

Z17-0016 & S17-0009

The Retreat at Denton

Planning Division

Dec. 5, 2017



Requests & Site Data

► Requests:

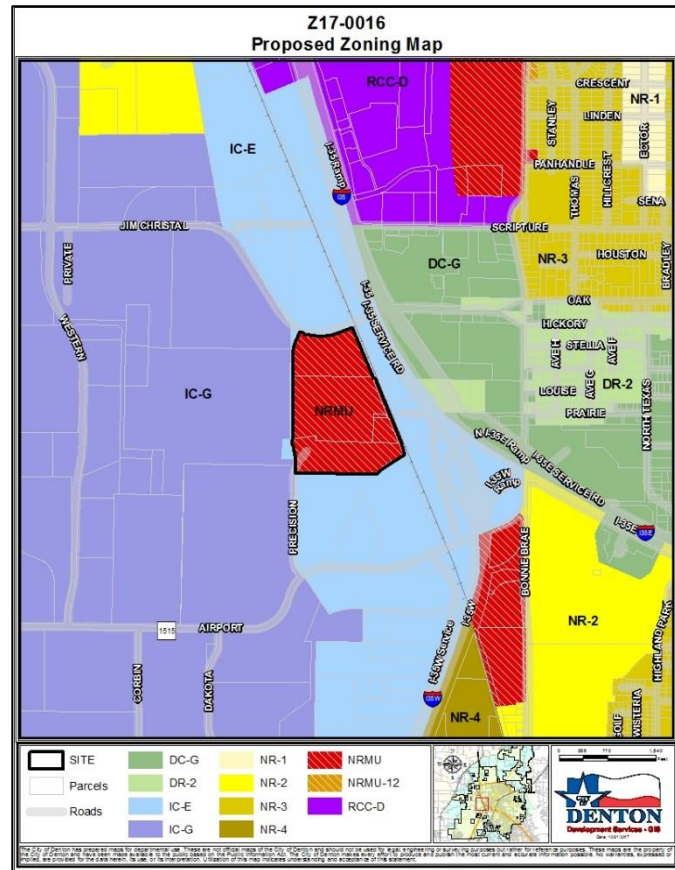
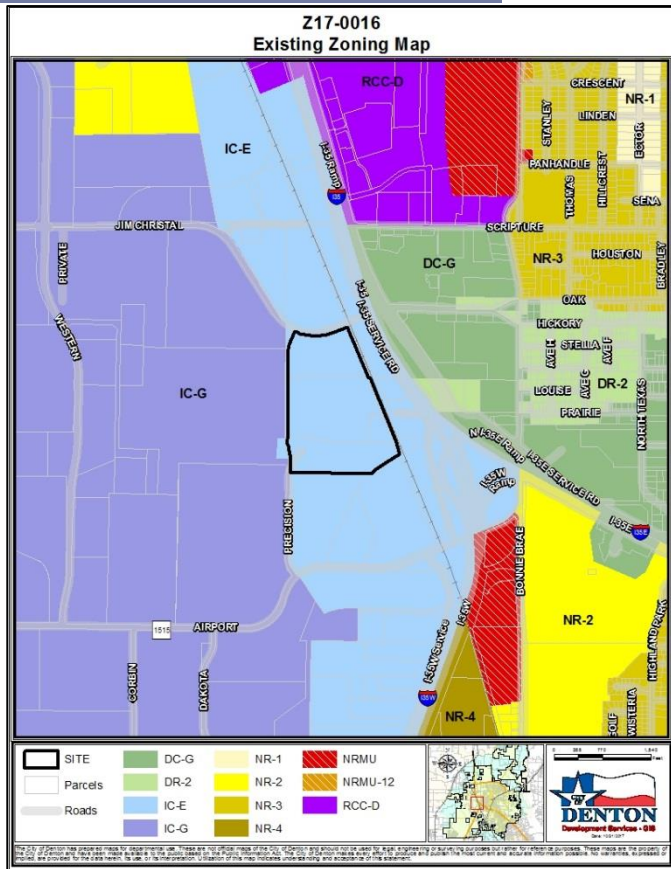
1) **Rezoning**: Hold a public hearing and consider adoption of an ordinance to rezone approximately **72.07 acres** from an **Industrial Center Employment (IC-E) District** to a **Neighborhood Residential Mixed-Use (NRMU) District**.

2) **SUP**: Hold a public hearing and consider adoption of an ordinance for a **Specific Use Permit** for 72.07 acres of land, specifically to allow for a **multi-family residential use** on approximately 32.60 acres and to allow for an **outdoor recreation use** on approximately 19.90 acres.

► The property is generally located on the south side of West Oak St., west of I-35.



Request



Criteria for Approval (Sec.35.3.4)

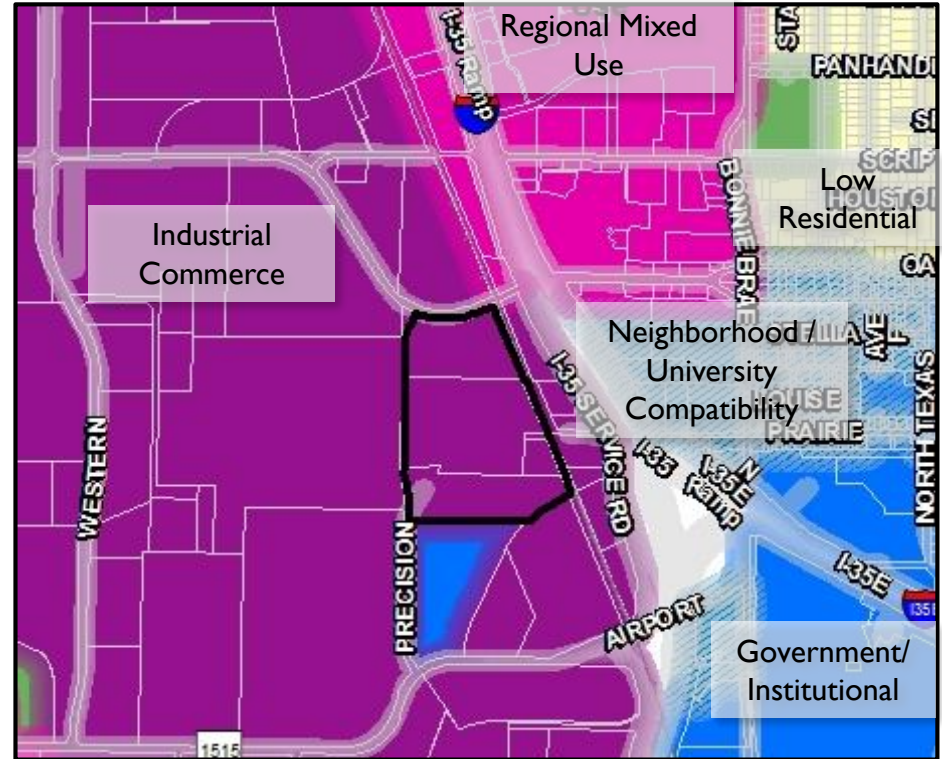
- ▶ The proposed rezoning conforms to the Future Land Use element of the Denton Plan 2030.
- ▶ The proposed rezoning facilitates the adequate provision of transportation, water, sewer, schools, parks, other public requirements, and public convenience.

Criteria for Approval Sec. 35.3.3.B.3

- ▶ The following criteria apply when a request does not meet the FLU:
 - ▶ The existing land use pattern surrounding the property and the possible impact on existing or future development or uses that are in accordance with existing regulations.
 - ▶ The possible creation of an isolated district unrelated to adjacent and nearby districts.
 - ▶ The population density in order to facilitate the adequate provision of transportation, water, sewer, schools, parks, public convenience, and other public requirements.
 - ▶ The cost to the City and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.
 - ▶ The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.
 - ▶ Whether there are substantial reasons why the property cannot be used in accordance with existing zoning or that proposed by the Future Land Use Map
 - ▶ The action shall be made with reasonable consideration of the character of the district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

Analysis: FLUM

- ▶ **Industrial Commerce:**
 - ▶ Intent: Promote primarily light and heavy industrial uses

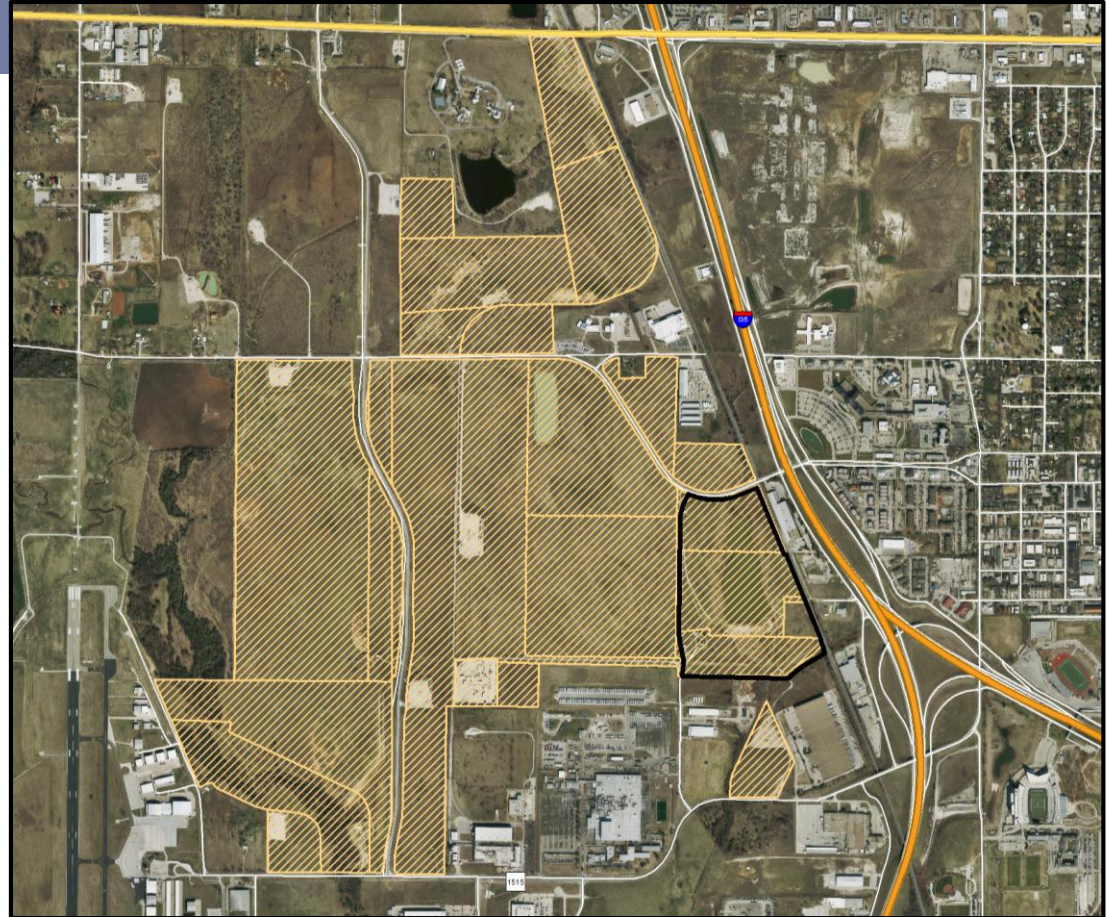


Analysis

- ▶ Finding: The proposed NRMU zoning district does not meet intent of the FLU designation.
- ▶ When a request does not conform to the FLUM, Section 35.3.3.B.3 provides additional criteria for consideration.
 - ▶ The criteria are intended to balance the competing interests of public health, safety, morals, and general welfare against the right to the use of the property.
 - ▶ Criteria include: existing land use pattern, creation of an isolated zoning district, adequate infrastructure, environmental impacts, and the character of the district.

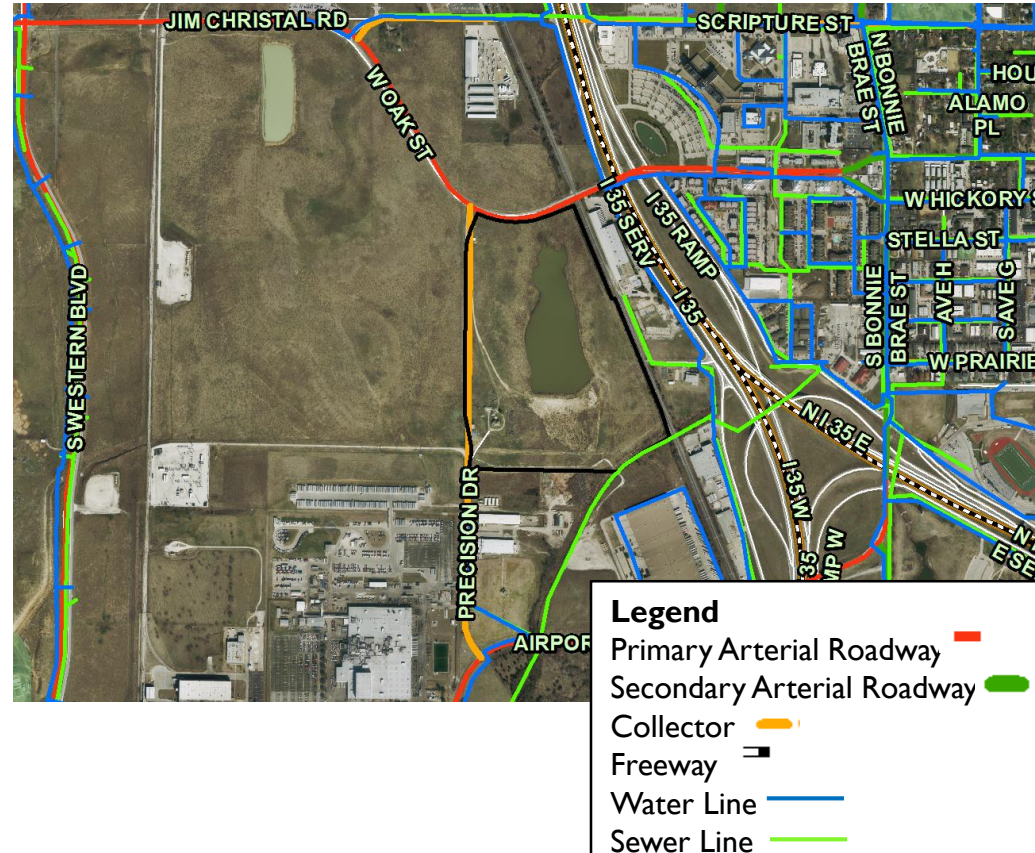
Westpark TIRZ

- ▶ Westpark Tax Increment Reinvestment Zone
- ▶ 800 acres
- ▶ Industrial development is promoted



Public Facilities

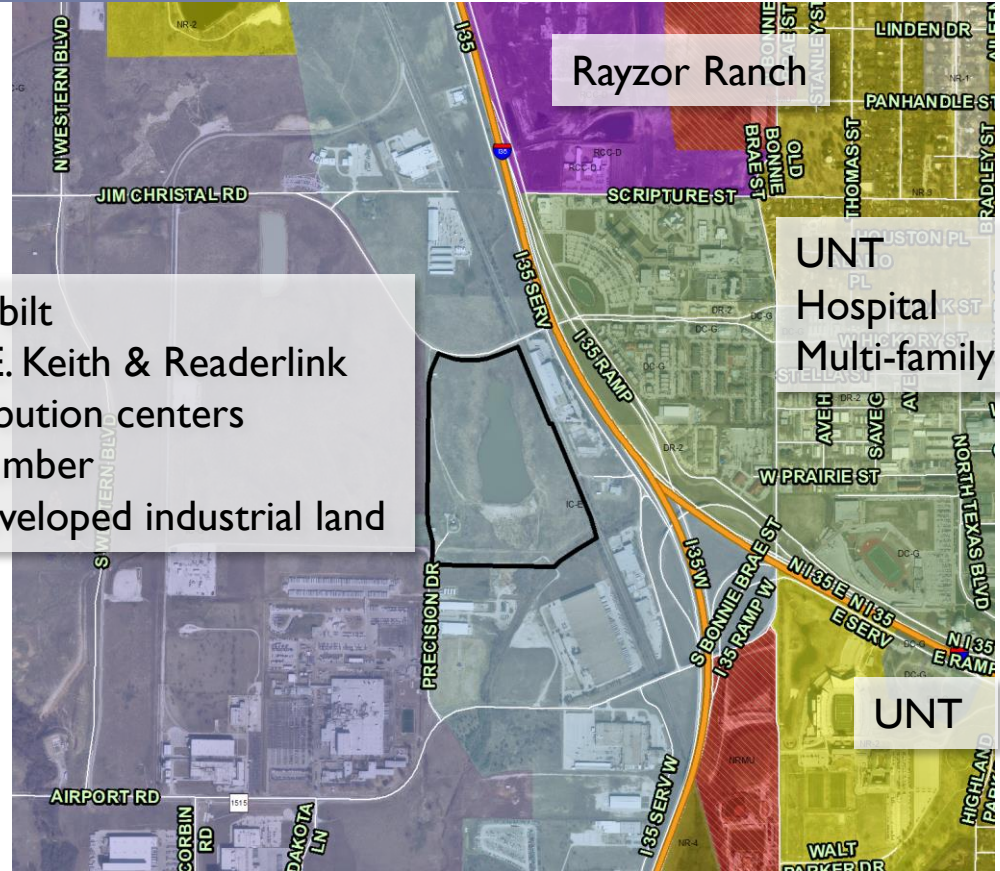
- ▶ West Oak (Primary Arterial)
 - ▶ Current: 2 land undivided
 - ▶ Mobility Plan: 6-lane divided
 - ▶ Dedications/improvements at platting
- ▶ Precision Drive (Commercial Mixed Use Collector)
 - ▶ Current: dead-ends at southern end of property
 - ▶ Mobility Plan: 2 land undivided
 - ▶ Dedications/improvements at platting – Intended to extend along western property boundary
- ▶ Water/Sewer: available to the south and east. Will be extended to site.



Analysis: Compatibility

- ▶ NRMU would be an isolated zoning district
- ▶ Uses permitted in NRMU (i.e. multi-family and small-scale commercial) would be incompatible with the surrounding industrial development pattern

Peterbilt
Ben E. Keith & Readerlink
distribution centers
84 Lumber
Undeveloped industrial land



Recommendation **Z17-0016**

- ▶ Staff recommended **DENIAL** of the zoning request as it is
 - 1) incompatible with the surrounding property
 - 2) inconsistent with the goals of the Westpark TIRZ
 - 3) inconsistent with the goals and objectives of the Denton Plan 2030 for the Industrial Commerce Future Land Use designation
- ▶ The Planning and Zoning Commission recommended **APPROVAL** of the zoning request (4-3).

SUP Criteria for Approval (Sec 35.6.4)

- ▶ Compatibility analysis between the surrounding property and the requested use, including the following:
 - ▶ The specific use will not impede the normal and orderly development of surrounding vacant property
 - ▶ Parking, generation of traffic, and access
 - ▶ Nuisance prevention
 - ▶ Landscaping and screening
 - ▶ Architectural compatibility

Specific Use Permit

Use #1: Multi-family

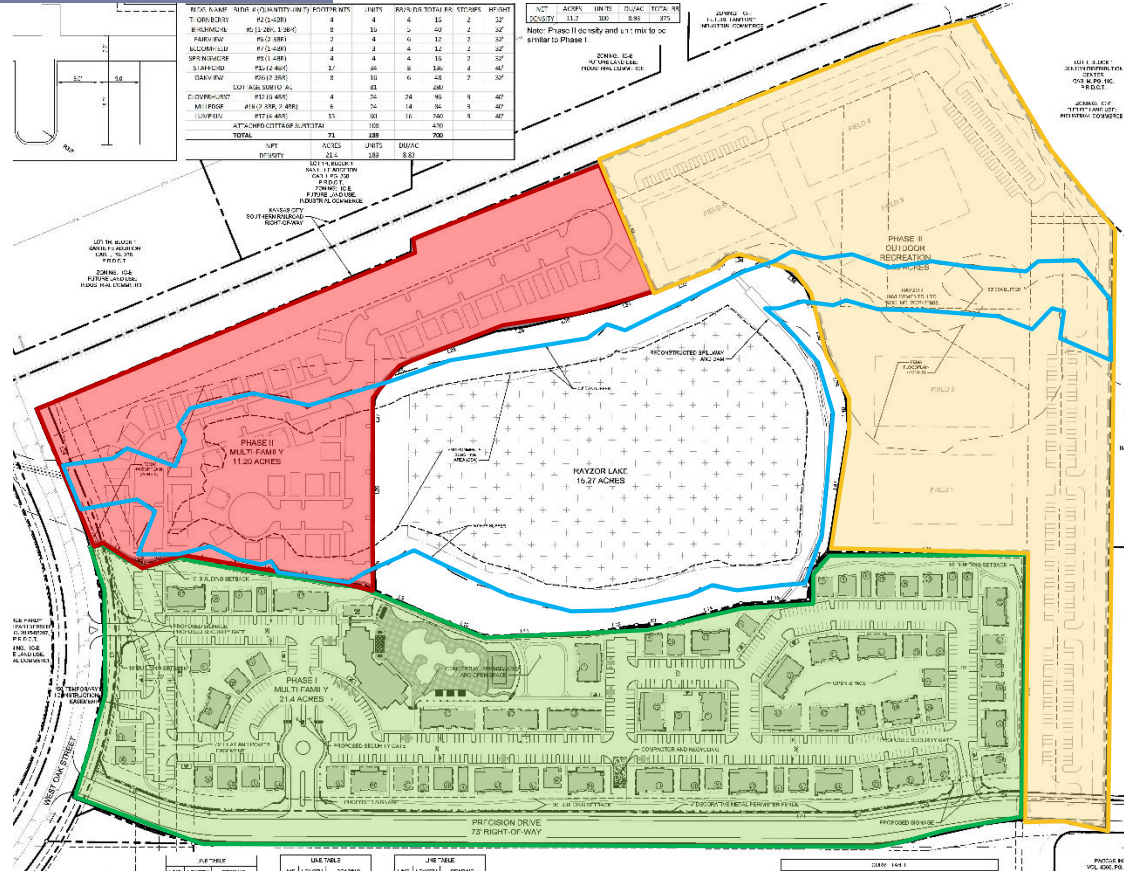
- ▶ 2 phases: total 32.6 acres
- ▶ Phase I: 189 units, 700 br, 8.83 du/ac (21.4 acres)
- ▶ Phase II: 100 units, 376 br, 8.93 du/ac (11.2 acres)

Use #2: Outdoor Recreation

- ▶ 19.9 acres, 5 fields

Remaining area: Lake

- ▶ 15.3 acres (excluded from request; utilized by nearby well sites)
- ▶ Associated riparian buffer ESA



Conceptual Elevations



Public Notification

- ▶ 200 ft. Notices: **11**
- ▶ Responses to 200' Legal Notice:

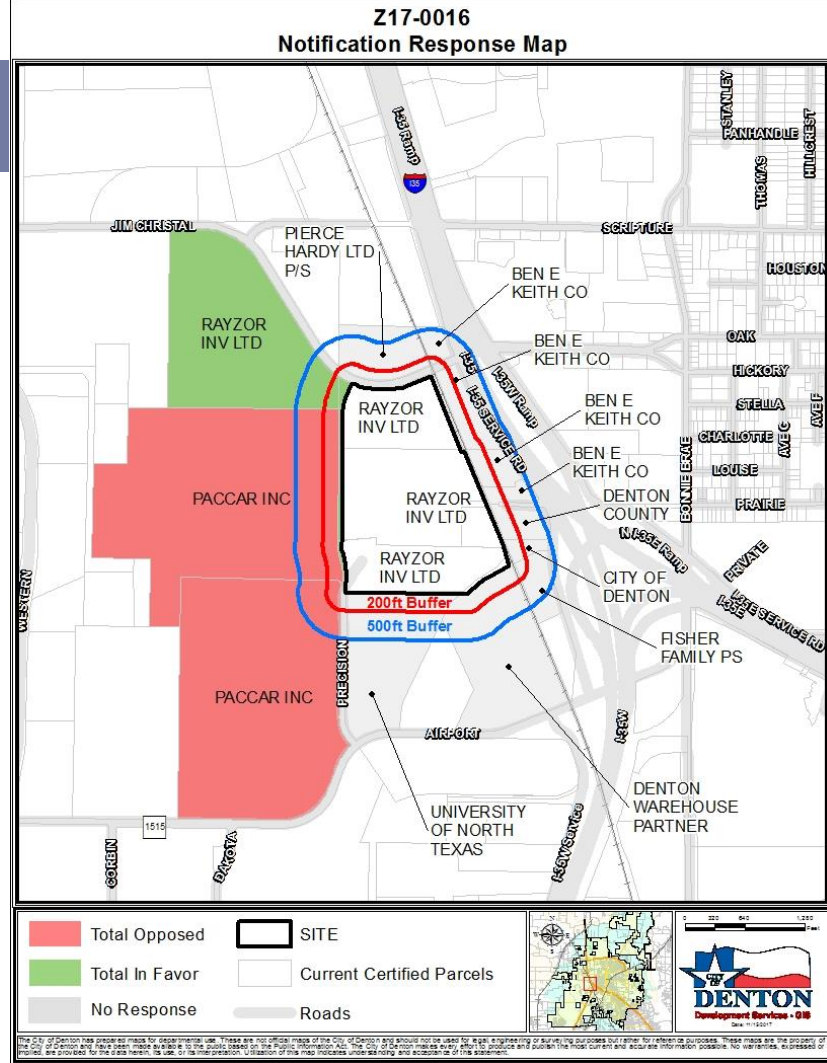
In Opposition: **1** (Z17-0016)

In Favor: **1** (Z17-0016)

Neutral: 0

22% of the land area w/in 200' is opposed to the rezoning request

- 500 ft. Courtesy Notices: **62**



Recommendation **S17-0009**

- ▶ Staff recommends **DENIAL** of the SUP request as it is
 - 1) incompatible with the surrounding property
 - 2) inconsistent with the goals of the Westpark TIRZ
 - 3) inconsistent with the goals and objectives of the Denton Plan 2030 for the Industrial Commerce Future Land Use designation
- ▶ The Planning and Zoning Commission recommended **APPROVAL** of the SUP request with conditions (4-3).

Recommendation S17-0009

- ▶ If the City Council votes to approve the SUP request, staff and the Planning and Zoning Commission recommended the following conditions be established:

1. The provided Site Plan, Landscape Plan, and Building Elevations are conceptual. A full site plan submittal shall be required to ensure each phase of the development complies with the requirements of the Denton Development Code in terms of site design, landscaping, parking, and building design as provided in DDC 35.6.3.
2. A full assessment of the Environmentally Sensitive Areas (ESA) on the property is required and an Alternative ESA plan must be approved before any development within the boundaries of the ESA shown on the Conceptual Site Plan can be approved.
3. The development of a multi-family use shall be limited to the 32.6 acres designated for this use on the attached Conceptual Site Plan, and an outdoor recreation use shall be limited to the 19.9 acres indicated for this use on the attached conceptual Site Plan. The multi-family use shall contain no more than the 289 units shown on the conceptual Site Plan and the density of development shall be calculated based on only the area within each proposed phase of the multi-family development.