



## Legislation Text

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**File #: Z16-0029, Version: 1**

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### **Planning Report**

**Z16-0029 / CST/Corner Store**

**City Council District 4**

**Planning & Zoning Commission**

**February 22, 2017**

### **REQUEST:**

Hold a public hearing and consider a request by Ronnie L. Hilliard, D. Fulton, and Vandesmith Developers Ltd. to rezone approximately 0.734 acres from a Neighborhood Residential 6 (NR-6) District to a Community Mixed Use General (CM-G) District and to rezone approximately 3.645 acres from a Neighborhood Residential Mixed Use (NRMU) District to a CM-G District. The subject property is generally located at the northeast corner of the intersection of Country Club Road and W. Hobson Lane, in the City of Denton, Denton County, Texas. (Z16-0029, CST/Corner Store, Hayley Zagurski).

### **OWNER:**

Ronnie L. Hilliard, D. Fulton, and Vandesmith Developers Ltd.

### **APPLICANT:**

Allen Perez, John Thomas Engineering

### **BACKGROUND:**

The subject property consists of portions of two unplatted tracts of land located at the northeast corner of the intersection of Country Club Road and W. Hobson Lane along Fort Worth Drive. The property totals 4.379 acres, of which 0.734 acres is zoned NR-6 District and 3.645 acres are zoned NRMU District. The applicant is seeking to rezone portions of the two tracts of land in order to develop a convenience store and fuel station.

### **SITE DATA:**

The 4.379 acre subject property is comprised of portions of two tracts of unplatted land. The northern tract is developed with a single-family home and accessory structures. It has approximately 185 feet of frontage along Fort Worth Drive. The southern portion of the subject property located has approximately 175 feet of frontage on Fort Worth Drive, approximately 310 feet of frontage on Country Club Road, and approximately 340 feet of frontage on Hobson Lane.

### **USE OF PROPERTY UNDER CURRENT ZONING:**

The NR-6 District is intended for single-family uses with a maximum density of 6 dwelling units per acre. Accessory Dwelling Units, Manufacture Housing Developments, Daycares, Elderly Housing, and Elementary Schools are permitted with a SUP. Single-family homes, parks, open space, and religious institutions are permitted by right.

The purpose of the NRMU District is either to encourage a mixed-use activity center with light retail, office, and institutional uses that support surrounding neighborhoods or to transition from non-residential zoning

districts to single-family neighborhoods. The maximum density is 30 units per acre, except townhomes which are limited to 12 units per acre. Apartments are only permitted as part of mixed-use developments or with approval of an SUP. The NRMU District permits many commercial and institutional uses with limitations or an SUP.

The schedule of permitted uses in both the NR-6 and NRMU Districts is attached for reference.

**SURROUNDING ZONING AND LAND USES:**

North: A single-family residence is located to the immediate north in the NR-6 District. Properties further to the north are also zoned NR-6 District and developed with single-family residences.

East: The remainder of the two unplatted tracts, of which the subject property is a part, are located to the east. Both properties are undeveloped. The northern parcel is zoned NR-6 District, and the southern parcel is zoned both NRMU District and NR-6 District.

South: Across Hobson Lane to the south are office buildings located in an NRMU District and single-family homes located in a Neighborhood Residential 2 (NR-2) District. A multi-family development located in an NRMU District is located to the southwest across Country Club Road.

West: A multi-family development and a convenient store are located to the west across Country Club Road in a NRMU District. Across Fort Worth Drive, a manufactured housing development and a veterinary clinic are located in an Employment Center Industrial (EC-I) District, and to the northwest a landscaping company is located in an Industrial Center Employment (IC-E) District.

**COMPATABILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES:**

The CM-G District is intended to provide the necessary shopping, services, recreation, employment and institutional facilities that are required and supported by the surrounding community. This zoning is typically located in areas with easy access, such as along major roadways or the intersection of local roads and arterial streets. Most commercial and institutional uses are permitted by right. Multifamily is permitted as part of a mixed use development where office or retail are located on the bottom floor. The schedule of permitted uses is attached for reference.

Given the subject property's prominent location at a hard corner with frontage on three arterial roadways, the CM-G District is a logical zoning for this property. The surrounding properties have a wide mixture of uses that range from commercial and industrial to single- and multi-family. Uses permitted in the CM-G District, including the applicant's intended drive-through, retail, and quick vehicle servicing uses, could be supported by residents and employees of the surrounding area. The scale of development permitted in the CM-G District in terms of lot coverage, building height, landscaping required, etc. are similar to what is required in the existing NRMU District at this location. This is discussed in more detail in the Considerations section.

However, there is no immediate continuity between the requested zoning designation and the surrounding districts. The closest instance of CM-G District is located approximately 800 feet north along Fort Worth Drive. In addition, the requested rezoning would result in three different zoning designations for the southern tract of land, leaving approximately two acres of property zoned NRMU District between a CM-G District and a NR-6 District. Currently, the southern tract has both NR-6 District and NRMU District designations, and the proposed rezoning does not encompass the entire area currently zoned NRMU District. The Proposed Zoning Map shows the mixed zoning pattern that would be created on the southern parcel.

**COMPREHENSIVE PLAN:**

“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 complimentary. 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 a more diverse and attractive mix of uses over time. 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.

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

- a) Typical development such as supermarkets, drug stores, specialty shops, service stations, midsize offices, employers, and high-to-moderate density housing.
- b) Places of worship, schools, and parks and open space.
- c) Diverse uses in close proximity to one another so that all uses are accessible from a single stop by walking or bicycling.
- d) Vertical and horizontal mixed-use.
- e) Accessibility from transit routes.
- f) Appropriately programmed commercial uses to serve the local Denton community and to be compatible with adjacent land uses.
- g) New development that is sensitive to the surrounding built and natural context in scale and form as described above.

The proposed rezoning is consistent with the Future Land Use designation of Community Mixed Use.

**CONSIDERATIONS:**

- 1. CM-G District would seem to be a logical designation for the subject property given its prominent location and it being over four acres in size. Uses permitted in the CM-G District, including the applicant’s intended drive-through, retail, and quick vehicle servicing uses, would provide services needed by residents and employees of the surrounding area. The scale and intensity of development permitted in the NRMU District and the CM-G District are not substantially different. For example, both districts permit up to 80% lot coverage and a maximum building height of 65 feet. A tabular comparison of some of the General Regulations for each district is provided in the Permitted Use Table. If rezoned, development of the subject property would be subject to all compatibility requirements such as buffering and screening in Section 35.13 which would help minimize nuisances between the proposed commercial use and adjoining residential districts.
- 2. Even though the requested rezoning seems initially logical based on the location of the property, the request would generate an isolated zoning district, with approximately two acres of NRMU District remaining between CM-G District and NR-6 District. The surrounding area features a mixture of zoning designations, but the majority of the properties on the southeast side of Highway 377/Fort Worth Drive are zoned residentially. There would be no continuity between the CM-G District and adjoining

properties.

The request would also result in a mixture of three different zoning designations on a single tract of land. The subject property spans portions of two parcels, and the southernmost parcel currently has a split zoning pattern with both NRMU District and NR-6 District. While the hard corner location is fitting for CM-G District, the request as presented would result in a larger mix of designations on a single parcel and would leave an isolated pocket of NRMU District zoning. This mixture of zoning designations could result in a non-cohesive future development pattern at a prominent hard corner location.

3. Per Section 35.3.4.B of the Denton Development Code, the following criteria shall be considered for a rezoning request: *The proposed rezoning conforms to the Future Land Use element of the Denton Plan 2030.* The Future Land Use designation for the surrounding area is Community Mixed Use. The requested rezoning to CM-G District conforms to this designation. The applicant's intended use of the property as a convenience store and fuel station is consistent with the typical developments intended for areas with this designation. Other permitted uses and general regulations for lots in the CM-G District are also consistent with the type of development intended by the Community Mixed Use designation.
4. Per Section 35.3.4.B of the Denton Development Code, the following criteria shall be considered for a rezoning request: *The proposed rezoning facilitates the adequate provision of transportation, water, sewers, schools, parks, and other public requirements and public convenience.* Water, sewer, and public access are all available the property along the adjoining arterial roads.

#### **STAFF RECOMMENDATION:**

Staff recommends denial of the request primarily because the change in zoning would create an isolated zoning district of NRMU District between CM-G District and NR-6 District which could impede the development of this hard corner in a cohesive manner.

#### **OPTIONS:**

1. Recommend approval as submitted.
2. Recommend approval subject to conditions.
3. Recommend denial.
4. Table the item.

#### **PUBLIC NOTIFICATION:**

To comply with the public hearing notice requirements, 16 notices were sent to property owners within 200 feet of the subject property, 47 courtesy notices were sent to physical addresses within 500 feet of the subject property, a notice was published in the Denton Record Chronicle, and signs were placed on the property. A neighborhood meeting has not been scheduled as of the issuance of this report.

#### **PROJECT TIMELINE:**

Application Received:	November 28, 2016
1 <sup>st</sup> Submittal Sent to DRC Members:	December 1, 2016
Comments Released to Applicant:	December 19, 2016
2 <sup>nd</sup> Submittal Sent to DRC Members:	January 20, 2017
Comments Released to Applicant:	February 1, 2017
Business Days under DRC Review:	22

Business Day out to Applicant:	22
Total Business Days:	44

**EXHIBITS:**

- Aerial Map
- Existing Zoning Map
- Future Land Use Map
- Proposed Zoning Change Map
- Permitted Uses Table
- Notification Map

Respectfully submitted:  
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