



## Legislation Details (With Text)

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**On agenda:** 6/14/2017    **Final action:**

**Title:** Hold a public hearing and consider a request by Di Realty, Inc. to rezone approximately 29 acres from a Regional Center Residential 1 (RCR-1) District and a Regional Center Commercial Downtown (RCC-D) District to a Commercial Mixed Use General (CM-G) District. The property is generally located on the northwest and southwest corners of Lakeview Boulevard and Shady Shores Road. (Z17-0002, Kroger Denton, Julie Wyatt).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. Existing Zoning Map, 3. Future Land Use Map, 4. Permitted Use Comparison Chart, 5. Proposed Zoning Map, 6. Notification Map and Responses

| Date | Ver. | Action By | Action | Result |
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### Planning Report

**Z17-0002 / Kroger Denton**

**City Council District 1**

**Planning & Zoning Commission**

**June 14, 2017**

### REQUEST:

Hold a public hearing and consider a request by Di Realty, Inc. to rezone approximately 29 acres from a Regional Center Residential 1 (RCR-1) District and a Regional Center Commercial Downtown (RCC-D) District to a Commercial Mixed Use General (CM-G) District. The property is generally located on the northwest and southwest corners of Lakeview Boulevard and Shady Shores Road. (Z17-0002, Kroger Denton, Julie Wyatt).

### OWNER:

Di Realty, Inc.

### APPLICANT:

Stephen Hubach with Winkelmann & Associates

### BACKGROUND:

The applicant is requesting to rezone the subject property from RCR-1 and RCC-D Districts to CM-G District. According to the applicant's narrative, the intent is to develop the site with a retail center anchored by a Kroger store and fuel sales.

Currently, the subject property is governed by two zoning districts. The parcel south of Shady Shores Road is

zoned RCC-D District, and the parcel north of Shady Shores Road is zoned RCR-1 District. The applicant has requested a rezoning on the entire property to CM-G District in order to develop the site under uniform zoning regulations.

**SITE DATA:**

The subject property is bounded by Lakeview Boulevard, I35-E, and a railroad corridor that includes the Denton Katy Trail walking trail. The site is heavily treed and includes FEMA floodplain and ESA stream buffers, habitats, and floodplain.

Lakeview Boulevard is classified as a Primary Major Arterial in the Denton Mobility Plan. A Primary Major Arterial requires 135 feet of right of way and is designed to accommodate approximately 30,000 vehicle trips per day. Shady Shores Road is classified as a Main Street Collector. Main Street Collectors require 70 feet of right of way and are designed to accommodate approximately 20,000 vehicle trips per day.

Access to the site will be determined at the time of platting.

**USE OF PROPERTY UNDER CURRENT ZONING:**

The property is subject to two zoning designations, RCR-1 District and RCC-D District. Both are part of the Regional Mixed Use Centers collection 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.

Regional Center Residential 1 (RCR-1) District is the least intense zoning district in the Regional Mixed Use Centers group of zoning districts. While RCR-1 District encourages mixed-use development, limitations on the uses and building envelope suggest a desire for smaller scale, neighborhood development. Commercial uses such as retail sales, restaurants, and offices are allowed; however, 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.

The RCC-D district is one of the most intense zoning districts in the Regional Mixed Use Centers 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. The maximum lot coverage for RCC-D District is 90 percent and the maximum building height is 100 feet. Most industrial uses are either limited or not permitted.

**SURROUNDING ZONING AND LAND USES:**

North: Property to the north across the railroad corridor is zoned Planned Development 132 (PD-132) District and is developed with a park and dedicated open space. Single family residential is located north of the park and open space.

East: Property to the east across Lakeview Boulevard is zoned RCR-1 District and is developed with a residential use.

South: Property to the south is located outside of the City of Denton and developed with office and commercial uses.

West: Property to the west is zoned RCC-D District and is developed with a commercial use.

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

The subject property is situated between low- to moderate-density single-family residential neighborhoods and the I35-E corridor. The surrounding zoning includes a Planned Development District intended for single-family uses to the north, and RCC-D District adjacent to I35-E.

CM-G District is a commercial mixed-use district intended to serve the community. It is typically located in areas with access to major roadways or at the intersection of local roads and arterial streets. The proposed CM-G District is compatible with the surrounding zoning and land uses, as it would permit appropriate transitional commercial uses between the high-intensity development and zoning often found on highway corridors and the nearby residential neighborhood. Furthermore, physical barriers, including a railroad and dedicated open space, would buffer the site from the adjacent residential neighborhood.

The maximum lot coverage for CM-G District is 80 percent and the maximum building height it 65 feet.

A comparison of the existing and proposed zoning districts is attached for reference.

### **COMPREHENSIVE PLAN:**

Per the Denton Plan 2030, the Future Land Use Designation of the subject property is Community Mixed Use. Community Mixed Use is intended to promote a mix of uses, of which various commercial uses remain predominant, but where residential, service, and other uses are complimentary. 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 types of development may include a supermarket, drug store, specialty shops, service stations, midsize offices, employers, and high-to-moderate density housing. According to the Denton Plan 2030, diverse uses shall be located in proximity to one another so that all uses are accessible from a single stop by walking, bicycling, or transit. Commercial uses should be programmed appropriately to serve the local Denton community and to be compatible with adjacent land uses.

The uses and development scale associated with CM-G District conform to the intent and goals of the Community Mixed Use Future Land Use designation.

### **CONSIDERATIONS:**

1. The applicant requests a rezoning from RCR-1 and RCC-D Districts to CM-G District in order to develop the site with a retail center anchored by a grocery store and fuel sales.
2. CM-G District is appropriate for this location, as it would permit commercial uses at a scale that would support the residential neighborhoods in the southeast sector of Denton. The current zoning of RCC-D and RCR-1 Districts are often located along the City's highway corridors, as they are intended to provide commercial development to serve the entire region. The development scale, particularly in RCC-D District, permits building heights of 100 feet, which could be incompatible with nearby residential neighborhoods. If approved, CM-G District would allow the site to develop with a mid-sized, mixed-use commercial center typically found at the intersection of arterial and collector roadways and within the vicinity of established residential neighborhoods.
3. Recent and future growth of the surrounding area's residential population has created a need for retail and services in southeast Denton. Currently, area residents typically travel to Loop 288 or Teasley Lane to obtain day-to-day essentials.

4. 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.*

CM-G District is consistent with the Future Land Use Designation of Community Mixed Use. The uses permitted within CM-G District align with the desired development for Community Mixed Use and will provide necessary commercial uses for the growing population nearby. Although CM-G District permits development at a higher scale than the current RCR-1 District, future development would be physically separated and buffered from the nearby residential development by the adjacent railroad, Denton Katy Trail, park, and preserved tree stand.

Although final access to the site will be determined at platting, the location of the site adjacent to a Primary Major Arterial and a Main Street Collector will provide sufficient vehicular access for the uses permitted in CM-G. Furthermore, the subject property's proximity to the Denton Katy Trail and sidewalks associated with the nearby neighborhoods will enable pedestrian and bicycle access to the site.

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

An infrastructure needs assessment, depending on the development, would be conducted at the time of platting and site plan submittal. Compliance with all transportation and infrastructure requirements is required with platting and development of the site.

5. The subject property is located between I35-E and residential developments. As such, rezoning to CM-G District would provide an appropriate transition between the higher intensity development adjacent the highway corridor and nearby neighborhoods. Additionally, physical barriers separate the subject property from adjacent neighborhoods, offering mitigation of the impacts of commercial development on residential areas.

6. Due to FEMA floodplain and Environmentally Sensitive Areas (ESA) located on the subject property, development will require additional analysis and will be subject to drainage and ESA requirements determined at the time of platting and site development. Per Subchapter 17 of the Denton Development Code (DDC), any proposed disturbance of ESA areas requires approval of an Alternative Environmentally Sensitive Area Plan by City Council. Furthermore, any development must comply with 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.

#### **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, 15 notices were sent to property owners within 200 feet of the subject property, 62 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.

On March 29, 2017, the City of Denton hosted a neighborhood meeting to discuss the proposed rezoning with the residents of the Villages of Carmel and the Preserve at Pecan Creek. While there was not a consensus on support or opposition of the request, concerns regarding the rezoning were expressed by the attendees. These concerns included the traffic during peak hours at the intersection of Lakeview Boulevard and Shady Shores Road, the limited mobility throughout the area, the timing of the construction of Post Oak Boulevard, the removal of trees on the site, and light and noise generated by development. A larger discussion regarding the general mobility of the entire area and the future expansion of existing roads will require additional meetings between the City's Engineering Department and residents.

As of this writing, the applicant has not held a neighborhood meeting.

**PROJECT TIMELINE:**

|  |                   |
|--|-------------------|
| Application Received:                          | January 11, 2017  |
| 1 <sup>st</sup> Submittal Sent to DRC Members: | January 27, 2017  |
| Comments Released to Applicant:                | February 10, 2017 |
| Business Days under DRC Review:                | 10                |
| Business Day out to Applicant:                 | 0                 |
| Total Business Days:                           | 10                |

**EXHIBITS:**

- Aerial Map
- Existing Zoning Map
- Future Land Use Map
- Permitted Use Comparison Chart
- Proposed Zoning Map
- Notification Map and Responses

Respectfully submitted:  
Shandrian Jarvis, AICP  
Development Review Committee Administrator

Prepared by:  
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Senior Planner