

Planning Staff Analysis

Z24-0014/Denton Energy Center

City Council District #3

REQUEST:

Request to rezone approximately 40.00 acres from Rural Residential (RR) District to Public Facilities (PF) District.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning of approximately 40.0 acres of land from Rural Residential (RR) to Public Facilities (PF) District as it complies with the criteria in Section 2.4.5.E of the Denton Development Code (DDC) for approval of all applications, and Section 2.7.2.D of the DDC for approval of a Zoning Map Amendment (Rezoning).

SITE DATA:

The 40-acre subject property is generally located west of I-35, approximately 3,075 feet south of Jim Christal Road and 850 feet west of Tom Cole Road. The property is predominantly undeveloped and contains two active gas wells, which are situated along the northern and western property lines.

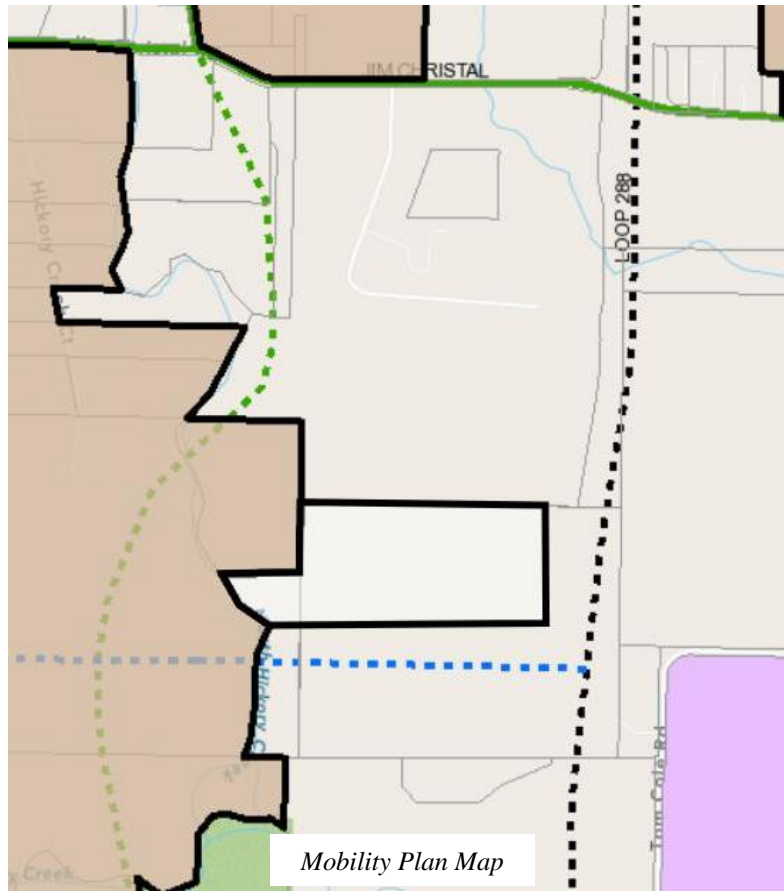


Hickory Creek runs north to south along part of the western boundary of the subject property. Along the tributary of Hickory Creek, there is existing FEMA floodplain, and an area of unassessed Floodplain, Water Related Habitat, Cross Timbers Upland Habitat, and Riparian Buffer Environmentally Sensitive Areas (ESAs).

The subject property was annexed into the City of Denton in May 2010. In December 2022, the City of Denton purchased the property for the purpose of a City-owned solid waste transfer station. According to the applicant, Denton needs to expand its operations, and establishing a transfer station in west Denton will help the Solid Waste and Recycling Dept. to efficiently manage materials and respond to customer requests. An existing data center on the DEC property is seeking to expand onto the subject property which has necessitated the need for this rezoning request. The transfer station, which falls under the DDC's definition of City-Owned Landfill, and the

Warehouse Data Center uses are permitted in the PF District. There have been preliminary discussions on the proposed development, but no development plans have been submitted at this time.

While the property currently does not front any existing street, it is expected to have frontage on the future West Loop 288, a future Freeway. Based on preliminary discussions, the data center expansion is anticipated to take access through the Denton Energy Center to Jim Christal Road. The Mobility Plan also proposes an east-west Collector approximately 300 feet south of the subject property.



Existing development and zoning in the immediate vicinity includes large-scale intensive land uses and undeveloped large tracts of land. The Denton Energy Center is situated immediately north of the subject property, and the Denton Enterprise Airport is situated approximately 2,500 feet to the east. In a broader context, the area includes a UNT Field Research Center, and portions of the Hunter and Cole Master Planned Communities located further to the south. The surrounding zoning and land uses are summarized in the table below:

(Continued on next page)

SURROUNDING ZONING AND USES:

Northwest: Zoning: Public Facilities (PF) Use: Power Station (Denton Energy Center)	North: Zoning: Public Facilities (PF) and Light Industrial (LI) Use: Power Station (Denton Energy Center) and Warehouse Data Center	Northeast: Zoning: Public Facilities (PF) Use: Undeveloped – future West Loop 288 right-of-way
West: Zoning: Extraterritorial Jurisdiction Division 1 (ETJ 1) Use: Undeveloped	SUBJECT PROPERTY	East: Zoning: Rural Residential (RR) Use: Undeveloped – future West Loop 288 right-of-way
Southwest: Zoning: ETJ 1 Use: Undeveloped	South: Zoning: Rural Residential (RR) Use: Undeveloped	Southeast: Zoning: Rural Residential (RR) Use: Undeveloped – future West Loop 288 right-of-way

CONSIDERATIONS:

A. Section 2.4.5.E of the DDC provides approval criteria applicable to all applications.

1. *General Criteria*

a. *Unless otherwise specified in this DDC, City review and decision-making bodies must review all development applications submitted pursuant to this subchapter for compliance with the general review criteria stated below.*

The review criteria were applied as required.

b. *The application may also be subject to additional review criteria specific to the type of application, as set forth in sections 2.5 through 2.9.*

Section 2.7.2.D of the DDC applies to this rezoning request. An analysis of this request per those criteria can be found below in Consideration B.

c. *If there is a conflict between the general review criteria in this section and the specific review criteria in sections 2.5 through 2.9, the applicable review criteria in sections 2.5 through 2.9 controls.*

There are no conflicts between the general criteria and the criteria specific for zoning requests.

2. *Prior Approvals*

The subject property was annexed into the City and zoned RD-5X in 2010. The zoning district was transitioned to its current designation, Rural Residential (RR) District, in 2019 with the implementation of the DDC. City Council approved the purchase of the property for the purpose of a solid waste transfer station on December 13, 2022 at its public meeting.

3. *Consistent with the Comprehensive Plan and Other Applicable Plans*

The decision-making authority:

a. *Shall weigh competing goals, policies, and strategies.*

There are no competing goals, policies, or strategies with this proposal.

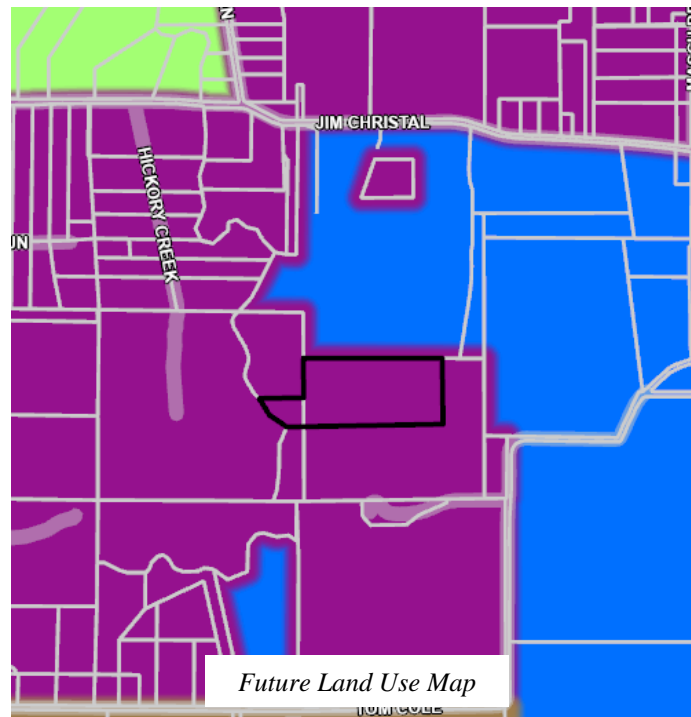
- b. *May approve an application that furthers the overall goals of the Comprehensive Plan even if the development does not match the future land use designation in the Comprehensive Plan.*

Comprehensive Plan

Goal LU-4: Grow Resourcefully: Manage growth for wise use of land resources with staged, contiguous, and compatible development.

The rezoning request would enable contiguous and compatible development with the adjacent uses. The Denton Energy Center is adjacent to the subject property to the north, and it is one of the more intensive public facilities operated by the City of Denton. The solid waste transfer station would be compatible with the Denton Energy Center given it is also an intensive, public facility use. The warehouse data center expansion would be contiguous with the existing data center on the adjacent lot.

Future Land Use Map



The Future Land Use Map designates the subject property as Industrial Commerce. This designation applies to areas where the predominant uses include both light and heavy industrial uses, such as moderate to heavy manufacturing, assembly, fabrication, and wholesaling. This designation is located primarily west of I-35W near the Denton Municipal Airport. According to the DDC, Warehouse Data Center is an industrial use and thus compliant with the subject property's future land use. The solid waste transfer station is classified as a public use under the City-Owned Landfill definition; however, the nature of the solid waste transfer station, which includes the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste is compatible with industrial land uses and thus consistent with the future land use designation that this property should develop with more intensive land uses.

Infrastructure and Utilities

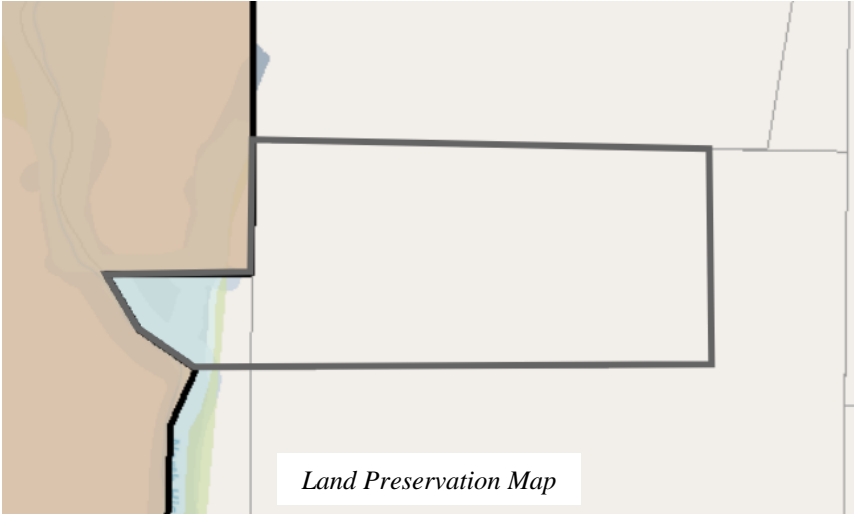
According to the Comprehensive Plan, the City continues to look for ways to reduce solid waste generation and divert waste away from landfill disposal through increased recycling and reuse options on a regular basis. The rezoning request is consistent with the Infrastructure and Utility Goals within the City, including:

Goal IU-5: Protect public and environmental health and conserve natural resources through waste minimization, materials reuse, and maximum material recovery; enhance community appearance and control costs with efficient collection of solid waste and recycling.

The proposed rezoning would facilitate the ultimate development of a west Denton solid waste transfer station. By establishing a transfer station in west Denton, Solid Waste and Recycling will be able to manage material closer to its point of generation. By expanding operations, Solid Waste and Recycling will be able to maximize fleet utilization, minimize fuel and employee costs, and provide environmentally safe and cost-effective diversion and disposal of materials. This is consistent with the goals of the Comprehensive Plan to protect environmental health, conserve resources and control costs through the efficient collection of solid waste.

Preferred Land Preservation Plan

The Preferred Land Preservation Plan reflects the City’s intent to preserve ESA and floodplain areas. By complying with the City’s codified standards for floodplain and ESA preservation, development can occur in a manner consistent with the goals of the Preferred Land Preservation Plan in the 2040 Comprehensive Plan.



In this case, the Official ESA Map identifies an unassessed complex of ESA types nested within one another on approximately 3.0 acres of the subject property’s western boundary. Development on the subject property will be subject to DDC Subsection 7.4.7: *Environmentally Sensitive Areas*, which generally prohibits land-disturbing activity and/or removal of tree and understory vegetation except for limited allowances as defined in the DDC.

4. *Compliance with this DDC*

- a. *The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.*

This request is for a rezoning of the subject property. All future development on this site must comply with applicable standards in the DDC, including, but not limited to building coverage, parking, tree preservation, screening, and landscaping.

- b. *Compliance with these standards is applied at the level of detail required for the subject submittal.*

If the rezoning request is approved, the proposal will be reviewed during the development process to ensure conformance with all zoning, transportation, drainage, public utility, tree preservation, and subdivision requirements. Any deficiencies in the plats/plans must be addressed prior to approval.

5. *Compliance with Other Applicable Regulations*

If the proposed rezoning to the PF District is approved, prior to development, a detailed review of the proposed development will be conducted to ensure compliance with other applicable regulations.

6. *Consistent with Interlocal and Development Agreements*

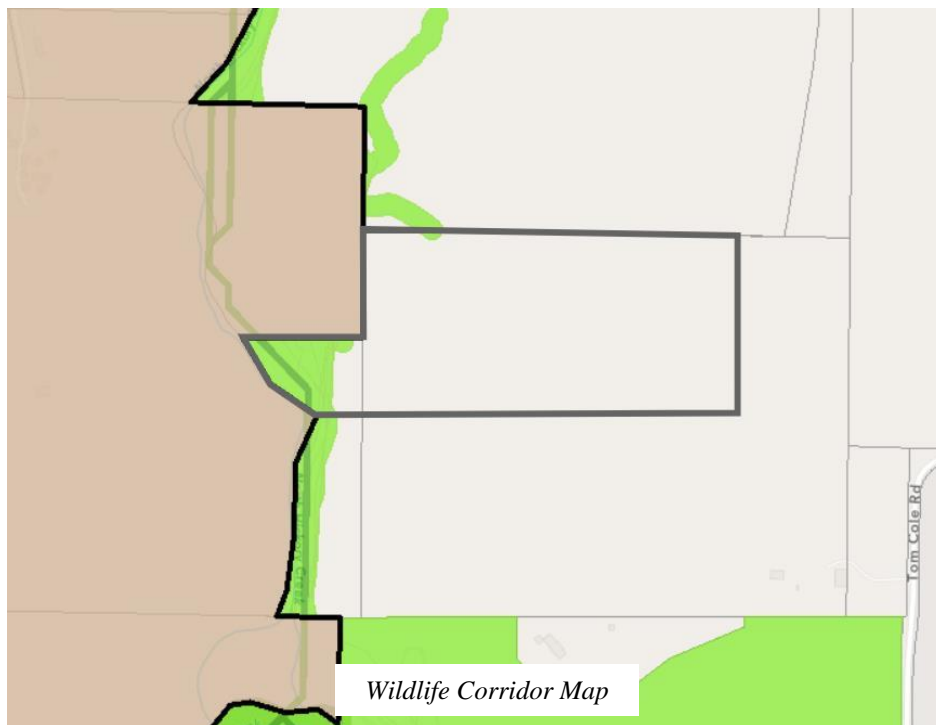
There are no interlocal or development agreements for the subject property. Any future changes to the lease agreement between the City of Denton and the data center that may affect this property will be reviewed by City Council.

7. *Minimizes Adverse Environmental Impacts*

As discussed above under Section A.3.b, the Preferred Land Preservation Plan and Official ESA map shows a complex of unassessed Environmentally Sensitive Areas and FEMA Floodplain situated along the western boundary of the subject property. Development of the subject property will be required to comply with the DDC regulations related to floodplain, environmentally sensitive areas, and tree preservation. In addition, the PF District requires 15% of the site's land area to be covered by mature tree canopy.

Wildlife Corridors

Denton 2040 Comprehensive Plan established Key Action item #127: "Identify and map wildlife corridors throughout the City to be addressed within three years of Plan adoption." As documented in the September 8, 2023 Friday Report (available online [here](#)), the creation of this map was accomplished in 2023, providing a useful informational resource for the City to understand paths wildlife are likely to utilize throughout the City based upon two factors: first, the locations of existing natural resources such as ESAs which have been mapped as "greenspace," and second, direct paths that link greenspaces throughout the City and that may be useable by wildlife, which are shown as the "wildlife corridors". Linkage Mapper, an open-source software specializing in wildlife-centric flow analysis, was utilized to estimate wildlife corridors within the City by identifying all potential wildlife corridors and highlighting the Least Cost Path (route with the least difficulty for wildlife movement) between areas. The Denton 2040 Comprehensive Plan called for the creation of this map; however, the map is not codified in any way and is intended to serve as an informational tool.



The City's Wildlife Corridor Map indicates the presence of greenspace (see light green shading on inset map) and wildlife corridors (see darker green lines on inset map) situated along the western boundary of the subject property. The identified area of greenspace is consistent with the boundaries of the ESAs and the identified area of wildlife corridor is consistent with Hickory Creek. While there is not yet a development plan submitted as part of this request, areas of identified greenspace and wildlife corridors would still be protected by the DDC's ESA regulations, which require either protection of these areas or approval of an Alternative ESA plan to establish mitigation for most encroachments within these areas.

8. *Minimizes Adverse Impacts on surrounding Property*

The proposed rezoning is not anticipated to create adverse impacts on surrounding zoning in the area. The subject property was purchased by the City of Denton for the purpose of a solid waste transfer station and the data center on the adjacent north lot is seeking to expand onto the subject property. The proposed uses are consistent with the intensity of the existing development pattern in the area, which includes the Denton Energy Center immediately north of the subject property and the Denton Enterprise Airport located further east.

Development of the subject property is required to follow DDC design standards, including lot dimensions, landscaping, and access requirements. Site design standards related to building placement and design are intended mitigate negative impacts created by the scale and bulk of large buildings and provide for variety and visual interest in the exterior design. Landscaping and landscaped buffers will improve the appearance of the property. Additionally, the data center will be required to follow use-specific standards that necessitate screening and landscaping along public rights-of-way and completion of an environmental noise and vibration assessment. Therefore, the request is not anticipated to create significant adverse impacts on the surrounding property.

9. *Minimizes Adverse Fiscal Impacts*

No fiscal impact analysis was performed since no development plans have been submitted. This proposed rezoning is not anticipated to create adverse fiscal impacts.

10. *Compliance with Utility, Service, and Improvement Standards*

This proposed rezoning will not affect utilities, services, or improvements. When the site is developed, it will be reviewed to ensure compliance with all applicable standards.

11. *Provides Adequate Road Systems*

The subject property is located approximately 3,075 feet south of Jim Christal Road and 850 feet west of Tom Cole Road and is expected to have frontage on future West Loop 288. It is anticipated access for the data center expansion will be through the Denton Energy Center property to Jim Christal Road.

When the site is developed, a Trip Generation Study will be required as specified by the Transportation Criteria Manual. Additional information, such as a Traffic Impact Analysis, may be required based upon the findings of the Trip Generation Study. Any necessary roadway improvements would be required to comply with all DDC and Design Criteria Manual standards for roadways.

12. *Provides Adequate Public Services and Facilities*

The proposed rezoning is not anticipated to negatively impact public services and facilities.

13. *Rational Phasing Plan*

This proposed rezoning does not have a phasing plan. The data center expansion and solid waste transfer station are separate projects.

B. Section 2.7.2.D of the DDC states that an application for a rezoning may be approved based on the following conditions:

a. *The proposed rezoning is consistent with the Comprehensive Plan.*

As discussed above in Section A.3, the proposed zoning of PF District is consistent with the goals and Future Land Use designation of the Denton 2040 Comprehensive Plan and will permit the development of a solid waste transfer station and data center expansion.

b. *The proposed rezoning is consistent with relevant Small Area Plan(s).*

There is no small area plan approved for this site.

c. *The proposed rezoning is consistent with the purpose statement of the proposed zoning district, as provided in Subchapter 3, Zoning Districts.*

Per DDC Subsection 3.5.4A, "The PF district is intended to provide adequate lands for public and quasi-public community uses and services, including but not limited to fire stations, schools, libraries, community centers, hospitals, civic buildings, open space, parks, utilities, and other public-related facilities."

The proposed PF District in this location is consistent with the above purpose statement. According to the applicant, the entirety of the Solid Waste and Recycling Department's operations is based at the Denton Landfill on the east side of Denton. A solid waste transfer station in west Denton will allow the City to manage material closer to its point of generation, transport the waste and diversion material more

efficiently to points of end use/disposal, and respond to customer requests in a more efficient manner. Warehouse Data Center is a permitted use in the PF District.

- d. *There have been or will be significant changes in the area to warrant a zoning change.*

According to the applicant, Denton is one of the fastest growing cities in the state. The Comprehensive Plan also finds that the City of Denton's population is anticipated to increase by almost 90,000 residents from 2020-2040. Because of this the City of Denton's Solid Waste and Recycling Department has determined it needs to expand its operations to maximize fleet utilization, minimize fuel and employee costs, increase diversion, and provide environmentally safe and cost-effective diversion and disposal of materials collected. Rezoning the subject property would be the first step toward construction of a western Solid Waste and Recycling facility.

Additionally, this area of Denton is anticipated to see significant changes in the next 5-10 years due to the future construction of West Loop 288 and proximity to the Hunter and Cole Ranch Master Planned Communities (MPC). TxDOT has already begun purchasing property north and south of US 380 for the West Loop. The zoning within a mile radius of the site is varied, and includes Public Facilities and Light Industrial Zoning, as well as portions of the Hunter and Cole Master Planned Communities. Portions of the Hunter and Cole MPCs are in the beginning stages of the development review process, and predominantly feature Mixed-Use Neighborhood, Light Industrial, and Mixed-Use Regional base zonings. As properties within the corridor continue to develop, the proposed rezoning would facilitate compatible development with existing and future land uses and be consistent with the Comprehensive Plan's intent that this area should develop with industrial commerce uses and would provide adequate land for public facilities to serve future development in the area.

- e. *The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.*

The subject property is planned to develop with some of the more intensive uses permitted in the PF District. As discussed above in Section A.8, the subject property is located near existing land uses that are similar in scale and intensity, including the Denton Energy Center and the Denton Municipal Airport. Additionally, the proposed land uses are consistent with the intent that this area of the City develop as higher-intensity industrial commerce land uses. Furthermore, the Denton Development Code accounts for, and requires, mitigation for potential impacts. DDC Subsection 5.3.6.J requires use-specific standards for a Warehouse Data Center including, but not limited to, an environmental noise and vibration assessment; opaque screening of electrical equipment from public right-of-way view; and maximum noise standards. DDC site design and landscaping requirements apply to all future development on the property. Therefore, the rezoning request is not expected to create significantly adverse impacts to surrounding properties.

- f. Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service to existing development.*

Roadway Impact Fees

Roadway impact fees, paid at the time of development, are determined using a proportionality calculation based on the proposed uses and projected vehicle trips. These fees will be assessed based on plans submitted and are used to make roadway system improvements related to the Mobility Plan.

Water and Wastewater

Public water and wastewater services are installed along Jim Christal Road and through the Denton Energy Center on the adjacent lot north of the subject property.

Nearest Fire Station

The subject property is approximately 3.2 miles from Fire Station #9 (4900 Airport Rd, Denton, TX 76207) along existing public right-of-way.

- g. There was an error in establishing the current zoning district.*

There was not an error in the assignment of the current zoning district. The existing zoning is the result of the property's annexation history. The property was annexed in 2012 and was automatically assigned the placeholder zoning designation of RD-5X. The zoning of the subject property transitioned to RR with the adoption of the 2019 DDC.