



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

CM: Todd Hileman

DATE: July 18, 2017

SUBJECT

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning classification from a Regional Center Residential 1 (RCR-1) zoning district and use classification and a Regional Center Commercial Downtown (RCC-D) zoning district and use classification to a Community Mixed Use General (CM-G) zoning district and use classification on approximately 29 acres of land generally located northwest and southwest corners of Lakeview Boulevard and Shady Shores Road in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommended approval of the request (6-0). (Z17-0002)

BACKGROUND

The applicant is requesting to rezone the subject property from RCR-1 and RCC-D Districts to CM-G District. According to the applicant's narrative, the intent is to develop the site with a retail center anchored by a grocery store and fuel sales.

The subject property includes several parcels bounded by Lakeview Boulevard, I35-E, and a railroad corridor. Shady Shores Road bisects the property. Currently, the site is governed by two zoning districts: south of Shady Shores Road is zoned RCC-D District, and north of Shady Shores Road is zoned RCR-1 District. The applicant has requested a rezoning on the entire property to CM-G District in order to develop the site under uniform zoning regulations.

Although final access to the site will be determined during platting and site plan review, it is anticipated that access to the site would be provided by Lakeview Boulevard, Shady Shores Road, and I35-E. Per the Denton Mobility Plan, Lakeview Boulevard between I35-E and Post Oak Boulevard is classified as a Primary Major Arterial. Primary Major Arterial streets are intended to serve as major routes into and through the City. A typical Primary Major Arterial requires 135 feet of right-of-way and is designed with at least travel three lanes in each direction to accommodate approximately 30,000 vehicle trips per day. Additionally, 5-foot sidewalks are required within the right-of-way. North of the subject property, at the intersection of Lakeview Boulevard and Post Oak Boulevard, Lakeview Boulevard converts to a Collector street to serve the Preserve at Pecan Creek neighborhood. Post Oak Boulevard continues north as a Primary Major Arterial, with eventual build-out connecting southeast and northeast Denton.

Shady Shores Road is classified as a Main Street Collector. Main Street Collectors require 70 feet of right-of-way and are designed to include two through lanes to accommodate approximately 20,000 vehicle trips per day. Eight-foot sidewalks are required within the right-of-way.

The Texas Department of Transportation (TXDOT) recently completed improvements to the nearby I35-E overpass bridge which connects Lakeview Boulevard and Post Oak in Corinth, which includes two through lanes and two “left turn only” lanes in each direction.

CM-G District is consistent with the Future Land Use Designation of Community Mixed Use. The uses permitted within CM-G District align with the desired development for Community Mixed Use and will provide necessary commercial uses for the growing residential population nearby. Additionally, the request is compatible with the surrounding zoning and land uses, as it would permit appropriate transitional commercial uses between the high-intensity development and zoning often found on highway corridors and the nearby residential neighborhood. Furthermore, physical barriers, including a railroad and dedicated open space, would buffer the site from the adjacent residential neighborhood.

Due to FEMA floodplain and Environmentally Sensitive Areas (ESA) located on the subject property, development will require additional analysis and will be subject to drainage and ESA requirements determined at the time of platting and site development. Per Subchapter 17 of the Denton Development Code (DDC), any proposed disturbance of ESA areas requires approval of an Alternative Environmentally Sensitive Area Plan by City Council.

A full analysis of the request has been attached in Exhibit 2.

To comply with the public hearing notice requirements, 15 notices were sent to property owners within 200 feet of the subject property, 62 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. Two responses in favor of the request from property owners within 200 feet of the request have been received. The City also received numerous responses from outside the notification boundary.

On March 29, 2017, the City of Denton hosted a neighborhood meeting to discuss the proposed rezoning with the residents of the Villages of Carmel and the Preserve at Pecan Creek. While there was not a consensus on support or opposition of the request, concerns regarding the rezoning were expressed by the attendees. These concerns included the traffic during peak hours at the intersection of Lakeview Boulevard and Shady Shores Road, the limited mobility throughout the area, the timing of the construction of Post Oak Boulevard, the removal of trees on the site, and light and noise generated by development.

OPTIONS

1. Approve as submitted.
2. Approve subject to conditions.
3. Deny.
4. Postpone consideration.
5. Table item.

RECOMMENDATION

Staff recommends approval of the request as it is compatible with the surrounding property and is consistent with the goals and objectives of the Denton Plan 2030.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

A public hearing for the proposed DDC amendment was held at the June 14, 2017 Planning and Zoning Commission (P&Z) meeting.

During the meeting, the P&Z discussed the impact of the FEMA floodplain, floodway, and ESA's located on the site. The applicant stated that he has been working with the City to determine the precise ESA locations and prior to development, additional analysis of the subject property's environmentally sensitive areas and drainage may be required. Mobility improvements associated with the proposed development and as part of the City's Mobility Plan and the I-35E expansion were also discussed. One resident spoke in opposition to the request due to mobility issues with the area, particularly the ability for residents to exit nearby neighborhoods at peak hours. To address the traffic concerns, engineering provided information on the I-35 improvements to the overpass bridge at Lakeview Boulevard and Post Oak, which includes two through lanes and two "left turn only" lanes in each direction. No improvements are planned for Lakeview Boulevard at this time. Furthermore, the traffic generated by the proposed project and the engineering requirements for accommodating any development will be evaluated at the time of platting and site plan review.

At the closure of the public hearing, a motion was made to recommend approval of the request. This motion passed 6-0.

STRATEGIC PLAN RELATIONSHIP

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

Related Key Focus Area: Economic Development

Related Goal: 3.4 Encourage development, redevelopment, recruitment, and retention

EXHIBITS

1. Agenda Information Sheet
2. Staff Analysis
3. Aerial Map
4. Existing Zoning Map
5. Future Land Use Map
6. Permitted Use Comparison Chart
7. Proposed Zoning Map
8. Notification Map and Responses
9. Planning and Zoning Commission Meeting Minutes
10. Presentation
11. Draft Ordinance

Respectfully submitted:
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