

Planning Staff Analysis

Z24-0010a / Metal Towns Rezoning RR to LI

City Council District #3

REQUEST:

Rezoning of approximately 16 acres from Rural Residential (RR) Zoning District to a Light Industrial (LI) Zoning District.

STAFF RECOMMENDATION:

Staff recommends **approval** of the rezoning of approximately 16 acres from RR Zoning District to a LI 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). The Planning and Zoning Commission voted [5-0] to recommend approval of the request. Motion for approval was made by Commissioner Padron and seconded by Commissioner Thaggard.

SITE DATA:

The subject property was annexed into the City in 2010 along with many other parcels contained within an approximately 1,472-acre area generally located west of I-35 North, south of FM 1173, and north of US 380 that was intended for annexation into the City at that time. Following annexation, the property was assigned Rural Residential (RD-5X) as a place holder zoning designation. In 2019 the zoning of the property transitioned to RR District with the adoption of the 2019 DDC. The applicant has submitted conceptual plans demonstrating the intent to develop the subject property with commercial and industrial (retail and warehouse) uses. Due to the size of the retail portion, a Specific Use Permit (SUP) will be required if the developer moves forward with the plan as proposed.

The property owner, Linken Real Estate, acquired the property in 2021, and has submitted a zoning change request to allow for the development of commercial (retail) and industrial (warehouse) uses. Should this zoning change be approved, any use permitted in the LI District could be developed on the property. The LI zoning district permits a variety public, institutional, commercial, and industrial uses by right and with the approval of a SUP. See Exhibit 9 for the complete table of allowed uses.

The subject site is generally located 446 feet east of Masch Branch Road, 1,156 feet west of Lovers Lane, and to the south of Farm to Market (FM) 1173. Per the City's 2022 Mobility Plan, FM 1173 is classified as a Primary Arterial. FM 1173 is an east-west roadway and is intended to be realigned eastward from the property, tying into Barthold Road, and providing regional connectivity to Interstate 35. Both Masch Branch Road and Lovers Lane run north-south and are classified as Secondary Arterials per the 2022 Mobility Plan. The property is undeveloped at this time and has approximately 521 feet of frontage on FM 1173.

The City's maps reflect an area of unassessed Riparian Buffer Environmentally Sensitive Area (ESA) on the western side of the property. Prior to development of the property, this feature will be required to be assessed to determine if it meets the criteria to qualify as Riparian Buffer ESA, in which case protection of the area will be required in accordance with the DDC. This potential ESA is discussed in more detail in the considerations below.



SURROUNDING ZONING AND USES:

Northwest: Zoning: FM 1173 right-of-way and Extra-Territorial Jurisdiction Division 1 (ETJ-1) Use: Undeveloped Pasture	North: Zoning: FM 1173 right-of-way and ETJ-1 Use: Undeveloped Pasture	Northeast: Zoning: FM 1173 right-of-way and ETJ-1 Use: Undeveloped Pasture
West: Zoning: City of Krum - zoned Planned Development Retail Use: Veterinary Office	SUBJECT PROPERTY	East: Zoning: Non-Annexation Agreement/ ETJ-1 Use: Single Family Residence
Southwest: Zoning: City of Krum - zoned Multi-Family 15 Use: Fourplex	South: Zoning: Public Facilities (PF) Use: Electrical Substation	Southeast: Zoning: PF Use: Electrical Substation

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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 May 4, 2010, the subject property was annexed into the city. There were no terms and conditions associated with this past approval, and there have been no additional approvals since the annexation, at which time the Rural Residential placeholder zoning was applied to the property.

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.

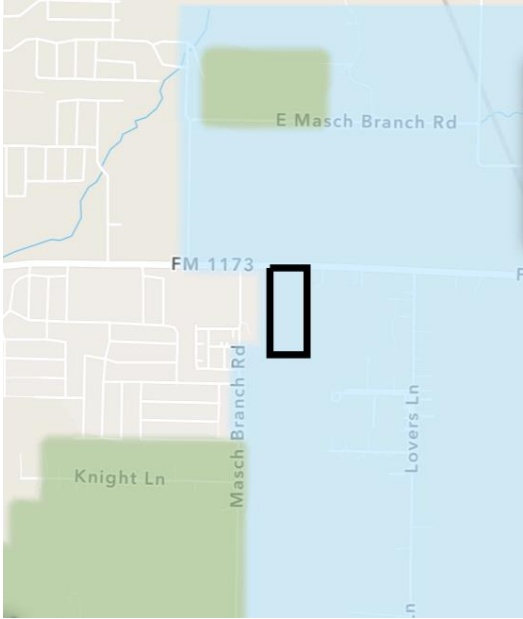
- b. *May approve an application that furthers the overall goals of the Comprehensive Plan even if the development does not match the future land use designation in the Comprehensive Plan.*

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Although much of the land use policies in the Denton 2040 Comprehensive Plan focus on infill development, the Community Vision Statement regarding sound growth acknowledges that on the rural fringes of the City the desire is to see “Contiguous, staged growth which is fiscally and environmentally sound, reduces fragmentation and sprawl, discourages premature development, and conserves the City’s future growing room”. The Land Use Element of the Comprehensive Plan supports rational, staged development in the fringe areas, and has been developed to implement the long-range vision of the community. The proposed rezoning request is situated in close proximity to FM 1173, Masch Branch Road, and Interstate 35 North (I-35N), and although this part of the City of Denton still has a more rural character, in recent years, warehousing and other light industrial uses have become more common along the I-35N and FM 1173 corridors. Additionally, the property is adjacent to the City of Krum. FM 1173 serves as the primary entrance into Krum from the I-35N corridor, and the area around the Masch Branch Road/FM 1173 intersection features a significant amount of single-family development and has many parcels zoned for commercial and multifamily development. The proposed zoning change would provide for additional commercial and/or light industrial uses along a major corridor connecting Denton and Krum, which provides access to employment and retail opportunities for residents of both communities.

Furthermore, the rezoning request is consistent with Action Item 2.2.2: Revise zoning districts for consistency with future land use designations as further detailed below.

Future Land Use



Per the 2040 Comprehensive Plan Future Land Use Map, the subject property is designated as a Light Industrial area (see inset image and provided as Exhibit 5). The description for the Future Land Use designation is provided below:

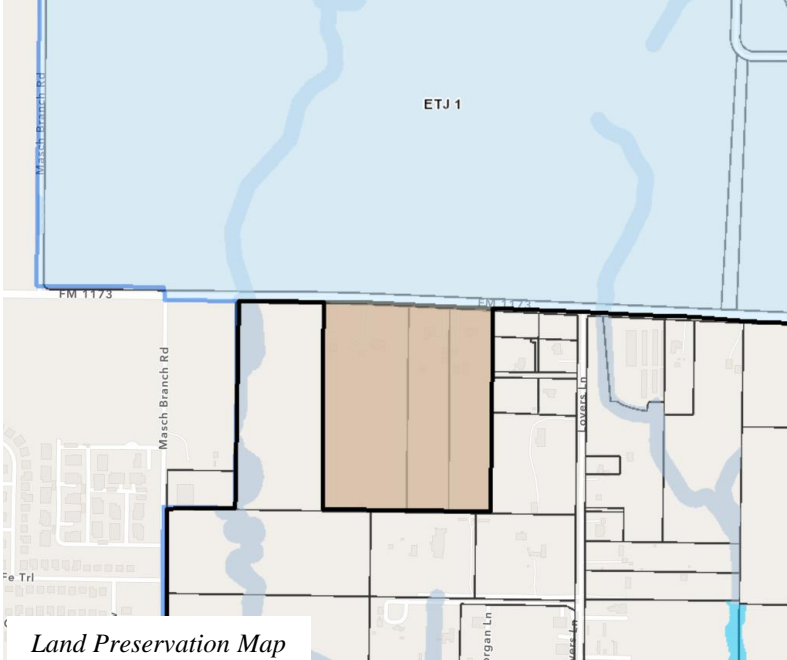
This designation is intended for tracts of land that are appropriate for light industrial activity. Primary uses include light manufacturing, assembling, and warehousing and distribution, and include associated supporting uses, such as offices, retail, and restaurants. Light Industrial areas should have

adequate access to infrastructure, including the transportation network. It is important in future development that transitions to adjacent sensitive land uses are considered.

The LI zoning district is consistent with the goals, policies, and actions of the Comprehensive Plan and with the Future Land Use Designation of Light Industrial. The LI zoning district permits a variety of public, institutional, commercial, and lower-intensity industrial uses by right and with the approval of a Specific Use Permit. The LI District in this location provides for adequate access to the surrounding transportation network of arterial roadways as it is situated immediately south of FM 1173 and in close proximity to Masch Branch Road, Lovers Lane, and Interstate 35. As properties within this area continue to develop, the LI Zoning District would be consistent with the intent that this area primary develops with Light Industrial and supporting land uses, and serve as a suitable zoning district at the edge of the City’s Limits adjacent to a commercial mixed-use part of the City of Krum and properties situated within Denton County.

Preferred Land Preservation Plan

The Preferred Land Preservation Plan reflects the City’s intent to preserve ESA and floodplain areas. By complying with the City’s codified standards for floodplain and ESA preservation, development can occur in a manner consistent with the goals of the Preferred Land Preservation Plan in the 2040 Comprehensive Plan.



In this case, the Official ESA Map identifies an unassessed area of Riparian Buffer ESA situated along the subject property’s western boundary. If this area is confirmed to meet ESA criteria following a completed field assessment, then development on the subject property will be subject to DDC Subsection 7.4.7: *Environmentally Sensitive Areas*, which generally prohibits land-disturbing activity and/or removal of trees and understory vegetation except for limited allowances as defined in the DDC.

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.*

The proposed rezoning would facilitate the development of the subject site in accordance with the DDC's standards. No deviations or modifications of DDC standards have been requested at this time.

Future development on this site will require compliance with all applicable development standards in the DDC, including, but not limited to, minimum lot size and dimensions, building coverage, access, parking, tree preservation, landscaping, screening, and buffering. Additionally, as noted previously, if the applicant moves forward with their intended mix of a retail and warehouse uses, a SUP would be required to be reviewed and approved for the retail use, which would allow for a detailed review of the proposed site layout.

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

Rezoning to one of the DDC's established districts does not typically include a full review of all development standards within the DDC. If the proposed rezoning to a LI zoning district is approved, a detailed development review will accompany all required future development applications such as a Specific Use Permit or zoning compliance plan, platting, engineering, tree preservation, and building permit submittals.

5. *Compliance with Other Applicable Regulations*

If the proposed rezoning to a LI zoning district is approved, any future development of the site would consist of a detailed review of the proposed development to ensure compliance 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*

As discussed above under Section A.3.b, the Preferred Land Preservation Plan and Official ESA map show an area of unassessed Riparian Buffer ESA situated along the western boundary of the subject property. Development of the subject property will be required to comply with the DDC regulations related to ESAs, including an environmentally sensitive areas field assessment. Additionally, 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.

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Wildlife Corridors

The Denton 2040 Comprehensive Plan established Key Action item #127: “Identify and map wildlife corridors throughout the City to be addressed within three years of Plan adoption.” The creation of this map was accomplished in 2023, providing a useful informational resource for the City to understand paths wildlife are likely to utilize throughout the City based upon two factors: first, the locations of existing natural resources such as ESAs which have been mapped as “greenspace,” and second, direct paths that link greenspaces throughout the City and that may be useable by wildlife, which are shown as the “wildlife corridors”. The map is not codified in any way and is intended to serve as an informational tool.

The City’s Wildlife Corridor Map indicates the presence of greenspace (see light green shading on inset map) situated along the western boundary of the subject property. The

identified area of greenspace is consistent with the boundaries of the unassessed ESAs. While there is not yet a development plan submitted as part of this request, areas of identified greenspace and wildlife corridors would still be protected by the DDC’s ESA regulations if the ESAs are confirmed to exist through a field assessment, which require either protection of these areas or approval of an Alternative ESA plan to



establish mitigation for most encroachments within these areas.

8. *Minimizes Adverse Impacts on surrounding Property*

The proposed rezoning is consistent with the general character and development patterns of the surrounding area. The subject property is adjacent to existing Extra-Territorial Jurisdiction Division 1 to the east and north, Public Facilities zoning to the south, and the property to the west is located in the City of Krum.

The proposed rezoning would allow for the development of a variety of commercial land uses or smaller-scale industrial uses that would be complimentary to existing development in the area. Development of the site would require conformance with design standards, such as lighting and right-of-way screening, within the DDC to minimize adverse impacts on surrounding properties, although landscape compatibility buffers would not be required adjacent to properties in the ETJ or within the City of Krum. If this zoning change is approved the owners have indicated an intent to develop the site in a manner which includes commercial and industrial uses. Depending on the square footage of retail space provided, an SUP may be required. Review of an SUP would include additional evaluation of the proposed development to determine the

appropriateness of the proposed land use and would provide an opportunity for conditions to be imposed beyond the DDC's minimum standards if additional measures were needed to ensure adequate mitigation is provided to minimize potential adverse impacts on surrounding properties.

9. *Minimizes Adverse Fiscal Impacts*

Staff used the Fiscal Impact Tool to analyze the proposal. The entire 16-acre site owned by Linken Real Estate was considered for this analysis. Assumptions based on the applicant's intended uses 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 Fiscal Impact Summary indicates that the proposal for a mix of retail and warehouse uses would result in a net \$68,621,800 gain to the General Fund over a 40-year project duration.

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

This proposed rezoning will not affect utilities, services, or improvements. When the site is developed, the development will be reviewed to ensure compliance with all utility, service, and improvement standards.

11. *Provides Adequate Road Systems*

The subject property is situated approximately 1.56 miles west of I-35N, an interstate highway, and on the south side of FM 1173, designated a Secondary Arterial adjacent to the subject property. When the site is developed, a Trip Generation Study will be required as specified by the Transportation Criteria Manual. Additional information, such as a Traffic Impact Analysis, may be required based upon the findings of the Trip Generation Study. Any necessary roadway improvements would be required to comply with all DDC and Design Criteria Manual standards for roadways.

12. *Provides Adequate Public Services and Facilities*

This proposed rezoning is not anticipated to negatively impact public services and facilities. When the site is developed, the new development must comply with all applicable standards to ensure adequate public services and facilities are available.

13. *Rational Phasing Plan*

There is no phasing plan associated with the zoning change request.

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 A.3.b above, the LI zoning district is consistent with the goals, policies, and actions of the Comprehensive Plan and with the Future Land Use Designation of Light Industrial.

- 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.*

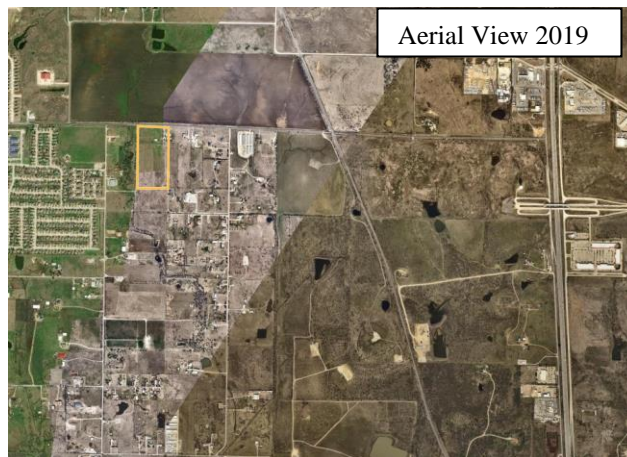
Pursuant to Section 3.5.2 of the DDC:

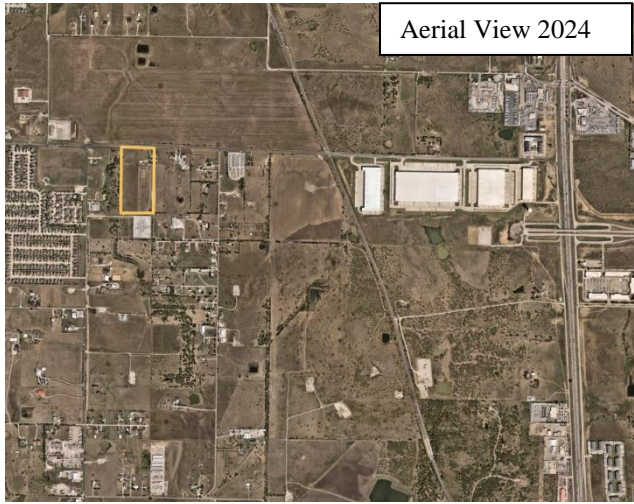
The LI district is intended to provide locations for a variety of light industrial and employment uses such as light manufacturing, assembly, fabrication, warehousing and distributing, indoor and outdoor storage, and a wide range of supporting commercial uses and activities. The LI district provides a variety of transportation options for access including transit, bicycle, and pedestrian facilities. The LI district provides appropriate transitions to surrounding uses and lower intensity districts, and is sensitive to the adjacent built and natural context.

The proposed LI zoning district in this location is consistent with the purpose statement. The property is situated in an area suitable for the LI zoning district given the potential commercial and industrial development that will occur along the FM 1173 corridor and adjacent to a commercial/mixed-use area within the City of Krum.

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

In the last 5 years, the area generally adjacent to the FM 1173, west of I-35N has not seen development that significantly changes the anticipated development pattern; the area has developed in a manner consistent with the Future Land Use Plan (see Aerial maps below) with warehouses and other light industrial uses. As properties within this corridor continue to develop, the proposed rezoning would facilitate compatible development and be consistent with the intent that this area should develop as predominantly less intense industrial uses with supporting commercial 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.*

The subject property is situated near the intersection of FM 1173 and Masch Branch Road. As detailed above, this corridor has not experienced significant growth in the last five years, but there has been a steady increase in light industrial development to the east closer to I-35N. The LI zoning district is consistent with the overall development pattern within the area and would not introduce new land uses which are incompatible to adjacent properties nor expected to create adverse impacts. As improvements to I-35N and FM 1173 are made, and as properties within the corridor continue to develop, the proposed rezoning would facilitate compatible development and be consistent with the Comprehensive Plan's intent that this area should develop with light industrial uses.

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

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.

Water and Wastewater

Water is currently available to this property, while wastewater lines have not yet been extended to this portion of the city. When the site is developed, it will be reviewed to ensure compliance with all utility, service, and improvement standards for extension and connection to City utilities. Additionally, water and wastewater tap, and impact fees will be based upon the intensity of the development and are required to be paid during permitting.

Schools

The proposed rezoning to LI district does not allow for any residential land uses by right or by Specific Use Permit. No students are expected to be added to the school system as a result of the proposed rezoning.

Nearest Fire Station

The subject property is approximately 2.96 miles from Fire Station #5 (2292 Windsor Drive), within the eight minute or less response time boundary.

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

There was not an error in establishing the current zoning district. The subject property was assigned the placeholder Rural Residential (RD-5X) zoning upon annexation in 2010. The property transitioned to the Rural Residential (RR) zoning district from the RD-5X zoning district when the 2019 City-wide zoning transition occurred.