

# Planning Staff Analysis

## Z22-0011b/ Deeper Life Bible Church Industrial City Council District #3

### REQUEST:

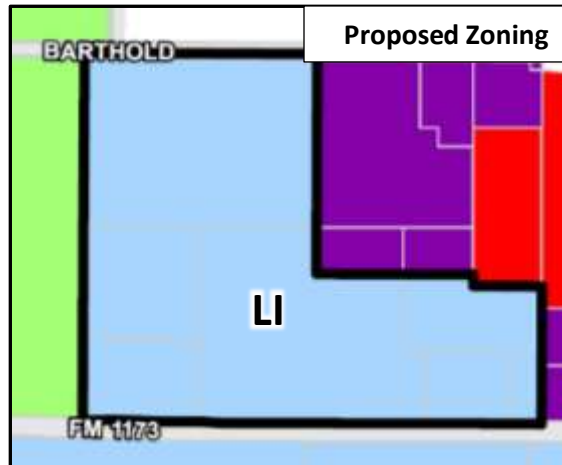
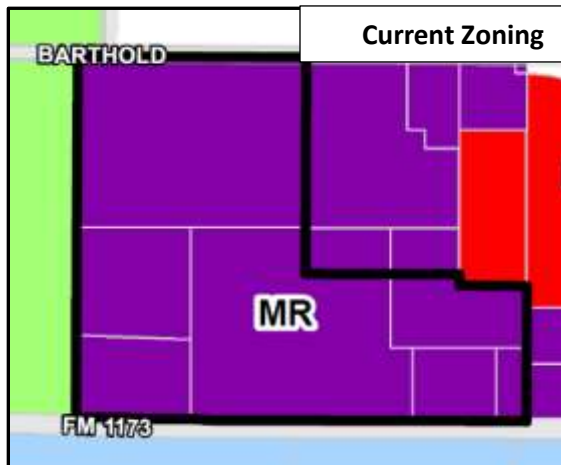
Rezone approximately 53.681 acres of land from a Mixed-Use Regional (MR) Zoning District to a Light Industrial (LI) Zoning District.

### STAFF RECOMMENDATION:

Staff recommends **approval** of the zoning change request to a Light Industrial (LI) 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 comprised of all or part of seven tracts of land totaling 53.681 acres. One tract is currently developed with a single-family dwelling; the remaining tracts are either undeveloped or developed with agricultural uses. The subject property also contains one plugged gas well. The northern sections of two of the tracts are excluded from the requested rezoning because the current property owner is retaining these sections for inclusion with the adjacent lot to the north, where a church is proposed to be developed by the current land owner.



### SURROUNDING ZONING AND USES:

Northwest: Zoning: RR District Use: Single Family Detached Dwelling and Agricultural	North: Zoning: RR and ETJ Use: Single-Family Dwelling and Agricultural	Northeast: Zoning: Highway Corridor (HC) and MR Districts Use: Outdoor Storage, Light Industrial, Travel Plaza
West: Zoning: RR District Use: Agricultural, Single Family Detached Dwelling	<b>SUBJECT PROPERTY</b>	East: Zoning: HC and MR Districts Use: Travel Plaza, Outdoor Storage and Undeveloped Land
Southwest: Zoning: LI District Use: FM 1173 and Undeveloped	South: Zoning: LI District Use: FM 1173 and Undeveloped	Southeast: Zoning: LI District Use: FM 1173 and 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 April 23, 2019, the Denton Development Code was updated. With the update, the subject property transitioned from Regional Commercial Center - Neighborhood (RCC-N) to Mixed-Use Regional (MR). However, there have been no prior approvals related to this rezoning request or the proposed development.

### 3. *Consistent with the Comprehensive Plan and Other Applicable Plans*

*The decision-making authority:*

- a. *Shall weigh competing goals, policies, and strategies.*

The proposed LI Zoning District is consistent with the Future Land Use Map's designation of Light Industrial (discussed further under Consideration 3.b below) and with other goals, policies, and actions outlined in the Comprehensive Plan, including the goals and actions listed below:

GOAL FEV-2: Improve the City's job-to-worker ratio by increasing the number of jobs available to the resident workforce and local graduates.

GOAL FEV-5: Design a fiscally advantageous land use pattern paired with fiscally responsible infrastructure management and investment.

Action 3.1.1: Ensure adequate land for future economic growth, particularly in the non-residential future land use categories, including a sufficient buffer zone to adjacent protected land uses.

The applicant has indicated that the purpose of the rezoning request is to facilitate the development of a new light industrial use on the subject site. While that use cannot be guaranteed as part of the request, the applicant's suggested use and the other light industrial uses permitted in the LI District are consistent with the overall goals of the Comprehensive Plan to provide for a robust and diverse economy and increase jobs within Denton as discussed in the Comprehensive Plan goals and actions noted above. In addition, a sufficient buffer zone is provided between this property (as well as the surrounding future Light Industrial area) and more sensitive, protected land uses, including large single-family neighborhoods and the areas highlighted by the Preferred Land Preservation Plan included in Denton 2040 Comprehensive Plan. This buffer is provided by the many significant barriers created in this area by the future extension of Loop 288, the Kansas City Railroad, and the Interstate 35 corridor.

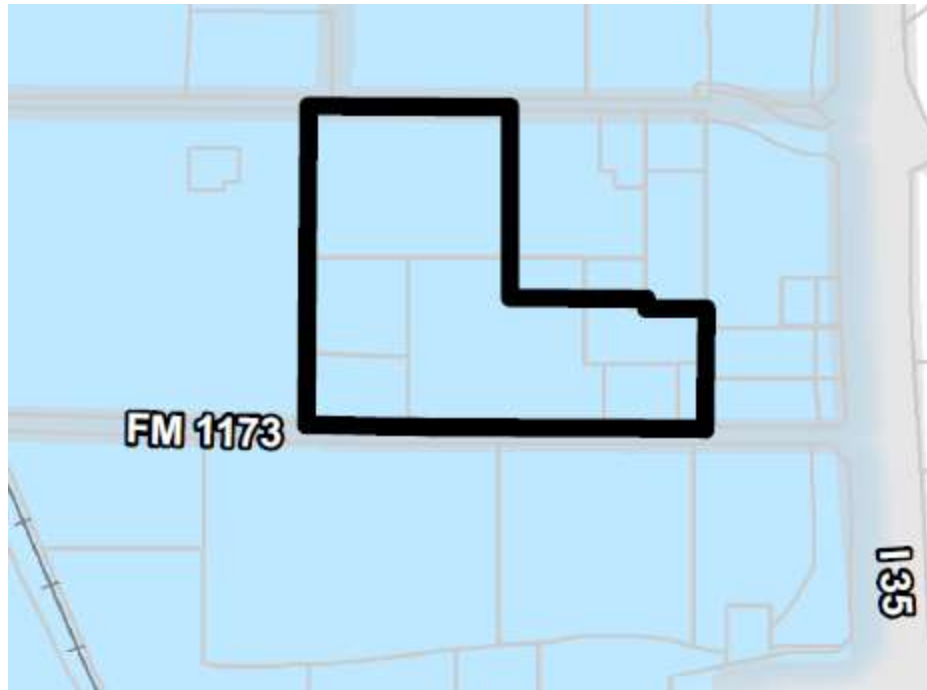
- b. May approve an application that furthers the overall goals of the Comprehensive Plan even if the development does not match the future land use designation in the Comprehensive Plan.*

### **Future Land Use**

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

This designation is intended for tracts of land that are appropriate for light industrial activity. Primary uses include light manufacturing, assembling, and warehousing and distribution, and include associated supporting uses, such as offices, retail, and restaurants. Light Industrial areas should have adequate access to infrastructure, including the transportation network. It is important in future development that transitions to adjacent sensitive land uses are considered.

The LI Zoning District is consistent with the goals of the Comprehensive Plan and with the Future Land Use Designation of Light Industrial.



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.*

All future development on this site will be required to comply with applicable standards in the DDC, including, but not limited to, minimum lot size and dimensions, building coverage, access, parking, tree preservation, landscaping, screening, and buffering.

- 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 to a LI Zoning District is approved, prior to development, a detailed development review will accompany all required zoning compliance plan, platting, engineering, tree preservation, and building permit submittals.

5. *Compliance with Other Applicable Regulations*

If the proposed rezoning to a LI Zoning District is approved, prior to development, a detailed review of the proposed development will be conducted to ensure compliance with 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*

Any development of the site must conform to all floodplain and environmentally sensitive area (ESA) standards and requirements; therefore, any potential adverse environmental impacts will be avoided or mitigated.

Per the city's ESA map, the subject property previously had a potential Environmentally Sensitive Areas (ESAs) - Riparian Buffer ESA - on the eastern portion of the property. An ESA Assessment performed earlier in 2022, however, determined that this ESA is not present on the property.

8. *Minimizes Adverse Impacts on surrounding Property*

The subject property is surrounded by light industrial, open storage, and travel plaza uses to the northeast and east, Barthold Road and Extraterritorial Jurisdiction (ETJ) to the north, FM 1173 and vacant land zoned Light Industrial to the south, agricultural land and one single-family dwelling to the west. Northwest across Barthold Road are agricultural uses and one single-family dwelling; when TXDOT widens Barthold Road to become the new alignment of FM 1173, the right-of-way between this property and the single-family residential property to the northeast will be expanded to 220 feet.

To minimize any adverse impacts to the adjacent dwelling units, the DDC contains setback, screening, lighting, and buffering requirements that are required to be complied with at the time the subject property is developed. Buildings within 200 feet of any right-of-way will be subject to the City's building design standards that are otherwise exempted for industrial zoning districts.

9. *Minimizes Adverse Fiscal Impacts*

No adverse fiscal impact to the City is anticipated. The proposed development of an industrial warehouse use could be expected to have a positive economic benefit to the city.

Additionally, as opposed to the current MR zoning district, the proposed LI Zoning District does not allow for residential uses; therefore, the cost associated with providing residential-related services that would be expected if multifamily development occurred, as would be permitted under the current MR zoning of the subject site, is not anticipated.

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

When the site is developed, the development plans will be reviewed to ensure compliance with all utility, service, and improvement standards. At the time of development utilities required to support the use will be connected to or will be extended by the developer or property owner.

## 11. *Provides Adequate Road Systems*

The subject property is located south of Barthold Road, a primary arterial, and north of FM 1173, a secondary arterial, approximately 712 feet west of the intersection of FM 1173 and North I-35E. The proposed rezoning is not anticipated to negatively impact surrounding property. In compliance with Mobility Plan requirements, when the property develops, a collector will need to be constructed between FM 1173 and Barthold Road. Per the applicant's conceptual plans, access to the property will be primarily from the future collector that will be constructed between Barthold Road and FM 1173, with additional driveway access points proposed on FM 1173 and on Barthold Road.

Barthold Road will be widened by TXDOT in the future to become the new alignment of FM 1173; the applicant's conceptual plan takes into account the need to provide space for this expanded right-of-way.

It is important to note that when the site is developed, new development must comply with all applicable roadway infrastructure standards, including the collector construction requirement noted above, as well as the improvement of adjacent perimeter streets, to ensure that there is adequate and safe access and circulation within the area.

## 12. *Provides Adequate Public Services and Facilities*

Currently, there is a 16-inch water line running along FM 1173 to the south. There is an existing 10-inch gravity wastewater line that runs south from Barthold Road to the easternmost northeastern corner of the property.

This proposed rezoning is not anticipated to negatively impact public services and facilities. When sites are developed, the new development must comply with all applicable standards to ensure adequate public services and facilities are available.

## 13. *Rational Phasing Plan*

According to the applicant the property will be developed in one phase, as two lots.

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 LI Zoning District is consistent with the goals of the Comprehensive Plan and with the Future Land Use Designation of Light Industrial.

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:

The LI district is intended to provide locations for a variety of light industrial and employment uses such as light manufacturing, assembly, fabrication, warehousing and distributing, indoor and outdoor storage, and a wide range of supporting commercial uses and activities. The LI district provides a variety of transportation options for access including transit, bicycle, and pedestrian facilities. The LI district provides appropriate transitions to surrounding uses and lower-intensity districts and is sensitive to the adjacent built and natural context.

The proposed LI District is consistent with the purpose statement as the subject property is proposed to be a light industrial use. Additionally, given the prominent location between a primary arterial, which is slated to be widened to six lanes in the future, and a secondary arterial roadway, and the location within half a mile of the intersections of those arterials with another primary arterial (I-35E), the property is situated in an area suitable for the LI District given the access goals noted in the purpose statement.

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

The zoning of this property as Regional Commercial Center – Neighborhood, which lead to the transition to the current zoning of Mixed-Use Regional District, occurred when the 1999-2020 Future Land Use map called for this area to develop primarily with regional shopping, employment, entertainment, and residential uses. Since 1999, the development that has occurred on both sides of I-35, including the development of Rayzor Ranch as a regional shopping center to the south along I-35, and increasing Light Industrial development along the west side of I-35, has necessarily had an impact on the type of development that is likely to be proposed in and around the subject property. Taking into account these changes and the need to ensure there is adequate land area to accommodate future desired industrial development, City Council designated the subject property and surrounding area to the south and west as Light Industrial on the City's Future Land Use Map adopted with the 2040 Comprehensive Plan earlier this year. This designation is consistent with the anticipated development of light industrial uses in the northwest area of the city.

Given the changes in development patterns and the recent update to the City's Comprehensive Plan that designated this area for future Light Industrial land uses, many of the uses permitted by the current MR zoning district (see below) would not be appropriate on the subject property, and the requested rezoning of the subject property to LI is appropriate.

Selected Residential Uses	Mixed-Use Residential	Light Industrial
Multifamily	Permitted	Not Permitted
Townhome	Permitted	Not Permitted
Duplex/Triplex/Fourplex	Permitted	Not Permitted
Elderly Housing	Permitted	Not Permitted
Community Home	Permitted	Not Permitted

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

The subject property is surrounded primarily by agricultural and single-family residential uses to the north and west, light industrial and outdoor storage and travel plaza uses to the northeast and east, and vacant property zoned Light Industrial to the south. To minimize any adverse impacts to the nearby dwelling units, setback, screening, lighting, and buffering requirements will be applied at the time the subject property is developed.

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

#### **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.

#### **Water and Wastewater**

As discussed above, public water service is currently available to the site. A City wastewater line currently extends to the northeastern portion of the subject property. When the site is developed, it will be reviewed to ensure compliance with all utility, service, and improvement standards for extension and connection to City utilities. Additionally, water and wastewater tap and impact fees will be based upon the intensity of the development and are required to be paid during permitting.

#### **Schools**

Residential uses are not permitted in the LI Zoning District, so this change would not result in the addition of any new students.

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

There was no error in the assignment of the current zoning district. In 2019 with the citywide zoning update, the subject property transitioned from a Regional Commercial Center - Neighborhood (RCC-N) to Mixed-Use Regional (MR). As is discussed in the AIS and above, the RCC-N designation was consistent with the comprehensive plan in place at the time, but the current zoning is no longer consistent with the City's Future Land Use Map and thus a rezoning is appropriate to align the zoning with the 2040 Comprehensive Plan.