

# Planning Staff Analysis

V24-0001/Areloegbe World

## Planning & Zoning Commission

### REQUEST:

CB Green Investments, LLC from the 2019 City of Denton Development Code, Section 8.3.2.E.3 regarding the length of a flagpole portion of a lot. Specifically, the variance, if approved, will allow for a flag drive that is 600 feet in length.

### SITE DATA:

The purpose of the proposed variance is to facilitate the replat of an approximately 10-acre lot generally located on the West side of Hilltop Road, approximately 740 feet north of E. Hickory Hill Road, in Denton County, Texas, within the City of Denton Division 1 Extraterritorial Jurisdiction (ETJ). The property is bordered to the west and north by rural single-family land uses and to the south by general office and outdoor recreational vehicle storage uses. The subject property is developed with a variety of structures and uses that include a church and recreational vehicle storage.

The proposed lot configuration would reconfigure the existing parcel boundaries to create an approximately 6.35-acre flag lot with a flag-pole length of approximately 600 feet and a flag-pole width of 75 feet. The flagpole portion would provide direct access onto Hilltop Road for the proposed lot. The remainder of the subject property would be an approximately 3.8222-acre lot and include the exiting church onsite. See Exhibit 4 for proposed lot configuration.

### CONSIDERATIONS:

The City of Denton Development Code Section 2.8.7.B. states that any property owner seeking relief from standards contained within specific sections of Subchapters 7 and 8 as identified in 2.8.7.B. may request a subdivision variance from strict application of the Code when said variance would meet approval criteria specified in DDC 2.8.7.D. Subdivision variances are considered hardship variances and may be appropriate based on a finding that either unreasonable hardship or difficulties would result from strict compliance with the subdivision regulations, or the purposes of the regulations may be served to a greater extent by an alternative proposal. Furthermore, a subdivision variance may be approved so that substantial justice is done and the public interest is secured so long as the variance would not nullify the intent and purpose of the City's subdivision regulations.

The Planning and Zoning Commission shall review and determine the appropriateness of the proposed subdivision variance request based on the following criteria (DDC 2.8.7.D):

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;

*If approved, the requested variance to allow for the increase in the maximum allowable length of the flagpole portion of a flag-lot is not anticipated to be detrimental to public safety. The proposed flagpole portion is 75 feet wide. The City of Denton Fire Department has reviewed and approved this variance.*

2. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the subdivision regulations is carried out;

*The proposed development would create a regularly shaped layout and lot design. Due to the significant depth of the property compared to its limited width (approximately 1,287 feet deep and 370 feet wide), as well as the existing church layout, it would be difficult to subdivide it in a way that would give all lots equal frontage on Hilltop Road. Therefore, staff has worked with the applicant to find the most amicable path forward to create the two lots desired. The manner in which this area has been divided and developed over time has created the unique lot configuration in the immediate area. The proposed lot meets the general character of the surrounding area.*

3. The subdivision variance will not in any manner vary the provisions of the Comprehensive Plan, the Development Code, and the Denton Mobility Plan, except that those documents may be amended in the manner prescribed by law; and

*If approved, the increase in the allowed length of the flagpole portion of the lot will not introduce design standards that are incompatible with the goals of the comprehensive plan or the DDC. The proposed variance would facilitate the subdivision of the property into two lots which are of a typical size in the rural areas within the City's ETJ. The proposed variance does not vary the provisions of the Denton 2040 Comprehensive Plan, the Denton Development Code, or the Mobility Plan except for the single standard described herein, which is eligible for variance as described in Section 2.8.7 of the DDC.*

4. The special or peculiar conditions upon which the request is based did not result from or were not created by the act or commission of the owner or any prior owner, subsequent to the date of creation of the requirement from which a subdivision variance is sought.

*The conditions associated with the configuration of the subject property and its sole access to Hilltop Road were not created by the owner after the date of the adoption of the subject regulations. While the parent tract is very deep and narrow, the proposed lots' shape is of a regular nature and meets all criteria as determined by DDC Subchapter 8, Subdivisions.*

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the request as it is compatible with the surrounding property, is consistent with the overall goals and objectives of the subdivision requirements of the Denton Development Code, and meets the criteria for approval prescribed in Section 2.8.7 of the DDC.