

**Planning Report**  
**Z18-0005 / Denton Baptist Temple**  
**City Council District 3**  
**March 21, 2018**

**REQUEST:**

Hold a public hearing and consider a request by Denton Baptist Temple to rezone approximately 5 acres from Downtown Residential 1 (DR-1) and Downtown Residential 2 (DR-2) districts to a Downtown Commercial General (DC-G) District. The subject property is located at 610 N. I-35E, in the City of Denton, Denton County, Texas. (Z18-0005, Denton Baptist Temple, Shandrian Jarvis Ugwoke).

**OWNER:**

Denton Baptist Temple

**APPLICANT:**

Rick Baria

**BACKGROUND:**

The request is for a rezoning from DR-1 and DR-2 districts to DC-G District on approximately 5 acres of property located along I-35E. Denton Baptist Temple currently occupies the property, which is divided into three zoning districts. The applicant is seeking to rezone the parcels in order to facilitate a more cohesive development in the future.

The downtown residential districts, which consist of DR-1, DR-2, Downtown Commercial-Neighborhood (DC-N) and Downtown Commercial- General (DC-G) are intended to encourage mixed-use developments within the Downtown University Core. The applicant is seeking to rezone the subject property from the less intense DR-1 and DR-2 districts to the more intense DC-G district, which permits a wider range of commercial uses.

**SITE DATA:**

The subject property has approximately 680 feet of frontage along the northbound frontage road of I-35E, between Fort Worth Drive and Bernard Street. Bernard Street, serves as the western boundary of the subject property, and is classified as a collector street. Lindsey Street borders the property on the north and is classified as a residential street.

Prior to the TxDOT I-35 expansion project, the subject site was approximately 6.5 acres. Approximately 1.5 acres of this property was acquired by TxDOT for the I-35 expansion project leaving a remainder of approximately 5 acres.

**USES PERMITTED UNDER CURRENT AND PROPOSED ZONING:**

The DR-1 District primarily permits single-family residential uses as well as limited commercial and institutional uses such as home occupations, adult or child daycares, churches, elementary schools, semi-public halls/clubs/lodges, and parks and open spaces. Bed and breakfasts and temporary commercial uses are permitted with limitations, and dormitories, fraternity/sorority houses, and basic utilities are permitted with a Specific Use Permit (SUP).

The DR-2 District allows slightly higher density residential development as well as small-scale neighborhood service and institutional uses that are intended to provide a transition between moderate-density residential areas and the higher density development found in downtown areas. Permitted uses include single-family residential uses, dormitories, and fraternity and sorority houses as well as limited commercial and institutional uses such as home occupations, adult or child daycares, churches, elementary schools, middle schools, semi-public halls/clubs/lodges, and parks and open spaces. Multi-family dwellings, bed and breakfasts, professional services and offices, retail sales and services, and temporary uses are allowed with limitations. Broadcasting studios, veterinary clinics, medical centers, and basic utilities are allowed with an SUP.

The DC-G District allows residential uses including include Townhomes, Dwellings above Businesses, Multi-family, Fraternities and Sororities. Most commercial and institutional uses are permitted by-right or with approval of an SUP. Industrial uses permitted include Print Shops, Bakeries, Craft Alcohol Production, and Veterinary Clinics. Wholesale Sales and Nurseries are permitted with an SUP and limitations.

A comparison tables of the permitted uses for these zoning districts is attached.

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

Northwest: Zoning: DR-1 District Use: Single-Family	North: Zoning : DR-2 District Use: Multi-family	Northeast: Zoning: DC-G District Use: Commercial
West: Zoning: DR-1 District Use: Single-Family	<b>SUBJECT PROPERTY</b>	East: Zoning: DC-G District Use: Commercial
Southwest: Zoning: DR-1 District Use: Vacant/ROW	South: Zoning: DR-1 and DC-G districts Use: Vacant/ROW	Southeast: Zoning: DC-G District Use: Vacant/ROW

#### **REVIEW CRITERIA:**

1. Section 35.4.B of the DDC states that an application for a rezoning may be approved based on the following criteria:

- a. *The proposed rezoning conforms to the Future Land Use Element of the Denton Plan 2030:*

Per the Future Land Use Map in Denton Plan 2030, the subject property is designated as Community Mixed Use. The Community Mixed Use land use designation is intended to promote a mix of uses, of which various commercial uses remain predominant, but where residential, service, and other uses are complimentary. This land use applies to existing and future commercial areas in the city, where redevelopment to mixed-use is desirable. The intent is to encourage infill and redevelopment for a more diverse and attractive mix of uses over time.

Future development in Community Mixed Use areas will complement and embrace existing, viable uses, and raise the standard of design to increase their economic viability, accommodate greater connectivity and mobility options, and create a sense of place to serve the local community. Typical development may include supermarkets,

drug stores, specialty shops, service stations, midsize offices, and high-to-moderate density housing. Diverse uses shall be located in close proximity to one another so that all uses are accessible from a single stop by walking, bicycling or transit. Vertical and horizontal mixed-use is encouraged.

The requested DC-G District conforms to the Future Land Use Plan for this area. While DC-G is more closely aligned with the Downtown and Neighborhood/University Compatibility areas, it is not incompatible with Community Mixed Used areas and would be a logical extension of the DC-G to the east. Additionally, DC-G would permit a wider range of commercial uses and given the proximity to I-35E, it would be more appropriate for this location.

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

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. Compliance with all transportation, drainage, and infrastructure requirements is mandatory with platting and development of the site. Further, all proposed development must meet City requirements for tree preservation and other environmental impacts.

2. The requested DC-G District would be a continuation of the DC-G districts to the north and east of the subject property. It would also permit more intense commercial uses that are generally compatible with the existing land use in this area and ensure a cohesive development pattern along the I-35E corridor.

#### **STAFF RECOMMENDATION:**

The request is to rezone approximately 5 acres from DR-1 and DR-2 districts to a DC-G District to facilitate a cohesive development at such time that the subject property is redeveloped in the future. 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 notices were sent to property owners within 200 feet of the subject property, 34 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. No responses have been received to date.