



## Legislation Text

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**File #:** Z17-0023, **Version:** 1

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### **Planning Report**

**Z17-0023 / Cope Addition**

**City Council District 2**

**Planning & Zoning Commission**

**October 25, 2017**

### **REQUEST:**

Hold a public hearing and consider a request by Cope Equities LLC for an initial zoning of Neighborhood Residential 6 (NR-6) District on approximately 16.39 acres. The property is generally located at the northeast corner of Mayhill Road and Mills Road. (Z17-0023, Cope Addition, Hayley Zagurski).

### **OWNER:**

Cope Equities LLC

### **APPLICANT:**

Aaron Graves, Kimley Horn

### **BACKGROUND:**

The request is for an initial zoning of Neighborhood Residential 6 (NR-6) District in order to develop the subject property with a single-family residential subdivision. The property was annexed into the City of Denton in 2013, and at that time was assigned the placeholder zoning designation of Rural Residential (RD-5X) District in accordance with Section 35.16.8.G of the Denton Development Code (DDC). RD-5X District is not an official zoning district of the City of Denton, but rather a temporary designation that applies until an initial zoning designation is approved for the annexed property.

Under the temporary zoning of RD-5X, the property could only be subdivided into parcels of 5 acres or more in size. The applicant has indicated that their intent is to subdivide the property into approximately 86 lots. No plans were submitted with this request to indicate the layout of the proposed subdivision. Details related to lot configuration and density will be examined during the platting process.

### **SITE DATA:**

The 16.39 acre subject property is an unplatted tract of land located at the northeast corner of Mayhill Road and Mills Road. The property is currently undeveloped.

The property has approximately 478 feet of frontage on Mayhill Road. Mayhill Road is classified as a Primary Arterial by the Mobility Plan. Primary Arterials require 110 to 135 feet of right-of-way, are designed as either four or six lane roadways, and can handle over 15,000 vehicles per day. Currently Mayhill Road is a two-lane undivided roadway with approximately 25 feet of pavement width in this area, but plans for the expansion and realignment of Mayhill Road are underway.

The property has approximately 1,390 feet of frontage on Mills Road. Mills Road is classified as a Collector

Street by the Mobility Plan. Collector streets require 65 to 70 feet of right-of-way, are designed as two lane undivided roadways, and can handle between 1,000 and 8,000 vehicles per day. Currently Mills Road is a two-lane undivided roadway with approximately 20 feet of pavement width. Access to the proposed subdivision would be from Mills Road rather than Mayhill Road, and the requirements for improvements to Mills Road along the subject property's frontage would be assessed during the platting process.

**USE OF PROPERTY UNDER CURRENT ZONING:**

Under the RD-5X placeholder district, the subject property is subject to all the regulations of the Rural Residential (RD-5) zoning classification in Subchapter 5 of the Denton Development Code. 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, and feed lots require approval of a Specific Use Permit (SUP). The minimum lot size for properties in the RD-5 District is 5 acres.

**SURROUNDING ZONING AND LAND USES:**

North: Property to the north is designated RD-5X and is developed with auto repair and single-family residential uses. Property to the north east is located in the City's Extraterritorial Jurisdiction (ETJ) and is developed with a single-family residential use.

East: Property to the east is located in the ETJ and is developed with a single-family residential use. To the east - southeast is an undeveloped area designated RD-5X.

South: The property is adjoined by Mills Road to the south. Across Mills Road in a Neighborhood Residential 2 District is a Denton ISD transportation facility and Ryan High School. A Denton ISD service building located in an Employment Center Industrial (EC-I) District is located to the south along Mayhill Road.

West: Mayhill Road adjoins the property to the west. Across Mayhill Road are single-family residences and undeveloped property located in the EC-I District.

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

The subject property is situated in an area with a mixture of zoning designations and existing uses. Currently the density of residential uses in the area is lower, as is expected for more rural locations that have been recently annexed into the City. The NR-6 District is intended for single-family, townhome, and duplex uses with a maximum density of 6 dwelling units per acre. Although the density of residences in the area could substantially increase with the proposed rezoning, the uses permitted in the NR-6 District would not be incompatible with the surrounding residential uses and the neighboring school facilities. The applicant's intent to develop a single-family subdivision on the property would comply with the intent of this district.

A Comparison of Permitted Uses in the existing RD-5 and proposed NR-6 Districts is attached for reference.

**COMPREHENSIVE PLAN:**

Per the Denton Plan 2030, the Future Land Use designation of the subject property is Moderate Residential. This designation is primarily intended to promote single-family housing on smaller lots, typical of Denton's more compact, established single-family neighborhoods. The density of Moderate Residential areas should range between four and twelve units per acre. Low-rise multifamily dwellings and townhomes may also be located in these areas so long as they maintain a scale and style that complements the character of the area. This designation typically applies to the central areas of Denton and often serves as a transition between established single-family neighborhoods and mixed-use or commercial areas that can accommodate greater density.

The uses and density of development permitted in the NR-6 District are consistent with the Future Land Use Designation of Moderate Residential.

**CONSIDERATIONS:**

1. The request is for an initial zoning of NR-6 District in order to develop a single-family residential subdivision which would not be permitted under the placeholder RD-5X zoning designation.
2. The proposed rezoning is likely to result in the property being developed at a higher density than what is permitted under the current zoning. However, the NR-6 District permits primarily residential uses, which would be compatible with the surrounding mixed development pattern, which includes rural residences, undeveloped land, school facilities, and other commercial uses in the general vicinity.
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 Moderate Residential, which encourages residential development and is intended to serve as a transition between lower density neighborhoods and mixed-use or commercial areas. The permitted uses and development scale in the proposed NR-6 District align with these goals for Moderate Residential areas.
  - 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 ultimate development proposal, would be conducted at the time of platting. Compliance with all transportation and infrastructure requirements would be 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, 13 notices were sent to property owners within 200 feet of the subject property, 20 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:	September 5, 2017
1 <sup>st</sup> Submittal Sent to DRC Members:	September 13, 2017
Comments Released to Applicant:	September 26, 2017
Business Days under DRC Review:	9
Business Day out to Applicant:	0
Total Business Days:	9

**ATTACHMENTS:**

- Aerial Map
- Zoning Map
- Proposed Zoning Map
- Future Land Use Map
- Comparison of Permitted Uses
- Notification Map

Respectfully submitted:  
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Interim Planning Director

Prepared by:  
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