



Legislation Details (With Text)

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**Type:** Planning and Zoning Commission

**File created:** 1/26/2017    **In control:** City Council

**On agenda:** 2/8/2017    **Final action:**

**Title:** Hold a public hearing and consider a request by H3H, LLC to rezone approximately 5.3 acres from Regional Center Residential 1 (RCR-1) District to Employment Center Commercial (EC-C) District. The property is generally located west of the I-35 Southbound Service Road and 115 feet north of Barthold Road. (Z16-0018, Blue Beacon Truck Wash, Julie Wyatt)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. Zoning Map, 3. Future Land Use Map, 4. RCR-1 District Permitted Uses, 5. EC-C District Permitted Uses, 6. Proposed Zoning Map, 7. Notification Map

Date	Ver.	Action By	Action	Result
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**Planning Report**  
**Z16-0018 / Blue Beacon Truck Wash**  
**City Council District 3**  
**Planning & Zoning Commission**  
**February 8, 2017**

**REQUEST:**  
 Hold a public hearing and consider a request by H3H, LLC to rezone approximately 5.3 acres from Regional Center Residential 1 (RCR-1) District to Employment Center Commercial (EC-C) District. The property is generally located west of the I-35 Southbound Service Road and 115 feet north of Barthold Road. (Z16-0018, Blue Beacon Truck Wash, Julie Wyatt)

**OWNER:**  
 H3H, LLC

**APPLICANT:**  
 Dana Morse with Blue Beacon Truck Wash

**BACKGROUND:**  
 The applicant is requesting to rezone the subject property from Regional Center Residential 1 (RCR-1) District to Employment Center Commercial (EC-C) District in order to develop the site as a triple-bay truck wash. According to the Denton Development Code (DDC), car wash facilities are defined as drive-through uses. Since the current zoning designation of RCR-1 District does not permit drive-through uses, the applicant is seeking a rezoning to EC-C District, which permits the proposed use.

**SITE DATA:**

The subject property is approximately 5.3 undeveloped acres situated on the north side of Denton, near the intersection of I-35 and Loop 288. More specifically, the subject property is located west of the I-35 Southbound Service Road and north of Barthold Road. Rectangular in shape, the site includes 637 linear feet along the I-35 frontage road. Per the City of Denton Mobility Plan, Barthold Road, which runs along the south property line, is classified as a Primary Major Arterial. It has approximately 135 feet of right-of-way, and aligns with US 77/North Elm Street on the east side of I-35.

**USE OF PROPERTY UNDER CURRENT ZONING:**

Regional Center Residential 1 (RCR-1) District is the least intense zoning district in the Regional Mixed Use Centers group of zoning districts. Regional Mixed Use Centers are intended to create centers of activity including shopping, services, recreation, employment, and institutional facilities supported by and serving the entire region.

While RCR-1 District encourages mixed-use development, limitations on the uses and building envelope suggest a desire for a smaller scale development pattern. Commercial uses such as retail sales, restaurants, and offices are allowed, but the building square footage permitted for these uses is limited. Residential uses are permitted with a maximum of 30 dwelling units per acre, and include townhomes and apartments associated with mixed-use development. Most industrial uses are not permitted. The maximum lot coverage for RCR-1 is 55 percent and the maximum building height is 40 feet, further supporting a smaller-scale development pattern. A permitted schedule of uses is attached for reference.

**SURROUNDING ZONING AND LAND USES:**

North: Property to the north is zoned as RCR-1 District and Rural Residential (RD-5X) District and is undeveloped.

East: Property to the east across I-35 is zoned Regional Center Commercial Neighborhood (RCC-N) District and is undeveloped. Property to the southeast across I-35 is zoned Regional Center Commercial Downtown (RCC-D) District and is developed with a travel center.

South: Property to the south across Barthold Road is zoned as EC-C District and is currently under development with a travel center.

West: Property to the west is located in the extraterritorial jurisdiction (ETJ) and is developed with a gas pipeline use.

**COMPATABILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES:**

The purpose of the EC-C District is to provide locations for a variety of workplaces and complimentary commercial uses. No residential uses are permitted within the EC-C district. Most commercial and institutional uses are permitted except Sale of Products Grown on Site, Bed and Breakfast, Movie Theaters, Equestrian Facilities, and Sexually Oriented Businesses. Light Manufacturing and other low intensity industrial uses are also permitted. The maximum lot coverage for EC-C District is 80 percent and the maximum building height is 100 feet. A schedule of permitted uses is attached for reference.

While the surrounding area is primarily undeveloped, the adjacency of the site to the I-35 corridor suggests that future growth will comprise of commercial and employment uses which benefit from the visibility and access provided by I-35. EC-C District permits a wide variety of commercial and employment uses at a scale that is appropriate for highway development. Furthermore, the proposed EC-C District is a logical extension of the existing EC-C District to the south.

**COMPREHENSIVE PLAN:**

Per the Denton Plan 2030, the Future Land Use designation of the subject property is Business Innovation. “Business Innovation” is intended 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. Furthermore, Denton Plan 2030 states that the mixed-use nature of Business Innovation ensures that employment areas will benefit from the complementary retail and services throughout the day. The Preferred Growth Concept of Denton Plan 2030 also identified the intersection of US 77 and N I-35 as a “Placemaking and Urban Vitality Center” due to its strategic location as the northern gateway into the City of Denton.

The mix of associated commercial and light industrial uses permitted in the proposed EC-C District meets intent of Business Innovation, as it encourages employment uses with associated commercial development necessary to support the business centers. Furthermore, as a gateway to the City of Denton, commercial uses which serve the traveling population are ideal for this location.

**CONSIDERATIONS:**

1. The applicant is requesting to rezone the subject property from RCR-1 District to EC-C District to develop the site with a triple-bay truck wash.
2. Per Section 35.3.4.B of the DDC, the following criteria for approval shall be considered for a rezoning request:
  - a. The proposed rezoning conforms to the Future Land Use element of the Denton Plan 2030. Specifically, the goal of Business Innovation is to encourage large-scale employment centers and supporting retail, hotel, and residential uses. EC-C District is consistent with this Future Land Use Designation, as it permits a diverse range of commercial uses while integrating employment uses such as light manufacturing and retail warehouse.
  - b. The proposed rezoning facilitates the adequate provision of transportation, water, sewers, schools, parks, and other public requirements and public convenience.  
There is adequate capacity in the existing infrastructure to support the proposal.
3. Surrounding land uses are primarily agricultural. The Future Land Use anticipates that growth in this area will include commercial uses such as retail and travel centers adjacent to the I-35 corridor, transitioning to employment and warehouse uses further east. This development pattern capitalizes on the visibility along the highway for commercial uses and allows employment uses to take advantage of the nearby large, undeveloped tracts of land. A rezoning to EC-C would permit commercial and light industrial uses consistent with this development pattern.
4. While the current zoning designation of RCR-1 District permits many commercial uses, the limitations on those uses and the restricted building envelope prevent development at a scale that is typically found along highway corridors. Rezoning to EC-C District would expand the number of permitted commercial and industrial uses and enlarge the potential building scale, thus enabling development consistent with the site’s location adjacent to I-35.
5. The proposed EC-C District is a logical continuation of the EC-C District to the south. As the area continues to develop with complementary uses, it is anticipated that additional properties will be rezoned to allow for a balance of commercial and employment uses.

**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.

**OPTIONS:**

1. Recommend approval as submitted.
2. Recommend approval subject to conditions.
3. Recommend denial.
4. Table the item.

**PUBLIC NOTIFICATION:**

To comply with the public hearing notice requirements, 2 notices were sent to property owners within 200 feet of the subject property, 3 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.

**PROJECT TIMELINE:**

Application Received:	August 18, 2016
1 <sup>st</sup> Submittal Sent to DRC Members:	September 7, 2016
Comments Released to Applicant:	September 24, 2016
2 <sup>nd</sup> Submittal Sent to DRC Members:	December 05, 2016
Comments Released to Applicant:	December 16, 2016
3 <sup>rd</sup> Submittal Sent to DRC Members:	December 21, 2016
Comments Released to Applicant:	January 6, 2017
Business Days under DRC Review:	33
Business Day out to Applicant:	51
Total Business Days:	84

**EXHIBITS:**

- Aerial Map
- Zoning Map
- Future Land Use Map
- RCR-1 District Permitted Uses
- EC-C District Permitted Uses
- Proposed Zoning Map
- Notification Map

Respectfully submitted:  
Shandrian Jarvis  
DRC Administrator

Prepared by:  
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Senior Planner