

# Planning Staff Analysis

## Z25-0001a / Sequoia Park – R3 to R6

### City Council District #2

#### REQUEST:

Rezoning of approximately 8.47 acres of land from Residential 3 (R3) to Residential 6 (R6) district.

#### STAFF RECOMMENDATION:

Staff recommends **approval** of the rezoning of approximately 8.47 acres of land to Residential 6 (R6) district as it complies with the criteria in Section 2.4.5.E of the Denton Development Code for approval of all applications, and Section 2.7.2.D of the DDC for approval of a Zoning Map Amendment (Rezoning).

#### SITE DATA:

Subsequent to the Planning and Zoning Commission meeting, the applicant modified the request to 8.47 acres, removing 0.42 acres of land from the initial rezoning request, due to inability to verify property ownership as further discussed later within this report.

The 8.47-acre subject property is generally located north of Mingo Road, approximately 230 feet west of Nottingham Drive, and is currently undeveloped. The property owner is requesting the rezoning to prepare the property for future development in accordance with the R6 district standards. The applicant has indicated an intent to develop approximately 57 townhome lots on the subject property should the zoning change be approved. However, no development application has been made at this time, and if the zoning is approved, any uses permitted in the R6 District could be proposed.

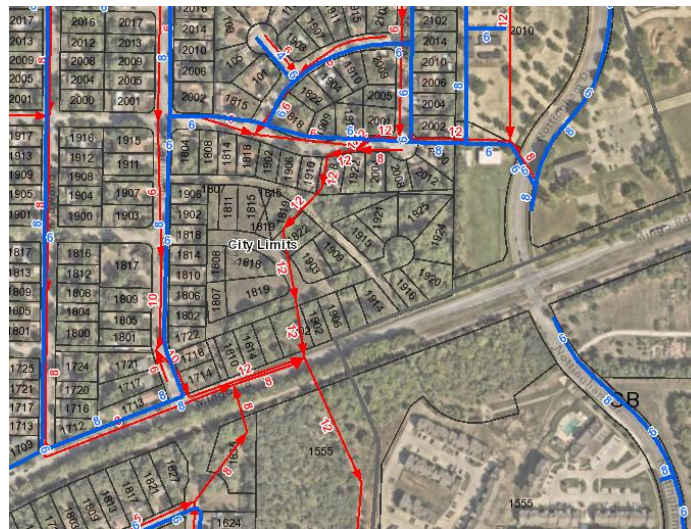
The subject property was platted as part of the Sequoia Park Subdivision in 1958. While the northern half of the subdivision developed, the southern portion of the original plat has remained undeveloped aside from a drainage easement and 12-inch sewer line that crosses through the property, as was proposed on the plat in 1958. A replat of the area immediately to the west of the subject property along Shawnee Street removed access to Shawnee Street, making it unfeasible to develop the subject property as it was originally platted. A second replat of the lots immediately north of the subject area left a remainder area that is not included in this request. The remaining lot layout is reflected on the aerial image below.



Suburban-style, single-family residential neighborhoods exist immediately north and west of the subject property. The Woodlands multifamily development is located to the south, across Mingo

Road, and approved development plans for the Woodlands included a future Phase 2 that would be immediately adjacent to Mingo. Denton Bible College is immediately to the east as well as further across Nottingham Drive. No FEMA floodplain or Environmentally Sensitive Areas affect the site.

Currently, public sewer lines span north-south across the subject property to serve existing single-family residences immediately north of the subject property. Sewer lines may be re-routed at the expense of the developer when development occurs should the current alignment not work with their project layout. Public water lines exist to the north and west of the subject property in Shawnee Street and Creek Avenue. There are no development plans at this time; however, when the site develops, the owner will be responsible for extending the necessary utilities into the property as needed. The extension and size of the services will be determined during the preparation of civil engineering plans and platting of future development.



**SURROUNDING ZONING AND USES:**

Northwest: Zoning: Residential 3 (R3) Use: Single-Family Residential	North: Zoning: R3 Use: Undeveloped Remainder of Single-Family Lots and Single-Family Residential	Northeast: Zoning: Mixed Use-Neighborhood (MN) Use: Religious Assembly and Private School
West: Zoning: R3 Use: Single-Family Residential	<b>SUBJECT PROPERTY</b>	East: Zoning: MN Use: Religious Assembly and Private School
Southwest: Zoning: Mingo Rd right-of-way (ROW), TP Railroad, and Residential 4 (R4) Use: Single-Family Residential	South: Zoning: Mingo Rd ROW, TP Railroad, MN Use: ROW and undeveloped land platted for future phase of multifamily	Southeast: Zoning: MN Use: Multifamily

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

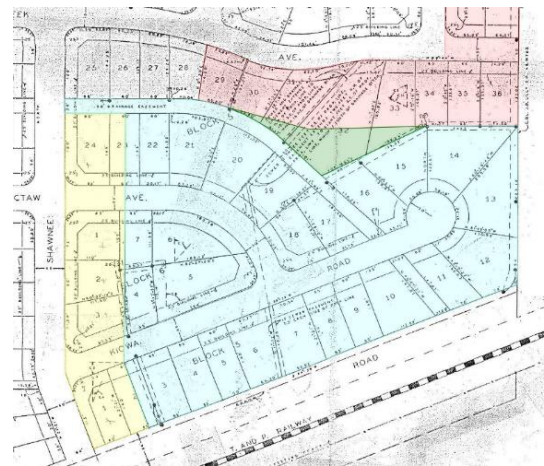
c. *If there is a conflict between the general review criteria in this section and the specific review criteria in sections 2.5 through 2.9, the applicable review criteria in sections 2.5 through 2.9 controls.*

There are no conflicts between the general criteria and the criteria specific for zoning requests.

### 2. Prior Approvals

On October 1, 1958, a plat was approved by the Planning and Zoning Commission for the subject property, which at the time was intended to be a part of the larger 39.85-acre Sequoia Park subdivision, but the lots within the subject site never developed. The original platted layout can be seen in the image below, with the subject property shaded in teal. At that time, the property was zoned as a Planned Development (PD-7).

Subsequently, in 1980, the City Council approved to replat a portion of Sequoia Park Addition to create 10 lots along Shawnee Street which removed the street connections originally intended to provide access to the lots platted within the subject property. The replatted lots are shaded in yellow in the graphic to the right. A second replat was approved in 1980 for 10 lots north of the subject property which realigned Creek Avenue into a cul-de-sac and left remainders of lots 30 through 36. These replatted lots are shaded in red in the graphic to the right. The remainder portion is shaded in green in the graphic to the right and is not anticipated to affect longer term development of the subject property. (It should be noted that the parcel shaded in green was subsequently removed from this rezoning request following the Planning and Zoning Commission public hearing due to not being able to confirm property ownership.)



With the adoption of the 2002 Denton Development Code (DDC), the zoning transitioned to Neighborhood Residential 3 and then to Residential 3 (R3) with the adoption of the 2019 DDC. Today, the subject property is largely cut-off from the adjacent lots within Sequoia Park, with the exception of a 30-foot drainage easement that connects to Shawnee Street. Access to the property today would be taken off Mingo Road.

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

*The decision-making authority:*

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

The requested R6 district does not entirely comply with the future land use designation of Low Residential, as discussed further below in 3b. Similarly, it could be argued that the request is not entirely consistent with some of the neighborhood conservation strategies, including the following recommended action:

Action 7.8.2: “Prevent impacts and encroachments of incompatible uses, development scales, and intensities through adherence to the established land use standards and urban design principles.”

However, Staff does not find that any uses allowed in R6 are incompatible with adjacent single-family detached uses nor the intent of the future land use designation. Many of the uses permitted in R6, such as townhomes, duplexes, triplexes, and fourplexes, are similar in scale and form to single-family detached homes and would not be a significant increase in use intensity. Furthermore, in terms of neighborhood conservation, existing conditions somewhat isolate the subject property from the surrounding neighborhood, with no direct street connections to the neighborhood remaining and the existing drainage channel and trees providing a buffer.

The proposed rezoning to the R6 district aligns with the goals, policies, and actions of the Comprehensive Plan listed below:

GOAL LU-1: “Grow Compactly: Achieve sound, sustainable growth in compact development patterns with balanced land uses planned in coordination with transportation and infrastructure systems.”

GOAL LU 3: Infill in Residential Areas discussion: “Single-family housing and neighborhoods will remain a valuable resource, which should be protected from harmful influences, such as abrupt contrasts of scale and intensity. However, the City should take every opportunity to ensure that as gaps in the neighborhood fabric occur, infill development, that is development of vacant or deteriorated properties will be encouraged, complimenting the scale and character of each neighborhood. Infill development also creates opportunities for more compact forms of development and affordable housing options. Types of residential products that could be suitable infill in single-family neighborhoods include well-designed townhomes, quad apartments, duplexes, and other types of low-moderate density housing which is potentially compatible within single-family neighborhoods.”

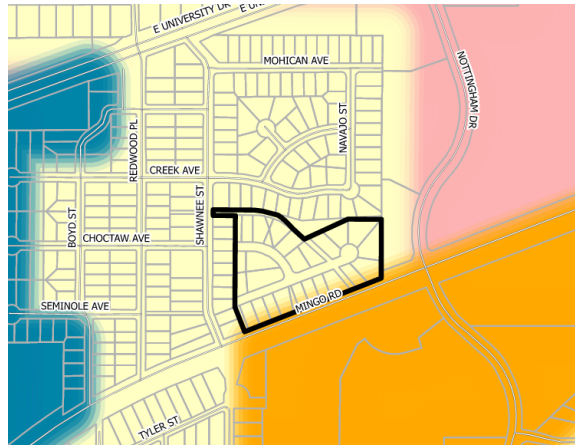
GOAL LU-4: “Grow Resourcefully: Manage growth for wise use of land resources with staged, contiguous, and compatible development.”

GOAL HN-1: “Develop and maintain a housing stock that meets the needs of all residents with a diverse array of choices in type, cost, and location.”

According to the applicant, the purpose of the rezoning request is to prepare the property for future residential development in accordance with R6 district standards. While there are no development plans at this time, the requested R6 district for this property would be consistent with the overall goals of the Comprehensive Plan to grow compactly and resourcefully, as well as provide for additional housing type options in the area. Given the Mixed Use Neighborhood (MN) zoning designation to the east and south, R6 is a reasonable transition between higher density multifamily development and lower-density, single family residential.

- 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.*

Per the Future Land Use Map in the Comprehensive Plan, the subject property is designated as Low Residential, with Moderate Residential and Community Mixed Use land use designations to the south and east respectively (see image below and provided as Exhibit 5). The description for the Future Land Use designation is provided below.



#### Low Residential Future Land Use Description:

“The Low Residential designation includes the city’s predominantly single-family neighborhoods, with lot sizes ranging from one acre or more in rural fringe areas up to five units per acre gross density throughout many of the city’s suburban subdivisions. Dwellings in this land use district are generally one to two stories with private driveways and open space, consisting of privately maintained tree canopy and front, back and side yards. Building and driveway orientation, the locations of private garages, building material, and the presence of sidewalks vary by neighborhood and the era of neighborhood development. Generally, these types of single-family neighborhoods are developed as distinct subdivisions that are linked by internal circulation systems with limited access to local and connector roads. This category may also include land uses that support residential neighborhoods, such as appropriately scaled commercial at arterial and collector street corners, and appropriately scaled public and quasi-public uses, such as religious and educational institutions.”

Since the proposed R6 district permits 6,000 square-foot lots, the requested R6 zoning district would allow for a slightly higher density of seven units per acre (based upon an acre’s gross square footage) compared to the Low Residential designation density recommendation which supports up to five units per acre (gross density). However, the request is consistent with the Moderate Residential designation immediately to the south which allows “5-12 units per acre” and calls for “transition areas between established single-family neighborhoods and mixed-use or commercial areas” as well as the Community Mixed Use designation immediately to the east which calls for “higher density and mixed housing types” to “complement and embrace existing, viable uses, and raise the standard of design to increase their economic viability.”

While the proposed R6 district does not perfectly match the Low Residential future land use designation in regard to lot size, it does meet the future land use's description of residential style. The R6 district allows for duplexes, triplexes, fourplexes, and townhomes while the R3 district does not. However, similar to single-family detached residences, these types of residences would have privately maintained front and rear yards, architectural features such as stoops, canopy, or portico; and maximum height allowances no more than what is allowed in the R3 district. Given the size, shape, and location of the property, residential development will be required to have internal circulation systems with limited access to Mingo Road, a design that is consistent with the intent of the Low Residential future land use designation for limiting direct residential access from higher classified roadways.

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.*

All future development on this site will comply with applicable standards in the DDC, including, but not limited to, minimum lot size and dimensions, building coverage, access, parking, tree preservation, landscaping, screening, and buffering.

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

Typically, a rezoning to one of the DDC's established districts does not include a full review of all development standards. If the proposed rezoning to a R6 district is approved, prior to development, a detailed development review will be performed with the required applications such as a zoning compliance plan or specific use permit, plat, civil engineering plan, tree preservation plan, and building permit.

5. *Compliance with Other Applicable Regulations*

If the proposed rezoning to a R6 district is approved, prior to development, a detailed review of the proposed development will be conducted to ensure compliance with other applicable regulations.

6. *Consistent with Interlocal and Development Agreements*

There are no interlocal or development agreements for the subject property.

7. *Minimizes Adverse Environmental Impacts*

There are no Environmentally Sensitive Areas or FEMA floodplain on the subject property. Therefore, no adverse environmental impacts are anticipated. If the proposed rezoning to a R6 district is approved, prior to development, a Tree Survey and Preservation Plan and a detailed drainage review will be required.

The densest tree canopy coverage on site is on the eastern side of the existing drainage channel. While development of that area is not prohibited, it is more likely that development would be clustered to the west of the drainage channel where construction impacts to the on-site trees would be lessened.

8. *Minimizes Adverse Impacts on surrounding Property*

The permitted uses of the R6 district are consistent with the residential nature of the area and will provide a transition in housing density from multifamily use south of Mingo Road to the single-family detached use to the north and west of the subject site. Adjacent single-family residential lots are between 7000 and 9000 square feet. R6 would allow 6000 square foot lots, with 10-foot-wide buffers required for townhome development.

The rezoning is not anticipated to create adverse impacts to surrounding properties. Nonetheless, any development of the subject property would be subject to the City's landscaping, tree preservation, and drainage criteria.

9. *Minimizes Adverse Fiscal Impacts*

While any use permitted in the R6 district could develop if the zoning change is approved, based upon the applicant's initial conceptual plan for 57 townhome lots, the fiscal impact to the City is estimated to be a net loss of \$1,110,400 over 40 years. Low-density residential development is typically not anticipated to have net positive fiscal impact on the City, so this zoning change would not change this condition based on the current zoning.

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

When the site is developed, the development will be reviewed to ensure compliance with all utility, service, and improvement standards. At the time of development utilities required to support the use will be connected to or will be extended by the developer or property owner to lots created on the subject property.

11. *Provides Adequate Road Systems*

Ingress and egress to the property will be from Mingo Road – a secondary arterial roadway per the City's Mobility Plan. Mingo Road is proposed to be reconstructed in the next few years as part of a funded CIP plan and will include a center turn lane. When the site is developed, the new development must comply with all applicable standards for drive approaches, driveways, and new residential streets.

12. *Provides Adequate Public Services and Facilities*

Any future development must comply with all applicable DDC standards to ensure adequate public services and facilities are available. A twelve-inch sewer line abuts and runs across the subject property. Six- and eight-inch public water lines exist approximately 170 feet to the north and west of the subject property and will be extended accordingly by the private developer to serve all future lots. Development shall comply with access, open space, and fire requirements.



### 13. Rational Phasing Plan

There is no phasing plan associated with the zoning change request.

B. Section 2.7.2.D of the DDC states that an application for a rezoning may be approved based on the following conditions:

a. *The proposed rezoning is consistent with the Comprehensive Plan.*

As discussed in 3.b above, the R6 district is consistent with the goals, policies, and actions of the Comprehensive Plan. Although the proposed R6 district permits lot sizes which are smaller than those typically found within the Future Land Use designation of Low Density Residential, the permitted uses are compatible and conform to the intent to encourage neighborhood-style residential development. The rezoning would be consistent with several goals of the Comprehensive Plan as discussed in 3.a above and will encourage housing variety and compact and resourceful growth.

b. *The proposed rezoning is consistent with relevant Small Area Plan(s).*

There is no small area plan approved for this site.

c. *The proposed rezoning is consistent with the purpose statement of the proposed zoning district, as provided in Subchapter 3, Zoning Districts.*

Pursuant to Section 3.2.6A of the Denton Development Code:

The R6 district is intended to accommodate a variety of housing types on lots designed to encourage walking to neighborhood-serving retail and other amenities such as parks and school facilities. This zoning district will ensure existing neighborhood character is maintained while also serving as a transition area between established single-family neighborhoods and mixed-use neighborhoods, commercial areas, and key corridors.

The proposed rezoning is consistent with the purpose statement of the R6 District as the permitted uses and scale of development allowed in R6 are consistent with the development context of the overall area. The subject property generally sits at the intersection of Mingo Road, a secondary arterial, and Nottingham Drive, a proposed secondary arterial. Denton Calvary Academy and Denton Bible Church are to the east of the property and multifamily is to the south of the property across Mingo Road. The uses allowed in the R6 district will provide an appropriate transition from these more intensive uses to the single-family residential neighborhoods to the north and west.

d. *There have been or will be significant changes in the area to warrant a zoning change.*

As part of the 2023 Bond, a project was approved to reconstruct a portion of Mingo Road, including the portion that abuts the subject property. The secondary arterial will be reconstructed to a 3-lane roadway with a center turn lane and a 10-foot-wide

side path on the northern side of the Mingo Road. Since the subject property does not have access to the area's residential streets, access of Mingo Road will be required and the improvements occurring with the reconstruction will make that access safer for future residents.

- e. *The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.*

As discussed in criterion A.8 above, the proposed R6 district is not expected to create significantly adverse impacts to surrounding properties. Uses allowed in R6 remain primarily residential with supporting uses allowed, similar to the R3 district. Building height, architectural standards, and the overall style and form of the uses permitted in R6 are also consistent with what can be built in the R3 district. Nonetheless, if this rezoning is approved, any development of the subject property would be subject to the City's criteria for compatibility buffers with any adjacent residential property, landscaping, tree preservation, traffic studies, and drainage studies.

- f. *Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service to existing development.*

#### **Roadway Impact Fees**

Roadway impact fees, paid at the time of development, are determined using a proportionality calculation based on the proposed uses and projected vehicle trips. These fees will be assessed based on plans submitted and are used to make roadway system improvements related to the Mobility Plan.

#### **Water and Wastewater**

Public utilities about the subject property. When the site is developed, it will be reviewed to ensure compliance with all utility, service, and improvement standards for extension and connection to City utilities. Additionally, water and wastewater tap, and impact fees will be based upon the intensity of the development and are required to be paid during permitting.

#### **Parks**

The subject property is located approximately 1,200 feet from Bluffview Park, well within the Park Department's goal of a 10-minute walk to a park. Additionally, park dedication and development fees will apply to any future residential development of the subject property.

- g. *There was an error in establishing the current zoning district.*

There was not an error in the assignment of the current zoning district.