



## 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

**ACM:** Cassey Ogden

**DATE:** April 18, 2023

#### **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 on approximately 12.77 acres of land from a Planned Development - Mixed-Use Neighborhood (PD-MN) District to an overlay Planned Development - Suburban Corridor (PD-SC) District. The site is generally located at the northwest and southwest corners of Teasley Lane (F.M. 2181) and Hunter Creek Road 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 for severability clause and an effective date. The Planning and Zoning Commission voted 5 - 2 to recommend approval of the request. Motion for approval by Commissioner Pruett and second by Commissioner Smith. (PD22-0010f, Denton West Joint Venture, Mia Hines).  
<https://dentontx.new.swagit.com/videos/223894?ts=10549>

#### **BACKGROUND**

The request is a rezoning from a Planned Development (PD) District with a Mixed-Use Neighborhood (MN) base zoning district (*development standards only*) to a new Planned Development (PD) District with a Suburban Corridor (SC) (PD-SC) base zoning district to facilitate the development of several commercial pad sites on the subject property. The existing PD designation with MN base zoning is somewhat misleading because the property transitioned from a zoning of Neighborhood Residential Mixed Use (NRMU) with overlay conditions under the 2002 Denton Development Code (Ordinance 2014-075). The land uses allowed today in the current PD district are actually those commercial uses that were allowed in accordance with the NRMU zoning district, and the development standards that apply today are the standards provided for in accordance with the MN district (hence the PD-MN base district reference). Therefore, in accordance with DDC Section 1.7.8, the following conditions from Ordinance 2014-075 apply to the subject property:

1. No Multi-Family dwellings are permitted.
2. The entirety of Tract B (subject property) may be development for commercial uses per the Neighborhood Residential Mixed-Use (NRMU) District as heretofore amended and all other applicable regulations in the Denton Development Code and the Code of Ordinances as heretofore amended.

For anything not specified in the above stated overlay conditions, the standards for the MN District and 2019 Denton Development Code apply. Again, the existing uses for the subject property are regulated under the 2002 DDC's NRMU District, but all other standards for the property's development (i.e. dimensional standards, landscaping, parking, etc.) are regulated under the current MN District and 2019 DDC. See Exhibit 7 for a comparison of the standards applicable to this property currently versus the proposed PD-SC overlay and the standards for straight SC zoning.

The applicant is requesting the PD-SC district to ensure the proposed rezoning and subsequent development are compatible with both the surrounding neighborhood and the Community Mixed Use context of this area. The DDC was recently amended in 2022 to allow for PD districts specifically for this purpose; in this case the applicant is requesting the Overlay PD which allows for development standards and uses to be modified without necessitating a Development Plan which is otherwise required for a Standard PD. An Overlay PD may be used to restrict or expand the uses permitted within a base zoning district, impose additional use-specific standards, and/or modify setbacks, landscaping, screening, or buffering requirements adjoining residential uses or less intensive land uses. Additionally, this request would serve to bring the development of the subject property into alignment with the City's current zoning and development regulations and eliminate an older zoning overlay based in the 2002 Denton Development Code, which can be challenging to apply since portions of both the 2019 and 2002 DDC apply to the site today.

The subject site includes two tracts of land (see Exhibit 3) divided by Hunters Creek Road, an east-west Collector, and is situated between single-family and multifamily developments to the west, and Teasley Lane, a 6-lane divided Primary Arterial to the east. Ryan Road, a 2-lane Secondary Arterial, is located to the south. When the PD was previously established, Planned Development Ordinance No. 2014-075 assigned the same overlay restrictions on both the subject site and the adjacent multifamily site. Ordinance Z18-0025d subsequently amended this PD by permitting the development of multifamily on the adjacent tract but had no impact on the subject site.

Given the increased density and existing land use context along this corridor of Teasley Lane, the applicable development standards and permitted land uses of the proposed SC base zoning district are appropriate for this site. The SC District is intended to provide moderate- to high-intensity commercial, office, and retail uses along high-traffic corridors while requiring elevated building and landscape designs, the orientation of buildings towards the street, and appropriate buffering from adjacent neighborhoods. To ensure improved land use compatibility between future commercial development and the less intense single-family uses in this area, the proposed PD-SC zoning district would impose additional restrictions onto the subject site. These standards are outlined in Exhibit 6 and summarized in the table below. For standards not specified in the PD Regulations, the applicable SC development standards would apply.

*(continued on next page)*

Standard		Existing PD-MN District	Base SC District	Proposed PD-SC District
Permitted Uses (see Exhibit 7)		Commercial Uses permitted in the NRMU District as categorized in the 2002 DDC	All Uses permitted in the SC District per the DDC	Some Public, Institutional, Religious, & Civic Uses, Commercial Uses, and Temporary Uses permitted in the SC District per the DDC (see Exhibit 6 for prohibited uses)
Land Use Compatibility Buffer (DDC 7.7.6)	Tract 1 (adjacent to SF HOA Property)	No buffer	No buffer	Min. 30-foot-wide; Min. 30 points from DDC Table 7.G; Screening fence required
	Tract 2 (adjacent to MF)	Min. 15-foot-wide, Min. 30 points from DDC Table 7.G	Min. 15-foot-wide; Min. 30 points from DDC Table 7.G	Min. 30-foot-wide; Min. 30 points from DDC Table 7.G
Specific Vehicular Parking & Maneuvering Screening		<p>Parking prohibited between front building façade and adjacent street frontage</p> <p>Min. 1 ROW screening element from DDC Table 7.E</p>	Min. 2 ROW screening elements from DDC Table 7.E (unless no front parking, then 1 ROW screening element)	<p>Min. 25-foot parking area setback from Teasley Lane; Min. 15-foot parking area setback from Hunters Creek Road</p> <p>Min. 2 ROW screening elements adjacent to Teasley Lane</p> <p>No menu boards &amp; min. 3 ROW screening elements along Hunters Creek Road</p>

Staff believes it is appropriate to consider the proposed PD-SC zoning as it allows for a range of context-sensitive commercial land uses consistent with commercial development present along

this corridor of Teasley Lane. The Community Mixed-Use Future Land Use designation further supports the proposed rezoning as it is intended to promote a wider array of economically viable uses. Furthermore, commercial uses have been intended for the subject property since the current zoning overlay conditions went into effect in 2014, so there is not a significant change in uses being proposed.

A full Staff Analysis of the proposed Planned Development, including a further analysis of the proposed standards, is provided in Exhibit 2.

#### PLANNING AND ZONING COMMISSION

On February 15, 2023, the Planning and Zoning Commission held a public hearing and recommended denial (4-2) of the request.

At the public hearing, the Commission asked several questions regarding the neighborhood meeting held by the applicant, uses allowed under the proposed PD versus the existing MN district, the existing batch plant located on site, and the possibility of restricting driveway access on Teasley Lane. Staff provided additional details regarding the February neighborhood meetings noted below. Staff provided a comparison of the uses permitted under the current zoning (NRMU, not MN) versus the proposed PD. Regarding the batch plant, staff and the applicant clarified that the use was approved on a temporary basis to support TXDOT's construction of Teasley Lane. Since, the proposed PD prohibits the use, the proposed zoning would not allow for expansion of the use.

With respect to access, Staff clarified that once specific uses are identified for the property a Traffic Impact Analysis (TIA) will be required to assess any traffic related improvements and restrictions. Staff provided additional information regarding the previous TIA done for the adjacent multifamily development and the warrant analysis provided as part of that TIA for the intersection of Hunters Creek and Teasley Lane. Staff further discussed the DDC's current restrictions on direct access from a Primary Arterial, like Teasley Lane, if access can be taken from a roadway with a lower classification, like Hunter Creek Road.

Two members from the public spoke regarding the request. One speaker expressed their support for the rezoning request particularly related to the restricted uses and encouraged the installation of a traffic signal at the intersection of Hunters Creek Road. Another individual spoke in opposition to the rezoning request stating traffic concerns in the area.

At the close of the public hearing, a motion was made and seconded to recommend denial of the request, resulting in a recommendation of denial (4-2).

Subsequent to the February 15, 2023 meeting, Chair Margie Ellis requested an item be placed on the March 1, 2023 agenda for reconsideration. Section 2.29(g)(11) of the City's Code of Ordinances allows a member who voted with the prevailing side of the prior motion to make a motion to reconsider so long as such motion is made "not later than the next succeeding official meeting of the Council". In this case, the prevailing side included the four members who voted to recommend denial of the Planned Development. A motion was made to hold another public hearing and reconsider the request at the March 29, 2023 Planning and Zoning Commission meeting. The motion prevailed (6-1).

Notification of the new public hearing was sent to the local newspaper and surrounding property owners in accordance with DDC Section 2.4.6 for the March 29, 2023 meeting.

Prior to the March 29, 2023 meeting, the applicant asked that the item be continued to the April 12, 2023 Planning and Zoning Commission meeting since all Commissioners were not going to be present since one of the primary reasons for the reconsideration was to allow all Commission members the opportunity to review and vote on the item. Given the absence of Commissioners Smith and Anderson, Chair Ellis opened the public hearing and Commissioner Pruett made a motion was made to continue this item to a date certain of April 12, 2023. The motion prevailed (4-1).

In response to feedback heard at the February 15, 2023 public hearing, the applicant revised the proposed Planned Development standards to restrict the allowed number of drive-through uses to three (3) rather than having the use be allowed by right within the PD. The PD standards specify that any additional drive-through uses beyond the permitted 3 would require a specific use permit. These revised standards were presented to the Planning and Zoning Commission at the April 12, 2023 meeting and are included as Exhibit 6.

On April 12, 2023, the Planning and Zoning commission held a public hearing and recommended approval of the zoning change request [5-2]. One of the two commissioners who voted in opposition to the request cited continued safety concerns at the intersection of Teasley Lane and Hunters Creek Road. The other commissioner who voted in opposition did not state a reason. One member of the public spoke in support of the request. Another member of the public spoke in opposition of the request stating traffic and site design concerns.

The Commission asked Staff to clarify requirements related to traffic impacts and screening. Concerning traffic impacts, Staff reiterated that once specific uses are identified for the property, a Traffic Impact Analysis (TIA) will be required to assess any traffic related improvements and restrictions and the developer(s) would be responsible for their proportionate share of improvements. Specifically concerning a traffic signal at the intersection of Hunters Creek Road and Teasley Lane, TXDOT review and approval would be required as Teasley Lane (F.M. 2181) is a TXDOT facility. Regarding the screening fence required in Section 3 of the proposed Development Regulations, the applicant replied that this requirement was added as a result of feedback from neighboring property owners. Staff further explained that this is an additional standard that would not otherwise be required without the PD and that because of the PD requirements the permitted materials are subject to Subsections 7.7.8 *Walls, Fences, and Screening* and 7.7.6 *Compatibility Landscape Buffer Requirements* of the Denton Development Code.

### **OPTIONS**

1. Approve
2. Approve Subject to Conditions
3. Deny
4. Postpone Item.

### **RECOMMENDATION**

The Planning and Zoning Commission voted [5-2] to recommend approval of the 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 2.7.3.D of the DDC for approval of a zoning change to an Overlay PD District.

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

Date	Council, Board, Commission	Request	Action
January 23, 2008	Planning & Zoning Commission	Rezone NR-2 to NRMU (Ord. No. 2008-045)	Recommended Approval
February 19, 2008	City Council	Rezone NR-2 to NRMU (Ord. No. 2008-045)	Approved
February 5, 2014	Planning & Zoning Commission	Rezone to NR-6 Overlay (Ord. No. 2014-075)	Recommended Approval
March 4, 2014	City Council	Rezone to NR-6 Overlay (Ord. No. 2014-075)	Approved (superseded and replaced Ord. No. 2008-045)
October 2019	City Council	Base zoning transition from NRMU to MN (DCA18-0009)	Approved
June 9, 2022	Planning & Zoning Commission	Preliminary Plat (PP22-0010)	Approved
February 15, 2023	Planning & Zoning Commission	Rezone to PD-SC Overlay (PD22-0010)	Recommended Denial (4-2)
March 7, 2023	City Council	Rezone to PD-SC Overlay (PD22-0010)	Continued request to the April 4, 2023 Council meeting
March 15, 2023	Planning & Zoning Commission	Reconsideration of a proposed rezoning to PD-SC Overlay (PD22-0010)	Request to reconsider approved (6-1)
March 29, 2023	Planning & Zoning Commission	Rezone to PD-SC Overlay (PD22-0010)	Continued request to the April 12, 2023 Commission meeting
April 4, 2023	City Council	Rezone to PD-SC Overlay (PD22-0010)	Withdrawn

April 12, 2023	Planning & Zoning Commission	Rezone to PD-SC Overlay (PD22-0010)	Recommended Approval(5-2)
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### **PUBLIC OUTREACH:**

Forty-two (42) notices were sent to property owners within 200 feet of the subject property for the February 15, 2023 and March 29, 2023 Planning and Zoning Commission meeting. Six hundred eighty-nine (689) courtesy notices were sent to physical addresses within 500 feet of the subject property. As of the writing of this report, staff has received three (3) responses in favor and one (1) response in opposition to the request.

A notice was published in the Denton Record Chronicle on February 19, 2023, March 12, 2023, and April 2, 2023.

A notice was published on the City's website on February 16, 2023, March 9, 2023, and March 30, 2023.

Three (3) signs were posted on the property on February 3, 2023.

The applicant held two virtual neighborhood meetings on February 8, 2023. Three nearby property owners attended the meeting and generally indicated support for the proposal. The applicant scheduled two additional neighborhood meetings on March 16, 2023 and decided to cancel after receiving no RSVP. Subsequently, the applicant received some late inquiries from two members of the public and informed Staff they would follow up with them individually.

For the posting of the reconsideration item on the March 1, 2023 Planning and Zoning Commission meeting agenda, the City received twenty (20) eComments regarding the want for a traffic signal at the intersection adjacent to the subject site.

### **DEVELOPER ENGAGEMENT DISCLOSURES**

Following the February 15, 2023 Planning and Zoning Commission meeting, Commissioner Margie Ellis met with the applicant. See Exhibit 10 for a copy of the Developer Engagement Disclosure provided to staff.

No Developer Engagement Disclosures have been provided to staff by the members of the City Council.

### **EXHIBITS**

- Exhibit 1 - Agenda Information Sheet
- Exhibit 2 - Staff Analysis
- Exhibit 3 - Site Location Map
- Exhibit 4 - Zoning Map
- Exhibit 5 - Future Land Use Map
- Exhibit 6 - PD Development Standards
- Exhibit 7 - District Comparison

Exhibit 8 - Notification Map and Responses  
Exhibit 9 - Draft Ordinance  
Exhibit 10 - Developer Engagement Disclosure  
Exhibit 11 - Presentation

Respectfully submitted:  
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Deputy Director of Development Services/  
Planning Director

Prepared by:  
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