

**Planning Report  
Planning & Zoning Commission  
Rezoning Subcommittee  
July 6, 2016**

**REQUEST:**

Receive a report and hold a discussion regarding a staff-initiated initial zoning of approximately 118.7 acres of land, generally located west and east of Swisher Road and north of Pockrus Page Road and the rezoning of approximately 4.5 acres of land currently zoned Neighborhood Residential Mixed Use (NRMU), generally located north of Pockrus Page Road and approximately 700 feet west of Swisher Road.

**BACKGROUND:**

During the May 4, 2016 meeting of the Planning and Zoning Commission Rezoning Subcommittee, staff presented several sites for rezoning consideration. This site was included in the list of proposed rezoning sites.

The Commission recommended that staff expand the study area of this site to encompass all recently annexed land in the vicinity. The original site encompassed approximately 32.702 acres of land. The site has been expanded to include a total of approximately 123.21 acres of land as shown on the attached zoning map.

Approximately 118.7 acres of land was annexed into the City on April 17, 2013 (Ord. No. 2013-096) and was given a zoning designation of RD-5X. Newly annexed property is given a zoning designation of RD-5X as policy. The annexed property is restricted to the permitted uses and development standards of the Rural Residential 5 (RD-5) zoning district until the property owner decides to develop the property and have it zoned appropriately.

Included in the proposal are 4.5 acres of land currently zoned Neighborhood Residential Mixed Use (NRMU) district. This area was formerly part of a larger NRMU district approximately 24.5 acres in area. All but these remaining 4.5 acres were rezoned in 2015 to the current designation of Neighborhood Residential 6 (NR-6) for the purpose of extending the residential portion of the Villages of Carmel (Z15-0010).

The future land use designations of the subject area are Low Density Residential east of Swisher Road and Medium Density Residential and Neighborhood Mixed Use west of Swisher Road.

**SITE DATA:**

A majority of the land in the subject area had been developed as single family residential homes, mobile homes, and agricultural uses prior to annexation. The subject area consists of 16.528 acres of platted land and 106.68 acres of un-platted land. Located in the northern portion of the subject area east of Swisher Road is a 50 lot mobile home park, platted as Green Tree Estates.

On the southwest corner of the intersection of Edwards Road and Swisher Road is currently undeveloped but serves several functions. Approximately 2.4 acres of property serves as ESA mitigation for the Villages of Carmel and approximately 1.2 acres of property has been dedicated as a future city park location. The City has also purchased approximately 6.4 acres for a tree park.

The breakdown of existing land uses are as follows:

Land Use	Acreage	Percentage of Land
Single Family	33.97	27.6%
Mobile Home	30.95	25.12%
Farm/Ranch	24.2	19.63%
Undeveloped	12.5	10.15%
Agricultural	9.16	7.43%
Storage Yard	8.76	7.1%
Religious	3.5	2.83%
Roadways	0.17	0.14%
	123.21	100.00%

#### **USE OF PROPERTY UNDER CURRENT ZONING:**

Newly annexed property is given a zoning designation of RD-5X as policy. The annexed property is restricted to the permitted uses and development standards of the Rural Residential 5 (RD-5) zoning district until the property owner decides to develop the property and have it zoned appropriately. The City has received several inquiries regarding platting some properties located on the east side for Swisher Road for residential use, however the proposed lots do not comply with the RD-5 district minimum lot requirement of 5 acres, thus necessitating the need to have the area zoned to a more appropriate zoning district.

#### **SURROUNDING ZONING AND LAND USES:**

North: Property to the north is zoned Neighborhood Residential 6 (NR-6) and Neighborhood Residential Mixed Use 12 (NRMU-12). There are also property still in the county, Extra-Territorial Jurisdiction (ETJ). The area zoned NRMU-12 is an equestrian training center and horse breeder. The property zoned NR-6 is undeveloped.

East: Property to the east is zoned PD-132 and is developed as the Preserve at Pecan Creek. The uses include single family residences and an elementary school.

South: Property to the south is zoned PD-132 and is developed as the Preserve at Pecan Creek.

West: Property to the west is zoned Neighborhood Residential 6 (NR-6), and Neighborhood Residential Mixed Use 12 (NRMU-12). The property zoned NR-6 is a future residential development, Villages of Carmel.

#### **COMPREHENSIVE PLAN:**

Per the Future Land Use Map (FLUM) in Denton Plan 2030, the subject area is divided into three separate land use designations. The land located on the east side of Swisher Road is designated Low Density Residential. The property located on the west side of Swisher Road is designated Moderate Density Residential and the property located at the northwest corner of the intersection of Pockrus Page Road and Swisher Road is designated Neighborhood Mixed Use. Additionally,

the intersection of Edwards Road and Swisher Road has been identified as a “*Center Focus Area*” in Denton Plan 2030.

### ***Low Density Residential***

Per the Future Land Use Map in *Denton Plan 2030*, the land located on the east side of Swisher Road is designated as “Low Density Residential”, which is intended for single family neighborhoods located in rural fringe areas. Lot sizes range from one acre or more with an average gross density of four units per acre. Development consists of one to two story residences with private driveways, and open space consisting of privately-maintained tree canopy and yards. Building and driveway orientation, as well as building materials and garage locations vary by neighborhood or subdivision. Typically, these neighborhoods are linked by internal circulation systems with limited access to local and connector roads.

Development criteria of the Low Density Residential Land Use include:

- a. Development may include single-family residential development of up to quarter acre (10,890 square feet) lots.
- b. Development should be contiguous with existing developed areas of the city and consistent with the Preferred Growth Concept.
- c. A variety of housing styles, types and prices with large, newly developed neighborhoods is encouraged.
- d. Within established residential areas, new development should respond to existing development patterns, and design standards.
- e. New residential development should be organized to promote walkability, access to parks, open space, and recreation amenities and ideally should locate all residences within a five to ten minute walking distance from neighborhood-serving retail and other amenities such as parks and school facilities.
- f. Compact developments that include clustered, small lots with substantial retained open space are encouraged.
- g. Urban agriculture is encouraged.
- h. Places of worship, parks, and open space are allowed by right.
- i. The character of this area should be maintained by ensuring that new development is sensitive to the surrounding built and natural context in scale and form as described above.

### ***Moderate Residential:***

Per the Future Land Use Map in *Denton Plan 2030*, the land located to the west of Swisher Road is designated as “Moderate Residential.” This designation is primarily intended to promote single-family housing on small lots, typical of Denton’s more compact, established single-family neighborhoods. The density of Moderate Residential should range between four to twelve units per acre. Low-rise multifamily dwellings and townhomes may also be located in these areas so long as they maintain a scale, style, and building orientation complementary of the prevailing character of the area. This designation typically applies to areas within the central areas of Denton as a transition between established single-family neighborhoods and mixed-use or commercial areas that can accommodate greater density.

Development Criteria of the Moderate Density future land use designation include:

- a. Development may include single-family development on small lots, duplexes, townhomes, and low-density multifamily dwellings.
- b. Development should be within and adjacent to Denton's existing neighborhoods, consistent with the Preferred Growth Concept.
- c. Residential development with a variety of housing styles, types, and prices that is compatible with adjacent development is encouraged.
- d. Infill development should respond to existing development with compatible patterns and design standards.
- e. New residential development should be organized to promote walkability, including sidewalks, and ideally should locate all residences within a five to ten minute walk from neighborhood-serving retail, parks, and schools.
- f. Urban agriculture is encouraged.
- g. Places of worship, parks, and open space are allowed by right.
- h. The character of this area should be maintained by ensuring new development is sensitive to the surrounding built and natural context in scale and form.

### ***Neighborhood Mixed Use***

The Neighborhood Mixed Use designation applies in areas of future development suited primarily to single-family development, but where neighborhood-serving retail and services are critical to achieving balanced, accessible neighborhoods. At these locations, a diverse mix of housing types and densities may also be accommodated. Ensuring that buildings are of the appropriate scale and intensity to complement the surrounding neighborhood and environment is critical. Future development in Neighborhood Mixed Use areas will complement and embrace existing, viable uses, and raise the standard of design to increase connectivity and mobility options, and create a sense of place to serve the neighborhood.

Per Denton Plan 2030, development criteria of the Neighborhood Mixed Use designation include:

- a. The focus area of a neighborhood center contains facilities vital to the day-to-day activity of the neighborhood. A neighborhood center might contain a convenience store, small restaurant, personal service shops, daycare, and small offices.
- b. Development should be located close to existing or proposed residential development at a scale that can promote walking and bicycling.
- c. Vertical and horizontal mixed-use is encouraged.
- d. Moderate to high density residential use is allowed.
- e. Commercial uses should be programmed appropriately to serve a neighborhood-serving market and to be compatible with adjacent land uses.
- f. Development should be sited accessible to transit routes.
- g. Places of worship, schools, and parks and open space are allowed by right.
- h. The character of this area should be maintained by ensuring that new development is sensitive to the surrounding built and natural context in scale and form as described above.
- i. Proposals should be presented and reviewed according to the degree to which they achieve the goals of the Neighborhood Mixed Use future land use designation and may be the subject of Small Area Plans, where necessary.

### ***Focus Areas***

The Denton Plan 2030 provides for the creation of specific focus areas as shown on the Focus Areas Map. Specifically, Goal CC-4 states that the City should achieve exemplary urban design in future and existing development throughout Denton's neighborhoods, centers, and land uses. Through the creation of an *Urban Design Plan*, specific design regulations should be developed for specific visually distinct areas. These regulations can be established through the preparation of a Small Area Plan with unique recommendations for land use, urban design, circulation, and public realm improvements which would then be implemented through the adoption of corresponding Overlay Districts, unique to each area.

### **CONSIDERATIONS:**

1. Post Oak is designated as a primary arterial roadway and Edwards Road is designated as a collector street on the City of Denton Mobility Plan. The future extension of Post Oak along western edge of subject site will intersect with Edwards Road.
2. The existing roadway system is not constructed to city standards. As such, the future development of the Village of Carmel may affect traffic on the surrounding street system, most notably along Edwards Road and Swisher Road until the planned extension of Post Oak Road is completed.
3. The Villages of Carmel ESA Mitigation area and a proposed city park and a tree park are located at southwest corner of Edwards Road and Swisher Road, along with an existing equestrian center are located within an identified Center Focus Area.
4. Denton Plan 2030 states that Focus Areas will require specific urban design standards to create a visually distinctive community hub.
5. Environmentally Sensitive Areas (ESA) are present on the site located at the southwest corner of the intersection of Edwards Road and Swisher Road, and the large tract of land located at the northwest corner of the intersection of Edwards Road and Swisher Road. Stream buffer ESA is also shown to be located on the southern edge of the platted mobile home park. An ESA assessment and possible mitigation would be required prior to the development of any of these properties.
6. Water is currently available along Swisher Road, south of Edwards Road. Sewer is not available at this time.
7. The majority of the tracts located on either side of Swisher Road are developed. This development is mainly comprised of single family residences and mobile homes, with some agricultural uses such as an equestrian center/horse stable and open pasture. Some of the undeveloped tracts are being used as storage yards.

### **ATTACHMENTS:**

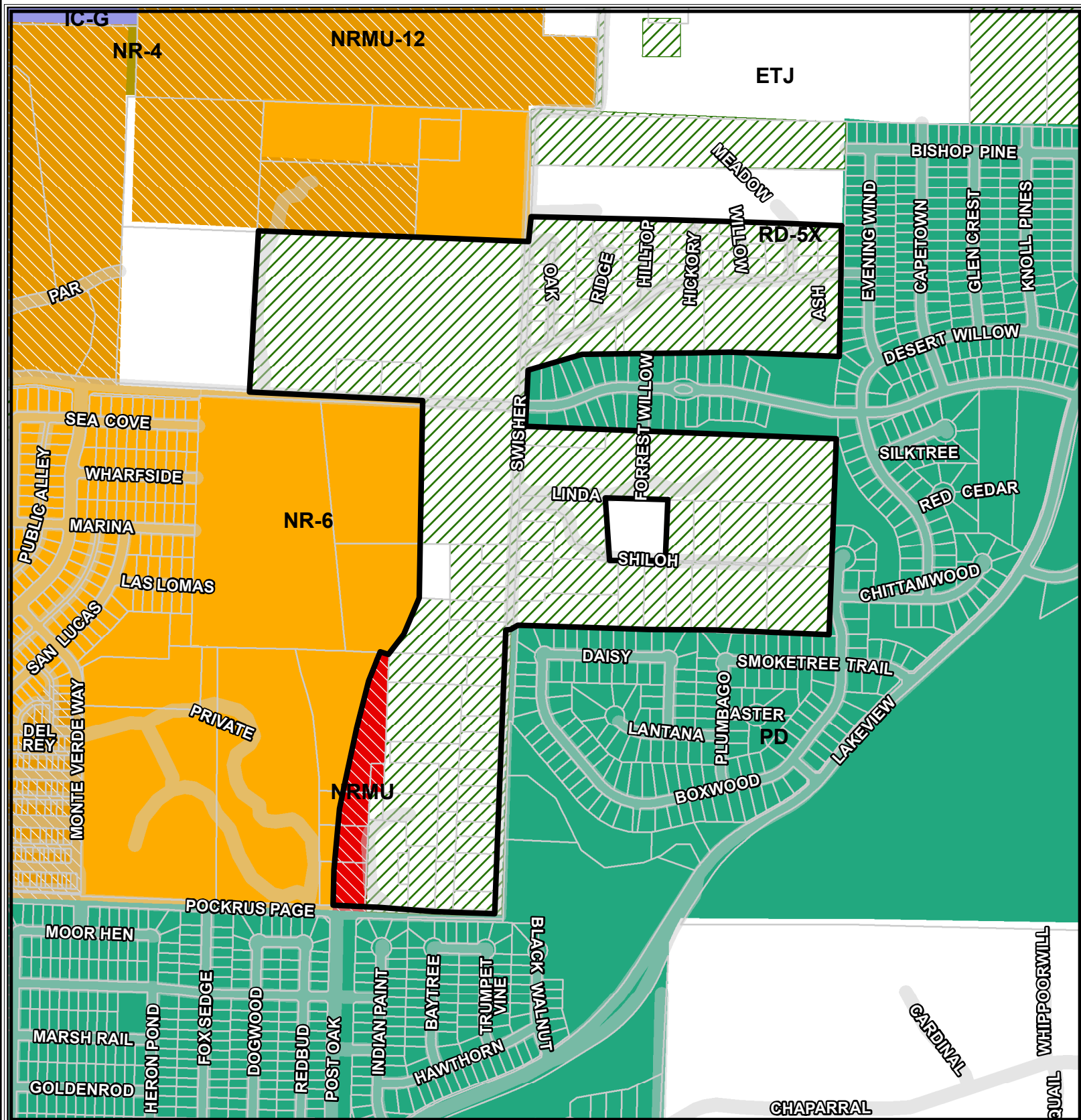
- Zoning Map
- Future Land Use Map
- Mobility Plan Map

- Denton Plan 2030 Focus Areas Concept Map
- Final Plat of Villages of Carmel, Phase 5B (FP16-0002)
- Neighborhood Residential 1 (NR-1) Permitted Uses
- Neighborhood Residential 4 (NR-4) Permitted Uses
- Neighborhood Residential Mixed Use (NRMU) Permitted Uses

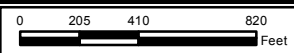
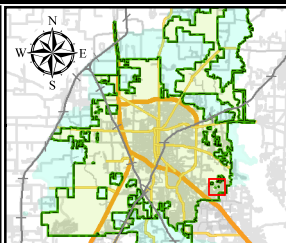
Prepared By:  
Cindy Jackson, AICP  
Senior Planner

Reviewed By:  
Ron Mengueta, AICP  
Long Range Planning Administrator

# Zoning Map



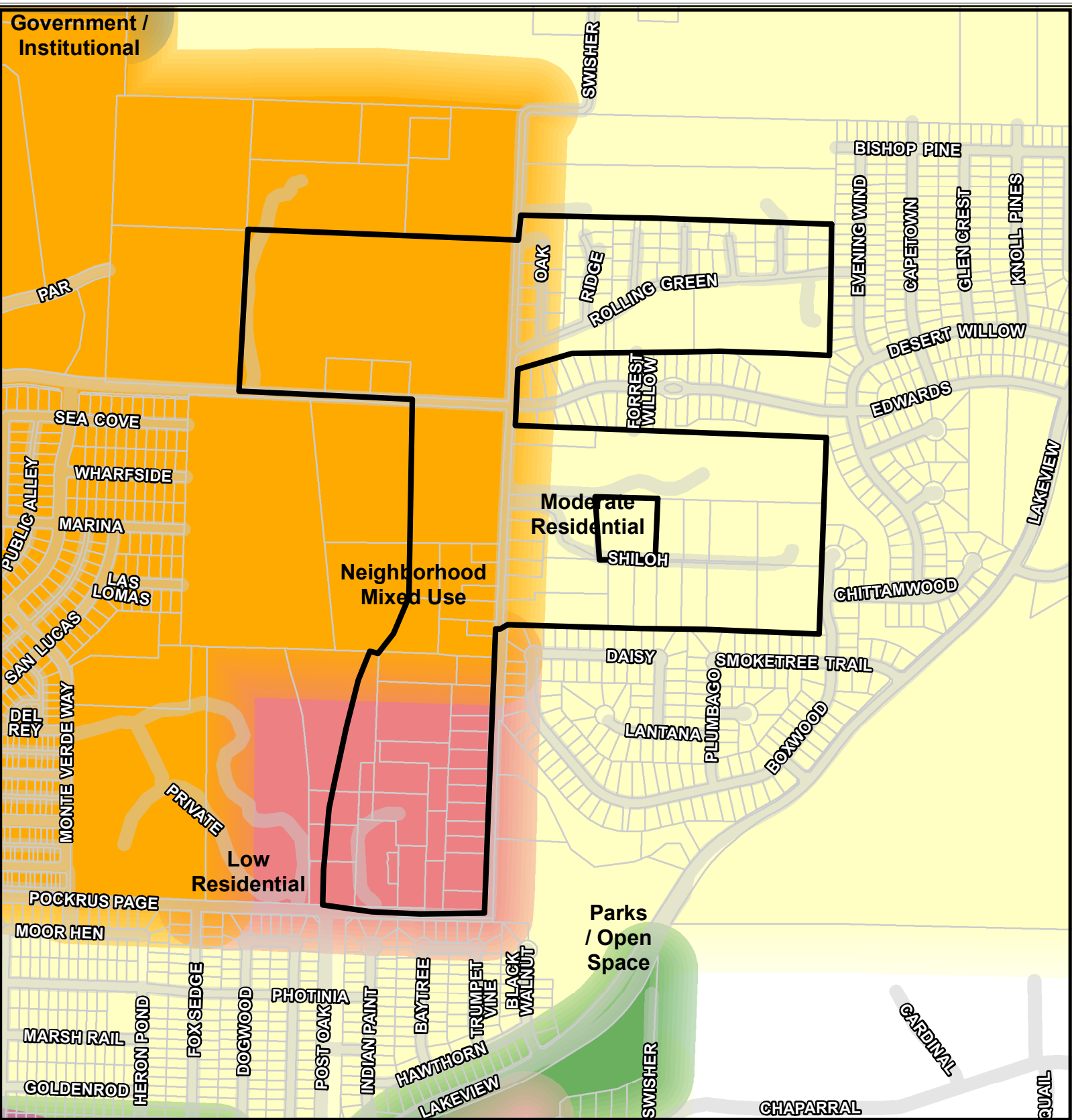
	SITE		ETJ		NR-6		PD
	Parcels		IC-G		NRMU		RD-5X
	Roads		NR-4		NRMU-12		

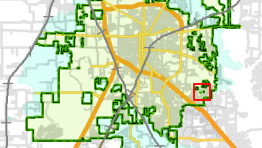



The City of Denton has prepared maps for departmental use. These are not official maps of the City of Denton and should not be used for legal, engineering or surveying purposes but rather for reference purposes. These maps are the property of the City of Denton and have been made available to the public based on the Public Information Act. The City of Denton makes every effort to produce and publish the most current and accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use, or its interpretation. Utilization of this map indicates understanding and acceptance of this statement.



# Future Land Use Map

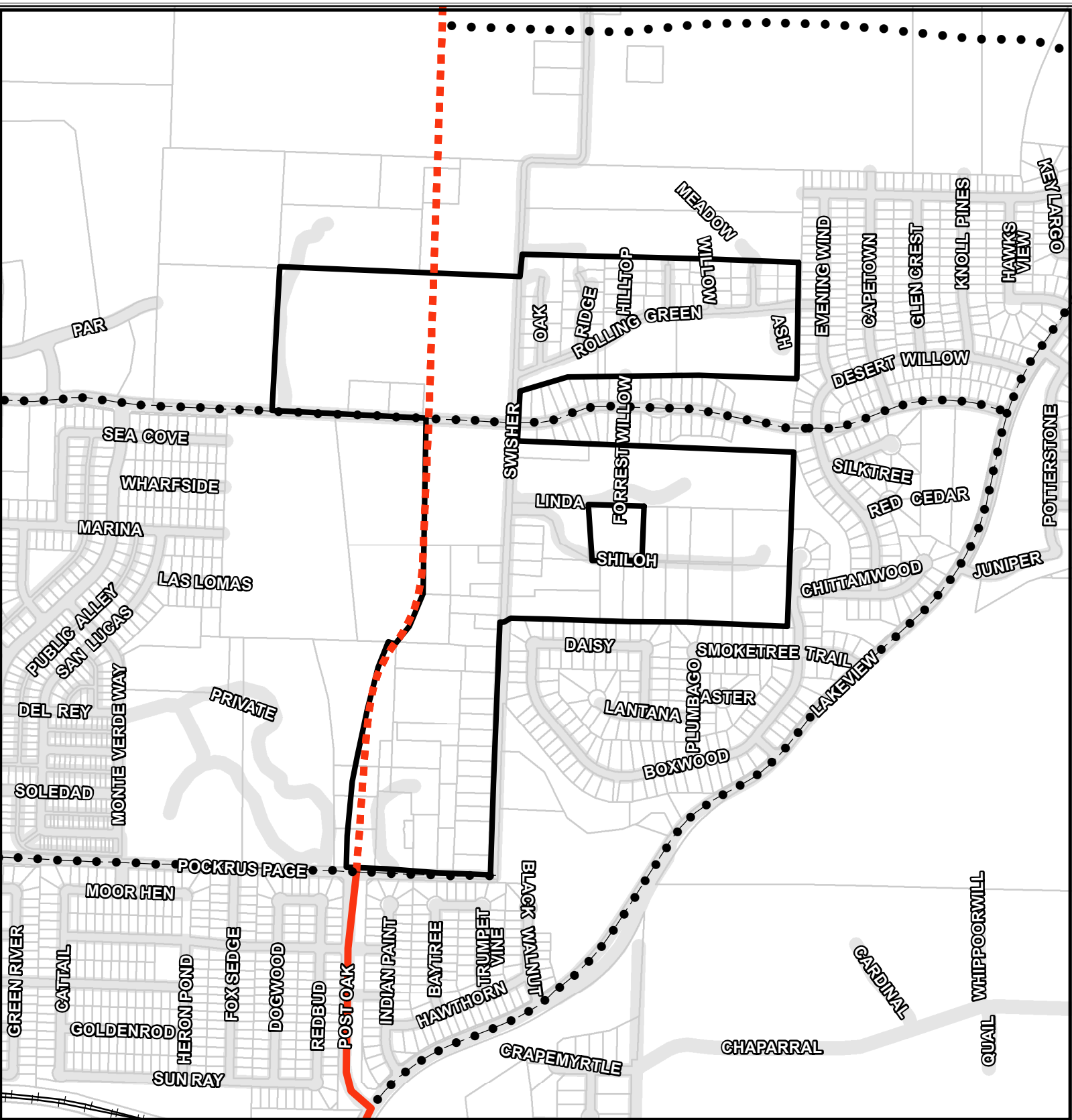


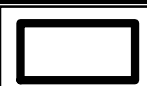
<div style="border: 2px solid black; width: 20px; height: 10px; display: inline-block;"></div> SITE <div style="border: 1px solid black; width: 20px; height: 10px; display: inline-block;"></div> Parcels <div style="border-top: 1px solid black; width: 20px; display: inline-block;"></div> Roads	<b>Future Land Use</b> <div style="background-color: yellow; width: 20px; height: 10px; display: inline-block;"></div> Low Residential <div style="background-color: orange; width: 20px; height: 10px; display: inline-block;"></div> Moderate Residential <div style="background-color: magenta; width: 20px; height: 10px; display: inline-block;"></div> Regional Mixed Use	<div style="background-color: pink; width: 20px; height: 10px; display: inline-block;"></div> Community Mixed Use <div style="background-color: red; width: 20px; height: 10px; display: inline-block;"></div> Neighborhood Mixed Use <div style="background-color: blue; width: 20px; height: 10px; display: inline-block;"></div> Government / Institutional <div style="background-color: green; width: 20px; height: 10px; display: inline-block;"></div> Parks / Open Space	<div style="text-align: center;">    </div>	<div style="text-align: center;">           Development Services • GIS        Date: 6/22/2016     </div>
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# Mobility Plan Map




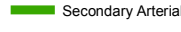
**SITE**


**Roads**


**Parcels**


 Freeway

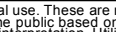
 Primary Arterial



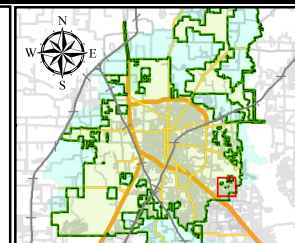
 Secondary Arterial


 Collector

 Future Primary Arterial

 Future Collector

 Railroad

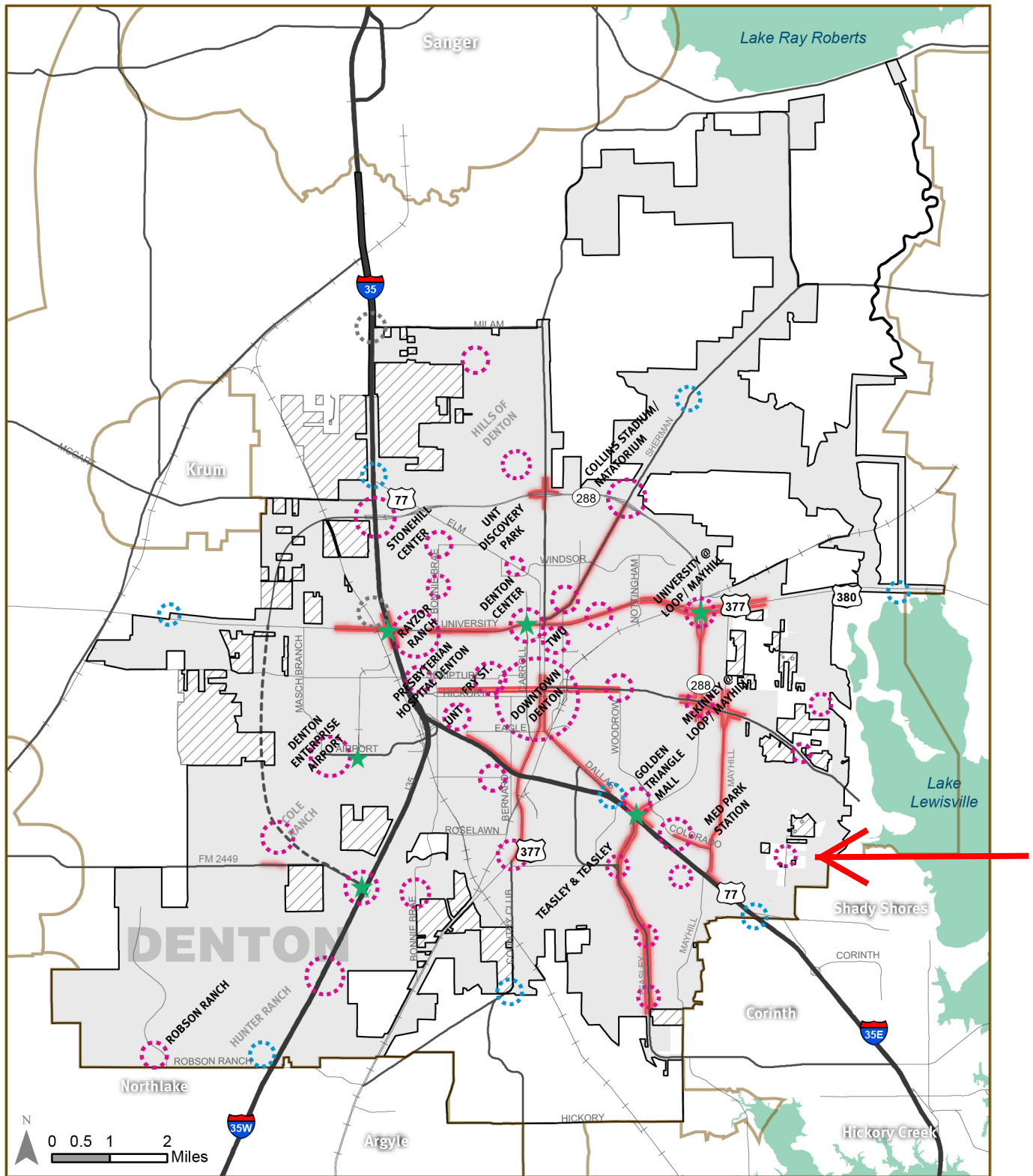




**CITY OF DENTON**  
Development Services • GIS  
Date: 6/30/2016

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FIGURE 4.1: Focus Areas Concept



Source: City of Denton

- Center Focus Area
- Corridor Focus Area
- Gateway Focus Area
- Travel Center Focus Area
- Branding Station
- Municipal Boundaries
- City of Denton
- ETJ



REGISTERED PROFESSIONAL SURVEYORS

**HERBERT S. BEASLEY**

**LAND SURVEYORS L.P.**

• LAND • TOPOGRAPHIC  
• CONSTRUCTION SURVEYING

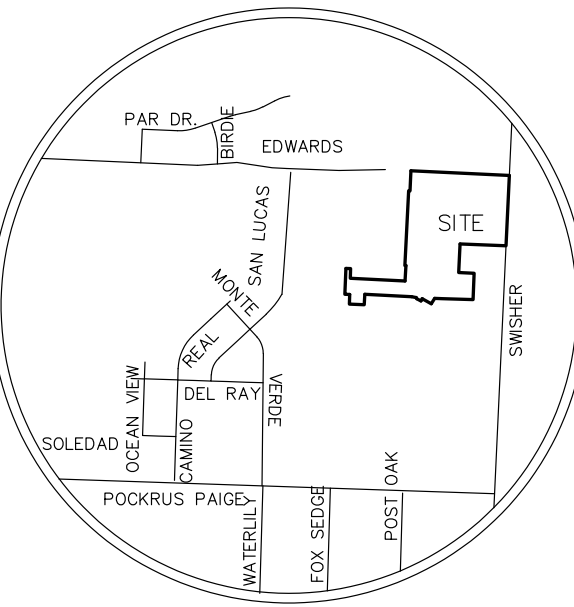
FIRM NO. 10094900  
METRO 817-429-0194  
FAX 817-446-5488  
hsbeasley@msn.com

P. O. BOX 8873  
FORT WORTH, TEXAS 76124

NOTES:  
DE - Public Drainage Easement  
PUE - Public Utility Easement  
BDD - Brockett/Davis/Drake cap  
cm - control monument  
IRF - iron rod found  
IRS - iron rod set  
MFF - Minimum Finish Floor elevation

SUSAR FARM, INC.,  
CHERI LYN GATTSHALL, DEBORAH KAY CLECKNER,  
MELODY A. HARPER, AND MARILYN K. HULSEY,  
V. 1239, P. 488, D.R.D.C.T.  
DESCRIBED IN V. 671, P. 40, D.R.D.C.T.

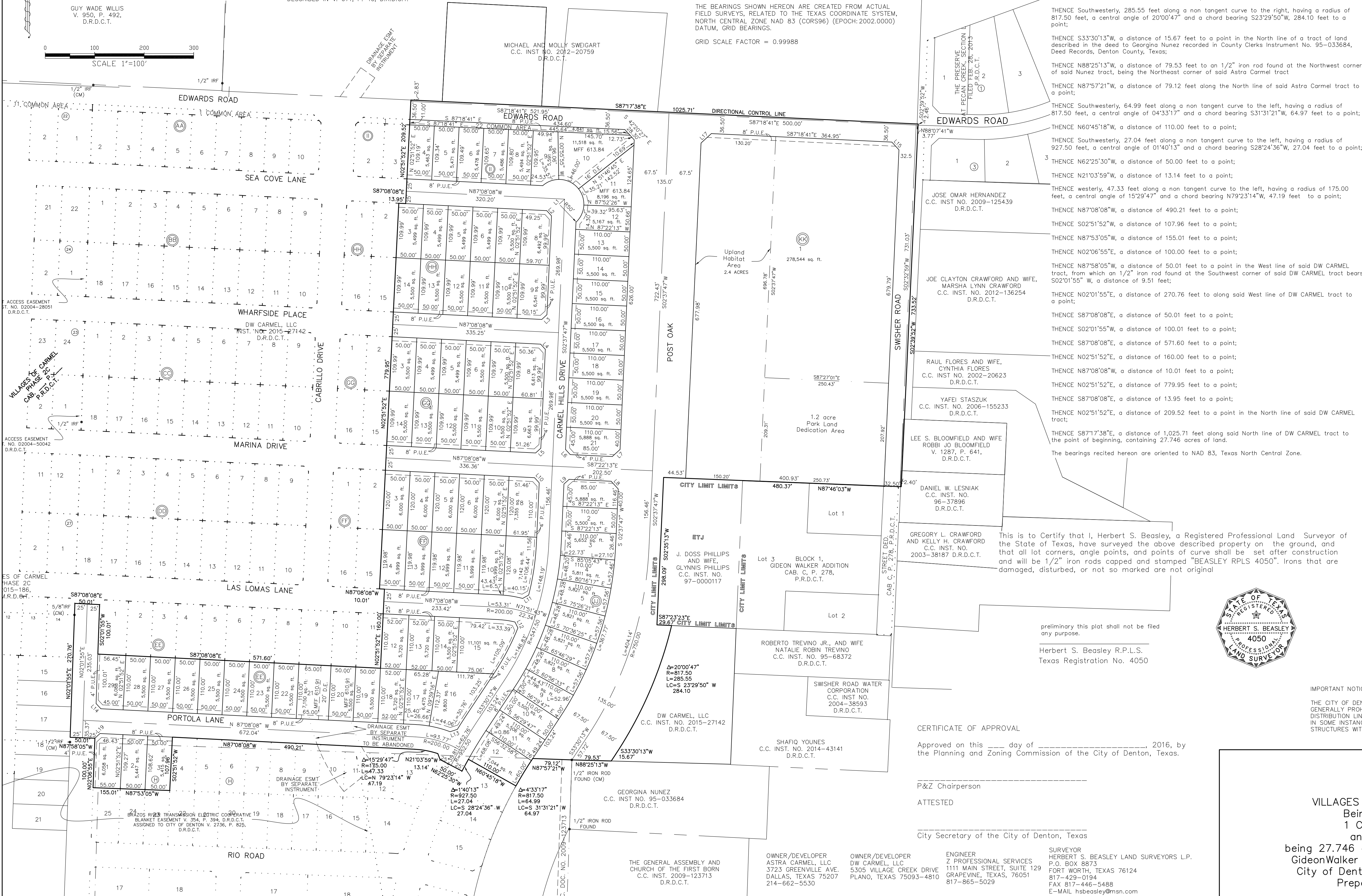
LINE	LENGTH	BEARING
L1	15.00	S47°44'49"W
L2	14.17	S42°15'10"E
L3	14.11	N47°44'50"E
L4	14.17	S42°15'10"E
L5	14.11	N47°44'50"E
L6	14.14	N42°22'13"W
L7	21.21	S47°37'47"E
L8	21.21	S42°22'13"E
L9	14.14	N47°37'47"E
L10	14.17	S42°15'10"E
L11	14.00	N60°26'37"E
L12	13.38	S26°34'04"E
L13	15.84	N71°46'39"E
L14	14.84	S42°33'06"E
L15	21.24	N42°22'51"W
L16	5.66	N42°22'51"W
L17	28.27	N47°39'33"E
L18	15.55	N47°39'33"E
L19	14.05	N47°29'24"E



VICINITY MAP  
MAPSCO 528-S

THE BEARINGS SHOWN HEREON ARE CREATED FROM ACTUAL FIELD SURVEYS, RELATED TO THE TEXAS COORDINATE SYSTEM, NORTH CENTRAL ZONE NAD 83 (GCSN96) (EPOCH: 2002.0000) DATUM, GRID BEARINGS.

GRID SCALE FACTOR = 0.99988



STATE OF TEXAS §  
COUNTY OF DENTON §

WHEREAS, Astra Carmel, LLC, acting by and through the undersigned, its duly authorized agent, and DW CARMEL, LLC, acting by and through the undersigned, its duly authorized agent, do hereby adopt this plat designated herein as Villages of Carmel, Phase 5B, an addition to the City of Denton, Denton County, Texas. The easements shown hereon are hereby reserved for the purposes as indicated. All streets, and right-of-ways, are hereby dedicated in fee simple to the public. The utility and fire lane easements (streets, alleys, and common areas) shall be open to the public, fire, and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. No buildings, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or placed upon, over or across the utility easements as shown. Said utility easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All and any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on the utility easements and all public utilities shall at all times have the full right of ingress and egress to and from and upon the said utility easements for the purpose of construction, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purposes of reading meters and any maintenance and service required or ordinarily performed by that utility. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Denton.

BEGINNING at a point at the Northeast corner of said DW CARMEL tract in the intersection of Edwards Road and Swisher Road;

THENCE S02°39'52"W, a distance of 733.52 feet along the East line of said DW CARMEL tract to a point;

THENCE N87°46'03"W, a distance of 480.37 feet to an 1/2" iron rod found at the Northwest corner of a tract of land described in the deed to J. Doss Phillips and wife, Glynnis Phillips recorded in County Clerks Instrument No. 97-0000117, Deed Records, Denton County, Texas;

THENCE along the West and South lines of said Phillips tract as follows:

1. S02°35'13"W, a distance of 298.09 feet to an 1/2" iron rod found at the Southwest corner of said Phillips tract;

2. S87°23'23"E, a distance of 29.67 feet to a point;

THENCE Southwesterly, 285.55 feet along a non tangent curve to the right, having a radius of 817.50 feet, a central angle of 20°00'47" and a chord bearing S23°29'50"W, 284.10 feet to a point;

THENCE S33°30'13"W, a distance of 15.67 feet to a point in the North line of a tract of land described in the deed to Georgina Nunez recorded in County Clerks Instrument No. 95-033684, Deed Records, Denton County, Texas;

THENCE N88°25'13"W, a distance of 79.53 feet to an 1/2" iron rod found at the Northwest corner of said Nunez tract, being the Northeast corner of said Astra Carmel tract

THENCE N87°57'21"W, a distance of 78.12 feet along the North line of said Astra Carmel tract to a point;

THENCE Southwesterly, 64.99 feet along a non tangent curve to the left, having a radius of 817.50 feet, a central angle of 04°33'17" and a chord bearing S31°31'21"W, 64.97 feet to a point;

THENCE N60°45'18"W, a distance of 110.00 feet to a point;

THENCE Southwesterly, 27.04 feet along a non tangent curve to the left, having a radius of 927.50 feet, a central angle of 01°40'13" and a chord bearing S28°24'36"W, 27.04 feet to a point;

THENCE N62°25'30"W, a distance of 50.00 feet to a point;

THENCE N21°03'59"W, a distance of 13.14 feet to a point;

THENCE westerly, 47.33 feet along a non tangent curve to the left, having a radius of 175.00 feet, a central angle of 15°29'47" and a chord bearing N79°23'14"W, 47.19 feet to a point;

THENCE N87°08'08"W, a distance of 490.21 feet to a point;

THENCE S02°51'52"W, a distance of 107.96 feet to a point;

THENCE N87°53'05"W, a distance of 155.01 feet to a point;

THENCE N02°06'55"E, a distance of 100.00 feet to a point;

THENCE N87°58'05"W, a distance of 50.01 feet to a point in the West line of said DW CARMEL tract, from which an 1/2" iron rod found at the Southwest corner of said DW CARMEL tract bears S02°01'55"W, a distance of 9.51 feet;

THENCE N02°01'55"E, a distance of 270.76 feet to along said West line of DW CARMEL tract to a point;

THENCE S87°08'08"E, a distance of 50.01 feet to a point;

THENCE S02°01'55"W, a distance of 100.01 feet to a point;

THENCE S87°08'08"E, a distance of 571.60 feet to a point;

THENCE N02°51'52"E, a distance of 160.00 feet to a point;

THENCE N87°08'08"W, a distance of 10.01 feet to a point;

THENCE N02°51'52"E, a distance of 779.95 feet to a point;

THENCE S87°08'08"E, a distance of 13.95 feet to a point;

THENCE N02°51'52"E, a distance of 209.52 feet to a point in the North line of said DW CARMEL tract;

THENCE S87°17'38"E, a distance of 1,025.71 feet along said North line of DW CARMEL tract to the point of beginning, containing 27.746 acres of land.

The bearings recited hereon are oriented to NAD 83, Texas North Central Zone.

This is to Certify that I, Herbert S. Beasley, a Registered Professional Land Surveyor of the State of Texas, have surveyed the above described property on the ground, and that all lot corners, angle points, and points of curve shall be set after construction and will be 1/2" iron rods capped and stamped "BEASLEY RPLS 4050". Irons that are damaged, disturbed, or not so marked are not original

preliminary this plat shall not be filed any purpose.

Herbert S. Beasley R.P.L.S.  
Texas Registration No. 4050

CERTIFICATE OF APPROVAL

Approved on this \_\_\_\_ day of \_\_\_\_\_, 2016, by the Planning and Zoning Commission of the City of Denton, Texas:

P&Z Chairperson

ATTESTED

City Secretary of the City of Denton, Texas

OWNER/DEVELOPER  
ASTRA CARMEL, LLC  
3723 GREENVILLE AVE.  
DALLAS, TEXAS 75207  
214-662-5530

OWNER/DEVELOPER  
DW CARMEL, LLC  
5305 VILLAGE CREEK DRIVE  
PLANO, TEXAS 75093-4810

ENGINEER  
Z PROFESSIONAL SERVICES  
1111 MAIN STREET, SUITE 129  
GRAPEVINE, TEXAS, 76051  
817-865-5029

SURVEYOR  
HERBERT S. BEASLEY LAND SURVEYORS L.P.  
P.O. BOX 8873  
FORT WORTH, TEXAS 76124  
817-429-0194  
FAX 817-446-5488  
E-MAIL hsbeasley@msn.com

NOW, therefore, know all men by these presents:

That, Astra Carmel, LLC, acting by and through the undersigned, its duly authorized agent, and DW CARMEL, LLC, acting by and through the undersigned, its duly authorized agent, do hereby adopt this plat designated herein as Villages of Carmel, Phase 5B, an addition to the City of Denton, Denton County, Texas. The easements shown hereon are hereby reserved for the purposes as indicated. All streets, and right-of-ways, are hereby dedicated in fee simple to the public. The utility and fire lane easements (streets, alleys, and common areas) shall be open to the public, fire, and police units, garbage and rubbish collection agencies, and all public and private utilities for each particular use. No buildings, trees, shrubs, or other improvements or growths shall be constructed, reconstructed, or placed upon, over or across the utility easements as shown. Said utility easements being hereby reserved for the mutual use and accommodation of all public utilities using or desiring to use same. All and any public utility shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective system on the utility easements and all public utilities shall at all times have the full right of ingress and egress to and from and upon the said utility easements for the purpose of construction, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or parts of its respective systems without the necessity at any time of procuring the permission of anyone. Any public utility shall have the right of ingress and egress to private property for the purposes of reading meters and any maintenance and service required or ordinarily performed by that utility. This plat approved subject to all platting ordinances, rules, regulations, and resolutions of the City of Denton.

WITNESS MY HAND at Denton, Denton County, Texas, this the \_\_\_\_ day of \_\_\_\_\_, 2016.

Astra Carmel, LLC

By: \_\_\_\_\_

WITNESS MY HAND at Denton, Denton County, Texas, this the \_\_\_\_ day of \_\_\_\_\_, 2016.

DW CARMEL, LLC

By: \_\_\_\_\_

STATE OF TEXAS §

COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ of Astra Carmel, LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_ day of \_\_\_\_\_, 2016.

Notary Public, State of Texas

STATE OF TEXAS §

COUNTY OF DENTON §

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_ of DW CARMEL, LLC, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the \_\_\_\_ day of \_\_\_\_\_, 2016.

Notary Public, State of Texas

NOTES:  
MINIMAL FINISH FLOOR ELEVATIONS (MFF) PROVIDED BY Z PROFESSIONAL SERVICES.

TAPS MADE TO EXISTING WATERLINES OR RELOCATION OF FIRE HYDRANT SHALL BE DONE BY THE CITY OF DENTON AT THE EXPENSE OF THE CONTRACTOR EXPENSE. CONTACT KENT CONKLE WITH THE WATER DEPARTMENT AT 940-349-7181.

TAPS MADE TO EXISTING SEWER LINES SHALL BE DONE BY THE CITY OF DENTON AT THE EXPENSE OF THE CONTRACTOR EXPENSE. CONTACT JUSTIN DIVINEY WITH THE WASTEWATER DEPARTMENT AT 940-349-8489.

THE PURPOSE OF THIS PLAT IS TO CREATE 87 NR-6 LOTS AND 2 NON-RESIDENTIAL LOTS.

WHEN POST OAK BLVD. IS CONSTRUCTED THE "C" FACTOR WILL INCREASE AND FLOW REROUTED.

IMPORTANT NOTICE

THE CITY OF DENTON HAS ADOPTED THE NATIONAL ELECTRICAL SAFETY CODE (THE "CODE"). THE CODE GENERALLY PROHIBITS STRUCTURES WITHIN 17.5 FEET ON EITHER SIDE OF THE CENTER LINE OF OVERHEAD DISTRIBUTION LINES AND WITHIN 30 FEET ON EITHER SIDE OF THE CENTERLINE OF OVERHEAD TRANSMISSION LINES. IN SOME INSTANCES THE CODE REQUIRES GREATER CLEARANCES. BUILDING PERMITS WILL NOT BE ISSUED FOR STRUCTURES WITHIN THE CLEARANCE AREAS. CONTACT THE BUILDING OFFICIAL WITH SPECIFIC QUESTIONS.

PROJECT NO. FP16-0002

Final Plat  
of  
VILLAGES OF CARMEL, PHASE 5B  
Being 87 NR-6 Lots,  
1 Common Area Lot,  
and 1, RD-5X Lot,  
being 27.746 acres of land located in the  
Gideon Walker Survey, Abstract No. 1330,  
City of Denton, Denton County, Texas.  
Prepared January, 2016

## Neighborhood Residential 1 Permitted Uses

### **RESIDENTIAL:**

- P Agriculture, Single-family Dwellings, Community Homes for the Disabled
- L(7) Livestock
- L(1), SUP Accessory Dwelling Units

### **COMMERCIAL:**

- P Home Occupation, Outdoor Recreation
- L(38) Temporary Uses
- SUP Equestrian Facilities

### **INDUSTRIAL:**

- L(14) Veterinary Clinics
- L(27) Gas Wells
- L(37) Kennels

### **INSTITUTIONAL:**

- P Parks and Open Space, Churches
- L(25) Basic Utilities
- L(41) WECS (Free Standing Monopole Structure)
- L(42) WECS (Building Mounted)

**P = Permitted, L(#) = Permitted with a Limitation, SUP = Specific Use Permit**

### **LIMITATIONS:**

L(1) – Subject to the following criteria:

1. The proposal must conform with the overall maximum lot coverage and setbacks requirements of the underlying zone.
2. The maximum number of accessory dwelling units shall not exceed one per lot.
3. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 1,000 square feet GHFA unless the lot meets the requirements of L(1).5.
4. One additional parking space shall be provided that conforms to the off-street parking provisions of the DDC.
5. The maximum GHFA of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, where the lot size is equal to or greater than 10 acres in size. An SUP is not required for such an accessory residential structure where the lot size is equal to or greater than 10 acres.

L(7) – Limited to two animals on parcels one to three acres in size. Additional animals may be added at a rate of one per each acre over three acres.

L(14) – Uses are limited to no more than 10,000 square feet of gross floor area.

L(25) – If proposed use is within 200 feet of a residential zone, approval is subject to an SUP.

L(27) – Must comply with the provisions of Subchapter 22, Gas Well Drilling and Production

L(37) – Five acre minimum land area required and no more than 25 kennels per acre allowed, included indoor and outdoor runs. A natural buffer strip is required adjacent to any residential use.

L(38) – Must meet the requirements of Section 35.12.9.

L(41) – Lots where the proposed WECS will be located shall have a minimum lot area of two acres. A maximum of one WECS is permitted by right. Multiple WECS are permitted only with approval of an SUP.

L(42) – Building mounted WECS may not extend higher than 10 feet above where the WECS is mounted on the building. The height shall be measured from the base of the WECS where it is mounted on the building to the highest point of the arc of the blades' elevation. If the WECS does not use blades, then height is measured from the base of the WECS where it is mounted on the building to the highest point of the WECS.

## Neighborhood Residential 4 Permitted Uses

### **RESIDENTIAL:**

- P Agriculture, Single-family Dwellings, Community Homes for the Disabled
- L(1), SUP Accessory Dwelling Units
- L(3) Duplexes
- L(7) Livestock
- SUP Attached Single-family Dwellings

### **COMMERCIAL:**

- P Home Occupation, Outdoor Recreation
- L(38) Temporary Uses

### **INDUSTRIAL:**

- L(27), SUP Gas Wells

### **INSTITUTIONAL:**

- P Parks and Open Space, Churches
- L(25) Basic Utilities
- SUP Semi-Public Halls, Clubs, and Lodges, Adult or Child Day Care, Kindergarten, Elementary Schools, WECS

**P = Permitted, L(#) = Permitted with a Limitation, SUP = Specific Use Permit**

### **LIMITATIONS:**

L(1) – Subject to the following criteria:

1. The proposal must conform with the overall maximum lot coverage and setbacks requirements of the underlying zone.
2. The maximum number of accessory dwelling units shall not exceed one per lot.
3. The maximum gross habitable floor area (GHFA) of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, and shall not exceed 1,000 square feet GHFA unless the lot meets the requirements of L(1).5.
4. One additional parking space shall be provided that conforms to the off-street parking provisions of the DDC.
5. The maximum GHFA of the accessory residential structure shall not exceed 50% of the GHFA of the primary residence on the lot, where the lot size is equal to or greater than 10 acres in size. An SUP is not required for such an accessory residential structure where the lot size is equal to or greater than 10 acres.

L(3) – In a subdivision of two acres or more, up to two units may be attached by a common wall if the lots which contain the attached structure do not abut the perimeter lot lines of a subdivision, the individual common wall units are on separate lots designed to be sold individually, and the comply with Subchapter 13. Additionally, units must have the appearance of a single-family residence from the street.

L(7) – Limited to two animals on parcels one to three acres in size. Additional animals may be added at a rate of one per each acre over three acres.

L(25) – If proposed use is within 200 feet of a residential zone, approval is subject to an SUP.

L(27) – Must comply with the provisions of Subchapter 22, Gas Well Drilling and Production

L(38) – Must meet the requirements of Section 35.12.9.

## Neighborhood Residential Mixed Use (NRMU) Permitted Uses

### RESIDENTIAL:

- P Dwellings Above Businesses, Live/Work Units, Community Homes for the Disabled
- L(7) Livestock
- L(40) Attached Single-Family Dwellings
- L(4), SUP Multi-Family Dwellings
- SUP Group Homes
- SUP Fraternity or Sorority House
- SUP Dormitory

### COMMERCIAL:

- P Home Occupation, Hotels, Bed & Breakfast, Laundry Facility
- L(17) Retail Sales and Service, Professional Services and Offices
- L(11) Restaurant or Private Club
- L(14) Administrative or Research Facilities, Broadcasting or Production Studio
- L(38) Temporary Uses
- SUP Drive-through Facility, Quick Vehicle Servicing, Outdoor Recreation

### INDUSTRIAL:

- P Veterinary Clinics
- L(21) Bakeries
- L(27), SUP Gas Wells

### INSTITUTIONAL:

- P Community Service, Parks and Open Space, Churches, Semi-Public Halls, Clubs, and Lodges, Adult or Child Day Care, Kindergarten, Elementary School, Middle School, Elderly Housing, Medical Centers
- L(25) Basic Utilities
- L(14) Business/Trade School
- SUP High School, WECS (Free-standing Monopole Support Structure), WECS (Building Mounted)

**P = Permitted, L(#) = Permitted with a Limitation, SUP = Specific Use Permit**

### LIMITATIONS:

L(4) – Multi-Family is permitted only:

1. With a Specific Use Permit (SUP),
2. As part of a Mixed-Use Development; or
3. As part of a Master Plan Development, Existing; or
4. If the development received zoning approval allowing multi-family use with one (1) year prior to the effective date of Ordinance No. 2005-224; or,
5. If allowed by a City Council approved neighborhood (small area) plan.

L(7) – Limited to two animals on parcels one to three acres in size. Additional animals may be added at a rate of one per each acre over three acres.

L(11) – Limited to sit down only, and no drive up service permitted. Limited to no more than one hundred (100) seats and no more than four thousand (4,000) square feet of restaurant area.

L(14) – Uses are limited to no more than ten thousand (10,000) square feet of gross floor area.

L(17) – Uses that exceed twenty-five thousand (25,000) square feet of gross floor area per use require approval of a SUP.

L(21) – Baking and Bottling areas not to exceed two thousand five-hundred (2,500) square feet. Sales on premise of products produced required in the same zone.

L(25) – If proposed use is within 200 feet of a residential zone, approval is subject to an SUP.

L(27) – Must comply with the provisions of Subchapter 22, Gas Well Drilling and Production

L(38) – Must meet the requirements of Section 35.12.9