



City of Denton

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

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

DCM: David Gaines

DATE: August 16, 2022

SUBJECT

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from Residential 2 (R2) District to Suburban Corridor (SC) District on approximately 13.07 acres of land generally located at the northeast corner of North Locust Street and Hercules Lane, 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. (Z22-0008c, Asbury UMC, Julie Wyatt) <https://dentontx.new.swagit.com/videos/178633?ts=8269>

BACKGROUND

The applicant, Thomas Waniewski with Diamond Towers V, LLC, on behalf of the property owner, Asbury United Methodist Church, is requesting to rezone a 13.07-acre tract from Residential 2 (R2) District to Suburban Corridor (SC) District. The reason the applicant is seeking the zoning change is to potentially allow for the construction of a new telecommunications monopole tower or alternative mounting structure on the subject property. A formal application for the construction of the telecommunications facility has not been received by the city; only conceptual plans for a potential alternative mounting structure have been provided (see Exhibit 8).

While it is the applicant's desire to construct a telecommunications facility on the property, if the requested SC zoning is approved then the site could be developed with any use permitted under the SC District, including a variety of non-residential uses, as well as multi-family residential with approval of a Specific Use Permit (SUP) (see Exhibit 7 for a complete list of uses). If the zoning change is approved, and should it be determined that an SUP application is needed prior to the construction of any telecommunications facilities, a separate application would have to be submitted for the SUP, which would come before the Planning and Zoning Commission and City Council as a public hearing. Within the SC district, new monopole towers are allowed up to 85 feet by right and then require approval of an SUP to exceed 85 feet; alternative mounting structures are allowed up to 100 feet by right and then require approval of an SUP to exceed 100 feet. Furthermore, regardless of the uses on the property, the applicant has the responsibility for satisfying the Denton Development Code and applicable criteria manuals' development requirements at the time of platting, civil engineering, and zoning compliance plan submissions.

A full Staff Analysis is provided in Exhibit 2.

PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission held a public hearing for the request at their August 10, 2022 meeting. City staff and the applicant made presentations regarding the land use analysis and the proposed telecommunications development.

At the meeting, the Planning and Zoning Commission questioned whether Mixed-Use Neighborhood (MN) District would be a more appropriate zoning district than the requested SC District, given the surrounding residential uses. In response, staff provided additional information on the MN District, including a comparison of the development scale, design standards, and permitted uses in MN and SC Districts shown

	SC District	MN District
Minimum Front Setback	20 feet	10 feet
Maximum Building Height	55 feet	65 feet (SUP over 40 feet)
Maximum Building Coverage	80%	80%
Minimum Tree Canopy	30% of the lot area minus building footprint or development impact area	40% of the lot area minus building footprint or development impact area
Design Standards	Parking in front permitted on Collector, Arterial roadways	Parking in front of building not permitted; 60% of the lot frontage must have buildings within 10 feet of the property line
Uses	No permitted low/moderate density residential; multifamily uses require approval of a Specific Use Permit; permitted commercial uses include office, automotive uses, larger retail, some industrial	Permits low/moderate density residential; multifamily dwellings are permitted by right; limitations on automotive uses, drive-through restaurants, retail square footage, and manufacturing

below:

Staff further shared that MN District was analyzed as part of the rezoning request; however, it was ultimately determined that SC District was more appropriate for the site, based upon the following considerations:

- The Future Land Use Map (FLUM) designates the subject site and the undeveloped acreage to the north as Community Mixed Use, creating a cohesive vision to encourage development of a variety of commercial uses to serve the area's growing population. The SC District is consistent with the FLUM, while the MN District is less compatible with the Community Mixed Use designation since it has a more predominant residential focus.
- SC District is consistent with the undeveloped property to the north. If approved, the request would be a logical extension of the existing zoning pattern thereby providing for continuity of permitted uses and development regulations resulting in compatible development.
- Residential growth in north Denton indicates that future commercial development will be needed to serve nearby populations, as the nearest commercial centers are located along University Drive and Loop 288.
- Site constraints and existing conditions will limit the type of future development: an unconfirmed ESA is located along the north boundary, and existing development bifurcates the lot. These barriers create two, 3-3.5 acre "pockets" available for future development, which will limit the size of any building and parking areas.

- Hercules Lane is a Collector roadway, intended for lower traffic volumes. Per the North Central Texas Council of Governments, 993 vehicles were counted within a 24-hour period on Hercules Lane at Stuart Road on December 2, 2019 (compared to 4,067 vehicles on North Locust near Loop 288). While the volume has likely increased since 2019, the lower traffic volume on Hercules Lane is not expected to attract larger retail uses which rely on “pass-by” traffic and greater visibility. Retail uses will be attracted to the intersection of North Locust Street and Loop 288 to the north since this intersection provides greater visibility and higher traffic counts.
- If MN is approved, the existing development’s parking location and building placement would become Nonconforming Site Features (see Design Standards in the table above), limiting the existing owner’s ability to expand the building. The existing development would not become nonconforming under the requested SC District.
- Absent a true neighborhood office zoning district that could serve as a possible appropriate transitional district between the existing SC zoning to the north and the residential zoning to the south, the applicant is limited to the available zoning districts in the DDC that accommodate both the proposed use (telecommunications tower) and existing use of the property (religious assembly). As discussed previously, MN is not the appropriate district from a land use and development regulations perspective, but also due to creating nonconformities with the existing religious assembly use.
- DDC design standards, including setbacks, landscaping, tree canopy, and screening (as discussed in the Staff Analysis Consideration A.8) will minimize adverse impacts to nearby residential properties.

A representative of the property owner spoke in favor of the request, and no other community members spoke during the public hearing.

At the close of the public hearing, the Planning and Zoning Commission concluded that the site constraints and the potential creation of a nonconformity outweighed the concerns related to the SC District and voted (4-1) to recommend approval of the request.

OPTIONS

1. Approve
2. Deny
3. Postpone Item

RECOMMENDATION

The Planning and Zoning Commission recommended approval of the request (4-1).

Staff recommended approval of the request as it complies with the criteria in Section 2.4.5.E of the Denton Development Code (DDC) for approval of all applications, and Section 2.7.2.D of the DDC for approval of a zoning change.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Date	Council, Board, Commission	Request	Action
2002	City Council	Citywide rezoning	Rezoning from Agriculture to Neighborhood Residential 2 (NR-2) District
October 1, 2019	City Council	New Zoning Code and City-wide zoning district transition to R2 District	Approval

June 22, 2022	Planning and Zoning Commission	Rezoning 9.5 acres from R2 District to SC District (Z22-0008)	Postponed to renote based on enlarged property boundary
July 13, 2022	Planning and Zoning Commission	Rezoning 13.07 acres from R2 District to SC District (Z22-0008)	Postponed to address a notification error
August 10, 2022	Planning and Zoning Commission	Rezoning 13.07 acres from R2 District to SC District (Z22-0008)	Recommended approval (4-1)

PUBLIC OUTREACH:

Thirty-two notices were sent to property owners within 200 feet of the subject property and eighty-two postcards were mailed to current residents within 500 feet of the subject property. As of the writing of this report, the City has received four responses in opposition to the request from three addresses within the 200-foot radius (multiple responses were received from the same address) (Refer to Exhibit 9).

A notice was published in the Denton Record Chronicle on July 24, 2022.

A notice was published on the City's website on July 20, 2022.

Three signs were posted on the property on June 8, 2022.

The applicant held a neighborhood meeting on June 8, 2022. No major issues with the request were indicated by the approximately 12 attendees.

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

1. Agenda Information Sheet
2. Staff Analysis
3. Site Location Map
4. Existing Zoning Map
5. Proposed Zoning Map
6. Future Land Use Map
7. Table of Allowed Uses
8. Proposed Concept Plan
9. Notification Map and Response
10. Presentation
11. Draft Ordinance

Respectfully submitted:

Tina Firgens, AICP

Deputy Director of Development Services/Planning Director

Prepared by:

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Senior Planner