

Planning Staff Analysis

Z26-0003b / Rifkin Addition Rezoning

City Council District #2

REQUEST:

Rezone approximately 9.487 acres of land to a Residential 1 (R1) Zoning District.

STAFF RECOMMENDATION:

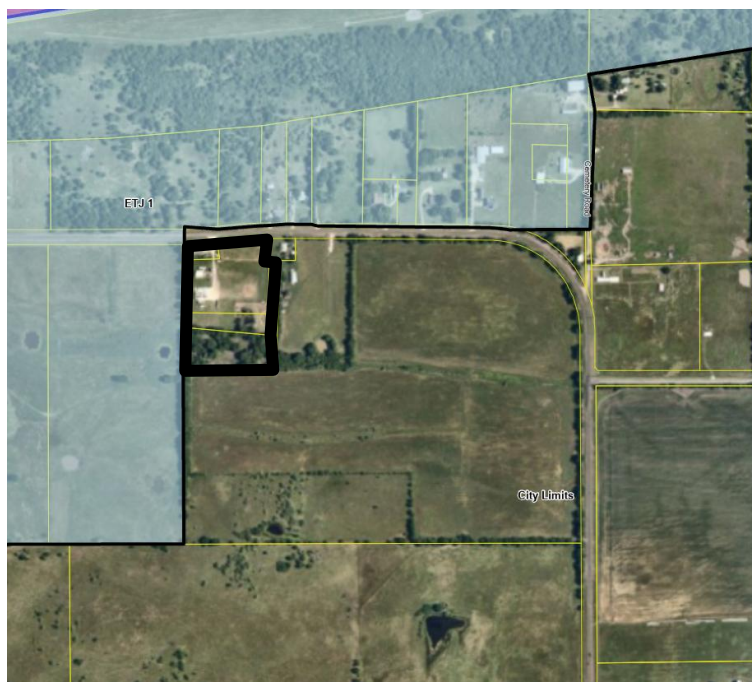
Staff recommends **approval** of the rezoning of approximately 9.487 acres of land to a Residential 1 (R1) Zoning District as it complies with the criteria in Section 2.4.5.E of the Denton Development Code (DDC) for approval of all applications, and Section 2.7.2.D of the DDC for approval of a Zoning Map Amendment (Rezoning).

SITE DATA:

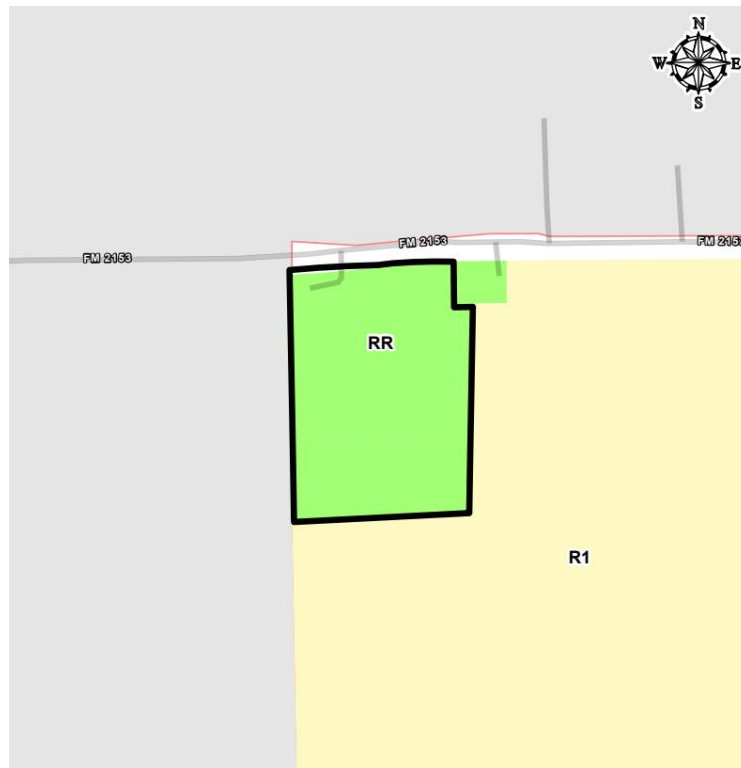
The subject property currently contains a single-family dwelling, so subdivision to create a second lot is necessary in order to construct a second single-family dwelling on the property. The DDC limits residential lots to one dwelling unit per lot, with the exception of an Accessory Dwelling Unit (ADU) – and the second home the applicant wishes to construct would be larger than allowed for an ADU. Because the 9.487-acre subject property is not quite large enough to plat two lots that both meet the Rural Residential (RR) minimum lot size requirement of 5 acres, the applicant is requesting to rezone to R1, which has a minimum lot size requirement of 32,000sf, to plat a second lot and build the proposed second single-family dwelling.

The subject property was annexed into the City in 2008 along with several other properties in this area of the City. Following annexation, the property was assigned the placeholder zoning designation “RD-5X” (Rural Residential) under the 2002 Denton Development Code (DDC), which also had a minimum required lot size of 5 acres. The zoning of the property transitioned to RR with the adoption of the 2019 DDC. Surrounding development along FM 2153 is consistent with the large-lot residential pattern typically found in peripheral areas of the City.

The subject property is on the south side of FM 2153, a future secondary arterial.



SURROUNDING ZONING AND USES:



Northwest: FM 2153 Zoning: Extraterritorial Jurisdiction (ETJ)/Lake Ray Roberts zoning (Agriculture) Use: Agricultural/Undeveloped	North: FM 2153 Zoning: Extraterritorial Jurisdiction (ETJ)/ Lake Ray Roberts zoning (Agriculture) Use: Single-family and Agricultural/Undeveloped	Northeast: FM 2153 Extraterritorial Jurisdiction (ETJ)/ Lake Ray Roberts zoning (Agriculture) Use: Single-family and Agricultural/Undeveloped
West: Zoning: Extraterritorial Jurisdiction (ETJ)/ Lake Ray Roberts zoning (Agriculture) Use: Single-family and Agricultural/Undeveloped	SUBJECT PROPERTY	East: Zoning: R1 and RR Use: Single-family and Agricultural/Undeveloped
Southwest: Extraterritorial Jurisdiction/Non-Annexation Agreement Use: Single-family and Agricultural/Undeveloped	South: Zoning: R1 Use: Agricultural/Undeveloped	Southeast: Zoning: R1 Use: Agricultural/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 for zoning requests.

2. *Prior Approvals*

On February 18, 2008, City Council approved an ordinance annexing the subject property into the City Limits. The property was automatically assigned the placeholder zoning designation of Rural Residential (RD-5X) which transitioned to Rural Residential (RR) with the adoption of the 2019 Denton Development Code.

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

The decision-making authority:

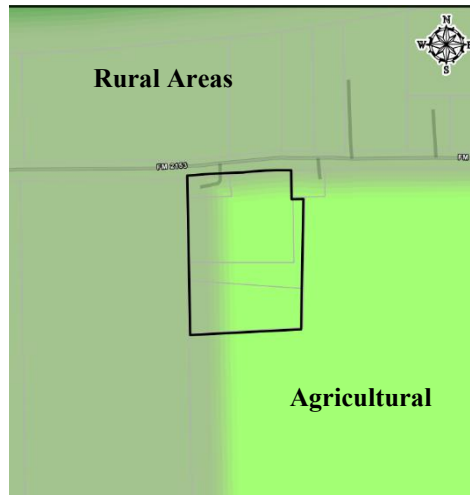
- a. Shall weigh competing goals, policies, and strategies.*

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

Per the Future Land Use Map in the Comprehensive Plan, the subject property is designated primarily as Agriculture, but also partly as Rural Areas (see image below and provided as Exhibit 5). The description for these two Future Land Use designations are provided below:



Agricultural

This category denotes areas that have large tracts of land in active agriculture uses for preservation, including rangeland, field crops, and other similar agricultural uses. This may also include rural commercial uses, alternative energy generation, and accessory structures to support agricultural uses and uses that support agritourism. This category may include large lot residential (a maximum of one unit per ten acres). This land use may allow lots as small as one acre under the gross density provision to allow for conservation development which clusters smaller lots while permanently protecting scenic rural open space (through conservation easements). Residential development in this future land use category will continue the present character of the rural and agricultural areas of Denton with low-profile homes of no greater than two stories, generous lots and setbacks, and materials that complement the natural surroundings and ranch heritage.

Rural Areas

This category includes farms and ranches as the predominant use along with rural residential (a maximum of one unit per five acres) and rural commercial including feed stores, farm equipment, etc. This land use may allow lots as small as one acre under the gross density provision to allow for conservation development which clusters smaller lots while permanently protecting scenic rural open space (through conservation easements). This land use may also include single-family homes on large lots, which are suited for areas on the periphery of the city that complement a more suburban type of development. Development in this future land use category will continue the present character of the rural areas of Denton with low-profile homes of no greater than two stories, generous lots and setbacks, and materials that complement the natural surroundings and ranch heritage.

Discussion

While the proposed R1 Zoning District allows for smaller lot sizes, and potentially more units per five acres (approximately 6 units per 5 acres) than called for in the Comprehensive Plan, the rezoning request is consistent with surrounding development which includes a mix of lot sizes.

Additionally, a minimum lot size of 1 acre is required when a property contains a septic system, and a minimum of 2 acres is required if the property would also be served by water well. Sewer utilities are not available in this area, which would limit the further subdivision of this land to 1-acre lots at most. The applicant intends to subdivide the property into two lots and construct one additional single-family home on the new second lot, in addition to the single-family home existing on the property now, which would remain on its own lot. Two single-family homes, each on large lots of at least 1 acre, is consistent with the development patterns in the surrounding area. The proposed request is generally consistent with the goals, policies, and actions of the Comprehensive Plan and with the Future Land Use Designations of Agricultural and Rural Areas.

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 property. All subsequent 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, 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, a detailed review of all required plat, 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 property.

7. *Minimizes Adverse Environmental Impacts*

There are no environmentally sensitive areas (ESA) on the subject property. Any development of the subject property would be subject to the City's standards for tree preservation, stormwater, and landscaping to ensure environmental impacts are minimized.

8. *Minimizes Adverse Impacts on surrounding Property*

The proposed rezoning to R1 is consistent with the surrounding zoning and development patterns in the area.

Following the recent rezoning of the Craver Ranch Estates property, the surrounding zoning to the east and southeast is primarily also R1. There is an adjacent RR-zoned lot which is actually smaller than the RR minimum lot size. The rezoning is also compatible with the current pattern of residential uses on larger lots and limited agricultural uses mostly on lots in the ETJ along the FM 2153 Corridor. Although located in the ETJ, surrounding properties to the north and west also fall within the County's Lake Ray Roberts zoning area. Immediately adjacent properties are zoned Agriculture with a 10-acre minimum lot size, but other nearby properties are zoned Residential with 1- and 2-acre minimum lot sizes.

The proposed rezoning would allow for subdivision of the subject property and the development of a new single-family detached dwelling, in a way that is similar to the current development of surrounding properties. It potentially allows for greater density, but given 1-acre minimums for septic (or a minimum of 2 acres is required if the property would also be served by water well), any increased density would still be at a level common to more rural areas on the periphery of the City.

9. *Minimizes Adverse Fiscal Impacts*

This proposed rezoning is not anticipated to create adverse fiscal impacts as it is located adjacent to an existing roadway, and the property is an appropriate lot size to be served by on-site septic and either a water well or by the extension of a water line at the cost of the developer.

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

This proposed rezoning will not affect utilities, services, or improvements. When the site is developed, it will be reviewed to ensure compliance with all applicable standards.

a. *Provides Adequate Road Systems*

The subject property has frontage on FM 2153, a proposed future secondary arterial street owned and maintained by TxDOT.

b. *Provides Adequate Public Services and Facilities*

The proposed rezoning is not anticipated to negatively impact public services and facilities due to the limited increase in the permitted number of lots and uses available to the property under the R1 District and current utility availability.

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 in 3.b above, the proposed zoning of R1 District is consistent with the Denton 2040 Comprehensive Plan and will permit the development of compatible uses at a scale which corresponds to the existing development pattern.

- 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 3.5.2A of the Denton Development Code:

Per Section 3.2.2A, “The R1 District is intended to preserve existing single-family neighborhoods and to ensure that any new development promotes conservation of scenic rural open space and is compatible with existing land uses, patterns, and design standards. The R1 district can be used as a transitional district between rural development and large lot residential neighborhoods.”

The requested R1 District is consistent with the purpose statement, allowing for the subdivision of the subject property to enable the development of a second single-family detached dwelling that conserves rural open space. Additionally, the R1 District would not introduce new uses or significantly different patterns to the area.

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

The recent rezoning of the adjacent, over 200-acre, property from RR to R1, as part of the Craver Ranch Estates rezoning is indicative of future development in the vicinity of the subject property. The lots developed in this area are expected to be denser and closer in size to the R1 minimum lot size of 32,000sf than the RR minimum size of 5 acres. The subject property is zoned RR District; rezoning to R1 would bring it into alignment with the recent rezoning of the property to the south.

Rezoning to an R1 District would be consistent with the current and future zoning pattern and surrounding land uses, by providing the opportunity to build a second single-family detached dwelling on a large lot while still promoting conservation of scenic rural open space, meeting the policies and goals of the Denton 2040 Comprehensive Plan, while also aligning with the recent rezoning of adjacent property from RR to R1.

Additionally, it is important to note that the rezoning would not introduce new uses to the area. There are residential uses and zoning surrounding the subject property.

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

Transportation

The scope includes the proposed future development of a second single-family detached dwelling, following subdivision of the property. The property has access from FM 2153. Therefore, the proposed future development is not expected to create significant adverse impacts to current transportation levels in the surrounding area and/or neighborhood.

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 at the time of development and are used to make roadway system improvements related to the 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

The subject property is located in Sanger Independent School District. The proposed development of a second single-family detached dwelling unit is not anticipated to generate a significant impact on area schools.

Parks

The subject property is located approximately 5.6 miles from Clear Creek Nature Preserve. This distance does not meet the Park Department's goal of a 10-minute walk to a park; however, there is expected to be a substantial amount of park space provided in the nearby Craver Ranch development that would allow this property to meet this goal in the future.

Water and Wastewater

Public water and public wastewater service are not available, though public water may be close enough to be extended to this property. The subject property can be served by on-site septic and, if public water was not extended, by a water well.

Nearest Fire Station

The subject property is approximately 8.2 miles from Denton Fire Station 4 (2116 E Sherman Drive), which is outside the eight minutes or less response time boundary; however, there a new fire station is planned within the nearby Craver Ranch development that would allow this property to meet this goal in the future.

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

There was not an error in the assignment of the current zoning district, which transitioned from the placeholder designation of RD-5X assigned to this property and many others in the area following their annexation into the City in 2008. The RD-5X designation required the same 5-acre minimum lot size as the current RR District. However, to meet current standards of the Denton Development Code, the property must be rezoned to a district with a smaller minimum lot size to allow the property to be platted into two lots to enable the construction of a second single-family detached dwelling in the future. Therefore, the existing RR District is no longer appropriate, and the R1 District dimensional and development standards are consistent with the surrounding area.