

Planning Staff Analysis

PDA24-0002a/ Elite Hospitality Pickleball and Restaurant City Council District #3

REQUEST:

The request is to amend an existing Overlay Planned Development with a base zoning of Mixed-Use Neighborhood (PD-MN) to facilitate the development of an indoor recreational facility and associated restaurant use.

SITE DATA:

The subject property is currently zoned PD-MN. The nature of the request is to amend the existing Overlay PD conditions to facilitate the development of an indoor recreational facility and associated restaurant use on approximately 3.185 acres of land. The subject property is generally located to the east of I-35N and approximately 1,078 feet south of Windsor Drive. The subject property predominantly consists of undeveloped land with mature trees scattered throughout the site. There are no Environmentally Sensitive Areas or floodplain onsite.

The area surrounding the subject tract consists of a variety of land uses and zoning districts. To the northeast, south, and east of the site exists residential zoning and residential uses. To the west is I-35N, and further west of the I-35 corridor exists a mix of commercial uses zoned Highway Corridor (HC). North of the subject property is an undeveloped parcel also zoned PD-MN. The PD-MN zoning on the northern property was established in 2008, prohibits multifamily, hotel, and drive-through uses, and is not related to the subject property’s existing overlay conditions (adopted in 2020).

The general area’s street network includes the following:

- **I-35N:** I-35N is a north-south throughfare located to the east of the subject property and is classified as a Freeway per the Denton 2022 Mobility Plan. I-35N is maintained by the Texas Department of Transportation.
- **Windsor Drive:** Windsor Drive is an east-west Secondary Arterial situated approximately 1,000 feet north of the subject property.
- **Colonial Drive:** Colonial Drive is a Local Street situated to the south and terminates at the subject property’s southern boundary. Colonial Drive provides access to a variety of commercial uses and connects to several other Local Streets serving residential neighborhoods.

SURROUNDING ZONING AND USES:

Northwest: Zoning: N/A I-35N Right-of-way Use: I-35N	North: Zoning: PD-MN Use: Undeveloped land	Northeast: Zoning: Residential 6 (R6) Use: Single-family Residential
West: Zoning: N/A I-35N Right-of-way Use: I-35N	SUBJECT PROPERTY	East: Zoning: Residential 3 (R3) Use: Single-family Residential
Southwest: Zoning: N/A I-35N Right-of-way Use: I-35N	South: Zoning: R3 District Use: Single-family Residential	Southeast: Zoning: R3 District 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 2.7.3.D of the DDC applies to this rezoning to PD 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 rezoning to PD requests.

2. *Prior Approvals*

An Overlay PD was approved on April 7, 2020, for the subject property. The purpose of the amendment to the Overlay PD is twofold: first to remove language in the original ordinance that is problematic to future development due to ambiguous provisions within the ordinance thus making it difficult to interpret and enforce, and second is to incorporate additional language to address neighborhood concerns as it relates to the development of the site as an indoor recreational facility. Several of the conditions from the original Overlay PD are retained with the proposed amendment, including the use prohibitions and limitations on access to Colonial Drive.

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

The decision-making authority:

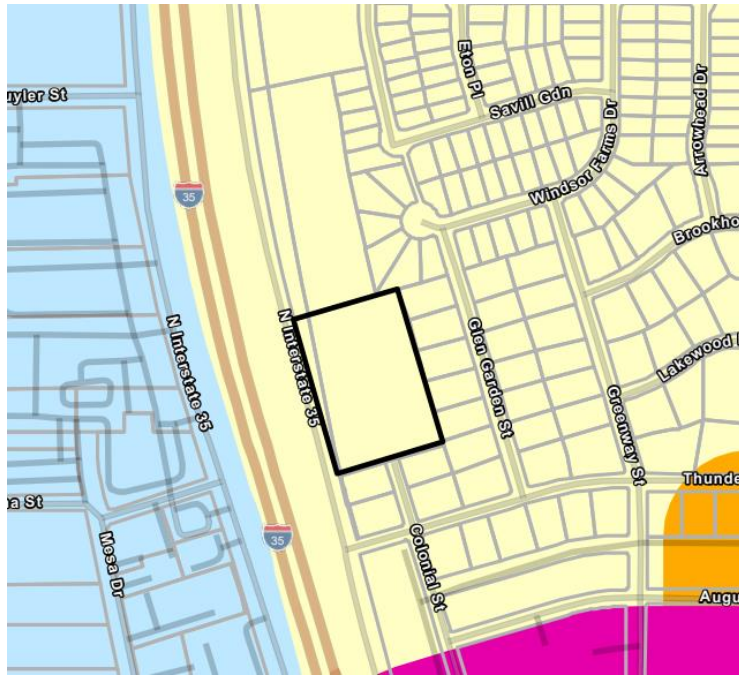
a. *Shall weigh competing goals, policies, and strategies.*

There are no competing goals or policies within the Comprehensive Plan that affect this property.

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 Low Residential. The Low Residential category includes the city's predominantly single-family neighborhoods, with lot sizes ranging from one acre or more in rural fringe areas up to five units per acre gross density throughout many of the city's suburban subdivisions. This category may also include land uses that support residential neighborhoods, such as appropriately scaled commercial uses at arterial and collector street corners, and appropriately scaled public and quasi-public uses, such as religious and educational institutions.



While the proposed Overlay PD is not consistent with the Future Land Use Designation intent that this area be developed primarily as low-density single-family residential, the proposed Overlay PD is intended to provide recreational activities in the region and is consistent with the idea that uses supporting residential areas may be appropriate in the Low Residential Category. Additionally, given the site's adjacency to I-35N, a Freeway per the 2022 Mobility Plan, it is unlikely

this property develops as a low-density single-family residential development, which was initially acknowledged when the site was rezoned from R2 to MN with overlay conditions in 2020. The current zoning of PD-MN is appropriate for the site given its location and will add an area of transition between residential uses to the east and the I-35N corridor to the west.

Fiscal and Economic Vitality

Per the Denton 2040 Comprehensive Plan, Denton has a higher-than-average visibility outside its immediate economic region. Due to having two state universities as well as a high-capacity airport, the city captures national attention as a high-tech hotspot, and for a flourishing music entertainment scene. These are unique assets for the city and provide an excellent opportunity for the City to market itself as a tourist destination. The proposed development is consistent with the Fiscal and Economic Vitality goals within the City, including:

Goal FEV-3: Increase Denton's tourism and economic potential.

The purpose of the proposed request is to facilitate the development of an approximately 49,000 square foot indoor pickleball facility with associated restaurant. Per USA Pickleball, pickleball continues to be an increasingly popular sport in the United States. The development of the subject property as an indoor pickleball facility would provide additional supporting recreational opportunities near one of the City's regional mixed-use centers (Rayzor Ranch) for tourists visiting the City for conventions, business trips, and university visits given the site's accessibility from I-35N and proximity to many hotels. Furthermore, the proposed use provides existing residents access to additional indoor recreation amenities within the city to support recreational interests, similar to other venues south of University Drive and east of I-35N within the Rayzor Ranch development.

Preferred Land Preservation Plan

The Preferred Land Use Preservation Plan does not show any potential Environmentally Sensitive Areas or areas intended for preservation associated with the subject tract.

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 proposed Overlay PD district with an MN base zoning district. The proposed development regulations provided in Exhibit 10 indicate an intent to develop in accordance with the 2019 DDC except for specific deviations as outlined in the proposed draft ordinance, which are further summarized in the table in Exhibit 1. It is important to note that the proposed Overlay PD retains several of the conditions from the original Overlay PD adopted in 2020 and repeals ambiguous provisions.

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

Compliance with the DDC has been analyzed at the level of detail necessary for an Overlay PD. Other departments (Engineering, Solid Waste, Denton Municipal Electric, and Fire) reviewed the proposal for conceptual conformance with the design standards for public facilities, services, and safety. Pending approval of this request, a review for full compliance with the DDC will also take place at submittal of the zoning compliance plan, plat, civil engineering plan, and building permit applications.

5. Compliance with Other Applicable Regulations

The proposed Overlay PD regulations indicate that the development will comply with all provisions of the 2019 DDC other than those deviations proposed in the draft ordinance (Exhibit 10). Otherwise, the development will be required to comply with the DDC, the City's criteria manuals for roadway, utility, and drainage improvements, as well as TxDOT requirements.

6. Consistent with Interlocal and Development Agreements

There are no interlocal or development agreements applicable to the site.

7. Minimizes Adverse Environmental Impacts

There are no Environmentally Sensitive Areas on the property, and the site must comply with the City's requirements for storm water management and tree preservation during the platting and engineering plan review process.

8. Minimizes Adverse Impacts on Surrounding Property

The proposed Overlay PD incorporates use restrictions and design standards that are intended to minimize any adverse impacts on surrounding property.

While the base zoning of MN allows a variety of land uses by right and with approval of a Specific Use Permit, the proposed Overlay PD development standards limit the allowable uses in the MN District on the property by expressly prohibiting the following uses: Multifamily, Chapter House / Dorms, Bar, Tavern, or Lounges, Mobile Food Courts, Fuel Sales (Gas Stations), Food Processing, Hotels, Homeless Shelters, Community Homes, Liquor Stores. These use prohibitions are consistent with the original Overlay PD adopted in 2020.

Additionally, the proposed Overlay PD's site design requirements are intended to minimize potential impacts and increase buffering for the surrounding properties, including:

- A minimum 20-foot wide landscape buffer shall be provided along the east property line and shall include a minimum of 30 points from DDC Table 7.G Buffer Points, providing additional screening and buffering between the proposed project and existing land uses.
- A minimum 15-foot wide landscape buffer shall be provided along the south property line and the north property line adjacent to single-family residential land uses, which shall include an 8 foot tall solid masonry wall, providing screening between the proposed project and future land uses.
- A rear yard setback of 35 feet, providing for additional buffering between the proposed development and existing single-family homes along the southern property line.

9. *Minimizes Adverse Fiscal Impacts*

The City's Fiscal Impact Tool was used to analyze the proposed rezoning. Over 40 years, the development is projected to contribute approximately \$6,307,900 to the general fund. It is important to note, the Fiscal Impact Tool is designed to provide preliminary economic projections for a proposed development but is not a comprehensive fiscal impact analysis tool. The Fiscal Impact Tool does not contemplate indoor recreation, and more specifically pickleball, as a proposed land use. Thus, the assumptions for general retail were used in completing this analysis.

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

This proposed Overlay PD will not negatively affect utilities, services, or other improvements, as the subject property will be served by existing utilities and infrastructure.

11. *Provides Adequate Road Systems*

There are adequate road systems in the area to support the proposed development. The subject property is generally located to the east of I-35N service road and 1,078 feet south of Windsor Drive. The applicant will be required to submit a Traffic Impact Analysis as part of zoning compliance plan and civil engineering plan review. Any work within the TxDOT right-of-way requires approval of a TxDOT permit.

12. *Provides Adequate Public Services and Facilities*

This proposed rezoning will not negatively affect public services and facilities. Adequate public services are available to serve the development.

13. *Rational Phasing Plan*

The proposed development is to be developed as one phase.

B. Section 2.7.3.E of the DDC states that an application for a rezoning to PD district may be approved based on the following conditions:

1. *Complies with the goals of the Comprehensive Plan.*

As indicated above, the Future Land Use designation for the subject property is Low Residential. As detailed under Criterion A.3 above, while the development is not consistent with the Comprehensive Plan's goal that the subject property develops primarily as low-density residential, it is consistent with the existing development pattern and other goals within the Comprehensive Plan. Furthermore,

given the subject property's proximity to I-35N, it is unlikely the subject property would develop with low-intensity residential land uses. The proposed use of indoor recreation provides recreational opportunities for existing residents in the area, buffers existing homes from the I-35N Corridor, and is appropriately located along the access roads of a Freeway.

2. *Complies with the goals of relevant Area Plans.*
There are no Area Plans relevant to this project.

3. *Complies with this DDC, except where modifications are expressly authorized through the PD zoning document, the PD development standards document, and in the PD development plan map.*

The proposed Overlay PD Regulations indicate an intent to comply with all aspects of the DDC other than those deviations expressly identified in the draft ordinance Exhibit 10. These proposed deviations are summarized in the table provided in Exhibit 1.

4. *Provides a greater level of building design quality, community amenities, and connectivity than would be required if the project were not being developed in the PD district.*

Under the current Overlay PD with a base zoning of MN District, the property could be developed with any uses permitted within the MN District, except for those expressly prohibited. The proposed Overlay PD provides the following development standards that meet or exceed the DDC standards:

- DDC Standard: Maximum height: 65-feet in the MN District. Buildings between 41 and 65 feet, adjacent to a residential zoning district (excluding Multifamily Dwelling use in the R7 Zoning District) or adjacent to an existing Single-Family Detached Dwelling, Townhome, or Duplex use, shall require a specific use permit.
 - Proposed Overlay PD: Maximum building height shall not exceed one story and shall be limited to 36-feet at the roof's highest projecting element on the structure.
- DDC Standard: When a developing commercial use is adjacent to an existing single-family use, a minimum 15-foot wide buffer with 20 points from table 7.G shall be provided.
 - Proposed Overlay PD: A minimum 15-foot wide landscape buffer shall be provided along the south property line and the north property line adjacent to single-family residential land uses, which shall include an 8-foot tall solid masonry wall.
 - Proposed Overlay PD: A minimum 20-foot wide landscape buffer shall be provided along the east property line and shall include a minimum of 30 points from DDC Table 7.G Buffer Points.
- DDC Standard: The MN District allows a minimum rear yard setback of zero feet.
 - Proposed Overlay PD: The Development Standards propose a 35-foot rear yard setback.
- DDC Standard: DDC 7.10.5.G.2a states at least 60 percent of the street frontage shall have buildings within 10 feet of the front property line. DDC 7.5.10.G.2b states buildings shall be setback not more than 15 feet from the public right-of-way unless the area is used for pedestrian activities such as plazas or outside eating areas.

- Proposed Overlay PD: The development standards propose replacing the above site design standards with the following standards given the site's proximity to I-35N and the design challenges associated with working within TxDOT's right-of-way:
 1. A butterfly roof element shall be provided to break up the façade and provide architectural relief.
 2. Buildings shall have no more than 30 continuous linear feet without a horizontal or vertical break along the western building façade, facing the I-35 N Corridor. Such breaks may include extended roof overhangs, windows, doors, material changes, roofline variations, ornamental features, and elevation changes.
- 5. *In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding areas.*

The purpose of this request is to develop an indoor recreational facility with an associated restaurant use. Residential development is not contemplated as part of this request.

- 6. *In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses or mixed-uses, that such development will be appropriate in area, location, and overall planning for the purpose intended.*

The purpose of this request is to develop an indoor recreational facility with an associated restaurant use. The subject property has a current base zoning of MN, which allows indoor recreational uses by right. The proposed Overlay PD is intended to remove ordinance language which unintentionally limits development of the site particularly as a single building as noted in Exhibit 1.

The MN District is appropriately situated along the I-35N corridor in this context given the single-family adjacency. Land uses and zoning within the region vary. Situated to the west of the subject property is I-35N, and a mix of commercial uses zoned Highway Corridor (HC). North of the subject property is an undeveloped parcel also zoned PD-MN. With I-35N to be improved and expanded in the future, the location of the proposed indoor recreational facility is appropriate in this area, and the PD allows flexibility for other commercial uses to develop should the indoor recreation use not come to fruition.

Additionally, the development is providing enhanced development standards to increase buffering between the proposed development and established single-family neighborhoods, including:

- A minimum 15-foot wide landscape buffer along the southern property line and the northern property line adjacent to single-family residential land uses, which shall include an 8-foot tall solid masonry wall.
 - A minimum 20-foot wide landscape buffer along the eastern property line and shall include a minimum of 30 points from DDC Table 7.G Buffer Points.
 - Establishing a maximum building height of 36 feet.
 - Limiting access from Colonial Drive to emergency vehicles only.
- 7. *The provisions of public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks are adequate to serve the anticipated population within the PD district.*

Schools

The proposed development will not add students to Denton ISD.

Nearest Fire Station

The subject property is approximately 1.2 miles from Fire Station #5 (2230 W. Windsor Drive) and within the eight minute or less response time boundary.

Water and Wastewater

Public water and wastewater services are available to the site and will be extended throughout the site to serve the lots generally in accordance with the preliminary utility plans. No utility capacity issues have been identified that would affect the proposed development.

Streets

Improvements to the I-35N service roads will occur with TxDOT's I-35N expansion. I-35N is designated as a Freeway in the City's Mobility Plan. Currently, TxDOT's project tracker does not have an estimated start date for the roadway improvements adjacent to the subject site; however, notice to proceed was received in August 2024.

Additionally, the applicant will be required to submit a Traffic Impact Analysis at time of Zoning Compliance Plan review.

Roadway Impact Fees

Roadway impact fees, paid at the time of development, are determined using a proportionality calculation based on projected vehicle trips.

8. *The conditions and/or restrictions imposed by the PD District are necessary and sufficient to address any significantly adverse impacts to surrounding properties or the neighborhood.*

The proposed Overlay PD District is not anticipated to cause any significant adverse impacts to surrounding properties. As described in greater detail above in Criteria B.4 and B.6, the proposed Overlay PD provides greater level of buffering and building design quality than would be required if the project were not being developed in the PD district.

The proposed development standards within the draft ordinance (Exhibit 10) provide for enhanced buffering between the proposed development and existing residential uses in the area by providing a landscape buffer between the proposed development and the existing residential uses to the east. The proposed development standards limit the allowable uses in the MN District on the property by expressly prohibiting the following uses: Multifamily, Chapter House / Dorms, Bar, Tavern, or Lounges, Mobile Food Courts, Fuel Sales (Gas Stations), Food Processing, Hotels, Homeless Shelters, Community Homes, Liquor Stores.

Additionally, the proposed site design regulations minimize potential impacts to the nearby surrounding properties by providing for enhanced buffering, increased setbacks, and building height limitations as noted above and in Exhibit 10.