

Staff Analysis

Z17-0022/Eastside at Oakmont

City Council District 4

Planning & Zoning Commission

November 8, 2017

REQUEST:

Hold a public hearing and consider a request by CDI 2499, LLC to for an initial zoning of Neighborhood Residential Mixed Use (NRMU) District on approximately 6 acres. The property is generally located on the east side of the future FM 2499 alignment, approximately 1,400 feet south of Robinson Road. (Z17-0022, Eastside at Oakmont, Julie Wyatt).

OWNER AND APPLICANT:

CDI 2499, LLC

BACKGROUND:

The applicant is requesting an initial zoning of Neighborhood Residential Mixed Use (NRMU) District in order to facilitate future development of commercial uses on a 6-acre site.

The subject property was annexed in 1999. Generally, annexed property is not zoned until a zoning request is officially approved by the City Council. In accordance with Section 35.16.8.G of the Denton Development Code (DDC), for newly annexed land that has not been zoned, no application will be deemed complete for any uses, intensities of use, dimensions or lot sizes not authorized by Rural Residential (RD-5) Zoning District.

The purpose of the applicant's request is to provide an initial zoning designation of NRMU District.

SITE DATA:

The subject property has a triangular shape that creates approximately 975 linear feet of frontage on the extension of FM 2499, which is currently under construction. The back of the site is adjacent to a green way and single family residential development; therefore, access is limited, but will improve with the completion of FM 2499. Classified as a Primary Arterial, FM 2499 will 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.

A narrow open space lot separates the subject property from the neighborhood to the east. FEMA floodplain and a possible Environmentally Sensitive Area (ESA) are located on the eastern edge of the property. Prior to development, an ESA assessment is recommended to determine if an ESA is present, as impacts to ESA's must be approved in accordance with DDC Subchapter 17. Additionally, development within the floodplain is required to meet all engineering standards.

USE OF PROPERTY UNDER CURRENT ZONING:

Under the RD-5X placeholder district, the subject property is subject to all the regulations of the Rural Residential (RD-5) zoning classification in Subchapter 5 of the Denton Development Code. RD-5 District primarily permits uses rural in nature including agriculture, livestock, large-lot single family, manufactured housing developments, sale of products grown on site, veterinary clinics, kennels, day cares, and elementary schools. Group homes, administrative or research facilities, feed lots, and gas wells require approval of a Specific Use Permit (SUP).

SURROUNDING ZONING AND LAND USES:

Northwest: - Planned Development 176 (PD-176) District - Single-family residential	North: - PD-176 District - Single-family residential	Northeast: - RD-5X - Gas well facility
West: - PD-176 District - Single-family residential and an open space lot which accommodates an electric transmission line	SUBJECT PROPERTY	East: - Neighborhood Residential 4 (NR-4) District - Single-family residential and an open space lot owned and maintained by the homeowner's association
Southwest: - PD-176 District - Undeveloped, but the PD designates this area for commercial development	South: - Planned Development 111 (PD-111) District - Single-family residential and neighborhood amenity lot maintained by the homeowner's association	Southeast: - Planned Development 111 (PD-111) District - Single-family residential

COMPATABILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES:

The subject property is adjacent to a future Primary Arterial roadway (FM2499) and abutting established single-family residential neighborhoods. The existing development surrounding the site is primarily low density suburban, which is reflected in the zoning pattern. However, the capacity and regional connection associated with the future FM 2499 corridor indicates that commercial uses are appropriate on the subject site, provided that development is compatible with the nearby existing neighborhoods.

NRMU District is a mixed-use district which permits moderate density residential and small-scale commercial uses. It is intended to provide day-to-day shopping and services which are typically found near residential neighborhoods. NRMU District permits retail, restaurant, and office uses, but with limitations on the size and intensity of potential development. Uses which could create nuisances, such as multi-family, vehicle repair, quick vehicle servicing, or drive-through facilities require a Specific Use Permit (SUP) or are not permitted. Therefore, NRMU District is appropriate in this location, as it would provide necessary commercial development with limitations to minimize potential impacts on adjacent residential 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 Low Residential. Low Residential is intended for predominantly single-family neighborhoods, with lot sizes ranging from one acre or more in rural fringe areas to four units per acre gross density throughout many of the city's suburban subdivisions. Dwellings in Low Residential are generally one to two stories with private driveways and open space, consisting of privately-maintained tree canopy and front, back and side yards. Generally these types of single-family neighborhoods are developed as distinct subdivisions that are linked by internal circulation systems with limited access to major arterials.

Although the requested district is not consistent with the Future Land Use designation, the adjacency to the future FM 2499 suggests that low-density residential is not appropriate in this location.

CONSIDERATIONS:

1. The request is for an initial zoning of NRMU District to permit future commercial development on the site. Section 35.4.B of the DDC establishes the following criteria for approval:

Per Section 35.3.3.A of the Denton Development Code (DDC), if a zoning change does not conform to the Future Land Use designation, then the request must be further evaluated in accordance with Section 35.3.3.B.3. The approval criteria includes an analysis of the existing surrounding land use pattern, the impacts of future development on surrounding property, the possible creation of an isolated zoning district unrelated to nearby districts, adequate provision of infrastructure, impacts on the environment, reasons as to why the property can't be used in accordance with existing zoning, and the character of the district.

The subject property is situated between the future extension of FM 2499 and single-family residential neighborhoods. The east and south sides of the site abut existing, established neighborhoods with suburban character and low-density single-family residential land uses. The west side of the subject property provides 975 linear feet of frontage on the extension of FM 2499, which once complete, will become a significant regional corridor. The site's small size, limited access to adjacent neighborhoods, and substantial frontage on a Primary Arterial indicate it is unlikely that the subject property will develop with low-density residential uses, and commercial development is more likely to occur. However, any development must be sensitive to nearby residential neighborhoods, as large-scale development is not appropriate in this location, given the proximity to single-family dwellings. NRMU District would allow commercial development, but with limitations on permitted uses and building scale, reducing potential nuisances for nearby residents. Furthermore, any development contemplated for the site must comply with all buffer, screening, tree canopy, and light and glare requirements as outlined in Subchapter 13 of the DDC.

The site's location, surrounded by residential development, separates the property from other commercial districts, potentially creating an isolated zoning district unrelated to nearby commercial zoning. However, as future development along FM 2499 is contemplated, additional property may attempt to rezone, thus eliminating the site's isolation.

2. As to infrastructure, a needs assessment, depending on the development, would be conducted at the time of platting and site plan submittal. Compliance with all transportation, drainage, and infrastructure requirements is mandatory with platting and development of the site. Furthermore, all proposed development must meet City requirements for tree preservation and other environmental impacts.

STAFF RECOMMENDATION:

Although the request is technically inconsistent with the Future Land Use designation, it is consistent with the overall goals of the Denton Plan 2030. Commercial development is appropriate in this location, given the frontage and access provided by the future FM 2499, a Primary Arterial. The proposed NRMU District permits commercial uses with limitations on development scale, thus minimizing potential conflicts and increasing compatibility with the nearby residential neighborhoods. Therefore, Staff recommends approval of the request.

PUBLIC NOTIFICATION:

To comply with the public hearing notice requirements, 35 notices were sent to property owners within 200 feet of the subject property, 116 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. The applicant hosted a neighborhood meeting to present the proposal to nearby residents. Those in attendance expressed concerns about the types of commercial uses that could be developed under the proposed zoning and the traffic impacts associated with development.

Respectfully submitted:
Richard Cannone, AICP
Interim Planning Director

Prepared by:
Julie Wyatt
Senior Planner