



Legislation Details (With Text)

File #: Z16-0010a **Version:** 1 **Name:**
Type: Planning Case
File created: 8/11/2016 **In control:** City Council
On agenda: 9/20/2016 **Final action:**
Title: Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a rezoning request of approximately 80.49 acres of land from a Neighborhood Residential 2 (NR-2) District and a Neighborhood Residential Mixed Use (NRMU) District to a Community Mixed Use General (CM-G) District, and an initial zoning of approximately 1.67 acres of land from Rural Residential (RD-5X) District to a Community Mixed Use General (CM-G) District, generally located on the east side of Teasley Lane, approximately 825 feet south of Montecito Drive. The Planning and Zoning Commission recommends approval (5-0). (Z16-0010)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1- Staff Analysis, 2. Exhibit 2- Site location Aerial Map, 3. Exhibit 3- Zoning Map, 4. Exhibit 4- Future Land Use Map, 5. Exhibit 5- Presentation Slides, 6. Exhibit 6- CM-G Permitted Uses, 7. Exhibit 7- Existing Zoning General Regulations, 8. Exhibit 8- Public Notification Map and Responses, 9. Exhibit 9- Planning and Zoning Commission Meeting Minutes, 10. Exhibit 10- Draft Ordinance

Date	Ver.	Action By	Action	Result
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AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

ACM: Jon Fortune

DATE: September 20, 2016

SUBJECT

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a rezoning request of approximately 80.49 acres of land from a Neighborhood Residential 2 (NR-2) District and a Neighborhood Residential Mixed Use (NRMU) District to a Community Mixed Use General (CM-G) District, and an initial zoning of approximately 1.67 acres of land from Rural Residential (RD-5X) District to a Community Mixed Use General (CM-G) District, generally located on the east side of Teasley Lane, approximately 825 feet south of Montecito Drive. The Planning and Zoning Commission recommends approval (5-0). (Z16-0010)

BACKGROUND

The subject property is comprised of three parcels of land. The approximately 76.9-acre parcel (Parcel 1) where the existing John H Guyer High School is sited is zoned NR-2 District. The approximately 1.3-acre tract (Parcel 2) was rezoned in 2008 from NR-2 District to NRMU District. The remaining approximately 3.9-acre tract (Parcel 3) has a split zoning. A 2.23 acre portion of the parcel located along Teasley Lane is zoned NR-2 District, and the remaining 1.67 acres was annexed in 2013 and is in a RD-5X District. In order to facilitate

additions to the existing high school, the applicant is seeking to establish a unified designation of CM-G district for all three parcels. According to the project narrative, the applicant intends to replat the three parcels into one lot under the new zoning designation to facilitate further development for the existing school. All three parcels are under the ownership of Denton ISD.

Texas case law generally prohibits enforcement of zoning restrictions upon the location of any public school, so despite the high school use not being reflected as a permitted use in NR-2 District and RD-5X, the use by Denton ISD is allowed by right. The high school is, however, required to meet the General Requirements of each applicable zoning district in terms of lot dimensions, setbacks, lot coverage, and other applicable development criteria. Presently, three distinct sets of zoning requirements are applicable to the subject property, and Parcel 3 does not meet the minimum lot size requirement for the RD-5X District.

The proposed CM-G District is consistent with the property's future land use designation of Community Mixed-use. According to the applicant's narrative, the intended development is an expansion of the existing high school, which meets the criteria for Community Mixed-use by expanding the provision of a necessary institutional facility which will be accessible by walking or bicycling to students from the surrounding residential neighborhoods. Although Denton ISD is allowed to develop in any zoning district, a unified zoning designation which is supported by the future land use designation would best fit the site. A single zoning designation would consolidate all development requirements and streamline the development process for future expansion. The rezoning is necessary to allow the school to comply with all of the lot standards moving forward.

Staff's full analysis of the request is attached as Exhibit 1.

OPTIONS

1. Approve as submitted.
2. Approve subject to conditions.
3. Deny.
4. Postpone consideration.
5. Table item.

RECOMMENDATION

The Planning and Zoning Commission recommends approval of this request (5-0).

The Development Review Committee recommends approval of this request.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On August 10, 2016, the Planning and Zoning Commission recommended approval of the rezoning request (5-0).

STRATEGIC PLAN RELATIONSHIP

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

Related Key Focus Area: Economic Development

Related Goal: 3.4 Encourage development, redevelopment, recruitment, and retention

EXHIBITS

1. Staff Analysis
2. Site Location/Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Presentation Slides
6. CM-G Permitted Uses
7. Existing Zoning General Regulations
8. Public Notification Map and Responses
9. Planning and Zoning Commission Meeting Minutes
10. Draft Ordinance

Respectfully submitted:
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