

**Planning Report
Planning & Zoning Commission
Rezoning Subcommittee
April 6, 2016**

REQUEST:

Receive a report and hold a discussion regarding a proposed staff-initiated rezoning of approximately 44.5 acres of land from the Industrial Center Employment (IC-E) District to the Regional Center Commercial Downtown (RCC-D) District; generally located south of University Drive (U.S. 380), north of West Oak Street, west of I-35, and east of the railroad line.

BACKGROUND:

Per the 1999 Denton Plan, the future land use designation of the subject area was Industrial Centers. As a result, the subject area was rezoned from Light Industrial (LI) to Industrial Center Employment (IC-E) during the 2002 citywide rezoning. In 2015, the future land use designation of the site was changed to Regional Mixed Use as part of the Denton Plan 2030 Future Land Use Map (FLUM) update.

Since the site was rezoned in 2002, development on the subject site consists of the construction of a Quick Trip gas station and convenience store located at the intersection of W. University Drive and I-35. A pre-application request in 2013 explored redeveloping an office/warehouse complex located at 3801 N I-35 for retail and restaurant uses, however per Section 35.5.7.2 of the Denton Development Code, the IC-E district does not permit retail uses except in conjunction with a gas station convenience store. Recently in 2015 a pre-application to develop a Cavenders Boot City location was reviewed for a parcel within the subject area. During the review of the pre-application staff determined that assessment rezoning of the subject project was in order..

SITE DATA:

The subject site consists of 9.5624 acres of platted land and 34.9174 acres of unplatted land, for a total of 47.4163 acres. Approximately 9.5624 acres of the site are developed with office and warehouse uses and a Quick Trip gas station/convenience store. The remainder of the site is undeveloped.

USE OF PROPERTY UNDER CURRENT ZONING:

The purpose of the IC-E zoning district is to provide locations for a variety of workplaces and complimentary uses. Permitted uses include Vehicle Repair, Administrative or Research facilities, Auto and RV Sales, Major Event Entertainment, Light Manufacturing, Distribution Center/Warehouse, Wholesale Sales, and Self Service Storage. Compressor Stations, Retail Warehouse, and Conference/Convention Centers are permitted with a Specific Use Permit (SUP). Uses permitted with a Limitation include Live/Work Units, Bar, Retail Sales and Service, and Distribution Center. The permitted schedule of uses is attached for reference.

SURROUNDING ZONING AND LAND USES:

North: Property to the north is zoned with Regional Center Commercial Downtown (RCC-D). The area is developed with a mixture of offices, vehicle repair facilities, hotel/motels, and restaurants.

East: Property to the east, across I-35 is zoned as Regional Center Commercial Downtown (RCC-D) and is planned to be developed as Rayzor Ranch Town Center.

South: Property to the south, across West Oak Street is zoned as Industrial Center Employment (IC-E) and is developed as distribution center.

West: Property to the west, across railroad tracks is zoned as Industrial Center Employment (IC-E) and is undeveloped.

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES:

The RCC-D district is one of the most intense zoning districts in the Regional Mixed Use future land category and the City of Denton as a whole. It is intended to promote mixed use development with an urban character and businesses with a highly regional customer base to attract visitors to the city. Moderate to high density residential uses with a maximum density of 100 units per acre are permitted including townhomes and apartments associated with a mixed-use development. All commercial and institutional uses are permitted with the exception of the sale of products grown on site, motels, equestrian facilities, outdoor recreation, sexually oriented businesses, elementary schools, and cemeteries. Most industrial uses are either limited or not permitted. Refer to the attached list of permitted uses in the RCC-D district for further detail.

This rezoning will be an extension of the existing RCC-D zoning located to both the north, across West University Drive and to the east, across I-35. Due to the constraint of the railroad line located along the western edge of the site, all traffic generated by the new development will be limited to the I-35 frontage road, West Oak Street, and U.S. 380.

COMPREHENSIVE PLAN:

Per the Future Land Use Map in Denton Plan 2030, the subject site is designated as “Regional Mixed Use”. “Regional Mixed Use” applies to areas that serve as regional destinations within Denton. Development may include moderate and high density residential, commercial, office, entertainment and other uses except industrial, at the highest levels of scale and density within the city. Unique development standards are proposed to create the walkable urban character and day and nighttime activity of an urban center. This designation is located primarily along I-35 interchanges and primary arterials to encourage the greatest regional accessibility. Future development in Regional Mixed Use areas will complement and embrace existing, viable uses, and raise the standard of design to increase their regional draw, accommodate greater connectivity and mobility options, and create a sense of place.

Development criteria of the Regional Mixed Use future land use designation include:

- a) A regional activity center is considerably larger and more diverse in its land uses than any other activity center. It includes vertically integrated uses where different use may occur on each floor of the building.
- b) Allowable uses may include national retailers, employment, restaurants and entertainment venues, and high-density housing.
- c) Uses should create destinations and augment the regional draw and image of Denton.

- d) Commercial uses should be programmed to serve a regional market and to be compatible with adjacent land uses.
- e) Diverse uses should be located in close proximity to one another so that all users are accessible from a single stop or by walking or bicycling.
- f) Development should be sited accessible to transit services.
- g) Places of worship, schools, and parks and open space are allowed by right.
- h) The character of this area should be maintained by ensuring that new development is sensitive to the surrounding built and natural context in scale and form as described above.
- i) Proposals should be presented and reviewed according to the degree to which they achieve the goals of the Regional Mixed Use land use and may be the subject of Small Area Plans when significant developments are proposed.

CONSIDERATIONS:

1. Per Subchapter 35.3.4.B of the Denton Development Code, the following criteria for approval shall be considered for a rezoning request:
 - The proposed rezoning conforms to the Future Land Use element of Denton Plan 2030.
The Future Land Use Map designates the subject site as Regional Mixed Use. This area, located adjacent to both I-35 and U.S. 380, and in close proximity to Rayzor Ranch Town Center, affords an excellent opportunity to extend the regional activity represented by Rayzor Ranch to the western side of the freeway, using U.S. 380 as the connection.
 - The proposed rezoning facilitate the adequate provision of transportation, water, sewers, schools, parks, other public requirements and public convenience.
Water lines are located along the entire I-35 frontage. Sewer lines are available to those developed properties in the site, and would have to be extended to serve the undeveloped properties upon platting.
2. The southern portion of the site is encumbered by ESA stream buffers which will have to be evaluated by staff prior to development on the site.

STAFF RECOMMENDATION:

Staff recommends that this staff initiated rezoning be forwarded to the Planning and Zoning Commission to consider that the subject area be rezoned from the Industrial Center Employment (IC-E) District to the Regional Center Commercial Downtown (RCC-D) District.

OPTIONS:

1. Recommend that the staff initiated rezoning be forwarded to the Planning and Zoning Commission for consideration.
2. Recommend staff complete further study of the subject area.
3. Recommend the site zoning remain as is.

ATTACHMENTS:

- Zoning Map

- Future Land Use Map
- IC-E Permitted Uses
- RCC-D permitted Uses

Prepared By:



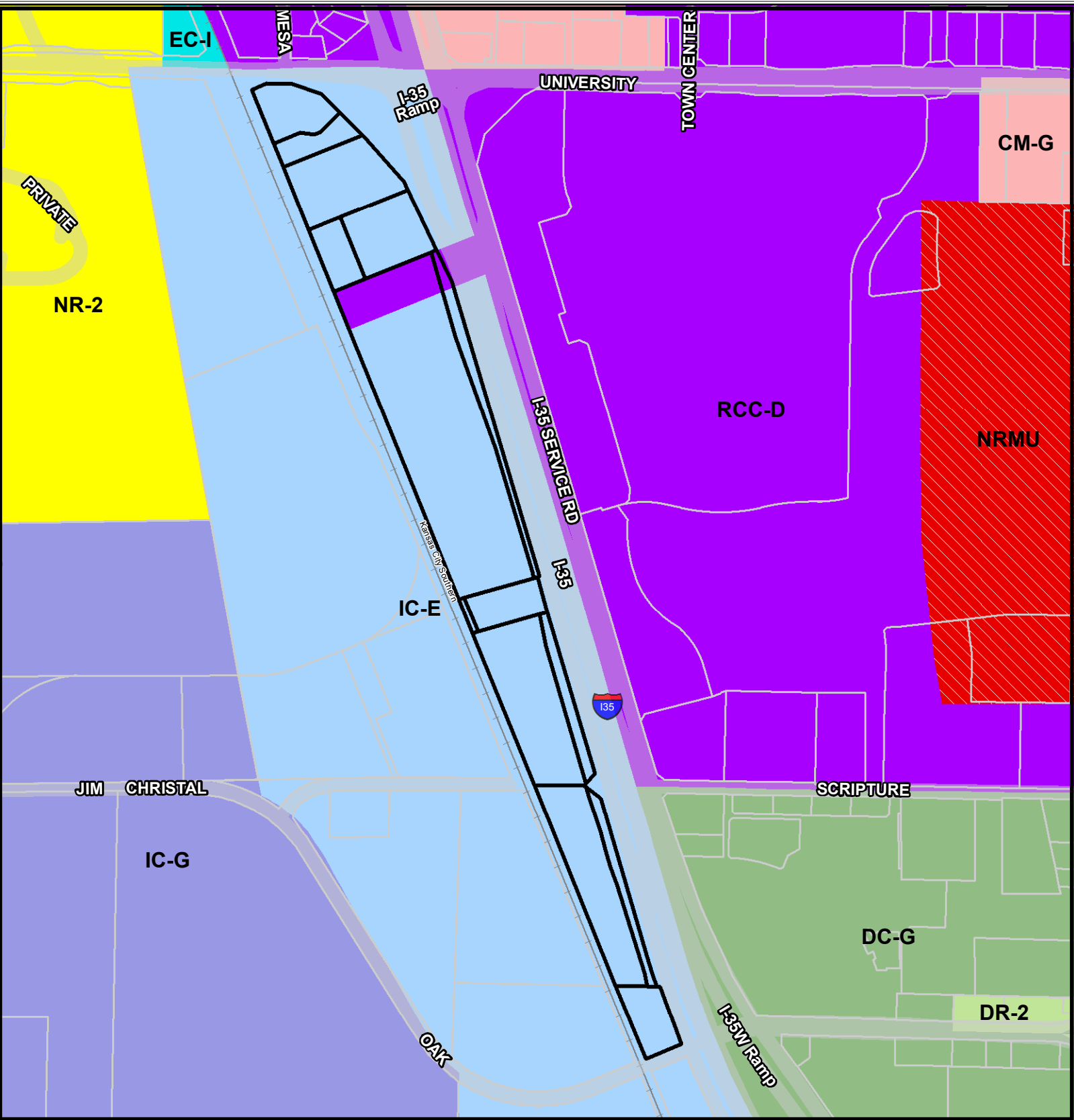
Cindy Jackson, AICP
Senior Planner
Date: 4/1/2016

Reviewed By:

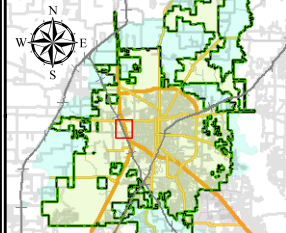


Ron Menguita, AICP
Development Review Committee Administrator
Date: 4/1/2016

Subject Site Zoning Map



	SITE		CM-G		EC-I		NR-2
	Parcels		DC-G		IC-E		NRMU
	Roads		DR-2		IC-G		RCC-D

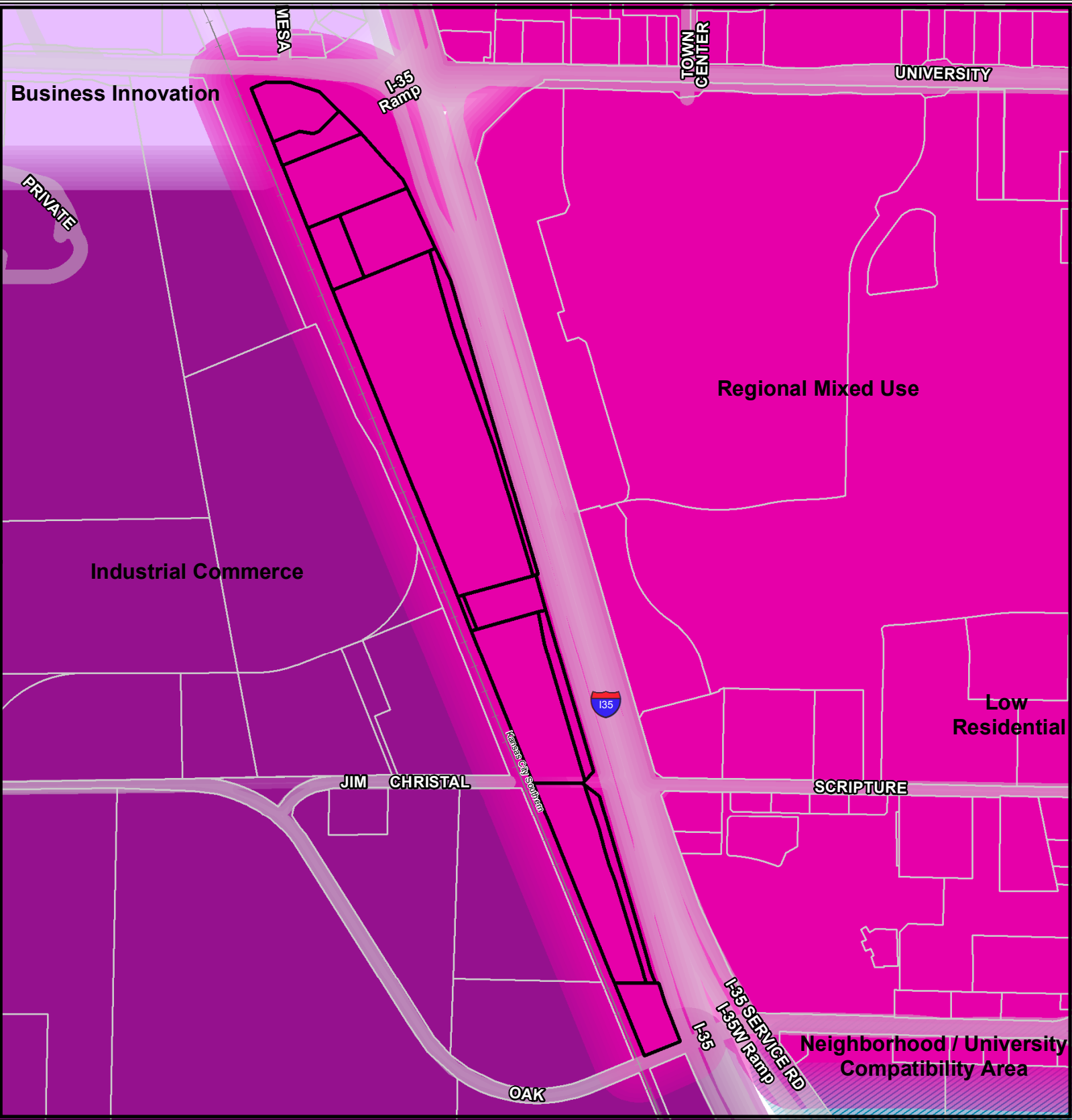


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Subject Site Future Land Use Map



SITE	Future Land Use	Neighborhood / University Compatibility Area
Parcels	Low Residential	Business Innovation
Roads	Regional Mixed Use	Industrial Commerce

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Industrial Center Employment Permitted Uses

RESIDENTIAL:

- P Agriculture
- L(7) Live/Work Units

COMMERCIAL

- Administrative or Research Facilities, Auto and RV Sales, Broadcasting or Production Studio, Commercial Parking Lots,
- P Hotels, Indoor Recreation, Laundry Facilities, Major Event Entertainment, Motels, Professional Services and Offices, Quick Vehicle Servicing, Vehicle Repair.
- L(14) Bar, Drive-through Facility, Private Club,
- L(18) Retail Sales and Service
- L(38) Temporary Uses

INDUSTRIAL

- Construction Materials Sales, Craft Alcohol Production,
- P Distribution Center/Warehouse General, Light Manufacturing, Self Service Storage, Wholesale Nurseries, Wholesale Sales
- L(25) Bakeries, Manufacture of Non-odoriferous Foods, Printing/Publishing
- L(27) Gas Wells
- L(29) Wrecker Services and Impound Lots
- SUP Compressor Stations, Warehouse, Retail

INSTITUTIONAL

- Basic Utilities, business/Trade School, Churches, Colleges,
- P Community Service, Mortuaries, Parks and Open Space, Semi-public Halls, Clubs, and Lodges
- L(19) Adult or Child Daycare
- SUP Conference/Convention Centers, WECS (Building Mounted and Free-Standing Monopole Support Structure)

P = Permitted, L(#) = Permitted with a Limitation, SUP = Specific Use Permit

Limitations:

L(7) = Limited to two (2) animals on parcels one (1) to three (3) acres in size. Additional animals may be added at a rate of one per each acre over three.

L(14) = Uses are limited to no more than 10,000 square feet of gross floor area.

L(18) = Uses are permitted only in association with Gas Stations and are limited to no more than 5,000 square feet of gross floor area except adjacent to I-35 then uses are limited to 10,000 square feet of gross floor area.

L(19) = Allowed as an accessory use to the primary business(es) within the same structure. The accessory use is limited to those employees or owners of the business or businesses within the same structure.

L(25) = If proposed use is within 200 feet of a residential zone, approval is subject to a Specific Use Permit.

L(27) = Must comply with the provisions of Subchapter 89, Gas Well Drilling and Production.

L(29) = Wrecker Services and Impound Lots must comply with the following provisions:

1. The subject lot shall comply with the provisions of the Texas Administrative Code, regarding Vehicle Storage Facilities.
2. Lot Screening: All stored vehicles shall be opaquely screened from all rights-of-way and residential uses and zoning districts.
3. Parking and vehicle storage areas associated with wrecker services and impound lots activities are not allowed within undeveloped floodplain, water-related habitat, and riparian buffer environmentally sensitive areas (ESA).
4. Best management practices addressing storm water quality must be implemented and maintained on site. Management practices must attain the pollutant removal capabilities recommended for parking areas in the Integrated Storm Water Management (iSWM) manual, as published by the North Central Texas Council of Governments, or similar practices consistent with low impact development (LID) approaches.

L (38) = Must meet the requirements of Section 35.12.9.

Regional Center Commercial Downtown Permitted Uses

RESIDENTIAL:

- P Agriculture, Attached Single-family Dwellings, Dwellings Above Businesses, Live/Work Units, Community Homes for the Disabled
- L(7) Livestock
- L(6) & L(4) Multi-Family Dwellings
- SUP Group Homes

COMMERCIAL:

- P Home Occupation, Hotels, Bed and Breakfast, Retail Sales and Service, Movie Theaters, Restaurant, Private Club, Bar, Drive-through Facility, Professional Services and Offices, Quick Vehicle Servicing, Vehicle Repair, Auto and RV Sales, Laundry Services, Indoor Recreation, Commercial Parking Lots, Administrative or Research Facilities, Broadcasting or Production Studio
- L(38) Temporary Uses
- SUP Major Event Entertainment

INDUSTRIAL:

- P Bakeries, Veterinary Clinics
- L(23) Light Manufacturing
- L(13) Warehouse, Retail
- L(27) Gas Wells

INSTITUTIONAL:

- P Community Service, Parks and Open Space, Churches, Semi-Public Halls, Clubs, and Lodges, Business/Trade School, Adult or Child Day Care, Middle School, High School, Colleges, Conference/Convention Centers, Hospital, Elderly Housing, Medical Centers, Mortuaries
- SUP Basic Utilities, WECS (Free-standing Monopole Support Structure), WECS (Building Mounted)

P = Permitted, L(#) = Permitted with a Limitation, SUP = Specific Use Permit

LIMITATIONS:

L(4) = Multi-family is permitted only:

1. With a Specific Use Permit; or
2. As part of a Mixed-Use Development; or
3. As part of a Master Plan Development, Existing; or
4. If the development received zoning approval allowing multi-family use within one (1) year prior to the effective date of Ordinance No. 2005-224; or
5. If allowed by a City Council approved neighborhood (small area) plan.

L(6) = Permitted only on second (2nd) story and above, when an office, retail, or other permitted commercial use is on the ground floor along any avenue, collector, or arterial street, otherwise office or retail uses are not required.

L(7) – Limited to two animals on parcels one to three acres in size. Additional animals may be added at a rate of one per each acre over three acres.

L(13) = Uses are limited to no more than fifty-five thousand (55,000) square feet of gross floor area per lot.

L(23) = Light manufacturing of products sold on site permitted, area of manufacture not to exceed five thousand (5,000) square feet.

L(27) – Must comply with the provisions of Subchapter 22, Gas Well Drilling and Production

L(38) – Must meet the requirements of Section 35.12.9.