

Planning Report

Z17-0034/ I-35E Rezoning

City Council District # 1

May 1, 2018

REQUEST:

Hold a public hearing and consider a request by Melissa Investments LLC to rezone approximately 0.808 acres from a Regional Center Commercial Neighborhood (RCC-N) zoning district to a Regional Center Commercial Downtown (RCC-D) zoning district. The subject property is generally located on the northeast side of the I-35E, approximately 627 feet southeast of S. Mayhill Road, in the City of Denton, Denton County, Texas. (Z17-0034, I-35E Rezoning, Cindy Jackson).

OWNER:

Melissa Investments LLC

APPLICANT:

David Zigo, Zigo PLLC

BACKGROUND:

The applicant is requesting to rezone the subject site from RCC-N to RCC-D to permit Auto Sales. The subject site was originally zoned General Retail (GR) in 1969, and was rezoned to Commercial (C) in 1979. In 2002 the site was again rezoned to its current zoning designation of RCC-N.

SITE DATA:

A gas station was developed on the site in 1956 according to DCAD. The gas station had already closed for business when the current property owner purchased the site in 2009 and the gas tanks were removed in 2012. The site has approximately 198 feet of frontage along I-35E Northbound Service Road. I-35E is designated as a Freeway on the Mobility Plan.

SURROUNDING ZONING AND LAND USES:

Northwest: Zoning: RCC-D Use: CareNow Urgent Care Clinic	North: Zoning: RCC-D Use: Mayhill Plaza, Retail, Office and Restaurant uses.	Northeast: Zoning: RCC-D Use: Residence Inn By Marriott
West: Zoning: RCC-D Use: CareNow Urgent Care Clinic and S I-35E Freeway	SUBJECT PROPERTY	East: Zoning: RCR-1 Use: Eckert Pre-Owned Car Sales
Southwest: Zoning: RCC-D, and RCC-N Use: S I-35E Freeway	South: Zoning: RCR-1, and RCC-N Use: S I-35E Freeway	Southeast: Zoning: RCR-1 Use: S I-35E Freeway

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 some exceptions. Most industrial uses are either limited or not permitted.

The purpose of the RCC-D district is to create centers of activity including shopping, services, recreation, employment and institutional facilities supported by and servicing an entire region. Refer to the attached list of permitted uses for further detail.

The requested RCC-D zoning designation is compatible with both the surrounding zoning districts, all of which are a land use district within the Regional Mixed Use Centers zoning category.

CONSIDERATIONS:

1. The request is for a rezoning from RCC-N District to RCC-D District on approximately 0.808 acres of land to enable the site to be used for automobile sales. The proposed use is not permitted within the existing zoning designation.

The requested RCC-D zoning designation is considered to be an extension of the existing RCC-D zoning located to the west, and north of the site. The site is located along I-35E and is located within a commercial area of the city which has several car dealerships located adjacent to the site and located across the freeway to the south.

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 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 “*Regional Mixed Use*”. This designation applies to areas that serve as regional destinations within Denton. Development may include moderate and high density residential, commercial, office, entertainment and other uses except industrial, at the highest levels of scale and density within the city. Unique development standards are proposed to create the walkable urban character and day and nighttime activity of an urban center. This designation is located primarily along I-35 interchanges and primary arterials to encourage the greatest regional accessibility. Future development in Regional Mixed Use areas will complement and embrace existing, viable uses, and raise the standard of design to increase their regional draw, accommodate greater connectivity and mobility options, and create a sense of place.

The requested RCC-D zoning district is compatible with the Regional Mixed Use land use designation.

The Future Land Use Map designation for the subject property is “*Regional Mixed Use*.” The requested zoning district complies with this land use designation.

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

The site is already developed with a vacant gas station. Any future development will be required to comply with all of the City's transportation, drainage, and infrastructure requirements. In addition, the development will be required to comply with all tree preservation requirements.

STAFF RECOMMENDATION:

Staff recommends approval of the request as 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, six notices were sent to property owners within 200 feet of the subject property, 14 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. As of this writing, we have not received any responses to the notices.