



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

ACM: Cassey Ogden

DATE: June 26, 2024

SUBJECT

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas regarding a change in the zoning district and use classification on approximately 52.589 acres of land from the Residential 6 (R6) District to an Overlay Planned Development – Light Industrial (PD-LI) District. The site is generally located north of Blagg Road, approximately 800 feet east of Geesling Road, in the City of Denton, Denton County, Texas; adopting an amendment to the City’s official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing for severability and an effective date. The Planning and Zoning Commission voted 4-1 to recommend approval of the proposed amendment. Motion for approval by Commissioner Cole and second by Commissioner Pruett. (PD24-0005c, Walker Geesling, Mia Hines). <https://dentontx.new.swagit.com/videos/308987?ts=4174>

BACKGROUND

The applicant, Aimee Bissett with 97 Land Company, on behalf of the property owners, John Powell Walker Et. al., is requesting to rezone approximately 52.589 acres from the Residential 6 (R6) District to a new Overlay Planned Development (PD) with a Light Industrial (LI) base zoning district (PD-LI). The PD Overlay is intended to impose conditions upon future development of the subject property to address concerns heard from neighboring residential property owners regarding separation and screening between their properties and future industrial development. More details regarding the overlay conditions are given below, and Exhibit 7 details the proposed PD Development Standards.

There are existing easement encumbrances for overhead electric transmission and underground gas pipeline that would create challenges for the development of the subject property under the current residential zoning. Within the last five years, the City has approved two zoning changes for LI zoning on different portions of the western side of the approximately 86.07-acre parent tract to facilitate the development of a warehouse/distribution center which has not yet come to fruition (refer to ordinances Z20-0014c and Z21-0010a). Regarding this request, the applicant has indicated an intent to develop the property with a similar use along with the western portion of the parent tract that already has LI zoning, but there are currently no pending developments on the subject site.

While the applicant has stated it is their intention to construct a warehouse use, if the requested LI zoning is approved then the site could still be developed with any use permitted under the LI District (see Exhibit 8 for a complete list of uses). Should the applicant move forward with the necessary submittals for the construction of a warehouse development, the use would be permitted by right within the LI District provided the proposed development complies with the specific requirements being proposed as part of this zoning change, the general requirements of the Denton Development Code, and the applicable criteria manuals at the time of platting, civil engineering, and zoning compliance plan submissions, most of which would apply regardless of the proposed use.

The applicant is requesting the PD-LI district to ensure the proposed rezoning and subsequent development are compatible with both the surrounding neighborhood and the Light Industrial context of this area. The DDC was recently amended in 2022 to allow for PD districts specifically for this purpose; in this case the applicant is requesting the Overlay PD which allows for development standards and uses to be modified without necessitating a Development Plan, which is otherwise required for a Standard PD. Per the DDC, an Overlay PD may be used to restrict or expand the uses permitted within a base zoning district, impose additional use-specific standards, and/or modify setbacks, landscaping, screening, or buffering requirements adjoining residential uses or less intensive land uses. The proposed overlay would require an increase in the minimum side yard setback and minimum landscape compatibility buffer between any proposed development of the subject property and the abutting single-family residential properties (including those within the adjacent ETJ). Additionally, the proposed overlay would require that an ESA Field Assessment be conducted and approved during the review of the Zoning Compliance Plan for subsequent development applications. These standards are outlined in Exhibit 7 and summarized in the table below. For standards not specified in the PD Regulations, the applicable LI development standards within the DDC would apply.

| Standard | LI District | Proposed PD-LI District |
|----------------------------------|--|---|
| Side Yard Setback (DDC 3.5.2) | Minimum 5 feet; buildings adjacent to a residential zoning district shall comply with DDC 7.10.6 | Minimum 250 feet from residential zoning districts and neighboring ETJ properties located to the east and south |

| | | |
|---|---|--|
| <i>Building Height (DDC 3.5.2)*</i> | <i>Maximum 75 feet</i> | <i>Maximum 55 feet</i> |
| Land Use Compatibility Buffer adjacent to SFR (DDC 7.7.6) | Minimum 30 feet with 50 points from DDC Table 7.E | Minimum 50 feet with 50 points from DDC Table 7.E adjacent to residentially zoned properties and neighboring ETJ properties to the east and south |
| <i>Use Restrictions*</i> | <i>Uses as listed in Exhibit 9</i> | <i>Prohibit the following land uses: Automotive Fuel Sales Automotive Repair, Major Automotive Repair, Minor Travel Plaza Hotel Motel Parking Lot as a Principal Use</i> |

**Information in italics was added to this table after the posting of the June 12, 2024 Planning and Zoning Commission agenda based upon feedback from neighboring property owners.*

The proposed PD-LI zoning allows for a range of light industrial land uses to be developed in a context-sensitive manner consistent with both the Light Industrial and Low Residential Future Land Use designations that transition in this area. A full Staff Analysis of the proposed Planned Development, including a further analysis of the proposed standards, is provided in Exhibit 2.

PLANNING & ZONING COMMISSION

At the June 12, 2024 Planning and Zoning Commission meeting, five (5) members of the public spoke during the hearing; two indicating opposition to the project and three who provided comments but did not indicate if they were in opposition to the request. The applicant agreed to add additional conditions to the proposed Overlay PD in response to the comments made by

neighboring residents during the public hearing. In summation, residents spoke concerning the mitigation of drainage impacts, the prohibition of incompatible land uses, and the preservation of the existing tree canopy and natural landscape of the Environmentally Sensitive Areas (ESA) within and around the subject property. Staff concurred that the additional conditions regarding prohibited land uses and the preservation of the natural landscape within the buffer are appropriate for the proposed PD Overlay. However, Staff did not support the applicant's offered prohibition against an Alternative ESA Plan given this tool provides the option to address ESA regulations in a manner that should result in a higher-quality development and use of an Alternative ESA may be needed once a full drainage analysis is completed in order to help address the concerns of neighboring residents about drainage flow from the subject property.

After the closure of the public hearing, the Planning and Zoning Commission voted to continue this item to a date certain of June 26, 2024 to allow staff the time to draft and add those additional conditions to the proposed PD Development Regulations. Accordingly, Staff presented revised PD Regulations at the June 26th meeting (see Exhibit 7) reflecting additional land use restrictions and further encouraging the preservation of the natural buffer abutting existing residential properties.

At the June 26, 2024 Planning and Zoning Commission meeting, four owners of nearby properties spoke again concerning the mitigation of drainage impacts. Staff clarified that the intent of this request is to establish appropriate zoning and entitle the property for the context-sensitive development of appropriate land uses on the subject property, consistent with the Denton 2040 Future Land Use Map. All subsequent development, regardless of the outcome of this rezoning request, will be required to comply with City and State drainage requirements, which would be demonstrated at a later point in the development process via engineering studies of the existing conditions and engineering plans for the proposed development(s).

Additionally, one of the speakers expressed concerns about a frontage road and retaining wall adjacent to the parent tract's US 380 frontage as reflected in the latest TxDOT plans for the Loop 288 to US 380 connector. Currently, the parent tract's approximate 550 feet of frontage along US 380 contains two drive approaches that may be utilized given the current conditions of US 380 provided these drives meet City and TxDOT standards for driveways and approaches. Additionally, the parent tract has approximately 450 feet of frontage onto Geesling Road, which is anticipated to become a signalized intersection with US 380, and, with the adoption of this PD, large truck traffic exiting the subject property would not be permitted onto Blagg Road. Future developments will be required to submit data on anticipated vehicular trip generation and distribution and contribute their share of roadway improvements accordingly. It is important to note that TxDOT's plans are preliminary (60% design), and the City will continue to coordinate with TxDOT, monitoring the timing of this plans in relation to proposed development on the subject property and other properties in the area regardless of the results of this request. Additionally, City staff will be evaluating the current Mobility Plan classification of Blagg Road to determine how/if the road could be further restricted to discourage large truck traffic.

The Planning and Zoning Commission voted [4-1] to recommend approval of the request. The Commissioner who voted in opposition cited traffic and environmental concerns as the reasons for opposing the request.

OPTIONS

1. Approve
2. Approve Subject to Conditions
3. Deny
4. Postpone Item.

RECOMMENDATION

The Planning and Zoning Commission voted [4-1] to recommend approval of the request.

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 2.7.3.D of the DDC for approval of a zoning change to an Overlay PD District.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

| Date | Council, Board, Commission | Request | Action |
|------------------|------------------------------|---|----------------------------|
| January 21, 1986 | City Council | Annexation (Ordinance 86-22) & Agriculture Zoning | Approved |
| 2002 | City Council | Rezone from Agriculture to Neighborhood Residential 6 NR-6 (Citywide) | Approved |
| April 23, 2019 | City Council | Rezone from NR-6 to R6 (Citywide) | Approved |
| November 6, 2019 | Planning & Zoning Commission | Preliminary Plat (PP19-0004) for a single-family subdivision on 86 acres (including the subject property) | Approved |
| June 12, 2024 | Planning & Zoning Commission | Rezone from R6 to PD-LI | Continued to June 26, 2024 |
| June 18, 2024 | City Council | Rezone from R6 to PD-LI | Continued to July 16, 2024 |
| June 26, 2024 | Planning & Zoning Commission | Rezone from R6 to PD-LI | Recommended Approval |

PUBLIC OUTREACH:

Twenty-one notices were sent to property owners within 200 feet of the subject property, and twenty-four postcards were mailed to current residents within 500 feet of the subject property. As of the writing of this report, the City has received three written responses to this request (see Exhibit 11).

A notice was published in the Denton Record Chronicle on May 26, 2024 and again on June 2, 2024.

A notice was published on the City's website on May 23, 2024 and again on May 30, 2024.

Three (3) signs were posted on the property by May 30, 2024.

The applicant held two virtual neighborhood meetings on May 23, 2024. Several neighboring property owners attended the meetings seeking additional information about the site design and development details of any pending development plans from the applicant. The applicant reaffirmed that there is no pending development at this time and talked through their proposed overlay standards that might further assist in mitigating adverse impacts on neighboring properties should the subject property develop; those standards are reflected in the proposed PD-LI request.

DEVELOPER ENGAGEMENT DISCLOSURES

No Developer Engagement Disclosures have been provided to staff by the members of this body as of the issuance of this report.

EXHIBITS

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Staff Analysis

Exhibit 3 - Site Location Map

Exhibit 4 - Existing Zoning Map

Exhibit 5 - Future Land Use Map

Exhibit 6 - Proposed Zoning Map

Exhibit 7 - PD Development Standards

Exhibit 8 - Table of Allowed Uses

Exhibit 9 - Fiscal Impact Summary

Exhibit 10 - Notification Map, Sign Posting Affidavit, & Public Responses

Exhibit 11 - Draft Ordinance

Exhibit 12 - Presentation

Respectfully submitted:

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Deputy Director of Development Services/
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Prepared by:

Mia Hines, AICP

Senior Planner