

# Planning Staff Analysis

## PD24-0005c/Walker Geesling

### City Council District #2

#### REQUEST:

Request to rezone 52.589 acres from the Residential 6 (R6) District to an Overlay Planned Development - Light Industrial (PD-LI) District.

#### SITE DATA:

The 52.589-acre subject site is located just north of Blagg Road, approximately 800 feet east of Geesling Road. Under the 2002 Denton Development Code, the subject property was zoned within the Neighborhood Residential (NR-6) District. Per the 2019 Denton Development Code, Appendix B: Zoning District Transition Table, properties with this zoning designation were to transition to the Residential 6 (R6) Zoning District after the Code's effective date of October 1, 2019 and the subject site transitioned accordingly. The subject site represents only a portion of a larger 86.07-acre parent tract and is surrounded by several residential zoned properties to north, east, and south.

In 2019, a preliminary plat for a single-family residential subdivision was approved for the entire 86-acre parent tract. Since approval of the preliminary plat in 2019, no subsequent progress had been made towards completion of the residential development. In 2021, the City Council approved two requests to rezone parts of the western portion of the parent tract from R6 and Mixed-Use Neighborhood (MN) to LI to facilitate prospective warehouse development. No applications have been approved for development of the western portion of the parent tract at this time.

The subject property is encumbered by both a 70-foot-wide easement for overhead electric transmission lines and an easement of unspecified width for an underground gas pipeline, which both cross the property in generally southwest to northeast directions. The easements contributed to difficulties in laying out residential development on the subject property and larger parent tract, but these types of encumbrances are typically less problematic for non-residential development that can utilize the easement areas for non-vertical improvements such as parking or storage.

While the subject tract only has frontage on Blagg Road, the parent tract also has frontage along Geesling Road and E University Drive (US 377) that will influence access to the subject site. The general area's street network includes a variety of roadway types:

- **E. University Drive (US 377):** E. University Drive is an east-west road owned and maintained by TxDOT. Per the 2022 Mobility Plan, E. University Drive is classified as an existing Freeway from the intersection of Geesling Road to the east. Currently, this section of E. University Drive is constructed with six travel lanes and a five-foot-wide sidewalk along the south side of the roadway, and a ten-foot-wide side path along the north side of the roadway. The parent tract has approximately 550 feet of frontage along E. University Drive.
- **Geesling Road:** Geesling Road is a north-south Primary Arterial roadway. Per the 2022 Mobility Plan, Primary Arterials require at least 135 feet of right-of-way. Geesling Road is currently an approximately 35-foot-wide right-of-way constructed with just 2 travel lanes. The parent tract has approximately 450 feet of frontage along Geesling Road, and subsequent developments would be required to dedicate their proportionate share of the right-of-way for the future expansion of Geesling Road.
- **Blagg Road:** Blagg Road is an east-west Secondary Arterial roadway. Per the 2022 Mobility Plan, Secondary Arterials require 110 feet of right-of-way. Blagg Road is currently an approximately 35-foot-wide right-of-way constructed with just 2 travel lanes. The subject site has approximately 610 feet of frontage along Blagg Road, and similarly,

subsequent developments would be required to dedicate their proportionate share of the right-of-way for the future expansion of Blagg Road.

**SURROUNDING ZONING AND USES:**

Northwest: Zoning: Light Industrial (LI) Use: Undeveloped (parent tract)	North: Zoning: Residential 3 (R3) Use: Undeveloped	Northeast: Zoning: Residential 4 (R4) Use: Undeveloped
West: Zoning: Public Facilities (PF) Use: Electrical substation	<b>SUBJECT SITE</b>	East: Zoning: Residential 2 (R2) Use: Single-family residential
Southwest: Zoning: Mixed Use Neighborhood (MN) Use: Electrical substation	South: Blagg Road Zoning: Residential 7 (R7) & Rural Residential (RR) Use: Agriculture and single-family residential	Southeast: Zoning: Residential 2 (R2) Use: Single-family residential

**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 2.7.3.D of the DDC applies to this rezoning to PD 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 rezoning to PD requests.

2. *Prior Approvals*

There have been no prior approvals related to this proposed multi-lot commercial development. However, as was discussed above and in the Background section of Exhibit 1, portions of the parent tract were rezoned from R6 and MN to LI in 2021. The requested PD-LI district, therefore, would allow for cohesive development of the parent tract and ensure that future development complies with the DDC standards and considers a design that balances and is compatible with both the surrounding Industrial and Residential zoning.

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

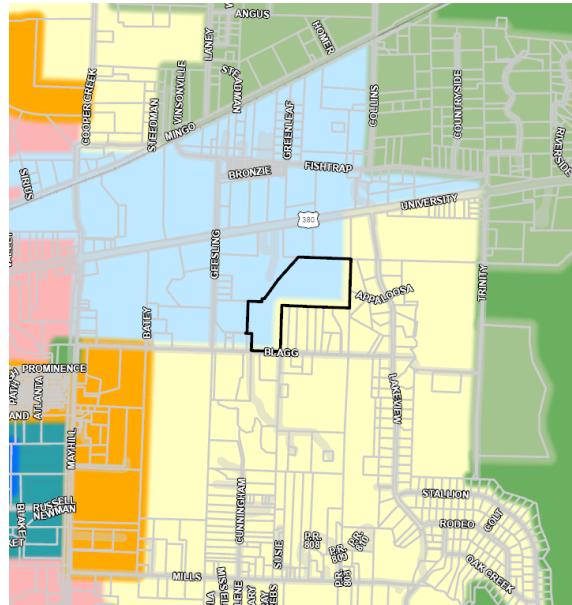
*The decision-making authority:*

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

The requested PD with a LI base zoning district (PD-LI) conforms to the Denton 2040 Future Land Use Map (see inset map and Exhibit 5) and goals related to context-sensitivity. Given adjacent single-family residences, the applicant has applied for a rezoning that is consistent with the goals of the Denton 2040 Comprehensive Plan and meets the other criteria for approval by imposing conditions that would provide for greater buffering and separation between any future development of the subject property and adjacent residential uses.

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 Future Land Use Map (FLUM) designation for the subject property is Light Industrial with a transition along the eastern edge to Low Residential. The Light Industrial designation is intended for tracts of land most appropriate for uses such as light manufacturing, assembling, and warehousing and distribution, and includes associated supporting uses, such as offices, retail, and restaurants. With this designation, it is important in future development that transitions to adjacent sensitive land uses are considered.



Low Residential designation applies to the City's predominately single-family neighborhoods which may include land uses that support residential neighborhoods with appropriately scaled buildings that have an intensity that complements the surrounding neighborhood and environment. The FLUM is arranged to provide for a compatible mix of uses and appropriate transitions from areas of high intensity to areas of lower intensity. The Low Residential areas are the predominant land use pattern located east and south of the subject site (outlined).

The request is consistent with the FLU designation of Light Industrial and respects the transition to Low Residential by providing conditions that would require greater setbacks and buffering adjacent to those residential properties to the south and east.

*(continued on next page)*

## **Preferred Land Preservation Plan**

The Preferred Land Preservation Plan reflects areas favored for preservation based on the City's map of potential and confirmed Environmentally Sensitive Areas (ESAs). The subject site potentially contains some Environmentally Sensitive Areas, which have not yet been assessed and confirmed. Specifically, a portion of the north-easternmost corner of the site is encumbered by a sliver of an existing riparian buffer. Given the existing natural topography and existing tree canopy, the proposed Development Standards encourages more preservation of this ESA and existing natural vegetation than what would be required under the current zoning district by requiring a minimum 250-foot building setback and 50-foot wide landscape buffer from those eastern property lines where the ESA and existing tree canopy exist.

### *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 to Planned Development with an LI base zoning district (PD-LI). The proposed Development Regulations provided in Exhibit 7 indicate an intent to develop in accordance with the 2019 DDC and impose additional development standards outlined in the document, which are further summarized in the table in Exhibit 1.

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

Compliance with the DDC has been analyzed at the level of detail necessary for an Overlay Planned Development. Other departments (Engineering, Solid Waste, Denton Municipal Electric, and Fire) reviewed the proposal for conceptual land use conformance with coexisting plans and goals. Subsequent development will be subject to the appropriate applications, development standards, and review processes of the DDC.

### *5. Compliance with Other Applicable Regulations*

The PD regulations document indicates that development on the subject site shall comply with all provisions of the 2019 DDC and imposes additional restrictions and standards. Further, the development will be required to comply with the City's criteria manuals for roadway, utility, and drainage improvements, as well as TxDOT requirements.

### *6. Consistent with Interlocal and Development Agreements*

There are no interlocal or development agreements applicable to the site.

### *7. Minimizes Adverse Environmental Impacts*

As discussed above, the additional building setback is intended to encourage the preservation of the existing riparian area and tree canopy coverage on this site. Subsequent development of this site would be required to show compliance with all DDC regulations related to ESAs, tree preservation, stormwater control, and landscaping during the review of the Zoning Compliance Plan.

8. *Minimizes Adverse Impacts on Surrounding Property*

The proposed PD regulations encourage the preservation of the existing tree canopy by increasing both the required width of landscape buffers adjacent to residential developments and the minimum building setback between any proposed light industrial building and the existing residential properties. The existing tree canopy coverage provides visual screening and noise mitigation, and this would be further enhanced by the provision of other buffer elements from Table 7.6G of the DDC in areas where the existing tree coverage does not satisfy the full buffer requirements.

9. *Minimizes Adverse Fiscal Impacts*

This proposed rezoning is not anticipated to create significant adverse fiscal impacts based upon the city's Fiscal Impact Model, which was estimated based upon the applicant's stated intent to develop a warehouse use on the subject property. The Model estimates a net impact of \$7,902,800 to the City's General Fund. See Exhibit 9 – Fiscal Impact Summary for additional information.

As noted previously, if the rezoning is approved, any use permitted in the LI District could be developed on the subject property, and a change in land use would modify the results of the Fiscal Impact Model analysis.

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

This proposed rezoning would not affect utilities, services, or improvements. Subsequent review of a Zoning Compliance Plan and Civil Engineering Plans must adhere to the applicable utility requirements. Future development will be required to contribute their share of adjacent utility improvements to adequately serve the proposed development.

11. *Provides Adequate Road Systems*

As discussed above, the subject tract only has frontage on Blagg Road, but the parent tract also has frontage along Geesling Road and East University Drive (US 377). The proposed development is not anticipated to negatively impact surrounding properties as the primary access will most likely be from one of the higher classified roadways. Based on the preliminary trip generation counts, Staff anticipates a Traffic Impact Analysis (TIA) will be required for the development of this site and any associated improvements will need to be accounted for during subsequent development plans.

12. *Provides Adequate Public Services and Facilities*

The proposed rezoning is not anticipated to negatively impact public services and facilities. New development applications must provide proof that existing and/or planned facilities have adequate public service capacity.

13. *Rational Phasing Plan*

The proposed rezoning does not have a phasing plan.

B. Section 2.7.3.E of the DDC provides approval criteria applicable to all applications.

1. *Complies with the goals of the Comprehensive Plan;*

As described in Consideration A above, the proposed rezoning meets this criterion.

2. *Complies with the goals of relevant Area Plans;*

As described in Consideration A above, there are no area plans applicable to the subject property.

3. *Complies with this DDC, except where modifications are expressly authorized through the PD Regulations Document and PD Development Plan;*

As detailed in Exhibit 7 and described in Consideration A above, the proposed rezoning meets this criterion.

4. *Provides a greater level of building design quality, community amenities, and connectivity than would be required if the project were not being developed in a PD District;*

In this context, the requested PD-LI zoning district is appropriate because of the imposition of additional requirements and restrictions intended to provide stronger separation and buffering between future industrial uses and the existing residential uses to the south and east. The proposed district provides for a greater level of site design quality than what would be applied if the request was a straight rezoning to the LI district.

5. *In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding area;*

No residential uses are proposed to be permitted as part of this PD.

6. *In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses or mixed-uses, that such development will be appropriate in area, location, and overall planning for the purpose intended; and*

As detailed in Exhibit 7, the proposed PD-LI district permits those industrial land uses already permitted in the LI district per the DDC (see Exhibit 8) but restricts those commercial uses that would be expected to generate heavier traffic and would be more appropriate located directly along an arterial roadway or highway. The additional standards are intended to ensure that subsequent developments are designed giving consideration to the surrounding context by providing for greater buffers and setbacks from adjacent residential uses.

7. *The provisions for public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks are adequate to serve the anticipated population within the PD District.*

Subsequent developments shall ensure adequate public facilities are available to serve the subject site. The nonresidential development is not anticipated to add to the school population, and Fire Station #2 is within an 8-minute drive to the subject site. Utilities exist within the nearby Geesling Rd and University Drive rights-of-way that can be extended to serve the subject property.

8. *The condition and/or restrictions imposed by the PD are necessary and sufficient to address any significantly adverse impacts to surrounding properties or the neighborhood.*

As detailed in Exhibit 7 and described in Consideration A above, the proposed Development Standards encourage the preservation of the existing tree canopy and otherwise impose additional buffer requirements where adjacent to residential developments. The conditions are proposed in order to address the potential visual and noise impacts of light industrial development adjacent to residential uses.