

Planning Staff Analysis

Z23-0012a/ Teasley Commercial Rezoning

City Council District #4

REQUEST:

Rezone approximately 1.09 acres of land from a Planned Development (PD) to a Suburban Corridor (SC) Zoning District.

STAFF RECOMMENDATION:

Staff recommends **approval** of the zoning change request to a Suburban Corridor (SC) 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 a single tract (1.09 acres) located on the east side of Teasley Lane, south of Robinson Road. The tract is currently vacant, but a drive aisle and underground infrastructure, including drainage, have been installed across the front of the site that connects to the adjacent commercial properties. It fronts on Teasley Lane and is surrounded on the remaining three sides by developed commercial and industrial properties.



SURROUNDING ZONING AND USES:

Northwest: Zoning: PD-R4 District Use: Teasley Lane and Single-Family Residential	North: Zoning: PD District Use: Commercial	Northeast: Zoning: PD District Use: Industrial (Self-Service Storage)
West: Zoning: PD-R4 District Use: Teasley Lane and Single-Family Residential	SUBJECT PROPERTY	East: Zoning: PD District Use: Industrial (Self-Service Storage)
Southwest: Zoning: PD-R4 District Use: Teasley Lane and Single-Family Residential	South: Zoning: PD District Use: Industrial (Self-Service Storage)	Southeast: Zoning: PD District Use: Industrial (Self-Service Storage) and 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*

On October 5, 1999, PD 176 was created by ordinance 1999-367, and the subject property was thereby rezoned from a temporary Agricultural zoning to PD zoning. The concept plan at the time included the subject property as part of a 9.08-acre area designated for commercial development.

On December 1, 2009, ordinance 2009-302 (Z08-0019) was approved, amending the concept plan for the 9.08-acre commercially-designated area within which the subject lot is located. Specifically, this amendment was to address the approval of a Detail Plan for the adjacent self-service storage use.

On October 5, 2010, ordinance 2010-254 (PDA10-0004) was approved, amending the concept plan for the 9.08-acre commercially-designated area within which the subject lot is located. This amendment modified conditions associated with the approved Detail Plan for the adjacent self-service storage use.

On September 15, 2015, ordinance 2015-303 (PDA15-0003) was approved, amending the concept plan for the 9.08-acre commercially-designated area within which the subject lot is located. Specifically, this amendment was to address the approval of a Detail Plan for a childcare facility.

Each of these amendments reaffirmed the original plan for the subject property to develop with a commercial land use. Additionally, conditions that were attached to the approval of the two most recent Concept Plans applicable to the subject property (PDA10-0004 and PDA15-0003) have either been satisfied or do not directly apply to the subject lot; therefore, no previously approved conditions would be lost with the proposed change to straight SC zoning.

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

The decision-making authority:

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

The proposed SC Zoning District is consistent with the Future Land Use Map's partial designation of this property as both Low Residential and Community Mixed-Use, which is discussed further under consideration 3.b below. The proposed zoning is also consistent with over 16 years' worth of prior approvals on this property, and with other goals, policies, and actions outlined in the Comprehensive Plan, as discussed further below:

Prior Approvals: As noted in the previous section, from 1999 to 2015, City Council repeatedly approved ordinances designating the subject lot for commercial development. The commercial uses and dimensional standards in the SC zoning district align closely with the uses and dimensional standards approved for this lot by City Council in those past ordinances. SC zoning would allow similar development to what has long been permitted on the subject lot, but would subject that development to up-to-date design, parking, and landscape standards, instead of standards from decades in the past.

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

Action 2.10: Promote the stability, quality, and functionality of commercial and employment areas through improved development standards and by addressing obsolescence.

Action 2.10.2: Create and apply design and development standards to improve development quality and functionality of commercial and employment areas.

The Denton 2040 Plan seeks to have viable commercial areas, including supporting opportunities to infill development and improving quality development through higher development standards. The requested rezoning for this remaining vacant 1.09-acre lot, that is situated within an existing developed commercial and industrial area, is consistent with those goals because it facilitates infill development in accordance with today's adopted DDC standards thereby allowing for higher quality development. The requested SC zoning also continues to support and align with the existing commercial functionality that is present today.

Additionally, the proposed rezoning of this site to allow it to develop under current standards would align with the Denton 2040 Comprehensive Plan's Urban Design Principles (found in Table 4.1) because it encourages development in an area of strong cross-connectivity, thereby potentially increasing opportunities for residents to have access to a variety of commercial uses.

The applicant has indicated that the purpose of the rezoning request is to facilitate the development of a new retail and medical office use on the subject site. While that use cannot be guaranteed as part of the request, the applicant's suggested use and the other residential and neighborhood-serving commercial uses permitted in the SC District are consistent with the Comprehensive Plan's guidance on increasing accessibility to resources, given the proximity to, and pedestrian connection with, existing neighborhoods and other commercial uses. This proposed development would provide additional commercial uses in close walking distance from nearby neighborhoods.

- 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 part of a transitional area and is designated as both Community Mixed-Use and Low Residential (see image below). In this instance, this transitional area is intended to communicate higher intensity development (i.e. commercial uses) transitioning to lesser intensity uses (i.e. residential) which aligns with the existing conditions present today.



An excerpt from the description for the Community Mixed-Use Future Land Use designation is provided below:

“This designation is intended to promote a mix of uses, of which various commercial uses remain predominant, but where residential, service, and other uses are complementary. This land use applies to existing and future commercial areas in the city, where redevelopment to mixed-use is desirable. The intent is to encourage infill and redevelopment for a more diverse and attractive mix of uses over time Future development in Community Mixed Use areas will complement and embrace existing, viable uses, and raise the standard of design to increase their economic viability, accommodate greater connectivity and mobility options, and create a sense of place to serve the local community.”

The Suburban Corridor (SC) zoning district, which the DDC states is “intended to provide moderate- to high-intensity commercial, office, and retail uses” and provide “elevated building and landscape design” is consistent with the Future Land Use Designation of Community Mixed-Use. Therefore, this proposed rezoning from PD – which allows primarily commercial uses (including some uses, like Heavy Machinery Sales and Storage, that would not really be appropriate in a neighborhood mixed-use area) coupled with outdated development standards – to SC allowing primarily commercial uses developed in accordance with today’s design standards, brings this property more in line with the Community Mixed-Use Future Land Use designation.

Meanwhile, while the Low Residential designation is predominantly for areas of low density single-family residential uses that aligns with the existing conditions to the south. An excerpt from the Denton 2040 Comprehensive Plan describes the Low Residential designation as follows:

“This category may also include land uses that support residential neighborhoods, such as appropriately scaled commercial at arterial and collector street corners.”

In summary, the requested SC zoning district is an appropriate zoning district for this property because: it permits a wide range of commercial uses, including many that are neighborhood-serving for nearby residents; is proposed on a lot that is the last remaining lot of an overall existing commercial area located at the intersection of a primary and a secondary arterial; and allows for development of the property in accordance with today’s DDC requirements.

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.*

If this rezoning is approved, thus removing the subject property from being vested through the PD in a variety of old codes and ordinances, and instead making it subject to current DDC standards, then all future development 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 SC zoning district is approved, prior to development, a detailed development review will accompany all required zoning compliance plan, platting, engineering, tree preservation, and building permit submittals.

5. *Compliance with Other Applicable Regulations*

If the proposed rezoning to a SC zoning district is approved, prior to development, 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 is no floodplain or environmentally sensitive area (ESA) identified on the subject property; therefore, potential adverse environmental impacts are not expected with this development. If this zoning change is approved the development would be subject to the City's current landscape, drainage, and tree preservation standards.

8. *Minimizes Adverse Impacts on surrounding Property*

Potential negative impacts from development of this site would be limited by the fact that it would be developing in the midst of an already-developed commercial and industrial (self-storage) area which has been developed with the expectation that there will be a commercial use on the subject lot. The infrastructure has already been partly installed to accommodate a commercial or industrial use on this site as currently allowed by the PD. In order to minimize adverse impacts on surrounding properties, the DDC contains setback, screening, lighting, and buffering requirements, that will be required to be complied with at the time the subject property is developed.

9. *Minimizes Adverse Fiscal Impacts*

No adverse fiscal impact to the City is anticipated. A Fiscal Impact Analysis performed using a preliminary concept plan for this site indicates that, if developed as currently proposed by the applicant, it is expected to have a positive economic benefit to the city. A summary of the results of the fiscal impact analysis can be found in Exhibit 7.

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

When the site is developed, the development will be reviewed to ensure compliance with all utility, service, and improvement standards. Any utilities required to support the development of the site will be the responsibility of the developer or property owner.

11. *Provides Adequate Road Systems*

The subject property is located on the east side of Teasley Lane, a primary arterial roadway, approximately 440 feet south of the intersection of Teasley Lane and Robinson Road, a secondary arterial roadway. The proposed rezoning is not anticipated to negatively impact the surrounding road system.

This site has also previously been developed with an internal drive aisle that provides cross-access to adjacent lots on both sides. This will somewhat reduce the impact on Teasley Lane of trips to and from the future development on this site by requiring users to enter the site via existing driveway connections to Teasley Lane and Robinson Road.

Furthermore, any new development must also comply with all applicable roadway infrastructure standards, including paying impact fees and constructing any DDC-required improvement of adjacent perimeter streets, to ensure that there is adequate and safe access and circulation within the area.

12. Provides Adequate Public Services and Facilities

Currently, there are both an 8-inch water line and an 8-inch wastewater line running under the existing drive aisle through this property, both of which should be available to serve this site.

This proposed rezoning is not anticipated to negatively impact public services and facilities. When sites are developed, the new development must comply with all applicable standards to ensure adequate public services and facilities are available.

13. Rational Phasing Plan

A phasing plan has not been proposed for this property.

- 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 SC zoning district is consistent with the goals of the Comprehensive Plan and with the Future Land Use Designations of Community Mixed-Use and Low Residential.

- 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 3.4.1A of the Denton Development Code:

The SC district is intended to provide moderate- to high-intensity commercial, office, and retail uses along high-traffic corridors. The SC district provides elevated building and landscape design, buildings oriented to the street, and appropriate buffering from adjacent neighborhoods. While

the SC district is primarily auto-oriented, it provides a safe environment for pedestrians and cyclists.

The proposed SC District is consistent with the purpose statement, as the subject property is oriented towards the street, along a high-traffic corridor, in an already-developed commercial and industrial area, that is buffered from adjacent neighborhoods. The SC zoning will enable the development of a variety of commercial, office, and/or retail uses in this location that is well-designed for them.

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

No significant changes in the area directly relate to the requested zoning change nor are anticipated given the existing surrounding developed conditions.

- 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 primarily by commercial and industrial (self-storage) uses, and the uses permitted by right in the SC zoning district are similar or comparable types of uses. To minimize any potential adverse impacts to surrounding properties, setback, screening, and lighting requirements will be applied at the time the subject property is developed.

- 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, paid at the time of 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

As discussed above, public water and wastewater service are currently available to the site. When the site is developed, it will be reviewed to ensure compliance with all utility, service, and improvement standards for 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.

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

There was no error in the assignment of the current zoning district. In 2019 with the citywide rezoning update, the subject property continued to be zoned within a Planned Development.