

**Exhibit 1  
Staff Analysis**

**CITY OF DENTON  
DEVELOPMENT REVIEW COMMITTEE  
STAFF REPORT**

<b>P&amp;Z Date:</b>	<b>August 27, 2014</b>	<b>TYPE:</b>	<b>Rezoning Request</b>
<b>CC Date:</b>	<b>September, 16, 2014</b>	<b>PROJECT #:</b>	<b>Z14-0014</b>

**Project Number:** *Z14-0014*

**Request:** *Consider rezoning approximately 2.95 acre parcel from Regional Center Commercial Downtown (RCC-D) to Industrial Center General (IC-G).*

**Applicant:** *John Bezner, 3102 Maple Ave, Ste 400, Dallas, TX 75201*

**Property Owner:** *Jeff Stewart, 17111 Preston Rd, Dallas, TX 75248*

**Location:** *The west side of Worthington Drive, north of Barcelona Street and south of Schuyler Street being Lot 3, Block A of the Hull Addition.*

**Size:** *2.95 acres ±*

**Zoning Designation:** *Regional Center Commercial Downtown (RCC-D)*

**Future Land Use:** *Regional Mixed Use Center*

**Case Planner:** *Michele Berry*

**DRC Recommendation:** *Denial*

**Summary of Analysis:**

Edsco Fasteners desires to begin hot dip galvanization at their current location, 2200 Worthington Drive. The Zoning Board of Adjustment upheld the staff's interpretation of hot dip galvanization as a heavy industrial use. The current zoning of Regional Center Commercial Downtown and the current Future Land Use category of Regional Mixed Use Center do not support heavy manufacturing uses. In order to permit hot dip galvanization at this site three public hearings actions are required:

1. The Future Land Use Category in The Denton Plan would need to be changed from Regional Mixed Use Center to Industrial Center.

2. The zoning would need to be amended from Regional Center Commercial General (RCC-D) to Industrial Center General (IC-G).
3. A Specific Use Permit (SUP) would be required for the heavy manufacturing use.

This report is specific to the rezoning request. The previous report addressed the comprehensive plan amendment and the following report addresses the SUP request.

## Findings of Fact

1. The request is to rezone approximately 2.95 acres from Regional Center Commercial Downtown (RCC-D) to Industrial Center General (IC-G). The request is being considered concurrently with two other applications, a Comprehensive Plan Amendment (CA14-0003) and a Specific Use Permit (S14-0004) for the purposes of allowing a heavy manufacturing use on the subject property.
2. Project History.
  - A. Prior to 2002, the subject property was zoned Light Industrial. A structure was built in 1996 and occupied by a light manufacturing use. The property has a Special Exception for light manufacturing. Edsco was considered light manufacturing elsewhere in the City and moved to this location in 2006.
  - B. Edsco applied to the Zoning Board of Adjustment (ZBA) to appeal staff's interpretation (ZBA14-0002) that hot dip galvanization is a heavy manufacturing use so that they could then expand per the regulations on Special Exceptions to cover their proposal. However, the ZBA voted on April 28, 2014 to uphold staff's determination that hot dip galvanization is a heavy manufacturing use.
3. The Denton Plan.
  - A. The Denton Plan calls for this area to be a Regional Mixed-Use Activity Center. Per the Land Use Element:
    1. "For a regional activity center, the focus area contains the shopping, services, recreation, employment, and institutional facilitated support by and serving an entire region. A regional activity center could include a regional shopping mall. A number of major employers, restaurant and entertainment facilities, a large high school or community college, and high density housing. A regional activity center is considerably larger and more diverse in its land use than any other activity center. It includes vertically integrated uses where different uses may occur on each floor of the building." The proposed heavy manufacturing use is not part of the Regional Mixed-use Activity Center classification.
  - B. The Industrial Centers section of the Land Use Element of the Denton Plan states, "Industrial centers are to provide locations for a variety of work processes and work places such as manufacturing, warehousing, and distributing, indoor and outdoor storage, and a wide range of commercial and industrial operations." (pg. 50)
  - C. The Denton Plan describes industrial uses as those engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. Industrial uses would be allowed in industrial centers as designated on the land use plan (pg. 50)

- D. Light manufacturing would not include mining and extracting industries, petrochemical industries, rubber refining, primary metal, and related industries. The comprehensive plan also states heavy industries will not be permitted in industrial areas. (pg. 51)
  - E. The subject property is two lots, one was developed for light industrial uses in 1996 and the other is vacant. The property to the north is developed for truck servicing and repair. Vehicle Repair is considered a commercial land use type. The properties to the east, across Worthington Drive, are undeveloped. Farther to the west there are hotels along I-35. To the south there is a mix of undeveloped properties and properties developed for commercial and light industrial uses. To the west, across the rail road line there is undeveloped property zoned for single-family development and a single family home.
4. Denton Development Code.
- A. The only zoning district that permits heavy manufacturing uses is the IC-G district, and an SUP is required.
  - B. There are no overlay districts.
  - C. There are no Historic or Conservation Districts.
5. Other Plans.
- A. There are no other applicable plans.
6. Existing site conditions
- A. A portion of the site was developed in 1996 according to DCAD records. At the time the structure was built the area was zoned light manufacturing. The zoning was change to RCC-D in 2002 as part of a citywide rezoning and the use of light manufacturing became a special exception at this site. However, per the previous zoning district and zoning code heavy manufacturing was not permitted and thus heavy manufacturing uses cannot be permitted as special exception.
  - B. Adjacent uses to the north are commercial, specifically the Denton Truck Port. To the east there are undeveloped lots, hotels, light manufacturing, and commercial uses. Adjacent uses to the south are undeveloped lots, light manufacturing, and commercial uses. On the west side of the railroad the uses are single family and undeveloped land.
  - C. Zoning to the north, southeast, and east is RCC-D. Zoning to the west and southwest is Neighborhood Residential 2 (NR-2).
  - D. There are no ESAs or floodplain areas on site.
  - E. Sewer. The existing 8-inch gravity main along Worthington Drive, and the existing 8-inch gravity main along Applicant's west property line, is available for tapping. Sewer Tap Fee applies; City's fee schedule can be viewed at [www.cityofdenton.com](http://www.cityofdenton.com).

- F. Water. The existing 8-inch main along Worthington Drive is available for tapping. Water Impact Fee, and Tap with Meter Fee, would apply; City's fee schedule can be viewed at [www.cityofdenton.com](http://www.cityofdenton.com).
7. Other Facts stated by DRC.
- A. Anticipated water demand is 24 gallons per hour peak. Existing services are adequate for this demand.
  - B. Anticipated wastewater demand is 21 gallons per hour peak. Existing services are adequate for this demand.
  - C. Anticipated storm water demand. Lot 3 drains through Lot 2R. As such, either an amending plat is required to make Lots 2R and 3 into one lot, or an offsite drainage easement is required in Lot 2R to convey runoff from Lot 3 under fully developed conditions.
  - D. Anticipated transportation demand is 100 average annual daily trips and 14 peak hour trips. There is adequate road capacity for this use.
  - E. There is no anticipated parks demand.
  - F. There is no significant increase in anticipated police, fire and EMS demand.
  - G. There is no anticipated educational facility demand.

### **Development Review Committee**

Staff has reviewed the rezoning request against the criteria listed in Section 35.3.3 of the Denton Development Code for rezoning requests that do not conform to the Future Land Use Element of the Denton Plan and finds the application is not consistent with Code requirements, therefore staff is recommending denial of the request. These criteria are listed below with staff analysis in italics:

1. Compatibility with the goals and objectives of the Denton Plan.

*The request is not compatible with the goals and objectives of the Denton Plan. Primary Industrial Land Use Principles are:*

- 1. Organize to minimize conflict - It is the desire of the residents of Denton to organize industrial and employment land use districts to minimize conflicts with adjoining land uses and to most efficiently utilize the existing transportations systems.*
- 2. Developing performance standards – Just as quality of commercial development is important to Denton residents, the performance standards of industrial and employment development is critical to the health, safety, and welfare of the community, its environment, and its security.*

*Based on the proximity of residential zoning and residential development to the subject property, this rezoning request will create conflict.*

2. Compatibility with the Future Land Use Element of the Denton Plan.

*The rezoning request is not compatible with the Future Land Use Element of the Denton Plan. "For a regional activity center, the focus area contains the shopping, services, recreation, employment, and institutional facilitated support by and serving an entire region. A regional activity center could include a regional shopping mall. A number of major employers, restaurant and entertainment facilities, a large high school or community college, and high density housing. A regional activity center is considerably larger and more diverse in its land use than any other activity center. It includes vertically integrated uses where different uses may occur on each floor of the building." The proposed heavy manufacturing use is not part of the Regional Mixed Use Center classification.*

*In addition, per the Denton Plan, "Industrial centers are intended to provide locations for a variety of work, processes and work places such as manufacturing, warehousing and distributing, indoor and outdoor storage, and a wide range of commercial and industrial operations. The industrial centers may also accommodate complementary and supporting uses such as convenience shopping and child-care centers. **There will most likely be instances where residential uses will be incompatible with industrial and manufacturing processes used in industrial centers.** Adequate public facilities shall be a criterion by which zoning is granted."(Emphasis added)*

*The proposed use does meet employment objectives but the use is incompatible with future residential and regional center uses.*

3. The balance of land uses in the City.

*While it is important to have a balance of industrial uses in the City, there are approximately 3,732 acres zoned IC-G of which approximately 2,262 acres are undeveloped. In the IC-G zoning district an SUP is required for heavy manufacturing uses. Based on the available acreage for industrial uses there is no need to reclassify the requested 2.9 acres.*

4. Adequate Public Facility elements of the Denton Plan, and how the proposed change will affect the provision of services anticipated in the Denton Plan.

*There are adequate public facilities; including streets, water, and sewer, for the proposed use.*

5. The existing land use pattern surrounding the property and the possible impact on existing or future development or uses that are in accordance with existing regulations.

*The pattern of development in this area consists of some older light manufacturing uses near the subject property. However, there are also commercial and hotel uses along the highway. Heavy manufacturing uses may negatively affect future development of hotels, commercial, office and other uses that would be in accordance with the existing regulations. These uses may not wish to locate near heavy industries. Several of these*

*uses already exist and may be negatively impacted. While there are some light manufacturing uses in place these are more compatible with permitted uses.*

6. The possible creation of an isolated district unrelated to adjacent and nearby districts.

*If approved, this request would create a small area of Industrial Center that would be unrelated to the Existing Land Use and Regional Center Mixed Use future land use designations that surround the subject property. In addition, the IC-G zoning district would not relate to the adjacent RCC-D and NR-2 zoning districts.*

7. The populations density in order to facilitate the adequate provision of transportation, water, sewer, schools, parks, public convenience, and other public requirements.

*There would be some daytime employee population at the site. There are adequate public facilities to support this population. Staff does not have concerns about adequate transportation, water, sewer, schools, parks, public convenience, and other public requirements.*

8. The cost to the City and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets, or other public safety measures.

*No improvements would be required because of this request.*

9. The possible impact on the environment including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.

*Heavy manufacturing uses can have a negative impact on the environment. One of the key differences between heavy and light manufacturing uses is classification as a point source of pollutants. Heavy manufacturing uses are defined by the DDC as, "Industrial operations for the production of a good using raw materials and mechanical power and machinery." Light manufacturing is defined as "Industrial operations relying on the assembly of products using parts previously developed from raw materials and not classified as a point source of objectionable pollutants."*

*The use proposed, hot dip galvanization, may have impacts on the environment. Galvanization of steel is subject to federal sanitary sewer discharge limits found in 40 CFR Part 420, Sec. 420.126, see Exhibit 6. The pollutants regulated by the iron and steel subcategory for hot coating (galvanizing) are zinc, lead, and hexavalent chromium. This facility would therefore be required to hold a discharge permit since they are considered a "Categorical Industrial User" as defined by the Environmental Protection Agency (EPA). In addition, there are number of potential pollutants listed by the EPA related to Hot Dip Galvanization. The City of Denton Industrial Pre-Treatment Program regulates and monitors for many of these pollutants. The pollutants the City will monitor are highlighted in Exhibit 7.*

10. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning or that proposed by the Future Land Use Map.

*The property is currently undeveloped and there are no substantial reasons preventing development in accordance with the Future Land Use Map. Potential uses in accordance with the Future Land Use Map, existing zoning, and size of the undeveloped area are:*

- *Attached Single-family Dwellings*
- *Dwelling Above Businesses*
- *Live/Work Units*
- *Community Homes for the Disabled*
- *Multi-Family Dwellings*
- *Home Occupations*
- *Hotels*
- *Bed and Breakfast*
- *Retail Sales and Service*
- *Restaurant or Private Club*
- *Drive-through Facility*
- *Professional Services and Offices*
- *Quick Vehicle Servicing*
- *Vehicle Repair*
- *Auto and RV Sales*
- *Laundry Facilities*
- *Indoor Recreation*
- *Commercial Parking Lots*
- *Administrative or Research Facilities*
- *Broadcasting or Studio Production*
- *Bakeries*
- *Veterinary Clinics*
- *Community Service*
- *Churches*
- *Semi-public, Halls, Clubs and Lodges*
- *Business/Trade School*
- *Adult or Child Day Care*

11. The action shall be made with reasonable consideration of the character of the district and its suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

*If approved, the proposed change to the future land use map will not further the development of this area as a regional center as the uses permitted would be inconsistent with the vision for this area. In addition, there are available areas of the City designated for industrial use. Staff has asked if the applicant is willing to locate the use elsewhere on the City, however, the applicant does not wish to move from their current location.*

*The 2002 Denton Plan determined the most appropriate use for this area was Regional Center due to its location on I-35 just north of University Drive. Appropriate uses have been locating in the area. There are some light industrial uses existing in the area as it transitions from light industrial to regional uses. Existing light industrial uses are permitted by regulations regarding non-conformities and special exceptions. These regulations are intended to allow existing uses to continue when there is a change in regulation, such as designating this area a neighborhood center. However, they do not allow addition uses that are not in conformance with the vision and zoning to promote transition over time. To achieve the vision set in The Denton Plan for this area of the City there will be period of transition. Amending The Denton Plan to designate this area Industrial Center will discourage and possibly stall the transition of this area to a regional center.*

Based upon the information provided by the applicant and a recent site visit, the Development Review Committee finds that with the recommended conditions the request **IS INCONSISTENT** with the surrounding land uses and general character of the area, **IS INCONSISTENT** with the Denton Plan, and **INCONSISTENT** with the Denton Development Code.

Based upon the findings-of-fact, the Development Review Committee (DRC) recommends **denial** of Z14-0014.

### **GENERAL NOTES**

*NOTE: Approval of this request shall not constitute a waiver or variance from any applicable development requirement unless specifically noted in the conditions of approval and consistent with the Denton Development Code.*

*NOTE: All written comments made in the application and subsequent submissions of information made during the application review process, which are on file with the City of Denton, shall be considered to be binding upon the applicant, provided such comments are not at variance with the Denton Plan, Denton Development Code or other development regulations in effect at the time of development.*

### **Surrounding Zoning Designations and Current Land Use Activity:**

<b>Northwest:</b> NR-2 Acreage with or without Agricultural Use	<b>North:</b> RCC-D Commercial	<b>Northeast:</b> RCC-D Commercial, Vacant Commercial Lots
<b>West:</b> NR-2 Acreage with or without Agricultural Use, Single Family	<b>Subject Property:</b> RCC-D Light Manufacturing	<b>East:</b> RCC-D Vacant Commercial Lots
<b>Southwest:</b> NR-2 Acreage with or without Agricultural Use	<b>South:</b> NR-2 Commercial, Vacant Commercial Lots	<b>Southeast:</b> RCC-D Vacant Commercial Lots

*Source: City of Denton Geographical Information System and site visit by City staff*

## Comprehensive Plan:

### A. Consistency with Goals, Objectives and Strategies

The proposed change in the comprehensive plan is not consistent with the comprehensive plan. Though industrial uses are supported by the comprehensive plan a Primary Industrial Land Use Principle is to “*Organize to minimize conflict - it is the desire of the residents of Denton to organize industrial and employment land use districts to minimize conflicts with adjoining land uses and to most efficiently utilize the existing transportation systems.*” The location of this request would create conflict with residential uses to the west and commercial uses to the east.

The plan does support industry stating, “*Industrial centers are intended to provide locations for a variety of work, processes and work places such as manufacturing, warehousing and distributing, indoor and outdoor storage, and a wide range of commercial and industrial operations*”. However, the plan does not supportive of heavy industries and states these uses will not be permitted in industrial areas. (pg. 51)

### B. Land use analysis

There are 19.3 acres within 1 mile radius of the subject site zoned IC-G. This acres are currently undeveloped. Citywide there are approximately 3,732 acres zoned IC-G of which approximately 2,262 acres are undeveloped. There is not a need for additional IC-G land within the City at this time.

### C. Future Land Use Allocation/Current Zoning District Allocation

Subject Property	Future land Use/Zoning allocation		
	Current Allocation in the City	Existing Allocation	Change Based Upon Request
2.95 ± acres			
Neighborhood Residential Mixed Use (NRMU)	3,732 total acres zoned IC-G	19.3 acres within a mile radius	15% increase in a mile radius

Source: City of Denton

## Nearest Fire, and EMS Station

	Name of Station	Approximate Distance From Subject Property
Fire/EMS	Station 5, 2230 W. Windsor	±2.39 miles

Source: City of Denton GIS, Fire Department, and EMS

## Water and Wastewater Demand and Capacity:

### A. Estimated Demand and Service Provider:

Subject Property	Estimated Impact Analysis
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2.95 ± acres	Proposed Demand	Adequate to Serve (Yes or No)
Potable Water Consumption (GPM)	24 (Peak)	Yes
Wastewater Generation (GPM)	21 (Peak)	Yes

**B. Available Capacity:**

There is currently water capacity available from an existing 8-inch Water Main along Worthington Drive. This line is available for tapping.

There is currently wastewater capacity available from an existing 8-inch gravity main along Worthington Drive and the existing 8-inch gravity main along Applicant's west property line. Both lines are available for tapping.

**C. CIP Planned Improvements:**

There are no planned CIP improvements for water or wastewater at this location.

**Roadways/Transportation Network:**

**A. Estimated Demand:**

Subject Property	Estimated Impact Analysis	
2.95 ± acres	Proposed Demand	Adequate to Serve (Yes or No)
Permitted Density	14k SF Light Industrial Bldg	Yes
Average Annual Daily Trips (AADT)	100	Yes
PM Peak Hour Trips	14	Yes

**B. Available Capacity:**

Worthington Drive has available capacity to accommodate this development.

**C. Roadway Conditions:**

Worthington Drive is classified as an improved perimeter street.

D. CIP Planned Improvements:

There are no planned CIP transportation Projects in this area.

**Environmental Conditions:**

A. Surface Water:

There is no standing surface water on-site. The site currently drains to the west. There is an existing ditch running parallel with the railroad into which this development will discharge. A detailed drainage analysis will be performed upon platting/permitting.

B. Environmentally Sensitive Areas:

There are no Environmentally Sensitive Areas (ESAs) on site.

**Electric:**

Electric service to the building is provided by a transformer with 1500 kVA of capacity. The service voltage is 480 Y/ 277 volts three phase.