

Planning Staff Analysis

CA25-0002a / US 380 Corridor FLUM Amendment

City Council District #2

REQUEST:

City-initiated request to modify the Future Land Use Map on a 55.3-acre property to change the designation from Rural Areas and Low Residential to Light Industrial and Community Mixed Use.

STAFF RECOMMENDATION:

Staff recommends approval of the request 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 2.7.1D of the DDC for approval of a comprehensive plan amendment.

SITE DATA:

The various parcels comprising the subject property were annexed into the City of Denton between 1969 and 1974 for the purpose of acquiring land and access to the Elm Fork of the Trinity River. Parcels within the subject area were initially zoned Agriculture with annexation and have since transitioned to a mix of Residential 2 (R2), Residential 4 (R4), and Mixed-Use Neighborhood (MN) through adoption of the 2002 and 2019 Denton Development Codes and privately-initiated rezonings. Most of the subject area is undeveloped or single-family residential use, with a variety of commercial and industrial uses located in the Extra-Territorial Jurisdiction (ETJ) just beyond the City Limits line.

A previous Environmentally Sensitive Areas (ESA) Field Assessment verified Riparian Buffer ESA intersecting the subject area east of Trinity Road. This designation expired in 2017 and an updated ESA Field Assessment per Denton Development Code (DDC) 7.4 will be required prior to development of the affected parcels. Small portions of unassessed Riparian Buffer and Floodplain ESA may exist overlapping parts of the southern and eastern subject area boundaries. Some 200-foot buffer, Zone X and Zone AE Floodplain are identified on the 2024 FEMA Floodplain Map.

Portions of the following area roadways are included in the subject area:

- **United States Highway 380 / University Drive** is a Texas Department of Transportation (TXDOT) roadway classified as a freeway per the Denton 2022 Mobility Plan. It is currently a 6-lane divided roadway with sidewalks on both the north and south. TXDOT plans for the area include a Loop 288-US380 Connector, anticipated to be completed in 2030, approximately 0.5 miles west of the subject area and a freeway conversion of the subject roadway anticipated to be completed between 2035 and 2040.
- **Lakeview Boulevard** is a residential street per the Denton 2022 Mobility Plan and is the entrance to the Lakeview neighborhood. There are no sidewalks and borrow drainage ditches.
- **North Trinity Road** is classified as a future secondary arterial roadway per the Denton 2022 Mobility Plan. Currently, there are no sidewalks and borrow drainage ditches.
- **Riverside Drive** is a residential street per the Denton 2022 Mobility Plan. There are no sidewalks and borrow drainage ditches.

SURROUNDING ZONING AND USES:

Northwest: Zoning: US 380, Light Industrial (LI), &	North: Zoning: US 380, Residential 2 (R2), General Office (GO), & ETJ 1	Northeast: Zoning: Rural Residential (RR) Use: Parks
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Extraterritorial Jurisdiction (ETJ) 1 Use: Right-of-way (ROW) & Undeveloped	Use: ROW, Undeveloped, & Residential	
West: Zoning: LI, US 380, & Residential 3 (R3) Use: ROW & Undeveloped	SUBJECT PROPERTY	East: Zoning: US 380 & Residential 2 Use: ROW & Parks
Southwest: Zoning: R3 Use: Undeveloped	South: Residential 4 (R4) & ETJ 1 Use: Undeveloped & Industrial	Southeast: Zoning: ETJ 1 Use: 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 2.7.1D of the DDC applies to this Comprehensive Plan Amendment 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*

In 1969 and 1974, City Council approved ordinances annexing the subject property into the City Limits. The property was automatically assigned the placeholder zoning designation of Agriculture (A). This zoning evolved to a mix of Residential 2 (R2), Residential 4 (R4), and Mixed-Use Neighborhood (MN) through adoption of the 2002 and 2019 Denton Development Codes and privately initiated rezonings. This request is not intended to conflict with any prior approval and does not change the existing zoning pattern.

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 associated 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 purpose of the request is to modify the designation of 57 acres on the Future Land Use Map (FLUM) in the Comprehensive Plan. The proposal meets the criterion, as it furthers the following goals, policies, and actions outlined in 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.

Action Item 2.2: Utilize the Preferred Growth Concept Map, the Preferred Land Preservation Plan and the Future Land Use Map to guide all development review applications within the plan horizon.

Staff has received multiple inquiries for commercial development in this area, but these requests do not align with any zoning district that aligns with the current FLUM. This request removes barriers for commercial and light industrial development that is expected and typically encouraged along a growing freeway and will provide support for future privately-initiated rezoning requests so that they may be in alignment with the FLUM.

Figure 2.1: Future Land Use Map

The proposed amendment provides a logical continuation of the Light Industrial Future Land Use designation west of the subject site (shown in blue shading, right) while considering the Low Residential Future Land Use Designation within City Limits to the south of the subject area (shown in yellow, above). It therefore provides an approximately one-half mile stretch of Community Mixed Use Future Land Use designation to continue the commercial feel while simultaneously buffering intensity from adjacent single-family uses.



Proposed Future Land Use Map

To the east, beyond the Elm Fork of the Trinity River and outside of the City of Denton City Limits, the commercial development pattern supported by the Light Industrial Future Land Use designation is continued by a liquor store, auto fuel sales use, and Discount Tire.

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 Comprehensive Plan Amendment, which provides the City's policy direction, but cannot be used to modify development standards. Therefore, any future development of this site must comply with applicable standards in the DDC.

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

The request is for an amendment to Denton 2040 Comprehensive Plan FLUM and has provided sufficient detail for the subject submittal. Subsequent applications associated with development of parcels within the subject area must provide an increasing level of detail to demonstrate that the proposal will be able to meet the standards in the DDC.

5. *Compliance with Other Applicable Regulations*

This proposed Comprehensive Plan Amendment complies with all other applicable regulations. Successive applications associated with the future development of the property must also demonstrate compliance at the time of review and approval.

6. *Consistent with Interlocal and Development Agreements*

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

7. *Minimizes Adverse Environmental Impacts*

A set of potential floodplain ESAs exists onsite, nested within existing FEMA floodplain. City review of any future proposed development would require civil engineering plans and a full analysis of all site conditions, including ESAs drainage, and tree preservation. Any proposed impacts to confirmed ESAs will require approval through the Alternative ESA Plan process prior to any land-disturbing activity, resulting in possible delays and/or stoppages. Furthermore, development of the site must meet all DDC tree preservation requirements.

8. *Minimizes Adverse Impacts on surrounding Property*

The proposed revision to the Future Land Use Map minimizes adverse impacts on surrounding property. The Community Mixed Use Future Land Use designation would provide support for transitional zoning from the lower-intensity single-family use south of US380 to the US 380 freeway and Light Industrial Future Land Use designations to the east and west.

9. *Minimizes Adverse Fiscal Impacts*

No Fiscal Impact Analysis was completed for the requested Future Land Use Map amendment as no development plans or change of zoning are proposed with this project. Fiscal Impact Analyses will be completed with any future rezoning requests. It can generally be assumed that commercial and industrial development will increase revenue compared to the limited uses allowed today such as large-lot single-family homes and agriculture.

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

This proposed Comprehensive Plan Amendment is not expected to negatively impact utilities, services, or improvement standards. At the time of development, all projects must meet all applicable standards. Public utilities would need to be extended by private development.

11. *Provides Adequate Road Systems*

US 380 is classified by the Denton 2022 Mobility Plan as a freeway, and TXDOT plans for the next 15 years include major improvements that will convert the existing 6 lane, divided roadway to a freeway with separated frontage roads and provide a direct connection to Loop 288 further to the west. This request removes barriers to more compatible development along such roadway. When property within the subject area is developed, any proposed development must comply with all applicable standards to ensure adequate roads and access.

12. *Provides Adequate Public Services and Facilities*

This Comprehensive Plan Amendment request will not affect public services and facilities. Currently there is an existing 16-inch water line south of the US 380 right of way, extending to Lakeview Boulevard. No public sewer intersects with the subject area. Additional public infrastructure improvements will be needed for the area in order to service any proposed development, or development would be serviced by private water well and on-site septic systems, as feasible. When property within the subject area is developed, any proposed development must comply with all applicable standards to ensure adequate public services and facilities are available.

13. *Rational Phasing Plan*

There is no development or phasing plan associated with this Comprehensive Plan Amendment.

B. Section 2.7.1D of the DDC states that an application for a Comprehensive Plan Amendment may be approved only following a determination that the proposed amendment:

1. Is consistent with the overall purpose and intent of the Comprehensive Plan and that any one of the following criteria has been met:

a. *There was an error in the original Comprehensive Plan adoption;*

The Future Land Use Map was based upon an existing land use analysis, growth capacity, and the preferred growth concept. The designations Low Residential and Rural Areas were not an error and reflected existing conditions at the time; however, TXDOT's plans for the conversion of US380 have significantly progressed since the Plan's adoption.

b. *The City Council failed to take into account then-existing facts, projections, or trends that were reasonably foreseeable to exist in the future;*

The City Council did not fail to take into account the existing facts, projections, or trends. Staff only recently began receiving development inquiries for the subject area that were inconsistent with current zoning and the Future Land Use designations. These inquiries were likely spurred by development trends to the east of the City as well as TXDOT's planned freeway conversion and prompted staff to take a deeper look at the area and evaluate if additional uses could be appropriate in the area; hence the subject request.

c. *Events, trends, or facts after adoption of the Comprehensive Plan have changed the City Council's original findings made upon plan adoption; or*

As previously noted, facts pertaining to the subject property have changed since the adoption of the Comprehensive Plan. TXDOT's Loop 288 connector and US 380 freeway conversion projects have progressed significantly since the adoption of the

Denton 2040 Comprehensive Plan, and development interest in this corridor has increased.

- d. Events, trends, or facts after adoption of the Comprehensive Plan have changed the character or condition of an area so as to make the proposed amendment necessary*

While the proposed amendment may not be strictly necessary, it is consistent with the area's growth trends and would set the area up for more cohesive and appropriate zoning and development in the future. TXDOT's plans for US 380 will drastically change the manner in which properties take access and the type of traffic passing through the area. This amendment will remove barriers to development that is compatible with the roadway and uniform with the rest of the corridor.
- 2. In addition to the above-listed criteria, any proposed amendment is subject to the following additional review standards:*
 - a. That the amendment is not in conflict with any portion of the goals and policies of the plan.*

The proposed amendment is not in conflict with any portion of the goals and policies of the plan. The intent of this amendment is to remove barriers to development that is compatible with the existing and proposed conditions of the corridor. The Comprehensive Plan calls for compact development in conjunction with infrastructure improvements as well as preservation of the rural fringe. This amendment will open the corridor for development along the right-of-way, rather than encouraging continuation of the current conditions of development being farther setback in the ETJ where the city lacks land use authority. All future development will still be required to complete drainage studies, environmental analyses, and tree surveys and preservation plans and meet design standards set forth in the Denton Development Code.
 - b. That the amendment constitutes a substantial benefit to the city and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.*

The Comprehensive Plan identifies this area as a gateway into Denton and calls for staff to examine the area in greater detail, as this study has done. As the Future Land Use designations are today, this corridor is bound to residential and agricultural uses fronting a 6-lane roadway, which presents potential challenges such as vehicles backing out of driveways, trash trucks stopping to pick up waste, and children at play in yards adjacent to the freeway. The allowed uses in the zoning districts that are consistent with the current Future Land Use designations are inappropriate in such an area and present safety concerns to both landowners and residents of the area as well as to all motorists traversing the corridor. The proposed Comprehensive Plan Amendment would allow for commercial and industrial development that presents fewer conflicts with the existing and proposed conditions of the corridor by requiring internal drive aisles, multiple points of access, cross access, and greater site design consideration.
 - c. The extent to which the proposed amendment and other amendments in the general area are compatible with the land use goals of the plan and that they avoid creation of isolated uses that will cause incompatible community form and a burden on public services and facilities.*

The proposal is compatible with the land use goals as discussed above and would not create isolated uses. The uses allowed in the zoning districts that best align with the proposed Future Land Use designations are ones already seen to the east and west along the corridor. At the time of development, all projects must meet all applicable utility standards. Public utilities would need to be extended by private development.

- d. *That the development pattern contained in the existing plan does not provide adequate and appropriate optional sites for the use or change being proposed in the amendment.*

The existing plan provides adequate optional sites for Light Industrial and Community Mixed Use land uses throughout the City but does not provide for the type of uses typical or appropriate of a freeway corridor in the subject area.

- e. *That the impact of the amendment, when considered cumulatively with other applications and development in the general area, will not adversely impact the city or a portion of the city by:*

- i. *Significantly altering acceptable existing land use patterns;*

The amendment is not anticipated to result in undesirable land use patterns. Light Industrial and Community Mixed Use Future Land Use designations, and the zoning districts typically associated with these Land Use designations, are consistent with the existing land use pattern along this corridor and will encourage the development of compatible land uses and scale.

- ii. *Having significant adverse impacts on public services and facilities that are needed to support the current land use and that cannot be mitigated to the maximum extent feasible;*

Regardless of this amendment, TXDOT proposes to convert the US380 corridor in this area to a controlled-access freeway with service roads. At the time of development, all projects must meet all applicable utility standards. Public utilities would need to be extended by private development at such time as those developments occur.

- iii. *Adversely impacting environmentally sensitive areas or resources; or*

The proposed modification to the Future Land Use Map would not limit the City's ability to regulate tree preservation, stormwater, and development activity within Environmentally Sensitive Areas.

- iv. *Adversely impacting existing uses because of increased traffic on existing systems.*

Existing uses in this corridor include some residential property, undeveloped property, and commercial and industrial uses in the adjacent ETJ that take access through the subject area that have been in place long before the current Future Land Use Map or zoning was put in place. This amendment proposes Community Mixed Use Future Land Use designation for and adjacent to existing residential property to provide a transition from residential uses to industrial uses to the east and west.

Regardless of this amendment, TXDOT proposes to convert the US380 corridor in this area to a controlled-access freeway with service roads. This will support the proposed Future Land Use Map amendment by allowing for safer ingress and egress to private properties.

- f. That site conditions, including but not limited to topography, utility corridors/easements, drainage patterns, noise, odors, or environmental contamination, would make development under the current plan designation inappropriate.*

The following site conditions related to the subject property could limit the development of the site under the current designation:

- **Zoning:** Under the current Future Land Use designations, appropriate zoning districts are limited to low residential zoning districts and agriculture. These zoning districts and permitted uses are no longer appropriate for this corridor as the property fronts a high-speed roadway that is set to be converted to a freeway over the next decade. Recent development in the area and development inquiries include commercial and light industrial uses that are much better suited to this type of corridor.
- **Access:** The adopted Design Criteria Manual prohibits residential property from taking access off a freeway roadway, but TXDOT may grant exceptions when that is the only option for access. Under the current plan designation, uses are significantly limited to residential and rural uses, forcing development under the current plan designation to be afforded unsafe access. While the currently permitted single-family rural residences on individual lots would not be required to share driveway access, the types of uses that would be supported by the proposed FLUM designations have different design requirements that would enable staff to require shared driveways and cross-access conditions more appropriate for a freeway service road.
- **TXDOT Improvements:** Regardless of this amendment, TXDOT proposes to convert the US380 corridor in this area to a controlled-access freeway with service roads. The current Future Land Use designations of Rural Areas and Low Residential are not appropriate directly adjacent to such type of corridor.