

Planning Staff Analysis

PD26-0001/1716 Scripture US Aviation

City Council District #3

REQUEST:

Request to rezone approximately 0.786 acres from the Residential 7 (R7) district to an Overlay Planned Development – Mixed-Use Neighborhood (PD-MN) District.

SITE DATA:

The 0.786-acre subject site is located on the north side of Scripture Street, at the northwest corner of Scripture Street and Jagoe/Malone Street. Under the 2002 Denton Development Code (DDC), the subject property was zoned NRMU-12. Per the 2019 Denton Development Code, Appendix B: Zoning District Transition Table, properties with this zoning designations were to transition to the Residential 7 (R7) district after the Code’s effective date of October 1, 2019, and the subject site transitioned accordingly.

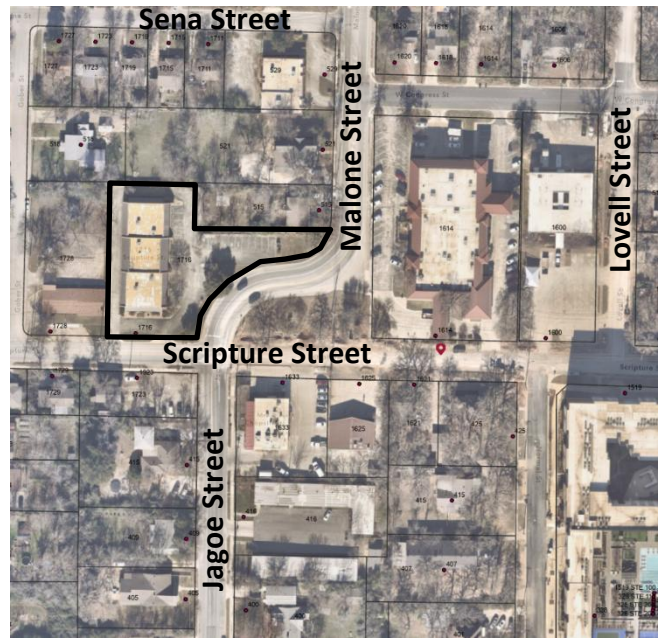
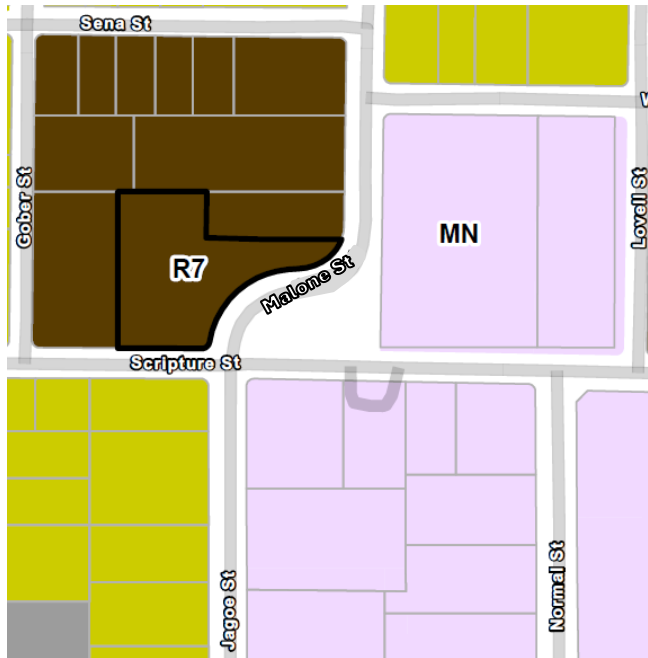
The lot is currently developed with a structure that was most recently occupied by an Office use associated with the University of North Texas. According to Denton County Appraisal District records the structure is approximately 7,950 square feet and was built in 1977.

The subject property has frontage on two roadways, Scripture Street and Jagoe/Malone Street. South of Scripture Street the intersecting roadway is named Jagoe Street, and north of Scripture Street it is named Malone Street. Both streets are city-owned roadways classified as Collectors. The subject property has approximately 120 feet of frontage along Scripture Street and approximately 120 feet of frontage along Malone Street.

SURROUNDING ZONING AND USES:

Surrounding land uses and zoning are detailed in the table and shown in the inset maps below. An aerial map and zoning map are also provided as Exhibits 3 and 4, respectively.

Northwest: Zoning: Residential 7 (R7) Use: Single-Family Residential	North: Zoning: Residential 7 (R7) Use: Single-Family Residential	Northeast: Zoning: Residential 7 (R7) Use: Single-Family Residential
West: Zoning: Residential 7 (R7) Use: Office	SUBJECT SITE	East: Zoning: Mixed-Use Neighborhood (MN) Uses: Medical Office and Professional Office across Malone Street right-of-way.
Southwest: Zoning: Residential 3 (R3) Use: Single-Family Residential across Scripture Street right-of-way.	South: Zoning: Residential 3 (R3) Use: Vacant Lot across Scripture Street right-of-way.	Southeast: Zoning: Mixed-Use Neighborhood (MN) Use: Restaurant across Jagoe/Malone Street and Scripture Street rights-of-way.



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

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

There are no conflicts between the general criteria and the criteria specific for rezoning to PD Overlay requests.

2. *Prior Approvals*

There have been no prior approvals associated with this request.

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

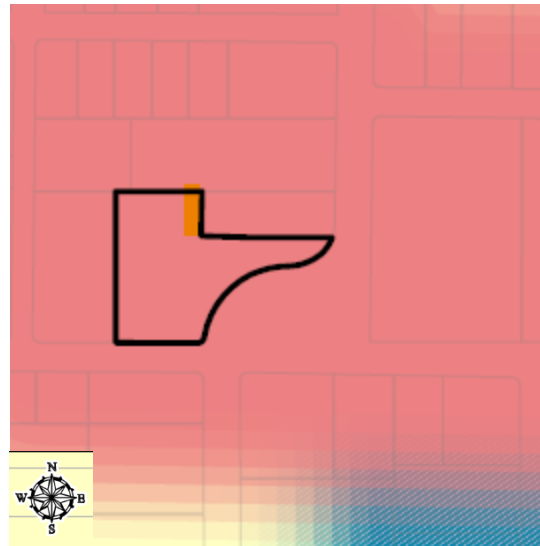
The decision-making authority:

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

The proposed Planned Development Overlay is consistent with the goals, policies, and actions of the Comprehensive Plan and with the Future Land Use Designation of

Neighborhood Mixed-Use (see inset map below and in Exhibit 5), 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. *Given the location of the property along two Collector roadways surrounded by existing development, rezoning the property to allow a broader range of commercial uses to occupy the existing building or redevelop the site should contribute to a compact, sustainable growth pattern in this area.*



GOAL LU-3: Grow our Assets: Maintain and Strengthen Neighborhoods, Commercial, and Employment Areas.

The proposed rezoning to PD-MN helps to strengthen an existing commercial area centered on the intersection of Scripture Street and Malone/Jagoe Street by increasing the permitted uses on an existing, developed commercial site, reducing the risk of the building becoming obsolete and underutilized, and creating the conditions for new and creative uses of the site, while maintaining the current SUP limitation on the potentially more disruptive multifamily use.

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

This proposed PD is intended to facilitate reuse and possible future redevelopment of an infill site located at the intersection of two Collector roadways with adequate infrastructure already in place to serve this site. Infill development that does not require infrastructure to be extended is consistent with the fiscal goals of the Comprehensive Plan.

OAK GATEWAY AREA PLAN: The Oak Gateway plan, which City Council accepted by resolution on January 15, 2019, includes the subject property and identifies it as part of the plan's "Sub Area 1." The plan's recommendations for Sub Area 1 included:

- "Create more businesses along Scripture Street (between Gober Street and Ponder Avenue) that are walkable and in scale with the area."
- "Modify zoning where needed to encourage revitalization and reinvestment."
- "Work with property owners to revitalize the area."

This PD overlay helps to advance all of these recommendations by taking an existing commercial lot and building, located at a major intersection that already includes restaurant, retail, and office uses, and opening it up to more commercial use options and thus more ability to provide uses adapted to the changing needs of the neighborhood. This zoning change would also encourage the owner to reinvest in the property knowing that a wider range of types of businesses will now be able to occupy the property and keep it financially viable into the future.

In summary, the requested PD overlay with an MN base zoning district (PD-MN) conforms to the Denton 2040 Future Land Use Map (discussed in more detail under sub-criteria “b” below) and with goals and recommendations related to revitalizing, reusing, and redeveloping infill properties along key corridors and intersections where infrastructure is already in place. The applicant has proposed rezoning to a base district that is the same as that on two of the other three corners of the intersection, and which allows for additional commercial uses which would be appropriate in this location, while also offering the additional overlay protection for the adjacent neighbors of maintaining the current SUP requirement for any future Multifamily development that may be proposed.

- 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 primary Future Land Use Map (FLUM) designation for the subject property is Neighborhood Mixed-Use, but the property is also within a transition area between this designation and the related Neighborhood/University Compatibility Area designation. The Neighborhood Mixed-Use designation applies to neighborhoods or districts where the predominant use is residential, but with a mix of compatible housing types and densities along with local-serving, non-residential retail and service uses. Such use mixes are typically found in established neighborhoods in the city’s core that accommodate local services.

The request is consistent with the FLUM designation of Neighborhood Mixed-Use. The Mixed-Use Neighborhood zoning designation is arguably the optimal zoning district for the Neighborhood Mixed-Use FLUM designation, and the overlay requirement of an SUP for Multifamily helps ensure that if that use is proposed, it will need to be designed in a way that is compatible with the surrounding mix of existing single-family, duplex, and low-rise multifamily residential along Scripture, Jagoe, and Malone Streets. Increasing the range of permitted commercial uses on the subject lot is also consistent with the purpose of providing “local-serving retail and service uses” that the Comprehensive Plan identifies for lots with the Neighborhood Mixed-Use FLUM designation. While the current R7 zoning prohibits or makes more difficult the development of such basic neighborhood-serving commercial uses as banks, general retail, and restaurants, rezoning to PD-MN will make all of these uses possible on this lot.

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.*

This request is for a rezoning to an Overlay PD with an MN base zoning district (PD-MN). The only modification this PD proposes to the DDC standards which are applicable to a standard MN-zoned lot is to require a SUP for Multifamily development (see Exhibit 8), rather than permitting it by right. Therefore, any future development or redevelopment on this lot is anticipated to comply with all applicable DDC standards.

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

Compliance with the DDC has been analyzed at the level of detail necessary for an Overlay Planned Development. Subsequent development will be subject to the appropriate applications, development standards, and review processes of the DDC.

5. *Compliance with Other Applicable Regulations*

The PD regulations document indicates that development on the subject site shall comply with all provisions of the 2019 DDC. Further, the development will be required to comply with the City's criteria manuals for roadway, utility, and drainage improvements.

6. *Consistent with Interlocal and Development Agreements*

There are no interlocal or development agreements applicable to the site.

7. *Minimizes Adverse Environmental Impacts*

While the owner has not proposed redevelopment of the site at this time, any future redevelopment of this site would be required to show compliance with all DDC regulations related to tree preservation, stormwater control, and landscaping during the review of the Zoning Compliance Plan in order to ensure environmental impacts are minimized.

8. *Minimizes Adverse Impacts on Surrounding Property*

In a number of ways, the proposed rezoning to PD-MN minimizes potential adverse impacts on surrounding property.

First, there are already MN-zoned properties, developed with uses allowed by-right in the MN zoning, on two of the other corners of this intersection, and these uses have been present for well over a decade or more. Properties zoned MN, with typical MN uses, are already part of the character of the surrounding area.

Second, as discussed under prior criteria, the proposed PD regulations require a Specific Use Permit for Multifamily, the same limitation on Multifamily development that is in place under the current R7 zoning. This PD regulation maintains the SUP as a tool which staff, the Planning and Zoning Commission, and City Council can use to minimize any potential negative impacts of future multifamily use which could be proposed for this site – including, potentially, through SUP denial.

Finally, any height increase permitted by this rezoning is limited by two sections of the DDC. First, and primarily, DDC Table 3.3-A requires an SUP for buildings between 41 feet and 65 feet in height when the lot is adjacent to a residential zoning district or a single-family residential, townhome, or duplex use. Because there are both residentially-zoned properties and single-family residences adjacent to this lot, any building over 41 feet in height would require an SUP. Secondly, DDC 7.10.6 *Building Height in Transition Areas* states that within 50 feet of the internal lot lines, maximum building height is limited to the R7 maximum height of 40 feet in height, and that between 50 feet and 100 feet from internal lot lines, maximum building height is limited to 55 feet. Overall, this means that, given the fairly narrow depth of the subject lot, over 95% of the lot is limited to either the same maximum height as it is now (40 feet), or no more than 15 feet above it (55 feet), and, additionally, that an SUP would be required for any height between 41' and 55', limiting potential negative impacts from height on surrounding property.

9. *Minimizes Adverse Fiscal Impacts*

Adverse fiscal impacts from this rezoning are not anticipated, as the subject site is already developed with a building and the applicant has not proposed to redevelop the site at this time. Should the applicant propose to redevelop the lot in the future, following rezoning to PD-MN, the site could be developed with any of the uses allowed by the MN base zoning, as limited by the PD overlay. Any new development of the site would be subject to City of Denton impact fee requirements, minimizing potential adverse fiscal impacts.

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

This proposed rezoning would not affect utilities, services, or improvements. Subsequent review of a Zoning Compliance Plan and Civil Engineering Plans must adhere to the applicable utility requirements. There are water and sewer lines along Scripture Street, and the existing building on the site has utility connections in place that will continue to serve any new use on the property.

11. *Provides Adequate Road Systems*

As discussed above, the subject property has frontage on Scripture Street and Malone Street, and it is currently developed with a commercial building. Rezoning the property to PD-MN is not anticipated to negatively impact surrounding properties as the primary access points will continue to be the existing driveways on Scripture Street. A Traffic Impact Analysis (TIA) is not required with a PD Overlay; however, a TIA will be required if the site is redeveloped with a use that meets the thresholds in the City's criteria manual for a TIA. Specifically, if a future redevelopment use will generate 100 peak hour trips, or 1,000 vehicle trips a day, a TIA would be required prior to approval of future development applications.

12. *Provides Adequate Public Services and Facilities*

The proposed rezoning is not anticipated to negatively impact public services and facilities. As previously noted, utilities are available in the area to serve the site, and the site has pre-existing utility connections. Any future redevelopment applications for the subject property must establish that existing and/or planned facilities have adequate public service capacity.

13. *Rational Phasing Plan*

The proposed rezoning does not have a phasing plan.

B. Section 2.7.3.E of the DDC provides approval criteria applicable to all applications.

1. *Complies with the goals of the Comprehensive Plan;*

As described in Consideration A above, the proposed rezoning meets this criterion.

2. *Complies with the goals of relevant Area Plans;*

As described in Consideration A above, the proposed rezoning to an Overlay PD-MN helps to achieve multiple recommendations of the Oak Gateway Plan.

3. *Complies with this DDC, except where modifications are expressly authorized through the PD Regulations Document and PD Development Plan;*

As detailed in Exhibit 8 and described in Consideration A above, the proposed rezoning meets this criterion.

4. *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;*

Although this PD Overlay limits its modifications to permitted uses, and therefore has limited impact on the qualities of development identified by this criterion, the requirement of an SUP for any Multifamily development does ensure that at least that type of use, if ever proposed here, will need to meet a higher standard in regard to its design and amenities than if it were developed by right as it could be under straight MN zoning.

5. *In the case of proposed residential development, that the development will promote compatible buildings and uses and that it will be compatible with the character of the surrounding area;*

As stated above, the lot is currently developed with a commercial building and the property owner has indicated no intent to redevelop it with a residential use. However, should the property owner ever seek to develop a residential use on the site, this PD Overlay limits by-right residential development to the types of low-rise, lower-density uses that are more consistent with the character of the surrounding area.

6. *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; and*

As detailed in Exhibit 6, the proposed PD-MN district permits the uses outlined in Exhibit 7. The proposed district would allow potential future development of a range of commercial and residential uses generally appropriate to a higher-traffic intersection surrounded by a mix of uses adjacent to moderate density residential areas. Under the PD-MN district, a wider variety of uses beneficial to the surrounding neighborhood would be permitted to be introduced in this location in the future.

7. *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.*

This proposed PD Overlay is required to comply with utility, service, and improvement standards if and when the property redevelops. If the PD is approved, future applications will be reviewed to ensure compliance with all applicable standards.

Water and Wastewater

The building on site currently has connections to existing water and wastewater facilities.

Nearest Fire Station

The subject property is approximately 1.9 miles from Fire Station #1 (332 E Hickory St), within the eight-minute or less response time boundary.

Parks

McKenna Park is an 11-minute (.5 mile) walk from the subject property.

Schools

The request is to facilitate the development of a commercial use or uses and thus is not anticipated to contribute additional students to the Newton Rayzor Elementary, Calhoun Middle School, and Denton High School districts for which it is zoned.

8. *The condition and/or restrictions imposed by the PD are necessary and sufficient to address any significantly adverse impacts to surrounding properties or the neighborhood.*

As detailed in Criterion 8 above, MN base zoning is already present at this intersection and has been since 2019 without significant adverse impacts. In addition, the DDC has standard requirements, such as those discussed in A.8 above and others, that already help to limit adverse impacts of any new development adjacent to a single-family neighborhood. Therefore, the only additional restriction imposed by the Overlay PD is the requirement of an SUP for Multifamily uses. Because this use would be one of the MN-permitted uses most likely to introduce significantly greater height, residential density, and parking needs to the area, maintaining the SUP requirement present in the current R7 zoning is necessary and sufficient to limit one of the few potential significantly adverse impacts of the proposed rezoning.