

# Planning Staff Analysis

S25-0018 / Le Collision Center

City Council District 4

## REQUEST:

Specific Use Permit (SUP) to allow for a Major Automotive Repair Shop use on approximately 2.02 acres of land. The subject property is zoned General Office (GO) Zoning District.

## OWNER:

KD Dinh Investment Group LLC – Ken Dinh

## APPLICANT:

KD Dinh Investment Group LLC - Ken Dinh

## STAFF RECOMMENDATION:

Staff recommends **approval** of the SUP request with the following conditions:

1. The use must abide by all use-specific standards in DDC Subsection 5.3.5V, as may be amended and as applicable to properties within the GO zoning district.
2. The development of the Major Automotive Repair Shop use shall be in accordance with the attached Site Plan and Landscape Plan. The use shall be limited to the area shown as the Development Impact Area on these plans. Modifications and expansions to the existing buildings may be approved subject to the standards of the DDC; however, the area of the property dedicated to temporary outdoor storage of vehicles shall not be enlarged and shall be opaquely screened from all rights-of-way and adjacent residential properties with a minimum 8-foot high fence or wall.
3. A compatibility landscaped buffer shall be installed and maintained along property lines adjacent to residential uses and in the locations shown on the Site Plan and Landscape Plan. The buffer shall contain a number of elements equal to a minimum of 30 points from Table 7.F: Buffer Points and Minimum Width Requirements in the 2019 DDC, as amended. The landscape buffer shall include an opaque fence of at least 8 feet in height, and shall be an additional 5 feet in width beyond the required minimum of 15 feet for a total of 20 feet in width as two of the required landscape elements.
4. The existing covered patio is a nonconforming site feature that encroaches into the rear yard setback. The existing covered patio is permitted to remain in its current configuration subject to the limitations in DDC Subsection 1.5.6.
5. The zoning map shall reflect the Specific Use Permit on the property consistent with the DDC.

## SITE DATA:

The subject property is an approximately 2.02-acre lot on the south corner of the intersection of Fort Worth Drive (US 377) and Central Village Drive. The proposed Major Automotive Repair Shop use would be developed on approximately 1.52 acres of the total lot area. Fort Worth Drive is a TxDOT roadway and is classified as a Primary Arterial on the Denton Mobility Plan. It has two lanes of traffic, a drainage ditch, and a five-foot-wide concrete sidewalk. Southbound traffic has a turn lane onto Central Village Drive. Central Village Drive is a two-lane, local roadway with curb and gutter and an eight-foot-wide sidewalk. Existing water and wastewater lines exist along the subject property's frontage on both streets. Overhead electric lines traverse the subject property's frontage on Fort Worth Drive.

The subject property is zoned General Office (GO) District. The GO District allows for the Major Automotive Repair Shop use with an approved SUP. The subject property is currently developed

with three buildings on site. The building on the west side of the lot is a convenience store and is not part of the requested SUP. The other two buildings were previously used as office/warehouse space. There are nine existing parking spaces with one of the spaces designated as accessible parking. The rear of the lot is a gravel area fenced in with an approximately eight-foot tall, metal panel fence and an approximately eight-foot tall, wooden fence with masonry columns along the rear property line.

The building on the north end of the property sits closest to the street, is 22.5 feet tall, and has a masonry and vinyl siding façade. Its proposed use is as an office for the auto repair shop. The second building is behind the previously mentioned office, and it is a 20-foot-tall metal structure to be used for auto repair work. The fenced-in gravel area is proposed as accessory, outdoor storage for the repair shop.



**SURROUNDING ZONING AND LAND USES:**

There are a variety of zoning districts and land uses on surrounding properties. The properties on the west side of Fort Worth Drive are zoned Heavy Industrial (HI) District and are a mix of industrial and intensive commercial uses. The surrounding properties on the east side of Fort Worth Drive are zoned General Office (GO) District and are a mix of retail and light industrial uses. To the east of the subject property is a single-family, residential neighborhood zoned Residential 6 (R6) District.

<p><b>Northwest:</b></p> <ul style="list-style-type: none"> <li>• Zoning: HI</li> <li>• Use: Building Material and Supply Store</li> </ul>	<p><b>North:</b></p> <ul style="list-style-type: none"> <li>• Zoning: HI</li> <li>• Uses: Building Material and Supply Store</li> </ul>	<p><b>Northeast:</b></p> <ul style="list-style-type: none"> <li>• Zoning: GO</li> <li>• Use: General Retail</li> </ul>
<p><b>West:</b></p> <ul style="list-style-type: none"> <li>• Zoning: HI</li> <li>• Use: Warehouse</li> </ul>	<p><b>SUBJECT PROPERTY</b></p>	<p><b>East:</b></p> <ul style="list-style-type: none"> <li>• Zoning: R6</li> <li>• Use: Single-Family Residential</li> </ul>
<p><b>Southwest:</b></p>	<p><b>South:</b></p>	<p><b>Southeast:</b></p>

<ul style="list-style-type: none"> <li>• Zoning: GO</li> <li>• Use: Self-Service Storage</li> </ul>	<ul style="list-style-type: none"> <li>• Zoning: R6</li> <li>• Use: Single-Family Residential</li> </ul>	<ul style="list-style-type: none"> <li>• Zoning: R6</li> <li>• Use: Single-Family Residential</li> </ul>
---	--	--

## CONSIDERATIONS:

A. Section 2.4.5E of the Denton Development Code (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 general criteria have been applied.

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 2.5.2D of the DDC applies to SUP requests. An analysis of this request by 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 Specific Use Permit requests.

### 2. *Prior Approvals*

A Final Plat of the property was approved by the City of Denton Planning and Zoning Commission on December 14, 2005.

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

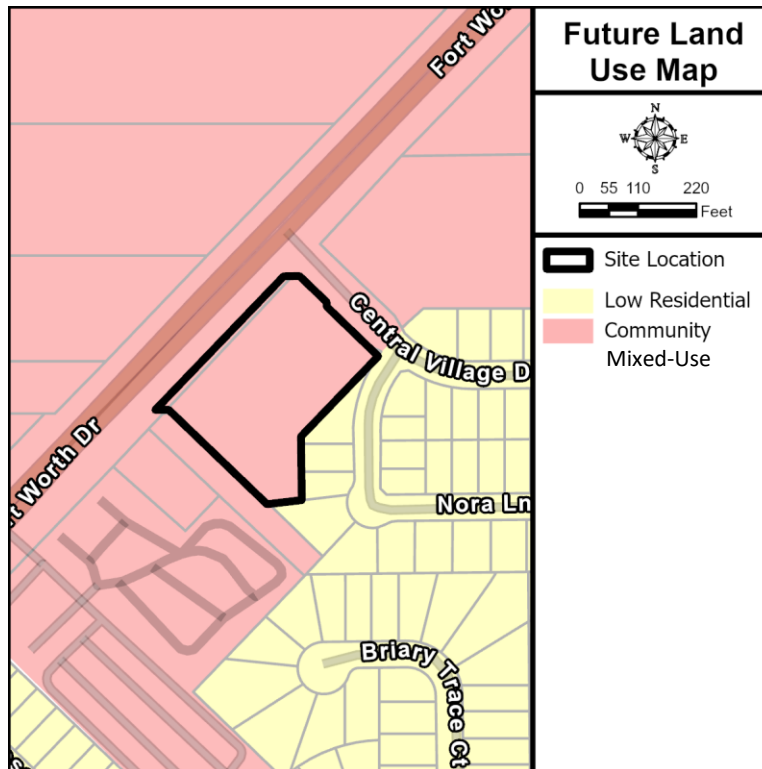
*The decision-making authority:*

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.*

The Major Automotive Repair Shop use conforms with the Future Land Use Map (FLUM) of the Denton 2040 Comprehensive Plan. The FLUM designates the subject property as Community Mixed-Use. 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. The Major Automotive Repair Shop is classified as a commercial use and is appropriate within the context of the commercial and industrial uses along the subject property's section of Fort Worth Drive.



The requested SUP also furthers the following goal from the Denton 2040 Comprehensive Plan:

- Goal LU-1: Grow Compactly: Achieve sound, sustainable growth in compact development patterns with balanced land uses planned in coordination with transportation and infrastructure systems.

The requested SUP proposes reusing a developed lot with existing utilities and services in a developed area of the City. Adaptive reuse of a property is an example of compact development since transportation and infrastructure systems are already in place to serve the change in land use on the property.

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 development complies with applicable standards in the DDC.

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

The proposed site plan was reviewed to ensure compliance with the Denton Development Code. Furthermore, an SUP submittal requires a detailed planning analysis of the proposal to ensure conformance with the development standards specific to the zoning district and the Major Automotive Repair Shop use.

5. *Compliance with Other Applicable Regulations*

This proposed request complies with all other applicable regulations.

6. *Consistent with Interlocal and Development Agreements*

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

7. *Minimizes Adverse Environmental Impacts*

This application is not anticipated to have any adverse environmental impacts. There are no environmentally sensitive areas on the subject property. The applicant submitted a Tree Preservation Plan to preserve the existing tree in the middle of the lot. Additionally, no changes are being proposed to the existing site conditions that would substantially impact existing stormwater drainage.

8. *Minimizes Adverse Impacts on Surrounding Property*

Several conditions of staff's approval seek to minimize adverse impacts on neighboring residential properties. All auto repair work must be done inside an enclosed building and is required to comply with the City's Noise Ordinance. Additionally, a 20 ft landscaped buffer is required along the property line adjacent to neighboring residential properties, which includes several landscaping and screening elements to minimize adverse impacts.

9. *Minimizes Adverse Fiscal Impacts*

The proposed application is not anticipated to create significantly adverse fiscal impacts. The reuse of the existing structures and proposed improvements to the property can reasonably be expected to have a positive fiscal impact. No new utilities or roadway infrastructure is being constructed as part of this SUP that the City would need to maintain.

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

Sufficient utilities exist along Fort Worth Drive and Central Village Drive and have been extended to the subject property for the applicant to use. Since there will be no increase nor change to the impervious cover, no negative impact on drainage capacity is anticipated.

11. *Provides Adequate Road Systems*

Fort Worth Drive and Central Village Drive provide sufficient access to and from the site. The Trip Generation Summary for the proposed use estimated minimal traffic to be generated by the use, and a TIA was not required.

12. *Provides Adequate Public Services and Facilities*

There are adequate public services for this site.

13. *Rational Phasing Plan*

The project does not have a phasing plan.

B. Section 2.5.2D of the DDC states that in reviewing a proposed SUP, the Planning and Zoning Commission and City Council shall consider the general approval criteria in Subsection 2.4.5E and whether:

1. *The specific use proposed is compatible with the surrounding area;*

As explained in Consideration A.3.b, the requested Major Automotive Repair Shop use is compatible with the mix of commercial and light industrial uses that exist along Fort Worth Drive. Adequate buffering and screening have been provided along the subject property's southern property line where adjacent to residential uses to ensure compatibility between the more intensive land uses expected along the Fort Worth Drive corridor and the residential properties situated to the east.

2. *The specific use proposed has negative impacts on future development of the area; and*

The proposed Major Automotive Shop use is not anticipated to have negative impacts on the future development of the area as the use is of a comparable scale and intensity as other surrounding commercial and light industrial uses.

3. *Any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor have been adequately mitigated.*

The proposed site plan has been reviewed by staff and found to be compliant with the DDC. The site plan and conditions of staff's approval as explained in Consideration A.8, adequately mitigate against impacts from traffic, refuse areas, glare, odor, and noise