

Notes and Rebuttals to November 1 2023 Planning and Zoning Commission Meeting Presentation

This document prepared for the Planning & Zoning Commission Meeting November 1, 2023 is ill-advised, contains numerous misstatements and its plan should be rejected. Furthermore, the Northeast Denton area plan process itself has been deeply flawed and should be ceased immediately and the direction reconsidered. We need a reset.

This was supposed to be a process to “refine” the Denton 2040 Plan and to be guided by community input and the Steering Committee. Yet the spirit and specific language of the Comprehensive Plan are being ignored and greatly changed in this proposed plan. The vision statement of the Steering Committee and community desires have been overridden in the direction given to staff by the City Council to pursue the Scenario in this plan. Please see our comments on the writeup below for specifics.

The writeup before you by the consultant to the Northeast Denton Area Plan process has numerous specious, false and misleading statements. While lip service has been given to the stated goals of the Area Plan to “preserve [the] natural environment” and “preserve rural character” (page 1 of the August 1, 2023 Joint Workshop Response Report), the proposed Scenario here fails these goals by a wide margin. The densities and non-rural types of land use proposed are inconsistent with such preservation.

More specifically, the August 1st Joint Workshop Response Report says “the main goals for the two scenarios are: Preserve natural environment [and] Preserve rural character”. Remember, the Northeast Denton area includes the most ecologically important watersheds in the entire DFW region, which character should be retained to as an asset to the community to support quality of life, mitigate flooding and the effects of global warming, and to enhance recreational opportunity in the City and region while preserving at least in one area of Denton the historic rural character of the land. These goals are not met in this proposed Scenario, and such goals are significantly compromised thereby. The above goals have disappeared in this latest presentation. This plan should be rejected and sent back for rewrite to be closer to the Scenario 1 presented on August 1st.

I remind the reader of the Vision Statement prepared by the NEDAP Steering Committee:

DRAFT VISION STATEMENT

Vision Statement recommended by the Steering Committee following the Strategic Workshop

Our vision for Northeast Denton is to maintain a sustainable community that **prioritizes environmental preservation, preservation of historic spaces, and healthy recreation, while still honoring the rural character of the area.** We are committed to providing rural housing (2-5 acre lots) and development options that are consistent with the standards outlined in the 2040 Comprehensive Plan as well as current zoning.

To quote the Community Vision Statement in the Denton Comprehensive Plan regarding the ‘rural fringe’ in which the Northeast Denton study area sits, “in our rural fringe areas of the city and the Extraterritorial Jurisdiction (ETJ) we see...**conservation development which retains rural character, protects open space and greenways...**”

Our vision recognizes the special and sensitive environmental realities of Northeast Denton, including the invaluable Greenbelt and crucial Watershed. It recognizes the historic significance of Hartlee Field and aims to preserve and highlight the airfield. It recognizes the way Northeast Denton **is valued by people across Denton** as a rural, natural space free of traffic and available for recreation such as biking, walking, horseback riding, and enjoyment of quiet nature. Our vision incorporates the vision of those who participated in the 2022/2023 community meetings and seeks to follow the guidelines set by residents who with the 2030 and 2040 Comprehensive Plans sought to **establish Northeast Denton as a special place for all of Denton to enjoy.**

Figure 1. Steering Committee Vision Statement

I remind the reader of what the Denton 2040 Plan says as to the rural fringe:

“As much of Denton is characterized as rural and agricultural land that possesses a character of Denton’s past and natural environment that is cherished, conservation development is recommended as the primary means of managing the interface of the developed and undeveloped land.

2.14 Protect rural character and scenic open space at the city’s Edge to promote the achievement of the Preferred Growth Concept, Preferred Land Preservation Plan, and the FLUM.

2.14.1 Promote conservation (clustered) development in rural areas, with permanently protected open space in conservation easements, as an alternative to large lot development.

2.14.2 Expand the network of protected rural open space including floodplains and stream corridors through open space in conservation easements and through land dedications, voluntary conservation easements, land trusts, and parks. Develop procedures for transfers of ownership and responsibilities for management of protected open space”

[emphasis added]

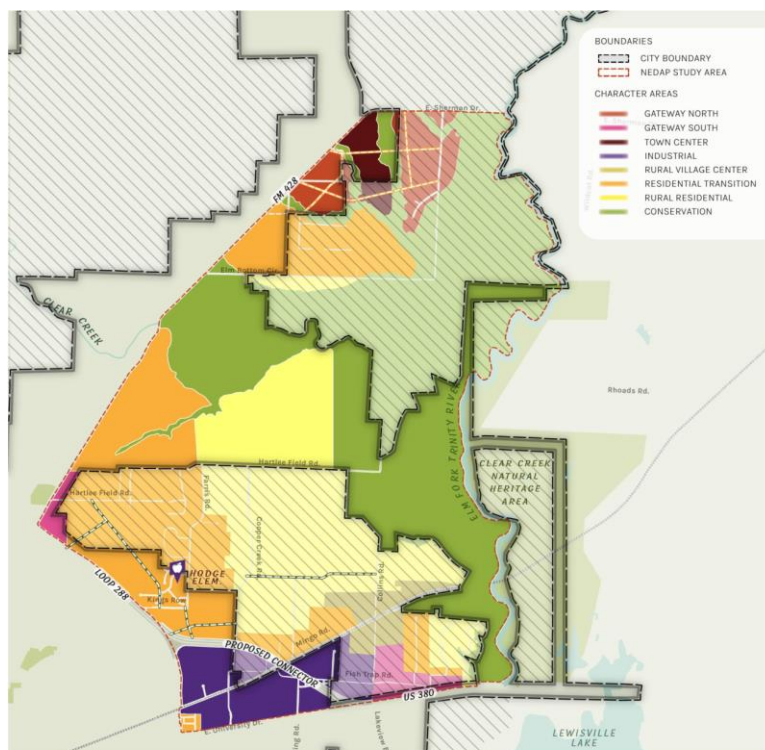
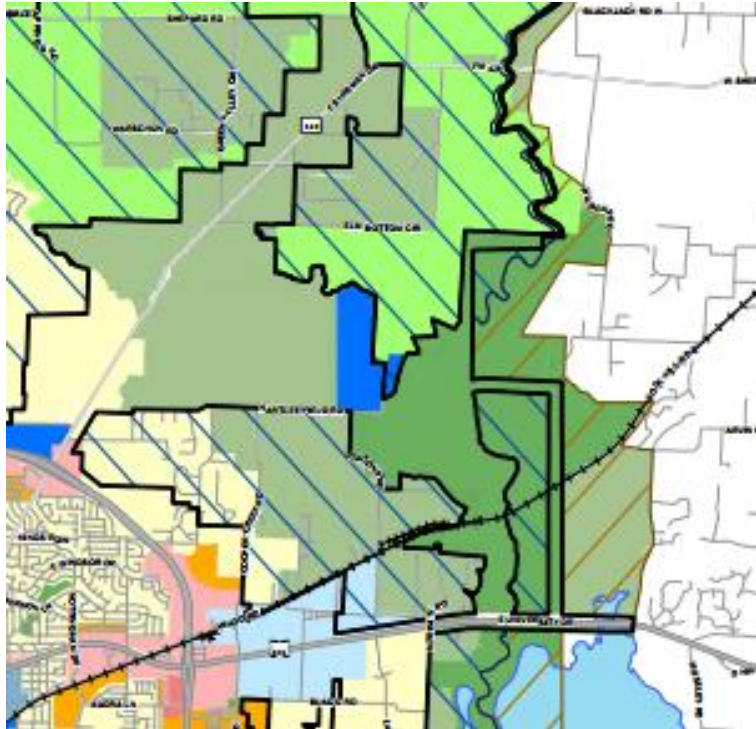
Specific Comments and Issues with the proposed plan document follow.

Slide 6 – Proposed Land Use Mobility Plan. Note that Residential Transition says “clustered in mixed-use neighborhoods”. We need to clarify this as mixed-use generally includes retail commercial and apartments: This Residential Transition use as described violates the Denton 2040 plan as to this rural fringe, and the community strongly opposes this designation anywhere, as you saw in the Community Open House. See Figure 6 below.

Gateway North, Gateway South, Town Center and Rural Village Center do not belong in NE Denton, with one exception discussed below. Industrial should be only in the corridor between US 380 and Mingo Rd.

Slide 7 – Proposed Maps. The community strongly opposes this plan. It materially violates the Denton 2040 Plan as to the Rural Fringe. This process was supposed to be a “refinement” of the Denton 2040 Plan; instead, it has turned into a major inappropriate rewrite.

What follows is detail from the Denton 2040 Plan Future Land Use Map (“FLUM”):



Proposed Land Use Map

Figure 3: Proposed land use map from the latest presentation

You can see the proposed plan bears virtually no resemblance to the existing FLUM.

There is an error on the mobility slide in that Hartlee Field Rd does not now connect to FM428 through Agave Ranch as shown.

Slide 9 – Goals. This proposed plan meets neither goal. This is not fiscal and environmentally sound, it creates fragmentation and sprawl, encourages premature development and does little to conserve the city's environmental and natural resources. The Scenario 1 proposed on August 1st better achieves these goals.

Conservation development in this presentation has been distorted to result in extremely high density 15 units per acre, vastly different from how it is described in the 2030 Plan (where it was described in detail). A schematic from that 2030 Plan follows. What follows is what it is supposed to be. We make more detailed recommendations below. Conservation development would greatly reduce the infrastructure costs to the City and would do much to achieve the environmental preservation goals for NED.

Figure 2.2: Conventional Large Lot v. Conservation Development Alternative



Figure 4: Illustration of Conservation Development from the Denton 2030 Plan

Conversely, the densities proposed in most of NED do not conform with the important goals presented on August 1st: Preserve natural environment [and] Preserve rural character”.

Slide 10 – Objectives. This plan not only does little to advance environmental preservation, sustainability and climate resilience, it destroys it. This hurts the quality of life for those who live in the area. It destroys, not enhances, the rural character and historic assets. The opportunity is lost for this area to become a regional asset and legacy for future generations. There is no evidence that this fosters economic sustainability relative to what is here now.

Slide 12 – Land Development Strategies – Strategy #1. First, it is obvious that that this does not conform to the FLUM above and is a gross departure from the goals of the Denton 2040 Plan encouraging suburban sprawl and working against the preferred land use concept of promoting infill and preserving the rural fringe. The 3.5 houses per acre density is far too great and inappropriate to this rural fringe in order to retain its rural character.

Why go through this exercise when the land can simply be left at RR-5 and achieve the graphic at right in Figure 4, which actually does preserve the character of Denton and preserves the natural resources, leaving a lighter footprint on the land?

Said differently, the three scenarios on slide 12 should be starting at left with the existing RR-5 zoning in the plan with 84 houses on 421 acres as the illustration. The Conservation development scenarios should have the same number of homes, 84. Specifically, the scenario on the right would have 84 homes on 84 acres.

Slides 13-14 – Strategy #1. See our comments above as to density. The density should not be greater than RR-5 except where different in existing zoning.

Slide 15 – Strategy #2. The densities along FM428 are too high and would detract from this area serving as the northern gateway to Denton which should be rural in character. The land use west and north of Agave Ranch should be Rural Residential.

Slide 16 – Strategy #2. As noted above the overall residential density should be the existing zoning of RR-5, not 3 to 5 units per acre.

Slide 17 – Strategy #2. It is an incorrect general statement that the FLUM envisioned densities up to 5 homes per acre along major thoroughfares, except along the Loop 288. Agave Ranch was grandfathered as R3 and R2 as it was approved for that, but the rest of FM 428 is RR-5 in the FLUM. See the FLUM below from the Denton 2040 Plan.

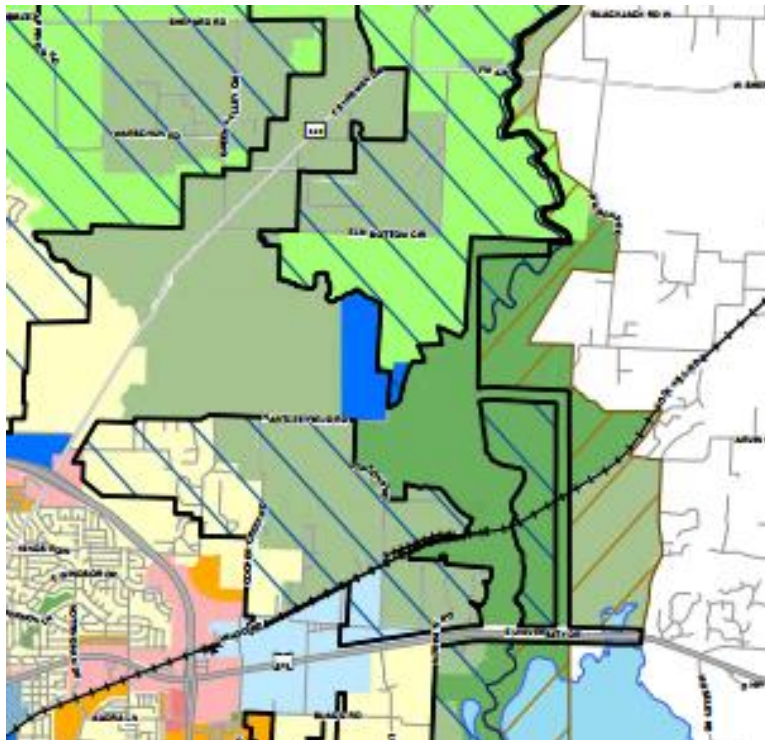


Figure 5: Excerpt from the Denton 2040 Plan FLUM

As the FLUM does not allow it, the strategy should not allow more areas with 3-5 units per acre than that shown in the FLUM in yellow and pink. To say this the Strategy 3 proposal is a “refinement” of the FLUM is patently false.

Slides 18-19 – Strategy #3. Once again there are many specious/false statements made in these slides. The FLUM provides for Neighborhood-level commercial development in only one node -- at the intersection of Sherman Drive and Loop 288. To do more is inappropriate and would not preserve the natural environment nor rural character of the area, the key priorities for Northeast Denton.

To put a Rural village center with Residential transition along Mingo Rd does is a bad idea and does not reflect careful thinking. A Rural Village Center is proposed to stretch along Mingo Rd to the Clear Creek Natural Heritage Center. This makes for a too-abrupt transition from the Clear Creek nature preserve to commercial land use, and it is therefore inappropriate. This area designated for a Rural Town Center is inappropriate as well for its location and extremely limited access. There is only one crossing of the railroad tracks at Mingo Rd at Cooper Creek Rd which provides access to 380 and to the 288 Loop (where everyone would want to go); only one access would create a huge bottleneck at that intersection. Keep in mind that (1) there will be much truck traffic from the new warehouses there along Mingo Rd and (2) potential traffic generated by 500 homes (5,000 trips/day) from the proposed Windsor Development, both exacerbating the traffic pinch point. **This makes no sense and is bad planning.**

The Residential Transition use does not belong in the ETJ at all. First, adding Residential Transition where shown along Mingo Rd also makes no sense for the same reasons as above. The traffic access across the railroad tracks, the sole egress to 380 and the Loop will be horrible. The Proposed Connector has no facility for traffic from this area going on the Connector being able to turn south on the Loop 288, again funneling traffic over the RR tracks, which traffic largely would want to go to the shopping centers south along the Loop and to access I-35 there.

In the Community Visioning sessions, there was a clear consensus that there would not be town centers nor Residential Transition in Northeast Denton. This could not be clearer:

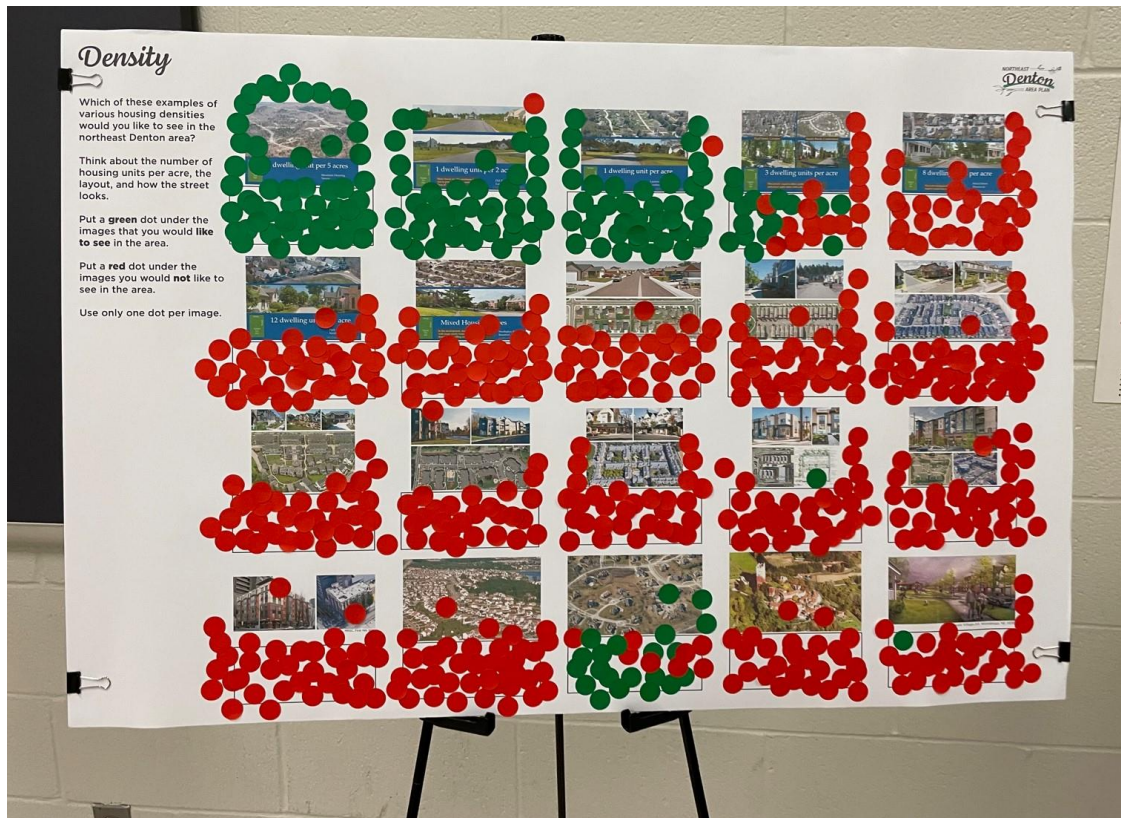


Figure 6: Community “votes” at Vision Workshop (Green = yes, red = no)

Similarly, it goes against the Denton 2040 Plan, the FLUM and the primary goals of preservation of environment and rural character to put a town center at the northern end of the study area.

As noted above, the NDNA plan shows only one node for retail where it is shown on the FLUM above. This would be sufficient to serve the NED area, particularly with the proximity of NE Denton to the Loop288 and to University Dr with all the shopping there. As well, we heard that a food market is slated to go in at Sherman Crossing. This allows bike access from NE Denton provided there are bike lanes built to connect that to the denser neighborhoods. With the lower densities proposed by the NDNA plan, there is no need for more town centers.

Do not consider rezoning requests but stick with the Commercial zoning currently at that 288/428 intersection.

Slides 20-21 – Strategy #4. Again, false and misleading statements are made here. First the image of a rural town center was rejected at the Visioning Workshop, as noted and seen above. We do however encourage design that enhances the rural character, as NDNA proposed with conservation development and rural density.

A clear and consistent design language is not necessary or even appropriate. We do not want a uniform vision like you see in the developments in Frisco. That is the opposite of rural character. We do want to see a rural character, with a variety of home types and styles, naturalistic grasslands and trees, barns and horses or other farm animals. This latter is rural, not “design standards that address site layout, building placement, massing, orientation, façade articulation, height, location of doors and windows,

landscaping, parking, screening, etc. That is for HOA-type communities which character we all should reject as the opposite of a natural, rural feel. The 2040 Plan calls for housing diversity as well.

Slides 22-24 – Strategy #5. ETJ residents have observed City practices and approvals for projects in and near our area which repeatedly violate the Comprehensive Plans, such that now ETJ residents harbor great distrust in the City that it will live up to its word. This plan is a perfect example of what causes this distrust. We were told that this NED Area Plan process would be driven by community interests. Instead, it is apparent that has been driven by developer interests at every turn as seen in these documents. The dictates of the FLUM are being modified herein to the detriment of Denton residents and the stated goals of this process (per the presentation 8/1/23 and the Steering Committee Vision Statement).

We see no chance that property owners in the ETJ would agree to voluntary agreements to be annexed either immediately or committing to do so at a later date. This process and document have triggered rampant discussions among residents in the ETJ not only never to be annexed but actually to leave the ETJ in accordance with SB-2038. Unfortunately, the City has made its own nest here.

Paragraph 3 of the “Why” statement states that higher density development outside of City limits will generate traffic on City roads without tax revenue to pay for it. This possibility could happen in any event, with no chance of annexation, so the point is moot. This is an argument for leaving the city area in NE Denton rural in order to lessen the load on City streets.

Slides 26-30 – Strategy #6 & #7. This says to “require Complete Streets” which implies for the entire area. Once again there is here a mischaracterization of the NDNA plan on page 15. The NDNA plan proposes some improvements to Mingo Rd to provide bike or walking paths for better access from the center of town to the Clear Creek Natural Heritage Center and to promote recreation and use of the area. The improvements otherwise described on this slide are unnecessary and unwanted in the other areas given NDNA’s proposed lighter development footprint and the desire to retain the rural, country feel of the area. The authors of this proposal do not understand that people love this part of Denton for bike-riding precisely because it is quiet and largely unimproved with 2 lane roads and bar ditches lined with trees. This, along with the ecological sensitivity of the area, is the asset we are seeking to preserve as a legacy for the larger Denton community. The proposed road changes are an unneeded expense for the City and work against its preservation goals.

If you want to mitigate storm water and heat island challenges, then do not pave over the area with roofs and streets – this goes for the entire NE Denton area.

We agree that the existing R2-R4 neighborhoods should have natural buffers and bioswales to separate them from roads and lower density residential areas to help manage stormwater runoff, soften the transition and promote a rural feel.

Slides 31-33 – Strategy #8. We agree with developing a network of trails. We are unsure where the “Timber Branch” corridor lies. Is this in Denton or a carryover from a prior presentation?

Slides 34-35 – Strategy #9. We do not think a train link is appropriate and is too costly to implement. Demand should dictate the type of transportation and what it connects. Work with the businesses there to determine where the workers live. Otherwise, it is a waste of money.

Slides 36-38 – Strategy #10. We agree with the premise on slide 36 to not negatively impact existing residents. As a general matter, traffic generated by any new developments should be directed directly through the neighborhood to the main thoroughfare nearby. This would minimize the need to expand nearby existing roads and so avoid unnecessary cost.

In this regard as well, we are concerned that travelers south along FM428 who seek to access US 380 will use the Cooper Creek extension instead of going FM428 to Loop288 to Proposed Connector to US 380, as Cooper Creek is more direct route. This would put undue traffic through this area. Instead, stop Cooper Creek extension at the “Wagon Wheel Rd” which extends west across the former Carter Ranch/now Nanban to connect to FM428. Doing so would have the benefit of not crossing/impinging on Clear Creek, an important remaining wildlife corridor and location for future nature trails.

We do not understand the logic and expense of extending Silver Dome to the East to connect with Collins Rd.

We cannot comment at this time on “Residential Collectors” as we do not understand what that term entails – not defined here.

Kings Row where it intersects Loop 288 is a huge problem at this time, and it is about to get significantly worse with the build-out of the Kings Way and Windsor developments adding about 10,000 trips into this bottleneck. This will also be exacerbated by the tie-in of the Proposed Connector near there, adding to and complicating traffic. There have been very dangerous incidents recently here, such as drivers driving down the sidewalk serving the Hodge Elementary School (where kids walk to school) to avoid waiting cars and the one lane then open, from this congestion and we cannot imagine what it will be like!

This brings up a larger issue with Northeast Denton. On page 38, higher density development should never occur here. The area is bounded by natural and man-made barriers and has limited access. This argues for very light density of development in Northeast Denton.

Slides 40-44 – Strategies #11 & #12. The development type presented in slide 40 are inappropriate for NE Denton, with the exception of the land currently zoned commercial at the intersection of Loop 288 and Sherman Dr, for the reasons given above. Please keep in mind that we are addressing what is appropriate for NE Denton, given its ecological importance, not other areas of the City for which these may be fine. That said, please keep in mind the driving precepts of the Denton 2040 plan which is to promote infill and reserve the rural fringe.

Slides 45+ – Strategies #13 to 21.

The efforts to enhance the environmental aspects described in slides 46 to 72 are fine as a general matter, but are just fiddling around the edges of the issue. The real issue is the density of housing proposed. If you put the densities proposed by HDR (other than Rural densities or those provided outside the existing FLUM), the rural character and the environmental significance will be lost forever.

Consider the differences in impact on the ecology of the region:

What is here now:



Figure 7. Aerial view of part of Northeast Denton. Note the large few remaining tracts of Cross Timbers.

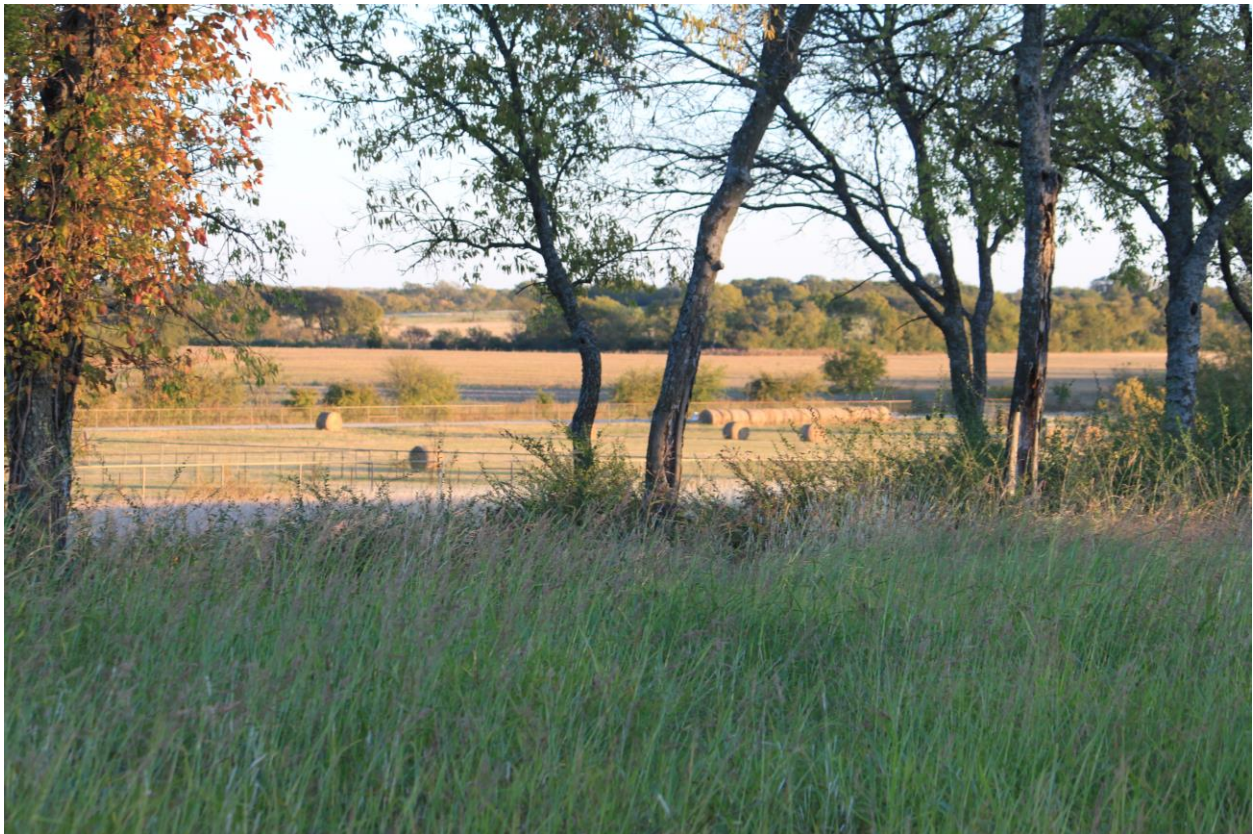


Figure 8. View along Hartlee Field Rd.

Rural Residential



Figure 9. What is being illustrated (slide 45) for Rural Residential

What is being proposed for Residential Transition below:

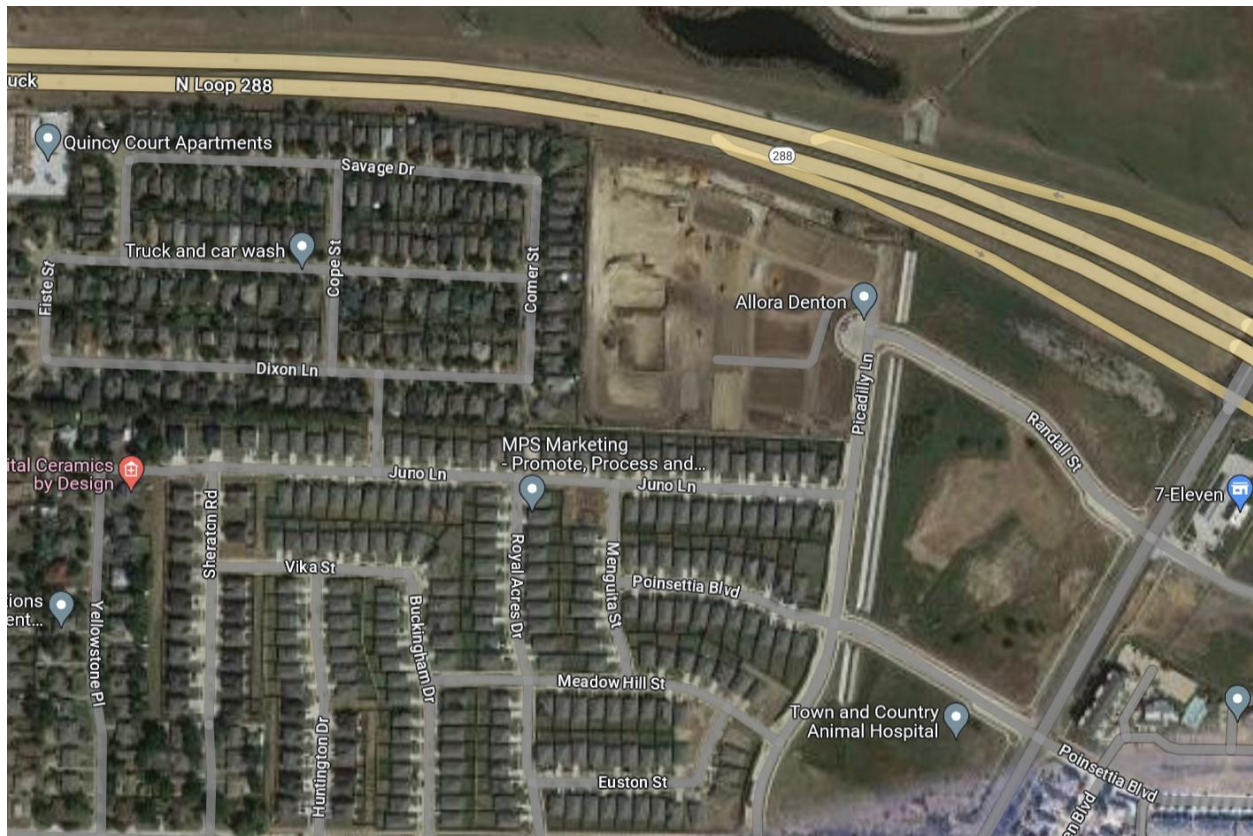


Figure 10. Sherman Crossing residential community before buildout of apartment complex and commercial area at right

Residential Transition: Where is the habitat here? Look at the increased runoff that would exacerbate flooding, notwithstanding retention ponds which in practice are inadequate. We in North Texas get our rains for the year in bursts in April and October, as we have just witnessed this past week. Retention ponds are inadequately designed for this, and so water runoff then becomes extreme after retention ponds fill from these development patterns— which we all observe every time it rains. I observed the retention pond serving this community fill from no water to overflowing after we got only 2/10 inch of rain in one day earlier this year.

What about this below?



Figure 11. Image of Gateway North from slide 45

I ask you which is better for the environmental preservation and preservation of rural character, the main goals for Northeast Denton?

This is the time to preserve Northeast Denton, the most ecologically important area in the 12-county region and among the last remaining green space in Denton, before it is lost for good.

Let us also look into the opportunity to expand park space here to preserve the lands adjacent to Clear Creek and the Greenbelt. We are fortunate to have significant pools of public and private moneys available to do so.