



## Legislation Text

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

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### AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**ACM:** Jon Fortune

**DATE:** August 23, 2016

#### **SUBJECT**

Consider adoption of an ordinance of the City of Denton approving an amendment to a non-annexation agreement between the City of Denton and Ryan Capital Partners, Ltd.; and providing an effective date.

#### **BACKGROUND**

On March 3, 2015, the City Council adopted Ordinance 2015-072, accepting a Non-Annexation Agreement for agricultural, wildlife management, or timberland use properties within an area of land generally located on the north and south sides of Ryan Road, consisting of approximately 85 acres ("NAA"). The NAA was scheduled to terminate on March 1, 2016. However, prior to termination of the NAA, the property owner(s) intimated that there was a potential multi-use of the subject property, and the owner(s) consequently requested an extension of the NAA to allow enough time for staff to create a Pre-Annexation Development Agreement (PADA) pursuant to the Local Government Code.

At the February 16<sup>th</sup> City Council work session, staff presented an analysis outlining the intent of a PADA and associated advantages of creating a comprehensive development agreement for the subject site. The development standards within the PADA would be comparatively more elevated than the current DDC requirements and would allow the City to secure a comprehensively planned, high-quality development instead of a conventional development pattern meeting the minimum requirements. The analysis hinged on the importance of creating:

- A Cohesive Character: Elements that define the space and create a sense of place. This includes, but is not limited to, architectural details, building materials, landscape design and tree canopy.
- Connectivity: Pedestrian, bicycle and vehicular paths within the community and associated connectivity with adjacent communities and the transportation network.
- Sustainability: Protection for future generations. This includes the natural environment, economic growth and social systems.
- Open Space: This includes active and passive recreation areas for the entire community.
- Durability: Neighborhoods should be long lasting legacies for the City of Denton
- Maintaining the integrity, to the greatest extent possible, of the existing Environmentally Sensitive Area (ESA) and floodplain that traverses the southern portion of the site.

On March 1, 2016, the City Council extended the NAA for an additional 120 days to afford staff and the

developer the opportunity to author the proposed PADA. With the adoption of Ordinance 2016-079, the NAA was therefore scheduled to expire on June 29, 2016.

On June 7<sup>th</sup>, 2016, staff requested a second extension of the NAA to allow more time for the PADA preparation. At its meeting on June 7<sup>th</sup>, the City Council approved the extension of the NAA for an additional 90 days. With the approval of Ordinance 2016-156, the NAA was therefore extended upon September 5, 2016

At the August 9<sup>th</sup> City Council work session, staff presented the framework and general requirements of the proposed PADA. This included the development of the property into three tracts. Tract 1A would allow for the extension of the Good Samaritan elderly housing facility, Tract 1B would permit the development of three large-lot, single-family homes, and Tract 1C would permit the creation of a 137 lot single-family subdivision. Tract 1C included a number of amenities and requirements comparatively more elevated than the current DDC requirements including:

- An amenity center with a pool, playground, and open space
- Approximately 30% of open space specifically designed to preserve 65% of the existing tree canopy and maximize the accessibility of the site's natural open space.
- A trail system meandering throughout the development.
- The abandonment of an operating gas well and creation of a linear park atop the plugged well site.
- Enhanced masonry standards to ensure a high quality housing product.
- Variation in setbacks, driveway type, and number of garages to ensure a diversity of housing type within the development.
- An enhanced entry feature including a masonry screening wall, landscaping, and attractive monument signage.

Following direction from City Council, staff is currently preparing edits to the PADA to lower the maximum density and increase the minimum lot size requirements of Tract 1C. To allow for the additional time necessary to prepare these edits, staff is requesting a third extension of the NAA for an additional 120 days.

## **OPTIONS**

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

## **RECOMMENDATION**

Staff recommends approval of an Ordinance accepting an amendment to the Chapter 212 Texas Local Government Code Non-annexation Agreement between the City, Jean Ann Baker, and Ryan Capital Partners, Ltd., which shall extend the First Amendment NAA for an additional 120 days.

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

On March 3, 2015, the City Council adopted Ordinance 2015-072, approving an NAA for the subject property with a term set to expire on March 1, 2016.

On February 16, 2016, the City Council received a presentation from staff on the intent and potential benefits of a PADA and requested extension of the NAA.

On March 1, 2016, the City Council adopted Ordinance 2016-079, extending the NAA for 120 days, expiring June 29<sup>th</sup>, 2016.

On June 7, 2016, the City Council adopted Ordinance 2016-156, extending the NAA for 120 days, expiring September 5<sup>th</sup>, 2016.

On August 9, 2016, the City Council received a presentation from staff on the general framework and requirements of the proposed PADA.

### **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:**     **Safe, Liveable & Family-Friendly Community**  
**Related Goal:**               **5.4 Manage land use and preserve open/natural spaces**

### **EXHIBITS**

1.     Location Map

Respectfully submitted:  
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Development Services