



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

DCM: Cassey Ogden

DATE: June 3, 2025

SUBJECT

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from Residential 2 (R2) district to an Overlay Planned Development with a base zoning of Mixed Use Neighborhood (PD-MN) and Residential 2 (PD-R2) on approximately 195 acres of land generally located at the southeast corner of the I35-W and Corbin Road intersection in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted [5-0] to recommend denial of the request. Motion for denial by Commissioner Dyer and seconded by Commissioner Riggs. (PD23-0001e, Denton 195 Planned Development Overlay, Angie Manglaris) A SUPERMAJORITY VOTE OF THE CITY COUNCIL IS REQUIRED TO APPROVE THIS ZONING CHANGE REQUEST.

<https://dentontx.new.swagit.com/videos/341774?ts=5838>

BACKGROUND

The public hearing for this zoning request was opened and continued from the City Council meeting on May 6, 2025 to the June 3, 2025 meeting.

The applicant, McAdams, on behalf of the property owner, 195 Denton Partners, LLC, is requesting to rezone approximately 195 acres from Residential 2 (R2) District to an Overlay Planned Development with base zoning districts of Mixed-Use Neighborhood (PD-MN) and Residential 2 (PD-R2). The 195-acre tract of land is situated at the southeast corner of I35-W and Corbin Road (see Exhibit 4).

This application was considered by the Planning and Zoning Commission at their April 9, 2025 meeting. The zoning change as presented to the Planning and Zoning Commission is shown in Exhibit 5. At that time, the Overlay Planned Development contemplated rezoning three areas of the property, shown as Tracts A, B, and C, totaling approximately 58.06 acres, to Planned Development Mixed-Use Neighborhood district to facilitate a townhome and multifamily development. The remainder of the subject property, 137.08 acres shown as Tracts D and E, was proposed to be rezoned to Planned Development Public Facilities for future park land dedication and/or an easement for public open space use to the City. The Planning and Zoning Commission voted to recommend denial [5-0] of the request.

Changes Since the Planning and Zoning Commission Meeting

Following the Planning and Zoning Commission meeting, the applicant revised portions of the Overlay Planned Development request. For comparison, the initial Overlay Planned Development request presented to the Planning and Zoning Commission is included as Exhibit 5, and the revised Overlay Planned Development request for City Council's consideration is included as Exhibit 4. The proposed PD

Development Regulations have been updated to reflect these changes to the proposed base zoning districts and are provided as Exhibit 6. A summary of the changes made to the Overlay Planned Development request is as follows:

- Request for a base zoning of Residential 2 (PD-R2) on Tract B rather than a base zoning of Mixed-Use Neighborhood (PD-MN). Additional use restrictions have been imposed on Tract B to further limit allowable uses to Single-Family Residential only.
- Development standards proposed to the Planning and Zoning Commission that were specific to Tract B and intended to address compatibility between developing Townhome uses and existing single-family residences are no longer applicable due to the use change to Single-Family Residential only.
- Request for a base zoning of Residential 2 (PD-R2) on Tracts D and E rather than base zoning of Public Facilities. Use restrictions have been imposed on Tracts D and E to prohibit all Residential Uses. Furthermore, all standards and conditions relating to Parkland Dedication on Tracts D and E have been removed.

The proposed changes described above did not require reconsideration by the Planning and Zoning Commission. Because the modifications to the Overlay Planned Development are to rezone to a less intensive zoning district (Residential 2 on Tracts B, D, and E, rather than Mixed-Use Neighborhood (Tract B) and Public Facilities (Tracts D & E)), re-noticing and going back to Planning and Zoning Commission was not required per DDC Subsection 2.4.6.C.3. However, should City Council desire to remand this case back to the Planning and Zoning Commission for consideration of the revised base zoning districts, it is within their purview to do so.

For consistency, the remainder of the information in Exhibit 1 – Agenda Information Sheet and Exhibit 2 – Staff Analysis is as presented to the Planning and Zoning Commission as part of the initial Overlay Planned Development request. Staff has provided annotations throughout the documents to identify sections of the Agenda Information Sheet and Staff Analysis which are no longer applicable to this application due to amendments made to the proposed Overlay Planned Development following the Planning and Zoning Commission meeting. These annotations are provided throughout both documents as [blue underlined text](#).

Previously Provided Background Information

The Overlay Planned Development is intended to address concerns brought up during neighborhood meetings for the overall development of the 195-acre tract. Specifically, residents expressed concern regarding the following: development and access issues along both the I-35W corridor and Corbin Road; and development impacts associated with Tract B given its proximity to existing residential uses in the region.

This project began in 2022 and was previously two separate cases, one straight zoning case (Z22-0018) for a rezoning from R2 to MN and PF districts and one Overlay Planned Development case (PD23-0001) from R2 to PD-MN (for Tract B). Based on feedback received at previous neighborhood meetings, the applicant withdrew the straight zoning application and modified the planned development request to include the entirety of the subject property with the goal of establishing conditions that address concerns related to access and other design elements, including removing Multifamily Dwellings as an allowable use on Tract B and restricting this Tract to Townhome and Single-Family Residential uses only. [Note, the proposed uses on Tract B have changed as noted in the table below.](#)

Tract B is currently developed with a single-family residence and stock pond situated near the center of the site. Tracts A and C are currently undeveloped and consists of open pasture with clusters of mature trees dispersed throughout the site. The portion of the subject property depicted as Tracts D and E consists of FEMA Floodplain and Floodway as well as Water Related Habitat and Riparian Buffer Environmentally Sensitive Areas (ESA). Although the intended land uses have been indicated to be multifamily dwellings

on Tracts A and C, if approved, the site could be developed with any uses permitted under the MN District (see Exhibit 10).

The Overlay Planned Development contains additional development standards (see Exhibit 6) intended to address concerns of neighboring property owners and to ensure the proposed rezoning and subsequent development are compatible with surrounding neighborhoods or less intensive uses. Per Denton Development Code (DDC) Subsection 2.7.3C.1, an Overlay PD may be used to restrict or expand the uses permitted within a base zoning district or to impose additional use-specific standards than already listed within Subchapter 5 upon a proposed use, or to modify setbacks, landscaping, screening, or buffering requirements along the borders adjoining residential uses or less intensive land uses than what is proposed within the Overlay PD.

The proposed modifications to the DDC standards are outlined in Exhibit 6 and are summarized in the table below. For any standard not modified as part of the Overlay PD Regulations, the regulations of the DDC shall apply. The proposed Overlay PD includes, but is not limited to, the following standards:

Standard	MN District	Proposed Overlay PD Standards	Difference
Table of Allowed Uses	The MN District permits a variety of residential and commercial land uses.	Specific to Tract B: The allowed uses on Tract B shall be limited to Townhomes and Single-Family Residential. <u>This standard has been removed from the Overlay PD and is no longer applicable. The revised conditions relating to Tract B demonstrate a base zoning of Residential 2 and restrict allowable uses to Single-Family Residential only.</u>	The Overlay PD limits allowable uses which may occur on Tract B to <u>only Townhomes and Single-Family Residential.</u>
Setbacks (DDC 3.3.A)	Side yard setback: 0 feet	Specific to Tract B: 50 foot side yard setback from the eastern property line. <u>This standard has been removed from the Overlay PD and is no longer applicable.</u>	The Overlay PD proposes an increased side yard setback from the eastern property line by 50 feet. <u>No longer applicable.</u>
Building Height (DDC 3.3.4)	Maximum height of 65 feet. Buildings between 41- 65 feet shall require a Specific Use Permit when adjacent to a residential zoning district or single-family, townhome, or duplex use	Specific to Tract B: Buildings shall be a maximum of 3 stories and 40 feet in height. <u>This standard has been removed from the Overlay PD and is no longer applicable. The revised conditions relating to Tract B demonstrate a base zoning of Residential 2, which has a maximum height of 40 feet.</u>	Removing SUP requirement for additional height, resulting and a 15-foot reduction in the overall allowable height of any structures onsite. <u>No longer applicable; 40-</u>

			foot maximum height.
Compatibility Landscape Buffer (DDC 7.7.6 Table 7.F)	When a developing multifamily use is adjacent to existing single-family residential, a buffer of 10 feet in width consisting of 20 points from table 7.G shall be required.	Specific to Tract B: A minimum of 30 Buffer Points from Table 7.G shall be provided. Two of the Buffer Point Elements shall be: 1) a 6-foot-tall masonry wall and 2) 1 large canopy tree for every 30 linear feet of buffer (minimum 3-inch caliper). This standard has been revised to reflect a required 30-foot landscape buffer containing 20 Buffer Points along the eastern property line.	Additional 10 compatibility buffer points required. Additional 30-foot-wide buffer is required; retains 20 points.
Total Number of Units Allowed	There are no density / number of unit restrictions in the DDC.	Specific to Tract B: Proposed maximum allowable 150 Townhome and Single-Family Residential units. This standard has been removed from the Overlay PD and is no longer applicable. The revised conditions relating to Tact B demonstrate a base zoning of Residential 2 and restrict allowable uses to Single-Family Residential only.	Additional development standard designed to limit the total number of residential units onsite. No longer applicable; number of units limited to that which can be developed by right per R2 district as single-family lots only.
Site Design and Orientation (DDC 7.10.4.B)	Primary building access shall be oriented towards the adjacent street, and building access shall be provided from the street and/or sidewalk.	Specific to Tract B: Primary building orientation for buildings adjacent to Corbin Road shall be oriented internally to the site. This standard has been removed from the Overlay PD and is no longer applicable.	Reduction in overall building visibility from Corbin Road to address concerns raised in the neighborhood meeting. No longer applicable.
Perimeter Street Improvements (DDC 7.8.7.B)	Any development on the perimeter of an unimproved street shall dedicate the right-of-way and improve or reconstruct the street to the same extent as is required for new streets.	Specific to Tracts A and B: An alternative street cross section utilized for the construction of Corbin Road. Development may not occur until improved Corbin Road intersects with either New Bonnie Brae Street OR I-35W northbound frontage road. This standard has been revised to clarify the entire length of Corbin Road shall be constructed and street improvements are connected to either	Developer responsible for improvements to Corbin Road, utilizing a street cross section which can accommodate the 4-inch EnLink gas line and providing

		I-35W northbound frontage road or New Bonnie Brae.	for needed street connectivity within the area.
Right-of-Way Screening (DDC 7.7.5.F.4.b)	Screening area shall begin at the back edge of either the right-of-way or public utility easement, as necessary to prevent encroachment into those areas.	Specific to Tracts A and C: 10-ft wide landscape buffer shall be parallel to and outside of the TxDOT right-of-way and public utility easements.	Specifies minimum landscape buffer width and designates land outside of future ROW and easements for screening.
Adequate Access (DDC 7.8.9.C.1)	Every lot shall have sufficient access providing adequate means of ingress and egress for emergency vehicles and for those needing access to the property for its intended use.	Specific to Tract C: Building permits for Tract C shall not be issued until the completion of the future northbound I-35W frontage road. This standard has been updated to also acknowledge that all uses allowed on Tract C may have full access through other Tracts within this PD that have the PD-R2 Zoning District designation regardless of if the use is permitted or not in the PD-R2 district, given the change to the base zoning for Tract B.	Expands upon DDC standards for access by specifying the improvements needed for adequate access to allow for construction of Tract C.
Final Plat Application Submittal and Processing (DDC 2.6.4.C.2.d)	The Director may require submittal of civil engineering plans for proposed streets, sidewalks, drainage, utility, or other public improvements associated with the final plat review.	Specific to Tracts D and E: The park Developer's Agreement shall be approved by the City of Denton City Council prior to submittal of the Final Plat of Tract A, B, or C, whichever Tract develops first. This standard has been removed from the Overlay PD and is no longer applicable.	In addition to conditions required by the DDC for final plat submittal, the park land Developer's Agreement shall be approved prior to Final Platting of any Parcel. No longer applicable.
Standard	PF District	Proposed Overlay PD Standards	Difference
Table of Allowed Uses	A variety of land uses may be permitted in the Public Facilities Zoning District	The only permitted uses in Tracts D and E shall be Park, Playground, Open Space. This standard has been removed from the Overlay PD and is no longer applicable. The revised conditions reflect a base zoning of R2 District on Tracts D and E and restrict	The PD Overlay removes more intensive land uses in the PF Zoning District from consideration. No longer applicable; base

		the uses to anything allowed in the R2 District except for residential uses.	zoning changed to R2.
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A full Staff Analysis is provided in Exhibit 2.

PLANNING AND ZONING COMMISSION RECCOMENDATION

On April 9, the Planning and Zoning Commission held a public hearing and recommended denial of the rezoning request [5-0]. Following staff's presentation, the applicant presented the project history and proposed Overlay Planned Development standards to the Commission. Several members of the public submitted comment cards in opposition to the project and declined to speak. Seven individual members of the public spoke in opposition to the project, and a representative of the Denia Neighborhood Group, representing several members of the public, spoke in opposition. A summary of public comments received is below:

- Several members of the public spoke to concerns regarding the status of Corbin Road and the needed improvements to allow ingress and egress to the proposed development. Members of the public noted the road's substandard conditions, the variable right-of-way width, and flooding concerns following rain events.
- Several members of the public indicated concerns with the proposed density of the request, and a lack of transition between the proposed development and existing single-family homes situated to the east.
- Additional concerns and disagreement with staff's analysis relating to the Future Land Use Map designation of Moderate Residential and the methods of gross density calculations were raised by a few members of the public.
- Three members of the public spoke against the proposed parkland dedication, citing lack of planning and assurances for the City, as well concerns regarding flooding and potential fire hazards on the tracts proposed for parkland development.
- Multiple members of the public spoke to transportation concerns, generally. Concerns included the completeness of the traffic impact analysis, timing of I-35W improvements, logistical concerns regarding traffic patterns (particularly for individuals wanting to travel south on I-35W), and increased traffic along Corbin Road.
- Several members of the public spoke in opposition to the timing of the rezoning, citing the project was premature and there were too many unknowns regarding the I-35W expansion project as well as the potential parkland dedication.

Following the public hearing, the applicant was afforded an opportunity for rebuttal of public comment. The applicant addressed the Commission and stated the Future Land Use Map looks at the entire subject property and wider area at the macro level and that use of gross density is common planning practice, and the Overlay Planned Development complies with the Denton 2040 Comprehensive Plan. Furthermore, the applicant stated they did not believe the project was premature, and acknowledged there was still a lot of work to be done to be able to construct any units onsite.

The public was offered an opportunity for rebuttal of the applicant's responses. Members of the public spoke to concerns of widening of Corbin Road and the potential properties to be acquired by eminent domain. One member of the public disagreed with the project timeline and felt the whole process has been done without attention to detail on the applicant's part. Another member of the public agreed there is a lot of work to be done following any zoning entitlement, further proving the project needed to be placed on hold until details regarding the parkland could be codified with the City.

Following the public hearing, the Commission discussed the request in depth. A summary of the discussion is provided below.

- Commissioners asked clarifying questions of some members of the public regarding whether R2 would be more palatable for Tract B and regarding conversations had with TXDOT about the Corbin/I-35W intersection.
 - A member of the public indicated changes to Tract B could be more agreeable, but Tracts A and C remain a concern.
 - A member of the public indicated a previous concept plan for the project showed Corbin going through the I-35W intersection and this prompted a conversation with TXDOT. TXDOT confirmed Corbin Road would not traverse across the I-35W intersection; Corbin Road would connect to and terminate at the future frontage road.
- Commissioners asked staff to clarify parkland maintenance in floodplain areas and to speak to the Future Land Use designation and the changes made to the area as part of the Denton 2040 Comprehensive Plan update.
 - Staff responded that the Parks department can set a mow schedule to limit maintenance costs, but the City has not expended resources to get into planning the specifics of the parkland at this time.
 - Staff responded that, given the planned Bonnie Brae and I-35W improvements, the Moderate Residential Future Land Use Designation was a better fit for the area.

Commissioners voiced opposition to the project for the following reasons:

- Concern regarding the appropriateness of MN on Tract B in the area and expressed interest in exploring other options for the Tract.
- Desire to see a greater area of transition between the proposed development and the existing residential homes to the east, and expressed concern that the proposed project would not be compatible with surrounding development.
- Concern regarding flooding in the area.
- Concern regarding the existing conditions of Corbin Road, the improvements needed to the road to access the site, and the costs of said improvement.

Commissioner Dyer motioned to recommend denial of the request. Commissioner Riggs seconded. The motion carried [5-0].

OPTIONS

1. Approve
2. Approve with Conditions
3. Deny
4. Postpone Item.

RECOMMENDATION

Staff recommends approval of the request as it complies with the criteria in Subsection 2.4.5.E of the DDC for approval of all applications, and Subsection 2.7.3.E of the DDC for approval of a rezoning to Planned Development.

Due to the recommendation of denial by the Planning and Zoning Commission, and receipt of written protests by owners representing more than 20 percent of the area within 200 feet of the subject property, approval of this request shall require three-fourths vote of the City Council.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Date	Council, Board, Commission	Request	Action
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December 1969	City Council	Annexation (ORD 69-0040)	Annexed into City Limits
2002	City Council	City-wide Zoning Transition to NR-2	Approved
October 1, 2019	City Council	New Zoning Code and City-wide zoning district transition R2 District	Approved
June 12, 2024	Planning and Zoning Commission	Rezone Request from R2 to MN and PF	Postponed to July 24, 2024
July 24, 2024	Planning and Zoning Commission	Rezone Request from R2 to MN and PF	Postponed to August 14, 2024
August 14, 2024	Planning and Zoning Commission	Rezone Request for R2 to MN and PF	No action – applicant requested to postpone indefinitely
April 9, 2025	Planning and Zoning Commission	Rezone Request for R2 to MN and PZ	Recommended Denial
May 6, 2025	City Council	Rezone Request for R2 to MN and PZ	No action; continued public hearing at the request of the applicant to June 3, 2025

PUBLIC OUTREACH:

Twenty-eight (28) notices were sent to property owners within 200 feet of the subject property, and thirty-five (35) postcards were mailed to current residents within 500 feet of the subject property. As of the writing of this report, the City has received ten responses in opposition of the request, accounting for approximately 20.48% of the land area within 200 feet of the subject property.

A notice was published in the Denton Record Chronicle on March 23, and April 19, 2025.

A notice was published on the City’s website on March 20, and April 17, 2025

Three signs were posted on the property on March 8, 2025.

The applicant held five neighborhood meetings regarding the request on November 17, 2022; March 9, 2023; August 17, 2023; March 26, 2025; and May 21, 2025. Meeting attendance varied and the main concerns surrounding the project were related to the increase of traffic on Corbin Road, the state of Corbin Road and its ability to accommodate new development, and the introduction of the multifamily land use to the area. Through the neighborhood meeting process, the applicant determined the best path forward for the development was to combine the original two separate zoning cases (one straight zoning case and one overlay planned development overlay case), into a singular overlay planned development case which is intended to address the concerns raised by residents during public engagement. Following the neighborhood meeting on March 26, 2025, the applicant removed Multifamily Dwellings as an allowable use on Tract B and limited the development of Tract B to Townhome and Single-Family Residential uses only. Following the Planning and Zoning Commission meeting on April 9, 2025, the applicant further revised the proposed development standards and updated the request to rezone Tracts B, D, and E to a base zoning of R2, which was presented to area residents at the May 21, 2025 neighborhood meeting.

Additionally, the City hosted a neighborhood meeting on July 30, 2024 to discuss and answer questions related to the future of Corbin Road, the Denton 2022 Mobility Plan, and the proposed zoning cases for Denton 195. The alternative street section proposed for Corbin Road was discussed during this meeting and was ultimately included in the proposed conditions for the proposed Overlay PD.

DEVELOPER ENGAGEMENT DISCLOSURES

No developer contact disclosures have been provided to staff from members of this body as of the issuance of this report.

EXHIBITS

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Staff Analysis

Exhibit 3 - Site Location Map

Exhibit 4 - Revised Zoning Exhibit

Exhibit 5 - Initial Zoning Exhibit (Presented to the Planning and Zoning Commission)

Exhibit 6 - PD Development Regulations

Exhibit 7 - Existing Zoning Map

Exhibit 8 - Proposed Zoning Map

Exhibit 9 - Future Land Use Map

Exhibit 10 - Comparison of Allowed Uses

Exhibit 11 - Notification Map and Responses

Exhibit 12 - LLC Members List

Exhibit 13 - Draft Ordinance

Exhibit 14 - Presentation

Respectfully submitted:

Tina Firgens, AICP

Deputy Director of Development Services/Planning Director

Prepared by:

Angie Manglaris, AICP

Development Review Manager