Habitat ESA in Phase 4 was removed in 2008, however, after staff conducted a field assessment of the area it was determined that it did not meet the ten acre minimum acreage requirement to qualify as an ESA.
- *Riparian Buffer* - At the southeast corner of the property is the remnant of a stream which is designated as a Riparian Buffer ESA. This designation restricts development within either 50 or 100 feet of the centerline of streams, depending upon the size of basin that is drained. Staff conducted a field assessment of the stream in 2015 and confirmed the existence of a Riparian Buffer ESA in this area. Because the stream drains a basin of less than one square mile, protection against development extends only within 50 feet of the centerline of this stream.

The applicant is requesting to remove the Riparian Buffer ESA on the stream to allow development of nine additional single-family homes. As mitigation for this removal, the applicant is proposing to preserve trees inside the former Upland Habitat ESA at a 1:1 ratio to those removed from the Riparian Buffer ESA.

SITE DATA:

Phase 4 of the Villages of Carmel contains 45 acres of undeveloped property. A Final Plat for Phase 4A on the western 17.5 acres of the property was approved by the Planning and Zoning Commission on May 5, 2015, and clearing and grading work is currently underway in this area.

USE OF PROPERTY UNDER CURRENT ZONING:

The subject property is located within an NR-6 District that permits a maximum density of six single-family units per acre.

SURROUNDING ZONING AND LAND USES:

North: The property to the north is zoned an NR-6 District and although currently undeveloped, has received plat approval for single-family homes within the Villages of Carmel Phase 5.

East: The property to the east will be dedicated as right-of-way for the future extension of Post Oak Boulevard, a six-lane, divided roadway. Properties farther to the east are zoned Rural Residential (RD-5X) and are developed with single-family homes.

South: The property to the south is located within Planned Development-117 (PD-117) and includes single-family homes within the Preserve at Pecan Creek.

West: The property to the west is zoned a Neighborhood Residential Mixed Use 12 (NRMU-12) district and is developed with townhomes within the Villages of Carmel Phase 1.

COMPATABILITY OF REQUEST WITH SURROUNDING ZONING/LAND USES:

Surrounding properties are all single-family developments. The proposed Alternative ESA Plan would have no impact on the use of these properties.

COMPREHENSIVE PLAN:

During the input process for Denton Plan 2030, as well as the 1999 Denton Plan, residents repeatedly expressed that preserving the natural environment of Denton is one of their highest priorities. As a result of the environmental principles of the 1999 Denton Plan, several areas with significant ecological value as ESA's were identified and these were subsequently adopted in 2002. The areas are subject to regulations that limit land-disturbing activity and development in specific natural resource areas, and protect the city's water quality. ESA's provide important plant and animal habitats, as well as provide critical linkages for wildlife, as they are intended to link existing and planned open space within the city. ESA's include the following areas:

- **100-Year Floodplain** - Area within the FEMA 100-year floodplain in its natural state or an area that has been graded, filled, or otherwise disturbed.
- **Riparian Buffers** - Areas located 100 feet from the centerline of streams draining a basin of greater than one square mile, and 50 feet from any streams that drain areas of one square mile or less.
- **Water-Related Habitat** - Areas that are designated for wetland, tree, and understory preservation and that include significant stands of water-related habitat.
- **Upland Habitat** - Areas of a minimum of ten acres in size that contain remnants of the eastern Cross Timbers Habitat.

Denton Plan 2030 outlines policies and actions to create a cohesive green infrastructure network, expand and protect tree canopy, preserve habitat and ecosystems, improve air and water quality, and conserve water resources. A few of the actions related to these policies that related to the applicant's request are provided below:

- Further the ESA program to create an integrated system of publicly-owned natural areas that protect the integrity of important conservation sites, protect corridors between natural areas, and preserve outstanding examples of Denton's diverse natural environment.

- Use the ESA framework as basis for guiding land use decisions and providing an equitable distribution of natural resources throughout the city.
- Encourage the preservation of floodplain and open spaces as access as a community-wide recreational resource instead of singular ownership by one person or a single neighborhood.
- Require ESA Assessments for development sites where areas of high ecological value are proposed to be disturbed that will trigger appropriate management practices including any necessary mitigation actions.
- Make broader use of mitigation banks to facilitate market-based compensation to landowners that choose to help environmentally sensitive lands.
- Establish tree parks in which the City purchases lands identified to have significant amounts of historic trees for long-term preservation.
- Develop a plan for conservation and preservation of the unique and endangered native Cross Timbers Forest region trees, Blackjack Oak and Post Oak, which are critical to the local wildlife and natural ecosystem of Denton.
- Continue to enforce and update the ESA regulations in order to manage important natural areas that preserve wildlife habitat and native landscapes, while providing opportunities for education, scientific research, nature interpretation, art, fishing, relaxation, wildlife observation, hiking and other activities.
- Preserve stream buffers and the bottomland hardwood habitat and wetlands in accordance with ESA regulations.

CONSIDERATIONS:

1. The applicant is requesting to remove approximately two acres of Riparian Buffer ESA at the southeast corner of the Villages of Carmel Phase 4. This ESA designation is intended to protect the remnant of a stream that once fed into a tributary of Lake Lewisville. The natural stream terminates at the south end of the property near the intersection Pockrus Page Road of Post Oak Boulevard, where it is then collected into the City's stormwater system. The natural stream no longer exists to the south of Pockrus Page Road, as it was channelized along the east side of Post Oak Boulevard in 2001 to facilitate the Preserve at Pecan Creek Section A and Villages of Carmel Phase 3. These developments occurred prior to the adoption of the ESA protection regulations in 2002 and therefore were not required to provide any mitigation for the channelization downstream.
2. Staff assessed the Riparian Buffer ESA in 2015 and determined that the stream meets the standards for protection, however the applicant contends that the drainage improvements required within the remainder of Phase 4 will eventually eliminate any water runoff that currently feeds this stream. After reviewing engineering plans associated with Phase 4, staff concurs with this assessment. Once the remainder of Phase 4 is developed, the natural runoff that once fed the stream will instead be collected into the stormwater system, eventually eliminating the environmental conditions that qualify for ESA protection. At that time, the applicant could request a new assessment of the ESA and, if removed, could then replat the area into the nine additional lots currently proposed.
3. In exchange for the early removal of the Riparian Buffer ESA, the applicant is proposing to preserve trees within an approximately two acre stand of trees once located within an Upland Habitat ESA at the northwest corner of Phase 4B. For every inch of tree removed from the Riparian Buffer ESA, the applicant will preserve one inch within the old Upland Habitat ESA. Based on the tree survey provided with the Preliminary Plat, this will total approximately 875 inches. Because the two ESA's contain roughly the same proportion of tree sizes and species, primarily Post Oaks and Red Cedars, the proposed mitigation would allow for an approximately even trade of both quality and quantity of trees. The applicant intends to use any

excess inches of trees within the stand above the 1:1 ratio towards compliance with the minimum tree preservation requirements of the Tree Code. The net result will leave a majority of the former Upland Habitat ESA intact.

4. Furthermore, if approved, the applicant would no longer be permitted to credit the inches of trees within the tree preserve towards the minimum preservation requirements of the Tree Code. This creates the additional benefit of increasing the total inches of trees preserved across the entirety of Phase 4B.
5. The proposed tree preserve area is adjacent to two other heavily treed common area lots within Phase 4A and Phase 2C of the Villages of Carmel. The trees on these lots were also once part of the Upland Habitat ESA and were used to meet preservation requirements of the Tree Code for these phases. When combined, the three lots would provide a common area tree park available to residents of the Villages of Carmel Home Owners' Association (HOA).
6. Although acknowledging that the Riparian Buffer and Upland Habitat ESA designations have different purposes and cannot be equitably compared using trees alone, staff is supportive of the proposed mitigation as it affords protection not currently provided to an important environmental resource, creates a cohesive tree park centrally located for residents of the Villages of Carmel, and increases the total number of trees preserved across Phase 4. The cost for this protection is the forfeiture of the Riparian Buffer ESA that is likely be eliminated in the future once the remainder of Phase 4 is developed.
7. The proposed tree preserve is intended to be owned and maintained by the HOA of the Villages of Carmel. This area, unlike the adjacent common area lots in Phases 2C and 4A, must be managed in its natural state subject to Section 35.17.9 of the Denton Development Code.

STAFF RECOMMENDATION:

Staff recommends approval of the request as it is compatible with the surrounding property and is consistent with the goals and objectives of the Denton Plan 2030.

OPTIONS:

1. Recommend approval as submitted.
2. Recommend approval subject to conditions.
3. Recommend denial.
4. Table the item.

PUBLIC NOTIFICATION:

To comply with the public hearing notice requirements, 60 notices were sent to property owners within 200 feet of the subject property, 347 courtesy notices were sent to physical addresses within 500 feet of the subject property, a notice was published in the Denton Record Chronicle, and signs were placed on the property. The applicant did not host a neighborhood meeting.

PROJECT TIMELINE:

Application Received:	January 20, 2016
1 st Submittal Sent to DRC Members:	January 27, 2016
Comments Released to Applicant:	February 12, 2016
DRC Meeting with Staff:	February 18, 2016
2 nd Submittal Sent to DRC Members:	February 23, 2016
Comments Released to Applicant:	April 8, 2016

Business Days under DRC Review:	45
Business Day out to Applicant:	7
Total Business Days:	52

EXHIBITS:

- Aerial Map
- Zoning Map
- Future Land Use Map
- ESA Map
- Proposed ESA Plan
- Site Photos
- Notification Map & Responses

Respectfully submitted:
Munal Mauladad
Deputy Director, Development Services

Prepared by:
Mike Bell
Senior Planner