

Planning Staff Analysis

V25-0023/Harris Ranch Industrial

District 3

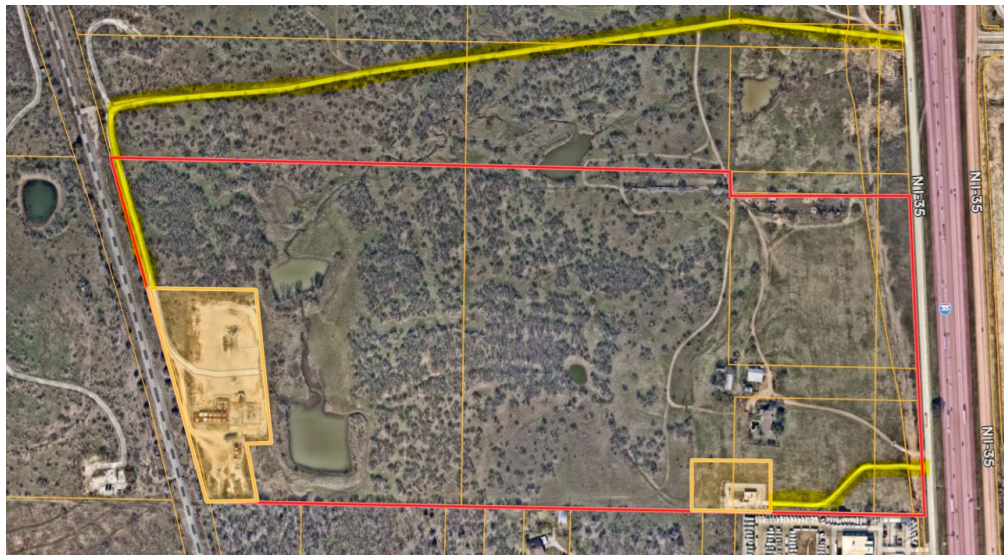
Planning & Zoning Commission

REQUEST:

Consider a request by Aimee Bissett of 97 Land Company, on behalf of Robert Harris, for approval of a subdivision variance from the 2019 Denton Development Code (DDC) Subsection 8.3.2A.9 regarding the minimum required frontage for each mixed-use or nonresidential lot on an existing or proposed public street.

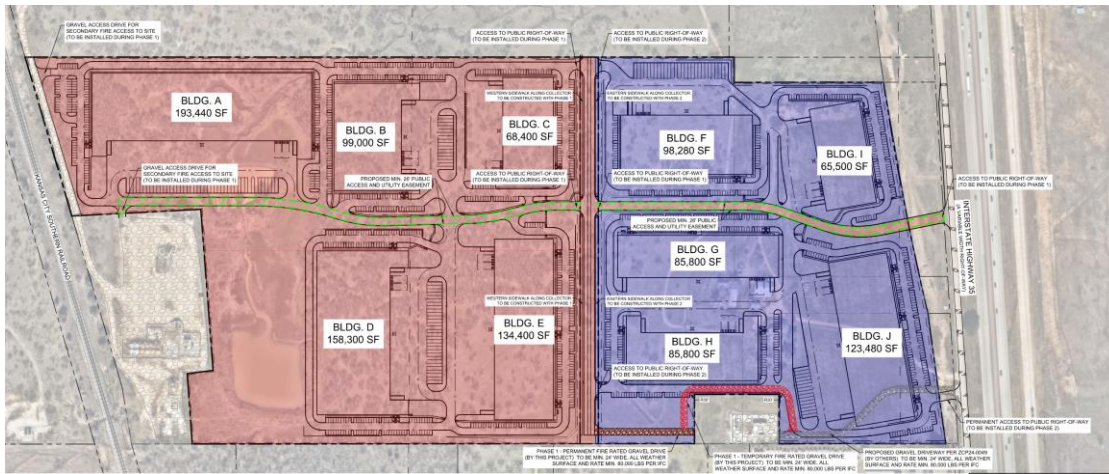
SITE DATA:

The requested subdivision variance is associated with the development of 84.140 acres of land for future industrial use, located west of Interstate 35 (I-35) and approximately 1,700 feet south of North Loop 288 in the City of Denton (see Exhibit 3). The 84.140 acres, known as the Harris Ranch Industrial project, are part of a larger 91.872-acre parent tract, which is proposed to be subdivided in such a way that the current land owner, Robert Harris, can retain ownership of two parcels (outlined in orange below) that are currently leased for use as gas well (westernmost parcel) and communication equipment (easternmost site) pad sites. The parcels associated with this request currently have access to I-35 by means of existing private access easements, highlighted in yellow the exhibit below.



If the variance request is approved, access easements will be platted through the Harris Ranch Industrial project site to said gas well and communications pad site lots to grant access through the industrial lots to public streets, meeting all other requirements of DDC Subsection 8.3, Subdivision Design, as shown in the preliminary site plan below, including the minimum dimensional standards established in Subchapter 8 for non-residential lots accessed by easements only.

[continued on next page]



CONSIDERATIONS:

The City of Denton Development Code Subsection 2.8.7.B. states that any property owner seeking relief from standards contained within specific sections of Subchapters 7 and 8 as identified in Subsection 2.8.7.B. may request a subdivision variance from strict application of the Code when said variance would meet approval criteria specified in DDC Subsection 2.8.7.D. Subdivision variances are considered hardship variances and may be appropriate based on a finding that unreasonable hardships or difficulties would result from strict compliance with the subdivision regulations, or the purposes of the regulations may be served to a greater extent by an alternative proposal. Furthermore, a subdivision variance may be approved so that substantial justice is done, and the public interest is secured so long as the variance would not nullify the intent and purpose of the City's subdivision regulations.

The Planning and Zoning Commission shall review and determine the appropriateness of the proposed subdivision variance request based on the criteria listed below (DDC Subsection 2.8.7.D). In reviewing a subdivision variance application, the Planning and Zoning Commission shall find that all of the following exist:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property.

If approved, the requested variance is not anticipated to be detrimental to public safety, health, or welfare or injurious to other property. The two proposed lots that are intended to be served by private access easements rather than by having direct frontage on a public street are developed with utility-related uses today and are served by private access easements that cross through the larger 91-acre parent parcel. Neither use currently has frontage along an existing or proposed public street. The existing uses, a gas well development site and a communication-equipment site, are not manned on a regular basis and seldomly require human assistance or monitoring; however, if the requested variance is approved, the standard two points of access will still be required to be provided for each lot in accordance with fire separation distances. The platting of these lots with access easements to ensure employees and emergency responders have adequate access to the uses when necessary is not expected to impact adjacent property

2. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the subdivision regulations is carried out.

The existing gas well and communications pad sites are situated without frontage along an existing or proposed public street today. While it would be allowable for these uses to be platted on the same lot as other nonresidential uses, it is not possible to plat the gas well and communications pad sites with the rest of the property and allow the current owner, Mr. Harris, to maintain ownership of the said pad sites

while the rest of the land is sold to a new owner for the proposed industrial development.

Both of the existing pad sites are situated in relatively isolated locations on the parent tract that are accessible only by lengthy private driveways. The gas well pad site is situated more than 2,500 feet from the I-35 right-of-way and is bound on the west side by the Kansas City Southern Railway and the east side by an existing drainage pond (see Exhibit 3). This leaves limited options for platting the pad site with frontage along an existing or proposed public street. Similarly, the communications pad site is located more than 600 feet from the I-35 right-of-way, so platting a lot in a way that would give the pad site frontage on I-35 would take up a significant amount of otherwise developable land.

3. The subdivision variance will not in any manner vary the provisions of the Comprehensive Plan, the Development Code, and the Denton Mobility Plan, except that those documents may be amended in the manner prescribed by law.

If approved, the allowance for the two proposed lots to take access off an access easement, rather than have frontage on an existing or proposed public street, will not introduce design standards that are incompatible with the Comprehensive Plan or Denton Development Code. The requested variance does not vary the provisions of the Denton 2040 Comprehensive Plan, Denton Mobility Plan, and Denton Development Code except for the standard described herein, which is eligible for variance as described in Subsection 2.8.7 of the DDC. The proposed development is designed to create regularly shaped lots that are compliant with the Denton Development Code except for the requested variance.

Additionally, it should be noted that there are exceptions built into the DDC to allow for lots that do not abut public streets to be accessed via easements only. However, those exceptions only apply in situations where the lots are located within an already developed property and therefore do not apply to this situation where the lots without street frontage are being created as part of a development project.

4. The special or peculiar conditions upon which the request is based did not result from or were not created by the act or commission of the owner or any prior owner, subsequent to the date of creation of the requirement from which a subdivision variance is sought.

The conditions associated with the subject pad sites having sole access to a public street by means of private access easements were not created by the owner after the date of the adoption of the subject regulations. The gas well pad site has been in existence since at least 2004, and the communications pad site has been in existence since at least 2001 in their current locations which are significantly setback from I-35 and accessible only by private driveways within access easements.

STAFF RECOMMENDATION:

Staff recommends approval of the request as it is not detrimental to the public's welfare, is consistent with the overall goals and of the subdivision requirements of the Denton Development Code, and meets the criteria for approval prescribed in Section 2.8.7 of the DDC.