

Planning Report
Z17-0027b / Pecan Creek Crossing
City Council District 3
March 6, 2018

REQUEST:

Hold a public hearing and consider adopting an ordinance to rezone approximately 2 acres from a Neighborhood Residential Mixed Use 12 (NRMU-12) District to a Community Mixed Use General (CM-G) District. The subject property is located at 1101 W. University Drive, in the City of Denton, Denton County, Texas (Z17-0027b, Pecan Creek Crossing, Shandrian Jarvis Ugwoke)

OWNER:

Rayzor Inv. Ltd.

APPLICANT:

Worth Williams

BACKGROUND:

The request is for a rezoning in order to develop the subject property with restaurant and retail uses. The existing NRMU- 12 district is primarily a moderate- to high-density residential zoning district. The applicant is seeking to rezone the subject property from the less intense NRMU-12 district to the more intense CM-G district, which permits a wide range of commercial uses. A complete list of permitted uses is provided in the Comparison of Permitted Uses Table.

SITE DATA:

The 2-acre subject property is located along W. University Drive, between Malone and Fulton streets. It is a part of a larger 4.4 acre tract of unplatted land that is currently undeveloped. There are floodplain and environmentally sensitive areas found on the southwest corner of the site.

The property has approximately 250 feet of frontage on W. University Drive between Malone and Fulton streets. This segment of W. University Drive is classified as a Primary Major Arterial by the Mobility Plan and is currently improved as a six-lane divided roadway with curbs and sidewalks.

SURROUNDING ZONING AND LAND USES:

Northwest: Zoning: CM-G District Use: Commercial	North: Zoning : Community Mixed Use (CM-G) District Use: Commercial	Northeast: Zoning: CM-G District Use: Commercial
West: Zoning: NRMU-12 and NR 3 districts Use: Institutional	SUBJECT PROPERTY	East: Zoning: CM-G and NRMU- 12 district Use: Residential and Commercial
Southwest: Zoning: NR-3 District Use: Undeveloped/Floodplain	South: Zoning: NR-3 and NRMU-12 districts Use: Undeveloped/Floodplain	Southeast: Zoning: NRMU-12 District Use: Office and Commercial

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 complete list of permitted uses is provided in the Comparison of Permitted Uses table.

The requested CM-G District would be a continuation of the CM-G Districts to the north and east of the subject property. It would also permit restaurants and other uses that are generally compatible with the existing land use pattern in this area and ensure a cohesive development pattern along the W. University Drive corridor.

COMPREHENSIVE PLAN:

Per the Future Land Use Map in Denton Plan 2030, the subject property is designated as Commercial. This designation applies to concentrations of commercial uses, including regional, community, and neighborhood shopping centers. Such properties may not be expected to undergo redevelopment or a change in use over the Plan horizon, and the immediate areas in which they are located may not be suitable for the introduction of mixed-uses. Future commercial areas are maintained to accommodate existing viable commercial uses, as well as commercial uses that may not be appropriate to be located in a mixed-use format, such as auto-oriented uses, and stand-alone commercial uses to serve outlying areas of the city. The amount of commercial development should be balanced appropriately with existing and proposed residential land use.

The existing NRMU-12 zoning is not generally compatible with the Commercial Future Land Use designation, given that the commercial land use category typically excludes residential uses. Since the subject property and adjacent NRMU-12 zoned parcels have remained undeveloped, this may further indicate that the NRMU-12 district may not be the most appropriate zoning district along this high-traffic commercial corridor.

CONSIDERATIONS:

1. The applicant has indicated that the request is to rezone from NRMU-12 District to CM-G District to facilitate the development of retail and restaurant uses on the subject property. The intended restaurant use is not permitted within the current zoning district.
2. The purpose of zoning is to establish allowable land uses, density, and character for a particular area. Any combination of uses and densities allowed by the approved zoning district could be constructed on the site. If this rezoning request is approved, all uses permitted under the CM-G District could be developed on the property. These uses are still considered to be commercial, and they would fit within the character of this area of the City, which is currently developed with a mix of commercial uses. In areas where the CM-G District would abut less intense uses, the City's compatibility buffer requirements would be enforced to ensure that the new development is sensitive to the surrounding built environment.
3. Section 35.3.4 of the 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 and b) The proposed rezoning facilitates the adequate provision of transportation, water, sewer, schools, parks, other public requirements, and public convenience.

The requested CM-G District conforms to the Future Land Use Plan for this area, which designates the tract for commercial use. It is not anticipated that this rezoning would impede adequate provision of public infrastructure; however, additional analysis will be conducted at the platting and site development phases to determine impacts on surrounding infrastructure.

STAFF RECOMMENDATION:

Staff recommends approval of the request as it meets the criteria for approval established in Section 35.3.4 of the Denton Development Code; specifically it is compatible with the surrounding property and is consistent with the goals and objectives of the Denton Plan 2030.

PUBLIC NOTIFICATION:

To comply with the public hearing notice requirements, 11 letter notices were sent to property owners within 200 feet of the subject property, 26 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. One letter in support of and one letter in opposition to the request have been received to date from the property owners within 200 feet of the subject property.