



## Legislation Text

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**File #: Z17-0015a, Version: 1**

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### **Planning Report**

**Z17-0015 / McKinney Mayhill**

**City Council District 2**

**Planning & Zoning Commission**

**September 27, 2017**

### **REQUEST:**

Hold a public hearing and consider making a recommendation to City Council regarding a request by JV Strange and 7-11, Inc. to rezone approximately 73 acres from an Employment Center Industrial (EC-I) District to a Commercial Mixed Use (CM-G) District. The property is generally located on the northeast corner of North Loop 288 and East McKinney Street. This item was continued at the September 13, 2017 Planning and Zoning Commission meeting. (Z17-0015, McKinney Mayhill, Julie Wyatt).

### **OWNER:**

100 North Loop 288, LLC and 7-11, Inc.

### **APPLICANT:**

JV Strange with Axiom Commercial Company, LTD.

### **BACKGROUND:**

The applicant is requesting to rezone the subject property from EC-I District to CM-G District. According to his narrative, the intent is to develop the site with a mix of uses, including retail, restaurant, multi-family, and office.

### **SITE DATA:**

The subject property is bounded by North Loop 288, Market Street, the future Mayhill Road alignment, and East McKinney Street. The approximately 73 acre property includes an existing vacant building on Market Street, which, according to the applicant, will be redeveloped for a community service facility. Additional development on the site includes three warehouses on East McKinney Street and a warehouse and two single-family structures on Mayhill Road. Previous development on the site included a lumberyard at the corner of North Loop 288 and East McKinney Street.

The center of the property is undeveloped and heavily treed. An Environmentally Sensitive Area assessment will be necessary to determine if a portion of the treed area is Upland Habitat, which is defined as a minimum 10 acre contiguous remnant of the eastern Cross Timbers Habitat. If Upland Habitat is present, additional tree preservation requirements may apply at the time of development.

North Loop 288 and Mayhill Road are classified as a Primary Major Arterials per the Denton Mobility Plan. A Primary Major Arterial is intended to serve as a major route into and across the City, with at least three travel lanes in each direction separated by a median. It requires 135 feet of right of way and is designed to accommodate more than 15,000 vehicle trips per day. East McKinney Street is classified as a Secondary

Arterial, which is intended to serve as a major route through and between different areas of the City, with two travel lanes in each direction separated by a median. A Secondary Arterial requires 110 feet of right of way and is designed to accommodate approximately 2,500 to 15,000 vehicle trips per day.

Market Street is classified as a Commercial Mixed Use Collector, which requires 73 feet of right of way and includes two or four travel lanes.

Access to the site will be determined at the time of platting and site plan approval.

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

The purpose of EC-I District is to provide locations for a variety of workplaces and complimentary uses, including light industrial development. Permitted uses include Vehicle Repair, Hotels, Restaurants, Drive-through Facilities, Professional Services and Offices, Light Manufacturing, and Wholesale Sales. General Warehouse and Retail Warehouse are permitted, but limited to less than 150,000 square feet and 8 truck docks. Retail Sales and Service is only permitted in association with gas stations, and no residential uses are permitted.

#### **SURROUNDING ZONING AND LAND USES:**

North: Property to the north is zoned EC-I District and developed with vehicle repair. Properties across Market Street are zoned EC-I District and developed with retail, restaurant, office, vehicle repair, and day care uses.

East: Property to the east is zoned EC-I District and developed with self-service storage. Properties across Mayhill Road are zoned EC-I and RD-5X Districts and developed with offices, agriculture, and a single-family residential use. Further east is zoned Neighborhood Residential 2 (NR-2) and is developed with a high school.

South: Property to the south across East McKinney Street is zoned CM-G and Community Mixed Use Employment (CM-E) Districts and developed with retail, office, industrial, and multi-family uses.

West: Property to the west across North Loop 288 is zoned CM-G, Neighborhood Residential Mixed Use (NRMU), and Neighborhood Residential 4 (NR-4) Districts and developed with retail, restaurant, multi-family, and single-family residential uses.

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

The subject property is a large tract of land surrounded by a mix of residential, commercial, employment, agricultural, and industrial uses. Lower-density residential development is located to the west, commercial and light industrial development are located along Loop 288, and some agricultural and residential uses are located to the east. This mix of uses is reflected in the zoning pattern, which includes a variety of districts.

CM-G District is a commercial mixed-use district intended to serve the community. It is typically located in areas with access to major roadways or at the intersection of local roads and arterial streets. The proposed CMG District is appropriate in this location, permitting commercial development typically found on arterial roadways and prohibiting the more intense industrial uses allowed under the current zoning. CM-G District is a logical extension of the existing zoning pattern on Loop 288 and at the intersection of East McKinney and Loop 288. Furthermore, the adjacent roadways provide a separation of the property from nearby neighborhoods, providing a buffer against potential nuisances which can be created by commercial areas.

A comparison of the existing and proposed zoning districts is attached for reference.

#### **COMPREHENSIVE PLAN:**

Per the Denton Plan 2030, the Future Land Use designation of the subject property is Community Mixed Use. 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 complementary.

In determining the Future Land Use designation for this area, the following factors were considered: 1) the area is adjacent to two corridor focus areas (Loop 288 and McKinney Street); 2) the area is located equal distance between two center focus areas (I-35/Loop 288 and University Drive/Loop 288); and 3) there is potential development and redevelopment opportunity in the area.

The goal over time, with guiding policies, zoning regulations, and design standards, is a mix of land use types and intensities, where the primary use is commercial with complimentary residential and office uses which serve the surrounding community and provide a sense of place. Future development should complement existing uses, raise the standard of design to increase economic viability, and accommodate greater connectivity and mobility options.

The proposed rezoning to CM-G District is consistent with the Future Land Use designation of Community Mixed Use. The CM-G District provides for the necessary shopping, services, recreation, employment, and institutional facilities that are required and supported by the surrounding community.

### **CONSIDERATIONS:**

1. The request is to rezone an approximately 73 acre tract from EC-I District to CM-G District to construct a mixed-use development. The larger size of the property under one proposed district would encourage a cohesive development pattern in terms of building scale and compatible uses.
2. Under the current zoning of EC-I District, a combination of commercial and light industrial uses are permitted. The DDC allows the industrial uses within EC-I District to be developed with industrial design standards, scale, and character, which could lead to incompatible development near surrounding neighborhoods and commercial areas. Rezoning to CM-G District would preserve the permitted commercial uses, prohibit most of the industrial uses, and add higher-density residential uses with limitations. If approved, CM-G District would allow the site to develop with mid-sized, mixed-use commercial uses and design standards typically found at the intersection of arterial roadways within the vicinity of established or future residential neighborhoods.
3. The existing and future road network provides appropriate access for the uses permitted in CM-G District. In addition to nearby arterial roadways, the Denton Mobility Plan indicates that North Mayhill Road, located east of the subject property, is intended to connect with FM 2499 to the south at I-35E, creating a significant north/south corridor and efficiently linking the east side of Denton to the larger region. Once completed, this roadway network improvement will provide additional access and visibility to the eastern portion of site, suggesting that the commercial uses and development standards associated with CM-G District are appropriate.
4. Per Section 35.3.4.B of the DDC, the following criteria for approval shall be considered for a rezoning request:
  - a. *The proposed rezoning conforms to the Future Land Use element of the Denton Plan 2030.*  
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 existing and future population residing in the northeast part of Denton. Although final access to the site will be determined at platting, the location of the site adjacent will provide sufficient vehicular access for the uses permitted in CM-G District.
  - b. *The proposed rezoning facilitates the adequate provision of transportation, water, sewers, schools, parks, and other public requirements and public convenience.*

An infrastructure needs assessment, depending on the development, would be conducted at the time of platting and site plan submittal. Compliance with all transportation and infrastructure requirements is required with platting and development of the site.

5. The existing adjacent arterial roadways provide physical separation between the subject property and nearby neighborhoods, reducing potential impacts associated with commercial development, such as light and noise.

**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, 35 notices were sent to property owners within 200 feet of the subject property, 64 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.

**PROJECT TIMELINE:**

Application Received:	June 9, 2017
1 <sup>st</sup> Submittal Sent to DRC Members:	June 23, 2017
Comments Released to Applicant:	July 7, 2017
Business Days under DRC Review:	10
Business Day out to Applicant:	0
Total Business Days:	10

**EXHIBITS:**

- Aerial Map
- Zoning Map
- Future Land Use Map
- Permitted Use Comparison Chart
- Proposed Zoning Map
- Notification Map

Respectfully submitted:  
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Interim Director of Planning

Prepared by:  
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