



## Legislation Text

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**File #:** Z16-0010, **Version:** 1

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### **Planning Report**

**Z16-0010 / Teasley Lane High School Addition**

**City Council District 4**

**Planning & Zoning Commission**

**August 10, 2016**

### **REQUEST:**

Hold a public hearing and consider making a recommendation to City Council 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. (Z16-0010, Teasley Lane High School Addition, Hayley Zagurski)

### **OWNER:**

Denton ISD

### **APPLICANT:**

Marc DeGenaro

### **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.

### **SITE DATA:**

All three parcels are under the ownership of Denton ISD. The 76.9-acre parcel is platted as Teasley Lane High School Addition, Block A, Lot 1. Currently, the site is used as a high school, which opened in 2005. Two gas well pad sites are also located on the property, one on the northern side west of the baseball field and the second on the southern side east of the tennis courts. The 1.3-acre tract and the 3.9-acre tract are unplatted land. The two parcels are currently undeveloped. Teasley Lane, a primary arterial road, serves as the eastern and southern boundary and primary means of access to the subject property. Bryant Branch Tributary 1 currently runs through a drainage easement across the 76.9-acre parcel behind the high school.

### **USE OF PROPERTY UNDER CURRENT ZONING:**

The NR-2 District primarily permits single-family residential uses as well as limited commercial and

institutional uses such as home occupations, outdoor recreation, churches, and parks. Within the NR-2 District schedule of permitted uses, high schools are not a permitted use. However, this prohibition primarily applies to private high schools, because Denton ISD is allowed to develop schools in any zoning district, as is explained in more detail below. The NRMU District allows for limited residential uses as well as many commercial and institutional uses. High schools are allowed with a Specific Use Permit in the NRMU District. RD-5X is not an official zoning district of the City of Denton, but rather a temporary placeholder until an initial official zoning designation is approved for the site. The RD-5X designation permits development in accordance with the Rural Residential (RD-5) District. Primary uses permitted within the RD-5 District are farms, ranches, and agriculture on five acre tracts or larger. The RD-5 District does not permit high school use.

However, 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. A sample of applicable General Regulations for each existing zoning district are summarized in the attached table.

#### **SURROUNDING ZONING AND LAND USES:**

North: Adjoining to the north is undeveloped and rural residential/agricultural property located within the City's Extraterritorial Jurisdiction (ETJ). Beyond that is single-family residential development located within a Neighborhood Residential 4 (NR-4) District.

East: To the east is the Bryant Branch Park subdivision and a barbeque grill supply store with a RD-5X designation.

South: To the south along Teasley Lane is an industrial development housing self-storage and indoor sporting complexes located within an Industrial Center-Employment (IC-E) District and the ETJ and a TXU Energy substation located within a NRMU District.

West: To the west across Teasley Lane is undeveloped and single-family residential property located within a NR-2 District and ETJ.

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

The purpose of the CM-G District is to provide the necessary shopping, services, recreation, employment, and institutional facilities that area required and supported by the surrounding community. Permitted uses include Administrative or Research Facilities, Auto and RV Sales, Restaurants, Bars, Indoor Recreation, Laundry Facilities, Professional Services and Offices, Retail Sales and Service, Vehicle Repair, Veterinary Clinics, Adult or Child Day Cares, Churches, Conference/Convention Centers, High School, Kindergarten/Elementary School, Middle School, Medical Centers, and Parks and Open Space. Uses permitted with a Limitation include Multi-family Dwelling, Livestock, Craft Alcohol Production, and Temporary Uses. Major Event Entertainment, Outdoor Recreation, and Basic Utilities are among the uses that require a Specific Use Permit. The permitted schedule of uses is attached for reference.

Although the current school use is supported by the surrounding residential uses, this district is not directly compatible with the surrounding zoning districts due to there being no other CM-G zoning in the immediate vicinity.

#### **COMPREHENSIVE PLAN:**

"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. This land uses applies to existing and future commercial area in the city, where re-development to mixed use is desirable. Future development in Community Mixed-use area will compliment 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.

Allowable uses and development criteria of the Community Mixed-use future land use designation are as follows:

- a) Allowable uses may include shopping, services, recreation, employment, and institutional facilities that are required and supported by the surrounding community.
- b) Places of worship, schools, and parks and open space are allowed by right.
- c) Diverse uses shall be located in close proximity to one another so that all uses are accessible from a single stop or by walking or bicycling.
- d) Vertical and horizontal mixed-use is encouraged.
- e) Development should be sited accessible to transit routes.
- f) Commercial uses should be programmed appropriately to serve the local Denton community and to be compatible with adjacent land uses.

The character of this area should be maintained by ensuring that new development is sensitive to the surrounding built and natural context in scale and form as described above.

#### **CONSIDERATIONS:**

1. The proposed CM-G District is consistent with the property's future land use designation of Community Mixed-use. According to the narrative, the intended development is an expansion of the existing high school, which meet 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.
2. The property is located in close proximity to multiple single-family residential neighborhoods that would be supported by continuation of its current use and other allowable uses of the district should the property redevelop as a new use in the future.
3. Adjacent land to the north and other land in the surrounding area is undeveloped and located in the City's ETJ so the expansion of the current use would have no negative impact on these properties.
4. The 1.67 acres of Parcel 3 designated as RD-5X is currently non-conforming for the required 5-acre minimum lot size in the RD-5 District. Rezoning to CM-G would eliminate this non-conformity.
5. The lots could be replatted as a single lot with the three existing zoning designations, but the General Regulations of each district would still apply to the applicable portions of the property. Under the current multiple zoning districts the property owner would be required to go to the Zoning Board of Adjustment to vary from any of these regulations as they expand the school.
6. 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 RECOMMENDATION:**

Staff recommends approval of the request as the use is supported by the surrounding property uses and the proposed zoning 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, 18 notices were sent to property owners within 200 feet of the subject property, 21 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. The applicant has not set a date for a neighborhood meeting and no responses to mailed notices have been received as of the writing of this report.

**PROJECT TIMELINE:**

Application Received:	May 13, 2016
1 <sup>st</sup> Submittal Sent to DRC Members:	June 29, 2016
Comments Released to Applicant:	July 14, 2016
DRC Meeting with Staff:	Applicant Did Not Request Meeting
Business Days under DRC Review:	10
Business Day out to Applicant:	0
Total Business Days:	10

**EXHIBITS:**

- Aerial Map
- Zoning Map
- Future Land Use Map
- CM-G Permitted Uses
- Notification Map
- Existing Zoning General Regulations

Respectfully submitted:  
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