

ORDINANCE NO. S23-0001a

AN ORDINANCE OF THE CITY OF DENTON, TEXAS REGARDING A REQUEST FOR A SPECIFIC USE PERMIT (SUP) TO ALLOW FOR A MULTI-FAMILY RESIDENTIAL USE ON APPROXIMATELY 2.4 ACRES OF LAND, GENERALLY LOCATED ON THE SOUTH SIDE OF NORTH ELM STREET, APPROXIMATELY 560 FEET EAST OF RINEY ROAD, 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 FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE. (S23-0001a)

WHEREAS, Travis Pruett with Jacob and Hefner, LLC, representing the property owner SY3M, LLC has applied for a new Specific Use Permit ("SUP") to allow for a Multifamily Residential use on an approximately 2.4-acre site, within the Residential 7 (R7) zoning district and use classification, as described in **Exhibit "A"** (hereinafter, "the Property"); and

WHEREAS, on July 24, 2024, the Planning and Zoning Commission, in compliance with the laws of the State of Texas, having given the requisite notices by publication and otherwise, and having afforded full and fair hearings and to all property owners interested in this regard, has recommended approval [4-1] of the requested SUP, subject to conditions; and

WHEREAS, on September 17, 2024, the City Council likewise conducted a public hearing as required by law to consider the SUP request. Upon consideration, the City Council hereby finds that the request is consistent with the Denton 2040 Comprehensive Plan and federal, state, and local law, and that the Applicant has agreed to comply with all provisions of the Denton Development Code ("DDC"), and has further agreed to comply with the additional restrictions and conditions set forth herein; and

WHEREAS, the City Council has determined that it will be beneficial to Denton and its citizens to grant the SUP; that such grant will not be detrimental to the public welfare, safety, or health; that proposed permit, as conditioned below, satisfies criteria set forth in Sections 2.4.5E and 2.5.2D of the Denton Development Code; and that the SUP should be granted; NOW THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. The SUP to allow the Multifamily Residential Use on the Property as shown on the site plan attached and incorporated herein as **Exhibit "B"**, the landscape plan attached and incorporated herein as **Exhibit "C,"** and the building elevations attached and incorporated herein as **Exhibit "D"**, is hereby approved, subject to the use-specific standards of the DDC, as amended, and with the following conditions:

1. The attached Site Plan and Landscape Plan reflect an intent to comply with the 2019 Denton Development Code (DDC), as amended.
2. The attached Site Plan and Landscape Plan are incorporated as requirements of the SUP. Staff shall have the ability to approve a reduction in the building footprint, an increase in the landscape area, and a decrease in the number of dwelling units with associated parking of up to 5% of any of the amounts specified in requirements “a” through “c” below, provided all applicable requirements of the DDC are met:
 - a. No more than 67 one- and two-bedroom units with a total building footprint not to exceed 23,540 square feet.
 - b. A minimum total landscape area of 31,378 square feet. At minimum, on-site amenities shall include a trail throughout the open space and a fire pit.
 - c. One hundred and eight (108) parking spaces and eighteen (18) bicycle parking spaces are proposed for the multi-family development indicated on the site plan.
 - d. One full point of access, and one emergency only point of access, to North Elm Street shall be provided.
3. Minor alterations to the depicted locations of buildings, pedestrian pathways, and parking may be approved by City Staff, provided that the final plan complies with the attached site plan in terms of access and internal pedestrian connectivity.
4. Minor alterations to the depicted locations of individual plantings may be approved by City staff, provided that the final landscaping, as planted, complies with the attached landscape plan in terms of required landscape elements, open space, overall tree canopy, as well as all elements of the DDC.
5. Building architecture shall be consistent in style and detailing to the attached conceptual elevations. Minor alterations to the building elevations may be approved by City Staff, provided that the final project complies with DDC Section 7.10.
6. Improvements within the Texas Department of Transportation (TxDOT) roadway require approval by TxDOT. If TxDOT requires minor alterations to relocate the proposed drive approaches off of North Elm Street, adjust building location and relocate parking spaces impacted by the relocation of a drive approach, add a turn lane, or any other minor changes required by TxDOT, these changes may be approved by City staff, provided that the final configuration of the drive approaches complies with the TxDOT requirements as well as all elements of the DDC. All other changes to site access shall require a Specific Use Permit amendment in accordance with the Denton Development Code.
7. Notwithstanding the limited administrative approvals authorized in conditions 2, 3, 4, 5, and 6, the City reserves the right to require approval by ordinance of any amendments or alterations to the SUP, the attached site plan, and the attached landscape plan.

8. The zoning map shall reflect the Specific Use Permit on the property consistent with the DDC.

SECTION 3. Failure to Comply. Except as otherwise stated above, all terms of the SUP shall be complied with prior to issuance of a Certificate of Occupancy. Failure to comply with any term or condition of the Ordinance will result in the SUP being declared null and void, and of no force and effect. The SUP is issued to the entity named above runs with the land and is assignable and transferable to subsequent owners of the Property.

SECTION 4. SUP Regulations. Upon notice to the property owner and a hearing before the City Council, a SUP may be revoked or modified if: 1. There is one or more of the conditions imposed by this Ordinance that has not been met or has been violated on the Property; or 2. The SUP was obtained or extended by fraud or deception; or 3. As otherwise permitted by law and/or permitted by the Denton Development Code.

SECTION 5. Unlawful use. It shall be unlawful for any person, firm, entity, or corporation to make use of the above-referenced Property in some manner other than as authorized by the Denton's Codes of Ordinances and this Ordinance.

SECTION 6. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 7. Penalty. Any person, firm, entity or corporation violating any provision of this ordinance shall, upon conviction, be fined a sum not exceeding \$2,000.00 for each violation. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense. The penal provisions imposed under this Ordinance shall not preclude Denton from filing suit to enjoin the violation and it retains all legal rights and remedies available to it under local, state and federal law.

SECTION 8. In compliance with Section 2.09(c) of the Denton Charter, this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

The motion to approve this ordinance was made by Gerard Hudspeth and seconded by Vicki Byrd, the ordinance was passed and approved by the following vote [5 - 2]:

	Aye	Nay	Abstain	Absent
Mayor Gerard Hudspeth:	<u>✓</u>	_____	_____	_____
Vicki Byrd, District 1:	<u>✓</u>	_____	_____	_____


Brian Beck, District 2:	_____	<input checked="" type="checkbox"/>	_____	_____
Paul Meltzer, District 3:	_____	<input checked="" type="checkbox"/>	_____	_____
Joe Holland, District 4:	<input checked="" type="checkbox"/>	_____	_____	_____
Brandon Chase McGee, At Large Place 5:	<input checked="" type="checkbox"/>	_____	_____	_____
Jill Jester, At Large Place 6:	<input checked="" type="checkbox"/>	_____	_____	_____

PASSED AND APPROVED this the 17th day of September, 2024.



 GERARD HUDSPETH, MAYOR

ATTEST:
 LAUREN THODEN, CITY SECRETARY

BY: 



APPROVED AS TO LEGAL FORM:
 MACK REINWAND, CITY ATTORNEY


BY: 

EXHIBIT A

Legal Description

BEING a 104,543 square foot (2.400 acre) tract of land situated in the THOMAS TOBY SURVEY, ABSTRACT NO. 1288 and the B.B.B. & C.R.R. CO. SURVEY, ABSTRACT NO. 186, City of Denton, Denton County, Texas, same being all of Lot 1, Block 1, of DENTON LIVING ADDITION, an Addition to the City of Denton, Denton County, Texas, by Conveyance Plat recorded in Instrument Number 2019-318, Official Public Records, Denton County, Texas, further being all of that certain tract of land conveyed to SY3M, LLC, by General Warranty Deed recorded in Instrument Number 202100135224, Official Public Records, Denton County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a TxDOT Brass Monument found for the northwest corner of said Lot 1, same being on the southwest right-of-way line of US-77 (North Elm Street), (Variable Width R.O.W.), same being the northeast corner of that certain tract of land conveyed to Herbert Thomas Nelson, Jr. & Teresa Nelson, by General Warranty Deed recorded in Instrument Number 200900012057, Official Public Records, Denton County, Texas;

THENCE South 58 degrees 12 minutes 05 seconds East, along said southwest right-of-way line with the northeast line of said Lot 1, for a distance of 216.07 feet, to a capped iron rod with Yellow plastic cap stamped, "PLS INC" found;

THENCE South 59 degrees 08 minutes 47 seconds East, continuing along said southwest right-of-way line with the northeast line of said Lot 1, for a distance of 363.50 feet, to a 1/2" iron rod found for the northeast corner of said Lot 1, same being the northwest corner of that certain tract of land conveyed to CITY OF DENTON, TEXAS, by Special Warranty Deed recorded in Instrument Number 201000083899, Official Public Records, Denton County, Texas;

THENCE South 00 degrees 20 minutes 25 seconds West, departing said southwest right-of-way line, along the east line of said Lot 1 and along the west line of said CITY OF DENTON, TEXAS tract, for a distance of 62.58 feet, to a 1/2" iron rod found for the southeast corner of said Lot 1, same being the southwest corner of said CITY OF DENTON, TEXAS tract, further being on the north line of Lot 2, Block 1, of Lot 1R and Lot 2, Block 1, Lake Cities Addition, an Addition to the City of Denton, Denton County, Texas, by Plat recorded in Instrument Number 2010-145, Official Public Records, Denton County, Texas;

THENCE North 89 degrees 38 minutes 33 seconds West, along the south line of said Lot 1 and along the north line of said Lot 2, for a distance of 498.64 feet, to a capped iron rod with Yellow plastic cap found for the southwest corner of said Lot 1, same being the northwest corner of said Lot 2, further being on the east line of that certain tract of land conveyed to HERBERT THOMAS NELSON, JR. & TERESA JO NELSON, by Warranty Deed with Vendor's Lien recorded in Instrument Number 99-47871, Deed Records, Denton County, Texas;

THENCE North 00 degrees 57 minutes 14 seconds East, along the west line of said Lot 1 and along the east line of said HERBERT THOMAS NELSON, JR. & TERESA JO NELSON tract,

for a distance of 51.76 feet, to a 5/8" iron rod with Purple plastic cap stamped, "RPLS 6451" set for a westerly corner of said Lot 1, same being the northeast corner of said HERBERT THOMAS NELSON, JR. & TERESA JO NELSON tract, further being the southeast corner of the aforementioned Herbert Thomas Nelson, Jr. & Teresa Nelson tract, recorded in Instrument Number 200900012057, Official Public Records, Denton County, Texas;

THENCE North 00 degrees 27 minutes 18 seconds East, continuing along the west line of said Lot 1 and along the east line of said Herbert Thomas Nelson, Jr. & Teresa Nelson tract, for a distance of 308.00 feet to the POINT OF BEGINNING and containing 104,543 square feet or 2.400 acres of land, more or less.



idd ARCHITECTURE
 ARCHITECTURE • PLANNING • INTERIORS
 SUSTAINABILITY • FACILITY ASSESSMENTS
 14455 WALTON ROAD, SUITE 200
 AUSTIN, TEXAS 78738
 PH: 512-335-1700
 WWW.IDDARCHITECTURE.COM

SY3M LLC
 3301 N. ELM STREET
 Denton, TX 76207

THE DRAWING IS FOR REVIEW ONLY
 NOT FOR REGULATORY APPROVAL
 PERMITTED TERMS IN PRINT
 1/20/23

Sheet Name
 Drawn By
 Checked By
 Sheet Number
C01.01



SITE DATA TABLE

REQUIRED	PROVIDED
LOT AREA	2.40 AC
TOTAL BUILDING AREA	4,000 SF (104,543 SF)
OPEN SPACE*	836 MAX
LANDSCAPE AREA*	8,103 SF (87) 8,894 SF (9.15%)
TREE CANOPY AREA*	22,476 SF (263)
TREE PRESERVED (DBH INCHES)*	44,423 SF (402)
BIKE BUILDING HEIGHT	59.4'
BIKE RACK	18 (12 ADDITIONAL)
STANDARD IMPERVIOUS PARKING STALL	2.58 AC
COMPACT IMPERVIOUS PARKING STALLS	100
ACCESSIBLE PARKING STALLS	5
PARKING REDUCTION (Bike Racks)	113
TOTAL PARKING STALLS w/ REDUCTION (MAX 13% = 83 STALLS)	108
BUILDING A TWO BEDROOM UNITS	21
BUILDING B SINGLE BEDROOM UNITS	21
TOTAL SINGLE BEDROOM UNITS	42
TOTAL TWO BEDROOM UNITS	25
TOTAL UNITS	67
TOTAL BEDROOMS	92

*REFER TO LANDSCAPE PLANS FOR ADDITIONAL DETAIL

DATE OF PRESENTATION: 12/19/2023
 PROJECT NAME: 3301 N. ELM STREET
 CITY: DENTON, TX
 PROJECT NUMBER: 232-0000
 BLOCK & LOT: 11, 11A, 11B, 11C, 11D, 11E, 11F, 11G, 11H, 11I, 11J, 11K, 11L, 11M, 11N, 11O, 11P, 11Q, 11R, 11S, 11T, 11U, 11V, 11W, 11X, 11Y, 11Z, 12A, 12B, 12C, 12D, 12E, 12F, 12G, 12H, 12I, 12J, 12K, 12L, 12M, 12N, 12O, 12P, 12Q, 12R, 12S, 12T, 12U, 12V, 12W, 12X, 12Y, 12Z, 13A, 13B, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, 13K, 13L, 13M, 13N, 13O, 13P, 13Q, 13R, 13S, 13T, 13U, 13V, 13W, 13X, 13Y, 13Z, 14A, 14B, 14C, 14D, 14E, 14F, 14G, 14H, 14I, 14J, 14K, 14L, 14M, 14N, 14O, 14P, 14Q, 14R, 14S, 14T, 14U, 14V, 14W, 14X, 14Y, 14Z, 15A, 15B, 15C, 15D, 15E, 15F, 15G, 15H, 15I, 15J, 15K, 15L, 15M, 15N, 15O, 15P, 15Q, 15R, 15S, 15T, 15U, 15V, 15W, 15X, 15Y, 15Z, 16A, 16B, 16C, 16D, 16E, 16F, 16G, 16H, 16I, 16J, 16K, 16L, 16M, 16N, 16O, 16P, 16Q, 16R, 16S, 16T, 16U, 16V, 16W, 16X, 16Y, 16Z, 17A, 17B, 17C, 17D, 17E, 17F, 17G, 17H, 17I, 17J, 17K, 17L, 17M, 17N, 17O, 17P, 17Q, 17R, 17S, 17T, 17U, 17V, 17W, 17X, 17Y, 17Z, 18A, 18B, 18C, 18D, 18E, 18F, 18G, 18H, 18I, 18J, 18K, 18L, 18M, 18N, 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SY3M LLC
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 Denton, TX 76207

THE DRAWINGS ARE FOR REVIEW ONLY
 NOT FOR REGULATORY APPROVAL
 PERMITTING OR CONSTRUCTION
 1/28/19

Sheet Name
SITE PLAN
 Project Number
 1465
 Checked By
 Drawn By
 Sheet Number
COL.02



SITE DATA TABLE	
REQUIRED	PROVIDED
LOT AREA	4,000 SF (104.5 SF)
TOTAL BUILDING AREA	639' MAX (23,540 SF) (233)
OPEN SPACE*	6,363 SF (84%) 8,884 SF (8.5%)
LANDSCAPE AREA*	22,476 SF (20%) (27.85)
TREE CANOPY AREA*	44,953 SF (40%) (41.15)
TREE PRESERVED (DBH INCHES)*	39.4" 64"
MAX BUILDING HEIGHT	40 FT (MAX) 39.96 FT (MAX)
BIKE RACK	6 ADDITIONAL
DEVELOPMENT IMPACT AREA	2,38 AC
STANDARD IMPERVIOUS PARKING STALL	100
COMPACT IMPERVIOUS PARKING STALLS	3
ACCESSIBLE PARKING STALLS	5
TOTAL PARKING STALLS (ACCESSIBLE + COMPACT + STANDARD)	113
PARKING REDUCTION (BMC RACKS)	12 ADDED = 3
TOTAL PARKING STALLS (PRES.)	64 = 5 STALLS
TOTAL PARKING STALLS W/ REDUCTION (EMPAV + COMPACT + MAX - REDUCTION)	108
BUILDING A TWO BEDROOM UNITS	21
BUILDING B TWO BEDROOM UNITS	16
BUILDING C TWO BEDROOM UNITS	9
TOTAL SINGLE BEDROOM UNITS	42
TOTAL TWO BEDROOM UNITS	25
TOTAL UNITS	67
TOTAL BEDROOMS	92

REFER TO LANDSCAPE PLANS FOR ADDITIONAL DETAIL

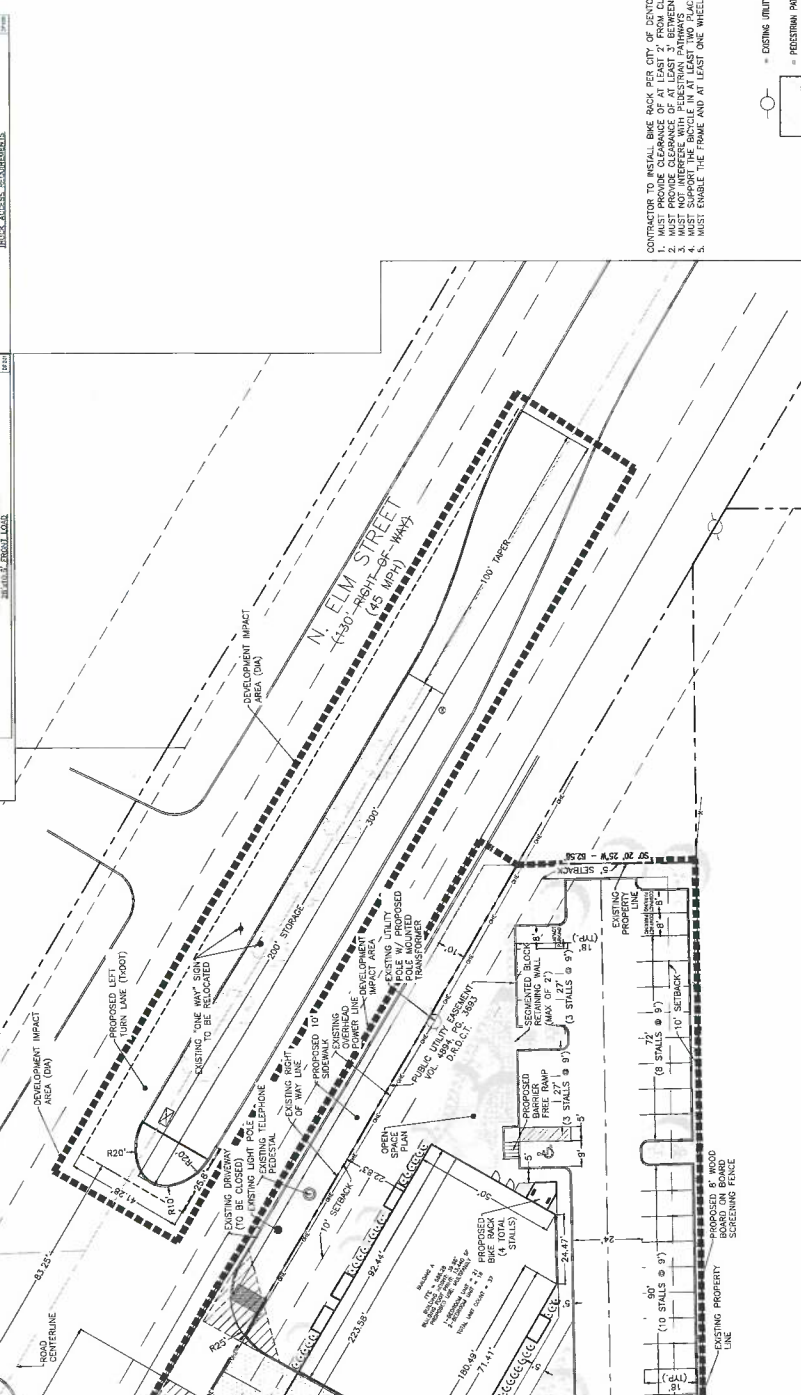
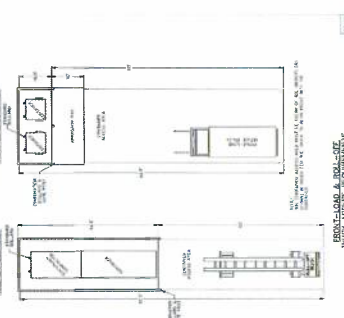
REFER TO LANDSCAPE PLANS FOR ADDITIONAL DETAIL
 PROJECT NAME: 3301 N. ELM STREET
 SUBDIVISION: DENTON LIVING ADDITION
 BLOCK & LOT: 1, 1
 ZONING: RY 2.40 AC
 PROPOSED LAND USE: MULTIFAMILY



SEE TRAIL PERMITS AND UTILITIES DATED 8/14/18
 THERE IS NO 100'-WAS FLOODPLAIN EXISTING ON THIS
 PROPERTY.
 ACCESS LOCATION AND TURN LANES SHOWN ARE SUBJECT
 TO TRAIL APPROVAL.

- LEGEND**
- DISTING. UTILITY FILE
 - ▭ PROPOSED PARKING / STORAGE
 - ▭ FIRE LANE
 - ▭ OPEN SPACE SEE LA PLANS FOR ADDITIONAL DETAIL
 - ▭ PRESERVED TREES
 - ▭ PROPOSED PLANTS FOR ADDITIONAL DETAIL
 - ▭ PROPOSED PLANTS FOR ADDITIONAL DETAIL
 - ▭ CLEAR ZONE / HORIZONTAL SCREENING
 - ▭ CLEAR ZONE / HORIZONTAL SCREENING
 - ▭ EXISTING STONE SEWER
 - ▭ PROPOSED GATE WITH HAND LOCK
 - ▭ DESIGN LINE
 - ▭ E.L. PROPERTY LINE
 - ▭ ROAD CENTERLINE
 - ▭ PROPOSED SCREENING WALL
 - ▭ STREETCANE
 - ▭ EXISTING OVERHEAD ELECTRIC
 - ▭ DEVELOPMENT IMPACT AREA

PREPARED: 12/12/2023
 CITY OF DENTON - PROJECT # 2023-001



CONTRACTOR TO INSTALL BIKE RACKS PER CITY OF DENTON RESOLUTIONS
 1. MUST PROVIDE CLEARANCE OF AT LEAST 3' FROM CLOSEST WALL
 2. MUST PROVIDE CLEARANCE OF AT LEAST 3' BETWEEN BIKE RACKS
 3. MUST PROVIDE CLEARANCE OF AT LEAST 3' BETWEEN BIKE RACKS
 4. MUST SUPPORT THE BIKE RACK IN AT LEAST TWO PLACES
 5. MUST EMERGE THE FRAME AND AT LEAST ONE WHEEL TO BE SECURED

OWNER/DEVELOPER:
 SY3M LLC
 1465 Webb Chapel Road, Ste 200
 Farmers Branch, Texas 75234
 PH: 214-207-2528
 email: vscand@sy3m.com

ARCHITECT:
 idd ARCHITECTURE
 1465 Webb Chapel Road, Ste 200
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 email: info@iddarch.com

LANDSCAPE ARCHITECT:
 EARTHLINE LANDSCAPE ARCHITECTS, LLC
 15405 Dallas Parkway, Suite 600
 Addison, Texas 75010
 PH: 972-465-8800
 email: earthline@earthlinearch.com

SURVIVOR:
 Dallas Land Services, LLC
 2112 Beckwood Way
 Mesquite, Texas 75148
 PH: 972-465-8800
 email: dallasland@earthlinearch.com

ENGINEER/PLAN PREPARED:
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Architect: Idd Architecture
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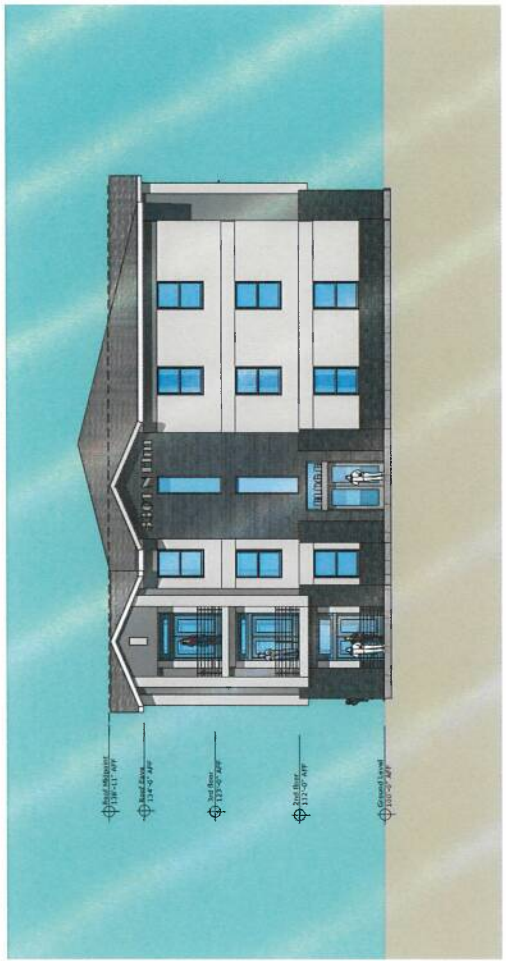
SY3M LLC
3301 N. ELM STREET
Denton, TX 76207



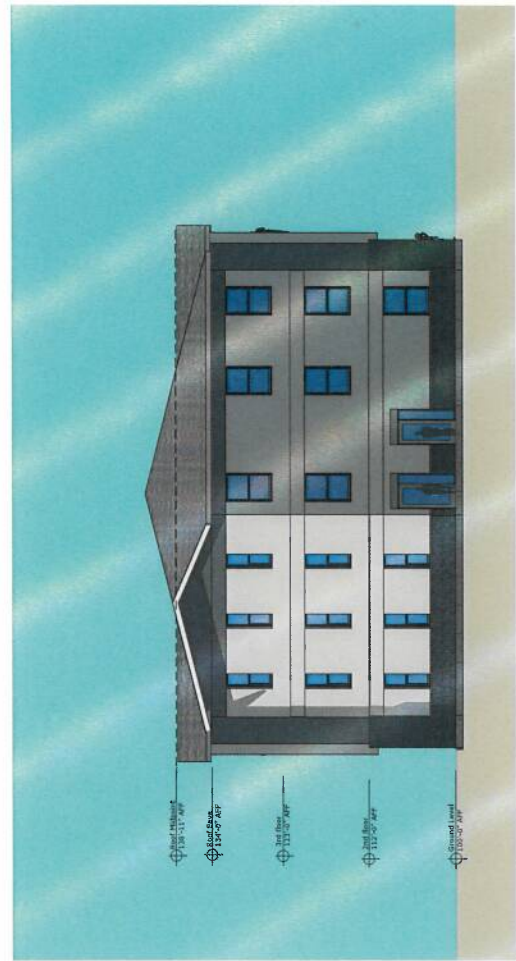
NO.	REVISION	DATE

Sheet Name: Elevations: Building B
Drawing Number: 2020.10
Date: 02/16/2024
Drawn By: VLAYS
Checked By: ANDY
Sheet Number

A 4-00



01 North East Elevation (facing N. Elm St.)
Scale 1/8"=1'-0"



02 South West Elevation (facing Detention pond)
Scale 1/8"=1'-0"



03 Building Entrance
Scale 3/16"=1'-0"

CITY PROJECT No. S23-0001

