

City Council District #3

Rezoning of approximately 1.143 acres from Public Facilities (PF) Zoning District to a Residential 7 (R7) Zoning District.

Staff recommends **approval** of the rezoning of approximately 1.143 acres from Public Facilities (PF) Zoning District to a Residential 7 (R7) Zoning District as it complies with the criteria in Section 2.4.5.E of the Denton Development Code for approval of all applications, and Section 2.7.2.D of the Denton Development C for approval of a Zoning Map Amendment (Rezoning).

The subject property is currently undeveloped. The City of Denton acquired the property in 2016 for the reconstruction and relocation of electric lines along Bonnie Brae Street. With the adoption of the 2019 Denton Development Code (DDC), the zoning of the subject property transitioned to Public Facilities (PF). The property owner and applicant, Philip Baker, Rayzor Investments LTD., acquired the property in 2020, and has submitted a zoning change request to align the zoning of the subject property with existing Residential 7 (R7) zoning immediately to the south under the same ownership. While there is not a proposed use identified for the subject property at this time, the R7 zoning district permits a variety of housing types by right (single-family detached, townhome, duplex, triplex, fourplex), multifamily uses with the approval of a Specific Use Permit, and several types of commercial uses by right and with the approval of a Specific Use Permit. See Exhibit 8 for complete table of allowed uses.

The subject property is situated at the southeast corner of Bonnie Brae Street and Riney Road. Per the City's 2022 Mobility Plan, Bonnie Brae Street is classified as a Secondary Arterial, and Riney Road is classified as a Collector.



SURROUNDING ZONING AND USES:

Northwest: Zoning: Planned Development (PD) Use: Bonnie Brae right-of-way and Kings Ridge Subdivision	North: Zoning: Public Facilities Use: Riney Road right-of-way and Denton Municipal Electric Substation	Northeast: Zoning: Public Facilities Use: Riney Road right-of-way and Denton Municipal Electric Substation
West: Zoning: Public Facilities Use: Bonnie Brae right-of-way and Denton High School	SUBJECT PROPERTY	East: Zoning: Residential 7 (R7) Use: Undeveloped Land
Southwest: Zoning: Neighborhood Mixed-Use Use: Bonnie Brae right-of-way and Undeveloped Land (currently at CEP and permit review for future multifamily development)	South: Zoning: Residential 7 (R7) Use: Undeveloped Land	Southeast: Zoning: Residential 7 (R7) Use: Undeveloped Land

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

On November 9, 1965, the subject property was annexed into the city. There have been no other project approvals since that time, but as noted in Exhibit 1 the City Council did approve an agreement that allowed for the sale of the property to the current owner.

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 associated 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.*

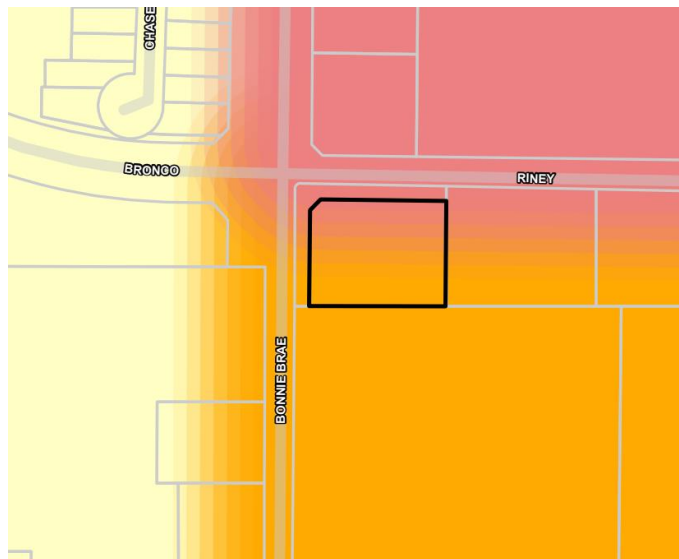
COMPREHENSIVE PLAN

The Denton 2040 Plan acknowledges that “A compact development pattern which includes expanded areas of mixed use, a broad array of housing and retail choices responding to changing demographics and market preferences, and re-investment and infill in underutilized areas of the city” is critical to smart growth. The proposed rezoning request is situated inside Loop 288 and could provide for additional housing and/or commercial uses along a corridor which provides access to employment and retail opportunities and is consistent with the following land use 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.

Furthermore, the rezoning request is consistent with Action Item 2.2.2: Revise zoning districts for consistency with future land use designations as further detailed below.

Future Land Use



Per the 2040 Comprehensive Plan Future Land Use Map, the subject property is designated as a transitional area between Moderate Residential and as Neighborhood Mixed-Use (see image and provided as Exhibit 5). The description for the Future Land Use designations are provided below.

The Moderate Residential category 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. Dwellings in this future land use category vary in scale and style and may contain a great deal of diversity by each street and block. Most areas are characterized by rectilinear lots with modest front yards. Most streets are lined by sidewalks, but this is not prevailing throughout. Development is linked by local streets and is most commonly accessed by multiple intersections and points of access. While the land use primarily includes single-family dwellings, multi-family dwellings, and townhomes may be located in this land use as well. While the quality of multi-family dwellings and townhomes currently varies, in the case of future infill development, they should maintain a scale, style, and building orientation in order to complement the prevailing character of its surroundings. This category may also include land uses that support residential neighborhoods, such as neighborhood scaled commercial at arterial and collector street corners, and appropriately scaled public and quasi-public uses, such as religious and educational institutions.

The Neighborhood Mixed-Use designation applies to neighborhoods or districts where the predominant use is residential, but with a mix of compatible housing types and densities along with local-serving, non-residential retail and service uses. Such use mixes are typically found in established neighborhoods in the city's core that accommodate local services. This designation is also applied in areas of future development suited primarily to single-family development, but where neighborhood-serving retail and services are critical to achieving balanced, accessible neighborhoods. At these locations, a diverse mix of housing types and densities may also be accommodated. Buildings should be appropriately scaled and have an intensity that complements the surrounding neighborhood and environment. Future development in Neighborhood Mixed Use areas will complement and embrace existing, viable uses, and raise the standard of design to increase connectivity and mobility options, and create a sense of place to serve the neighborhood.

The R7 Zoning District is consistent with the goals, policies, and actions of the Comprehensive Plan and with both Future Land Use Designations of Moderate Residential and Neighborhood Mixed-Use. The R7 Zoning district allows for a variety of housing types, either by right or with the approval of a Specific Use Permit, as well as allows for several neighborhood-serving commercial uses.

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.*

The proposed rezoning would facilitate the development of the subject site in accordance with the DDC's standards.

Future development on this site will require compliance with all applicable development standards in the DDC, including, but not limited to, minimum lot size and dimensions, building coverage, access, parking, tree preservation, landscaping, screening, and buffering.

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

Rezoning to one of the DDC's established districts does not typically include a full review of all development standards within the DDC. If the proposed rezoning to a R7 Zoning District is approved, a detailed development review will accompany all required future development applications such as a Specific Use Permit or zoning compliance plan, platting, engineering, tree preservation, and building permit submittals.

5. *Compliance with Other Applicable Regulations*

If the proposed rezoning to a R7 Zoning District is approved, any future development of the site would consist of a detailed review of the proposed development to ensure compliance with all other applicable regulations.

6. *Consistent with Interlocal and Development Agreements*

There are no interlocal or development agreements for the subject property.

7. *Minimizes Adverse Environmental Impacts*

There are no environmentally sensitive areas (ESA) on the subject property. Any development of the subject property would be subject to the City's standards for tree preservation, stormwater, and landscaping to ensure environmental impacts are minimized.

8. *Minimizes Adverse Impacts on surrounding Property*

The proposed rezoning is consistent with the surrounding residential zoning and development patterns in the area. The subject property is adjacent to existing R7 Zoning to the east and south and Neighborhood Mixed-Use zoning situated to the west of Bonnie Brae Street.

The proposed rezoning would allow for the development of a variety of residential land uses or smaller-scale commercial uses that would be complimentary to existing development in the area. Development of the site would require conformance with design standards within the DDC to minimize adverse impacts on surrounding properties.

9. *Minimizes Adverse Fiscal Impacts*

A detailed Fiscal Impact Analysis was not performed for this request as there is not a proposed use identified for the site. The R7 Zoning district allows a variety of land uses, including residential and commercial developments, and the rezoning request is not expected to result in a negative fiscal impact to the City.

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

This proposed rezoning will not affect utilities, services, or improvements. When the site is developed, the development will be reviewed to ensure compliance with all utility, service, and improvement standards.

11. *Provides Adequate Road Systems*

The subject property is located at the southeast intersection of Bonnie Brae Street, a Secondary Arterial, and Riney Road, a Collector. 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.

12. *Provides Adequate Public Services and Facilities*

This proposed rezoning is not anticipated to negatively impact public services and facilities. When the site is developed, the new development must comply with all applicable standards to ensure adequate public services and facilities are available.

13. *Rational Phasing Plan*

There is no phasing plan associated with the zoning change request.

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 3.b above, the R7 Zoning District is consistent with the goals, policies, and actions of the Comprehensive Plan and with the Future Land Use Designations of Moderate Residential and Neighborhood Mixed-Use.

- 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.*

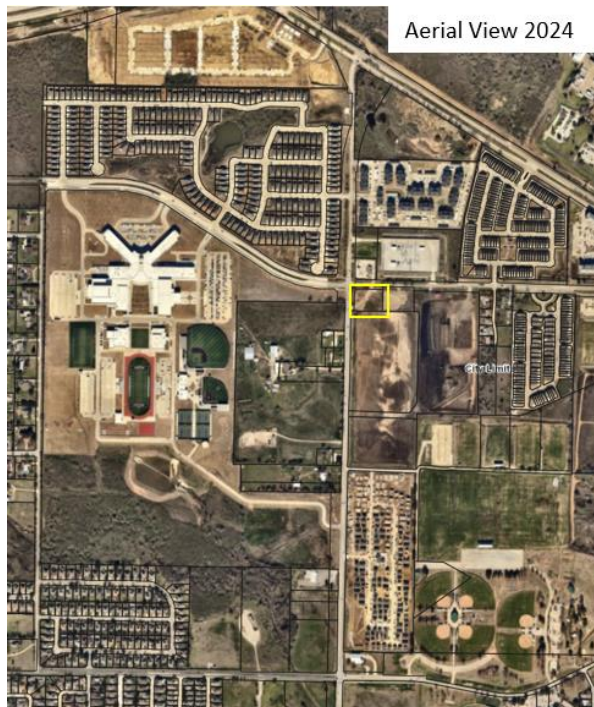
Pursuant to Section 3.2.7A of the Denton Development Code:

The R7 district is intended to accommodate a variety of housing types on lots designed to encourage walking to neighborhood-serving retail and other amenities such as parks and school facilities. This zoning district will ensure existing neighborhood character is maintained while also contributing to a safe environment for pedestrians and bicyclists. This district can also serve to support compatibility between single-family neighborhoods and higher-intensity mixed-use or nonresidential.

The proposed R7 Zoning District in this location is consistent with the purpose statement. Given its location, the property is situated in an area suitable for the R7 Zoning District given the pedestrian-oriented access goals for residential uses to parks and school facilities noted in the purpose statement.

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

In the last 5 years, the area generally north of Windsor Road and south of US 77 along the Bonnie Brae Corridor has seen significant growth and development as properties within the area have developed in a manner consistent with the Future Land Use Plan (see Aerial maps below). As properties within this corridor continue to develop, the proposed rezoning would facilitate compatible development and be consistent with the intent that this area should develop as predominantly residential uses with supporting neighborhood-serving commercial opportunities.



- 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 situated at the southeast intersection of Bonnie Brae Street and Riney Road. As detailed above, this corridor has experienced significant growth in the last five years. The Residential 7 Zoning District is consistent with the overall development pattern within the area and would not introduce new land uses which are incompatible to adjacent properties nor expected to create adverse impacts.

- 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

When the site is developed, it will be reviewed to ensure compliance with all utility, service, and improvement standards for extension and connection to City utilities. Additionally, water and wastewater tap, and impact fees will be based upon the intensity of the development and are required to be paid during permitting.

Schools

A detailed analysis was not performed for this request to determine the approximate number of students future development of the site may generate as there is not a proposed use identified for the site. However, the R7 Zoning District allows for a variety of residential land uses and future development of the site could generate additional students within Denton Independent School District. It is estimated single-family households generate .5 students per household (.23 elementary students, .12 middle school students, .15 high school students) and multifamily developments generate .23 students per apartment unit (.12 elementary students, .05 middle school students, .06 high school students).

Nearest Fire Station

The subject property is approximately .65 miles from Fire Station #5 (2230 W. Windsor Dr.), within the eight minute or less response time boundary.

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

There was not an error in establishing the current zoning district. The current PF zoning on the subject property is the result of the City acquiring the parcel in 2016 for the relocation of underground utility lines along Bonnie Brae Road. When the 2019 City-wide zoning transition occurred, the property was assigned the zoning designation of Public Facilities. Given the subject property is no longer a City-owned asset, and there are no public facilities constructed on site, the current PF zoning is no longer appropriate.