



City of Denton
MINUTES
COMMITTEE ON THE ENVIRONMENT

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

Monday, March 19, 2018

9:00am

City Council Work Session Room

After determining that a quorum of the Committee on the Environment of the Denton City Council was present, the Committee on the Environment thereafter convened into an Open Meeting on Monday, March 19, 2018 at 9:00 a.m. in the Council Work Session Room at City Hall, 215 E. McKinney Street, Denton, Texas

Council Members: Chair Council Member Keely Briggs, Council Member Dalton Gregory, Council Member John Ryan

Also Attending: Mario Canizares, ACM; Kenneth Banks, General Manager Water Utilities; Deborah Viera, Assistant Director; Katherine Barnett, Sustainability and Customer Initiatives Manager; Bob Makowski, Environmental Compliance Coordinator; Kim Mankin, Administrative Manager

REGULAR MEETING

A. **COE18-009** Receive a report, hold a discussion, and provide a recommendation regarding Denton Development Code Subchapter 17 Environmentally Sensitive Areas (ESAs), Subchapter 3 Procedures, and Subchapter 23 Definitions.

Deborah Viera gave the presentation.

The objective is to consider adoption of an ordinance to repeal and replace Subchapter 17 Environmentally Sensitive Areas (ESAs), amend Subchapter 3 Procedures related to appeals, and amend Subchapter 23 Definitions by adding new and replacing definitions.

Reasons for revisions include: inconsistencies with other regulations, improve wording/phrasing, lack of clarity, lack of guidance for policy implementation, evaluation of existing policies and considering new policies.

Public vetting has included: 13 COE Meetings, Denton Development Code update webpage, Notices to all ProjectDox applicants via email, presentations at DDC update open house meetings, Input solicited from developers and consultants and P&Z work sessions (3) and public hearings (2).

February 7 P&Z overview:

- COE-vetted language presented
- There were 61 public comments
- P&Z asked about amount of upland habitat ESA in residential and non-residential zoning districts
- Staff provided written responses for public comments
- P&Z requested rewording of the upland habitat definition

Gregory asked who is making the 61 public comments. Viera answered from consultants and Lee Allison which represents a development group.

February 21 P&Z Public Hearing overview:

- Staff provided written responses for public comments

- Staff made changes in response to the 26 public comments
- P&Z directed staff to list all definitions in SCH 17, SCH 23 and the criteria manual
- P& Z recommended approval with th3e changes made in response to public comment and P&Z.

ESA Criteria Manual

– Goal is to provide a guiding document for developers, and community in general, for protecting and managing ESA’s.

- COE-vetted language - In addition to meeting the requirements expressly established in this Subchapter, all environmentally sensitive areas shall comply with the Environmentally Sensitive Areas Criteria Manual. Where there is conflict between a provision set forth in this Subchapter and a provision of the Environmentally Sensitive Areas Criteria Manual, the provisions of this Subchapter shall apply.

- Public Comment (6)
- Planning and Zoning Commission recommends no changes

There was discussion regarding ESA residential property.

Credits

– Goal is to expand available credits for meeting multiple city requirements through the preservation of ESA’s.

- COE-vetted language: Any Environmentally Sensitive Area that is preserved may be used towards meeting: Landscape and Tree Canopy requirements contained in Subchapter 13

- Public Comments (5)
- Planning and Zoning Commission recommends no changes.

Briggs asked about a conflict with the Parks Ordinance. Viera answered the parks ordinance allows you to have come ESAs on the parcels that you are going to dedicate, but cannot be 100 percent ESA or floodplain.

Zoning Board Adjustment (ZBA) Appeals

- Goal is to provide an appeal process for ESA field assessments through ZBA.
- COE-vetted language: Appeals to staff determinations shall follow the Staff Review Procedure detailed in Section 35.3.7.

Briggs asked about the process, Viera explained this would go straight to ZBA.

Public comment: (1)

Planning and Zoning Commission recommends adding a semi colon after the word Appeals.

Classification of Floodplain ESA’s (Sec. 35.17.1)

- Goal to classify floodplains as Developed or Undeveloped based on field assessments
- COE-vetted language: Upon field verification areas designated as FEMA 1% Annual Chance Floodplain would be classified according to the existing conditions as Developed or Undeveloped floodplains.
- Public Comment: None

- Planning and Zoning Commission recommends no changes

Mobility Plan Roadways (Sec. 35.17.7.B.1.h)

- Goal is to exempt roadways required by the Mobility Plan, eliminating the need for Alternative ESA Plans.

COE-vetted language: Construction of roadways identified on the Mobility Plan as long as the disturbed areas are restored to minimize erosion and promote the recovery of the Environmentally Sensitive Area subject to the Director of Environmental Services approval, and requirements outlined in Section 35.17.7.B.4.

Public Comment: None

Planning and Zoning Commission recommends deleting reference to Sec. 35.17.7.B.4 as this section has been relocated to the ESA Criteria Manual.

Provide the definition of drive way and examples when taken to CC.

Preservation of Upland Habitat

Goal is to extend protection of upland habitats on non-residential developments.

COE-vetted language: Non-residential development shall be designed to retain thirty percent (30%) tree canopy which shall remain predominantly in its natural state. Preservation of upland habitat contiguous to forested areas on adjacent properties or parcels is strongly encouraged.

Public Comment: None

Planning and Zoning Commission recommends no changes

Criteria for approving alt. ESA Plans (Sec.35.17.11.B)

Goal is to provide a criteria to P&Z and Council for approving Alt. ESA plans while providing guidance for Developers on how to meet the criteria.

COE vetted language: The goals and objectives which must be met, and by which the proposal will be judged include:

New - Mitigation goals are obtained by creating, expanding, and/or improving environmentally sensitive areas.

New - Mitigation goals are obtained by preserving environmentally sensitive areas above the minimum requirements, exchanges between different types of ESAs, installing pollution prevention controls, and/or implementing best management practices or any other approaches that result in the improvement of the environment being impacted.

Existing - Areas offered as mitigation are linked to existing or planned open space or conserved areas to provide an overall open space system.

Existing - Development is arranged for maximizing access and utilization of the environmentally sensitive areas by citizens.

Existing - Areas offered as mitigation are placed either in a lot or lots that incorporate a permanent conservation easement, restrictive covenants, or such other legal mechanism to allow for the long term conservation of said areas. Such legal mechanism shall limit any future land disturbing activity or construction within the environmentally sensitive areas and shall run with the land and be binding upon all successors and assigns of the current owner.

Existing - The Alternative Environmentally Sensitive Area Plan shall demonstrate that the developer's alternative proposal results in a high quality development meeting the intent of the standards in the Denton Development Code.

Banks offered a change to the language -remove which must be met- and have the language read –
The goals and objectives by which the proposal will be judged include -
Committee Members agreed.

Public Comments: (3)

Planning and Zoning Commission recommends no changes

Pollution prevention controls example for the next presentation to CC.

Necessary next steps

Goal is to give ZBA the authority for approving appeals from staff determinations on ESA field assessments.

Staff Review Appeal Procedure

A Staff decision on an Environmentally Sensitive Areas (ESAs) field assessment may be appealed to the Zoning Board of Adjustments.

Goal: To add new and replace definitions in Subchapter 23 Definitions.

Recommendation – Staff recommends approval of the revisions. Planning and Zoning Commission recommended approval, with conditions (4-2).

Gregory move forward to Council Work Session with changes, Ryan and Briggs agreed.

CONCLUDING ITEMS

Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the Public Utilities Board or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda

Gregory – platting question for new development, do we allow the developer to have property lines go to the middle of the stream as in the past or are the streams protected.

Briggs – Parking permeable paving including percentages

Ryan – New facilities parking lots; handicap parking then hybrid parking spaces to encourage those types of vehicles (Denton County currently has this)

Adjournment: 10:12 am

Approved May 21, 2018