

# Planning Staff Analysis

## Z26-0004 / Chinn Rezoning

### City Council District #2

#### REQUEST:

Rezoning of approximately 3.3 acres of land to a Residential 1 (R1) Zoning District.

#### STAFF RECOMMENDATION:

Staff recommends **approval** of the rezoning of approximately 3.3 acres of land to a Residential 1 (R1) Zoning District as it complies with the criteria in Section 2.4.5.E of the Denton Development Code for approval of all applications, and Section 2.7.2.D of the DDC for approval of a Zoning Map Amendment (Rezoning).

#### SITE DATA:

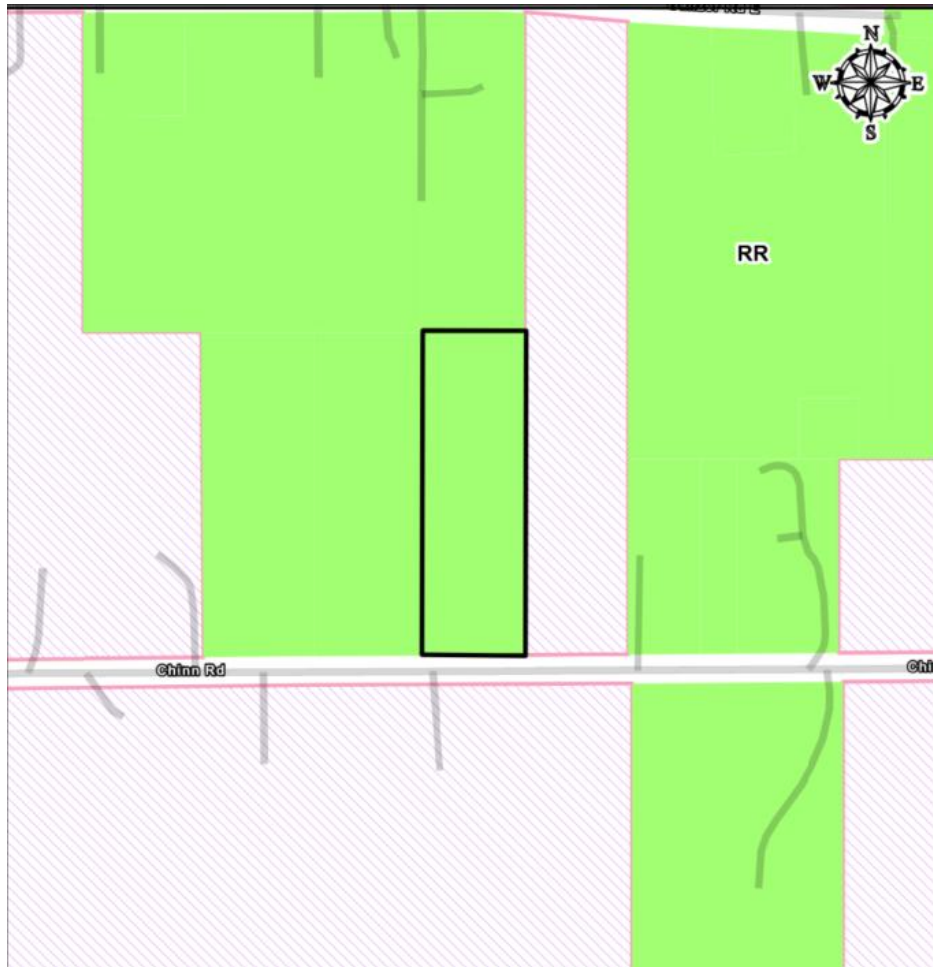
The subject property is currently undeveloped, and the property does not meet the minimum lot size of 5 acres required in Rural Residential (RR) zoning. Due to not meeting the minimum lot size requirement, the applicant is requesting to rezone to R1 to obtain a plat and building permits for the construction of a home. The subject property currently contains one metal structure. Otherwise, based on historic aerials, the subject property has not previously been developed. According to DCAD, the subject property has been in the current configuration since at least the 1980's.

The subject property was annexed into the City in 2010 along with several other properties in this area of the City. Following annexation, the property was assigned the placeholder zoning designation "RD-5X" (Rural Residential) under the 2002 Denton Development Code (DDC), which also had a minimum required lot size of 5 acres. The zoning of the property transitioned to RR with the adoption of the 2019 DDC. Surrounding development along Chinn Road is consistent with the large-lot residential pattern typically found in peripheral areas of the City.

The subject property is on the north side of Chinn Road, a residential street.



**SURROUNDING ZONING AND USES:**



Northwest: Zoning: Residential Rural (RR) Use: Single-family	North: Zoning: Residential Rural (RR) Use: Single-family	Northeast: Zoning: Extraterritorial Jurisdiction/Non-Annexation Agreement Use: Single-family
West: Zoning: Residential Rural (RR) Use: Single-family	<b>SUBJECT PROPERTY</b>	East: Zoning: Extraterritorial Jurisdiction/Non-Annexation Agreement Use: Undeveloped
Southwest: Extraterritorial Jurisdiction/Non-Annexation Agreement Use: Single-family	South: Zoning: Extraterritorial Jurisdiction/Non-Annexation Agreement Use: Single-family	Southeast: Zoning: Extraterritorial Jurisdiction/Non-Annexation Agreement Use: Undeveloped

## 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, City Council approved an ordinance annexing the subject property into the City Limits. The property was automatically assigned the placeholder zoning designation of Rural Residential (RD-5X) which transitioned to Rural Residential (RR) with the adoption of the 2019 Denton Development Code.

### 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 with this proposal.

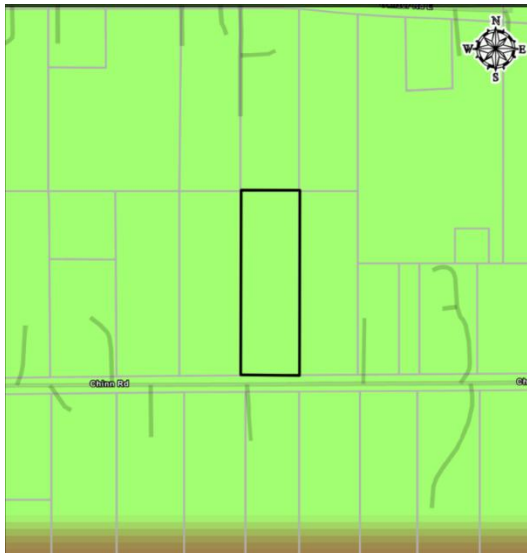
b. *May approve an application that furthers the overall goals of the Comprehensive Plan even if the development does not match the future land use designation in the Comprehensive Plan.*

***[continued on next page]***

## Future Land Use

Per the Future Land Use Map in the Comprehensive Plan, the subject property is designated as Agriculture (see image below and provided as Exhibit 5). The description for the Future Land Use designation is provided below:

This category denotes areas that have large tracts of land in active agriculture uses for preservation, including ranchland, field crops, and other similar agricultural uses. This may also include rural commercial uses, alternative energy generation, and accessory structures to support agricultural uses and uses that support agritourism. This category may include large lot residential (a maximum of one unit per ten acres). This land use may allow lots as small as one acre under the gross density provision to allow for conservation development which clusters smaller lots while permanently protecting scenic rural open space (through conservation easements). Residential development in this future land use category will continue the present character of the rural and agricultural areas of Denton with low-profile homes of no greater than two stories, generous lots and setbacks, and materials that complement the natural surroundings and ranch heritage.



While the proposed R1 Zoning District allows for smaller lot sizes (32,000 square feet), the lot size of the subject property is consistent with other parcels in the vicinity. Additionally, a minimum lot size of 2 acres is required when a property contains both a water well and septic system. Water and sewer utilities are not available in this area, which would limit the further subdivision of this land beyond the current 3.3-acre parcel. The applicant intends to construct one single-family home on the subject property, which is consistent with the surrounding area. The proposed request is consistent with the goals, policies, and actions of the Comprehensive Plan and with the Future Land Use Designation of Agricultural.

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 of the subject property. All subsequent development on this site will comply with applicable standards in the DDC, including, but not limited to, minimum lot size and dimensions, building coverage, access, parking, tree preservation, and landscaping.

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

Typically, a rezoning to one of the DDC's established districts does not include a full review of all development standards. If the proposed rezoning is approved, a detailed review of all required plat, tree preservation plans, and building permit submittals is required prior to development.

5. *Compliance with Other Applicable Regulations*

This proposed rezoning complies 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*

There are no environmentally sensitive areas (ESA) on the subject property. 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.

8. *Minimizes Adverse Impacts on surrounding Property*

The proposed rezoning is consistent with the surrounding zoning and development pattern because while there is not adjacent R1 zoning, the lot size and uses permitted in R1 are compatible with the development pattern in the area. Many of the properties which front Chinn Road are zoned RR District, with multiple parcels subject to non-annexation agreements (NAAs) that obligate the landowner to following the RR District standards. The existing land use pattern along Chinn Road includes residential uses and limited agricultural uses. This development pattern is expected and encouraged on the periphery of the City.

The proposed rezoning would allow for the development of a single-family detached dwelling that would be complimentary to the area, by maintaining the primarily rural scenic character through the development of a single-family residence on a large lot.

9. *Minimizes Adverse Fiscal Impacts*

This proposed rezoning is not anticipated to create adverse fiscal impacts as it is located adjacent to an existing roadway and the property is an appropriate lot size to be served by on-site septic and water well, consistent with the surrounding development pattern and uses.

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

This proposed rezoning will not affect utilities, services, or improvements. When the site is developed, it will be reviewed to ensure compliance with all applicable standards.

a. *Provides Adequate Road Systems*

The subject property has frontage on Chinn Road, an existing rural residential street.

b. *Provides Adequate Public Services and Facilities*

The proposed rezoning is not anticipated to negatively impact public services and facilities.

13. *Rational Phasing Plan*

This proposed rezoning does not have a phasing plan.

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 3.b above, the proposed zoning of R1 District is consistent with the Denton 2040 Comprehensive Plan and will permit the development of compatible uses at a scale which corresponds to the existing development pattern.

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 3.5.2A of the Denton Development Code:

Per Section 3.2.2A, “The R1 District is intended to preserve existing single-family neighborhoods and to ensure that any new development promotes conservation of scenic rural open space and is compatible with existing land uses, patterns, and design standards. The R1 district can be used as a transitional district between rural development and large lot residential neighborhoods.”

The requested R1 District is consistent with the purpose statement, allowing for the development of a single-family detached dwelling that conserves rural open space. Additionally, the R1 District would not introduce new uses or patterns to the area.

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

There have not been significant changes in the area to warrant a zoning change. The current property is zoned RR District; however, to meet dimensional standards of the current Denton Development Code, the RR District requires a minimum lot area of 5 acres. The subject property is approximately 3.3 acres thus not meeting the minimum area requirement per the existing RR zoning district thereby prohibiting development of the property, hence this rezoning request.

Rezoning to an R1 District would be consistent with the current and future zoning pattern and surrounding land uses, by providing the opportunity to build a single-family detached dwelling that promotes conservation of scenic rural open space and is compatible with existing land uses, patterns, and design standards, meeting the policies and goals of the Denton 2040 Comprehensive Plan.

Additionally, it is important to note that the rezoning would not introduce new uses to the area. There are residential uses and zoning surrounding the subject property.

- e. *The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.*

### **Transportation**

The scope includes the proposed future development of a single-family detached dwelling. The property has access from Chinn Road. Therefore, the proposed future development is not expected to create significant adverse impacts to current transportation levels in the surrounding area and/or neighborhood.

### **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 at the time of development and are used to make roadway system improvements related to the Mobility Plan.

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

### **Schools**

The proposed development of a single-family detached dwelling would be expected to generate approximately one student based on Denton ISD's student generation formulas.

**Parks**

The subject property is located approximately 3.5 miles from North Lakes Park. This distance does not meet the Park Department's goal of a 10-minute walk to a park.

**Water and Wastewater**

Public water and public wastewater service is not available. The subject property can be served by on-site septic and water well.

**Nearest Fire Station**

The subject property is approximately 3.5 miles from Denton Fire Station 5 (2230 Windsor Drive), which is inside the eight minutes or less response time boundary.

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

There was not an error in the assignment of the current zoning district, which transitioned from the placeholder designation of RD-5X assigned to this property and many others in the area following their annexation into the City in 2010. The RD-5X designation required the same 5-acre minimum lot size as the current RR District. However, to meet current standards of the Denton Development Code, the property must be rezoned to a district with a smaller minimum lot size to allow the property to be platted for a single-family detached dwelling to be constructed in the future. Therefore, the existing RR District is no longer appropriate, and the R1 District dimensional and development standards are consistent with the surrounding area.