



## Legislation Text

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**File #: Z17-0017, Version: 1**

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### **Planning Report**

**Z17-0017 / Pioneer Automotive Denton**

**City Council District 4**

**Planning & Zoning Commission**

**September 13, 2017**

### **REQUEST:**

Hold a public hearing and consider a request by Space Garage Limited Partnership to rezone approximately 0.54 acres from a Neighborhood Residential Mixed-Use (NRMU) District to a Community Mixed-Use general (CM-G) District. The property is generally located at the southeast corner of the Teasley Lane and Old Alton Road intersection. (Z17-0017, Pioneer Automotive Denton, Hayley Zagurski).

### **OWNER:**

Space Garage Limited Partnership

### **APPLICANT:**

Tim Beaty Builders

### **BACKGROUND:**

The 0.54 acre subject property is currently undeveloped and is zoned Neighborhood Residential Mixed Use (NRMU) District. The applicant is requesting to rezone the property to Community Mixed Use General (CM-G) District. The applicant's stated intent is to develop the subject property along with the adjoining southern parcel with a vehicle repair use. The applicant's proposed use is not permitted in the NRMU District, and the adjoining southern tract is currently located in the City's Extraterritorial Jurisdiction (ETJ). The applicant has indicated that, pending approval of this request, the intent is to voluntarily annex the southern property into the City and establish a consistent zoning for the southern property to facilitate site development.

### **SITE DATA:**

The 0.54 acre subject property has approximately 140 feet of frontage on Teasley Lane, and approximately 136 feet of frontage on Old Alton Road. Access to the site would be from Old Alton Road.

Teasley Lane, also known as Farm to Market Road 2181, is maintained by the Texas Department of Transportation (TXDOT) and is classified on the City's Mobility Plan as a Primary Arterial roadway. A primary arterial roadway requires 135 feet of right-of-way and is designed to handle up to 30,000 vehicle trips per day at full width. Teasley Lane is currently under improvement by TXDOT in this area and has variable width right-of-way in this area. At full width it is intended to be a six lane divided roadway.

Old Alton Road is classified as a Future Secondary Arterial, which requires 110 feet of right-of-way. Secondary Arterial roads are designed to handle up to 25,000 vehicle trips per day at full width. Old Alton Road is currently built as a two-lane undivided roadway, but at full width it is planned to be a four lane divided roadway. There are no immediate plans for the widening of Old Alton Road, but improvements are being made

at the intersection with Teasley Lane due to a new driveway being installed at Guyer High School directly across from Old Alton Road.

**USE OF PROPERTY UNDER CURRENT ZONING:**

The purpose of the NRMU District is 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 for townhomes which are limited to 12 units per acre. Apartments are only permitted as part of mixed-use developments or with approval of a Specific Use Permit (SUP). The NRMU District permits many commercial and institutional uses with limitations or an SUP. A schedule of permitted uses is attached for reference.

**SURROUNDING ZONING AND LAND USES:**

North: The property is bounded by land dedicated as right-of-way for Teasley Lane on the north. Although the current Zoning Map shows a separate parcel of land zoned Neighborhood Residential 2 (NR-2) District located between the subject property and Teasley Lane, this parcel is not reflected on the most recent county tax maps and is designated as right-of-way. Across Teasley Lane is Guyer High School, which is located in a CM-G District. A barbeque grill and patio supplies company is located to the northeast and is zoned NR-2 District and Rural Residential (RD-5x) District.

East: Property to the east is zoned Industrial Center Employment (IC-E) District and is developed with an access drive for a self-storage facility that is located farther south in the City's ETJ. Farther to the east is a Denton County Office, also located in an IC-E District.

South: Directly to the south is an undeveloped parcel, which is located in the City's ETJ. Pending approval of this rezoning, the applicant intends to voluntarily annex this parcel into the City and establish a consistent zoning designation for the parcel in order to develop it along with the subject property. Beyond this undeveloped parcel is an athletic training facility that is also located in the ETJ.

West: The property is bounded on the west by Old Alton Road. Across Old Alton Road is property zoned NRMU District that is developed with an electrical transfer station. To the southwest is a recently developed vehicle repair facility, which is located in the ETJ.

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

The purpose of the CM-G District is 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 use are permitted by right. A schedule of permitted uses is attached for reference.

The proposed CM-G District is appropriate at this location because of the property's prominent location at the intersection of two arterial roadways. The Teasley Lane/Old Alton Road intersection is a gateway to the City of Denton for anyone traveling from the south or east, and the types of commercial development permitted in the CM-G District are logical in this area. This rezoning is also consistent with the current zoning of the Guyer High School campus located across Teasley Lane.

**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 a major gateway into the City; 2) Teasley Lane, a future six-lane divided roadway, bisects the area; 3) an existing high school provides a primary use; and 4) there is potential development and redevelopment opportunity in the area.

The goal over time, with guiding policies, zoning regulations and design standards, is to have an area with a mix of land use types and intensity that serves the surrounding community and would also provide a sense of place. Where the primary use is commercial and complimentary uses are residential and office. Where future development complements other uses, raises the standard of design to increase their economic viability, and where future development accommodates 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 for a rezoning from NRMU District to CM-G District to facilitate the development of a vehicle repair facility. The subject property is part of a larger lot that is partially in the City's ETJ. Pending approval of this request, the applicant proposes to annex the remainder of the lot into the City and apply for an initial zoning of CM-G District on the remainder of the lot.
2. Section 35.3.4 of the Denton Development Code (DDC) states that an application for a rezoning may be approved based on the following conditions:

*a. The proposed rezoning conforms to the Future Land Use element of the Denton Plan.*

As described above, the proposed rezoning to CM-G District is consistent with the Future Land Use designation of Community Mixed Use. The types of uses and scale of development permitted in CM-G District conform to the goals of the Community Mixed Use designation, including the promotion of predominantly commercial development.

*b. The proposed rezoning facilitates the adequate provision of transportation, water, sewer, schools, parks, other public requirements, and public convenience.*

Access/transportation to the site is easily available from Old Alton Road and Teasley Lane, and public water and sewer facilities are available in the area. Specifications about driveway locations and any necessary infrastructure extensions will be determined during the site plan and civil engineering plan review processes.

3. Although the current Zoning Map reflects a distinct parcel of land zoned NR-2 District north of the subject property, this area is dedicated as right-of-way for Teasley Lane. The requested CM-G District would actually be a continuation of the existing CM-G District located across Teasley Lane. The uses permitted in the CM-G District would be consistent with the uses that exist in the area today, which include vehicle repair, offices, self-storage, and other commercial and institutional uses.
4. The property is located at the corner of two arterial roadways, and this intersection serves as a gateway

into the City from the south and east. Although adjoining property to the south and east is either located in the City's ETJ or an industrial zoning district, a commercial district such as CM-G District is more appropriate at this prominent location. CM-G District is also more appropriate than the existing NRMU District because of the wider variety of commercial and institutional uses and more restricted residential uses that are permitted in CM-G District. Residential uses are not as appropriate directly along arterial roadways as commercial uses such as retail, drive-through facilities, vehicle repair, offices, and restaurants.

**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, 8 notices were sent to property owners within 200 feet of the subject property, 10 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 had not be scheduled as of the issuance of this report.

**PROJECT TIMELINE:**

Application Received:	July 20, 2017
1 <sup>st</sup> Submittal Sent to DRC Members:	July 26, 2017
Comments Released to Applicant:	August 9, 2017
2 <sup>nd</sup> Submittal Sent to DRC Members:	August 17, 2017
Comments Released to Applicant:	August 24, 2017
Business Days under DRC Review:	17
Business Day out to Applicant:	7
Total Business Days:	24

**EXHIBITS:**

- Site Location Map
- Existing Zoning Map
- Future Land Use Map
- Proposed Zoning Map
- Schedule of Permitted Uses
- Notification Map and Responses

Respectfully submitted:  
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DRC Administrator

Prepared by:

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