

Planning Staff Analysis

Z24-0003 / Vandessmith Rezoning SC to R6

City Council District #3

REQUEST:

Rezoning of approximately 1.52 acres from Suburban Corridor (SC) Zoning District to a Residential 6 (R6) Zoning District.

STAFF RECOMMENDATION:

Staff recommends **approval** of the rezoning of approximately 1.52 acres from Suburban Corridor (SC) Zoning District to a Residential 6 (R6) 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 Denton Development Code for approval of a Zoning Map Amendment (Rezoning).

SITE DATA:

The subject property was annexed into the City in 1960 along with several other properties in this area of the City. Following annexation, the zoning of the property transitioned to Neighborhood Residential Mixed-Use with the adoption of the 2002 Development Code. In 2017, the property was rezoned to Community Mixed Use-General (CM-G). In 2019 the zoning of the property transitioned to Suburban Corridor (SC) with the adoption of the 2019 Denton Development Code.

The property owner, Vandessmith Developers, LTD, acquired the property in 2017, and has submitted a zoning change request to align the zoning of the subject property with existing Residential 6 (R6) zoning immediately to the east under the same ownership. The proposed use of the property is single-family residential. The R6 zoning district permits a variety of housing types by right (single-family detached, townhome, duplex, triplex, fourplex), and several types of commercial uses by right and with the approval of a Specific Use Permit. See Exhibit 8 for the complete table of allowed uses.

The subject property is situated approximately 266.11 feet east of the intersection of Fort Worth Drive and Hobson Lane. Per the City's 2022 Mobility Plan, Fort Worth Drive is classified as a Primary Arterial, and Hobson Lane is classified as a Secondary Arterial. The property is undeveloped at this time and has approximately 218 feet of frontage on Hobson Lane.



SURROUNDING ZONING AND USES:

Northwest: Zoning: Suburban Corridor (SC) Use: Single-Family Residential	North: Zoning: Residential 6 (R6) Use: Undeveloped Land	Northeast: Zoning: Residential 6 (R6) Use: Undeveloped Land
West: Zoning: Suburban Corridor (SC) Use: Undeveloped Land; plans under review for Self-Service Storage	SUBJECT PROPERTY	East: Zoning: Residential 6 (R6) Use: Undeveloped Land
Southwest: Zoning: Mixed-Use Neighborhood (MN) Use: General Office and Hobson Lane	South: Zoning: Residential 2 (R2) Use: Single-Family Residential and Hobson Lane	Southeast: Zoning: Residential 2 (R2) Use: Single-Family Residential and Hobson Lane

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 October 31, 1960, the subject property was annexed into the city. Additionally, in 2017, City Council approved the rezoning of the property from Neighborhood Residential Mixed-Use to Community Mixed Use-General. There were no terms and conditions associated with these past approvals, and there have been no additional approvals.

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

The decision-making authority:

- a. *Shall weigh competing goals, policies, and strategies.*
There are no competing goals, policies, or strategies associated with this proposal.
- 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.*

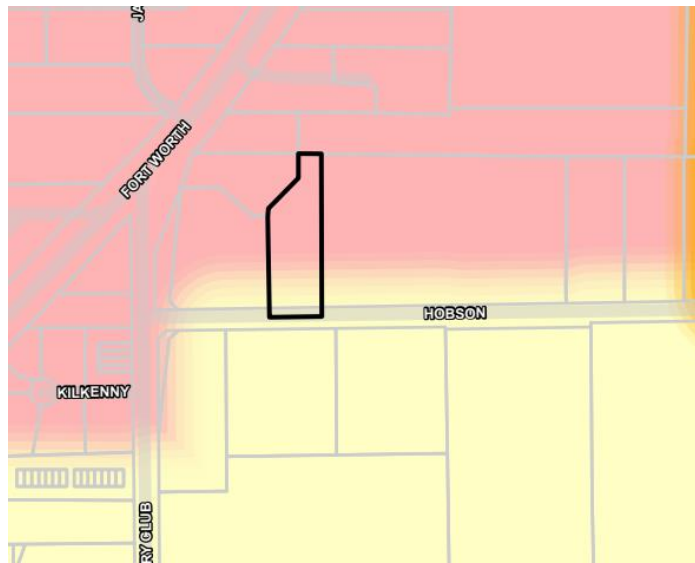
COMPREHENSIVE PLAN

The Denton 2040 Plan acknowledges that “A compact development pattern which includes expanded areas of mixed use, a broad array of housing and retail choices responding to changing demographics and market preferences, and re-investment and infill in underutilized areas of the city” is critical to smart growth. The proposed rezoning request is situated in close proximity to Fort Worth Drive and could provide for additional housing and/or commercial uses along a corridor which provides access to employment and retail opportunities and is consistent with the following land use goal:

LU-1: Grow Compactly: Achieve sound, sustainable growth in compact development patterns with balanced land uses planned in coordination with transportation and infrastructure systems.

Furthermore, the rezoning request is consistent with Action Item 2.2.2: Revise zoning districts for consistency with future land use designations as further detailed below.

Future Land Use



Per the 2040 Comprehensive Plan Future Land Use Map, the subject property is designated as a transitional area between Low Residential and Community Mixed-Use (see image and provided as Exhibit 5). The description for the Future Land Use designations are provided below.

Low Residential includes the city's predominantly single-family neighborhoods, with lot sizes ranging from one acre or more in rural fringe areas up to five units per acre gross density throughout many of the city's suburban subdivisions. Dwellings in this land use district are generally one to two stories with private driveways and open space, consisting of privately-maintained tree canopy and front, back and side yards. Building and driveway orientation, the locations of private garages, building material, and the presence of sidewalks vary by neighborhood and the era of neighborhood development. Generally, these types of single-family neighborhoods are developed as distinct subdivisions that are linked by internal circulation systems with limited access to local and connector roads. This category may also include land uses that support residential neighborhoods, such as appropriately scaled commercial at arterial and collector street corners, and appropriately scaled public and quasi-public uses, such as religious and educational institutions.

Community Mixed-Use is intended to promote a mix of uses, of which various commercial uses remain predominant, but where residential, service, and other uses are complementary. This land use applies to existing and future commercial areas in the city, where redevelopment to mixed-use is desirable. The intent is to encourage infill and redevelopment for a more diverse and attractive mix of uses over time. Examples include residential units over commercial uses or a wider array of economically viable uses to replace obsolete uses such as former car sales lots and vacated big box stores. Such areas also may represent opportunities for higher density and mixed housing types, without impacting, nearby single-family neighborhoods. Future development in Community Mixed Use areas will complement and embrace existing, viable uses, and raise the standard of design to increase their economic viability, accommodate greater connectivity and mobility options, and create a sense of place to serve the local community.

The R6 Zoning District is consistent with the goals, policies, and actions of the Comprehensive Plan and with both Future Land Use Designations of Low Residential and Community Mixed-Use. The R6 Zoning district allows for a variety of housing types by right, as well as allows for several neighborhood-serving commercial uses by right or with a Specific Use Permit. The R6 District therefore serves as a suitable transition between the more intensive commercial uses expected along Fort Worth Drive and the less intensive residential uses present and anticipated further to the east along Hobson Lane.

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.

Future development on this site will require compliance with all applicable development 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.*

Rezoning to one of the DDC's established districts does not typically include a full review of all development standards within the DDC. If the proposed rezoning to a R6 Zoning District is approved, a detailed development review will accompany all required future development 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 R6 Zoning District is approved, any future development of the site would consist of a detailed review of the proposed development to ensure compliance with all 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 proposed rezoning is consistent with the surrounding residential zoning and development patterns in the area. The subject property is adjacent to existing R6 Zoning to the east and north and Suburban Corridor zoning situated to the west of the subject property.

The proposed rezoning would allow for the development of a variety of residential land uses or smaller-scale commercial uses that would be complimentary to existing development in the area. Development of the site would require conformance with design standards within the DDC to minimize adverse impacts on surrounding properties. Additionally, if this zoning change is approved the owners have indicated an intent to incorporate the subject property into their development plans for the adjacent land also zoned R6, so the scale and nature of the development would be consistent.

9. *Minimizes Adverse Fiscal Impacts*

Staff used the Fiscal Impact Tool to analyze the proposal. The entire 18-acre site owned by Vandesmith Developers, LTD was considered for this analysis. Assumptions were used to generate the overall projected General Fund revenues and expenses, including property tax payments, sales tax capture, roadway maintenance costs, utility usage, solid waste costs, public safety costs, and neighborhood service costs. The Fiscal Impact Summary indicates that the proposal would result in a net \$6,543,900 gain to the General Fund over a 40-year project duration.

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

This proposed rezoning will not affect utilities, services, or improvements. When the site is developed, the development will be reviewed to ensure compliance with all utility, service, and improvement standards.

11. *Provides Adequate Road Systems*

The subject property is situated approximately 266.11 feet east of the intersection of Fort Worth Drive, a Primary Arterial, and Hobson Lane, a Secondary Arterial. When the site is developed, a Trip Generation Study will be required as specified by the Transportation Criteria Manual. Additional information, such as a Traffic Impact Analysis, may be required based upon the findings of the Trip Generation Study.

12. *Provides Adequate Public Services and Facilities*

This proposed rezoning is not anticipated to negatively impact public services and facilities. When the site is 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.

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 R6 Zoning District is consistent with the goals, policies, and actions of the Comprehensive Plan and with the Future Land Use Designations of Low Residential and Community Mixed-Use.

- 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 3.2.6A of the Denton Development Code:

The R6 district is intended to accommodate a variety of housing types on lots designed to encourage walking to neighborhood-serving retail and other amenities such as parks and school facilities. This zoning district will ensure existing neighborhood character is maintained while also serving as a transition area between established single-family neighborhoods and mixed-use neighborhoods, commercial areas, and key corridors.

The proposed R6 Zoning District in this location is consistent with the purpose statement. Given its location, the property is situated in an area suitable for the R6 Zoning District given the potential commercial development that will occur along the Fort Worth Drive corridor and proximity to South Lakes Park.

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

In the last 5 years, the area generally adjacent to the intersection of Fort Worth Drive and Hobson Lane has not seen development that significantly changes the development pattern.; the area has developed in a manner consistent with the Future Land Use Plan (see Aerial maps below). As properties within this corridor continue to develop, the proposed rezoning would facilitate compatible development and be consistent with the intent that this area should develop as predominantly residential uses with supporting neighborhood-serving commercial opportunities near and along Fort Worth Drive.



- 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 situated near the northeast intersection of Fort Worth Drive and Hobson Lane. As detailed above, this corridor has not experienced significant growth in the last five years. The Residential 6 Zoning District is consistent with the overall development pattern within the area and would not introduce new land uses which are incompatible to adjacent properties nor expected to create adverse impacts.

- 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

Per the DISD Facility Planning Criteria, each single-family residence will contribute 0.50 students to the school system (.23 elementary students, .12 middle school students, .15 high school students) and multifamily developments generate .23 students per apartment unit (.12 elementary students, .05 middle school students, .06 high school students). The proposed rezoning allows for the development of 2.5 single family lots, totaling 1.25 students to be added to the nearby schools from the subject property, which would be part of a larger residential development.

Nearest Fire Station

The subject property is approximately 1.74 miles from Fire Station #6 (3232 Teasley Lane), within the eight minute or less response time boundary.

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

There was not an error in establishing the current zoning district. When the 2019 City-wide zoning transition occurred, the property transition to the zoning designation of Suburban Corridor. The adjacent property under the same ownership is zoned R6, ensuring that R6 is an appropriate zoning designation for this site.