

Planning Staff Analysis

PD23-0006a/Family Justice Center

City Council District #3

REQUEST:

Rezone approximately 6.5 acres from Residential 7 (R7) District to Planned Development – Residential 7 District (PD-R7) for a proposed mixed-use community facility.

SITE DATA:

The site is situated in the north part of the City, located on the east side of North Bonnie Brae Street, approximately 1,165 feet south of Riney Road. Due to existing electric, gas, sanitary sewer, and franchise utility easements which run north and south parallel to, and abutting Bonnie Brae Street, no structures or trees are permitted within an 80-foot-wide strip adjacent to the roadway.

The general area's street network includes a variety of roadways which are classified by the 2022 Mobility Plan as follows:

- North Bonnie Brae Street is classified as a Primary Arterial roadway, but it is currently not constructed to the minimum standards. Improvements to North Bonnie Brae Street are planned for the near future as Phase 6 of the ongoing Bonnie Brae Capital Improvement Project, with the segment between Highway 77 and West University (Highway 380) slated for expansion from a two-lane undivided roadway to a four-lane divided road. As part of the roadway improvements, the City will install a 10-foot shared-use pathway along the east side of Bonnie Brae Street, connecting University Drive to US Hwy 77 and install signal lights at Windsor Drive and Riney Road/Bronco Way. Construction is slated to begin on the Bonnie Brae Phase 6 project in March 2025, with an anticipated completion date of March 2027.
- Riney Road and Bronco Way to the north are classified as Collector roadways, which typically require 65 feet of right-of-way. Currently, Riney Road is not constructed to the minimum standards; however, the roadway between North Bonnie Brae Street and US 77 will be improved with the North Bonnie Brae Street project and include two travel lanes, a continuous left turn lane, and a 10-foot-wide sidepath along the south side of the street.
- Windsor Drive to the south is classified as a Secondary Arterial. East of Bonnie Brae, the roadway includes two travel lanes and an eight-foot-wide multi-use path running along the south side of the right-of-way. West of Bonnie Brae, the majority of the roadway is designed as a four-lane divided road with a sidewalk running along the south side.

The subject property will not have direct driveway access to North Bonnie Brae Street. Immediately to the north and south of the subject property are public access drives that serve the new elementary school under construction (Reeves Elementary) and North Lakes Park, respectively, and access to the subject property will be through these driveways.

The subject property is located in an area developed with schools, parks, retail, and services, providing sufficient support for future clients and residents of the facility. The site abuts North Lakes Park, a regional park developed with athletic fields, play equipment, trails, a recreation center, disc golf, a driving range, and a dog park. The Denton High School campus is west of the subject property and will be within walking distance once the sidepath is installed along North Bonnie Brae Street (about a half-mile walk). Reeves Elementary School under construction northeast of the subject site and would be within a quarter mile walking distance. Finally, additional area development includes commercial uses along West University Drive (about a mile south of the subject site), the University of North Texas Discovery Park, and moderate- to high-density residential dwellings.

SURROUNDING ZONING AND USES:

Northwest: Zoning: Mixed Use Neighborhood (MN) District Use: Residential and Undeveloped	North: Zoning: Public Facilities (PF) and R7 Districts Use: Undeveloped	Northeast: Zoning: PF District Use: North Lakes Park and Reeves Elementary School
West: Zoning: MN District Use: Gas Well Pad site (complies with the 500-foot reverse setback in DDC Subsection 6.2.2B.1.c)	SUBJECT PROPERTY	East: Zoning: PF District Use: North Lakes Park
Southwest: Zoning: MN District Use: Residential and Undeveloped	South: Zoning: PD-R7 District Use: Multifamily	Southeast: Zoning: PF District Use: North Lakes Park

CONSIDERATIONS:

A. Section 2.4.5.E of the DDC provides approval criteria applicable to all applications.

1. *General Criteria*

a. *Unless otherwise specified in this DDC, City review and decision-making bodies must review all development applications submitted pursuant to this subchapter for compliance with the general review criteria stated below.*

The review criteria were applied as required.

b. *The application may also be subject to additional review criteria specific to the type of application, as set forth in sections 2.5 through 2.9.*

Section 2.7.3.D of the DDC applies to this rezoning to PD request. An analysis of this request per those criteria can be found below in Consideration B.

c. *If there is a conflict between the general review criteria in this section and the specific review criteria in sections 2.5 through 2.9, the applicable review criteria in sections 2.5 through 2.9 controls.*

There are no conflicts between the general criteria and the criteria specific for rezoning to PD requests.

2. *Prior Approvals*

There have been no prior approvals for this proposed Planned Development.

3. *Consistent with the Comprehensive Plan and Other Applicable Plans*

The decision-making authority:

a. *Shall weigh competing goals, policies, and strategies.*

There are no competing goals, policies, or strategies with this proposal.

b. *May approve an application that furthers the overall goals of the Comprehensive Plan even if the development does not match the future land use designation in the Comprehensive Plan.*

The proposed community facility is consistent with the Denton 2040 Comprehensive Plan overall Vision Statement and Future Land Use Designation and discussed below.

Vision Statement

The Denton 2040 Comprehensive Plan's Vision Statement states that, "We are committed to fairness and equitable access to opportunity in education, community services, jobs, and government representation." The plan acknowledges that, "The maintenance of a healthy and thriving community will be enabled by ensuring programs will continue, expand, and add additional capacity to meet changing needs. The provision of new community facilities, such as community and recreation centers, should also be coordinated with community needs in order to provide centers within Denton's neighborhoods that can serve various needs." The proposal is consistent with the community services vision and the following:

- GOAL CHS-4: Provide a variety of community programs that meet the needs of underserved groups in Denton, including youth, seniors, and those experiencing homelessness.
- Action 8.7.7: Include needs for neighborhood and social services in the planning for and upgrading of community facilities.

Future Land Use

The Future Land Use Map designation for the subject property is Moderate Residential, which applies to central Denton and transition areas between established single-family neighborhoods and mixed-use or commercial areas that can accommodate greater density or adjacent to key corridors. This category may also include land uses that support residential neighborhoods, such as neighborhood scaled commercial at arterial and collector street corners, and appropriately scaled public and quasi-public uses, such as religious and educational institutions.

The proposal is consistent with the purpose and character of the Moderate Residential Future Land Use Designation. It provides a needed community service to support Denton's residents in an appropriate location adjacent to a key arterial roadway near neighborhoods, schools, parks and commercial establishments, and employment opportunities.

Preferred Land Preservation Plan

The site does not contain any areas identified in on the Preferred Land Preservation Map.

4. *Compliance with this DDC*
 - a. *The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.*

This request is to rezone the subject site from R7 District to a Planned Development with an R7 base zoning district. The proposed Development Regulations provided in Exhibit 6 indicate an intent to develop in accordance with the 2019 DDC except for specific deviations outlined in the document, which are further summarized in Exhibit 1.

- b. *Compliance with these standards is applied at the level of detail required for the subject submittal.*

Compliance with the DDC has been analyzed at the level of detail necessary for a Planned Development. Other departments (Engineering, Solid Waste, Denton Municipal Electric, and Fire) reviewed the proposal for conceptual conformance with the design standards for public facilities and safety. Pending approval of this PD, additional review for full compliance with the DDC will take place at submittal of the plat, civil engineering plan, and building permit applications.

5. *Compliance with Other Applicable Regulations*

The PD regulations document indicates that the development will comply with all provisions of the 2019 DDC other than those deviations proposed in Exhibit 6. The development will also be required to comply with the City's Design Criteria Manuals for utility and drainage improvements.

6. *Consistent with Interlocal and Development Agreements*

There are no interlocal or development agreements applicable to the site.

7. *Minimizes Adverse Environmental Impacts*

There are no Environmentally Sensitive Areas on the property, and the site must comply with the City's requirements for storm water management during the platting and engineering plan review process. Additionally, the site is not designated on the Preferred Land Preservation Plan and does not contain any identified potential wildlife corridors.

8. *Minimizes Adverse Impacts on Surrounding Property*

The proposed facility is situated on an arterial roadway near existing and developing residential areas, schools, and parks. The PD's permitted activities (dwellings, medical and professional offices, day care, personal services, animal care, and recreation) are typical of the types uses found near neighborhoods and not anticipated to adversely impact the surrounding property.

Furthermore, while the proposed building height (52 feet) is taller than permitted in R7 District, it is not out of scale from other nearby developments, including Denton High School (43 feet tall, not including the dome) and The Mark at Denton (49 feet tall).

9. *Minimizes Adverse Fiscal Impacts*

The Fiscal Impact Tool was used to analyze the proposed rezoning. Assumptions used to generate the overall projected General Fund revenues and expenses include property tax payments, sales tax capture, roadway maintenance costs, utility usage, solid waste costs, public safety costs, and neighborhood service costs.

The Fiscal Impact Summary attached as Exhibit 8 indicates that the proposal will result in no new residents and a \$1,194,500 cost to the General Fund over a 40-year project duration. Note that this reflects \$2,283,800 in revenue for ad valorem taxes; however, as a charitable organization, the current owner is exempt from property taxes.

Although the proposal is not expected to result in a net positive for revenue, fiscal impacts are only one criterion analyzed for Staff's recommendation. The proposal meets a variety of goals within the Denton 2040 Comprehensive Plan and other criteria for approval.

10. *Compliance with Utility, Service, and Improvement Standards*

This proposed rezoning will not negatively affect utilities, services, or other improvements. Utilities and infrastructure will be extended through the property to connect with existing infrastructure as necessary to support this development.

11. *Provides Adequate Road Systems*

Roads necessary to provide access to the proposed development include North Bonnie Brae Street to the west and the park access road to the south. Access to the site includes one driveway connection to the No onsite public roads are planned.

12. *Provides Adequate Public Services and Facilities*

This proposed rezoning will not negatively affect public services and facilities. Adequate public services are available to serve the development.

13. *Rational Phasing Plan*

Any phasing of the project must provide adequate public infrastructure and access.

B. Section 2.7.3.D of the DDC states that an application for a rezoning to PD district may be approved based on the following conditions:

1. *Complies with the goals of the Comprehensive Plan.*

As was indicated above, the development is consistent with the Future Land Use designation and overall goals of Denton 2040 Comprehensive Plan.

2. *Complies with the goals of relevant Area Plans*

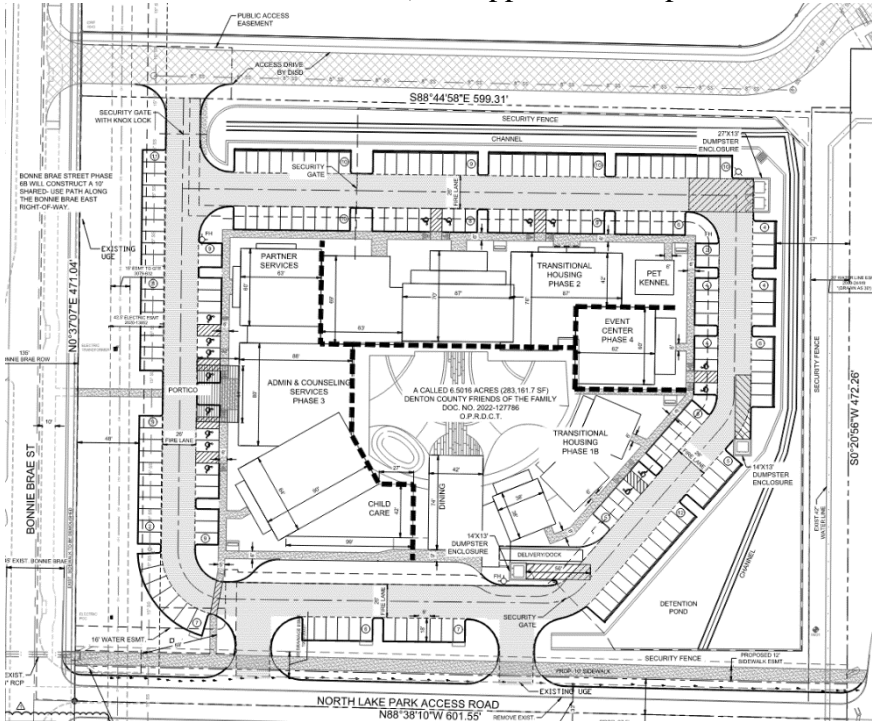
There are no Area Plans relevant to this project.

3. *Complies with this DDC, except where modifications are expressly authorized through the PD zoning document, the PD development standards document, and in the PD development plan map.*

The proposed PD Regulations indicate an intent to comply with all aspects of the DDC other than those deviations expressly identified in Exhibit 6. These proposed deviations are summarized in the table in Exhibit 1.

4. *Provides a greater level of building design quality, community amenities, and connectivity than would be required if the project were not being developed in the PD district.*

Under the current zoning of R7 District, the property could be developed with some of the PD's proposed uses: a variety of residential uses, community home, group home (with approval of a Specific Use Permit), religious assembly, school, or small professional or medical office. Each use could be individually reviewed and would be required to meet the minimum requirements in the DDC.



However, by choosing to pursue a planned development, the applicant has been able to plan the site comprehensively, orienting the building, parking, recreation, services, transitional housing, and secured areas in a manner which best fits the organization's clientele and mission (shown left). The proposed site plan balances to the need to be inwardly focused, allowing clients and residents to access needed services and assistance within a connected building or buildings, while maintaining an exterior which

is consistent with the aesthetics, function, and accessibility required of commercial development. To achieve this mission, the proposal includes the following:

- Front door to the facility facing North Bonnie Brae Street.
- A driveway which encircles the site, providing parking and direct access to various parts of the building.
- Security fencing placed in a manner to provide both public access and secure areas for the safety of clients and families.
- Central, secured courtyard provide safe recreation and social space for clients and families.
- Direct pedestrian access to North Lakes Park which will ultimately connect to Reeves Elementary for a safe route to school.

5. *In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding areas.*

Because this proposed PD will contain a mix of uses, both residential and commercial/institutional, the compatibility discussion is provided in the criterion below.

6. *In the case of proposed commercial, industrial, institutional, recreational and other non-residential uses or mixed-uses, that such development will be appropriate in area, location, and overall planning for the purpose intended.*

As a mixed-use community facility, the proposal is appropriate for the location for the following reasons:

- The subject property is situated on the north side of the City within Loop 288. While nearby undeveloped properties remain, it is a growing area, both in terms of residential, commercial, and institutional development.

- Specifically, the surrounding area is developed with schools, parks, retail, and service uses, providing employment, shopping, and recreation opportunities for future clients and residents of the facility.
- Furthermore, upcoming improvements to North Bonnie Brae Street will improve mobility for all users, allowing future clients to better access to nearby developments.

Because of the above reasons, the site's location is suitable for the use, as it may minimize disruption for clients and families entering and transitioning out of the facility by its proximity to Denton's commercial, educational, and employment centers. Furthermore, with the R7 base zoning for the PD, the scale of development on the property will be consistent with other development along North Bonnie Brae in terms of height, setbacks, massing, and form and will not be out of character with the mix of uses in the area.

7. *The provisions of public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks are adequate to serve the anticipated population within the PD district.*

Schools

Due to the nature of the proposal, some students may be generated by the proposal; however, it difficult to determine how many or if those students will move their enrollment to the nearby schools. The subject property is within the attendance zones for Reeves Elementary School, Calhoun Middle School, and Denton High School and no capacity issues have been identified.

Nearest Fire Station

The closest fire station to the subject property is Fire Station 5 at 2230 W. Windsor Drive. The subject property is located approximately 0.31 mile from Fire Station 5 and is within the eight minutes or less response time boundary.

Water and Wastewater

Public water and wastewater services are available to the site and will be extended throughout the site to serve the use generally in accordance with the preliminary utility plans. No utility capacity issues have been identified that would affect the proposed development.

Streets

Transportation related to the proposal

As part of the PD rezoning request, the applicant submitted a Traffic Impact Analysis that was reviewed and approved by the City's Transportation Engineers. According to the *ITE's Trip Generation Manual, 10th Edition*, the proposal will generate 1,084 daily trips, 139 morning peak hour trips, and 89 evening peak hour trips.

As noted above, improvements to North Bonnie Brae Street are planned, including a center median, which will prohibit south-bound turning movements for site. To ensure safe and adequate access, as part of development of the site, a deceleration lane must be constructed on North Bonnie Brae Street to accommodate north-bound right-turn movements at the North Lakes Park access road. The deceleration lane should be a minimum of 11-feet-wide with 150 feet of storage (about six cars). The timing and construction of the deceleration lane will be determined with the civil

engineering plans and will depend upon the status of the City's CIP project for North Bonnie Brae

Roadway Impact Fees

Roadway impact fees, paid at the time of development, are determined using a proportionality calculation based on the number of dwelling units and projected vehicle trips. These fees are used to make roadway system improvements related to the Mobility Plan.

Parks

North Lakes Park is immediately adjacent to the subject property, meeting the City's goal of providing a public park within a 10-minute-walk to residents and visitors to the site. The regional park provides recreation opportunities for future residents with athletic fields, play equipment, trails, a recreation center, disc golf, a driving range, and a dog park.

To provide for adequate parks, the residential component of the development must provide the following:

- *Dedicated park land or fees paid in lieu of dedication.* Dedication fees are assessed prior to the filing of the plat and based upon a formula whereby the City's population is divided by the number of neighborhood and community park acres in the City to establish the number of residents per acre. The estimated park dedication required for the proposed development is 0.92 acre.
 - *Park development fee.* A park development fee for each dwelling is required with every building permit.
8. *The conditions and/or restrictions imposed by the PD District are necessary and sufficient to address any significantly adverse impacts to surrounding properties or the neighborhood.*

The proposed PD is not anticipated to create significant adverse impacts to the surrounding properties. The property is situated along a secondary arterial roadway and is surrounded by a public park, multifamily dwellings, undeveloped property zoned R7 District, and undeveloped property zoned Mixed Use Neighborhood (MN) District. The proposed uses and permitted within the PD typically found along arterial roadways and near moderate density residential areas, including professional and medical offices, day care facilities, laundry facilities, personal service, and veterinary clinics. For those uses which may create some impacts, such as the kennel, the site plan demonstrates that they are limited in scale to serve the facility's clients and not general public.

It should be noted that once a PD is established, it becomes the zoning for the property, regardless of the occupant. To that end, if a future owner proposed changes which would substantially alter the mix of uses on site, increase the scale of one of the permitted uses, or modify the arrangement of buildings, parking areas, or landscape buffering and screening, that owner would be required to seek approval by City Council through the dual public hearing process. At that time, any adjacent property owners or residents would be notified of the proposed change.