

Planning Staff Analysis

Z22-0009/Project Cowboy

City Council District #3

REQUEST:

Request to rezone 10.002 acres from Residential 2 (R2) District to Heavy Industrial (HI) 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 subject property is being proposed for a rezoning from R2 District to HI District. The intent of the rezoning proposal is to align the zoning of the undeveloped 10.002-acre site with existing HI zoning to the west and south of the site, owned by the same entity, for future industrial development of approximately 138.6-acres located at the northeast intersection of N. Western Blvd. and Jim Christal Rd. The proposed development includes one 863,204 sq. ft. industrial building and associated fleet and employee parking on the subject site and adjacent larger tract combined. The site will be accessed from N. Western Blvd. and Jim Christal Rd. Per the City's 2022 Mobility Plan, Jim Christal Rd. is classified as a Secondary Arterial and N. Western BLVD. is classified as a Primary Arterial.

Adjacent existing and proposed development is predominantly industrial uses. The subject property to the north is currently vacant; however, civil engineering plans and building permits are currently under review by City staff for two industrial warehouses. The proposed rezoning is consistent with the emerging pattern of industrial zoning and uses that are present within the region generally located to the west of I-35 W and east of the Denton Enterprise Airport.



SURROUNDING ZONING AND USES:

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|---|---|---|
| Northwest: Zoning: HI District Use: Undeveloped | North: Zoning: GO District Use: Undeveloped (Building Permit for West University Industrial under review) | Northeast: Zoning: GO District Use: Undeveloped (Building Permit for West University Industrial under review) |
| West: Zoning: HI District Use: Undeveloped/John Bradford 2H & 3H Gas Well | SUBJECT PROPERTY | East: Zoning: GO District Use: Undeveloped (Building Permit for West University Industrial under review) |
| Southwest: Zoning: HI District Use: Undeveloped | South: Zoning: HI District Use: Undeveloped | Southeast: Zoning: HI 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 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 designated as Industrial Commerce. This designation applies to areas where the predominant uses include light and heavy industrial uses, including manufacturing, assembly, fabrication and wholesaling. This designation is located primarily west of I-35W, near the Denton Municipal Airport.

The proposed HI Zoning District is consistent with the Future Land Use Designation, as it primarily permits manufacturing and warehouse uses, but also permits some commercial and office uses which may be appropriate in areas of transition. Developments with buildings located within 250 feet of a highway, arterial, or collector roadway within the HI District are required to comply with the development standards of the Denton Development Code, Subchapter 7.

Fiscal and Economic Vitality

According to the Denton 2040 Comprehensive Plan, a strong and diverse economy is fundamental to achieving the vision of the 2040 Comprehensive Plan. As part of the City's fiscal and economic vitality vision, the following goal was included:

3.1.1: Ensure adequate land for future economic growth, particularly in the non-residential future land use categories, including a sufficient buffer zone to adjacent protected land uses.

The applicant has indicated that the purpose of the rezoning request is to facilitate the development of a new industrial use on the subject site and adjacent property combined. While that use cannot be guaranteed as part of the request, the applicant's suggested use is consistent with the overall goals of the Comprehensive Plan to provide for a robust and diverse economy.

- 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 site. All subsequent development on this site will comply with applicable standards in the DDC, including, but not limited to, minimum lot size and dimensions, building coverage, access, parking, tree preservation, and landscaping.
 - b. *Compliance with these standards is applied at the level of detail required for the subject submittal.*

Typically, a rezoning to one of the DDC's established districts does not include a full review of all development standards. If the proposed rezoning is approved, a detailed review of all required plat, engineering, 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.

7. *Minimizes Adverse Environmental Impacts*

The subject site does not contain any Environmentally Sensitive Areas (ESA) or FEMA Floodplain designations, although there is potential Riparian and Water Related ESA on adjacent properties to the south and east/northeast. No adverse environmental impacts are anticipated with this rezoning request, and potential impacts of the applicant's larger proposed development will be reviewed with subsequent development applications.

8. *Minimizes Adverse Impacts on surrounding Property*

The proposed rezoning is consistent with the surrounding industrial zoning and development patterns in the area. The subject property is adjacent to existing HI Zoning to the west and south and General Office (GO) to the north and east.

The proposed rezoning would allow for the development of indoor and outdoor industrial, distribution, and manufacturing uses that would be complimentary to existing development in the area. Development of the site would require conformance with design standards within the DDC including screening, landscaping, and parking 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*

The subject property is located to the northeast of the Jim Christal Rd. and N. Western Blvd. intersection. Jim Christal Rd. is classified as a Secondary Arterial and N. Western Blvd. is classified as a Primary Arterial. The developer has submitted a Traffic Impact Analysis, which is currently under review by staff. The TIA will indicate any needed improvements to surrounding roadway infrastructure to accommodate the additional trips generated by the use.

12. *Provides Adequate Public Services and Facilities*

The proposed rezoning is not anticipated to negatively impact public services and facilities. There are existing water and wastewater facilities along N. Western Blvd. and Jim Christal Rd., which may be extended when the property is developed.

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 3.b above, the proposed zoning of HI District is consistent with the Denton 2040 Comprehensive Plan and will permit the development of industrial and manufacturing uses, generally found to the west of I-35W and near the Denton Municipal Airport.

- 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 3.4.1A, “The HI district is intended to provide locations suitable for development and operation of indoor and outdoor industrial, distribution, and manufacturing uses. The HI district applies to areas primarily west of Highway I-35 W near the Denton Municipal Airport that supports the most intense industrial uses and may require access to major rail, truck, or aircraft shipping facilities. The HI District applies to areas that can accommodate the intensity of uses while also being sensitive to the adjacent built and natural context.”

The proposed HI District in this location is consistent with the purpose statement, as the site is located to the west of I-35W, near the intersection of a Primary and Secondary Arterial and, with adequate access to appropriate shipping facilities.

- 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 west of the I-35W 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 industrial and manufacturing uses. Further, since the subject property is currently surrounded by commercial and industrial zoning districts, a residential use consistent with the current zoning would be undesirable in this location.



Aerial view. 2017



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

Transportation related to the proposal

A Traffic Impact Analysis (TIA) based on the proposed industrial use for the subject property has been submitted by the applicant. The TIA will indicate any needed improvements to surrounding roadway infrastructure to accommodate the new use.

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.

Access and Perimeter Street Improvements

No additional perimeter street improvements would be required for the subject property since it has no frontage on a public street. Perimeter street improvements may be required for the larger development proposed to the south and west.

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

Schools

Since the applicant is proposing an industrial use, the request would not add students to schools within the attendance boundary.

Water and Wastewater

Public water and wastewater services are available to the site via nearby roadways.

Nearest Fire Station

The subject property is approximately 2.8 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 the assignment of the current zoning district. The R2 District transitioned from the Neighborhood Residential 2 zoning established under the 2002 DDC. This residential zoning applied to the subject property and the adjacent land to the north and east, which was previously developed as a school.