

# Planning Staff Analysis

**Z25-0003b / Wild Haven Woods – RR to R7**

**City Council District #1**

## **REQUEST:**

Rezoning of approximately 4.99 acres of land from Rural Residential (RR) to Residential 7 (R7) district.

## **STAFF RECOMMENDATION:**

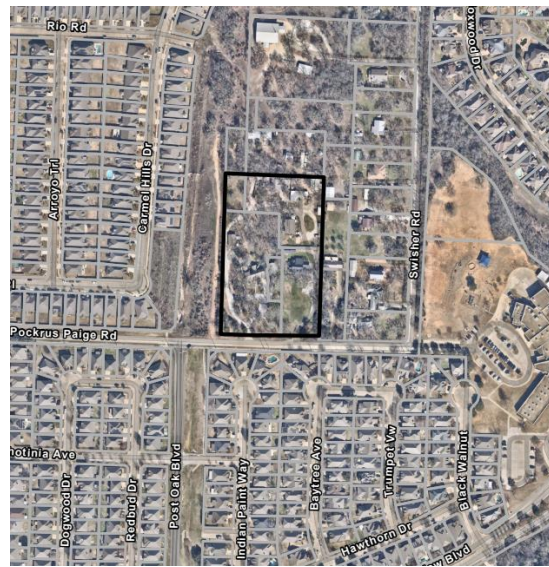
Staff recommends **approval** of the rezoning of approximately 4.99 acres of land to R7 district as it complies with the criteria in Section 2.4.5.E of the Denton Development Code (DDC) for approval of all applications, and Section 2.7.2.D of the DDC for approval of a Zoning Map Amendment (Rezoning).

## **SITE DATA:**

The 4.99-acre subject property is comprised of several unplatted parcels of land generally located north of Pockrus Paige Road, approximately 325 feet west of Swisher Road, and is currently developed with a mixture of single family detached dwellings, triplexes, and accessory buildings constructed between 1980 and 2006. These parcels were subdivided by deed and developed prior to the property being annexed into the City, and consequently, none of the parcels are conforming to the minimum 5-acre lot size required for properties in the RR District. In preparation to connect at least one parcel to City water and improve the existing septic system that serves existing structures on the property, the applicant is requesting this rezoning in order to be able to plat the property in accordance with R7 standards, as required in Subsections 8.2.5A.2 and 9.2 of the DDC prior to the extension of public utilities or the installation of a septic system. No intent to redevelop the property has been disclosed to staff at this time; however, if the zoning is approved, any uses permitted in the R7 District could be proposed for development or redevelopment in the future.

A mixture of residential uses and parcel sizes similar to the subject property exist to the north and east of the subject property. Public right-of-way (ROW) for the future extension of Post Oak Road, a future primary arterial according to the City's Mobility Plan, borders the subject property to the west, with suburban-style, single family detached dwellings across the ROW. Pockrus Paige Road, an existing collector roadway according to the City Mobility Plan, forms the southern border of the subject property. Suburban-style, single-family detached dwellings similarly exist across the Pockrus Paige Road ROW as part of a residential Planned Development (PD). Cross Timbers Upland Habitat may exist on north end of the subject site. Prior to development, an Environmentally Sensitive Areas (ESA) field assessment will be required to verify the location of any ESA.

*[continued on next page]*



A six-inch public water line exists in the Pockrus Paige Road right-of-way, ending approximately 10 feet east of the subject property. This line will be extended across the front of any lots proposed to tie into the water line in the future in lieu of continuing to utilize the private water wells that currently serve the various residences on site. A gravity force sewer main, denoted by the dashed pink line in the map below, exists in the Pockrus Paige right-of-way adjacent to the subject property. While existing uses on site are serviced by private, on-site septic systems which may continue to be utilized, future redevelopment may require extension of a public sewer line.



*[continued on next page]*

## SURROUNDING ZONING AND USES:

Northwest: Zoning: Future Post Oak Rd ROW, and Residential 6 (R6) Use: Single-Family Residential	North: Zoning: RR and Mixed-Use Neighborhood (MN) Use: Mixed Residential	Northeast: Zoning: RR Use: Mixed Residential
West: Zoning: Future Post Oak Rd ROW and R6 Use: Single-Family Residential	<b>SUBJECT PROPERTY</b>	East: Zoning: RR Use: Mixed Residential
Southwest: Zoning: Pockrus Paige Rd ROW and PD Use: Single-Family Residential	South: Zoning: Pockrus Paige Rd ROW and PD Use: Single-Family Residential	Southeast: Zoning: Pockrus Paige Rd ROW and PD Use: Single-Family Residential

## 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*

The subject property was annexed into the City of Denton in 2013 and assigned the placeholder zoning designation of Rural Residential (RD-5X). This zoning transitioned to RR with the adoption of the 2019 DDC.

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

*The decision-making authority:*

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

Staff has not identified any competing goals, policies, or strategies pertinent to this rezoning request.

The requested R7 district complies with the future land use designation of Neighborhood Mixed Use, as discussed further below in 3b, and with the following goals and action items of the Comprehensive Plan.

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.

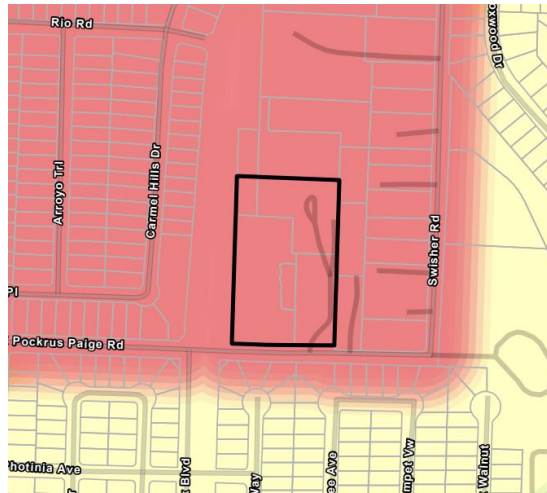
Action 2.2.2: Revise zoning districts for consistency with future land use designations.

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.

The proposed rezoning provides opportunity for compact growth and redevelopment of existing low-density residential property in addition to allowing for the continued use and improvement of the existing mix of residential uses on the subject property. The broader area surrounding the subject property consists of single-family residential development and an elementary school. The R7 district is a context-sensitive zoning district that allows diverse housing types including duplex, triplex, fourplex, and townhome uses by right and multifamily uses with a Specific Use Permit. Additional uses that could be considered with a Specific Use Permit are neighborhood-serving amenities such as financial institutions and general retail uses.

- 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.*

Per the Future Land Use Map in the Comprehensive Plan, the subject property is designated as Neighborhood Mixed Use (see image below and provided as Exhibit 5). The description for the Future Land Use designation is provided below.



#### Neighborhood Mixed Use Future Land Use Description:

“This 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.”

As a residential district, the requested R7 zoning district primarily permits residential uses, including both single-family detached and triplexes, which currently exist on the property. Through the Specific Use Permit process, additional non-residential retail and service uses may be considered such as financial institutions and general retail with limitations on the size and scale of these uses in place to ensure neighborhood compatibility. These uses could be appropriate on the subject property and within the surrounding area as the area is primarily single-family detached residential uses. The diversity that the R7 district could bring would allow for the development of a more complete neighborhood of diverse housing and neighborhood resources. The adjacent future primary arterial (Post Oak Rd) additionally makes the subject site an ideal location for such higher density residential and retail and service 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.*

Any future redevelopment 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, landscaping, screening, and buffering.

- 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 to a R7 district is approved, prior to any future redevelopment of the site, a detailed review will be performed with the required applications such as a site plan or specific use permit, plat, civil engineering plan, tree preservation plan, and building permit.

#### 5. *Compliance with Other Applicable Regulations*

If the proposed rezoning to a R7 district is approved, prior to any future redevelopment, a detailed review of the proposed development will be conducted to ensure compliance with 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*

Cross Timbers Upland Habitat may exist on the subject site. Prior to any redevelopment of the site, an Environmentally Sensitive Areas (ESA) field assessment will be required to verify the location of any ESA. Additionally, prior to development, a Tree Survey and Preservation Plan and a detailed drainage review will be required.

#### 8. *Minimizes Adverse Impacts on surrounding Property*

The properties immediately adjacent to the subject site are developed with a mix of lower-density residential uses and a variety of accessory and agricultural structures. As the uses allowed in the R7 district are predominately residential, the rezoning is not anticipated to create adverse impacts to surrounding properties. More intense uses found within the R7 district such as multifamily, financial institutions, and general retail would require a Specific Use Permit, requiring approval of a site plan by City Council, detailing sufficient buffers from adjacent uses to mitigate for any possible nuisance.

Nonetheless, any future redevelopment of the subject property would be subject to the City's landscaping, tree preservation, and drainage criteria. A Traffic Impact Analysis, reviewed by the City Traffic Engineer, is also required for developments that meet the criteria set forth in the City of Denton Design Criteria Manual where a significant increase in traffic is proposed.

#### 9. *Minimizes Adverse Fiscal Impacts*

No significant fiscal impact is anticipated with this request and the City's fiscal impact analysis tool was not utilized to analyze the request since the subject property is already developed and the stated intent for the rezoning is solely to facilitate improving an existing septic system to serve existing uses and connecting part of the property to City water.

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

If the site is redeveloped, the development will be reviewed to ensure compliance with all utility, service, and improvement standards. At the time of development, utilities required to support the use will be connected to or will be extended by the developer or property owner to lots created on the subject property.

11. *Provides Adequate Road Systems*

Ingress and egress to the property will be taken off Pockrus Paige Road, a collector roadway per the City's Mobility Plan, at least until time of construction of Post Oak Road, a primary arterial roadway per the City's Mobility Plan. If the site is redeveloped, the new development must comply with all applicable standards for drive approaches, driveways, and new residential streets.

12. *Provides Adequate Public Services and Facilities*

Any future redevelopment must comply with all applicable DDC standards to ensure adequate public services and facilities are available. An eight-inch public water line exists in the Pockrus Paige Road ROW, terminating approximately 10 feet east of the subject property, and will be extended accordingly by the owner/developer to serve any future lots not serviced by existing private water well. A gravity force sewer main exists in the Pockrus Paige right-of-way adjacent to the subject property. While the existing uses on site are serviced by private, on-site septic systems, future redevelopment may require extension of a public sewer line. All development shall comply with access, open space, and fire requirements.

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 criterion 3 above, the R7 district is consistent with the Future Land Use designation and the goals, policies, and actions of the 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.*

Pursuant to Subsection 3.2.6A 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 rezoning is consistent with the purpose statement of the R7 district as the subject site is located at the corner of a collector and future primary arterial roadway, as designated by the City's Mobility Plan, within a residential-dominated area. Pecan Creek Elementary School is less than 400 feet to the east of the subject property with existing sidewalks along the south side of Pockrus Paige Road, making the subject site an ideal location for diverse housing and neighborhood-serving amenities.

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

The subject site is serviced by private water wells and on-site septic systems today. The property owner desires to connect at least one existing residence on the subject property to City water and additionally improve the existing septic system as it approaches the end of its lifespan. These utility improvements require the site be platted; however, the existing zoning of RR requires a minimum lot size of five acres. Given the total size of the property (4.99 acres) and the existing uses on site (two single-family detached dwellings, two accessory dwelling units, and two triplexes), it is necessary to rezone the property in order to plat the existing uses on smaller, individual parcels. To continue using the property as it is used today based on the existing well and septic systems, the owner intends to plat the two triplex structures together, additionally necessitating an R7 zoning district that could allow multifamily with a Specific Use Permit, as two triplex dwellings on one lot would be considered multifamily by the DDC definitions of Triplex and Multifamily. If this zoning change is approved, the owner intends to pursue a Specific Use Permit to allow the legal continuance of the triplex structures prior to making any improvements on that portion of the property.

- 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 in criterion A.8 above, the proposed R7 district is not expected to create significantly adverse impacts to surrounding properties. Uses allowed in R7 remain primarily residential with additional uses considered with a Specific Use Permit. Nonetheless, if this rezoning is approved, any redevelopment of the subject property would be subject to the City's criteria for compatibility buffers



with any adjacent residential property, landscaping, tree preservation, traffic studies, and drainage studies.

- 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, which would be paid at the time of any future 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**

An eight-inch public water line exists in the Pockrus Paige ROW, terminating approximately 10 feet east of the subject property, and will be extended accordingly by the owner/developer to serve future lots not serviced by the existing private water well. A gravity force sewer main exists in the Pockrus Paige right-of-way adjacent to the subject property, and the site is served today by existing on-site septic systems. Future redevelopment may require extension of a public sewer line. Any redevelopment of the subject site 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.

### **Parks**

The subject property is located about 400 feet west of Pecan Creek Elementary School and approximately 2,200 feet south of Villages of Carmel Park, within the Park Department's goal of a 10-minute walk to a park. Additionally, park dedication and development fees will apply to any future residential redevelopment of the subject property.

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

The current zoning district was not assigned in error; however, the zoning pattern of the area has changed since annexation of this property in 2013. While the subdivision to the south, across Pockrus Paige Road, is part of a PD that was approved in the late 1990s and constructed beginning in 2006, the subdivision to the west, across the future Post Oak Road right-of-way, was rezoned in 2015 from a PD to Neighborhood Residential 6 (NR-6), which transitioned to R6 with the adoption of the 2019 DDC. The subdivision was constructed in 2019 and 2020. Given the pattern of development surrounding the subject property, the current zoning of RR is no longer appropriate.

Additionally, it should be noted that the RD-5X placeholder designation assigned to the property upon annexation and the subsequent transition to RR zoning in 2019 are the City's standard practice for all annexed property. While these zoning assignments were not in error, it did not take into account the existing parcel sizes and land uses, resulting in the nonconformities that exist today and prevent the owner from making any significant changes or improvements to the structures and on-site utilities. The proposed zoning change is necessary to allow the existing uses to become conforming and allow the property to be platted into legally conforming lots.