

# Planning Staff Analysis

V25-0051/Dakota Lane C-Store

City Council District #3

## REQUEST:

Variance from the Heavy Industrial (HI) District Dimensional Standards, specifically Denton Development Code Table 3.5-C as it relates to the minimum lot depth of 200 ft.

## SITE DATA:

The subject property is a 0.857-acre, or 37,330 sq. ft., parcel generally located west of I-35 near the intersection of Airport Rd and Dakota Ln in the City of Denton. The subject property and surrounding area are zoned for the HI district. The property itself is vacant, but several neighboring properties are developed with industrial uses. The subject property's irregular boundaries are the result of subdivisions recorded by a Conveyance Plat approved in 2010 and a Final Plat approved in 2011. The subject property is recorded on the 2010 Conveyance Plat but was not recorded as part of the 2011 Final Plat. Therefore, the subject property has been platted but only for the purposes of defining a lot's boundaries. It is not entitled development rights as it has not yet been final platted.

The subject property's boundaries are fixed in place. The east and south property lines are determined by public right-of-way for Dakota Lane, and the north and west property lines are determined by a fully developed, industrial lot.

## CONSIDERATIONS:

1. The applicant is requesting a variance from Denton Development Code (DDC) Table 3.5-C to reduce the minimum lot depth from 200 ft to 73 ft. According to the DDC Subchapter 9.2: Definitions, lot depth is measured as the horizontal distance from the midpoint of the rear lot line to the midpoint of the front lot line.
2. Section 2.8.1D states that the Zoning Board of Adjustment may grant a variance upon a finding that all of the following exist:
  - a) *Special circumstances or conditions apply to the parcel for which the variance is sought, which circumstances or conditions are peculiar to such parcel and do not apply generally to other parcels in the same district or neighborhood and that said circumstances or conditions are such that the strict application of the provisions of this DDC would deprive the applicant of the reasonable use of such parcel.*

The subject property's irregularly shaped boundaries are the result of several subdivisions in the area (see Site Data section above) that left the property with peculiar boundaries and a noncompliant lot depth of approximately 73 ft. The subdivision process in the 2019 DDC ensures the circumstances that led to the subject property's peculiar conditions are not a common occurrence for property platted today. Lots recorded by plat must meet the zoning district's dimensional standards, and according to subsection 8.2.3B.1, legal remainders must be at least 5 acres in size. The strict application of the DDC would deprive the owner of being able to develop the property since it would need to be platted to gain development rights and staff would have to deny the plat based on lot dimensions.

- b) *The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the district or neighborhood in which the parcel is located.*

The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the district. If the proposed variance is approved, a detailed review of all required plat, zoning compliance plans, engineering plans, and building permit submittals are required prior to development. Potential impacts from development of the property, such as increased traffic or stormwater runoff, would be mitigated through these review processes, which require compliance with the DDC and Design Criteria Manual.

- c) *The variance granted is the minimum variance that will accomplish this purpose.*

A variance from the minimum lot depth of 200 feet to the existing 73 feet would allow the property owner to plat the property and subsequently develop it. Alternatives to the variance are not feasible options. Rezoning the property to a district with less stringent dimensional standards would not be supported by the Denton 2040 Comprehensive Plan. Acquiring additional land area from an adjacent property in order to meet the minimum lot depth is not a viable option as the adjacent lot is developed and not under common ownership. Furthermore, acquisition of land area needed to make the parcel compliant would make the adjacent lot nonconforming as acquisition would include required site improvements, such as drive aisles and a stormwater detention facility. Therefore, the subject property's depth is fixed at 73 feet, and a 127-foot reduction in lot depth is the minimum required to allow the property to be platted.

- d) *The literal enforcement and strict application of the provisions of this DDC will result in an unnecessary hardship inconsistent with the general provisions and intent of this DDC and that in granting such variance, the spirit of the DDC will be preserved and substantial justice done.*

Strict application of the DDC would be inconsistent with the Code's general provisions and intent. DDC subsection 8.3.2A.1 requires lots created through the subdivision process to be developable. The subject property is undevelopable according to the strict application of the Code, and in granting the requested variance in order to allow the lot to be platted, the spirit of the DDC will be preserved and substantial justice done.

- e) *The granting of a variance is not solely for the purpose of mitigating a financial hardship; and*

The requested variance is not solely for the purpose of mitigating a financial hardship. As has been demonstrated in the criteria above, the variance is required in order to allow the property to be platted for development.

- f) *The condition or feature that creates the need for the variance did not result from the owner's actions.*

The conditions that created the need for a variance are not the result of the current owner's actions. The property owner who dedicated the Final Plat in 2011; and thus established the property's current, noncompliant boundaries; is not the current owner of the subject property.