



## Legislation Text

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**File #:** 18-094, **Version:** 1

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### **Planning Report**

**Z17-0020/Lineman College**

**City Council District 3**

**Planning & Zoning Commission**

**October 11, 2017**

### **REQUEST:**

Hold a public hearing and consider a request by Spud Luck, TX, LLC for an initial zoning of Industrial Center General (IC-G) District on approximately 14 acres. The property is generally located at the southeast corner of Shelby Lane and Dakota Lane. (Z17-0020, Lineman College, Julie Wyatt).

### **OWNER:**

Spud Luck, TX, LLC

### **APPLICANT:**

Kathyriya Kennedy with Eikon Consulting Group, LLC

### **BACKGROUND:**

The applicant, on behalf of the property owner, is requesting an initial zoning of Industrial Center General (IC-G) District in order to expand an existing trade school which was established on the site in early 2010. At that time, the property was not within the municipal boundary of the City of Denton.

On May 4, 2010, the subject property was annexed as part of a City-wide annexation program which included many parcels and over 2,000 total acres. Generally, newly annexed property is not zoned until a zoning request is officially approved by the City Council. In accordance with Section 35.16.8.G of the Denton Development Code (DDC), for newly annexed land that has not been zoned, no application will be deemed complete for any uses, intensities of use, dimensions or lot sizes not authorized by Rural Residential (RD-5) Zoning District.

Under the zoning of RD-5 District, the existing trade school use is not permitted; however, since it was established prior to annexation, it is deemed a nonconforming use in accordance with Section 35.11.2 of the DDC. Pursuant to regulations regarding non-conforming uses, the trade school can continue to operate, but each expansion of the use would require approval by the Board of Adjustment. Since the school's future plans include an expansion of the existing facilities, the owner has elected to pursue an initial zoning of IC-G District, which permits the use.

The purpose of the applicant's request is to facilitate the expansion of the exiting use and to correspond with the surrounding zoning.

### **SITE DATA:**

The approximately 14 acre property is situated in the vicinity of the Denton Enterprise Airport, west of I-35W and is developed with a trade school use. Access to the site is provided by Shelby Lane and Dakota Lane.

Shelby Lane is classified as a Collector, which is intended to carry traffic between primary and secondary arterials. This street classification requires 65 to 70 feet of right-of-way dedication per the City of Denton Mobility Plan and is designed to accommodate 1,000 to 8,000 vehicles per day.

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

The subject property is subject to all the regulations of the Rural Residential (RD-5) zoning classification in Subchapter 5 of the DDC. The RD-5 District primarily permits uses rural in nature including agriculture, livestock, large-lot single family, manufactured housing developments, sale of products grown on site, veterinary clinics, kennels, day cares, and elementary schools. Group homes, administrative or research facilities, feed lots, and gas wells require approval of a Specific Use Permit (SUP).

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

North: The property to the north is zoned IC-G District and is developed with a vehicle repair use. The property to the northwest is zoned IC-G District and is developed with an industrial use. The property to the northeast is zoned Industrial Center Employment (IC-E) District and is developed with a temporary industrial use.

East: The property to the east is zoned IC-G District and is developed with a gas well facility and an industrial use.

South: The property to the south is zoned IC-G District and is developed with industrial uses.

West: The property to the west is zoned IC-G District and is developed industrial uses.

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

The subject property is situated on the west side of the city in an area that is predominantly zoned IC-G District and developed with industrial uses, which range from warehouse and distribution centers to manufacturing facilities. Furthermore, all parcels which abut the site have a zoning designation of IC-G District. The proposed IC-G District is a logical continuation of the existing zoning pattern, and approval of the request would ensure that the subject property would continue to develop with uses and development scale consistent with the surrounding zoning and industrial character.

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 Industrial Commerce. Industrial Commerce is intended for areas where the predominant land uses are industrial, including manufacturing, assembly, fabrication, wholesaling, and distribution. Complementary supporting uses such as shopping and child care are also desired, provided that appropriate transitions and buffers are used to ensure compatibility.

The uses and development scale permitted in IC-G District are consistent with the Future Land Use designation of Industrial Commerce. IC-G District permits a variety of industrial uses and some limited commercial uses to encourage development which meets the goals and intent of the Denton Plan 2030.

#### **CONSIDERATIONS:**

1. The request is for an initial zoning of IC-G District in order to expand an existing trade school.
2. The proposed IC-G District is a logical extension of the adjacent parcels' zoning and the zoning pattern of the surrounding area. Additionally, development surrounding the subject property is primarily

industrial. Zoning the subject property to IC-G District would ensure development on the site is compatible with nearby properties, both in use and development scale.

3. 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.*

The Future Land Use designation of the subject property is Industrial Commerce, which encourages the development of Denton's industrial centers. The permitted uses and development scale in the proposed IC-G District is consistent with the goals of Industrial Commerce.

*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 development of the site.

#### **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, six notices were sent to property owners within 200 feet of the subject property, 18 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 23, 2017
1 <sup>st</sup> Submittal Sent to DRC Members:	August 25, 2017
Comments Released to Applicant:	September 8, 2017
Business Days under DRC Review:	9
Business Day out to Applicant:	0
Total Business Days:	9

#### **EXHIBITS:**

- Aerial Map
- Zoning Map
- Future Land Use Map
- Permitted Use Comparison Chart

- Proposed Zoning Map
- Notification Map

Respectfully submitted:  
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Prepared by:  
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