

# Planning Staff Analysis

## Z23-0014a / RDO Equipment – RR to LI

### City Council District #3

#### REQUEST:

Rezoning of approximately 13.4 acres of land to a Light Industrial (LI) Zoning District.

#### STAFF RECOMMENDATION:

Staff recommends **approval** of the rezoning of approximately 13.4 acres of land 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:

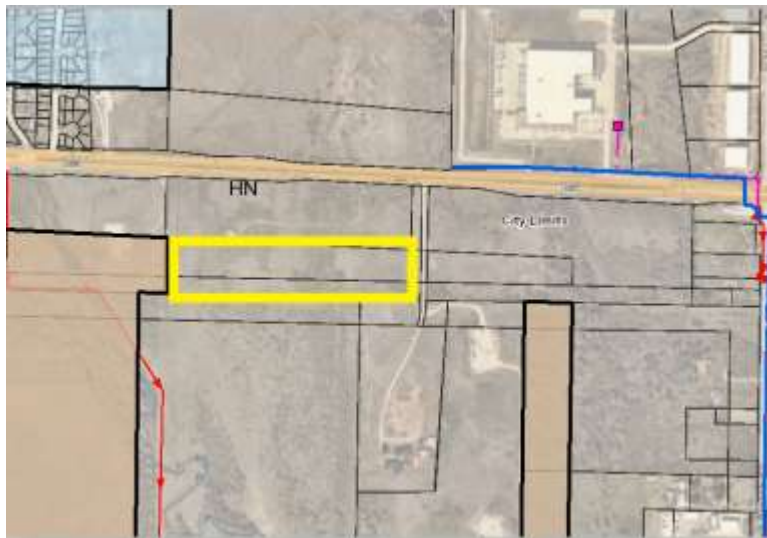
The subject property is currently undeveloped. The property owner plans to develop the property into an Equipment Sales and Rental and Warehouse use. Equipment Sales and Rental requires a Specific Use Permit in Light Industrial zoning. The Specific Use Permit application is currently under review and will be brought forward at a later date pending the outcome of the requested rezoning.

The subject property is on the south side of US 380, a freeway, and approximately 2,400 feet west of Masch Branch Road. The property is located approximately 430 feet south of and does not have frontage on US 380

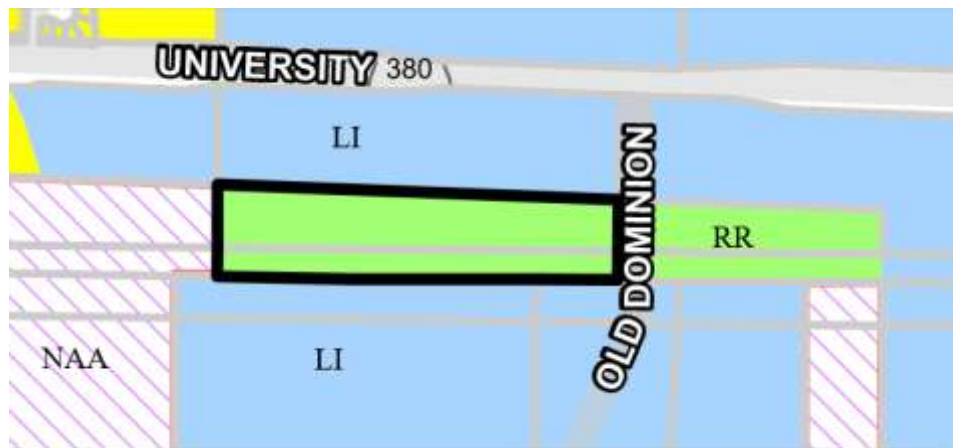


*(continued on next page)*

Currently there are utility services in the general area but not extended to the subject site, with water to the east and sewer to the west as indicated by the blue and red lines, respectively, on the inset map below. When development of the site occurs, the developer will have to extend utility services to the subject property. The extension and size of the services will be determined during the preparation of civil engineering plans and platting of the development.



#### SURROUNDING ZONING AND USES:



Northwest: Zoning: Light Industrial (LI) Use: Undeveloped Land	North: Zoning: Light Industrial (LI) Use: Undeveloped Land and Agriculture	Northeast: Zoning: Light Industrial (LI) Use: Gas Well (Plugged)
West: Zoning: ETJ/Non-Annexation Agreement (NAA) Use: Gas Well	<b>SUBJECT PROPERTY</b>	East: Zoning: Rural Residential (RR) Use: Undeveloped Land
Southwest: Zoning: ETJ/Non-Annexation Agreement (NAA)	South: Zoning: Light Industrial (LI)	Southeast: Zoning: Light Industrial (LI) Use: Gas Well

Use: Undeveloped Land	Use: Undeveloped Land and rural residential use	
-----------------------	---	--

## 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 May 4, 2010, the subject property was annexed into the city.

### 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 goals, policies, and actions of the Comprehensive Plan and with the Future Land Use Designations of Light Industrial and Industrial Commerce, 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.

According to the applicant, the rezoning request is to facilitate the development of an Equipment Sales and Rental and Warehouse use on a portion of 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. Additionally, given the surrounding zoning pattern and the proximity of more intensive uses such as gas well drilling and production sites, the potential for any nuisance or compatibility issues to arise from uses permitted in LI are limited, which aligns with Action 3.1.1 cited above.

- 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 is designated as Light Industrial and Industrial Commerce (see image below and provided as Exhibit 5). The description for the Future Land Use designations are provided below.

The Light Industrial 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.

Industrial Commerce applies to areas where the predominant uses include both light and heavy industrial uses, such as moderate to heavy manufacturing, assembly, fabrication, and wholesaling. Distribution warehouses may be included in this designation if used to replace underutilized and heavy industrial uses, or if ultimately reused to house future industrial development. This designation is located primarily west of I-35W near the Denton Municipal Airport. It is important in future development that transitions to adjacent sensitive land uses are considered.



The LI Zoning District is consistent with the goals, policies, and actions of the Comprehensive Plan and with the Future Land Use Designations of Light Industrial and Industrial Commerce.

#### 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.*

The proposed rezoning would facilitate the development of the subject site in accordance with the DDC's standards. The subject property would be challenging to develop under the current Residential Rural zoning. The parcels do not front an existing public street. Per DDC 8.3.2A.11, full access to a site across a property must occur through a zoning district that allows the proposed use. The property located between the subject property and US 380 is zoned Light Industrial, which does not permit any residential uses. Therefore, access to US 380 could not be taken through the property to the north for any residential uses unless a subdivision variance were to be approved by the Planning and Zoning Commission.

All future 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, 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 applications such as a specific use permit or 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*

There are no environmentally sensitive areas (ESA) on the subject property. Any development of the subject property would be subject to the City's standards for tree preservation, stormwater, and landscaping to ensure environmental impacts are minimized.

8. *Minimizes Adverse Impacts on surrounding Property*

The subject property is surrounded primarily by undeveloped agricultural land and both plugged and active gas wells.

Given its location on the south side of US 380, a freeway, approximately 2,400 feet west of Masch Branch Road, the subject property is located within an area of the city where light industrial uses are expected to be proposed and developed. Therefore development of uses permitted in the LI District on the subject site would not be expected to create nuisances or compatibility issues with surrounding properties.

9. *Minimizes Adverse Fiscal Impacts*

No adverse fiscal impact to the City is anticipated. A Fiscal Impact Analysis performed using a preliminary concept plan for this site indicates that, if developed as currently proposed by the applicant, it is expected to have a positive economic benefit to the city. See Exhibit 9 for additional information.

Additionally, 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 development occurred under a Residential Zoning District is not anticipated.

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

When the site is developed, the development 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*

Ingress and egress to the property will be taken through the adjacent property to the north from US 380 – a freeway. When the site is developed, new development must comply with all applicable standards.

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

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*

There is no phasing plan associated with the zoning change request. According to the applicant, the western portion of the subject property and an additional portion of the parcel to the north that is currently zoned LI will be part of a Specific Use Permit for an Equipment Sales and Rental Use and a Warehouse. The eastern portion of the subject property is not a part of the Specific Use Permit that is currently under review.

- 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, policies, and actions of the Comprehensive Plan and with the Future Land Use Designations of Light Industrial and Industrial Commerce.

- 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 Zoning District is consistent with the purpose statement as the subject property is proposed to be developed with a supporting commercial use and a light industrial use. Additionally, given its location, the property is situated in an

area suitable for the LI Zoning 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.*

There have not been significant changes in the area; however, the current zoning of RR (and the RD-5x zoning placeholder before that) has been inconsistent with the City's goals for this area since the property was annexed in 2010. The subject property and surrounding area were designated as Light Industrial and Industrial Commerce on the City's Future Land Use Map in 2022. The designation is consistent with the anticipated development of light industrial uses in the northwest area of the city, which has been the land use goal for this area for several decades. The Denton Plan 1999-2020 designated the area as an Industrial Center, and the Denton Plan 2030 designated the area in the same way as the 2040 Plan, with Light Industrial uses transitioning to heavier Industrial Commerce going south from US 380 towards the City's airport.

- 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 undeveloped agricultural land and both plugged and active gas wells and is surrounded primarily by Light Industrial (LI) zoning. Therefore, the intensity of development under the proposed LI zoning is not expected to adversely impact surrounding properties.

- 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**

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 not an error in establishing the current zoning district. However, as is noted above, the current RR zoning that resulted from the placeholder of RD-5x being assigned upon annexation is not appropriate for the subject property given the Future Land Use designation and surrounding zoning pattern.