

Planning Staff Analysis

PD23-0003a / 380 Multifamily & Commercial

City Council District #2

REQUEST:

Request to rezone approximately 18.235 acres from Suburban Corridor (SC) District, Mixed-Use Neighborhood (MN) District, and Residential 3 (R3) District to a Planned Development (PD) District to facilitate a horizontal mixed-use development.

STAFF 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 rezoning to a PD District.

SITE DATA:

The subject property is generally located at the northwest corner of East University Drive and Old North Road and is comprised of multiple parcels of land with split zoning (refer to Exhibits 3 and 4). This request includes approximately 0.15 acre of undeveloped land in the R3 Zoning District, approximately 9.67 acres of undeveloped land in the SC Zoning District, and approximately 8.38 acres of undeveloped land in the MN Zoning District. The properties to the west host a drive-through restaurant establishment and a religious assembly use. To the east is an adjoining property developed with multifamily residences, and the subject property abuts Old North Road, a 2-lane Collector with north- and south- bound on-street bike lanes. To the south, the property abuts East University Drive (US 380), a 6-lane Primary Arterial with a raised median. The property on the south side of East University Drive is within the SC Zoning District and developed with a religious assembly facility. The developed single family residential subdivision to the north of the subject area is zoned Residential 6 (R6).

In 2022, the applicant requested to rezone approximately 2.604 acres of land along East University Drive from the SC District to the MN District to facilitate the development of multifamily residences (Z22-0003). This request was postponed indefinitely due to neighboring residents’ expressed concerns regarding the approval of a straight rezoning without a more comprehensively planned development that would ensure certain building heights and setbacks from the existing single-family residential properties. Additionally, some members of the City Council were concerned that the subject area’s unique proximity to both a major thoroughfare and the abutting low-intensity single-family residential land uses could result in an incompatible mix within the built environment if it were not comprehensively planned. As a result, the applicant has proposed a Standard Planned Development, meaning the ordinance will include both development standards and plans consistent with Subsection 2.7.3.D-2.b to ensure the application of additional context sensitive development standards as well as consistency in the layout and architecture across the entire property.

SURROUNDING ZONING AND USES:

Northwest: Zoning: Residential 6 (R6) District Use: Single-family residential	North: Zoning: Residential 6 (R6) District & Mixed-Use Neighborhood (MN) District Use: Single-family residential and undeveloped	Northeast: Zoning: Residential 6 (R6) District & Mixed-Use Neighborhood (MN) District Use: Multifamily & single- family residential
West:	SUBJECT PROPERTY	East: Zoning: Mixed-Use Neighborhood (MN) District

Zoning: Residential 3 (R3) District & Suburban Corridor (SC) District Use: Restaurant & religious assembly		& General Office (GO) District Use: Multifamily residential & office
Southwest: East University Drive (US-380) Zoning: Residential 3 (R3) District & Suburban Corridor (SC) District Use: Religious assembly	South: East University Drive (US-380) Zoning: Suburban Corridor (SC) District Use: Religious assembly	Southeast: East University Drive (US-380) Zoning: Suburban Corridor (SC) District Use: Religious assembly

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.E of the DDC applies to PD requests. 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*

There are no prior approvals for this project; however, as noted above and in Exhibit 1, the PD proposes regulations intended to address the concerns expressed by many neighboring residents as well as Councilmembers at the public hearings for the previously sought straight zoning change.

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

The decision-making authority:

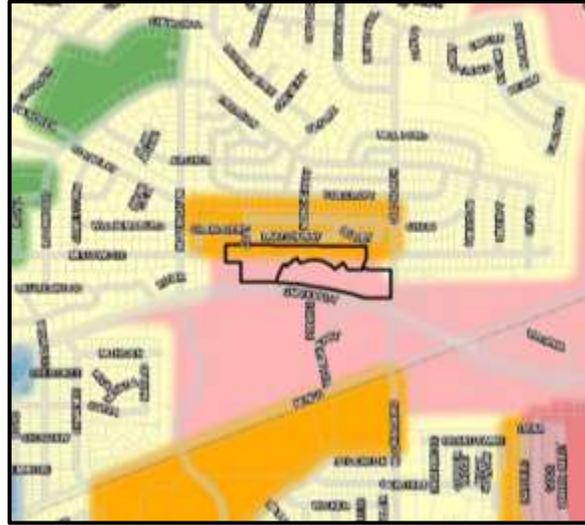
a. *Shall weigh competing goals, policies, and strategies.*

There are no competing goals, policies, or strategies with this proposal. As discussed below, the requested PD with MN and SC subdistricts (as the base zoning) conforms to the Future Land Use Map (see inset map and Exhibit 6).

- 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.*

Future Land Use

Per the Denton 2040 Comprehensive Plan Future Land Use Map (FLUM), the subject area is designated as Community Mixed Use for the southern portion of the subject area and Moderate Residential for the northern portion of the subject area.



The Community Mixed Use designation is primarily intended to promote a mix of commercial, service, and residential uses and is also partially intended to represent opportunities for higher density and mixed housing types without impacting nearby single-family neighborhoods. The Moderate Residential designation is intended to accommodate smaller-lot single family housing as well as low-rise multi-family development and is also included in transition areas between established single-family neighborhoods and mixed-use or commercial areas that can accommodate greater density adjacent to key corridors.

By way of using Subdistricts (see Exhibit 8) within the proposed PD, the requested zoning would essentially maintain most of the existing SC zoning and expand the existing MN zoning to provide for a higher density development that serves as a complimentary land use transition between the existing single-family to the north and East University Drive (US-380) to the south. While the straight MN district permits a variety of commercial uses that are not directly consistent with the Moderate Residential designation, the proposed PD Development Standards (see Exhibit 7) explicitly restricts multifamily dwelling units as the only principal land use permitted within the PD-MN Subdistrict. Further, the proposed PD Development Plan (see Exhibit 8) provides for 279 multifamily residential units, a density of approximately 15 dwelling units per acre for this development, which is generally consistent with both the Moderate Residential and Community Mixed Use designations.

Similarly, the proposed PD Development Standards explicitly prohibit certain uses within the proposed SC Subdistrict that are deemed incompatible for this context, but otherwise permitted under straight SC zoning. Applying these additional restrictions ensures that the surrounding context is left without an impact from both the inconsistently higher intensity land uses, such as major automotive repair and medium impact manufacturing, as well as those land uses typically developed with a different scale, such as warehouse or wholesale facilities and general retail larger than 15,000 square feet.

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.*

The attached PD Development Plan and PD Landscape and Tree Plan (see Exhibit 8) reflect an intent to comply with the DDC requirements for setbacks, parking, street trees, minimum landscape and tree canopy coverage, open space, and screening. Consistent with DDC Subsection 2.7.3.D-2.b.i, the applicant has specifically identified where their proposal deviates from the strict application of the DDC in order to provide public benefits greater than would be required if the project were not being developed as a PD District, for example allowing commercial buildings to be oriented around the central water feature instead of oriented directly towards the adjacent street (see Exhibit 11).

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

Development Review Staff have confirmed that the proposed PD Development Plan, PD Landscape and Tree Plan, and PD Building Elevations (see Exhibit 10) generally comply with the applicable requirements of the DDC, excepting those alternative standards described in the PD Deviations and Alternatives Table (see Exhibit 11). Prior to the development of this site, the applicant shall submit additional engineering design details for Staff and TxDOT review. Minor alterations to the depicted locations of some features may be approved by City staff, provided the final site layout generally complies with the attached development plans.

5. *Compliance with Other Applicable Regulations*

This proposed amendment complies with all other applicable regulations.

6. *Consistent with Interlocal and Development Agreements*

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

7. *Minimizes Adverse Environmental Impacts*

The subject area is not located in a floodplain, and there are no Environmentally Sensitive Areas within the subject property, thus no adverse environmental impacts are anticipated. No natural features of the site are identified on the Preferred Land Preservation Plan within the Denton 2040 Comprehensive Plan. Additionally, the proposed development complies with the DDC's tree preservation and landscaping requirements.

8. *Minimizes Adverse Impacts on surrounding Property*

The proposed rezoning is consistent with the surrounding zoning and development pattern in this area. Throughout this section of the US-380 corridor, zoning designations transition from higher intensity zoning districts to lower intensity zoning districts as one moves further in from the intersection of US-380 and Loop 288. The existing land use pattern echoes that transition with commercial uses developed near the intersection, single-family residential subdivisions developed further west along

and/or setback from US-380, and higher density multifamily and institutional uses developed in between. The proposed PD includes the development of primarily commercial land uses along that US-380 frontage and at the hard corner of the intersection of US-380 and Old North Road. This commercial development is designed so as to both provide neighborhood scale commercial and retail services as well as serve as a logical land use transition between the existing single-family residential development, the proposed multifamily residential development, and the existing Primary Arterial.

The following development requirements would apply as part of the PD and aid in minimizing adverse impacts:

Subdistrict A (MN Base)

- **Street trees:** One street tree must be planted for every 30 feet of street frontage in addition to right-of-way screening.
- **Landscape Buffer:** Per DDC Subchapter 7.7.6, a minimum 10-foot-wide landscape buffer is required where a developing multifamily use is adjacent to an existing single-family detached use, and the buffer must achieve 20 points based on the landscape and fence options from Table 7.6. Per the proposed PD Development Standards, a minimum 20-foot-wide landscape buffer is required where the proposed multifamily development would be adjacent to existing single-family residential properties. Within this buffer, all existing healthy landmark, heritage, and quality trees are to be preserved and the area shall include the following plantings, proposed in locations intended to minimize the lines of site between the existing single family rear yards and proposed multifamily balconies:
 - One canopy tree every 25 linear feet
 - Three ornamental trees every 25 linear feet

This buffer would be within the proposed 80-foot rear yard setback.

Between the proposed multifamily and the existing commercial developments abutting the subject property to the southwest, DDC Subchapter 7.7.6 also requires a minimum 10-foot-wide landscape buffer, maintaining 20 points from Table 7.6. While the PD Development Plan shows adherence to both the DDC's minimum landscape buffer width and screening elements for most of this area, the PD Development Standards propose a deviation from this requirement to allow for flexibility in areas where a masonry screening wall is satisfactory for screening and/or utility easements limit planting space. The proposed development shall maintain the minimum 10-foot-wide landscape buffer with no required plantings and include a minimum 6-foot-tall screening wall just east of the existing restaurant.

- **Lighting:** Per DDC Section 7.11.3, light spillover onto adjacent properties shall not exceed one foot-candle at any property line, except where property is adjacent to walkways, driveways, and streets. Additionally, parking area lighting shall be full cutoff shielded and downcast. The proposed development shall be consistent with this requirement within this subdistrict.

- **Minimum open space:** Any development consisting of 10 or more multi-family dwelling units shall set aside a minimum of 8% of the land area as open space for the use and enjoyment of the development's occupants and users. Open space serves numerous purposes, including preservation and protection of natural areas and features, providing opportunities for passive and active recreation, enhancing management of stormwater runoff to protect water quality and reduce flooding, and mitigating the heat island effect of developed areas. The proposed development exceeds this requirement by providing a total of 40,964 (9.4%) square feet of open space. Additionally, the development proposes a landscape coverage of approximately 32% and a tree canopy coverage of approximately 62% within this subdistrict, exceeding the minimum 20% and 40% required within the MN Zoning District.

Subdistrict B (SC Base)

- **Street trees:** One street tree must be planted for every 30 feet of street frontage in addition to right-of way screening.
- **Landscape Buffer:** Where a developing commercial use is adjacent to an existing multifamily residential use, a minimum 15-foot-wide landscape buffer is required to maintain 30 points from Table 7.6 of the DDC. While the proposed buffer meets the minimum 30 points via a new fence and tree plantings, the PD Development Standards and PD Development Plan proposes a minimum 10-foot-wide landscape buffer. As within Subdistrict A, this deviation is requested to account for existing site constraints. Specifically, existing easements and the need to align the new drive with the existing drive opposite Old North Road and satisfy minimum commercial parking requirements is justification for the flexibility to reduce the required minimum width from 15 feet to 10 feet.
- **Lighting:** Per DDC Section 7.11.3, light spillover onto adjacent properties shall not exceed one foot-candle at any property line, except where property is adjacent to walkways, driveways, and streets. Additionally, parking area lighting shall be full cutoff shielded and downcast. The proposed development shall be consistent with this requirement within this subdistrict.
- **Minimum open space:** Although recreational open space is not required for nonresidential uses, minimum landscape area standards still apply and result in the provision of open space on site. Within this subdistrict, the development proposes a landscape coverage of approximately 24% and a tree canopy coverage of 67%, exceeding the minimum 20% and 30% required within the SC Zoning District. Additionally, the commercial component of the development proposes a central water feature flanked by restaurant uses with outdoor patio dining.

In addition to the landscaping and screening elements described above, the PD also proposes a Modern Farmhouse architectural theme for the entire development. This style is intended ensure that the entire property develops with a consistent style and color palette to complement the character and style of the existing single-family subdivision to the north. While the City cannot enforce certain building materials and instead must follow those materials as allowed for in the International Building Code, the PD Standards do provide for illustrative images to convey design quality intent for development compliance.

9. *Minimizes Adverse Fiscal Impacts*

The proposed PD is not anticipated to create adverse fiscal impacts. Based on the City of Denton's Fiscal Impact tool, this development will have an estimated net impact to the City of \$9,798,200 over 40 years. The Fiscal Impact Summary report in Exhibit 12 provides additional detail.

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

This proposed amendment will not affect utilities, services, or improvements. The proposed PD Development Plan was reviewed to ensure compliance with all applicable standards.

11. *Provides Adequate Road Systems*

The subject property is located along a Primary Arterial, East University Drive/US 380, which is a street that serves as a major route into and through the City of Denton. Given the proposed land uses, a Traffic Impact Analysis was submitted indicating the existing road system is adequate to support the proposed development. Final drive approach design details along US-380 shall be subject to TXDOT review and approval following the adoption of the proposed PD (if approved).

12. *Provides Adequate Public Services and Facilities*

The proposed zoning request is not anticipated to negatively impact public services and facilities. The PD Development Plan includes conceptual utility extensions reviewed for general compliance with applicable Codes. Specific details of utility and drainage facilities proposed for the development shall be reviewed and approved prior to the development of this property.

13. *Rational Phasing Plan*

Per Exhibit 8, the proposed development is to be constructed in two phases and the PD Standards provide flexibility regarding which phase is constructed first. Phase 1 of the proposed development includes the multifamily residential land use component. Phase 2 of the proposed development includes the retail, restaurant, and office land use components.

B. Section 2.7.3.E of the DDC states that an application for rezoning to a PD District may be approved based on the following criteria:

a. *The proposed PD District complies with the goals of the Comprehensive Plan.*

As discussed in A.3.b above, the proposed amendment is consistent with Denton 2040 Comprehensive Plan Future Land Use Map and will permit the development of a compatible use at a scale which corresponds to the existing development pattern.

Additionally, the proposed development assists in achieving the following goals:

- 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.

The subject site is located inside the Loop 288 corridor on a Primary Arterial roadway that can accommodate the additional traffic generated by this development. This horizontal mixed-use development would allow for additional housing density as well as providing commercial resources for residents of the area. Additionally, the proposed development and mix of

uses supports walkability throughout the development and from nearby residential neighborhoods.

- Goal LU-5: Grow with Character: Promote Development which Enhances Community Character and Functionality.

The PD proposes architecture that would be compatible with the surrounding neighborhood and include amenities such as a central water feature to help define and enhance the aesthetics of the development.

- Goal LU-6: Grow with Balance: Establish land use designations that responds to the growing needs and character specifications of the Denton community

As noted above, this development is generally consistent with the land use designations assigned to this area and would be consistent with the character of the area.

- Goal CC-4: Create Character: Achieve exemplary urban design in future and existing development throughout Denton’s neighborhoods, centers, and land uses

The proposed PD provides for a horizontally mixed-use development that would have a consistent architectural theme consistent with the adjacent subdivision, enhance connectivity in the area, and allow for a mix of compatible land uses that would serve the area.

- Goal M-1: Provide for safe, efficient movement of motor vehicles, bicycles, and pedestrians in a sustainable way that complements Denton’s planned growth strategy

The PD Development Plan indicates not only internal connectivity being provided between uses within the site, but also provides for pedestrian connectivity to be made between this site and the single-family subdivision to the north.

- 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.

This PD would allow for the creation of 279 additional housing units. While there has been a significant amount of multifamily development along the Loop 288 corridor, the use is not as prevalent in the area between University Drive and Sherman Drive and would add to the diversity of housing types in this area of the City. Additionally, this would create housing in close, walkable proximity to a variety of commercial uses that could offer services and/or employment for residents of the development.

- b. The proposed PD District complies with the goals of relevant Small Area Plan(s). There is no small area plan approved for this site.*
- c. The proposed PD District complies with the DDC, except where modifications are expressly authorized through the PD Regulations Document and PD Development Plan.*

Per DDC Section 3.3.1.A, “the MN district is provided to support compatibility between higher-intensity mixed-use areas and adjacent residential and commercial areas. This district contributes to a vibrant environment for pedestrians and bicyclists and includes varying densities of residential, neighborhood-serving retail, restaurants, commercial, and office uses that are sensitive to the surrounding built and natural context in scale and form.”

Per DDC Section 3.4.1.A, “the SC district is intended to provide moderate- to high-intensity commercial, office, and retail uses along high-traffic corridors. The SC district provides elevated building and landscape design, buildings oriented to the street, and appropriate buffering from adjacent neighborhoods. While the SC district is primarily auto-oriented, it provides a safe environment for pedestrians and cyclists.”

The proposed PD standards and development plan are consistent with the purpose statements for these base zoning districts by allowing for a horizontally integrated mixed-use development with enhanced architectural requirements; internal pedestrian, bicycle, and vehicular connectivity; and unique design features that are consistent with the character of the area.

Consistent with the regulations discussed in A.8 above, the proposed PD Development Standards and Development Plan indicates the intent to either adhere to the DDC, impose greater restrictions to meet the special interests of surrounding developments, or deviate from the DDC in areas where strict adherence opposes the special interest of surrounding properties. The table attached as Exhibit 11 summarizes the DDC standards, the requested deviation, and the applicant’s justification of the requested deviations.

- d. The proposed PD District provides a greater level of building design quality, community amenities, and connectivity than would be required if the project were not being developed in a PD District.*

Under the existing zoning, the proposed land uses are permitted by right. The proposed PD is intended to ensure the best building configuration and site design standards are implemented. The following design standards are included as part of the proposed PD, but otherwise not required if the project were not developed in a PD District:

- Pedestrian access directly into the proposed development from the existing single-family residential subdivision via a paved, ADA compliant sidewalk and pedestrian gate
- Enhanced landscape buffer designed to place tree plantings at intervals between the proposed development and the existing single-family residential subdivision
- Maximum 40’ building height for new multifamily residential structures (which is the same maximum height allowed in the single-family subdivision to the north)
- Maximum 50’ building height for new commercial structures
- Minimum 5,000 square foot commercial lot size
- Minimum 80’ rear yard building setback for new multifamily development
- Multifamily building elevations (see Exhibit 10) designed to be architecturally compatible with the character of surrounding developments and orientations specifically designed to limit the line of site from the new multifamily development to existing single-family residential properties
- Commercial building elevations designed to be architecturally compatible with the character of surrounding developments and oriented around a central courtyard or site amenity

- e. *The proposed PD District, in the case of proposed residential development, will promote compatible buildings and uses and that it will be compatible with the character of the surrounding area.*

As discussed above, the proposed PD Building Elevations, Development Plan, and Development Standards are intended to ensure the development's compatibility with the character of the surrounding area.

- f. *The proposed PD District, 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 discussed above, the proposed PD Building elevations, Development Plan, and Development Standards are intended to ensure the development's compatibility with the development scale and character of the surrounding area. Commercial uses are limited to ensure that those uses of larger-scale or with higher nuisance potential are prohibited.

- g. *The provisions for 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

DISD anticipates an additional 65 students with the proposed development. Staff will continue to coordinate with DISD to confirm that the expected increase in residential dwelling units does not negatively affect current attendance zones.

Water and Wastewater

Public water and wastewater services are available to the site. The PD Development Plan indicates general adherence to applicable standards regulating the extension of public utilities. Subsequent development reviews will ensure adequate service and compliance with applicable criteria.

Nearest Fire Station

The subject site is located within a 1.8-mile driving radius from Fire Station #4 (2116 E Sherman Drive), within the eight-minute or less response time boundary.

- h. *The conditions and/or restrictions imposed by the PD are necessary and sufficient to address any significant impacts to surrounding properties or the neighborhood.*

As discussed above, the proposed PD Building Elevations, Development Plan, and Development Standards are intended to minimize significant impacts to surrounding properties and ensure the new development is compatible in terms of form and land uses.