



## Legislation Details (With Text)

**File #:** ADP16-0001d **Version:** 1 **Name:**

**Type:** Planning Case

**File created:** 7/27/2016 **In control:** City Council

**On agenda:** 8/1/2016 **Final action:**

**Title:** Consider approval of 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, east of Monte Verde Way, and west of Swisher Road. The Planning and Zoning Commission recommends approval (7-0).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Staff Analysis, 2. Location Map, 3. Zoning Map, 4. Future Land Use Map, 5. ESA Map, 6. Proposed ESA Plan, 7. Site Photos, 8. Notification Map & Responses, 9. Draft Ordinance, 10. June 8 Planning and Zoning Commission Minutes, 11. Presentation

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**ACM:** Jon Fortune

**DATE:** August 1, 2016

### SUBJECT

Consider approval of 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, east of Monte Verde Way, and west of Swisher Road. The Planning and Zoning Commission recommends approval (7-0).

### 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.

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. Staff received two responses in favor of the request. Three members of the public spoke in support of the request at the Planning and Zoning Commission meeting on June 8, 2016.

### **OPTIONS**

1. Approve as submitted.
2. Approve subject to conditions.
3. Deny.
4. Postpone consideration.
5. Table item.

### **RECOMMENDATION**

The Planning and Zoning Commission recommends approval of this request (7-0).

The Development Review Committee recommends approval of this request.

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

On June 8, 2016, the Planning and Zoning Commission recommended approval of the Alternative ESA Plan request (7-0).

On July 19, 2016, the City Council held a public hearing and voted on the request. The result of the vote was a 3-3 tie. Any item that results in a tie is automatically placed on successive agendas until a majority vote is reached.

On July 26, 2016, the item was postponed to the August 1<sup>st</sup> City Council.

### **STRATEGIC PLAN RELATIONSHIP**

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

**Related Key Focus Area: Economic Development**

**Related Goal:**                      **3.4 Encourage development, redevelopment, recruitment, and retention**

**EXHIBITS**

1.     Staff Analysis
2.     Location Map
3.     Zoning Map
4.     Future Land Use Map
5.     ESA Map
6.     Proposed ESA Plan
7.     Site Photos
8.     Notification Map & Responses
9.     June 8, 2016, P&Z Meeting Minutes
10.   Draft Ordinance
11.   Presentation

Respectfully submitted:  
Aimee Bissett  
Director of Development Services

Prepared by:  
Mike Bell  
Senior Planner