

# Planning Staff Analysis

Z22-0008c/Asbury UMC

City Council District #2

## REQUEST:

Request to rezone 13.07 acres from Residential 2 (R2) District to Suburban Corridor (SC) District

## STAFF RECOMMENDATION:

Staff recommends 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.

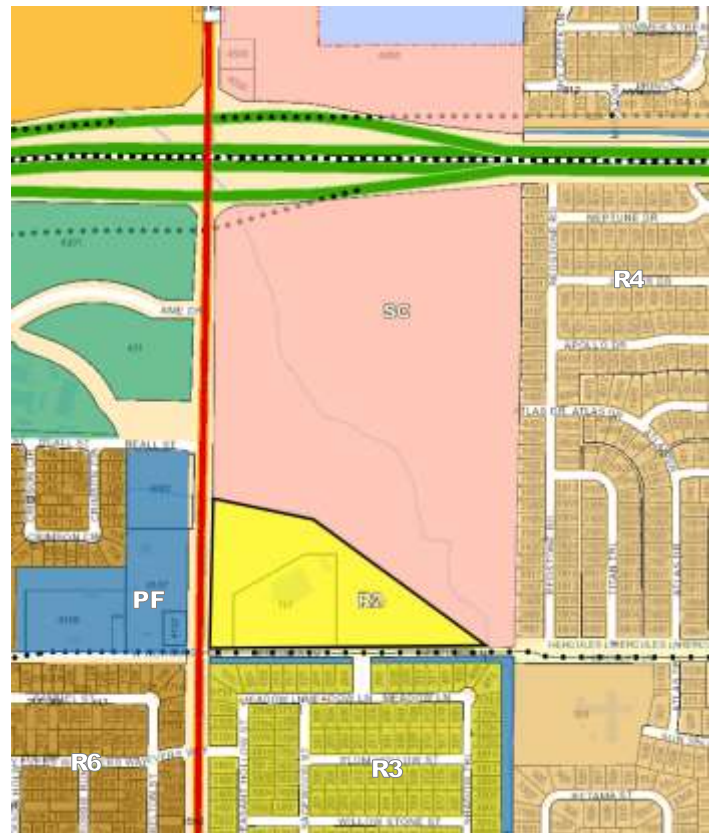
## SITE DATA:

Located at the intersection of North Locust Street and Hercules Lane, the site contains two tracts: an undeveloped 9.5-acre site that is irregularly shaped, forming a “U”, and a 3.6-acre tract owned by the same entity and developed as a Religious Assembly use. An unconfirmed Environmentally Sensitive Area (ESA) Riparian Buffer and FEMA Floodplain Zone X follow the north property line, separating the subject site from the property to the north.

The surrounding development includes a variety of uses organized in a typical suburban pattern: more intense uses such as Religious Assembly and Basic Utilities are located along higher classification roadways and at intersections, and low- to moderate-density single-family dwellings are clustered into distinct neighborhoods. Property to the north of the site is undeveloped; however, a Specific Use Permit to develop Multifamily Dwellings with commercial outparcels is currently under review by City staff.

The area’s zoning pattern is consistent with the existing development as shown in the inset map.

Area roadways follow the development pattern with neighborhood streets feeding into Collector and Arterial roadways:



- North Locust Street (FM 2164) is a Texas Department of Transportation (TxDOT) roadway designated as a Primary Arterial per the City’s 2022 Mobility Plan. It is constructed with two travel lanes, center turn lane, and partial sidewalks. Currently, TxDOT does not have plans to expand North Locust Street.
- Hercules Lane is designated as a Collector per the City’s 2022 Mobility Plan. As recent development has occurred, property owners have dedicated right-of-way and constructed segments of the roadway consistent with the typical Collector section of 65 feet, two travel lanes, and sidewalks.

**SURROUNDING ZONING AND USES:**

Northwest: Zoning: PF District Use: Public drainage and electric facilities	North: Zoning: SC District Use: Undeveloped (Specific Use Permit for multifamily use under review)	Northeast: Zoning: SC District Use: Undeveloped (Specific Use Permit for multifamily use under review)
West: Zoning: PF District Use: Electric Substation	<b>SUBJECT PROPERTY</b>	East: Zoning: SC District Use: Undeveloped (Specific Use Permit for multifamily use under review)
Southwest: Zoning: R6 District Use: Single-family dwellings	South: Zoning: PF and R3 Districts Use: Single-family dwellings	Southeast: Zoning: R4 District Use: Single-family dwellings, Religious Assembly

**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*

There are no prior approvals for this project.

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.*

## **Future Land Use**

Per the Denton 2040 Comprehensive Plan Future Land Use Map (FLUM), the subject property is primarily designated as Community Mixed Use. This designation is intended to promote a mix of uses, of which various commercial uses remain predominant, but where residential, service, and other uses are complementary. This land use applies to existing and future commercial areas in the city, where redevelopment to mixed-use is desirable.

Secondary to the Community Mixed Use designation, a small section of Low Residential Future Land Use “bleeds” into the property along Hercules Lane. This map symbology is intended to indicate that the FLUM is not parcel-based like zoning; rather, Future Land Use Designations are intended to be overarching policy directives to help guide zoning decisions. That said, given the area’s adjacency to a Collector Roadway and separation from nearby residential neighborhoods due to potential ESA and floodplain barriers, low density single-family dwellings are unlikely to develop in this location.

The proposed SC District is consistent with the Future Land Use Designation, as it would facilitate development of a mix of uses to provide for day-to-day shopping and services for the growing community surrounding the site.

## **Communications Infrastructure**

According to the Denton 2040 Comprehensive Plan, a well-maintained and operated infrastructure network is fundamental to a healthy, thriving community. As part of the City’s infrastructure planning efforts, communications infrastructure was included with the following goals:

**9.4** Coordinate with service providers to ensure the availability of communications infrastructure throughout the City.

The applicant has indicated that the purpose of the rezoning request is to facilitate the development of a new telecommunications facility. While that use cannot be guaranteed as part of the zoning request, the applicant’s suggested use is consistent with the overall goals of the Comprehensive Plan to provide for a robust telecommunications network.

## **Preferred Land Preservation Plan**

The unconfirmed Riparian Buffer ESA located along the subject property’s northern boundary is identified as “potential to be preserved” on the Preferred Land Preservation Plan. If the ESA is verified, then any impacts beyond those permitted in DDC Section 7.4.7A would require approval by City Council through the Alternative ESA process.

### **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 site. 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, prior to approval of any permitted use or use requiring approval of a Specific Use Permit, a detailed review will be completed.

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 site.

7. *Minimizes Adverse Environmental Impacts*

Development of the site must conform to all floodplain restrictions; therefore, no adverse environmental impacts are anticipated. Additionally, development of the site will be required to comply with the DDC regulations related to ESAs and tree preservation.

8. *Minimizes Adverse Impacts on surrounding Property*

Suburban Corridor District is a mixed-use commercial zoning district which permits a variety of community, healthcare, food and beverage, office, personal service, retail, vehicle, and low-impact manufacturing uses. Permitted development scale allows for 55 feet maximum building height and 80 percent building coverage. Due to the intensity of the possible future uses, development standards are important to ensure compatibility with the surrounding area. The following required development standards will minimize adverse impacts, so that, if approved, future uses would complement existing development:

- **Street trees:** one street tree must be planted every 30 feet along Hercules Lane and North Locust Street in accordance with DDC Section 7.7.7. These trees are in addition to right-of-way screening.
- **Parking lot landscaping:** per DDC Section 7.7.5F, developers are required to select landscaping elements from a menu, including (but not limited to) screening along the right-of-way, parking lot landscape islands, landscaped parking lot endcaps, and/or landscaped medians in parking areas. Landscaped islands, endcaps, and medians are required to include large-canopy trees.
- **Setbacks:** per DDC Section 3.4.1, the setback along all rights-of-way is 20 feet. Since Hercules Lane is a Collector Roadway, the required right-of-way is 65 feet, which will necessitate additional street dedication at the time of platting. Once the right-of-way is dedicated, any buildings must be set back an additional 20 feet from the new property line, further separating any future uses from the nearby residential development.
- **Lighting:** all commercial developments must conform to the minimum lighting requirements in DDC Section 7.11, including shielding of lights and maximum light spillover at the property line.
- **Overall minimum tree canopy:** SC District requires minimum 30 percent mature tree canopy in accordance with DDC Table 7.D.

Additionally, the proposed zoning pattern—commercial zoning situated at the intersection of Arterial and Collector roadways in proximity to residential neighborhoods—is repeated throughout the City. Commercial districts like SC District are often found near areas of concentrated residential development to provide necessary shopping and services. While typically fronting Arterials like University Drive and Teasley Lane, it is not unusual for SC District to either abut residentially zoned property or be separated by a public street. In this instance, the subject property abuts both a Secondary Arterial and a Collector street.

9. *Minimizes Adverse Fiscal Impacts*

This proposed rezoning is not anticipated to create adverse fiscal impacts.

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.

11. *Provides Adequate Road Systems*

The subject property is located at the intersection of a Primary Arterial and Collector Roadway in growing area. Any development of the site which generates more than 1,000 trips per 24 hours or 100 trips during peak times will be required to submit a Traffic Impact Analysis to determine any needed improvements to accommodate the additional trips generated by the use.

12. *Provides Adequate Public Services and Facilities*

The proposed rezoning is not anticipated to negatively impact public services and facilities. There are existing water and wastewater facilities in North Locust Street and Hercules Lane, which may require extensions when the property is platted.

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 A.3.b above, the proposed zoning of SC District is consistent with Denton 2040 Comprehensive Plan and will permit the development of commercial uses typically found along arterial roadways near residential areas.

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.*

Per Section 3.4.1A, “The SC district is intended to provide moderate- to high-intensity commercial, office, and retail uses along high-traffic corridors. The SC district provides elevated building and landscape design, buildings oriented to the street, and appropriate buffering from adjacent neighborhoods. While the SC district is primarily auto-oriented, it provides a safe environment for pedestrians and cyclists.”

The proposed SC District in this location is consistent with the purpose statement, as the site is located near the intersection of an Arterial and Collector roadway.



Furthermore, the site is separated from existing neighborhoods by utility, drainage, and roadway infrastructure, so that future commercial uses would be accessible, but buffered from residential properties.

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

In the last 5 years, over 1,500 dwelling units have been constructed or are under construction within an approximately 1-mile area surrounding the subject property (see Aerial maps below). As properties on the north side of Denton continue to develop, additional locations for commercial development are appropriate to provide for necessary retail and services within proximity to neighborhoods. The proposed rezoning would allow for this type of future development and is a logical extension of the existing SC District to the north of the subject property.



*Aerial view, 2017*



*Aerial view, January 2022*

- 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 related to the proposal**

Due to the low number of trips generated by the proposed telecommunications use, staff does not anticipate adverse traffic impacts related to the proposed rezoning. However, because this is a zoning case, if approved, any uses within the SC District could be developed. Therefore, staff calculated the potential trips generated by a general “Shopping Center” use using the Institute of Transportation Engineers Trip Generation Manual – 8th Edition. Assuming approximately 65,000 gross square feet of commercial buildings, the site could generate approximately 2,791 trips within a 24-hour period. Using Google Maps traffic data from 2019, the 2022 Mobility Plan shows minimal traffic congestion on the section of North Locust Street between Windsor Drive and Loop 288 during peak travel times (page 23). Additionally, Google Maps traffic data indicates slower traffic on Hercules Lane near the intersection with North Locust during the evening peak (likely caused by turning movements from Hercules onto North Locust).

At the time of development of any commercial uses, if the number of potential trips exceeds 1,000 within a 24-hour period, a Traffic Impact Analysis would be required.

### **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 and are used to make roadway system improvements related to the Mobility Plan.

### **Access and Perimeter Street Improvements**

No additional perimeter street improvements would be required at this time.

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

### **Schools**

Since the applicant is proposing a commercial use, the request would not add students to schools within the attendance boundary. Most residential uses are not permitted in the SC District, and if multi-family development were proposed in the future, a SUP would be required and potential student generation would be considered at that time.

### **Water and Wastewater**

Public water and wastewater services are available to the site.

### **Nearest Fire Station**

The subject property is approximately 1.3 miles from Fire Station # 4 (2110 E. Sherman Dr), within the eight minute 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.