

Staff Analysis
Z17-0025/Volunteer Hills
City Council District 2
City Council
March 20, 2018

REQUEST:

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a zoning change from Neighborhood Residential 2 (NR-2) district and use classification to a Regional Center Commercial Downtown (RCC-D) district and use classification on approximately 88.725 acres of land generally located south of University Drive (US 380), approximately 1,500 feet west of Interstate 35 (I-35), in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommended 6-0 to approve the request. (Z17-0025, Volunteer Hills, Ron Mengueta)

OWNER:

Volunteer Enterprises, LLC

APPLICANT:

G&A Consultants, LLC

BACKGROUND:

The subject property is the former location of the Selwyn School. The school relocated to a new location last year. The current property owner who bought the property is proposing to rezone the property from NR-2 District to RCC-D District to facilitate the development of a corporate headquarter/professional offices/mixed use development project. Attached as Exhibit 9 for your review is a copy of the applicant's project narrative.

SITE DATA:

The subject property is platted as Lot 1, Block A of the Selwyn School Addition. The 88.725 acre property is currently developed with buildings associated with the former Selwyn School, a pond and a gas well drilling and production site. This property is located within 1,000 feet of one or more gas well drilling and production sites and is also located within a gas well plat, that contains Selwyn School Unit 2-H and B-1.

The City's Environmentally Sensitive Areas (ESAs) map shows a riparian buffer ESA upstream and around the existing pond. Any future development that encroaches into the riparian buffer would require a field assessment and the potential completion of an Alternative ESA Plan.

The subject property has approximately 1,500 feet of frontage on University Drive. University Drive is classified as a Primary Arterial per the City of Denton Mobility Plan. Primary Arterials provide major traffic movements within the City, typically are the highest traffic volume roadways in the city, designed with average daily trips (ADT) greater than 15,000 vehicles per day, have a Right of Way (ROW) of 110 to 135 feet, and have four or six lanes. University Drive is currently developed as a six-lane divided roadway with a 135 foot ROW.

Utility service is available adjacent or within the property. Water service is available from the existing 20-inch water line along University Drive. All internal water lines will be private. During the platting/permitting process, the applicant will be required to provide sewer load

calculations. At that time the City will review average daily flow and capacity to determine sewer options. There is an existing 10-inch public sewer main on the property which cannot not be encroached upon by trees or buildings.

USE OF PROPERTY UNDER CURRENT ZONING:

The NR-2 District is primarily intended for single-family uses with a maximum density of two dwelling units per acre. For subdivisions greater than two acres, there are no minimum lot sizes stipulated by the Denton Development Code (DDC). Non-residential uses by right or with limitations include churches, outdoor recreation, kennels, and veterinary clinics. More intensive non-residential uses, including daycares, elementary schools, and equestrian facilities, are permitted with a Specific Use Permit (SUP). Refer to the attached list of permitted uses for further detail.

SURROUNDING ZONING AND LAND USES:

Northwest: Zoning: NR-2 District Use: Single-family Residential Subdivision	North: Zoning: NR-2 District Use: Single-family Residential/ Undeveloped land	Northeast: Zoning: RCC-D District Use: Commercial/Industrial
West: Zoning: Industrial Center General (IC-G) District Use: Professional Office, Westgate Business Park, Gas Well Production and Drilling Site	SUBJECT PROPERTY	East: Zoning: Industrial Center Employment (IC-E) District Use: Undeveloped land
Southwest: Zoning: IC-G District Use: Undeveloped land	South: Zoning: IC-G District Use: Undeveloped land, Gas Well Production and Drilling Site	Southeast: Zoning: IC-E District Use: Undeveloped land

COMPATIBILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES: The RCC-D district is one of the most intense zoning districts in the Regional Mixed Use future land category and the City of Denton as a whole. It is intended to promote mixed use development with an urban character and businesses with a highly regional customer base to attract visitors to the city. Moderate to high density residential uses with a maximum density of 100 units per acre are permitted including townhomes and apartments associated with a mixed-use development. All commercial and institutional uses are permitted with the exception of the sale of products grown on site, motels, equestrian facilities, outdoor recreation, sexually oriented businesses, elementary schools, and cemeteries. Most industrial uses are either limited or not permitted. Refer to the attached list of permitted uses in the RCC-D district for further detail.

The proposed RCC-D District is compatible with the surrounding areas to the north and east. The property has frontage on University Drive a Primary Arterial and the property is in close proximity to I-35, which makes the permitted commercial uses and potential high density residential uses compatible with the area to the north and east. Currently a gas well and production site and vacant industrial property is to the west and south of the property. While some RCC-D uses may be considered incompatible with existing and potential uses to the west and south, they are more compatible than uses currently permitted under NR-2. Furthermore, any future development that is proposed adjacent to these existing and potential uses must meet setback and buffer requirements per the DDC.

COMPREHENSIVE PLAN:

Per the Denton Plan 2030, the Future Land Use designation for the subject property is Business Innovation located along the front of the property adjacent to University Drive and Industrial Commerce located in the remaining back portion of the property.

“Business Innovation” is intended for large tracts of land that are appropriate for well-planned, larger scale office and employment parks with supporting uses such as retail hotels, and residential. Primary uses include office, research and development, and light manufacturing. This designation is proposed in areas that are in close proximity to commercial use areas and employment hubs so that future development may build from this proximity and create a critical mass for economic development.

“Industrial Commerce” is intended for areas where the predominant use include both light and heavy industrial uses, such as manufacturing, assembly, and fabrication. Wholesaling and distribution may be introduced to replace underutilized, heavy industrial uses or house future industrial development.

In determining the Future Land Use designations for this area, the following factors were considered: 1) University Drive is a Primary Arterial that can handle the traffic demand for a mix of commercial uses; 2) the area north of University Drive has the potential to develop with well-planned, large scale office and employment parks; 3) along both sides of University Drive there is potential development for Business Innovation supporting uses such as retail, hotels and residential; and 4) the area generally south of University Drive and west of the railroad has existing light and heavy industrial uses and there is likely demand to add similar uses.

Although the southern portion of the subject property is designated as Industrial Commerce. The intent is to develop south of University Drive with Business Innovation

The proposed RCC-D District is consistent with the Future Land Use designation of Business

Innovation. The permitted uses in the RCC-D District include primary uses such as:

- Professional Services and Offices
- Administrative or Research Facilities
- Light Manufacturing with a limitation
- Retail Warehouse with a limitation
- Business Trade School
- Multi-family Dwellings with a Specific Use Permit or part of a Mixed Use Development

In addition, the general regulations in the RCC-D District allows for higher intensity uses compared to the NR-2 District. The RCC-D District’s maximum lot coverage is 90 percent and the District’s maximum building height is 100 feet.

The goal for the area over time, with guiding policies, zoning, general regulations, and design standards, is a mix of land use types and intensities which would accommodate a wide range of business innovation uses. Future development should be sited to avoid conflicts with sensitive land uses, and be compatible with the surrounding built environment through appropriate setbacks and buffering.

CONSIDERATIONS:

1. Per the Denton Plan 2030, the Future Land Use designation for the subject property is Business Innovation located along the front of the property adjacent to University Drive and Industrial Commerce located in the remaining back portion of the property.

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; and*
 - b. *The proposed rezoning facilitates the adequate provision of transportation, water, sewer, schools, parks, other public requirements, and public convenience.*
3. The proposed rezoning conforms to the Land Use Element. When considering the zoning change request the staff reviews the overall goals and objectives of the Plan even if it does not match the Future Land Use Map. Staff has determined that Business Innovation is the appropriate Future Land Use designation for the entire property as it is platted as one lot and creating an opportunity for new businesses in the city where growth is planned is consistent with the overall vision of the city.
4. The proposed zoning change is consistent with Goal LU-2: Grow with Purpose: Achieve re-investment, revitalization, and redevelopment of key growth Centers and Corridors. University Drive is a key growth corridor. With the recent widening of the corridor, the redevelopment of the Selwyn School into a future Business Innovation land use is consistent with the goal of grow with purpose.
5. The existing Neighborhood Residential 2 District is inconsistent with the Future Land Use designation of Business Innovation.
6. The proposed RCC-D District is consistent with the Future Land Use designation of Business Innovation.
7. Primary permitted land uses in the RCC-D District include:
 - a. Professional Services and Offices
 - b. Administrative or Research Facilities
 - c. Light Manufacturing with a limitation
 - d. Retail Warehouse with a limitation
 - e. Business Trade School
 - f. Multi-family Dwellings with a Specific Use Permit or part of a Mixed Use Development
8. Future incompatible land uses are required to comply with buffer and screening requirement of the Denton Development Code.
9. University Drive is a Primary Arterial that can handle the traffic demand of Business Innovation primary and supporting uses.
10. Water and wastewater service is available adjacent or within the property.
11. The subject 88.725 acre property is platted as one lot - Lot 1, Block A of the Selwyn School Addition.
12. The subject property is one of few properties along University Drive that is large enough to develop a planned, large scale office and employment park. Developing this property into a potential business park/mixed use development is consistent with the goals and objectives of the Denton Plan 2030.

STAFF RECOMMENDATION:

Staff recommends approval of the request as it is consistent with the goals and objectives of the Denton Plan 2030.

PUBLIC NOTIFICATION:

To comply with the public hearing notice requirements, nine (9) notices were sent to property owners within 200 feet of the subject property, 12 courtesy notice postcards 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.

NEIGHBORHOOD MEETING:

As of this writing, no neighborhood meeting was held. Although the applicant did not hold a neighborhood meeting, the applicant has met with The Rayzor Company to discuss the proposed zoning change. The Rayzor Company owns the majority of the property that surrounds the subject site.