

# Planning Staff Analysis

## PD23-0001c/Denton 195 R2 to PD-MN and PD-PF City Council District #3

### REQUEST:

Request to rezone approximately 195 acres from Residential 2 (R2) District to an Overlay Planned Development with a Mixed-Use Neighborhood (PD-MN) and Public Facilities (PD-PF) base zoning districts.

### STAFF RECOMMENDATION:

Staff recommends approval of the request as it complies with the criteria in Subsection 2.4.5.E of the Denton Development Code (DDC) for approval of all applications, and Subsection 2.7.3.E of the DDC for approval of a zoning change.

### SITE DATA:

The subject property is being proposed for a rezoning from R2 to Overlay Planned Development District with Mixed-Use Neighborhood and Public Facilities as the base zoning districts (i.e. PD-MN and PD-PF). The intent of the rezoning proposal is to facilitate the development of a future multifamily development on approximately 58.06 acres of land on three tracts of land depicted on Exhibit 4 as Tracts A, B, and C, all proposed as PD-MN with use and development restrictions. The remaining 137.08 acres of land is intended to be rezoned to PD-PF for future land dedication to the City for parkland development. Tract B of the subject property is developed with a single-



family residence and stock pond situated near the center of the site. Tracts A and C of the subject property are undeveloped and consist of open pasture with clusters of mature trees dispersed throughout the site. A portion of the subject property, depicted as Tracts D and E on the inset map and in Exhibit 4, consists of 100-year FEMA Floodplain as well as Floodway.

A set of Water Related Habitat and Riparian Environmentally Sensitive Areas (ESAs) exist within and around the undeveloped Floodplain and Floodway ESA. An ESA field

assessment has been approved for the subject property and indicates the Dry Fork of Hickory Creek traverses the subject property from the west to the southeast.

Existing and proposed development within the region consists primarily of residential uses. North and east of the subject property exists Residential 2 zoning developed with lower-density single-family residential homes. To the southeast of the subject property is City of Denton Extra-Territorial Jurisdiction (ETJ) Division 1, developed with single-family residential homes, as well as The Vintage Development, which is developed with a higher-density single-family subdivision within the City limits, zoned Planned Development (PD).

The subject property is accessible from Corbin Road, which is designated as a Secondary Arterial per the City's 2022 Mobility Plan. Corbin Road is currently an unimproved gravel roadway with variable right-of-way width. At its widest, Corbin Road measures approximately 51 feet in width near the intersection of Old Bonnie Brae and Corbin Road and is approximately 35 feet in width at its most narrow point. It is important to note that Corbin Road is only accessible from the east via Bonnie Brae because the Corbin Road underpass at I35-W was closed by City Ordinance at the intersection of Corbin Road and I35-W in 2010. Also, there are no existing frontage roads along I35-W thereby further limiting any access to Corbin Road from the west of the subject property. Anticipated future access conditions are discussed as part of the considerations below.

#### **SURROUNDING ZONING AND USES:**

Northwest: Zoning: Corbin Road right-of-way with R2 Zoning north of the right-of-way Use: Undeveloped and Gas Well Site	North: Zoning: Corbin Road right-of-way with R2 Zoning north of the right-of-way Use: single-family residential	Northeast: Zoning: Corbin Road right-of-way with R2 Zoning north of the right-of-way Use: single-family residential
West: Zoning: N/A Use: I35-W Corridor	<b>SUBJECT PROPERTY</b>	East: Zoning: R2 Use: Single- Family Residential
Southwest: Zoning: PD District Use: Undeveloped	South: Zoning: ETJ Division 1 and PD District Use: single-family residential	Southeast: Zoning: ETJ Division 1 Use: single-family residential

#### **CONSIDERATIONS:**

Subsection 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.*

Subsection 2.7.3.E of the DDC applies to this Overlay Planned Development 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*

There are no prior approvals for this project.

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

The decision-making authority:

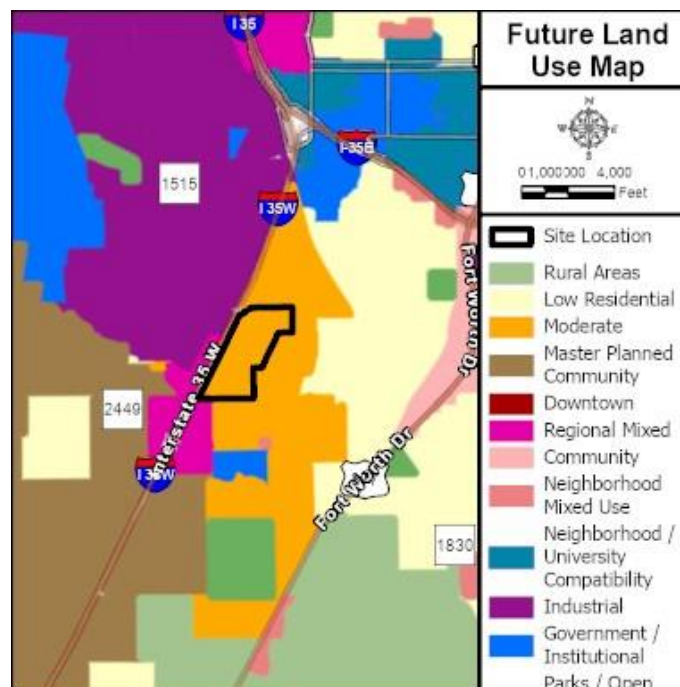
- a. *Shall weigh competing goals, policies, and strategies.*

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.*

**Future Land Use**

Per the Denton 2040 Comprehensive Plan Future Land Use Map (FLUM), the subject property is primarily designated as Moderate Residential, which



accommodates single-family detached housing on small lots, typical of Denton's more compact, established single-family neighborhoods and low-rise multi-family dwellings and townhomes. This land use applies to areas within the central areas of Denton and transition areas between established single-family neighborhoods and mixed-use or commercial areas that can accommodate greater density, or adjacent to key corridors.

While Moderate Residential is primarily designed to accommodate single-family development, multi-family dwellings and townhomes may be located in this land use designation as well. This category may also include land uses that support residential neighborhoods, such as neighborhood-scaled commercial at arterial and collector street corners. The Moderate Residential Land Use category contemplates a density of 5-12 dwelling units per acre.

The proposed PD-MN zoning district is consistent with the Future Land Use Designation since the MN base zoning district is intended to accommodate a variety of housing types and smaller-scale commercial uses and is designed to serve as a transitional area between higher-intensity mixed use and commercial development and residential development. The subject property is generally situated at the intersection of I35-W and Corbin Road (an existing Freeway and Secondary Arterial respectively). Additionally, while the MN district typically allows for a higher residential density development, the proposed 150-unit cap and limitation of allowable uses to Townhomes and Single-Family Residential only on Tract B coupled with the significant floodplain preservation, collectively allow for lower residential densities overall when taking into consideration the entire 195-acre tract. The conceptual plan submitted as part of this application reflects a gross density of approximately 4.07 dwelling units per acre, which is consistent with the Future Land Use recommendation of a density between 5 and 12 units per acre. The proposed townhome development situated on Tract B provides an area of transition from the more intensive land uses along the I-35W Corridor and the existing single-family residential uses to the east of the subject property.

### **Preferred Land Preservation Plan**

The Preferred Land Use Preservation Plan shows a set of Environmentally Sensitive Areas associated with the Dry Fork Hickory Creek Tributary, which traverses from east to west across the subject property. Additionally, the Preferred Land Preservation Plan shows an area of FEMA Floodplain and Floodway and Riparian Buffer ESA is anticipated to exist within the portion of the subject property requested to be rezoned to Public Facilities for potential park land dedication and/or an easement for public open space use. The rezoning of approximately 137.08 acres to Public Facilities for park land dedication and/or an easement for public open space use is consistent with the goals of the Preferred Land Preservation Plan since the majority of the ESAs on site are contained within the boundaries of Tracts D and E. Consistent with requirements of the DDC, the applicant has included in the Overlay PD conditions that a Zoning Compliance Plan for Tract A, B, or C shall not be approved prior to demonstrating compliance with ESA Regulations and/or obtaining approval of an Alternative ESA Plan for any restricted encroachments. Per DDC Subsection 7.4.4, any work beyond what is specifically permitted in the DDC would require approval by City Council through the Alternative ESA process, which requires mitigation be proposed to offset impacts to disturbed areas of ESA.

## **Population Projections**

Per the Denton 2040 Comprehensive Plan, the City's population is projected to increase from 139,869 residents in 2020 to 229,192 residents in 2040, requiring the addition of 37,094 total housing units, including 11,239 additional multifamily dwelling units (Table 1.2). While staff's research shows that the City is well on its way to meet this need, the City is also currently growing at a rate that exceeds what was anticipated by the Comprehensive Plan.

The proposed development is consistent with the overall need for additional housing to meet the projected needs of the growing population.

## **Housing and Neighborhoods**

The Denton 2040 Comprehensive Plan recognizes that, "With housing demand expected to increase over the next five years, providing diverse housing options in a variety of densities, styles, and price-points is critical to increasing the affordability of housing in Denton." The proposed development is consistent with the housing goals within the City, including:

Goal HN-1: Develop and maintain a housing stock that meets the needs of all residents with a diverse array of choices in type, cost, and locations.

The proposed rezoning is intended to facilitate a multifamily development, which would increase the housing options available in this area of the City, which predominantly features single-family detached housing. If the zoning is approved, any use permitted in the MN district could be developed, though. The MN district permits a variety of other residential uses that could contribute to greater housing diversity in the area; however, per the proposed Planned Development Overlay Standards, Tract B shall not permit multifamily dwellings and shall be limited to Townhome and Single-Family Residential uses only, as well as the total number of units shall not exceed 150. This unit limitation within the Overlay PD helps ensure the gross density of the overall 195-acre parent tract stays within the limits of the Future Land Use designation.

## **Parks, Conservation, and Environment**

The primary goal of the Parks, Conservation, and Environment element of the Denton 2024 Plan is the creation of a cohesive green infrastructure network within the city and advancement of sustainable environmental practices throughout. The requested rezoning is consistent with the Parks, Conservation and Environment Goals within the City, including:

Goal PCE-1: Unite Denton through a framework of parks, open space, and recreation facilities that respond to unique community needs and match population growth.

Action 5.4.4: Encourage public dedication of ESAs, such as floodplains and open spaces, for community-wide recreation use.

The Parks Bike Master Plan identifies a future trail connection on the portion of the subject property to be zoned PF, which would provide connection across the I35-W Corridor (utilizing the underpass at Corbin Road) and would be an asset in creating a regionally linked trail system in which mobility to, from, between, and within the system is readily apparent and aligned with natural resources in the city. In addition to allowing for regional trail and bike connectivity, the dedication of this land to the City would allow for the City's long-term preservation and maintenance of the ESAs described above and shown on the Preferred Land Preservation Plan.

While the intent of the proposed rezoning to Public Facilities is to dedicate the land area and/or an easement for public open space use to the City as parkland, it is important to note that this land dedication is subject to the approval of a separate development agreement, which would be presented to the City Council at a future date.

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 to an Overlay Planned Development district with MN and PF base zoning districts. The proposed Development Regulations provided in Exhibit 5 indicate an intent to develop in accordance with the 2019 DDC except for specific deviations to address neighborhood concerns as outlined in Exhibits 1 and 5.

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

Typically, a rezoning to an Overlay Planned Development District does not include a full review of all development standards because no conceptual site plan is required to be provided for an Overlay PD. If the proposed rezoning is approved, a detailed review of all required plats, zoning compliance plans, engineering plans, tree preservation plans, and building permit submittals is required prior to development.

5. *Compliance with Other Applicable Regulations*

This proposed rezoning complies with all other applicable regulations.

6. *Consistent with Interlocal and Development Agreements*

There are no interlocal or development agreements for the subject site. A separate park land dedication and development agreement would be required for the dedication and/or an easement for public open space use of Tracts D and E to the City.



7. *Minimizes Adverse Environmental Impacts*

The Official ESA Map and Preferred Land Preservation Plan shows a set of Environmentally Sensitive Areas as well as FEMA Floodplain and Floodway situated along the western boundary of the subject tract. Any development onsite within these designated areas will be subject to the requirements of DDC Section 7.4 regarding ESAs. Tree preservation and stormwater mitigation plans will be reviewed for compliance with each tract as development is proposed.

*Wildlife Corridors*

The 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.” The creation of this map was accomplished 2023, providing an 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”. It is important to note that although the Comprehensive Plan called for the creation of this map, the map is not a part of the Comprehensive Plan nor is it codified in any way, so it is merely 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) throughout the 195-acre parent tract. The identified area of greenspace is consistent with the boundaries of the ESAs onsite, which would 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. The PF zoning proposed as a base district for Tracts D and E limits the types of uses that could be developed on the majority of the greenspace area compared to other mixed-use or residential districts.

8. *Minimizes Adverse Impacts on Surrounding Property*

The proposed rezoning is not anticipated to create adverse impacts on surrounding zoning and development patterns in the area. The subject property is in close proximity to the I35-W corridor and would provide a transitional area from the higher-intensity commercial and industrial zoning situated west along the highway corridor to the established existing residential uses and zoning to the east.

The proposed Overlay Planned Development is intended to address concerns of potential adverse impacts to surrounding residential properties that were discussed during neighborhood meetings by modifying provisions of the DDC. These modified requirements are summarized below and included in Exhibit 5.

*Specific to Tract A:*

- The applicant shall provide a minimum 10-foot-wide landscape buffer along the future northbound I-35W frontage Road. The buffer shall be parallel to and outside of the TxDOT right-of-way and public utility easements.
- Requirements that building permits for the development of Tract B shall not be issued until adequate access is provided to the site through one of the following street improvements (whichever comes first):
  - One-half the full required width of street improvements for Corbin Road shall be constructed and said improvements are extended to the intersection at New Bonnie Brae Street. OR
  - One-half the full required width of street improvements of Corbin Road shall be constructed and said improvements are extended to intersect with the future completed I-35W northbound frontage road.

*Specific to Tract B:*

- Removal of Multifamily Dwellings as a permitted use in the MN District, and restricting this tract to Townhome and Single-Family Residential uses only.
- 50-foot setback from the eastern and southern property lines.
- 10 additional Compatibility Buffer Points provided between the developing townhome use and existing residential units.
- A maximum allowable building height of 40 feet.
- Limiting building placement so that the primary building entrances located internally to the site, to reduce visual impact from Corbin Road.
- Maximum of 150 units allowed on site.
- Requirements that building permits for the development of Tract B shall not be issued until adequate access is provided to the site through one of the following street improvements (whichever comes first):
  - One-half the full required width of street improvements for Corbin Road shall be constructed and said improvements are extended to the intersection with New Bonnie Brae Street. OR
  - One-half the full required width of street improvements of Corbin Road shall be constructed and said improvements are extended to intersect with the future completed I-35W northbound frontage road.
- An alternative street section for Corbin Road shall be used in order to provide adequate access to the site while maintaining the required spacing of 10 feet on either side of the gas pipeline.

*Specific to Tract C:*



- Building permits for Tract C shall not be issued until the completion of the future northbound I-35W frontage road.
- The applicant shall provide a minimum 10-foot-wide landscape buffer along the future northbound I-35W frontage Road. The buffer shall be parallel to and outside of the TxDOT right-of-way and public utility easements.

*Specific to Tracts D and E:*

- The property owner shall dedicate park land and/or an easement for public open space use to the City of Denton, as shown as Tracts D and E, and a Developer's Agreement shall be required.
- The only permitted uses in Tracts D and E shall be Park, Playground, Open Space, removing more intensive uses allowed in PF from the Overlay PD.

Where the Overlay PD requirements are silent, development of the site would require conformance with design standards within the DDC including permitted land uses, lot dimensions, landscaping, and access requirements.

9. *Minimizes Adverse Fiscal Impacts*

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*

A Traffic Impact Analysis (TIA) based on the proposed development for the entire 195-acre parent tract with multifamily dwellings and park land has been submitted by the applicant. The TIA indicates the following improvements to surrounding roadway infrastructure are needed to accommodate the new use:

- Corbin Road will be constructed as a 31-foot back-to-back curb and gutter roadway adjacent to the development site and a 24-foot back-to-back curb and gutter roadway from the site boundaries to the newly completed Bonnie Brae Street and the future I35-W north-bound frontage road. Thus, the roadway improvements will result in two travel lanes (one eastbound lane and one westbound lane) extending from the future I35-W northbound frontage road to the newly completed Bonnie Brae Street.
- Left turn deceleration lanes will be constructed to meet City standards on Corbin Road adjacent to Tracts A and B.
- A right turn deceleration lane will be constructed on the future I35-W north-bound frontage road to Tract C.

Perimeter street improvements will be required along Corbin Road, with improvements equivalent to those recommended by the TIA being required. Corbin Road is identified as a Secondary Arterial in the City's 2022 Mobility Plan, which is required to have a right-of-way width of 110 feet. The developer is responsible

for making improvements for half the width of the full length of Corbin Road from newly constructed Bonnie Brae to I35-W as outlined in the TIA. The existing right-of-way in this area is variable and ranges from approximately 51 feet to 35 feet. A 4-inch Enlink gas line has been relocated into the existing Corbin Road right-of-way as part of utility relocations for the Bonnie Brae Capital Improvement Project. As part of the PD Overlay conditions, the developer is incorporating an alternative street section (depicted in Exhibit 5) to accommodate the gas line within a center median, providing 10 feet of clearance on either side on the gas line. Therefore, the proposed street section will not follow the typical cross section utilized for a Secondary Arterial. If, in the future, the gas line is abandoned, then the center median could be repurposed for a turn lane or for narrowing of the roadway's ultimate configuration.

As discussed earlier in this report, Corbin Road at I35-W is closed at the underpass, and motorists cannot exit I35-W at Corbin Road. The Secondary Arterial classification was assigned to Corbin Road with the 2022 Mobility Plan updates, in order to address a gap in the east-west connectivity in this portion of the City, specifically between new Bonnie Brae Street and I-35W, with there being no east-west connections between FM2499/Vintage Boulevard and FM 1515/Airport Road. With the I-35W expansion project, it is anticipated that Corbin Road will make connection to the I-35W frontage roads only (i.e. terminating at the frontage roads). Currently, there are access challenges along I-35W, north of FM 2499/Vintage Boulevard, as there is not an opportunity to access/cross I-35W; therefore, the construction of improvements to Corbin Road by the developer are appropriate for longer term access to I35-W frontage roads.

To address access concerns in the overall region, the Overlay PD proposes conditions specific to roadway improvements and the timing of future development. Specifically, the Overlay PD conditions require that future northbound frontage roads for I-35W shall be constructed prior to the development of Tract C. Furthermore, development of Tracts A and B shall not occur until Corbin Road is improved, as detailed above, and said improvements connect either at the intersection of the newly constructed Bonnie Brae as shown on the City's Mobility Plan, or Corbin Road shall be constructed and said improvements are extended to intersect with the future completed I-35W northbound frontage road.

#### *12. Provides Adequate Public Services and Facilities*

The proposed Overlay PD is not anticipated to negatively impact public services and facilities. When the site is platted, the new development must comply with all applicable standards to ensure adequate public services and facilities are available. Water utilities have been extended to serve the surrounding developments and wastewater utilities are existing onsite. Future development of this site will be able to connect to and further extend those utilities to serve the subject property.

#### *13. Rational Phasing Plan*

This proposed rezoning does not have a phasing plan.

B. Section 2.7.3.E of the DDC states that an application for a Planned Development may be approved based on the following conditions:

1. *Complies with the goals of the Comprehensive Plan;*

As described in Consideration A above, the proposed rezoning meets this criterion.

2. *Complies with the goals of relevant Area Plans;*

As described in Consideration A above, there are no area plans applicable to the subject property.

3. *Complies with this DDC, except where modifications are expressly authorized through the PD Regulations Document and PD Development Plan;*

As detailed in Exhibit 5 and described in Consideration A above, the proposed rezoning meets this criterion.

4. *Provides a greater level of building design quality, community amenities, and connectivity than would be required if the project were not being developed in a PD District;*

In this context, the requested PD-MN zoning district is more appropriate than rezoning to straight MN District to address the concerns of surrounding residents brought up during the various public engagement meetings the applicant held. In the case of Tract B, via the imposition of additional requirements and restrictions, the proposed PD-MN district provides for a greater level of separation between the proposed townhome uses and ensures the proposed buildings are most compatible in scale with surrounding single-family residences than what would be applied if the request was a straight rezoning to the MN district.

5. *In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding area;*

As detailed in Exhibit 5 and described in Consideration A above, the proposed PD-MN district is designed to promote greater compatibility between proposed townhomes and existing single-family residential land uses by proposing additional development standards that call for an increased setback and landscape buffering requirement between the land uses, as well as provide for a decreased maximum allowable building height and capped unit count for the developing townhome project on Tract B, which is in closest proximity to nearby single-family residences.

6. *In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses or mixed-uses, that such development will be appropriate in area, location, and overall planning for the purpose intended; and*

There are no commercial uses proposed as part of this PD Overlay, although any use permitted in the MN District on Tracts A and C could develop under the proposed zoning. Tract B limits the allowable land uses to Townhomes and Single-Family Residential only. The timing requirements for development, roadway cross sections, enhanced setbacks, height and unit count limitations, and buffers would still apply to any proposed commercial or mixed-use development.

In the case of the PD-PF portion of the site, the area is proposed to be dedicated to the City as park land and/or an easement for public open space use. Given the significant ESA and floodplain encumbrances on the property, this dedication and use is appropriate as it allows the City to ensure greater preservation of these natural resources. The improvements to Corbin Road and ultimate construction of frontage roads along I-35W will ensure there is adequate access to the future park land.

7. *The provisions for public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks are adequate to serve the anticipated population within the PD District.*

Subsequent development of the subject property shall ensure adequate public facilities are available to serve the site. Considerations regarding streets and access are detailed above.

#### **Schools**

Per the Denton Independent School District's student generation formula, the proposal would generate approximately 107 elementary students, 48 middle school students, and 58 high school students.

#### **Water and Wastewater**

Public water and wastewater services are available to the site.

#### **Nearest Fire Station**

The subject property is approximately 2.2 miles from Fire Station #7 (4201 Vintage Boulevard), within the eight minute or less response time boundary.

8. *The condition and/or restrictions imposed by the PD are necessary and sufficient to address any significantly adverse impacts to surrounding properties or the neighborhood.*

As detailed in Exhibit 1 and described in Consideration A above, the proposed Development Standards are intended to address concerns raised at neighborhood meetings by surrounding property owners. These regulations, in addition to the standards already in place in the DDC for buffering, screening, height restrictions, etc., are sufficient to address any adverse impacts from development of the site.