



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

ACM: Cassey Ogden

DATE: December 3, 2024

SUBJECT

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, repealing zoning ordinance (Z20-0001b) for 3.185 acres of land zoned Mixed-Use Neighborhood with overlay conditions; and adopting a new zoning designation of Planned Development-Mixed-Use Neighborhood (PD-MN) District for 3.185 acres generally located east of I-35N, approximately 1,078 feet south of Windsor Drive, in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted [3-1] to recommend approval of the request. Motion for approval by Commissioner Villareal and second by Commissioner Pruett. (PDA24-0002a, Elite Hospitality Pickleball and Restaurant, Angie Manglaris)

<https://dentontx.new.swagit.com/videos/320039?ts=5831>

BACKGROUND

The request is to amend an existing Overlay Planned Development (PD) with a base zoning of Mixed-Use Neighborhood (PD-MN) to facilitate the development of an indoor recreational facility and associated restaurant use on approximately 3.185 acres of land.

The existing Overlay PD was originally considered as a straight zoning case from Residential 2 (R2) to Mixed-Use Neighborhood (MN) by the Planning and Zoning Commission on March 4, 2020. The purpose of the straight zoning request was to facilitate the development of a garden-style office development, consisting of professional and medical offices. During the public hearing the applicant spoke, expressing a desire to include several overall conditions to address feedback heard during various neighborhood engagement meetings held. These conditions included:

- prohibiting several land uses such as taverns or bars, multifamily development, hotels, dormitories, and mobile food courts;
- establishing site design requirements that restrict uses adjacent to the eastern and southern boundary (residential uses) to medical offices, medical clinics, professional offices, and residential uses; and
- requiring parking be oriented along the eastern property line between the offices and existing residential uses.

Ultimately the rezoning request, with the conditions as proposed at the Planning and Zoning Commission meeting, was approved by City Council on April 7, 2020. The resulting zoning was Mixed-Use Neighborhood with overlay conditions, and subsequently designated as PD-MN on the zoning atlas.

While the Overlay PD established land use restrictions and site design requirements, the adopting ordinance did not include a conceptual site plan (or detailed development plan). During the public hearing, a conceptual site plan showing approximately seven pad sites for future development was displayed. It was

indicated the intent of the overlay restrictions was to limit four of those pad sites located along the eastern and southern property lines to medical offices, medical clinics, professional offices, and residential uses. The adopting ordinance, with all conditions, may be found in Exhibit 6.

In 2023, a Pre-Application Conference was held for an indoor pickleball facility with associated restaurant use for the subject property. Upon review of the request against the existing Overlay PD, staff determined a zoning amendment was needed to allow for the use as proposed due to the manner in which the existing development standards are written. Specifically, Section 2.a.1 which limits permitted uses adjacent to the eastern and southern boundaries, combined with the absence of a site plan, leaves ambiguity regarding what constitutes as an adjacent building given the configuration of the lot and its bordering on two sides by existing single-family development. The ordinance conditions were originally written based upon the site design shown during the 2020 public hearings and are not conducive to a site design that utilizes one larger building on the property instead of multiple smaller buildings. In addition to removing this unclear language in the original Overlay PD, the amendment seeks to add additional language to address neighborhood concerns as it relates to the development of the site as an indoor recreational facility.

The Planning and Zoning Commission meeting from March 4, 2020, may be viewed here: [Mar 04, 2020 Planning and Zoning Commission on 2020-03-04 5:00 PM - Denton, TX](#)

The purpose of the proposed Overlay PD is to facilitate the development and site design of an indoor pickleball facility with associated restaurant use. Overlay PDs are intended to address concerns of neighboring property owners and to ensure the proposed rezoning and subsequent development are compatible with surrounding neighborhoods or less intensive uses. Per Denton Development Code Subsection 2.7.3C.1, an Overlay PD may be used to restrict or expand the uses permitted within a base zoning district or to impose additional use-specific standards than those already listed within Subchapter 5 upon a proposed use, or to modify setbacks, landscaping, screening, or buffering requirements along the borders adjoining residential uses or less intensive land uses than what is proposed within the Overlay PD.

The proposed Overlay PD standards are outlined in Exhibit 10 (Draft Ordinance) and are summarized in the table below. For any standard not specified in the proposed Overlay PD regulations, the Denton Development Code shall apply. **It is important to note that the proposed Overlay PD retains several of the conditions from the original Overlay PD adopted in 2020 which are noted in the table below, and repeals the ambiguous provisions:**

DDC Standard	MN District	Proposed Overlay PD Regulations	Difference
Permitted Uses (DDC Subchapter 5)	Uses as outlined in DDC Subchapter 5. A variety of uses are allowed in the MN District, including multifamily uses, hotels, schools, professional offices and services. See Exhibit 7 for full list of allowed uses.	The following uses shall be prohibited: 1. Multifamily 2. Chapter House / Dorm 3. Bar, Tavern, or Lounge 4. Mobile Food Court 5. Fuel Sales (Gas Stations) 6. Food Processing 7. Hotel 8. Homeless Shelter 9. Community Home 10. Liquor Stores	The proposed Overlay PD continues to limit allowable uses on the property thereby prohibiting more intensive and auto-oriented uses; this standard remains unchanged from the original 2020 Overlay PD.

		<u>This standard is unchanged from the original 2020 PD overlay.</u>	
DDC 3.3.1. MN-Mixed-Use Neighborhood Dimensional Standards – Height Requirements	<p>Maximum Height 65 feet*</p> <p>* Buildings between 41 and 65 feet, adjacent to a residential zoning district or adjacent to an existing Single-Family Detached Dwelling, Townhome, or Duplex use, shall require a specific use permit.</p>	<p>Maximum building height shall not exceed one story and shall be limited to 36 feet at the roof’s highest projecting element.</p> <p><u>This standard is new compared to the original 2020 PD overlay.</u></p>	Building height 4 feet less than what is permitted by right and 29 feet less than what is allowed with an SUP.
DDC 3.3.1. MN-Mixed-Use Neighborhood Dimensional Standards Setback Requirements	Minimum Rear Yard Setback: 0 feet	<p>Minimum Rear Yard Setback: 35 feet</p> <p><u>This standard is new compared to the original 2020 PD overlay.</u></p>	Rear Yard Setback: +35 feet
Landscape Buffers DDC Table 7. F (Eastern Property Line)	When a developing commercial use is adjacent to an existing single-family use, a minimum 15-foot wide buffer with 20 points from table 7.G shall be provided.	<p>A minimum 20-foot wide landscape buffer shall be provided along the east property line and shall include a minimum of 30 points from DDC Table 7.G Buffer Points.</p> <p>One of the elements must be an opaque 8-foot fence where an existing opaque 8-foot fence does not already exist on the adjacent property.</p> <p><u>This standard is new compared to the original 2020 PD overlay.</u></p>	Additional 5-foot in width of buffer yard, consisting of additional elements from Table 7.G.

<p>Landscape Buffers DDC Table 7. F (Northern and Southern Property Lines)</p>	<p>When a developing commercial use is adjacent to an existing single-family use, a minimum 15-foot wide buffer with 20 points from Table 7.G shall be provided.</p>	<p>A minimum 15-foot wide landscape buffer shall be provided along the south property line and the north property line adjacent to single-family residential land uses, which shall include an 8-foot tall solid masonry wall.</p> <p><u>This standard is new compared to the original 2020 PD overlay.</u></p>	<p>Required 8-foot tall solid masonry wall as part of landscape elements.</p>
<p>DDC 7.10.5. Nonresidential and Mixed-Use Site Design Standards</p>	<p>DDC 7.10.5.G.2a At least 60 percent of the street frontage shall have buildings within 10 feet of the front property line.</p> <p>DDC 7.5.10.G.2b Building shall be setback not more than 15 feet from the public right-of-way unless the area is used for pedestrian activities such as plazas or outside eating areas.</p>	<p>Applicable only to the indoor recreation use. Planned Development shall be exempt from DDC Section 7.10.5.G.2a and b, and shall be replaced with enhanced architectural requirements related to the roof style and the amount of architectural variation required along the western building façade.</p> <p><u>This standard is new compared to the original 2020 PD overlay.</u></p>	<p>Modification of site design standards along the front property line, where adjacent to I-35N.</p>
<p>DDC 7.8.6 Street Connectivity</p>	<p>The street system for each development shall connect with existing, proposed, and anticipated streets within and outside the development and shall extend to the property boundary to provide for adequate access and the safe and effective movement and circulation of traffic.</p>	<p>Access to Colonial Drive shall be restricted to emergency access only.</p> <p><u>This standard is unchanged from the original 2020 PD overlay.</u></p>	<p>Colonial Drive will provide emergency access only, not public access; again no change from 2020 Overlay PD.</p>

A full Staff Analysis is provided in Exhibit 2.

PLANNING AND ZONING COMMISSION

On November 13, 2024, the Planning and Zoning Commission held a public hearing and recommended approval of the rezoning [3-1]. Following staff presentation, the applicant presented to the Commission. Several members of the public expressed concern and spoke in opposition to the project. A summary of the public comments received is below:

- One member of the public expressed concern surrounding the hours of operation of the proposed indoor recreational facility and the potential noise impacts to the neighborhood at various hours of the day. The Chair asked the applicant to address the resident’s concern. The applicant indicated the hours of operation had not yet been finalized for this project; however, it is anticipated the hours of operation are similar to those of a restaurant, with availability into the evenings and extended hours on Fridays and Saturdays.
- Three members of the public spoke of concerns surrounding drainage in the overall area, and specifically flooding on their properties immediately to the west of the subject property. The residents indicated drainage and water concerns on the adjacent properties have been an ongoing problem for many years, and they have concerns that additional development and impervious surface in the area would exacerbate the problem.
- Two members of the public stated opposition to the sale of alcohol as part of the project and cited concerns surrounding potential traffic hazards.
- Additional comments heard during the public hearing included concerns surrounding oversaturation of the market with pickleball facilities in the area as well as increased noise, traffic, and trash due to the project.

Following the public hearing, the Commission asked the applicant what forms of alcohol the facility intended to serve and the projected occupancy of the facility. The applicant stated the intent was to offer a full-service restaurant, which would likely come with a full-service bar. In order to be considered a restaurant, at least 51% of all sales must be for food. Restaurants are currently allowed under the existing zoning on site including the sale of alcohol which is no different than what is being proposed. The applicant stated there was not yet a projected maximum occupancy for the project.

The Commission asked staff to provide an update on the Stormwater Master Plan and to explain how drainage studies for new projects occur. Staff stated drainage studies are required as part of the civil engineering plan review process before any construction may be approved. The developing tract must account for existing conditions on the property and demonstrate that there would not be an increased flow of water onto neighboring properties from what currently exists. Staff did not have an immediate answer to the inquiry regarding the Stormwater Master Plan update but has since researched the topic. The Stormwater Master Plan needs assessment was presented to City Council in September 2023. The needs assessment determined that the Pecan Creek basin, which this property is part of, should be the City’s top priority for stormwater projects. The focus is generally on public assets, including major channels and storm drain systems. A masterplan update for this watershed will begin in the next few months.

Following the Planning and Zoning Commission meeting, the Commission asked staff to follow up with those who expressed concerns regarding drainage on their property to determine if the City could offer any assistance. Staff is scheduled to speak with these residents on November 20, 2024.

OPTIONS

1. Approve
2. Approve with Conditions
3. Recommend Deny
4. Postpone Item

RECOMMENDATION

Staff recommends approval of the request as it complies with the criteria in Section 2.4.5.E of the Denton Development Code (DDC) for approval of all applications, and Section 2.7.3.E of the DDC for approval of a Planned Development.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

October 1960	City Council	Annex Site into City Limits.	Approved
May 2, 1973	Planning and Zoning Commission	Rezone from Agricultural (A) to General Retail (GR).	Recommended Denial
June 5, 1973	City Council	Rezone from Agricultural (A) to General Retail (GR).	Denied
October 3, 1973	Planning and Zoning Commission	Rezone from Agricultural (A) to Office (O).	Recommended Denial.
July 14, 1993	Planning and Zoning Commission	Rezone from Agricultural (A) to Office (O).	Recommended Denial
August 24, 1993	City Council	Rezone from Agricultural (A) to Office (O).	Denied
February 2002	City Council	City initiated city-wide rezoning from Agricultural to NR-2.	Approved
October 2019	City Council	City initiated city-wide rezoning of western portion of subject site from NR-2 to R-2	Approved
May 4, 2020	Planning and Zoning Commission	Rezoning request R2 to MN	Recommended Approval with Conditions
April 7, 2020	City Council	Rezoning request R2 to MN with conditions	Approved
November 13, 2024	Planning and Zoning Commission	Amend an existing Overlay Planned Development (PD)	Recommended Approval

PUBLIC OUTREACH:

Twenty-two (22) notices were sent to property owners within 200 feet of the subject property, and 84 postcards were mailed to current residents within 500 feet of the subject property. As of the writing of this report, three responses within 200 feet have been received, including: no responses in favor, one (1) opposed, and two (2) which did not indicate in favor or opposed have been received.

A notice was published in the Denton Record Chronicle on October 27, 2024.

A notice was published on the City’s website on October 24, 2024.

One sign was posted on the property on October 31, 2024.

The developer has held six neighborhood meetings for the proposed project. The neighborhood meetings were held virtually and occurred on the following dates: March 20, 2024; March 22, 2024; two meetings were held on June 20, 2024, in the afternoon and the evening; and another two meetings were held on September 26, 2024 in the afternoon and in the evening. Meeting attendance ranged from 0 to seven attendees. Primary concerns from the residents were if there were any proposed outdoor pickleball courts, buffering between the proposed development and the existing residential uses to the east and south, traffic in the region, and onsite drainage.

DEVELOPER ENGAGEMENT DISCLOSURES

No developer contact disclosures have been provided to staff from members of this body as of the issuance of this report.

EXHIBITS

- Exhibit 1 - Agenda Information Sheet
- Exhibit 2 - Staff Analysis
- Exhibit 3 - Site Location Map
- Exhibit 4 - Existing Zoning Map
- Exhibit 5 - Future Land Use Map
- Exhibit 6 - Approved Overlay Planned Development Ordinance
- Exhibit 7 - Permitted Use Comparison
- Exhibit 8 - Fiscal Impact Analysis
- Exhibit 9 - Notification Map and Responses
- Exhibit 10 - Draft Ordinance
- Exhibit 11 - LLC Members List
- Exhibit 12 - Staff Presentation

Respectfully submitted:
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Prepared by:
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