



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: December 5, 2023

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 from Planned Development (PD) District to Suburban Corridor (SC) District on approximately 1.09 acres of land, generally located east of Teasley Lane (FM 2181), approximately 440 feet south of the intersection of Teasley Lane (FM 2181) and Robinson 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 a severability clause and an effective date. The Planning and Zoning Commission voted [5-1] to recommend approval of the request. Motion for approval by Commissioner Smith and second by Commissioner Cole. (Z23-0012a, Teasley Commercial Building, Sean Jacobson)

<https://dentontx.new.swagit.com/videos/281199?ts=3465>

BACKGROUND

The applicant Edgar Medina of MAS Civil Engineers, representing Lan Wheeler Ridge, LLC, the property owner, is requesting to rezone 1.09 acres from Planned Development (PD) to Suburban Corridor (SC) to facilitate a commercial development. The subject property is currently vacant but does contain both a drive aisle and utility infrastructure that connect to the adjacent commercial lots to the north and south. The subject lot is completely surrounded by either developed commercial lots or right-of-way.

The subject property is part of an overall 167.477-acre area that was annexed, given temporary Agricultural (A) zoning, and then rezoned to a Planned Development (PD) in 1999 to create the Wheeler Ridge PD (PD 176). Within PD 176, the subject property is part of a smaller area that was designated for commercial development in the original PD 176 Concept Plan adopted in 1999. This area was further refined as a 9.08-acre commercial area in ordinance 2000-216, which connected PD 176 with other nearby PDs (PD 170 and PD 172) in 2000.

PD 176, in accordance with the 1991 Denton Development Code standards for PDs in place at the time, required that any lot within a PD have both a Concept Plan and a Detail Plan approved through the public hearing process in order for the lot to develop.

Since 1999, various Concept Plans for the 9.08-acre commercial area have been adopted and amended by ordinance; the most recent of which, PDA15-0003, approved in September 2015, is the Concept Plan which currently applies to the subject lot. These Concept Plans provide a high-level overview of which uses are intended to occur where within a PD but do not provide for the detailed site layout and design, which is the purpose of the Detail Plan. Detail Plans have been approved and/or amended for all other lots within the 9.08-acre commercial area. In line with those approved Detail Plans, all of the other lots in the 9.08-acre

commercial area have now been developed, which has resulted in the placement of infrastructure and easements on the subject lot, thereby influencing how development of the subject lot can be arranged.

While the PD process does ensure that any proposed development of the site will require submittal of a Detail Plan PD amendment, containing full site and façade plans, for P&Z and City Council approval, the PD and subsequent Concept Plans also vest the property in a mix of older development standards, including the following:

- 1998 Landscape Code,
- 1991 Table of Allowed Uses (as updated through 1999), and
- 2003 parking standards.

These older codes provide less-robust landscape standards, including having no street tree requirements, and allow uses by right which may not be appropriate in this location, such as Car Sales (New or Used), Heavy Machinery Sales and Storage, Commercial Laundry Plant, and Dormitory/Boarding/Rooming House. See Exhibit 8 for a comparison of major permitted uses in the PD and SC District.

Moreover, while important at the time of adoption, the exterior building materials requirements of PD 176 cannot be applied, due to subsequent changes in state law. Additionally, conditions that were attached to the approval of the two most recent Concept Plans applicable to the subject property (PDA10-0004 and PDA15-0003) have either been satisfied or do not directly apply to the subject lot; therefore, no previously approved conditions would be lost with the proposed change to straight SC zoning.

The applicant is now proposing to rezone the site out of the PD into a zoning district, Suburban Corridor, which has similar dimensional standards to the PD and which would permit a similar mix of uses as the PD (see Exhibit 8). This rezoning to SC would ensure that all 2019 DDC standards would need to be met by future development on the site. In addition, the Suburban Corridor district does not permit the potentially concerning uses listed in the previous paragraph that are allowed within the PD. This change will also apply current DDC parking standards, which provide generally lower parking minimums and more flexibility to reduce parking, while restricting an applicants' ability to overpark a site, to all future development.

While providing the developer the freedom to develop through the standard DDC processes instead of the PD Concept Plan and Detail Plan process that requires public hearings, rezoning the subject property from PD to SC will ensure that any future use on the subject property will develop in accordance with the provisions of the 2019 Denton Development Code, including the current landscape and parking standards, rather than the mix of older standards currently applicable to it under PD-176 as noted above.

Further discussion of the requested zoning change and the consistency of this request with the goals of the Comprehensive Plan is provided along with a full Staff Analysis in Exhibit 2.

PLANNING AND ZONING COMMISSION

On November 15, 2023 the Planning and Zoning Commission held a public hearing and recommended approval of the zoning change [5-1]. The Commission asked questions regarding the reasoning for and the potential impacts of removing the subject property from the Planned Development (PD) District. Staff explained that removing the property from the PD district would enable application of current development standards. Staff discussed that research was done to ensure no conditions of approval still applied and that current DDC standards meet or exceed the development standards of the PD. No members of the public spoke at the public hearing.

OPTIONS

1. Approve
2. Deny
3. Continue the Item

RECOMMENDATION

The Planning and Zoning Commission voted [5-1] to recommend **approval** of the zoning change 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 2.7.2.D of the DDC for approval of a zoning change.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Date	Council, Board, Commission	Request	Action
1999	City Council	Annexation and temporary zoning of property as Agricultural (A)	Approval
1999	City Council	Rezoning of property from A to Planned Development (PD 176)	Approval
2000	City Council	Detail Plan for Residential Development on parts of PD 176, 170, and 172	Approval
2009	City Council	Concept Plan Amendment for 9.08-acre commercially-designated area containing the subject property	Approval
2010	City Council	Concept Plan Amendment for 9.08-acre commercially-designated area containing the subject property	Approval
2015	City Council	Concept Plan Amendment for 9.08-acre commercially-designated area containing the subject property	Approval
2019	City Council	Property maintained as a Planned Development as part of citywide rezoning	Approval

2023	Planning & Zoning Commission	Rezoning of property from Planned Development (PD) to Suburban Corridor (SC)	Recommend Approval
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PUBLIC OUTREACH:

Twenty notices were sent to property owners within 200 feet of the subject property. 167 courtesy notices were sent to resident and utility customer addresses within 500 feet of the subject property. As of the writing of this report, no responses have been received.

A notice was published in the Denton Record Chronicle on November 18, 2023.

A notice was published on the City's website on November 15, 2023.

One sign was posted on the property on November 3, 2023.

The applicant held a neighborhood meeting on November 6, 2023. No neighbors attended.

DEVELOPER ENGAGEMENT DISCLOSURES

No developer contact disclosures have been provided to staff from 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 - Proposed Zoning Map

Exhibit 6 - Future Land Use Map

Exhibit 7 - Fiscal Impact Summary

Exhibit 8 - Comparison of Allowed Uses, Dimensional Standards, and Landscape-Tree Canopy Standards

Exhibit 9 - Notification Response Packet

Exhibit 10 - LLC Members List

Exhibit 11 - Draft Ordinance

Exhibit 12 - Staff Presentation

Respectfully submitted:

Tina Firgens, AICP

Deputy Director of Development Services/
Planning Director

Prepared by:

Sean Jacobson

Associate Planner