



## Legislation Text

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**File #: Z17-0014, Version: 1**

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### **Planning Report**

**Z17-0014 / Duluth Trading Co. & Northern Tools + Equipment**

**City Council District 3**

**Planning & Zoning Commission**

**August 9, 2017**

### **REQUEST:**

Hold a public hearing and consider a request by Oppidan to rezone approximately 5.21 acres from an Industrial Center Employment (IC-E) District to a Regional Center Commercial Downtown (RCC-D) District. The property is generally located west of I-35 Service Road and approximately 1,000 feet south of West University Drive. (Z17-0014, the Duluth Trading Co. & Northern Tools + Equipment, Muzaib Riaz).

### **OWNER:**

Texas Blue Horseshoe LTD

### **APPLICANT:**

Matt Walsh

### **BACKGROUND:**

The applicant has requested to rezone an approximately 5.21 acre site from Industrial Center Employment (IC-E) District to a Regional Center Commercial Downtown (RCC-D) District. The applicant intends to develop the site with retail buildings exceeding 10,000 square feet. The IC-E District only permits retail use in association with gas stations, and limits the use to no more than 10,000 square feet of floor area. Since the proposed use is not associated with a gas station and exceeds 10,000 square feet of floor area, the applicant has submitted an application for rezoning of the subject property from IC-E District to RCC-D District, which permits the use outright. A similar request for rezoning from IC-E District to RCC-D District was approved for the property to the north in 2016.

### **SITE DATA:**

The approximately 5.21 acre site is currently undeveloped and has approximately 430 feet of frontage along I-35 Service Road. There is approximately 0.19 acres of Water Related ESA Habitat at the rear of the subject property along the rail line. Several trees are also located on the site.

Access to the site will be provided from the I-35 Southbound Service Road. The I-35 Southbound Service Road is a TxDOT maintained roadway and is currently under construction. It is a one-way road with 2 lanes at present. Future plans for this section of I-35 Southbound Service Road, between Turbeville Road and U.S. 380, indicate a one-way road with 2 - 3 lanes.

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

The IC-E District is part of the family of Industrial Centers zoning districts. The purpose of Industrial Centers is to provide locations for a variety of work processes and employment such as manufacturing, warehousing

and distributing, indoor and outdoor storage, and a wide range of commercial and industrial operations. Additionally, the district encourages the inclusion of support services and amenities to industrial businesses by permitting hotel, motel and recreational facilities. The IC-E District does not permit residential uses with the exception of Agriculture and Livestock uses. Some commercial uses such as retail sales and service, restaurant, private club, bar, and drive-through facilities are permitted only with a limitation that restricts these uses to no more than 10,000 square feet of gross floor area. Low intensity industrial uses are mostly permitted. A schedule of permitted uses within the IC-E District is attached for reference.

**SURROUNDING ZONING AND LAND USES:**

North: The property immediately to the north is zoned RCC-D and is currently under construction with Cavender's Boot City retail development.

East: The property to the east across I-35 is zoned RCC-D and is currently being developed as Rayzor Ranch Town Center.

South: The property to the south is zoned IC-E and is undeveloped.

West: The property to the west across Kansas City Southern rail line is zoned IC-E and is currently undeveloped.

**COMPATABILITY 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 use category and the City of Denton as a whole due to allowance of a wide array of commercial and high density residential uses. 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 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.

While the RCC-D District promotes urban forms for commercial development, it has primarily been utilized as an appropriate zoning category for highly trafficked regional commercial and retail areas along the I-35 corridor including; Rayzor Ranch Marketplace, Rayzor Ranch, Golden Triangle Mall, Denton Crossing, Unicorn Lake, Denton Regional Medical Center, and interstate frontage south of the hospital.

The requested RCC-D District permits uses that are compatible with the existing development pattern to the immediate north. The scale of permitted uses in RCC-D District is compatible with development along the interstate highway. RCC-D has been used to create centers of activity including shopping, services, recreation, employment and institutional facilities serving an entire region, such as the Rayzor Ranch development east of the subject property across I-35. The subject property would be separated from any future non-compatible industrial uses to the west by the Kansas City Southern rail line.

**COMPREHENSIVE PLAN:**

The Denton Plan 2030's Future Land Use Map designates the subject property as Regional Mixed Use along with properties on the north, south, and east. Properties designated for Industrial Commerce in the Future Land Use Map are located to the west side of the subject property beyond the dividing railroad line.

The Regional Mixed Use designation 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.

The proposed rezoning is consistent with the Future Land Use designation of Regional Mixed Use. The site's location along the I-35 Frontage Road provides a highly visible location and has the potential to foster more regional commercial activity to energize the western side of the I-35 and University Drive intersection.

**CONSIDERATIONS:**

1. The applicant requests a rezoning from an IC-E District to a RCC-D District to allow development of retail buildings that exceed 10,000 square feet on the subject property. The IC-E District only allows retail in conjunction with a gas station use, and limits the use to no more than 10,000 square feet. This limitation may discourage larger scale commercial and retail development that may be appropriate along the prominent interstate frontage.
2. RCC-D District would be a logical extension of the existing RCC-D District to the north and east of the subject property. The subject property's location along the I-35 Frontage Road provides the desired visibility for commercial development to be successful and economically viable. The proposed rezoning to RCC-D also demonstrates potential for future rezoning for commercial development south of the subject property which is currently zoned IC-E.
3. Surrounding land uses are commercial in nature. A rezoning to a RCC-D District would permit additional commercial and retail uses without any limitations and would encourage development that would be consistent with retail activity planned for Rayzor Ranch. While the rezoning would lessen the potential for new industrial uses on the west side of the I-35 Frontage Road if approved, it is not anticipated that existing industrial uses to the west will be negatively impacted by the requested zoning change of the subject property, since the railroad line acts as a dividing line between the retail on the east and industrial uses to the west.
4. Per Section 35.3.4.B of the Denton Development Code, the following criteria shall be considered for a rezoning request:
  - a. *The proposed rezoning conforms to the Future Land Use element of the Denton Plan 2030.* The Future Land Use designation for the subject property and adjacent land to the north, south, and east is Regional Mixed Use. The requested rezoning to RCC-D District conforms to this designation. Permitted uses and general regulations for lots in the RCC-D District are consistent with the type of development intended by the Regional Mixed Use designation.
  - b. *The proposed rezoning facilitates the adequate provision of transportation, water, sewer, schools, parks, and other public requirements and public convenience.* Water is available along I-35 Southbound Service Road, while sewer and electric will be available to the subject site from the adjacent lot on the north. Public access will be available from I-35 Southbound Service Road. Stormwater runoff currently drains towards the western property line where it discharges to an existing drainage ditch located adjacent to the railroad, which ultimately discharges to an existing regional detention basin. A more thorough infrastructure needs assessment will be conducted at the time of platting and site plan submittal.

**STAFF 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.

**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, 5 notices were sent to property owners within 200 feet of the subject property, 5 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:	June 5, 2017
1 <sup>st</sup> Submittal Sent to DRC Members:	June 14, 2017
Comments Released to Applicant:	June 28, 2017
Business Days under DRC Review:	10
Business Day out to Applicant:	0
Total Business Days:	10

**EXHIBITS:**

- Aerial Map
- Existing Zoning Map
- Future Land Use Map
- Proposed Zoning Map
- Permitted Uses
- Notification Map
- Community Feedback

Respectfully submitted:  
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