

# Planning Staff Analysis

Z24-0013a / I35 RV Supercenter

City Council District #3

## REQUEST:

Rezoning of approximately 0.358 acres of land from a General Office (GO) Zoning District to a Highway Corridor (HC) Zoning District.

## STAFF RECOMMENDATION:

Staff recommends **approval** of the rezoning of approximately 0.358 acres of land to a Highway Corridor (HC) Zoning District as it complies with the criteria in Section 2.4.5.E of the Denton Development Code for approval of all applications, and Section 2.7.2.D of the DDC for approval of a Zoning Map Amendment (Rezoning).

## SITE DATA:

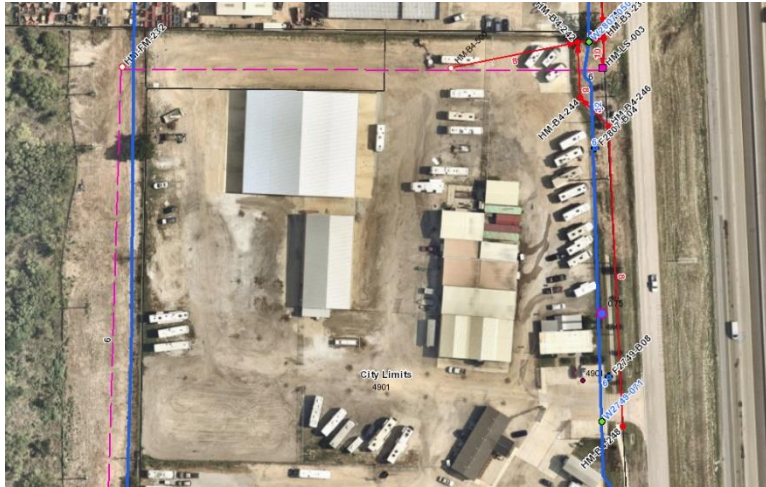
The subject property is currently undeveloped with the exception of the 0.85-foot building encroachment described in the background information in Exhibit 1; however, it is located adjacent to and will be platted as a part of the existing Auto/RV Sales use on the property to the east and south. Auto/RV Sales is not a permitted use in the current General Office (GO) zoning district. Auto/RV Sales is permitted in the proposed Highway Corridor (HC) zoning district.

The subject property is on the west side of I35, a freeway, and approximately 1,500 feet north of Schuyler Street. The property is located approximately 250 feet west of and does not have frontage on I35.

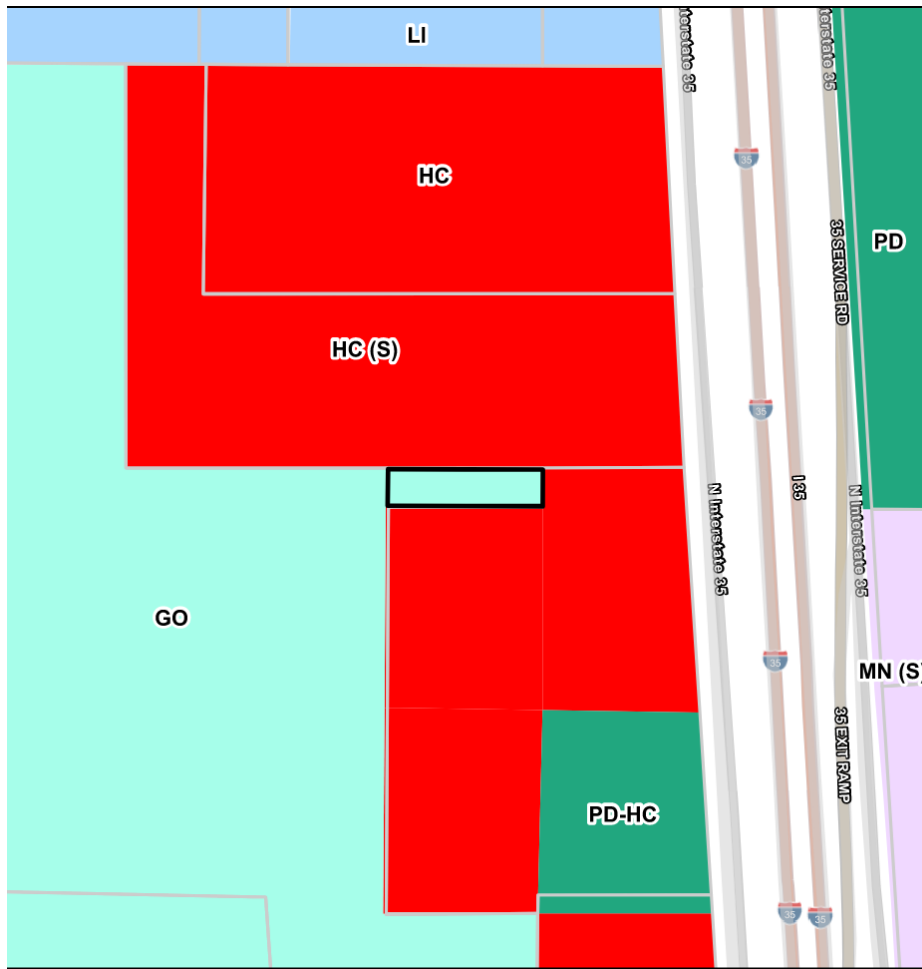


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The existing Auto/RV Sales use on the adjacent property to the south and east will be replatted to include the subject property. This site is already developed, and utilities are already in place and currently serving the overall property. The subject site itself is encumbered by a 20' public utility easement containing existing utilities.



**SURROUNDING ZONING AND USES:**



|   |  |  |
|---|--|--|
| Northwest:<br>Zoning: General Office (GO) and Highway Corridor (HC)<br>Use: Equipment Sales and Rental and Undeveloped Land | North:<br>Zoning: Highway Corridor (HC)<br>Use: Equipment Sales and Rental and Auto/RV Sales | Northeast:<br>Zoning: HC and Planned Development (PD)<br>Use: Equipment Sales and Rental and Undeveloped Land (across I35) |
| West:<br>Zoning: General Office (GO)<br>Use: Undeveloped Land   | <b>SUBJECT PROPERTY</b>  | East:<br>Zoning: HC and Mixed-Use Neighborhood (MN)<br>Use: Auto/RV Sales and Multifamily Dwellings (across I35)           |
| Southwest:<br>Zoning: General Office (GO)<br>Use: Undeveloped Land  | South:<br>Zoning: Highway Corridor (HC)<br>Use: Equipment Sales and Rental and Auto/RV Sales | Southeast:<br>Zoning: HC and Mixed-Use Neighborhood (MN)<br>Use: Auto/RV Sales and Multifamily Dwellings (across I35)      |

**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 on 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.*

No competing goals or policies were identified related to this request, which is intended to facilitate the continuation of existing, long-established business. The proposed HC Zoning District is consistent with the goals, policies, and actions of the Comprehensive Plan and with the Future Land Use Designation of Light Industrial, including the goals and actions listed below:

GOAL FEV-2: Improve the City's job-to-worker ratio by increasing the number of jobs available to the resident workforce and local graduates.

GOAL LU-3: Grow our Assets: Maintain and Strengthen Neighborhoods, Commercial and Employment Areas.

GOAL LU-4: Grow Resourcefully: Manage growth for wise use of land resources with staged, contiguous, and compatible development.

The rezoning request is to facilitate bringing the existing Auto/RV Sales use to the south and east of the subject property into conformance with the DDC in both land use and zoning setback requirements and permit the expansion of that use onto the subject property. Facilitating the continuation and expansion of the applicant's use, and the other uses permitted in the HC District should the existing RV Sales business someday change, are consistent with the overall goals of the Comprehensive Plan to provide for a robust and diverse economy and increase jobs within Denton.

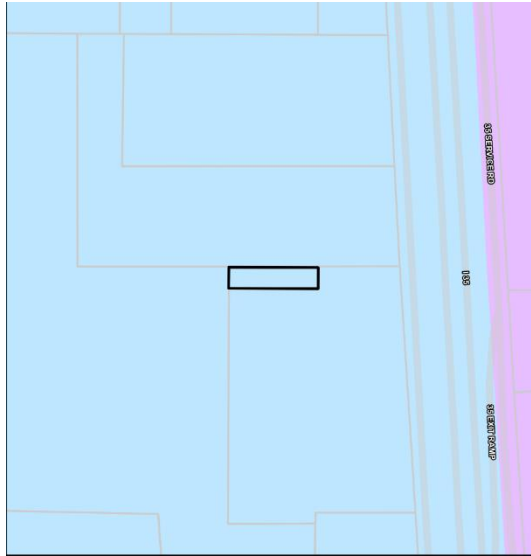
Additionally, given the surrounding zoning pattern and the proximity of similar uses such as Equipment Sales and Rental and Auto/RV Sales, the potential for any nuisance or compatibility issues to arise from uses permitted in HC are limited. Facilitating the existing development to become code compliant allows existing businesses to remain and grow their operations in place rather than them having to relocate to a different location further out along the highway to expand their services.

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

The Light Industrial 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 Light Industrial Future Land Use designation includes supporting uses such as retail. Auto/RV Sales is a more intense retail and commercial use and is appropriate in the Light Industrial Future Land Use designation, especially given the property's location adjacent to a highway where automotive, RV, and equipment sales businesses typically locate for ease of access. The HC Zoning District, which is intended to provide high-intensity commercial uses along the city's busiest and most visible thorough-fares, is consistent with the goals, policies, and actions of the Comprehensive Plan and with the Future Land Use Designation of Light Industrial.

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.*

The proposed rezoning would facilitate correcting the nonconformities of the existing RV/Auto Sales use in accordance with the DDC's standards. Currently, a building primarily located on the adjacent southern property is constructed 0.85 feet over the property line on to the subject site, which does not meet the DDC setback requirements, as a 10-foot side yard setback is required, or the DDC Subchapter 5 Use Regulations, which do not permit Auto/RV Sales in the current General Office (GO) zoning district.

Given the small size of and the utility encumbrances on the subject property, development of the site would be limited. However, this zoning change would contribute to existing and future development on this site and the adjacent southern property being in compliance with applicable standards in the DDC, including, but not limited to, setbacks, land use, 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. The subject property is encumbered by a 20-foot public utility easement that would make further development on the subject property challenging; however if the proposed rezoning to a HC Zoning District is approved, prior to any future redevelopment or further expansion of the existing business, a detailed development review will accompany all required applications such as a specific use permit or zoning compliance plan, platting, engineering, tree preservation, and building permit submittals.

5. *Compliance with Other Applicable Regulations*

If the proposed rezoning to a HC Zoning District is approved, prior to any future redevelopment or additional expansion of existing business operations, 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*

There are no environmentally sensitive areas (ESA) on the subject property. Any additional development of the subject property would be subject to the City's standards for tree preservation, stormwater, and landscaping to ensure environmental impacts are minimized.

8. *Minimizes Adverse Impacts on surrounding Property*

The subject property is surrounded primarily by undeveloped land and similar uses such as Equipment Sales and Rental and Auto/RV Sales.

Given its location on the west side of I35, a freeway, approximately 1,500 feet north of Schuyler Street, the subject property is located within an area of the city where higher intensity uses could potentially be proposed and developed within the undeveloped property zoned General Office (GO) zoning to the west, which permits industrial and automotive uses such as warehouses, automotive fuel sales, minor auto repair, and self-service storage by right. Therefore, development of uses permitted in the HC District on the subject site would not be expected to create nuisances or compatibility issues with surrounding properties. Additionally, for this specific request it is important to keep in mind the small size of the subject property, which will be replatted as part of the adjacent lot to the south and east, which has been operating the Auto/RV Sales use in this area for approximately 20 years.

9. *Minimizes Adverse Fiscal Impacts*

No adverse fiscal impact to the City is anticipated. A Fiscal Impact Analysis performed indicates that the continuation of the already established use it is expected to have a positive economic benefit to the city. See Exhibit 9 for additional information.

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

The subject property will be platted to be a part of the existing Auto/RV Sales use to the east and south, which is already served by all utilities and no changes to these utilities are proposed.

11. *Provides Adequate Road Systems*

Ingress and egress to the property will be taken through the existing drive located on the RV/Auto sales property to the east from I35 – a freeway.

12. *Provides Adequate Public Services and Facilities*

This proposed rezoning is not anticipated to negatively impact public services and facilities as it will be replatted into the lot of an existing business that is already developed and no changes are proposed.

13. *Rational Phasing Plan*

There is no phasing plan associated with the zoning change request as it will be platted as a part of a property that is already developed.

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 HC Zoning District is consistent with the goals, policies, and actions of the Comprehensive Plan and with the Future Land Use Designation of Light Industrial given the location of the subject property along a major highway corridor.

- 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 Section 3.5.2A of the Denton Development Code:

The HC district is intended to provide high-intensity commercial uses along the city's busiest and most visible thorough-fares. The HC district applies to areas along highly visible commercial corridors in the city where elevated design and aesthetic qualities are desired. While the HC district is primarily auto-oriented, it provides a safe environment for pedestrians and cyclists.

The proposed HC Zoning District is consistent with the purpose statement as the subject property is proposed to be a part of an existing high-intensity commercial use and the property is situated along I35, a busy and visible thoroughfare, as noted in the purpose statement.

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

There have not been significant changes in the area in the last couple of years. However, following the adoption of the 2019 DDC, the adjacent property to the south and east was part of a City-initiated rezoning to establish HC zoning along the west side of the I35 corridor north of Highway 380. Given the location of the subject property, and the adjacency of HC zoning to the north, east, and south, it is logical to rezone the subject property for consistency with this intentionally created zoning patten for HC along the highway corridor.

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

The subject property is surrounded by undeveloped land and uses with a similar intensity such as Equipment Sales and Rental and Auto/RV Sales which have General Office (GO) and Highway Corridor (HC) zoning, respectively. Therefore, the intensity of development under the proposed HC zoning is not expected to adversely impact surrounding properties due to this being an extension of the existing zoning on adjacent properties to the north, east, and south.

- 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**

The subject site will be platted as a part of a property that is already developed. Roadway impact fees would not be required as no changes to access or vehicular trips are expected.



**Water and Wastewater**

The subject site will be platted as a part of a property that is already developed. Water and wastewater tap fees would not be required as any development of this property would utilize existing taps and on-site utilities.

**Schools**

No impact to schools is expected as a result of this rezoning to facilitate the continuation of an existing commercial use.

The only residential use that could potentially be developed in HC zoning is a multifamily dwelling use with an approved Specific Use Permit. A Specific Use Permit is also required for multifamily dwellings in the current GO zoning district, so this change would not result in the potential addition of any new students. Additionally, the subject property is 0.358 acres and is encumbered by a 20-foot public utility easement and would not have sufficient land area for the development of a multifamily use on the subject property alone.

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

There was not an error in establishing the current zoning district. At the time the zoning was established for this parcel, it was a part of the parent tract to the west that is also zoned GO. This zoning district was assigned to the entire parent tract. It is now owned by the owner of the existing Auto/RV Sales use, and this rezoning would allow a single zoning district across that owner's entire property.