



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

ACM: Cassey Ogden

DATE: December 3, 2024

SUBJECT

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in zoning district and use classification from a General Office (GO) district to a Highway Corridor (HC) district on approximately .358 acres of land generally located on the west side of I35E approximately 1,500 feet north of Schuyler Street in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted [4-1] to recommend approval of the request. Motion for approval by Chair Ellis and second by Commissioner Pruett. (Z24-0013a, I-35 RV Supercenter, Ashley Ekstedt)

<https://dentontx.new.swagit.com/videos/317245?ts=5668>

BACKGROUND

The applicant, RV Land Acquisitions, LP, has submitted an application to rezone approximately 0.358 acres of land from a General Office (GO) District to a Highway Corridor (HC) District to address existing nonconformities on the site created as a result of unpermitted improvements constructed on the adjacent Auto/RV Sales property to the south and east, which is explained further below. The subject property will be replatted as a part of the existing Auto/RV Sales use, which includes an accessory Major Auto Repair use, to the east and south of the subject property.

The subject property is a 0.358-acre parcel located on the northwest corner of an existing Auto/RV Sales use. The RV sales use has been operating on the adjacent property since the early 2000s. Beginning in late 2021, two new buildings were constructed without permits in the northwest corner of the existing RV sales property. One of these two new buildings was constructed 0.85 feet over the shared property line onto the subject property. In 2023, a contractor applied for an electrical permit for the newly constructed buildings. At that time, the City was made aware of the construction of the buildings without permits and requested documentation of what had been built. Upon reviewing a survey drawing of the site, Staff advised the applicant that the larger building was constructed over the property line and was located partially on the neighboring property.

Aside from the problem of having constructed the building partially on land that at the time was not owned by the RV sales entity, the portion of the building crossing the property line was now located in a zoning district that does not permit the use as Auto/RV Sales is not a permitted use in GO zoning. Additionally, this new building did not meet the side yard setback requirement of 10-feet that is required in HC zoning. The applicant subsequently acquired the 0.358-acre subject property immediately adjacent to the existing RV Sales use from the neighboring property owner to address the nonconformities. If the rezoning is approved, the property with the RV Sales use will be replatted to include the subject property, thereby

correcting the two issues created by the location of the new building: nonconforming use (RV Sales is not permitted in GO zoning) and nonconforming structure (the 10-foot side yard setback requirement is not met).

The applicant has been working towards obtaining building permits for the existing buildings and has addressed all comments from building safety, fire, solid waste, and other city departments. The rezoning and replat are the last steps required to bring the larger RV Sales property and the subject property into compliance.

The parent tract of the subject property was annexed into the City in 1965 along with several other properties in this area and extending to the east side of I35. Following annexation, the property was assigned the placeholder zoning designation of Agriculture under the 1969 Development Code, which was later changed to Light Industrial in the 1980s. The zoning of the property was changed to RCC-N with the adoption of the 2002 DDC and transitioned to GO with the adoption of the 2019 DDC.

The surrounding properties to the north and east are zoned Highway Corridor (HC) District. The surrounding properties to the south are zoned Highway Corridor (HC) and General Office (GO). To the west, the surrounding property is zoned General Office (GO). The properties to the east, on the opposite side of I35E, are zoned Planned Development (PD) and Mixed-Use Neighborhood (MN).

A full Staff Analysis is provided in Exhibit 2.

PLANNING AND ZONING COMMISSION

On October 9, 2024, the Planning & Zoning Commission held a public hearing and recommended approval of the rezoning [4-1]. No members of the public spoke in support of or in opposition to the project. A summary of the Commission's questions and discussion is provided below:

- The Commission asked questions about whether the city imposes fines for unpermitted work. Staff explained that the city focuses on compliance rather than assessing fines, so the applicant was informed what steps he needed to take to bring the buildings into compliance with City codes. The buildings that were constructed without permits had to obtain inspections from a structural engineer for the foundations and the metal structure. The Engineer made recommendations for structural corrections that needed to be made, and then a subsequent reinspection was done, with a final report sent to the city from the engineer. Fines would have been assessed if the applicant would have ceased working towards compliance.
- A question was asked whether this property would continue operating as nonconforming if the rezoning were not approved. Staff stated that this scenario was not discussed in detail, but generally nonconformities are allowed to remain in their existing condition. In this case, staff could not approve a permit for a building constructed over the property line, so a replat was required. DDC 8.3.2A.1 requires that all lots created through the subdivision process be developable and conform to the development standards of the DDC, therefore the replat could not be approved if the rezoning is not approved.
- The Commission also asked whether the PD-HC zoning located to the south is the same owner/operator and whether there would still be split zoning on this parcel. Staff stated that the PD-HC zoning is the same use and a part of the same property. The PD is reflected on the map today because overlay conditions were imposed when the site's zoning was changed in 2007 from RCC-N to RCC-D since RV sales was not a permitted use in the RCC-N zoning district. The overlay conditions required concrete display areas along I-35 and a landscape hedge. The base zoning for this portion of property is now HC, which is consistent with the remainder of the property, except for the two overlay conditions that were carried forward as a PD with the city-wide zoning transition

in 2019. Aside from those two conditions, the entire site would have consistent HC dimensional and development standards if this zoning change is approved.

OPTIONS

1. Approval
2. Denial
3. Postpone Item

RECOMMENDATION

Staff recommends **approval** of the rezoning of approximately 0.358 acres of land to a Highway Corridor (HC) 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).

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Date	Council, Board, Commission	Request	Action
November 9, 1965	City Council	Annexation	Approved
March 19, 1985	City Council	Rezoning from Agriculture (A) to Light Industrial (LI)	Approved
2002	City Council	Citywide rezoning to Regional Center Commercial Neighborhood (RCC-N)	Approved
October 2019	City Council	Citywide rezoning to General Office (GO)	Approved
October 9, 2024	Planning & Zoning Commission	Rezoning from GO to HC	Recommend Approval

PUBLIC OUTREACH:

The following public outreach efforts were done to meet legal notice requirements and to seek feedback from adjacent property owners and residents:

- On September 19, 2024, a total of three (3) notices were mailed out to property owners within 200 feet of the subject property, and three (3) postcards were mailed out to current residents within 500 feet of the subject property. As of the writing of this report, staff has received no written response to the notices.
- A notice was published on the City’s website on September 19, 2024, and November 14, 2024.
- A notice was published in the Denton Record Chronicle on September 21, 2024, and November 16, 2024.
- One sign was posted on the subject property on September 7, 2024.

The applicant did not conduct any neighborhood meetings.

DEVELOPER ENGAGEMENT DISCLOSURES

No developer contact disclosures have been provided to staff from members of this body as of the issuance of this report.

EXHIBITS

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Staff Analysis

Exhibit 3 - Site Location Map

Exhibit 4 - Future Land Use Map

Exhibit 5 - Existing Zoning Map

Exhibit 6 - Proposed Zoning Map

Exhibit 7 - Table of Allowed Uses

Exhibit 8 - Fiscal Impact Summary

Exhibit 9 - Notification Map

Exhibit 10 - Draft Ordinance

Exhibit 11 - Staff Presentation

Respectfully submitted:

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