

# Planning Staff Analysis

## Z25-0013b/5090-5094 E McKinney

### City Council District #4

#### REQUEST:

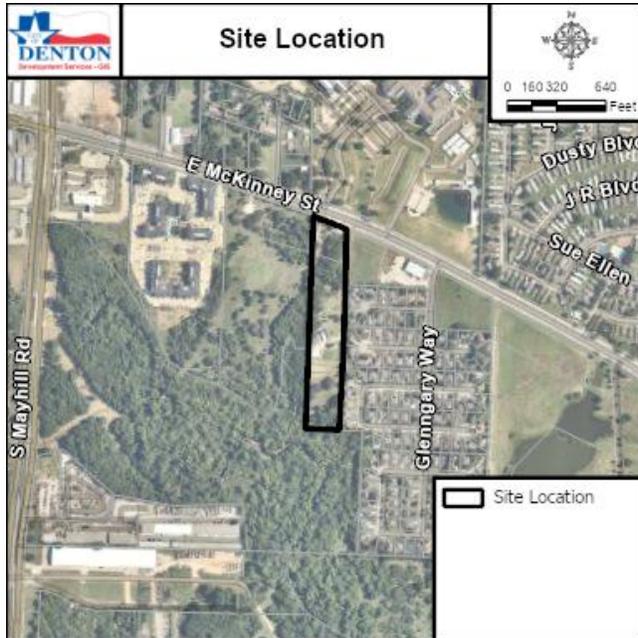
Request by Veronica Yeary, on behalf of Benjamin, Dilcia, and Osualdo Canales, to rezone approximately 0.93 acres of land from Residential 4 (R4) zoning district to the Residential 7 (R7) zoning district and approximately 5.75 acres of land from Rural Residential (RR) zoning district to the R7 zoning district.

#### STAFF RECOMMENDATION:

Staff recommended the Staff recommends approval of the request to rezone to the R7 zoning district as the request complies with both the criteria in Subsection 2.4.5.E of the Denton Development Code (DDC) for approval of all applications and the criteria in Subsection 2.7.2.D of the DDC for approval of a Zoning Map Amendment (Rezoning).

#### SITE DATA:

The 6.68-acre subject area consists of two properties located south of East McKinney Street, approximately 615 feet west of Glengary Way. The northernmost property includes approximately 0.93 acres of land annexed into the City of Denton in 1983, rezoned to Neighborhood Residential 4 (NR-4) with the adoption of the 2002 Development Code, and



subsequently transitioned to R4 with the adoption of the 2019 Denton Development Code. The southernmost property includes approximately 5.75 acres of land annexed into the City of Denton in 2015, being given the placeholder zoning of Rural Residential (RD-5x), which transitioned to RR in 2019. Both properties are currently developed with single-family residential and accessory structures, all of which were constructed prior to their respective annexations. There is approximately an acre of the southernmost tract encumbered by Floodplain. Additionally, there are overhead utility lines that run along both the easternmost property lines, adjacent to an existing single-family residential subdivision, and the northernmost property line, adjacent to East McKinney Street.

While there has not been a field assessment to confirm the existence of Environmentally Sensitive Areas (ESA) within the subject area, it is likely that the site contains a portion of Riparian Buffer ESA. On the property to the west of the subject site, an ESA field assessment was completed and approved, confirming the presence of Riparian Buffer ESA along a corridor of existing tree canopy

that continues onto the subject area. Therefore, it is reasonable to assume the subject area contains a portion of that Riparian Buffer ESA, but a field assessment will be required prior to the development of the subject property. The ESA field assessment would also be required to assess whether the floodplain on site meets the criteria to be considered Undeveloped Floodplain ESA.

East McKinney Street is an east/west roadway located just north of the subject area and classified as a Secondary Arterial Roadway in the Denton 2022 Mobility Plan. In 2020, this corridor of East McKinney Street consisted of two lanes divided by a center turn lane at key intersections with no sidewalks. Following a recent expansion project, this roadway now includes four lanes divided by a continuous center turn lane with a 5-foot-wide sidewalks on the south side of the roadway and a 12-foot-wide sidewalk on the north side of the roadway. This is generally consistent with the standard street section for a Secondary Arterial per the Mobility Plan.

In addition to R4, RR, and MN, zoning within an approximately mile long corridor east of Mayhill Road, along both the north and south sides of East McKinney Street, includes a mixture of Suburban Corridor (SC), Residential 7 (R7), Planned Developments (PD), Public Facilities (PF), Residential 2 (R2), and Residential 3 (R3). Accordingly, existing land uses include public facilities such as Ryan High School and a Texas Department of Public Safety office, a religious assembly facility, and single-family and multifamily residences. Abutting the 0.93-acre property to the east is an undeveloped property zoned MN. Abutting the 5.75-acre property to the east is a developed single-family residential subdivision zoned R3. While the property abutting the entire subject site to the west is currently undeveloped, the approved PD reflects a plan for transitional housing (multifamily), assembly, and administrative office spaces intended to host programs that serve the residents of the development. Abutting the subject area to the south is an undeveloped tract of land, largely encumbered by Floodplain, and owned by the City of Denton with plans to be partially developed with a section of the Pecan Creek Regional Trail.

**SURROUNDING ZONING AND USES:**

Northwest: E McKinney St Zoning: R2 Use: Undeveloped	North: E McKinney St Zoning: PF Use: Public High School	Northeast: E McKinney St Zoning: PF Use: Public High School
West: Zoning: PD & PF Use: Undeveloped	<b>SUBJECT PROPERTY</b>	East: Zoning: MN & R3 Use: Undeveloped & Single-family Residential
Southwest: Zoning: PD & PF Use: Undeveloped	South: Zoning: PF Use: Undeveloped	Southeast: Zoning: PF & R3 Use: Undeveloped & 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.*

Subsection 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*

As discussed above, the 0.93-acre property was annexed into the City of Denton in 1983, rezoned to Neighborhood Residential 4 (NR-4) with the adoption of the 2002 Development Code, and subsequently rezoned to R4 with the adoption of the 2019 Denton Development Code. The 5.75-acre property was annexed into the City of Denton in 2015 and assigned the default RD-5x placeholder zoning (which transitioned to RR in 2019) in accordance with Denton Development Code (DDC) Subsection 3.1.4. There have been no other land use, plan, development agreement, or plat approvals related to the subject area.

## 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. As discussed with the criterion below, the requested R7 zoning district generally aligns with the Moderate Residential Future Land Use Designation and achieves other goals of the Comprehensive Plan.

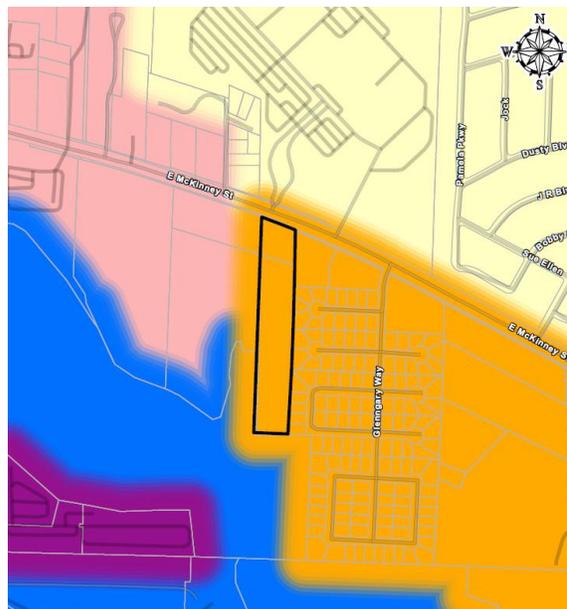
- b. *May approve an application that furthers the overall goals of the Comprehensive Plan even if the development does not match the future land use designation in the Comprehensive Plan.*

As noted above, the subject area has a Future Land Use Designation of Moderate Residential.

*[Continue on next page]*

## Future Land Use

As shown on the inset map, the Denton 2040 Comprehensive Plan Future Land Use Map indicates a Moderate Residential future land use designation. The Moderate Residential land use description is primarily focused towards allowing a variety of residential land uses at higher densities (i.e. single-family, townhomes, multifamily), often also serving as a transition land use category between lower density single-family areas and more dense commercial areas. Furthermore, this category is applied in certain key corridors and also recognizes that neighborhood scaled commercial uses at arterial and collector street corners could be appropriate.



The subject property is also in a transitional area on the map, where Moderate Residential and Community Mixed Use land use categories begin to overlap. The Community Mixed Use designation applies to areas intended to be predominantly commercial with supporting residential and service uses.

The proposed R7 Zoning is consistent with these Future Land Use Designations, as it could facilitate the development of moderately dense residential and/or neighborhood scaled commercial designed with a focus on pedestrian comfort and connectivity in close proximity to existing and developing residences along this corridor.

Further, the request is consistent with other Goals of the Denton 2040 Comprehensive Plan, including:

- Goal LU-6: Grow with Balance: Establish land use designations that respond to the growing needs and character specifications of the Denton community.

*The requested zoning change would prepare the property to respond to market opportunities while ensuring future redevelopment is both consistent with the moderate residential land uses designation compatible with surrounding development.*

- Goal FEV-5: Design a fiscally advantageous land use pattern paired with fiscally responsible infrastructure management and investment.

*The City collects property tax and sales tax from retail and service use establishments. Standalone retail sales and service use establishments may not always result in a positive fiscal result, but these uses are needed to serve residents within the city. While the City's and TxDOT's investments in the expansion of East McKinney Street serves to improve traffic flow within the area, the resulting increased traffic capacity and speeds might no longer be ideal for a single-family residence with direct driveway access. The zoning change could allow for reuse of the existing single-family residential structures for an office or small scale retail or commercial use with approval of a Specific Use Permit (SUP). Alternatively, the site could redevelop with middle housing options such as townhomes, duplexes, triplexes, fourplexes, or multifamily with approval of an SUP. Either way, the zoning change could facilitate a development that takes advantage of the City's investment in East McKinney Street.*

- Goal HN-1: Develop and maintain a housing stock that meets the needs of all residents with a diverse array of choices in type, cost, and location.

*The R7 District is intended to accommodate a variety of housing types on lots designated to encourage walking to neighborhood-serving and other amenities such as parks and school facilities. This zoning district will ensure existing neighborhood character is maintained while also contributing to a safe environment for pedestrians and bicyclists.*

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 request is for a rezoning of the subject site. All subsequent development or redevelopment 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, and landscaping.

- 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 is approved and a new use and/or redevelopment is proposed, a detailed review of all required plat, zoning compliance plans, engineering plans, tree preservation plans, and building permit submittals is required prior to development.

5. *Compliance with Other Applicable Regulations*

This proposed rezoning 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*

The proposed rezoning is not anticipated to create adverse environmental impacts. As discussed above, it is possible that Riparian Buffer and Undeveloped Floodplain ESA exists on the property, but a field assessment will be required to confirm. If ESAs are determined to exist on site, then the site would be subject to the DDC's ESA regulations. Additionally, any future development or redevelopment of the site will be subject to the DDC's tree preservation and landscaping standards.

8. *Minimizes Adverse Impacts on Surrounding Property*

Per the R7 purpose statement, the R7 district can serve to support compatibility between single-family neighborhoods and higher-intensity mixed-use or nonresidential development. The applicant shared that there are currently no plans to redevelop the site but they have received market interests for an indoor recreation facility, small retail, automobile services, and self-storage. Staff does not support all forms and scales of commercial development on this property, but the property owner's benefit of zoning that allows for a wider range of commercial uses should be acknowledged. Compared to the property's existing RR and R4 zoning, the requested R7 zoning district would allow for more of these opportunities while requiring detailed review of some of the more intense land uses allowed in the R7 district. Ultimately the size, linear shape of the property, and natural encumbrances will most likely limit the scale of any future land use. Should a new multifamily residential or commercial development or redevelopment occur on the subject property, the development would have to adhere to DDC Subsections 7.7.6 Compatibility Landscape Buffer Requirements and design the site to mitigate any adverse impacts.

9. *Minimizes Adverse Fiscal Impacts*

At the time of this report, there is no development identified for this area. Staff used the Fiscal Impact Tool to analyze the proposed rezoning under one assumption that the site redevelops with three office buildings and another assumption that site redevelops with three fourplexes as both of these could be potential.

Assumptions were used to generate the overall projected General Fund revenues and expenses, including property tax payments, sales tax capture, roadway maintenance costs, utility usage, solid waste costs, public safety costs, and neighborhood service costs. The Office Fiscal Impact Summary indicates that the hypothetical three 5,000 square foot office buildings would result in a net \$441,500 gain in revenue to the General Fund over a 40-year project duration. Conversely, the Residential Fiscal Impact Summary indicates that the hypothetical three 4,800 square foot fourplex buildings would result in a net \$4,247,200 loss in General Fund revenue over a 40-year project duration. The results of this analysis would be different for a different use or combination of uses.

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

This proposed rezoning will not affect utilities, services, or improvements. If the site is redeveloped, it will be reviewed to ensure compliance with all applicable standards, and, as detailed below, utilities are present in the area and able to serve the subject property.

11. *Provides Adequate Road Systems*

The subject property is located on the south side of East McKinney Street, which is classified as a Secondary Arterial. As discussed above, this segment of East McKinney Street was recently widened to four lanes divided by a continuous center turn lane with a 5-foot-wide sidewalk on the south side of the roadway and a 12-foot-wide sidewalk on the north side of the roadway. Prior to the redevelopment of the subject property, the developer shall be responsible for making any additional improvements that may be identified in a Traffic Impact Analysis (TIA) to accommodate the additional trips generated by the use. The details of any needed improvements will be reviewed as part of the site planning, platting, and civil engineering plans for any future development. Additionally, roadway improvements would be evaluated for consistency with the 2022 Mobility Plan.

12. *Provides Adequate Public Services and Facilities*

The proposed rezoning is not anticipated to negatively impact public services and facilities.

13. *Rational Phasing Plan*

No development phasing plan is proposed at this time. As of the writing of the report, a proposed development has not yet been identified for the subject 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 Consideration A.3.b above, the proposed zoning of R7 is consistent with the Moderate Residential Future Land Use Map designation and achieves other goals of the 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.*

As discussed in Consideration A.8 above, DDC Subsection 3.2.7A states that “The R7 district is intended to accommodate a variety of housing types on lots designed to encourage walking to neighborhood-serving retail and other amenities such as parks and school facilities. This zoning district will ensure existing neighborhood character is maintained while also contributing to a safe environment for

pedestrians and bicyclists. This district can also serve to support compatibility between single-family neighborhoods and higher-intensity mixed-use or nonresidential.”

The proposed R7 zoning district in this location is consistent with the purpose statement given its proximity to both neighborhood-serving retail to the east, Ryan High School to the north, and the Pecan Creek Regional Trail planned to the south. The R7 zoning is also appropriate as a transitional district from the mixed-use development planned for the property to the west and the existing single-family residential neighborhood to the east.

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

As discussed above, the recent expansion of East McKinney Street is the most significant change within the area. Direct frontage onto a Secondary Arterial is not ideal for single-family home residents. The completed multifamily residential development further west and the ongoing manufactured home development further east provides a market of new residences that did not exist five years ago.

This area of the City is expected to see continued growth and development. As properties within the corridor continue to develop, the proposed rezoning would allow for a variety of appropriate uses while requiring public review of some the more intense land uses.

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

**Adjacent Zoning & Land Use**

As discussed above, Staff does not anticipate that the land uses permitted with R7 zoning would create a significant adverse impact to the adjacent neighborhood. This zoning change would allow the site to develop with moderate density residential compatible with the adjacent neighborhood and not expected to create significant adverse impacts.

**Transportation Related to the Proposal**

Prior to the redevelopment of the subject property, the applicant will be required to submit traffic counts based on their proposed land use. The developer would be responsible for making improvements that may be identified in the TIA to accommodate any additional trips generated by the use(s). The details of any needed improvements will be reviewed as part of the site planning, platting, and/or civil engineering plans for any future development. Furthermore, roadway improvements would be evaluated in accordance with the City’s 2022 Mobility Plan.

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

**Schools**

For residential proposals, staff would coordinate with DISD regarding capacity and level of service. Since this is a straight zoning request, the proposed use and intensity of development are not known at this time to determine impacts to area schools.

**Water and Wastewater**

Public water and wastewater services are available to the site. There are existing 10- and 16-inch diameter water mains and an existing 8-inch diameter sanitary sewer located within East McKinney Street.

**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.

**Nearest Fire Station**

The subject property is approximately 1.2 miles from Fire Station #2 (110 Mockingbird Lane), within the eight minute or less response time boundary.

**Parks**

Should the property redevelop with a residential use, payment of park dedication fees will be required.

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

There was not an error in the assignment of the current zoning districts. As described herein, the current zoning has transitioned over time based upon when the two parcels were annexed. However, the current zoning is not appropriate in the context of being along a Secondary Arterial roadway as the neither the R4 nor the RR portion of the property are of sufficient size to be subdivided and developed with the permitted single-family uses without additional residences having to take access directly from East McKinney Street, which is not permitted under the City's current subdivision and access regulations.