

Planning Staff Analysis

Z26-0005/Winston-Cox Waterworks

City Council District #2

REQUEST:

Request to rezone approximately 2 acres from Residential 2 (R2) District to Light Industrial (LI) District.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning of approximately 2 acres of land from R2 to LI 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 2-acre subject property is generally located on the south side of US 380, approximately 1,025 feet east of the intersection of US 380 and North Trinity Road. The existing use of the property is nonconforming Office and Outdoor Storage. In the proposed Light Industrial (LI) District, Office is permitted by right and Outdoor Storage is permitted with approval by City Council of a Specific Use Permit (SUP). Prior to the development of the current use, which occurred without proper zoning authorization and permitting as detailed in Exhibit 1, the property contained a single-family home that was used as a law office. The property has direct access to US 380.



SURROUNDING ZONING AND USES:

North of the subject property is US 380, with property across US 380 to the north zoned R2 and developed with a range of commercial uses. To the east and west are properties zoned R2 and developed with both single-family residential uses and access roads for adjacent commercial and industrial uses to the south. Due south of the subject property is property partly zoned R2 and partly in the Extraterritorial Jurisdiction (ETJ), developed with a combination RV Park and RV

Storage use. These surrounding land use and zoning conditions are detailed further below and can be seen in the maps provided as Exhibits 3 and 5, respectively.

<p>Northwest: <u>Zoning:</u> Residential 2 (R2) <u>Use:</u> Single-Family Residential</p>	<p>North: <u>Zoning:</u> Residential 2 (R2) <u>Use:</u> Mixed-Use Commercial, Industrial, and Institutional.</p>	<p>Northeast: <u>Zoning:</u> Residential 2 (R2) <u>Use:</u> Undeveloped</p>
<p>West: <u>Zoning:</u> Residential 2 (R2) <u>Use:</u> Single-Family Residence</p>	<p>SUBJECT PROPERTY</p>	<p>East: <u>Zoning:</u> Residential 2 (R2) <u>Use:</u> Administrative Office</p>
<p>Southwest: <u>Zoning:</u> Residential 2 (R2) and ETJ <u>Use:</u> Outdoor Storage, RV Storage, and RV Park</p>	<p>South: <u>Zoning:</u> Residential 2 (R2) and ETJ <u>Use:</u> RV Park and RV Storage</p>	<p>Southeast: <u>Zoning:</u> Residential 2 (R2) and ETJ <u>Use:</u> Aggregate Supplier and Outdoor Storage</p>

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 to zoning requests.

2. *Prior Approvals*

A Future Land Use Map (FLUM) Amendment for this property from Rural Areas and Low Residential designations to Light Industrial designation was approved by City Council on October 14, 2025. The proposed rezoning of this property from R2 to LI would bring it into alignment with the recent approval of Light Industrial FLUM designation for the subject property.

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

The decision-making authority:

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

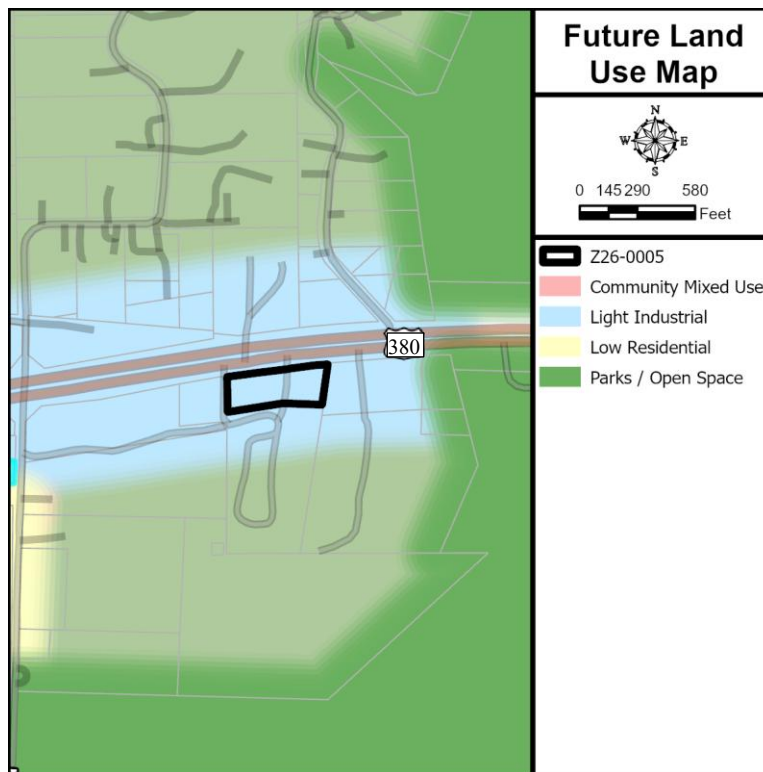
There are no competing goals, policies, or strategies with this proposal.

- 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 Map

The Future Land Use Map (FLUM) designates the subject property as Light Industrial. Per the Comprehensive Plan, “this designation is intended for tracts of land that are appropriate for light industrial activity. Primary uses include light manufacturing, assembling, and warehousing and distribution, and include associated supporting uses, such as offices, retail, and restaurants. Light Industrial areas should have adequate access to infrastructure, including the transportation network. It is important in future development that transitions to adjacent sensitive land uses are considered”

The proposed rezoning from RR to LI District is consistent with FLUM. The LI District is “intended to provide locations for a variety of light industrial and employment uses such as light manufacturing, assembly, fabrication, warehousing and distributing, indoor and outdoor storage, and a wide range of supporting commercial uses and activities.” The intent of the LI District to provide locations for industrial uses is consistent with the FLUM designation’s purpose of enabling development of industrial and supporting uses on the subject property, which has direct access to the area’s major east-west transportation network, in the future.



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 proposed rezoning would allow the property owner to pursue the Specific Use Permit approval that would bring the site improvements they have made related to the existing use into conformity with the City's codes and ordinances. In addition, the rezoning would more easily allow the subject property to be redeveloped to other nonresidential uses that the FLUM encourages in this area.

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 zoning change is an important step in bringing the site into compliance with the DDC because it must be approved by City Council prior to approval of a SUP for Outdoor Storage. Development plans for any future site improvements or use changes, would be reviewed for compliance with applicable standards including, but not limited to fencing and screening, parking, tree preservation, and landscaping. If the applicant intends to continue with the existing Outdoor Storage use as noted in their narrative (Exhibit 4), then review for compliance with these standards will be a part of the SUP process.

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

If the rezoning request is approved, all future development plans for site improvements or use changes will be reviewed during the development process to ensure compliance with all zoning, transportation, drainage, public utility, tree preservation, and subdivision requirements. Any deficiencies in the future plats/plans would have to be addressed prior to approval.

5. *Compliance with Other Applicable Regulations*

If the proposed rezoning to the LI District is approved, a detailed review of development plans associated with any site improvements or use changes will be conducted to ensure compliance with other applicable City, state, and federal regulations.

6. *Consistent with Interlocal and Development Agreements*

There are no interlocal or development agreements for the subject property.

7. *Minimizes Adverse Environmental Impacts*

The proposed rezoning is not anticipated to create adverse environmental impacts upon the subject property. Staff have determined there are no potential Environmentally Sensitive Areas nor recognized Wildlife Corridors on the subject property. Any future development plans will be reviewed for compliance with tree preservation and stormwater management standards.

8. *Minimizes Adverse Impacts on Surrounding Property*

The proposed rezoning is not anticipated to create adverse impacts on surrounding properties. The single-family residential property to the west of the subject lot is part of a larger lot that extends into the ETJ and is developed there with commercial and industrial uses. The lot to the east is part of the aggregate sales and outdoor storage use to the south. That means that every lot around the subject property is already at least partly developed with an industrial use. The adjacent property to the south is developed with commercial and industrial uses.

Any commercial or industrial use proposed for the subject property, whether the current use which needs to come into conformity, or a future use that may redevelop the site, will be required to comply with DDC design standards and use-specific standards, mitigating potential adverse impacts. This includes providing required landscape buffers between the proposed use and the residential property to the west. Additionally, the applicant is expected to apply for an SUP for the Outdoor Storage use which will require additional review by staff to ensure adequate mitigation of potential impacts created by the Outdoor Storage use.

9. *Minimizes Adverse Fiscal Impacts*

This proposed rezoning is not anticipated to create adverse fiscal impacts. As the applicant's stated intent is to continue with the existing use of the property for Office and Outdoor Storage, no fiscal impacts are expected.

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

This proposed rezoning will not adversely affect utilities, services, or improvements in the area as the newly developed use is utilizing the existing on-site utilities since public water and sewer do not currently extend to this far east. Any future development plans will be reviewed to ensure compliance with all applicable standards.

11. *Provides Adequate Road Systems*

The subject property has street frontage on US 380, which is classified as a Primary Arterial on the Denton Mobility Plan. US 380 is a developed roadway with curb and gutter, 5-ft wide sidewalk, and six vehicle lanes with a median. The subject property takes access to US 380 via a driveway that is also shared with the adjacent property to the south.

12. *Provides Adequate Public Services and Facilities*

The proposed rezoning is not anticipated to negatively impact public services and facilities. The nearest fire station, Fire Station 2, is approximately 4 miles away along existing streets.

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 above in Consideration A.3, the proposed rezoning to LI District is consistent with the Denton 2040 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.*
Per DDC Subsection 3.5.2A, “the LI district is intended to provide locations for a variety of light industrial and employment uses such as light manufacturing, assembly, fabrication, warehousing and distributing, indoor and outdoor storage, and a wide range of supporting commercial uses and activities. The LI district provides a variety of transportation options for access including transit, bicycle, and pedestrian facilities. The LI district provides appropriate transitions to surrounding uses and lower-intensity districts, and is sensitive to the adjacent built and natural context.”

The LI District is appropriate in this location as it is consistent with the FLUM designation of Light Industrial and with the trend toward increasing interest in commercial and industrial development on both sides of US 380 in this area, and it would allow the owner to bring site improvements into compliance with the DDC, subject to approval of a Specific Use Permit for the Outdoor Storage use. The other zoning districts which allow for the Outdoor Storage use with an approved SUP are the Heavy Industrial (HI) district and the Public Facilities (PF) district. The HI district is not appropriate because many uses allowed within HI would not be appropriate along a major corridor leading into the City, and the PF district is not appropriate as it is intended to provide adequate lands for public and quasi-public community uses. The LI district in this location is appropriate, because it allows commercial and industrial uses, like those that have already begun to develop in the area and about which there have been numerous inquiries regarding the area, while still limiting more intensive uses and providing for appropriate building scale and higher tree canopy than would be required in HI.

- d. *There have been or will be significant changes in the area to warrant a zoning change.*
As noted when the FLUM Amendment for this area was presented, staff has recently been receiving more inquiries about development along the US 380 corridor in this area, indicating that current development trends, including to the east of the subject property, are increasing interest in this area as a viable location for more development – and particularly for commercial and industrial uses. Additionally, TXDOT’s planned freeway conversion is expected to significantly change how properties take access along this corridor and the type of traffic passing through the corridor. These changes are expected to make the uses permitted by an LI zoning increasingly more appropriate for the subject property and for the area, and, conversely, to make the current R2 residential zoning even less appropriate.
- 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 in Consideration A.8, the proposed rezoning is not expected to adversely impact surrounding properties, which have either comparable or more intensive zoning. Any future development plans will be reviewed for compliance with DDC standards that mitigate adverse impacts including, but not limited to, landscape buffering, lighting, and screening.

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

There are public facilities and services in the general area of the subject property.

Schools

Since the LI District does not allow residential uses, the request would not add students to schools within the attendance boundary.

Water and Wastewater

Water and wastewater for this site are provide by well and septic service.

Nearest Fire Station

Fire Station #2 (110 Mockingbird Lane) is approximately 4 miles away along existing streets and within the 8-minute response 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 subject property's zoning designation is the result of the NR-2 district to which the property was rezoned in 2002 and then the transition to R2 zoning in 2019.