

# Planning Staff Analysis

## S25-0002a / Palladium Denton West

### City Council District 2

#### REQUEST:

Specific Use Permit (SUP) to allow for a Multifamily Dwelling Use on approximately 4.115 acres of land. The subject property is zoned Residential 7 (R7). The Multifamily use is an allowed use with an approved Specific Use Permit.

#### OWNER:

MSW Partners, LLC

#### APPLICANT:

Maxwell Fisher with ZoneDev

#### STAFF RECOMMENDATION:

Staff recommends **approval** of the SUP request with the following conditions:

*Note, exhibit references within these conditions refer to ordinance exhibits, not exhibits to this report – Ordinance Exhibits C, D, and E align with report Exhibits 7, 8, and 9, respectively.*

1. The attached Site Plan, Landscape Plan, and Building Elevations 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. City 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, as well as a reduction in provided vehicle parking of no more than 10 spaces, provided all applicable requirements of the DDC are met:
  - a. No more than 120 one- and two- and three-bedroom units with a total building footprint not to exceed 49,811 square feet.
  - b. A minimum total landscape area of 38,724 square feet. At minimum, on-site amenities shall include a dog park, and an outdoor open space containing a grill area, pool, and playground, as depicted in Exhibit C.
  - c. One hundred and sixty-nine (169) vehicle parking spaces required, after approved reductions, and ten (10) bicycle parking spaces required, as depicted in Exhibit C.
  - d. Two full points of access onto Fallmeadow 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 and species 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, and 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 Building Elevations (Exhibit E). Minor alterations to the Building Elevations may be approved by City Staff, provided that the final project complies with DDC Section 7.10 Site and Building Design.
6. Encroachment into City of Denton drainage easements, as depicted in Exhibits C and D, are permitted only on the condition that the following language, or similar language to the same effect as approved by City Staff, is included in a note on the final plat for the Property:

“As a condition of allowing encroachments in existing and proposed drainage easements on this lot, Owner acknowledges that the City of Denton has the rights of constructing public drainage improvements, drainage maintenance, inspection, or other related public drainage work within the drainage easements. Owner acknowledges the city's right to remove the fence and any other private improvements encroaching within the easements. City of Denton is not liable for any reimbursement, replacement, or damages incurred by the encroachment of private improvements, including paving, landscaping, or structures.”

Should the above language, or similar language to the same effect as approved by City Staff, not be included in a note on the Final Plat, the Site Plan and Landscape Plan shall be changed to remove all encroachments from all existing and proposed drainage easements on the Property, while maintaining compliance with all other standards of the Denton Development Code. The aforementioned changes may require a Specific Use Permit amendment in accordance with the Denton Development Code, subject to determination by City Staff.

7. The Multifamily Residential project on the Property is proposed to include a percentage of affordable housing units targeted at specific income levels which is sufficient, in accordance with Denton Development Code Table 2.12-B Affordability Incentive Procedure - Definitions, to allow the project to request 3 or fewer Affordability Incentives from the list in DDC Subsection 2.12.1F.2 Affordability Incentives. The attached Site Plan and Landscape Plan (Exhibits C and D) include designs which take advantage of three incentives from DDC Subsection 2.12.1F.2. Below are the three Affordability Incentives used and the actual designs which those incentives enable:
  - a. Affordability Incentive 1: 20% increase in the maximum permitted building height for the R7 zoning district as provided in DDC Subsection 3.2.7 R-7 Residential, provided the development is still in compliance with Subsection 7.10.6 Building Height in Transition Areas.
    - i. Actual Design: 19.3% increase in building height above the maximum permitted building height in the R7 zoning district, for a total height of 47 feet, 9 inches.
  - b. Affordability Incentive 2: A 10-point reduction in the required number of points from Table 7.E Landscaping Area Point System.
    - i. Actual Design: A 5-point reduction in the required number of points from Section B: Parking Lot Landscape Elements of Table 7.E Landscaping Area Point System, as depicted in Exhibit D.

- c. Affordability Incentive 3: A reduction in parking requirements to not less than 1 parking space per affordable dwelling unit irrespective of the number of habitable rooms.
  - i. Actual Design: A reduction in required parking to 1 vehicle space per affordable housing unit for the 81 units of proposed affordable housing. Vehicle parking for the remaining 39 units shall be in accordance with the parking study submitted to and approved by staff in accordance with DDC 7.9.5G Modification of Minimum Parking Requirement by Director.

In accordance with DDC Subsection 2.12.1D.2.b Affordability Incentives Agreement, prior to issuance of any building permit for this project, the applicant must execute an Affordability Incentives Agreement, including all elements required by DDC Subsection 2.12.1D.2.b, in a form approved by the City Attorney. Should the applicant not execute an approved Affordability Incentives Agreement as required by DDC Subsection 2.12.1D.2.b, then the Site Plan (Exhibit C), (Exhibit D), and Building Elevations (Exhibit E) for this SUP shall be required to be redesigned to remove all deviations from DDC standards which were enabled by Affordability Incentives. Approval of the redesigned SUP plans shall require an SUP amendment in accordance with the DDC.

- 8. Notwithstanding the limited administrative approvals authorized in conditions 2, 3, 4, and 5, the City reserves the right to require approval by ordinance of any amendments or alterations to the SUP, the attached Site Plan, the attached Landscape Plan, and the attached Building Elevations.
- 9. The zoning map shall reflect the Specific Use Permit on the property consistent with the DDC.

#### **SITE DATA:**

The approximately 4.115-acre subject property is currently undeveloped. There is no FEMA floodplain or floodway located on the property. There are no designated Environmentally Sensitive Areas (ESAs) on the property.

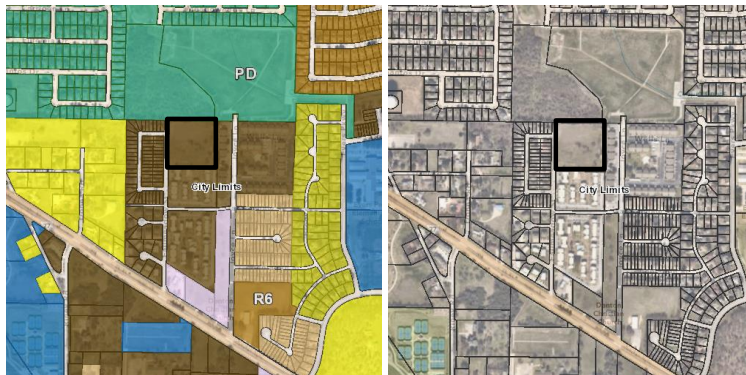
The subject property has approximately 408 feet of frontage on Fallmeadow Street. Fallmeadow Street is designated as a collector on the current Mobility Plan. Access in and out of the proposed development will be through two full points of access onto Fallmeadow Street.

The subject property is encumbered by significant existing easements and will be required to add additional easements to encompass existing and proposed utility and drainage infrastructure, as well as providing clearance areas around required electric transformers. The existing and proposed easements and clearance areas are along the north, east, and south sides of the subject property. The easements and clearance areas have the potential to severely limit parking space and landscape area locations. As discussed below, the applicant worked with city staff on a combination of solutions, including engineering design deviations, an Alternative Landscape Plan (Exhibit 8), and a landscape-related Affordability Incentive as provided for in the Denton Development Code (DDC) Section 2.12. The solutions enabled the proposed development design to protect city infrastructure with easements and clearance areas while still providing security fencing and sufficient parking for residents, meeting or exceeding city standards for landscape area and tree

canopy. This also furthered the City's interest in increased tree canopy and reduction of the heat island effect in parking lots.

#### SURROUNDING ZONING AND LAND USES:

<b>Northwest:</b> <ul style="list-style-type: none"> <li>• Zoning: Planned Development (PD)</li> <li>• Use: PD-Designated Open Space</li> </ul>	<b>North:</b> <ul style="list-style-type: none"> <li>• Zoning: PD</li> <li>• Use: PD-Designated Open Space and Regional Detention Pond</li> </ul>	<b>Northeast:</b> <ul style="list-style-type: none"> <li>• Zoning: PD</li> <li>• Use: Regional Detention Pond</li> </ul>
<b>West:</b> <ul style="list-style-type: none"> <li>• Zoning: R7</li> <li>• Use: Duplex Residential across Fallmeadow Street</li> </ul>	<b>SUBJECT PROPERTY</b>	<b>East:</b> <ul style="list-style-type: none"> <li>• Zoning: R7</li> <li>• Use: Multifamily Residential</li> </ul>
<b>Southwest:</b> <ul style="list-style-type: none"> <li>• Zoning: R7</li> <li>• Use: Duplex Residential across Fallmeadow Street</li> </ul>	<b>South:</b> <ul style="list-style-type: none"> <li>• Zoning: R7</li> <li>• Multifamily Residential</li> </ul>	<b>Southeast:</b> <ul style="list-style-type: none"> <li>• Zoning: R7</li> <li>• Use: Multifamily Residential</li> </ul>



#### CONSIDERATIONS:

A. Subsection 2.4.5E 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 general criteria have been applied.

- 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.*

Subsection 2.5.2D of the DDC applies to SUP 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 Specific Use Permit requests.

## 2. *Prior Approvals*

The 120 multifamily residential units proposed is consistent with the number of units listed by the developer in their request to City Council for a resolution of support (approved February 18, 2025) for the developer's affordable housing tax credit application to the Texas Department of Housing and Community Affairs for construction of the Palladium Denton West Living Apartments on the subject property. This approved resolution of support enabled the developer to pursue tax credits as part of the project's financing but does not constitute any form of land use approval nor obligate the Planning and Zoning Commission or City Council to approve the requested SUP.

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

*The decision-making authority:*

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

The proposed SUP is consistent with the goals, policies, and actions of the Comprehensive Plan and with the Future Land Use Designation of Moderate Density Residential (see inset map below and in Exhibit 4), including the goals and actions 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: Grow our Assets: Maintain and Strengthen Neighborhoods, Commercial and Employment Areas.

GOAL FEV-5: Design a fiscally advantageous land use pattern paired with fiscally responsible infrastructure management and investment.

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.

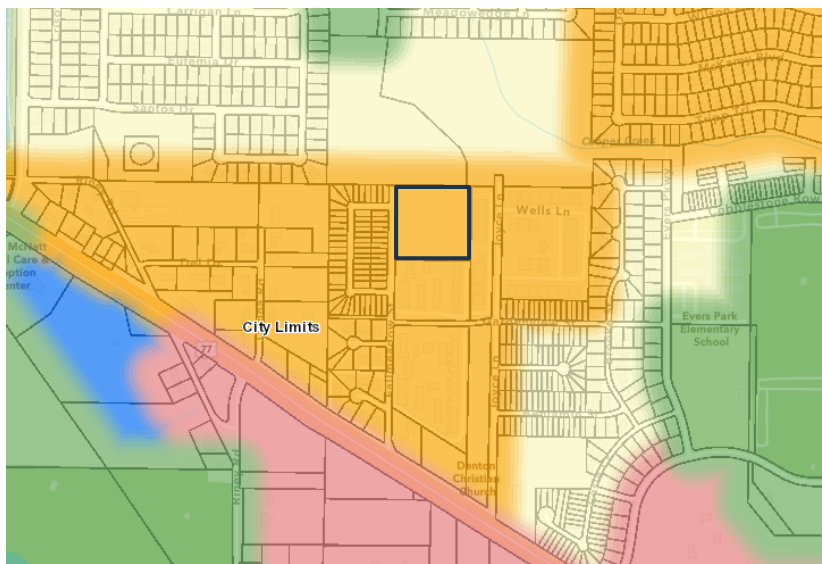
The applicant's requested use is consistent with the overall goals of the Denton 2040 Comprehensive Plan to provide sustainable growth in compact development patterns and in a fiscally advantageous land use pattern. The proposed multifamily development is on an infill lot and continues an existing multifamily development pattern on the east side of Fallmeadow Drive, and therefore the infrastructure is already in place to support the project. The proposed development and its future residents will have access to existing transportation infrastructure, including a sidewalk network that connects to a range of community resources such as schools, a park, and a library all located within less than a mile of the subject property. This means that, without any additional infrastructure investment by the City, the proposed development will enhance overall walkability, a key priority that informed the Preferred Growth Concept in Denton Comprehensive Plan 2040.

The location of the proposed development also aligns with the affordable housing goals and recommended policies of Denton Comprehensive Plan 2040, Subchapters 7.1-7.2,

by helping to “expand the availability of affordable housing choices for community members most in need of housing, including those with low incomes.” The proposed development will provide affordable housing in an area identified by the City of Denton Affordable Housing Needs & Market Value Analysis as a desirable “Middle Market” “Opportunity Area” characterized by strong overall neighborhood stability, higher median income, and strong reinvestment by existing property owners, where affordable housing is often rare or nonexistent. The Affordable Housing Needs & Market Value Analysis recommends that incentives be targeted to these “Middle Market” areas, like the area around this subject property, to create more affordable housing in these “desirable” areas to live and thereby help prevent affordable housing from being clustered in what the Denton 2040 Comprehensive Plan calls “socioeconomic segregation and pockets of poverty.”

- 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 use and scale of the proposed Multifamily use conforms to the Future Land Use Element of the Denton 2040 Comprehensive Plan.



Per the Future Land Use Map in the Denton 2040 Comprehensive Plan, the subject property is designated as Moderate Density Residential (see image above and the map provided as Exhibit 4). The description for the Moderate Density Residential Future Land Use designation is excerpted below:

This category accommodates single-family detached housing on small lots, typical of Denton’s more compact, established single-family neighborhoods and low-rise multi-family dwellings and townhomes. This land use applies to areas within the central areas of 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. Dwellings in this future land use category vary in scale and style and may contain a great deal of diversity by each street and block.

Most areas are characterized by rectilinear lots with modest front yards. Most streets are lined by sidewalks, but this is not prevailing throughout. Development is linked by local streets and is most commonly accessed by multiple intersections and points of access. While the land use primarily includes single-family dwellings, multi-family dwellings, and townhomes may be located in this land use as well. While the quality of multi-family dwellings and townhomes currently varies, in the case of future infill development, they should maintain a scale, style, and building orientation in order to complement the prevailing character of its surroundings. 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. Density: (5-12 dwelling units per acre)

The proposed three-story Multifamily use is consistent with the Moderate Density Future Land Use designation, which is intended for a diverse mix of compatible dwelling types and densities, including low-rise multifamily. The area around the subject property currently includes a mix of multi-unit housing types, including fourplexes, duplexes, and extensive multifamily developments. The proposed Multifamily use would be compatible with these existing uses, and the proposed multifamily building is designed to fit in well with the neighborhood. The scale, style, and orientation are appropriate, featuring street-facing entrances and multiple pedestrian connections to the sidewalk. The pitched roofs echo those of nearby duplexes, and the architecture incorporates elements that break up long facades, reducing their visual impact. Although the building is about 7 feet taller than the maximum height allowed on surrounding properties, this is offset by setting the building back 70 feet from the street. Finally, even with the 120 new units proposed by this development, the overall density of the Moderate Density area that includes the subject property will still only be at an approximate density of 9.64 units per acre, which is well within the target range of 5-12 units per acre.

#### 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.*

If the subject Specific Use Permit request is approved, all subsequent development on the subject property will comply with applicable standards in the DDC, including, but not limited to, minimum lot size and dimensions, building coverage, access, parking, tree preservation, and landscaping. As noted below, the applicant did seek administrative deviations from certain code requirements, as allowed for in the DDC.

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

The proposed Site Plan, Building Elevations, and Landscape Plans were reviewed to ensure compliance with the DDC. If the proposed SUP request is approved, prior to development, a detailed plan review will accompany all required civil engineering plans, final plat, and building permit submittals. The applicant did seek administrative deviations from certain code requirements, as allowed for in the DDC. These deviations are reflected on the Site Plan (Exhibit 7) and Landscape Plan (Exhibit 8) and summarized below.

#### Parking

Based on the DDC's standard multifamily parking ratio, the total parking required for the proposed development is 261 parking spaces. During the site plan review process, the applicant proposed two parking reductions. First, as one of the DDC Subchapter 2.12 Affordability Incentives, discussed in the conditions of approval above, the applicant proposed to reduce the parking ratio for the 81 proposed affordable housing units to 1 vehicle parking space per unit. Second, as permitted by DDC 7.9.5G, the applicant submitted a basic parking demand study to staff for review which supported the applicant's request for a ratio of 2 vehicle parking spaces per unit for the remaining 29 market rate units. Staff reviewed and approved the parking demand study and, subsequently, the Planning Director authorized the requested reduction in required parking. Overall, the two authorized reductions resulted in total required minimum parking for the development of 159 vehicle spaces, a ratio of ~1.32 spaces per unit. The applicant chose to provide 169 spaces on the SUP site plan, in order to have flexibility to meet the minimum parking requirement if some proposed parking spaces had to be eliminated due to Civil Engineering Plan review.

#### Landscaping

The applicant requested to utilize two alternative landscaping provisions due to site constraints limiting where landscaping can be located on the site, including several Denton Municipal Electric utility easements, drainage easements, and the need to construct a 10-foot-wide sidewalk along the Fallmeadow Street right-of-way. First, as discussed in more detail in the conditions above, the applicant is utilizing one of their three DDC Subchapter 2.12 Affordability Incentives to reduce the required landscape points from 30 to 25, enabling them to provide only one 5-point parking lot landscape element instead of two. Second, the applicant submitted an Alternative Landscape Plan for staff consideration, which, per DDC Subsection 7.7.3C, can be used to authorize a reduction in the count, configuration, or location of required landscaping materials, if justified by site or development conditions. Conditions justifying approval of an alternative landscape plan include the presence of existing utility or other easements and unique lot size or configuration. Staff approved the requested alternatives, as they allow right-of-way screening to be provided without over-crowding the front landscape area, ensure that the front landscape area will be entirely free of turf grass, and allow more than the required number of parking lot trees to be provided while still keeping trees outside of Denton Municipal Electric easements.

#### Encroachments into Existing Easements

DDC Subsection 7.6.7E does not permit fences or other man-made improvements to encroach within drainage easements. The City Engineer, in consultation with the Deputy Director of Operations for Streets and Drainage, may approve a design deviation authorizing such encroachments. The applicant requested a deviation from this requirement in order to install fencing, parking lot paving, and landscaping in parts of three drainage easements. Staff approved this deviation request, allowing the proposed encroachments within the three aforementioned drainage easements, while adding an SUP condition requiring an encroachment agreement and that language be placed in the final plat which indemnifies the city for any damage to these encroaching improvements due to City work within the easements.

#### Height:

Partly in order to adapt their building design to a property that slopes almost 10 feet from its northwest corner to its southeast corner, the applicant is utilizing one of their three DDC Subchapter 2.12 Affordability Incentives to increase their permitted height from the R7 maximum height of 40 feet to a total height of 47 feet, 9 inches. As



discussed in more detail below, the building setback distance and architectural design help to mitigate any negative visual impact of the increased height.

5. *Compliance with Other Applicable Regulations*

This proposed request complies with all other applicable regulations.

6. *Consistent with Interlocal and Development Agreements*

There are no interlocal or development agreements for the subject property. As noted in the conditions of approval above, due to the use of affordability incentives offered in DDC Section 2.12, an Affordability Incentives Agreement must be approved and executed for the development prior to the issuance of any building permit.

**Commented [FT1]:** See my comment in the AIS, SUP condition 7

7. *Minimizes Adverse Environmental Impacts*

There is no FEMA floodplain or floodway located on the property. There are no designated ESAs on the property. A Tree Preservation Plan has been reviewed for the development, and drainage plans for the development will be reviewed with the Civil Engineering Plans.

All developments shall comply with applicable standards in the DDC, Criteria Manual, Municipal Code of Ordinances, and other state and federal standards. Development of the subject property will require a full review of all site conditions.

8. *Minimizes Adverse Impacts on surrounding Property*

Generally, the proposal is not anticipated to negatively impact the surrounding properties. Development standards within the DDC are designed to ensure that as development within the City occurs, compatibility between uses is taken into consideration and adverse impacts are appropriately mitigated. The following aspects of the proposed site design will help to minimize adverse impacts and ensure compatibility as surrounding properties continue to develop or redevelop:

- **Building design:** While the proposed multifamily building will be permitted to exceed the normal R7 height maximum and build to a maximum height of 47 feet, 9 inches as part of the previously discussed Subchapter 2.12 Affordability Incentives Agreement, the building is designed to include architectural features and separated roof sections intended to break up long facades and mitigate the visual impact of the size of the building. The building is also designed to increase compatibility with the surrounding neighborhood by using peaked roofs, similar in design to the duplexes across the street, rather than the flat roofs more common in urban core multifamily buildings.
- **Setback from less intensive residential uses:** Potential impacts from the building's height on nearby duplex residential uses located to the west are mitigated by the building being set back 70 feet from Fallmeadow Street. This means that the proposed building will be over 200 feet from the nearest duplex residential use.
- **Land Use Compatibility:** A three-story multifamily development on the east side of Fallmeadow Street is compatible with the surrounding area, which includes multiple two-story multifamily residential developments to both the east and south and a moderate density, mostly rental, duplex residential neighborhood to the west across Fallmeadow Street.

- **Overall minimum tree canopy and landscape area:** The R7 District requires a minimum 40% tree canopy (estimated at maturity based on tree species) and 20% landscape area in accordance with DDC Table 7.D. Per the proposed landscape plan, this development provides approximately 21% landscape coverage and 40.6% tree canopy coverage, meeting or exceeding the minimum requirements.
- **Interior landscaping:** Per DDC Subsection 7.7.5F, all new developments are required to provide a variety of landscaping elements, chosen from Table 7.E. The subject property has been permitted a 5-point reduction in required landscape points, as an incentive for providing affordable housing, in accordance with the provisions of DDC Subsection 2.12.1.F.2 Affordability Incentives. While this has given the applicant the flexibility to not provide a second landscape parking element, the applicant has only partially taken advantage, choosing to still provide 6 parking endcaps containing large canopy trees, which were not required by the DDC. In addition, to meet the remaining minimum requirements of Table 7.E, the applicant is providing a three-foot high continuous hedge of evergreen shrubs, which are interspersed with larger shrubs to be maintained at a minimum height of 6 feet, non-turf landscaping for the entirety of the planting area along the street frontage, landscape islands interspersed throughout the parking lot containing large canopy trees (when located outside of an easement), 4-inch caliper trees at time of planting, and a minimum of 75% drought-tolerant species. The 14 required street trees the applicant is planting will provide shade for the 10-foot-wide sidewalk the applicant will construct along Fallmeadow Street. The increased size at planting and diversity of landscaping proposed will help screen the parking and buildings, soften the impact of the development along the street frontage, and provide visual interest to the development.

#### 9. *Minimizes Adverse Fiscal Impacts*

A Fiscal Impact Summary has been completed and it is provided as Exhibit 10. This summary report indicates that the multifamily use would have a positive net impact of \$689,300 on the City's General Fund.

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

Water and sewer are available along Fallmeadow Street. A full review of their capacity level will be conducted as part of the Civil Engineering Plan review.

No negative drainage impact is permitted onto adjacent properties upon development. Detention requirements will be assessed as part of the Civil Engineering Plan review prior to final platting. Drainage facilities required on the subject property will need to comply with the DDC prior to any building permit being issued.

#### 11. *Provides Adequate Road Systems*

The subject property has approximately 422 feet of frontage on Fallmeadow Street. Fallmeadow Street is an existing collector street on the current Mobility Plan. Access in and out of the development will be through two full-access entrances located off Fallmeadow Street. See Exhibit 7 – Proposed Site Plan.

Due to the number of trips expected to be generated by the development (shown in table below), the applicant was required to submit a Traffic Impact Analysis (TIA).

Land Use	Weekday Trips	AM/PM Peak
Multifamily Housing – Low Rise	846	60/72

Based on the results of the TIA, the proposed development is predicted to have minimal impact on roadway operations within the study area and no recommendations for roadway improvements are identified to be necessary to accommodate the traffic generated by the development. However, as part of developing the property in accordance with the DDC, the following roadway improvements are proposed as part of this project and will be fully reviewed as part of the Civil Engineering Plans:

- Dedicate right-of-way (ROW) for the ultimate cross-section of Fallmeadow Street (65 feet) and widen it to meet the half cross-section of a Collector roadway for the portion of Fallmeadow Street adjacent to the development.
- Construct the 10-foot sidewalk adjacent to Fallmeadow Street along the frontage of the property.

#### 12. *Provides Adequate Public Services and Facilities*

The proposed Multifamily Dwelling use is not anticipated to negatively impact public services and facilities within the area.

This proposed development is required to comply with utility, service, and improvement standards. If the SUP is approved, future applications will be reviewed to ensure compliance with all applicable standards.

#### **Pedestrian Facilities**

Internal pedestrian connectivity allows for circulation throughout the development, connecting the entrances to the main building with one another and the dog park. The development will also include three pedestrian connections to the 10-foot sidewalk which the development will construct along Fallmeadow Street.

#### **Water and Wastewater**

Development of the subject property will require connection to the existing water and wastewater facilities located adjacent to the subject property in Fallmeadow Street.

#### **Nearest Fire Station**

The subject property is approximately 1.28 miles from Fire Station #5 (2230 W. Windsor Drive), within the eight-minute or less response time boundary.

#### **Parks and Libraries**

Evers Park is within a 10-minute walk from the subject property (approximately 10 minutes or .5 mile). The Denton Tennis and Pickleball Center at North Lakes Park is an approximately 16-minute walk (.7 mile), and the other amenities at North Lakes Park are within an approximately 30-minute walk (1.4 miles). The North Branch Library is within an approximately 18-minute walk (0.9 miles).

#### **Schools**

Per the Denton Independent School District's student generation formula, the proposal would generate approximately 29 elementary students, 11 middle school students, and 16

high school students. The proposed development is located within the attendance zones of Evers Park Elementary School, Calhoun Middle School, and Denton High School.

The proposed development is within a 9-minute walk from Evers Park Elementary School, and a 20-minute walk from Strickland Middle School, although at this time the property is not part of the Strickland Middle School attendance zone.

### 13. *Rational Phasing Plan*

The project does not have a phasing plan.

- B. Subsection 2.5.2D of the DDC states that in reviewing a proposed SUP, the Planning and Zoning Commission and City Council shall consider the general approval criteria in Subsection 2.4.5E and whether:

1. *The specific use proposed is compatible with the surrounding area;*

The proposed Multifamily use is compatible with the surrounding area, which consists of multifamily residential uses, moderate-density duplex residential uses, and undeveloped land designated by a PD for open space and drainage. A number of design elements help to increase the compatibility of this proposed development with the surrounding developments, including:

- The 70-foot front setback of the proposed multifamily building, which is slightly less than twice the average 36-foot setback of surrounding, shorter buildings, in order to mitigate the visual impact of the proposed building's height.
- The architecture of the proposed multifamily building, which is designed to reduce the visual difference between this development and the surrounding, smaller, narrower buildings by breaking up the proposed building's larger facades into smaller, distinct sections.
- The frequency of pedestrian pathways connecting the proposed development to the sidewalk. The applicant has provided more pedestrian connections to the sidewalk than are required by the DDC, bringing the frequency of pedestrian connections closer to the existing pattern along Fallmeadow Street to the south of the subject property. This helps the proposed development to better fit in with the neighborhood, both visually and experientially, than it would if there was only one pedestrian connection to the sidewalk for the whole lot.

Overall, the proposed three-story Multifamily use is appropriately scaled and is compatible with the surrounding moderate-to-high density residential land use pattern.

2. *The specific use proposed has negative impacts on future development of the area; and*

The proposed Multifamily use is anticipated to have no negative impacts on future development of the area. The surrounding area is largely developed, with the only adjacent vacant land being the PD-designated Open Space lot and the City of Denton regional detention pond located to the north of the subject property. Moreover, the proposed development will meet all building design, infrastructure design, and easement sizing standards in the DDC, and is, therefore, not expected to inhibit or negatively impact any future redevelopment of area properties.

3. *Any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor have been adequately mitigated.*

The proposed site plan and landscape plan depict that the development would be in conformance with the requirements of the DDC, including in terms of parking and landscaping -- which have been administratively modified as described in criterion A.4.b above.

- **Access:** Two full access driveways will connect to Fallmeadow Street, providing adequate access to the development. Three sidewalk connections to the perimeter public sidewalk will allow for additional modes of travel.
- **Traffic:** As discussed above, the approved TIA indicates that the proposal is predicted to have minimal impacts to area traffic.
- **Emergency Services:** The site plan allows for adequate emergency access through the two full access points provided. In addition, the development has been designed for an emergency access gate in the southeast corner. However, according to the applicant, the owner of the property to the south did not respond to applicant's request for cross-access (See Exhibit 14). While the applicant will still construct the emergency access exit on the subject property, as shown on the Proposed Site Plan (Exhibit 7), this would only become useable if, in the future, the adjacent property to the south agreed to allow a gate in his fence and a pavement connection to his parking lot from the subject property's parking lot (See Exhibit 7 – Proposed Site Plan).
- **Utilities:** There are utilities available to serve the proposed development, and no negative capacity impacts have been identified. During the Civil Engineering Plan review process, the precise requirements for any public infrastructure improvements, including water, sewer, and drainage, will be determined.
- **Parking:** The majority of onsite parking is located to the sides and rear of the building and, with proposed screening landscaping, is not expected to have a negative visual impact on the right-of-way.
- **Refuse, noise, glare, and odor:** The proposal is not anticipated to create negative impacts related to noise, glare, and odor. Adequate refuse facilities are required to be provided for the development and are reflected on the site plan, and as noted above, the development will be required to follow the DDC's standards for lighting, which are intended to minimize impacts on adjacent properties.