

Planning Staff Analysis

Z25-0025/Arkamima

City Council District #3

REQUEST:

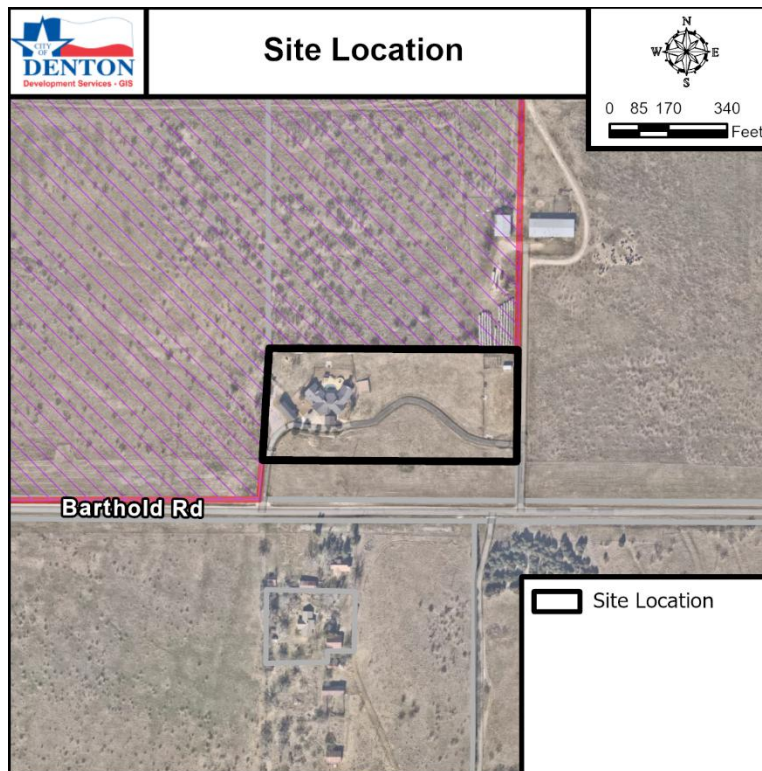
Request to rezone approximately 5.36 acres from Rural Residential (RR) District to General Office (GO) District.

STAFF RECOMMENDATION:

Staff recommends approval of the rezoning of approximately 5.36 acres of land from RR to GO 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 5.36-acre subject property is generally located on the north side of Barthold Road and approximately 2,580 feet west of N. Interstate 35 (I-35N). Barthold Road is currently designated as a Primary Arterial and is constructed with two lanes of vehicle traffic. TxDOT has plans to improve Barthold Road (see Consideration A.11) and realign it to connect with FM 1173. The owner of the subject property has dedicated 150 feet of right-of-way (ROW) along Barthold Road for these improvements. There are no City utilities that extend to the property; therefore, when this property develops, the applicant will be responsible for extending utilities to their development. The subject property has a single-family house and accessory structures on it.



SURROUNDING ZONING AND USES:

Adjacent properties to the north and west are under Non-Annexation Agreements that limit them to single-family residential and agricultural uses until they are annexed into the City. Adjacent properties to the south are zoned Rural Residential District and are mostly undeveloped. Adjacent properties to the east are zoned Light Industrial (LI) District and are undeveloped.

Northwest: <u>Zoning:</u> Extra-Territorial Jurisdiction Division 1 (ETJ 1) / Non-Annexation Agreement <u>Use:</u> Undeveloped	North: <u>Zoning:</u> ETJ 1/ Non-Annexation Agreement <u>Use:</u> Undeveloped	Northeast: <u>Zoning:</u> LI <u>Use:</u> Undeveloped
West: <u>Zoning:</u> ETJ 1/Non-Annexation Agreement <u>Use:</u> Undeveloped	SUBJECT PROPERTY	East: <u>Zoning:</u> LI <u>Use:</u> Undeveloped
Southwest: <u>Zoning:</u> RR <u>Use:</u> Undeveloped	South: <u>Zoning:</u> RR <u>Use:</u> Single-Family Residential and Undeveloped	Southeast: <u>Zoning:</u> LI) <u>Use:</u> Undeveloped

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*

City Council approved the City-initiated annexation of the subject property on June 16, 2015. The subject property was assigned the placeholder zoning designation Rural Residential (RD-5X) under the 2002 version of the DDC, which transitioned to the Rural Residential (RR) zoning district with the adoption of the 2019 DDC. Following annexation, the placeholder zoning remains in place until such time as the property owner applies to change the zoning.

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

The decision-making authority:

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

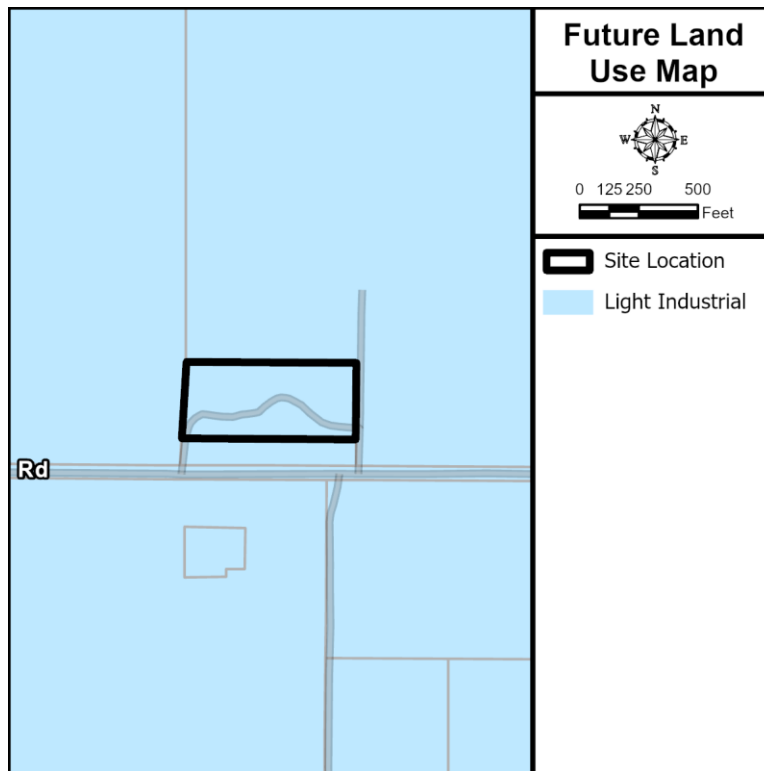
There are no competing goals, policies, or strategies with this proposal.

- 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 future land use for 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 to GO District is consistent with FLUM as the zoning district permits a variety of commercial, professional, and industrial uses by right and with a Specific Use Permit. The applicant has indicated their intent is to develop the subject property with a variety of commercial uses which could be supportive of light industrial activity likely to develop on larger, adjacent properties zoned LI District.



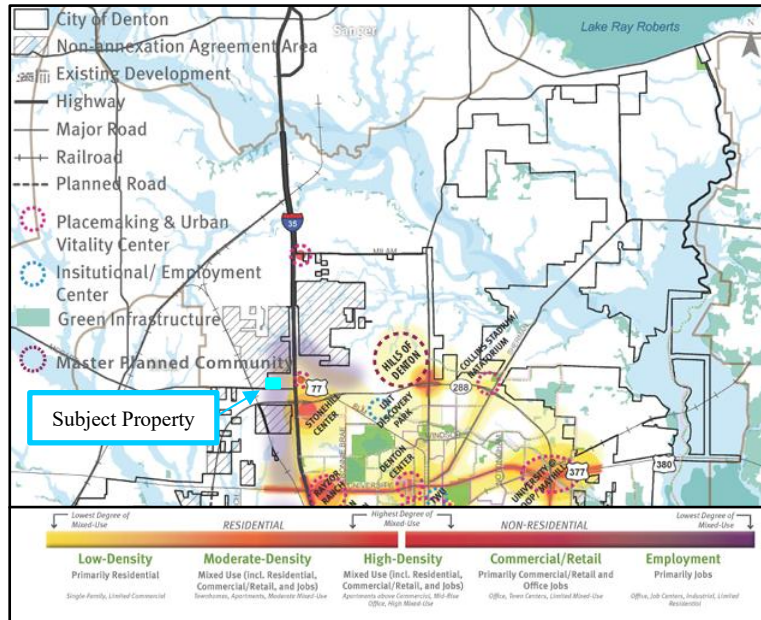
Fiscal and Economic Vitality

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 facilitate a variety of non-residential development in the northwest portion of the City. The Subject property is appropriately located along a Primary Arterial to ensure adequate access to the site, is situated in an area designated for future industrial and commercial uses and is adequately buffered from protected land uses.

Additionally, the Preferred Growth Concept Map shows areas of the City where employment-focused and residential uses are preferred with the subject property being in an area where employment is preferred.



The purpose of the rezoning is to ensure the development of a variety of supporting commercial uses on a smaller parcel of land situated in a designated industrial area that would help further the overall goals of the Comprehensive Plan to provide for a robust and diverse economy and ensure future economic growth in areas of the City where employment-focused uses are preferred.

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.*

No development is proposed at this time as this request is solely for a rezoning of the subject property. All future development on this site must comply with applicable standards in the DDC, including, but not limited to building coverage, parking, tree preservation, and landscaping.

- 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 proposals will be reviewed during the development process to ensure conformance 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 GO District is approved, prior to development, a detailed review of the proposed development 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 development is not anticipated to create adverse environmental impacts upon the subject property. There are no potential Environmentally Sensitive Areas nor recognized Wildlife Corridors on the subject property. 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, which are also predominantly undeveloped. Development of the subject property is required to follow DDC design standards, including lot dimensions, landscaping, and access requirements. Site design standards related to building placement and design are intended to mitigate negative impacts created by the scale and bulk of large buildings and provide for variety and visual interest in the exterior design.

9. *Minimizes Adverse Fiscal Impacts*

This proposed rezoning is not anticipated to create adverse fiscal impacts. Staff used the Fiscal Impact Tool to analyze the proposed rezoning based upon a mixture of restaurant, hotel, and general retail uses. The Fiscal Impact Summary (Exhibit 10) indicates that the proposal would result in a net \$12,811,300 revenue to the General Fund over a 40-year project duration.

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

This proposed rezoning will not adversely affect utilities, services, or improvements in the area. 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 Barthold Road. The Denton Mobility Plan classifies this section of Barthold Road as a Primary Arterial. Additionally, TxDOT is planning to realign FM 1173, located further to the south, to connect with this section of Barthold Road and improve it to a six-lane roadway. This realignment west of I-35N is occurring to ensure that FM 1173 and Highway 77 align on either side of I-35N, allowing for better intersection design as I-35N is widened and frontage roads are added. Right-of-way needed to facilitate these Barthold Road/FM 1173 improvements has already been dedicated to TxDOT.

A Trip Generation Summary will be required during the development review process for any future development projects to determine if a Traffic Impact Analysis and/or additional offsite street improvements are needed.

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 5, is approximately 3 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 GO District is consistent with the Denton 2040 Comprehensive Plan as it will permit supporting commercial uses for existing and future employment uses in the area.

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 3.5.1A, “the GO district is intended to provide locations for a variety of workplaces and complementary uses. Principal uses include office and research and development and related supporting uses. The GO district provides for flexible office space to encourage the establishment of research and development enterprises, start-ups, and opportunities for business innovation. This district applies to areas throughout the city that are in close proximity to commercial use areas and employment hubs.”

The proposed rezoning to the GO District, allowable land uses, and the subject property’s location are consistent with this purpose. The proposed land uses for the subject property are permitted in the GO District and would be subject to higher design standards than developments in other zoning districts in the area such as the Light Industrial District. Additionally, the subject property is in close proximity to existing commercial areas and employment hubs along I-35, and the proposed uses would be considered supportive of the uses in the area.

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

The area in the vicinity of the subject property, particularly along the I-35 and FM 1173 Corridors, has seen significant development in the last several years with a variety of industrial land uses. The proposed rezoning to the GO district would facilitate development of commercial land uses supportive of and complementary to the existing development patterns in the region. In addition, upcoming TxDOT projects in the area such as improvements to I-35N and FM 1173 will increase road capacity, thus encouraging more development in the area. Additionally, the Comprehensive Plan supports further development in the area through its future land use designation (see Consideration A.3).

- 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 in a significant way. 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 applicant is proposing commercial uses, the request would not add students to schools within the attendance boundary.

Water and Wastewater

Public water and wastewater services are located east of the subject property near I-35N. When the subject property develops, the developer of the site will be responsible for extending utilities to the property.

Nearest Fire Station

Fire Station #5 (2230 W Windsor Dr) is approximately 3 miles away along existing streets.

- 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 RD-5X placeholder designation assigned to the property upon annexation and the subsequent transition to RR zoning in 2019. This is the City's standard practice for all annexed properties to receive a placeholder zoning of Rural Residential, which remains in place until such time as the property owner applies to change the zoning on their property.