



## Legislation Text

---

**File #:** A16-0003a, **Version:** 1

---

### AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**ACM:** Jon Fortune

**DATE:** August 9, 2016

#### **SUBJECT**

Receive a report, hold a discussion and provide staff direction regarding a Pre-Annexation Development Agreement between the City of Denton and Ryan Capital Partners, Ltd., concerning an approximately 80.9-acre property located on the south side of Ryan Road and east of Andrew Street.

#### **BACKGROUND**

On June 2, 2016, the City Council granted a second extension of the existing Non-Annexation Agreement (NAA) to delay annexation of the subject property while staff and the developer collaborated on a Pre-Annexation Agreement (PAA) to allow the property to remain in the City's Extraterritorial Jurisdiction (ETJ) in return for the City's regulation of land uses and design standards for the site. PAA's are contracts between the governing body of a municipality and the owner of property in the ETJ and are permitted under Texas Local Government Code Section 212.172. They allow a land owner to continue their ETJ status while extending a municipality's planning authority over the property. The agreements typically regulate the following:

- Land use and development regulations
- Provide for infrastructure, including streets, drainage, water, wastewater, and other utilities
- Environmental regulations
- Annexation or terms of annexation
- Other lawful terms agreed upon

The proposed PAA is nearing completion and staff is prepared to present details of the development plan and to receive feedback on the agreement from the City Council prior to the expiration of the NAA on September 4, 2016. A regular session item to consider approval of the PAA is scheduled for the August 16, 2016 City Council meeting.

#### **EXISTING CONDITIONS**

Located south of East Ryan Road and 370 feet west of Montecito Drive, the subject property is situated in the southern portion of the City generally between the Thistle Hills residential subdivision and the Good Samaritan Society Lake Forest Village. It has approximately 2000 feet of frontage on East Ryan Road and a small portion at the southwest corner of the PAA area also has frontage on Creekdale Drive. The site is currently used for agriculture and natural gas production, with the gas well production site located near the west property line.

The eastern portion and the western and southern perimeters are heavily treed. A creek with a small pond flows north-south across the center of the site that is protected by various environmental protections including FEMA floodplain and Stream Buffer, Water Related, and Upland Habitat Environmentally Sensitive Area (ESA).

Land uses surrounding the subject property include an elementary school, a park, and elderly housing; however the primary surrounding land use is single-family residential. Development patterns for the residential uses vary from large-lot, low density estate homes to medium density homes with a suburban character. The residential development has progressed gradually, resulting in a fragmented pattern with uneven connectivity between subdivisions. The central location of the subject property within the surrounding residential mix supports a development of varied housing styles and densities, as well as future connectivity, thereby potentially improving the level of service of roadways abutting these developments.

### **PROPOSED PRE-ANNEXATION AGREEMENT**

The PAA divides the property into four distinct areas intended to be owned and developed independently. The terms and conditions of each Tract are outlined below:

#### **Tract 1A**

Approximately 14.434 acres in size, Tract 1A is located on the south side of Ryan Road to the west of the Good Samaritan elderly housing facility. Currently an undeveloped tract, the PAA includes a concept plan for development of the site with a variety of Elderly Housing types as a future extension of the Good Samaritan Village. Approval of a detailed plan will be required prior to any development. The site will also be required to preserve approximately 60% of the existing trees on site along the south and west property lines. Annexation of the site would be triggered upon application for a Final Plat to develop the property. Once annexed, the site would receive a Neighborhood Residential Mixed Use 12 (NRMU-12) District zoning classification, subject to the provision of the PAA.

#### **Tract 1B**

Approximately 20.533 acres in size, Tract 1B is located on the south side of Ryan Road immediately to the west of Tract 1A. This tract is the location of the creek and associated ESA's. No incursion upon the ESA is proposed at part of the PAA. Currently an undeveloped property, the PAA would permit this tract to be subdivided into no more than three lots for single-family homes. Annexation would be instituted upon submittal of a Final Plat application. Once annexed, the site would receive a Neighborhood Residential 2 (NR-2) District zoning classification, subject to the provisions of the PAA.

#### **Tract 1C**

Approximately 47.47 acres in size, Tract 1C is located on the western portion of the subject property, adjacent to the Thistle Hills and Ryan Ranch Phase II residential subdivisions. The property is currently developed with a gas well that the developer has agreed to purchase so that it may be permanently plugged. Once plugged, the applicant intends to develop the site with 137 single-family houses. General Regulations of this Tract are as follows:

Maximum Dwelling Units: 137  
Minimum Lot Size: 7,200 square feet  
Minimum Lot Width: 60 feet  
Minimum Lot Depth: 110 feet

Minimum Front Yard Setback: 20 feet for front-entry, 25 feet for J-Swing entry  
Minimum Side Yard Setback: 5 feet  
Minimum Rear Setback: 15 feet

Staff also negotiated design enhancements to the site that would not otherwise be required had the site been involuntarily annexed and zoned any of the Neighborhood Residential Districts. A comparison of the PAA design standards in comparison to the standard Denton Development Code regulations is attached as Exhibit 11. These enhancements include:

*Tree Preserve & Buffer* - To buffer adjacent subdivisions, the developer will preserve a stand of trees within an approximately 100-foot buffer on the west and south sides of the property. By incorporating the trees and natural landscape of the property into the design of the subdivision, approximately 65% of the existing tree canopy within Tract 1C will be preserved. A five foot wide meandering trail will also be provided through the western tree buffer so that the trees may remain accessible and enjoyable by the residents.

*Masonry Screening Wall & Entry Feature* - To screen the subdivision and enhance the overall aesthetics of the public right-of-way, the developer will provide a minimum six-foot masonry wall with stone columns along the frontage of Ryan Road for both Tracts 1A and 1C. In addition to the masonry wall, the entrance from Ryan Road will include enhanced landscaping and a wooden tower entry monument. Renderings of the proposed entry features are attached as Exhibit 9.

*Trail System & Linear Park* - To take full advantage of the site's natural beauty and designed open space, the developer will provide a meandering trail system through the development as depicted in the detailed plan. This trail will begin at Ryan Road on the north side of the property and connect to Creekdale Drive utilizing two routes. The western trail will meander through the Tree Buffer and the eastern trail will parallel the creek to the east of Tract 1C. The two trails will connect in the middle of the development through an east-west linear park over the site of the plugged gas well. To enhance the safety and security of the trail users, decorative lighting will be provided and wrought iron fences for all property lines adjacent to open spaces. A detailed plan of the proposed trail system, fencing, and examples of the decorative lighting are attached.

*Amenity Center* - The development will include a community pool and playground on the northern end of the tract. Renderings of the amenity center are attached as Exhibit 7.

*Building Materials* - To ensure a high quality housing product, the developer shall provide a minimum masonry requirement of 90% for front facades and 75% for side and rear facades. This is in contrast to the city-wide regulations of the Denton Development Code (DDC), which has no minimum masonry requirement for any façade of a single-family home.

*Variation in Housing Type* - The developer will provide a minimum of 25% of houses will include a 3-car garage or J-swing drives to enhance the aesthetics of the street by limiting the amount of garage doors directly facing the street and to provide a variety of housing types. These features are to be evenly distributed throughout the development. Additionally, the PAA includes a non-repeat clause to restrict the proximity in which two similar elevations, floor plans, and color selections can be used along the same street.

*Variation in Setbacks* - Varying front yard setbacks of 20 feet and 25 feet to eliminate the repetition and uniformity commonly associated with tract home development.

*Minimum Floor Area* - Homes within the development shall have a minimum floor area of 1,800 square feet of air-conditioned space, however no less than 25% of the homes shall be 2,400 square feet or greater of air-conditioned space. This is comparable with surrounding neighborhoods which generally range from 1,500 to 5,000 square feet of floor area. The minimum city-wide requirement in the DDC is 900 square feet.

## **Tract 2**

Tract 2 is located on the north side of Ryan Road and is not proposed for inclusion in the PAA. The owner of this property would like to remain subject to the NAA and outside of city limits. Staff recommends the NAA be extended to the year 2020 for consistency with other NAA's approved by City Council or that site be annexed immediately according to the terms of the NAA originally set to expire in March 2016. Once annexed it would receive an initial zoning of RD-5X and be subject to the regulations of the Rural Residential (RD-5) zoning district. However, it is at the City Council's discretion to determine an annexation schedule within the terms of the PAA.

## **RYAN ROAD IMPROVEMENTS**

Ryan Road is currently a two-lane, undivided roadway with varying right-of-way widths between Teasley Lane (FM 2181) and Country Club Road (FM 1830). Per the Mobility Plan, the fully developed condition of Ryan Road is a four-lane, divided roadway with a total right-of-way width of 110 feet. In the typical development process, the fully developed condition is achieved by requiring the developer to dedicate the necessary right-of-way and fully construct their half of the street and sidewalks for the full frontage of the property. In the proposed PAA, the developer of each individual tract will still dedicate the necessary right-of-way, but a Perimeter Street Improvement Contribution will be assessed in lieu of constructing the streets and sidewalks.

The purpose of the Perimeter Street Improvement Contribution in lieu of construction is to more fairly distribute the costs of street improvements according to the anticipated impact of each individual tract rather than the amount of frontage along Ryan Road. Tract 1B, for instance, will only be developed with no more than three single-family homes, yet has the greatest amount of street frontage. Additionally, the creek crosses Ryan Road within the frontage of this tract which is likely to require higher costs associated with constructing culverts underneath the road. Requiring the developer of Tract 1B to construct Ryan Road to its fully developed condition would be disproportionate to the impact generated by the three houses. Instead, the developer will be assessed a Perimeter Street Improvement Contribution that is roughly proportionate to its impact on Ryan Road.

The total Perimeter Street Improvement Contribution was calculated by the Director of Engineering to be \$900,800. This will be divided into a \$375,000 contribution for Tract 1A, \$5,200 for Tract 1B, and \$520,600 by Tract 1C. Tract 1 will be assessed using the standard development process as it is not proposed for inclusion in the PAA. The Street Development Fees collected by the developments may only be used towards a future City of Denton roadway project for Ryan Road.

## **EXHIBITS**

1. Location Map
2. Zoning Map
3. PAA Boundary Map
4. Tree Preservation Plan
5. Tract 1A Concept Plan
6. Tract 1C Detailed Plan

7. Amenity Center
8. Fencing Exhibit
9. Entry Monument
10. Hardscape and Landscape Exhibit
11. PAA v. DDC Comparison Table

Respectfully submitted:  
Munal Mauladad  
Deputy Director of Development Services

Prepared by:  
Mike Bell  
Senior Planner