



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

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## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**DCM:** David Gaines

**DATE:** November 15, 2022

### **SUBJECT**

Hold a public hearing and consider approval of an ordinance of the City of Denton, Texas regarding a change in the zoning district and use classification from a Mixed-Use Residential (MR) Zoning District to a Light Industrial (LI) Zoning District on approximately 53.681 acres of land, generally located south of Barthold Road, north of FM 1173, approximately 712 feet west of the intersection of FM 1173 and North I-35E, 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 establishing an effective date. The Planning and Zoning Commission voted [7-0] to recommend approval of the request. Motion for approval by Vice-Chair Smith and second by Commissioner McDade. (Z22-0011b, Deeper Life Bible Church Industrial, Sean Jacobson)  
<https://dentontx.new.swagit.com/videos/186458>

### **BACKGROUND**

The applicant, Todd Finley of CLX Ventures, LLC, representing The Deeper Life Bible Church, the property owner, is requesting to rezone 53.681 acres from Mixed-Use Regional (MR) District to Light Industrial (LI) District.

This property was annexed and zoned Agricultural in 1985. It was then rezoned to Regional Commercial Center – Neighborhood (RCC-N) as part of the citywide rezoning in 2002 when the 2002 Denton Development Code (DDC) was adopted. At the time, the 1999 Comprehensive Plan anticipated that this area west of I-35E and northeast of the Kansas City Railroad was expected to be a Regional Mixed-Use Activity Center, which was intended to provide shopping and employment for Denton and surrounding areas. It was expected to develop with a diverse mix of uses, which could include a shopping mall, large employers, an entertainment district, and high-density housing. The rezoning to RCC-N aligned with this expected future land use.

However, the 1999 Comprehensive Plan did not anticipate the development of Rayzor Ranch, which became the regional shopping center and high-density housing area that had been expected to develop to the northwest around the subject property. By 2015, acknowledging this change in the development pattern, the Future Land Use Map adopted with Denton Plan 2030 showed the subject property and the surrounding area not as a future shopping destination, but as part of a larger Business Innovation Future Land Use designation, intended primarily for development of large-scale office and employment parks.

In 2019, as part of the citywide transition to the new zoning districts created by the adoption of the 2019 Denton Development Code, the subject property was transitioned from RCC-N to the new Mixed-Use Regional District, which did not align with the Denton Plan 2030 Future Land Use map, but was the closest

new zoning district to the existing RCC-N district per the zoning transition table adopted with the 2019 DDC.

Most recently in 2022, the Future Land Use map adopted with Denton 2040 Comprehensive Plan included the subject property in a larger Light Industrial Future Land Use area west of I-35E, intended primarily for the development of light industrial activity, including light manufacturing, assembling, warehouse and distribution, and associated supporting uses.

This proposed rezoning from MR to LI, then, would take this property from a zoning district that has been out of alignment with the Future Land Use map for the property since the adoption of Denton Plan 2030, to a zoning district that aligns with the Light Industrial Future Land Use Map designation for this property in Denton Comprehensive Plan 2040.

The applicant is proposing the Light Industrial zoning to facilitate the development of warehouse uses on the property. However, if approved, the rezoning would permit the development of any uses permitted in the LI District. Refer to Exhibit 7 for permitted uses within both the current MR and the proposed LI Districts.

A full Staff Analysis is provided in Exhibit 2.

### **PLANNING AND ZONING COMMISSION**

On October 12, 2022, the Planning and Zoning Commission held a public hearing and recommended approval of the zoning change request [7-0]. There was no discussion amongst the Commission regarding the request. One member of the public spoke and expressed “no objection” to the request.

### **OPTIONS**

1. Approve
2. Deny
3. Continue the Item

### **RECOMMENDATION**

The Planning and Zoning Commission voted [7-0] to recommend **approval** of the zoning change request. 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.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

Date	Council, Board, Commission	Request	Action
1985	City Council	Annexation of property and zoning as Agricultural (A)	Approval
2002	City Council	Rezoning of property from A to Regional Commercial Center – Neighborhood (RCC-N) as part of citywide rezoning	Approval
2019	Planning & Zoning Commission	Rezoning of property from RCC-N to Mixed-Use Regional (MR) as	Recommended Approval

		part of citywide rezoning	
2019	City Council	Rezoning of property from RCC-N to Mixed-Use Regional (MR) as part of citywide rezoning	Approval
October 12, 2022	Planning & Zoning Commission	Rezoning of property from Mixed-Use Regional (MR) to Light Industrial	Recommended Approval

### **PUBLIC OUTREACH:**

Six notices were sent to property owners within 200 feet of the subject property. 16 courtesy notices were sent to resident and utility customer addresses within 500 feet of the subject property. As of the writing of this report, no responses have been received.

A notice was published in the Denton Record Chronicle on October 29, 2022.

A notice was published on the City's website on October 28, 2022.

Six signs were posted on the property on September 26, 2022.

The applicant held a neighborhood meeting on September 7, 2022, which was attended by two residents who reside nearby. Residents, overall, did not object to the proposed rezoning, but had some concerns about future development that they hoped the developer would work with them to address. More detailed notes from that meeting are included in Exhibit 7.

### **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. Comparison Table of Permitted Uses
8. Notification Response Packet
9. LLC Member List
10. Draft Ordinance
11. Presentation

Respectfully submitted:  
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Planning Director & Deputy Director of  
Development Services

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