

Planning Staff Analysis

Z25-0007/Kalyans

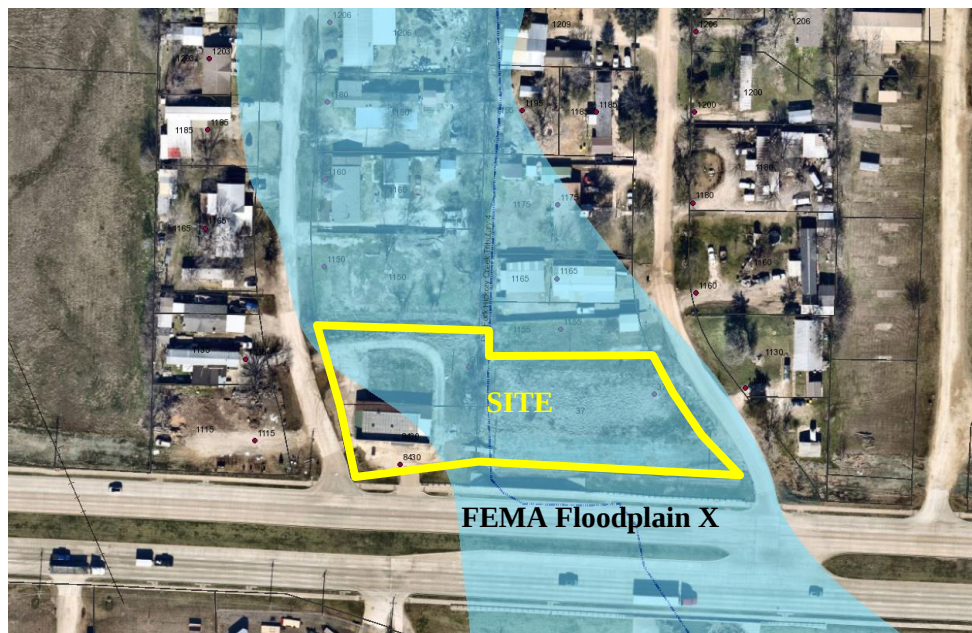
City Council District #3

REQUEST:

Request to rezone approximately 1.09 acres from Residential 2 (R2) District to a Mixed-Use Neighborhood (MN) District.

SITE DATA:

The 1.09-acre subject site includes portions of three platted lots located on the north side of West University Drive at the entrance of an existing mobile home community. The two western lots are developed with a commercial building and asphalt/gravel parking areas. The eastern lot is undeveloped. Portions of the two lots adjacent to West University Drive have been acquired for right-of-way since the subdivision was initially platted in the 1960s. The property is almost entirely located within FEMA Floodplain X and an unassessed Floodplain Environmentally Sensitive Area. Approximately 0.17-acre in the southwestern corner of the property is outside of the floodplain; this includes the majority of the existing building and its associated parking, as shown below.



The subject property has approximately 400 feet of frontage on West University Drive. West University Drive is a TxDOT roadway and classified as a Primary Arterial roadway in the 2022 Mobility Plan, which typically requires 135 feet of right-of-way and six travel lanes separated by a median. Currently, the road is constructed with six travel lanes, a center median, and five-foot-wide sidewalks on both sides.

Two additional roadways, Willow Lane to the west and Cottonwood Lane to the east, abut the subject property and were platted as developed as part of the mobile home community prior to the subject property being annexed into the City of Denton. These privately maintained roadways connect to West University and extend north into the mobile home community as cul-de-sacs. These private roads are constructed with 20-foot-wide asphalt paving and do not contain curb and gutter or sidewalks. Similarly, the subject property and nearby residences are served by private water wells and septic facilities.

Overall, the area along West University Drive is primarily zoned and developed with industrial and warehouse facilities with some pockets of residential and commercial uses interspersed. Additional detail regarding the adjacent land uses and zoning pattern of the area is provided below.

SURROUNDING ZONING AND USES:

Northwest: Zoning: Residential 2 (R2) District Use: Mobile Home Development	North: Zoning: Residential 2 (R2) District and Extraterritorial Jurisdiction (ETJ) Use: Mobile Home Development	Northeast: Zoning: Residential 2 (R2) District Use: Mobile Home Development
West: Zoning: Residential 2 (R2) District Use: Mobile Home Development	SUBJECT PROPERTY	East: Zoning: Residential 2 (R2) District Use: Mobile Home Development
Southwest: Zoning: General Office (GO) District Use: Retail and Automotive Impound Lot	South: Zoning: Residential 2 (R2) District Use: Retail	Southeast: Zoning: Light Industrial (LI) District Use: Undeveloped and Gas Well

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 have been no prior approvals for the site other than the history of zoning changes outlined in the Background in Exhibit 1.

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.*

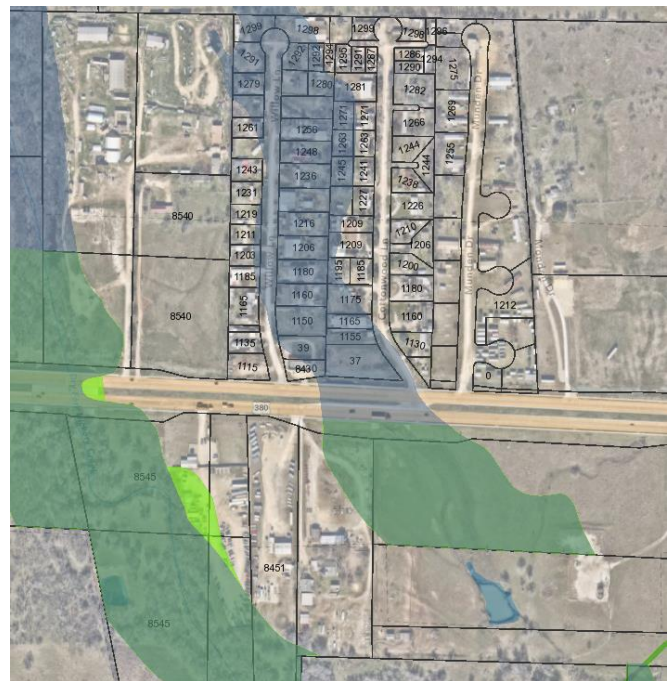
Future Land Use

Per the Denton 2040 Comprehensive Plan Future Land Use Map (FLUM), the subject property is designated as Moderate Residential (see Exhibit 6). While this land use designation typically applies to mixed-density residential neighborhoods, the category can also include land uses that support residential neighborhoods such as small-scale commercial at arterial and collector street corners.

The proposed MN District is consistent with the Future Land Use Designation, as it would facilitate the reestablishment of a commercial use on a site that has accommodated retail, restaurant, and bar uses for over 50 years. Furthermore, the site is located on a Primary Arterial roadway and oriented away from the adjacent neighborhood, allowing for an appropriate transition area between a high-traffic, high-speed road and nearby residential dwellings.

Preferred Land Preservation Plan

Due to the floodplain on the property (area shaded blue in the image, right), the site has been identified as having the potential to be preserved within the Preferred Land Preservation Map. However due to the existing development and adjacent land uses, it is unlikely that this floodplain corridor can contribute to a connected wildlife corridor (area shaded green, right).



- 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 to reestablish the use will be reviewed during the development and permitting process to ensure conformance with all applicable requirements. Any deficiencies in the plans must be addressed prior to approval.

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*

Development of the subject site will be required to comply with the DDC regulations related to drainage and tree preservation. Prior to any additional improvements on the property, the floodplain must be assessed to determine if it is an Undeveloped Floodplain ESA. If the ESA is confirmed, only routine maintenance and repair of the existing structure and parking areas would be permitted by right; more substantive development encroachments would require submittal of an Alternative ESA Plan for consideration by the Planning and Zoning Commission and City Council.

8. *Minimizes Adverse Impacts on surrounding Property*

If approved, any use permitted in the MN District could be developed (see Exhibit 7); however, the applicant has indicated that the intent is to renovate the existing building and reestablish a retail use. While commercial uses in proximity (or near) to residential areas can raise concerns, several factors (or considerations) specific to this site suggest the proposal will not adversely impact the adjacent Denton Estates Mobile Home community:

- The size of the subject site is 1.09 acres, which will limit the property owner's ability to increase the commercial intensity of the site. For scale, a small retail store requires about an acre, and a typical pharmacy development requires about 1.5 acres.
- MN District is intended for neighborhood-serving retail and service uses, thus limiting more auto-oriented uses. These limitations, including approval of a Specific Use Permit for drive-through restaurants, automotive fuel sales, and bars; buffer requirements; and minimum 40% tree canopy will provide protections for the community to the north.
- The site is developed with a vacant commercial structure. The current zoning of R2 District primary permits uses typically found in low-density residential areas: single family detached dwellings, community homes, parks, and public schools. If the request is not approved, the limited number of permitted uses may prevent the property owner from occupying the property. If the request is approved, the property owner could reestablish a commercial use, resume renovations of the building and parking area, activate the space, and potentially prevent deterioration.

- Finally, the subject site is substantially encumbered by FEMA floodplain. Any new or substantially improved buildings will require a Floodplain Development Permit, floodproofing, or elevating improvements. Additionally, improvements or redevelopment would likely not adversely impact other properties because the scale of development that would be permitted on the property is limited by these factors.

9. *Minimizes Adverse Fiscal Impacts*

Staff used the *Fiscal Impact Tool* to analyze the proposed rezoning. Assumptions were used to generate the overall projected General Fund revenues and expenses, including fees, roadway maintenance costs, utility usage, solid waste costs, and public safety costs. The *Fiscal Impact Summary* indicates that the proposal would result in a net \$712,800 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 are only one criterion for Staff's recommendation. The request is intended to reestablish a commercial use that operated at this location since prior to its annexation in 1974 until 2023. If the rezoning request to permit commercial uses is approved, the property owner will be able to make improvements to the existing vacant structure and occupy the building, reducing the potential impacts associated with abandoned buildings.

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 applicant provided a trip generation analysis for the proposed use using the ITE Trip Generation Manual, 11th Edition. The use is anticipated to generate 462 trips within a 24-hour period, with the greatest number of trips during PM peak hour:

- AM Peak: 3 total trips
- PM Peak: 72 total trips

Given the site's location adjacent to a six-lane Primary Arterial, there is adequate capacity to accommodate the proposed number of trips.

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.

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 MN District is consistent with the Future Land Use designation of the Denton 2040 Comprehensive Plan and will permit the reuse of an existing commercial building.

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 3.3.1A, “The MN district is provided to support compatibility between higher-intensity mixed-use areas and adjacent residential and commercial areas. This district contributes to a vibrant environment for pedestrians and bicyclists and includes varying densities of residential, neighborhood-serving retail, restaurants, commercial, and office uses that are sensitive to the surrounding built and natural context in scale and form.”

The proposed MN District in this location is consistent with the purpose statement, as the subject property is situated between the more intense zoning and land uses along West University Drive and an established residential development. Additionally, the permitted uses in MN District can provide shopping and services within walking distance of nearby homes.

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

In the last decade, TxDOT has made significant improvements to West University Drive—expanding the roadway from two undivided lanes to six lanes with a center median. Because of the expansion, R2 District is no longer appropriate for those properties immediately adjacent to the high-speed, high-traffic roadway. The request to rezone the property to MN District will create a more logical zoning pattern with a buffer between West University Drive and the residential properties to the north.

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

As discussed above, while the MN District allows for some intense uses, limitations outlined in the DDC will limit the adverse impacts. Furthermore, the existing residential uses have coexisted with a variety of commercial uses which occupied the property for more than 50 years, such that the commercial use of the property is part of the neighborhood fabric.

- 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 existing commercial building uses well and septic systems. Redevelopment of the site may require review of the utilities and extensions of public water and wastewater, if necessary.

Nearest Fire Station

The subject property is approximately 3.8 miles from Fire Station #5 (2230 W Windsor Drive), within the eight minute or less response time boundary.

Parks

The Park Dedication Ordinance (98-039 & 22-254) only pertains to residential developments of 5 or more dwelling units and thus would not be applicable.

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

The 2002 Citywide rezoning changed the property from General Retail and PD to NR-2, which did not permit the existing restaurant and convenience store. However, the use continued as a Special Exception, which allowed the use to continue as a permitted use. In 2019, the Special Exception provision was removed from the City's development regulations, making the retail and restaurant use nonconforming.

While not necessarily errors, the chain of events which impacted the subject property created conditions which resulted in the elimination of a long-standing commercial use. Because of the site's location and surrounding development, the proposed rezoning of MN District is appropriate to allow the property to continue to be utilized for commercial business.