

Planning Staff Analysis

SI23-0002/2801 Spencer

City Council District #1

REQUEST:

Request to rezone approximately 19.5 acres from General Office (GO) District to Mixed-Use Regional (MR) District.

STAFF RECOMMENDATION:

Staff recommends approval of the request 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 change.

SITE DATA:

The 19.5-acre subject site is platted as Lot 1, Block 1 of the Spencer Manor Senior Community. It is developed with an Elderly Housing community designed with clusters of one-story buildings containing about 240 dwelling units accessed by private drive aisles. The property is accessed by one driveway on Spencer Road and one driveway on Bridges Street.

The site does not include any FEMA floodplain or Environmentally Sensitive Areas.

The following area roadways surround the subject site:

- **Mayhill Road** is classified as a Primary Arterial Roadway per the Denton 2022 Mobility Plan and constructed with six vehicular travel lanes plus a center median. A 10-foot wide sidepath is located along the east side of the road to accommodate both bicycles and pedestrians. A 5-foot-wide sidewalk is located along the west side. The intersection of Mayhill Road and Spencer Road is signalized.
- **Loop 288** is classified as a Primary Arterial Roadway per the Denton 2022 Mobility Plan. It is constructed with six vehicular travel lanes and a center median with a future bicycle/pedestrian sidepath planned for one or both sides of the roadway (requires 10 feet of pavement width). The intersection of Loop 288 and Spencer Road is signalized.
- **Spencer Road** is adjacent to the south boundary of the subject property and classified as a Collector Roadway. It is primarily constructed with two travel lanes but flares out near the intersection of Loop 288 to accommodate turn lanes and an additional travel lane. Sidewalks have been constructed along the frontage of some developments, including the subject site.
- **Bridges Street** is a narrow asphalt road that is approximately 20 feet wide and does not include curb, gutter, or sidewalks. Since it is not constructed to current standards, any redevelopment adjacent to Bridges Street may require right-of-way dedication and roadway improvements.

Nearby development is a mix of land uses that includes high-density residential, institutional, government, retail, service, and employment/industrial. A few pockets of undeveloped or underutilized land remain, particularly along the newly reconstructed Mayhill Road.

SURROUNDING ZONING AND USES:

Northwest: Zoning: GO District Use: Self Service Storage	North: Zoning: GO District Use: Government office	Northeast: Zoning: GO District Use: Single-family residential and commercial
West: Zoning: MR District Use: Commercial	SUBJECT PROPERTY	East: Zoning: GO District Use: Single-family residential
Southwest: Zoning: Mixed-Use Neighborhood (MN) District Use: Undeveloped	South: Zoning: MN District Use: Multifamily dwellings	Southeast: Zoning: MN District Use: Undeveloped

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*

There are no prior approvals for the site.

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

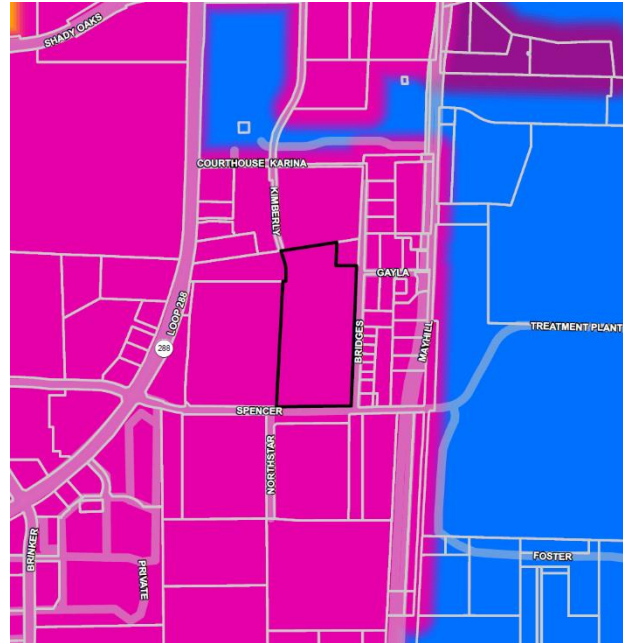
The decision-making authority:

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.*

The current future land use designation for the subject property is Regional Mixed Use (hot pink shading in the inset map, right), which is envisioned for areas that serve as regional destinations within Denton. Development may include residential, commercial, office, entertainment and other uses except industrial at the highest levels of scale and density within the city. This designation is located primarily along I-35 interchanges and along primary arterials to encourage the greatest regional accessibility.



The proposed rezoning is consistent with the Regional Mixed Use Future Land Use designation, as MR District allows a variety of high-density residential, commercial, service, and office uses at a scale typically found in regional commercial districts.

Additionally, the proposal furthers the following overall goals, policies, and actions outlined in Denton 2040 Comprehensive Plan:

Land Use

Loop 288 and Mayhill Road are existing primary arterial roadways which serve as regional corridors that connect two highways: US 380/University Drive and I35 East. Due to the access and connectivity provided by Loop 288 and Mayhill, development between these corridors favors a mix of uses: retail, restaurant, office, and high-density residential. Mixed-use areas require residential uses to create balanced, sustainable development: pockets of moderate-to high-density residential provide both employees and customers to support commercial and employment uses. The request supports the following land use goal by ensuring an existing, viable residential use can remain in place and continue to succeed.

- **Goal LU-1: Grow Compactly:** Achieve sound, sustainable growth in compact development patterns with balanced land uses planned in coordination with transportation and infrastructure systems.

Housing

The Plan acknowledges 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 (7-6).” The proposed rezoning to MR District to support the existing Elderly Housing land use is consistent with the housing goals within the City, including the following:

- **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 location.

Preferred Land Preservation Plan

The Preferred Land Preservation Map does not identify any areas for preservation on the subject site.

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.” As documented in the September 8, 2023 Friday Report ([document can be found here](#)), the creation of this map has recently been accomplished, 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”.

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 that while there is a potential Wildlife Corridor shown along a drainage channel on the adjacent property to the north (developed 2001), there are no probable Wildlife Corridors within the subject property boundaries. Since the site has been fully developed since 2008, the proposed rezoning is not anticipated to impact the area.



4. *Compliance with this DDC*

- 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 already developed subject site to remedy a nonconformity created by a recent DDC update. Any future modifications or redevelopment within this site must comply with applicable standards in the DDC, including, but not limited to, minimum lot size and dimensions, building coverage, parking, tree preservation, and landscaping.

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

This request is for a rezoning of the subject site. Any subsequent redevelopment must comply with applicable standards in the DDC, including, but not limited to, building coverage, access, parking, tree preservation, and landscaping.

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.

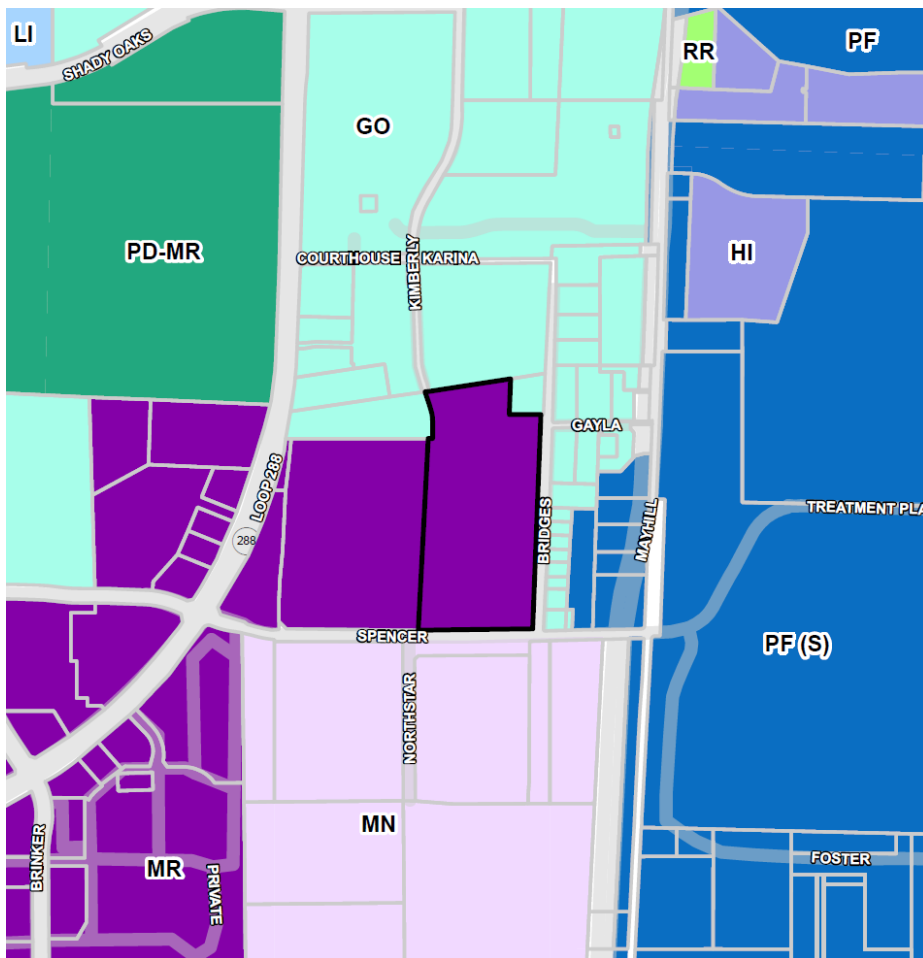
7. *Minimizes Adverse Environmental Impacts*

There would be no environmental impacts expected from a rezoning to bring an existing Elderly Housing development into conformity with recent updates to the DDC. Any future redevelopment of the subject site would be required to comply with the DDC regulations related to drainage, landscaping, and tree preservation.

8. *Minimizes Adverse Impacts on Surrounding Property*

The subject property is fully developed and is not expected to redevelop at this time; therefore, no new or adverse impacts are anticipated. If redevelopment is contemplated in the future, negative impacts associated with the proposed MR District are not anticipated for the following reasons:

- Rezoning the subject site to MR District is a logical extension of the adjacent zoning to the west of the subject site. Any redevelopment of the site must include uses and development scale permitted in MR District, minimizing the potential for incompatibility.
- Property to the north and east of the site are zoned GO District as shown in the Proposed Zoning Map, below. Since GO District permits a variety of commercial, service, office, and employment uses at a scale similar to MR District, staff anticipates that incompatible development is unlikely.



9. *Minimizes Adverse Fiscal Impacts*

Staff used the *Fiscal Impact Tool* to analyze the proposed rezoning. The *Tool*'s built-in assumptions were used to generate the overall projected General Fund revenues and expenses related to the existing Elderly Housing development, including property tax payments, sales tax capture, roadway maintenance costs, utility usage, solid waste costs, public safety costs, and neighborhood service costs. The *Fiscal Impact Summary* indicates that the proposal would result in a net \$3,513,600 cost to the General Fund over a 40-year project duration.

Although the proposed rezoning is not expected to result in a net positive for revenue, fiscal impacts were not used as a primary criterion for Staff's recommendation. Rezoning to MR District will protect existing housing which was rendered nonconforming by regulatory changes adopted by the City. By making the use legally conforming once again, the property owner will be able to maintain and improve the existing development over time, contributing to its longer term economic viability. The *Fiscal Impact Tool*, while informative, does not take into account more nuanced issues related to the request, including potential investment and housing losses due to nonconforming limitations. Additionally, the *Fiscal Impact Tool* was developed in order to analyze impacts related to new development projects; in this case there is a development Staff is seeking to protect through rezoning, and there is no proposed redevelopment of the subject property that could be specifically analyzed.

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

This proposed rezoning will not affect utilities, services, or improvements. If the site is redeveloped in the future, the project(s) will be reviewed to ensure compliance with all applicable standards.

11. *Provides Adequate Road Systems*

The proposed rezoning is intended to address a nonconformity created with a recently approved update to the DDC, and no additional vehicular trips are anticipated. Any future redevelopment of the site will be required to conform to all development regulations, including review of a Traffic Impact Analysis and construction of associated improvements.

12. *Provides Adequate Public Services and Facilities*

Public utilities exist and serve the site today. The site is fully developed and is not expected or intended to redevelop at this time. Therefore, 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.

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 in A.3.b above, the proposed zoning of MR District is consistent with the overall goals of the Denton 2040 Comprehensive Plan.

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 Section 3.3.3A, "The MR district is intended to provide a walkable urban center to augment the regional draw and image of Denton. Development may include national retailers, employment, restaurants, entertainment venues, and housing at the highest levels of scale and density within the City. This district ensures that development will complement and embrace existing viable uses and raise the standard of design to increase regional draw, accommodate greater connectivity and mobility options, and create a sense of place. The MR district may be

established in areas with the greatest regional access and is sensitive to the adjacent built and natural context.”

The proposed MR District in this location is consistent with the purpose statement. The site is situated between two commercial corridors developed with a variety of commercial and residential uses. While the area is more auto oriented than the desired “walkable urban center,” intermittent sidewalks allow residents to access nearby restaurants and shops, and additional development and capital investments will ultimately result in a complete sidewalk network.

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

The area has not seen recent changes to warrant a zoning change; however, the overall zoning regulations have changed by removing the Elderly Housing use from the GO District. This change has made the existing use on the site nonconforming, necessitating the rezoning to provide certainty for the property owners in terms of their ability to reinvest in their property and rebuild it should a fire, storm, or other disaster damage the structures.

Furthermore, the proposed MR District is consistent with the surrounding zoning and Denton 2040 Comprehensive Plan Future Land Use Map and goals.

- 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 rezoning is intended to address a nonconformity created by an update to the City’s regulations related to the Elderly Housing use. The proposal is consistent with the surrounding zoning and development pattern and is a logical extension of the adjacent MR District.

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

Water and Wastewater

The site is served by existing water and wastewater infrastructure.

Nearest Fire Station

The subject property is approximately 1.8 miles from Fire Station #2 (3309 E. McKinney Street), within the eight-minute or less response time boundary.

Parks

Since the subject property is developed, no additional park fees would be required.

Schools

As an elderly housing use, the development does not generate students.

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

The current zoning was not established in error but could be expected to change over time with the continued expansion of commercial development along Loop 288. Since the use was made non-conforming through City action, the property owner is now restricted from expanding the residential structures or rebuilding if more than 50 percent of the development was destroyed. Rezoning to MR District would resolve the non-conforming issue and allow the existing use to remain.