



Legislation Text

File #: S15-0009, **Version:** 1

Planning Report

S15-0009/McKinney Denton Apartments

City Council District 1

Planning & Zoning Commission

November 4, 2015

REQUEST:

Hold a public hearing and consider a recommendation to City Council regarding a Specific Use Permit to allow a multi-family development on an approximately 16.061 acre property generally located on the south side of East McKinney Street (FM 426), approximately 1,500 feet east of Woodrow Lane. (S15-0009, McKinney Denton Apartments, Mike Bell)

OWNER:

Codella, LLC.

APPLICANT:

Hayes, Berry, White & Vanzant, LLP.

BACKGROUND:

The applicant is requesting approval of a Specific Use Permit (SUP) to allow a multifamily development on an approximately 16-acre property within a Neighborhood Residential Mixed Use (NRMU) District. The NRMU District requires an SUP for multifamily unless it is part of a mixed-use development, Master Planned Community (MPC), or part of a Small Area Plan. The proposed development will include 322 multifamily units with supplementary amenities, including a business center, fitness center, swimming pool, two community centers, and an after school program. According to the applicant, the project is proposed in cooperation with the Denton Housing Authority and all units will be subsidized by Low-Income Housing Tax Credits. No market rate apartments will be offered.

In 2008, the subject property and the 10-acre property to the west were rezoned from a Neighborhood Residential Mixed Use 12 (NRMU-12) District to the current NRMU District. This rezoning was in association with an SUP for a 369-unit multifamily development also approved in 2008. Because the development was not constructed within 24 months of its approval, this SUP has expired per Subchapter 35.6.6.A of the Denton Development Code (DDC).

SITE DATA:

The subject property includes 16.061 acres of undeveloped property. Although the site is heavily forested, it is not located within an Environmentally Sensitive Area (ESA). A Tree Preservation Plan was submitted as part of the SUP request to verify that the proposed site plan complies with the Tree Code.

USE OF PROPERTY UNDER CURRENT ZONING:

The purpose of the NRMU District is to encourage a mix of high-density, residential units and an active node of

retail and commercial services to support adjacent neighborhoods, as described in Denton Plan 2030. These activity centers would primarily allow for a mix of neighborhood-oriented retail, office, and service uses with allowances for townhome, civic uses, and multi-story apartments up to 30 units per acre. The NRMU district may also serve as a transition between neighborhoods and non-residential zoning districts. Multifamily is permitted within the NRMU District with an SUP or if part of a mixed-use development, MPC, or Small Area Plan. A list of additional permitted uses within the NRMU zoning district is attached for reference.

SURROUNDING ZONING AND LAND USES:

North: The property to the northwest is zoned a Neighborhood Residential 4 (NR-4) District and is developed with the Summerwind single-family neighborhood. Directly to the north is zoned an NRMU District and is developed with a law office. To the northeast is zoned an NRMU-12 District and is developed with the Fountains of Denton Apartments.

East: The property immediately to the east is zoned a combination of NRMU and NRMU-12 Districts and is developed with a Denton Municipal Electric (DME) electric substation. Farther to the east is a property also zoned NRMU and NRMU-12 Districts that is anticipated to develop with the recently approved Majestic at McKinney Apartments.

South: The property to the south is zoned an NR-4 District and is undeveloped.

West: The property immediately to the west is zoned an NRMU District and is undeveloped. Farther to the west is Mack Park zoned Neighborhood Residential 2 (NR-2) District.

COMPATABILITY OF REQUEST WITH SURROUNDING ZONING/LAND USES:

The proposed development is primarily surrounded to the west and south by undeveloped property zoned for single-family residential. A 10-foot landscape buffer with five evergreen and deciduous trees and 30 shrubs per 100 linear feet is required along the southern property line to mitigate potential nuisances. Additionally, all proposed buildings within the development that are adjacent to single-family zoning will comply with the residential proximity slope for multi-family development required by Subchapter 35.13 of the DDC. This provision limits the height of multifamily buildings near the property lines of single-family zoning to prevent the residents from overlooking the backyards of homes.

To the east is a property recently developed with a DME electric substation. A 15-foot landscape buffer with six evergreen and deciduous trees and 25 shrubs per 100 linear feet is required along the site's eastern perimeter to mitigate any potential nuisances. The driveway and parking spaces on the east side of the development also provide additional setback for the residents in those buildings closest to the substation. To the north is the Fountains of Denton Apartments that includes three-story buildings. A two-story law office is also located to the north.

The site design requirements in Subchapter 13 of the DDC, including buffers, proximity slopes, light and glare standards, will be provided to mitigate potential impacts to surrounding properties. Development of the site as proposed is not anticipated to have an adverse impact on surrounding land uses.

COMPREHENSIVE PLAN:

Per the Future Land Use Map in *Denton Plan 2030*, the subject property is designated as "Moderate Residential." This designation is primarily intended to promote single-family housing on small lots, typical of Denton's more compact, established single-family neighborhoods. The density of Moderate Residential should range between four to twelve units per acre. Low-rise multifamily dwellings and townhomes may also be located in these areas so long as they maintain a scale, style, and building orientation complementary of the prevailing character of the area. This designation typically applies to areas within the central areas of Denton between established single-family neighborhoods and mixed-use or commercial areas that can accommodate

greater density.

The Housing and Neighborhoods Element of *Denton Plan 2030* provides additional guidance on apartments and affordable housing in Denton. It notes that although housing and rental units are generally more affordable than elsewhere in the region, incomes are also lower. According to the Plan, nearly 58% of Denton's renter households were "cost burdened," or paying more than 30% of their income towards housing. This forces households to make trade-offs regarding the costs of health care, childcare, and food. Per the City's *2010-2014 Consolidate Plan*, Denton also has a higher percentage of subsidized, affordable housing than neighboring communities. This includes an inventory of approximately 3,400 subsidized rental units within three developments (Heritage Oaks Apartments, Pecan Place Apartments, and Renaissance Courts Townhomes), as well as approximately 1,800 in scattered site units. Even with this higher percentage, there are approximately 1,500 people on waiting lists for these subsidies, which will span at least five years as of 2014. Addressing these issues requires a comprehensive strategy of increasing employment, homeownership, and affordable housing opportunities for the citizens of Denton. With regards to affordable housing, *Denton Plan 2030* outlines the following policies and actions:

7.2 - Expand the availability of affordable housing choices for community members most in need of housing, including those with low incomes and special needs.

7.2.1 - Support efforts of DHA, Denton Affordable Housing Corporation, and Habitat for Humanity to expand the availability of affordable housing for low-moderate income residents through policies for mixed income housing and neighborhoods.

While there is an obvious need to provide additional affordable housing options for a growing city like Denton, *Denton Plan 2030* also cautions that the quality of construction, design, and maintenance of these properties is critical. High quality design for all multifamily, including those for low-income families, students, and seniors, will be essential to preventing the existing condition of some of the city's older multifamily housing stock.

CONSIDERATIONS:

1. The applicant is proposing to develop a 322-unit multifamily development. Multifamily that is not part of mixed-use development requires approval of an SUP in the NRMU zoning district. The approval criteria for SUP's is outlined in Subchapter 35.6.4 of the DDC:
 - a. That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with Denton Plan 2030, and federal, state, or local law.
 - b. An SUP shall be issued only if all the following conditions have been met:
 - i. That the specific use will be compatible with and not injurious to the use and enjoyment of other property nor significantly diminish or impair property values within the immediate vicinity;
 - ii. That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;
 - iii. That adequate utilities, access roads, drainage, and other necessary supporting facilities have been or will be provided;
 - iv. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;
 - v. That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;
 - vi. That directional lighting will be provided so as not to disturb or adversely affect neighborhood properties; and

- vii. That there is sufficient landscaping and screening to ensure harmony and compatibility with adjacent property.
- c. That adequate capacity of infrastructure can and will be provided to and through the subject property.
- d. That the specific use is compatible with and will not have an adverse impact on the surrounding area. When evaluating the effect of the proposed use on the surrounding area, the following factors shall be considered in relation to the target use of the zone:
 - i. Similarity in scale, bulk, and coverage
 - ii. Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.
 - iii. Architectural compatibility with the impact area.
 - iv. Air quality, including the generation of dust, odors, or other environmental pollutants.
 - v. Generation of noise, light, and glare.
 - vi. The development of adjacent properties as envisioned in *Denton Plan 2030*.
 - vii. Other factors found to be relevant to satisfy the requirements of the DDC.

The proposed site plan, landscape plan, and elevations are compliant with the requirements of the DDC and no noise and lighting impacts onto adjacent properties are anticipated. A preliminary review of public infrastructure and services has also determined that the proposed use will be adequately served under future conditions.

- 2. The proposed development will include eleven apartment buildings ranging from two to four stories in height. A breakdown of the height, unit count, and parking requirements for all apartment buildings within the site is provided below:

Type A:

Number of Buildings:	3
Height:	3 stories
Number of Units:	30 each

Type B:

Number of Buildings:	2
Height:	3 stories
Number of Units:	30 each

Type C:

Number of Buildings:	1
Height:	3 stories
Number of Units:	12

Type D:

Number of Buildings:	2
Height:	2 stories
Number of Units:	10 each

Type E1:

Number of Buildings:	1
Height:	2 stories
Number of Units:	12

Type E2:

Number of Buildings	1
Height:	2 stories
Number of Units	12

Type F:

Number of Buildings	1
Height:	4 stories
Number of Units	116

Total:

Number of Buildings:	11
Height Range:	2-4 stories
Total Number of Units:	322
One Bedroom Units:	36
Two Bedroom Units:	146
Three Bedroom Units:	124
Four Bedroom Units:	16
Parking Spaces Required:	626

Two additional buildings will be also be constructed within the site, including the leasing office near the entrance to the site and a laundry/mail/community area within the interior of the site. These buildings are labeled as Buildings 13 and 12, respectively, on the attached site plan. Although elevations for these buildings were not provided with the application, the applicant has stated they will be architecturally compatible with the apartment buildings.

3. Although not located within an Environmentally Sensitive Area (ESA), the site is heavily forested. This made compliance with the tree preservation and mitigation requirements in Subchapter 13 of the DDC particularly challenging. The applicant has worked with staff through several iterations of the site plan to design the site not only to comply with Tree Code requirements, but to preserve as many of the prime trees as possible. These tree areas are generally clustered into the common areas of the development as well as along McKinney Street.
4. It should be taken into consideration that McKinney Street is currently a two-lane, undivided roadway with a capacity of approximately 9,000 trips per day. According to recent traffic counts conducted by the City, the street is already over capacity with approximately 14,000 trips per day on this road. Ultimately, however, the Texas Department of Transportation (TxDOT) has plans to widen McKinney Street into a four-lane, divided roadway. When the widening is complete, the capacity will increase to approximately 24,000 trips per day; which is sufficient to handle the additional 2,100 trips generated per day by the proposed use. No date has been set for the start of the widening project.

However, in an effort to address traffic impacts in the interim, the applicant will be required to provide two principal mitigation measures:

- The applicant will be required to construct temporary turn lanes into the primary access to the development. This access is located on the east side of the property directly across from the entrance

for the Fountains of Denton apartments to the north. It also aligns with the future median opening on McKinney Street. These turn lanes will allow residents to enter the site without impeding the flow of pass-through traffic.

- The secondary access on the west side of the property will be a gated, emergency access only until a median is installed with the widening of McKinney. This is intended to improve traffic safety by forcing traffic to use the turn lanes to the east rather than crossing the double yellow stripe currently in the center of McKinney Street. When the widening is complete, the median is installed, and the ability to cross McKinney is removed, this access may be converted to a right-in, right-out entrance/exit for the residents.
5. To improve bicycle and pedestrian safety and amenities along McKinney Street, which has long suffered from a lack of sidewalks, staff recommended the applicant consider enhancing bicycle and pedestrian amenities within the development. In response, the applicant is proposing a sidewalk along McKinney Street six feet in width and designed around the existing trees. This is wider than the standard five-foot sidewalk typically required along arterial streets. The sidewalk will taper down to five feet near the property lines to provide a seamless transition to the sidewalks of adjacent properties. To enhance bicycle amenities, the applicant is also proposing to add 35 bike racks within the site for use by the residents.
 6. The property is in an area designated as “Moderate Residential” on the Future Land Use Map of *Denton Plan 2030*. Multifamily is allowed within Moderate Residential, so long as it is complementary in scale, style, and orientation of surrounding uses. The density within this designation is encouraged between four and twelve units per acre.

The development’s proposed density of 19 units per acre is higher than those encouraged by Moderate Residential but is well below the maximum of 30 units per acre permissible in the NRMU zoning district. Denton Plan 2030 also encourages higher densities within the city’s core to promote a compact growth pattern so long as it does not negatively impact existing, viable neighborhoods. No negative impacts are anticipated on nearby neighborhoods.

7. *Denton Plan 2030* cites the shortage of affordable housing options in Denton and recommends additional options through support of the Denton Housing Authority. According the applicant, the proposed development will be 100% subsidized units. If approved, this development would decrease the current shortage of low-income housing in the city; a stated goal of Denton Plan 2030.
8. *Denton Plan 2030* stresses the importance of high quality design, materials, and maintenance of multifamily projects. All buildings within the development will be constructed in compliance with the multifamily design standards of the DDC. The exterior buildings materials will be a minimum of 40% adhered masonry with the remainder being a combination of siding and stucco. Staff recommends that the minimum percentage of masonry be increased to 60% on sides of buildings facing McKinney Street to enhance the visual qualities of the development.

STAFF RECOMMENDATION:

Staff recommends **approval** of the request as it is compatible with the surrounding property and is consistent with the goals and objectives of the Denton Plan 2030, subject to the following conditions:

1. Development of the site shall substantially comply with the site plan and landscape plan attached.
2. The maximum number of units of the development shall be 322 units.
3. The western access shall be emergency access only until McKinney Street is widened and a median is installed.
4. Buildings facades facing McKinney Street shall have a minimum of 60% masonry building materials. Gables, windows, doors, and related trim may be excluded from the percentage calculation.

OPTIONS:

1. Recommend approval as submitted.
2. Recommend approval subject to conditions.
3. Recommend denial.
4. Table the item.

PUBLIC NOTIFICATION:

To comply with the public hearing notice requirements, seven notices were sent to property owners within 200 feet of the subject property, 21 courtesy notices were sent to physical addresses within 500 feet of the subject property, a notice was published in the Denton Record Chronicle, and signs were placed on the property. The applicant hosted a neighborhood meeting on October 26, 2015.

PROJECT TIMELINE:

Application Received:	July 7, 2015
1 st Submittal Sent to DRC Members:	August 18, 2015
Comments Released to Applicant:	September 4, 2015
DRC Meeting with Staff:	September 10, 2015
2 nd Submittal Sent to DRC Members:	September 18, 2015
Comments Released to Applicant:	October 2, 2015
Business Days under DRC Review:	23
Business Day out to Applicant:	40
Total Business Days:	63

EXHIBITS:

- Aerial Map
- Zoning Map
- Future Land Use Map
- Applicant Narrative
- Site Plan
- Landscape Plan
- Type A Elevations
- Type B Elevations
- Type C Elevations
- Type D Elevations
- Type E1 Elevations
- Type E2 Elevations
- Type F Elevations
- Site Photos
- Notification Map

Respectfully submitted:
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