

# Planning Staff Analysis

## Z25-0018a / Denton Duplexes Rezoning R3 to R7

### City Council District #2

#### REQUEST:

Rezoning of approximately 0.74 acres from Residential 3 (R3) Zoning District to a Residential 7 (R7) Zoning District.

#### STAFF RECOMMENDATION:

Staff recommends **approval** of the rezoning of approximately 0.74 acres from R3 Zoning District to a R7 Zoning District 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 2.7.2.D of the DDC for approval of a Zoning Map Amendment (Rezoning).

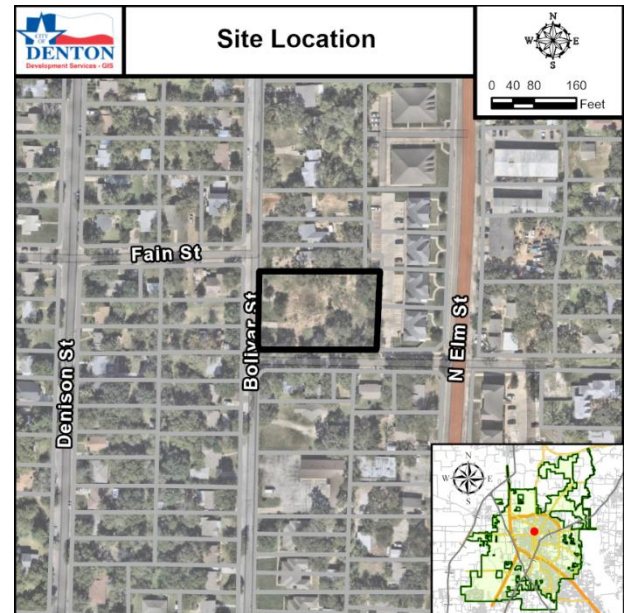
#### SITE DATA:

The subject property was initially developed as a single-family residence in 1955. After an initial zoning district of One-Family Dwelling District (SF-7) in 1969 the property was transitioned to Neighborhood Residential 3 (NR-3) in 2002. Following the implementation of the 2019 Denton Development Code, the property was reclassified in the Residential 3 (R3) zoning district. In March of 2025, it was determined that the single-family residence and accessory buildings were in a state of disrepair and the demolition of these buildings was approved by City Staff.

The property owner, 2306 Bolivar St an individual protected series of series of Elsi LLC, acquired the property in January of 2025 and has submitted a zoning change request to allow for the development of four duplexes. Should the zoning change be approved, the property owner will apply for a subdivision of the property in order to facilitate the duplex development. The R7 zoning district permits a variety of residential, public, institutional, religious, and commercial uses by right and with the approval a Specific Use Permit (SUP). See Exhibit 9 for a complete table of allowed uses.

The subject site is generally located on the northeast corner of Bolivar Street and Taliaferro Street, approximately 155 feet west of North Elm Street. Per the City's 2022 Mobility Plan, Bolivar Street is a north-south Residential Street and Taliaferro Street is an east-west Residential Street. The property is vacant at this time with 138 feet of frontage along Bolivar Street and 220 feet of frontage along Taliaferro Street. Previously, access to this property was granted via curb cuts on both Bolivar and Taliaferro Streets. The site contains an urban stand of protected trees but is otherwise not improved.

The City's maps reflect that no Environmentally Sensitive Area (ESA) or wildlife corridors are present on the subject lot.



**SURROUNDING ZONING AND USES:**

Northwest: Zoning: Bolivar Street Right of Way and R3 zoning district Use: Single-family residential	North: Zoning: R3 zoning district Use: Single-family residential	Northeast: Zoning: R7 zoning district Use: Duplex
West: Zoning: Bolivar Street Right of Way and R4 zoning district Use: Single-family residential	<b>SUBJECT PROPERTY</b>	East: Zoning: R7 zoning district Use: Duplex
Southwest: Zoning: Bolivar Street Right of Way and R3 zoning district Use: Single-family residential	South: Zoning: Taliaferro Street Right of Way and R3 zoning district Use: Single-family residential	Southeast: Zoning: R7 zoning district Use: Duplex

**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 2.7.2.D of the DDC applies to this rezoning 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 zoning requests.

2. *Prior Approvals*

There are no prior approvals associated with this project.

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

*The decision-making authority:*

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

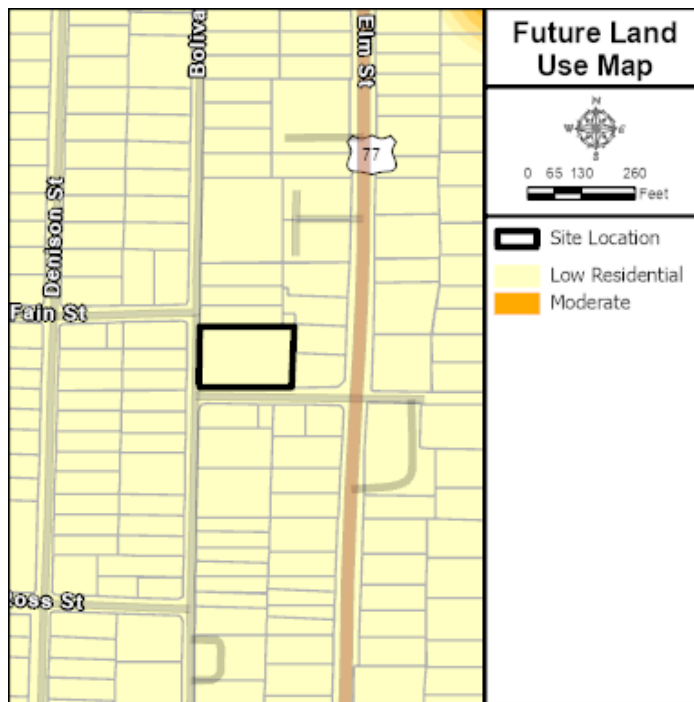
There are no competing goals, policies, or strategies associated with this proposal.

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 2040 Comprehensive Plan Future Land Use Map, the subject property is designated as a low-residential area (see inset image and provided as Exhibit 5). The description for the Future Land Use designation is provided below:

*This category includes the city's predominantly single-family neighborhoods, with lot sizes ranging from one acre or more in rural fringe areas up to five units*



*per acre gross density throughout many of the city's suburban subdivisions. Dwellings in this land use district are generally one to two stories with private driveways and open space, consisting of privately-maintained tree canopy and front, back and side yards. Building and driveway orientation, the locations of private garages, building material, and the presence of sidewalks vary by neighborhood and the era of neighborhood development. Generally,*

*these types of single-family neighborhoods are developed as distinct subdivisions that are linked by internal circulation systems with limited access to local and connector roads. This category may also include land uses that support residential neighborhoods, such as appropriately scaled commercial at arterial and collector street corners, and appropriately scaled public and quasi-public uses, such as religious and educational institutions*

The R7 zoning district is consistent with the goals, policies, and actions of the Comprehensive Plan and with the Future Land Use Designation of Low Residential as the district is intended to accommodate a variety of residential, public, institutional, religious, and commercial uses by right and with the approval a Specific-Use Permit. The proposed concept plan indicates the intent to develop the subject property as duplexes, which could have gross density of up to 10 units per acre. While this is denser than the proposed 1-5 units per acre as described by the Low Residential Land Use Category, the proposed use is consistent with existing uses in the area and further advances other goals within the 2040 Comprehensive Plan as described herein.

### **Land Use**

The Land Use Element of the Comprehensive Plan supports compatible redevelopment of areas classified as infill and includes several goals related to prioritization of infill development/redevelopment. Specifically, this request is consistent with the following Land Use Goals 2040 Comprehensive Plan:

- 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 proposed development would provide additional housing options inside Loop 288 and in close proximity to US 380, a Primary Arterial, and North Elm Street, a Secondary Arterial. The proposed zoning change would provide compact residential housing consistent with the surrounding area, which is largely comprised of single-family residential homes, duplexes, a religious facility and multifamily development.

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

The 2040 Comprehensive Plan notes that “the City should take every opportunity to ensure that as gaps in the neighborhood fabric occur, infill development, that is development of vacant or deteriorated properties will be encouraged, complimenting the scale and character of each neighborhood.” Examples of low-moderate density housing which could be compatible within single-family areas includes uses such as duplexes, townhomes and fourplexes. The proposed rezoning to R7 would facilitate redevelopment of the subject property that is compatible and complimentary to the existing neighborhood fabric.

### **Population Projections and Housing and Neighborhoods**

Per the 2040 Comprehensive Plan, the City’s population is projected to increase from 139,869 residents in 2020 to 229,192 residents in 2040, requiring the addition of 37,094 total housing units, including 6,046 Residential Other Units (1 unit attached; 2-4 units) (Table 1.3).

The proposed development is consistent with the overall need for additional missing middle housing types to meet the projected housing needs of the growing population by adding up to 8 additional duplex units to the City.

In addition, the 2040 Comprehensive Plan recognizes that “providing diverse housing options in a variety of densities, styles, and price-points is critical to increasing the affordability of housing in Denton.” The proposed development is consistent with the housing goals in the 2040 Comprehensive Plan, including:

- 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 locations.

### **Preferred Land Preservation Plan**

The Preferred Land Preservation Plan reflects the City’s intent to preserve ESA and floodplain areas. By complying with the City’s codified standards for floodplain and ESA preservation, development can occur in a manner consistent with the goals of the Preferred Land Preservation Plan in the 2040 Comprehensive Plan.

In this case, the Official ESA Map does not identify any ESA, assessed or unassessed, on the subject property. Subsequent project submittals will be subject to review from DDC Subsection 7.4.7: *Environmentally Sensitive Areas*, which generally prohibits land-disturbing activity and/or removal of trees and understory vegetation except for limited allowances as defined in the DDC.

The City’s Wildlife Corridor Map does not indicate the presence of greenspace nor Wildlife Corridors on the subject property.

#### *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 proposed rezoning would facilitate the development of the subject site in accordance with the DDC's standards. No deviations or modifications of DDC standards have been requested at this time.

Future development on this site will require compliance with all applicable development standards in the DDC, including, but not limited to, minimum lot size and dimensions, building coverage, access, parking, tree preservation, landscaping, screening, and buffering.

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

Rezoning to one of the DDC's established districts does not typically include a full review of all development standards within the DDC. If the proposed rezoning to a R7 zoning district is approved, a detailed development review will accompany all required future development applications such as a Specific Use Permit or zoning compliance plan, platting, engineering, tree preservation, and building permit submittals.

5. *Compliance with Other Applicable Regulations*

If the proposed rezoning to a R7 zoning district is approved, any future development of the site would consist of a detailed review of the proposed development to ensure compliance with all other applicable regulations.

6. *Consistent with Interlocal and Development Agreements*

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

7. *Minimizes Adverse Environmental Impacts*

As discussed above under Section A.3.b, the Preferred Land Preservation Plan and Official ESA map do not show any assessed or unassessed ESA area on this property. Any development of the subject property would be subject to the City's standards for tree preservation, stormwater, and landscaping to ensure environmental impacts are minimized.

8. *Minimizes Adverse Impacts on surrounding Property*

The proposed rezoning is consistent with the general character and development patterns of the surrounding area. The subject property is adjacent to existing single-family residential homes as well as several duplex lots. Development in the broader region is varied and includes single-family residences, duplexes, a religious facility, and multifamily.

The proposed rezoning would allow for the development of a variety of residential, commercial, public, institutional, or religious land uses that would be complimentary to existing development in the area. Development of the site would require conformance with design standards, such as building design and parking, within the DDC to minimize adverse impacts on surrounding properties. If this zoning change is approved the applicant has indicated an intent to develop the site as duplexes, a use which is consistent with the surrounding area.

9. *Minimizes Adverse Fiscal Impacts*

Staff used the Fiscal Impact Tool to analyze the proposal. The entire 0.74-acre site was considered for this analysis. Assumptions based on the applicant's intended use were used to generate the overall projected General Fund revenues and expenses, including property tax payments, sales tax capture, roadway maintenance costs, utility usage, solid waste costs, public safety costs, and neighborhood service costs. The Fiscal Impact Summary indicates that the proposal for a duplex development would result in a net -\$73,100 cost to the General Fund over a 40-year project duration.

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

This proposed rezoning will not affect utilities, services, or improvements. When the site is developed, the development will be reviewed to ensure compliance with all utility, service, and improvement standards.

11. *Provides Adequate Road Systems*

The subject property is situated on the northeast corner of Bolivar Street and Taliferro streets, both classified as Residential Streets and is approximately 155 feet west of North Elm, a Secondary Arterial. When the site is developed, a Trip Generation Study will be required as specified by the Transportation Criteria Manual. Additional information, such as a Traffic Impact Analysis, may be required based upon the findings of the Trip Generation Study. Any necessary roadway improvements would be required to comply with all DDC and Design Criteria Manual standards for roadways.

12. *Provides Adequate Public Services and Facilities*

This proposed rezoning is not anticipated to negatively impact public services and facilities. When the site is developed, the new development must comply with all applicable standards to ensure adequate public services and facilities are available.

13. *Rational Phasing Plan*

There is no phasing plan associated with the zoning change request.

B. Section 2.7.2.D of the DDC states that an application for a rezoning may be approved based on the following conditions:

a. *The proposed rezoning is consistent with the Comprehensive Plan.*

As discussed in A.3.b above, the R7 zoning district is consistent with the goals, policies, and actions of the Comprehensive Plan. In particular, this request furthers goals that support compatible infill and redevelopment as well as missing middle housing.

b. *The proposed rezoning is consistent with relevant Small Area Plan(s).*

There is no small area plan approved for this site.

c. *The proposed rezoning is consistent with the purpose statement of the proposed zoning district, as provided in Subchapter 3, Zoning Districts.*

Pursuant to Section 3.2.7 of the DDC:

The R7 district is intended to accommodate a variety of housing types on lots designed to encourage walking to neighborhood-serving retail and other amenities such as parks and school facilities. This zoning district will ensure existing neighborhood character is maintained while also contributing to a

safe environment for pedestrians and bicyclists. This district can also serve to support compatibility between single-family neighborhoods and higher-intensity mixed-use or nonresidential.

The proposed R7 zoning district in this location is consistent with the purpose statement. The subject property is situated in an area suitable for the R7 zoning district given the residential nature of the area and adjacent duplex lots.

- d. There have been or will be significant changes in the area to warrant a zoning change.*

In the last 5 years, the area generally adjacent to the subject property has not seen development that significantly changes the anticipated development pattern; the area has developed in a manner consistent with the Future Land Use Plan (see Aerial maps below) by maintaining single-family home lots and the creation of new duplex properties. As most of this area has been previously developed, the rezoning request would facilitate the redevelopment of an infill lot with a compatible use and be consistent with the intent that this area should develop as predominantly residential uses.



*(Continued on next page)*

- e. *The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood.*

The subject property is situated at the northeast intersection of Bolivar Street and Taliaferro Street. As detailed above, this corridor is predominately developed and has not experienced significant growth in the last five years. The R7 zoning district is consistent with the overall development pattern within the area and would not introduce new land uses which are incompatible to adjacent properties nor expected to create adverse impacts. The proposed rezoning would facilitate compatible development and be consistent with the Comprehensive Plan's intent that this area should develop with residential uses.

- f. *Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service to existing development.*

#### **Roadway Impact Fees**

Roadway impact fees, paid at the time of development, are determined using a proportionality calculation based on the proposed uses and projected vehicle trips. These fees will be assessed based on plans submitted and are used to make roadway system improvements related to the Mobility Plan.

#### **Water and Wastewater**

Water and wastewater are currently available to this property. When the site is developed, it will be reviewed to ensure compliance with all utility, service, and improvement standards for extension and connection to City utilities. Additionally, water and wastewater tap, and impact fees will be based upon the intensity of the development and are required to be paid during permitting.

#### **Schools**

The proposed rezoning to R7 district allows for a variety of residential land uses by right and with a Specific-Use Permit. The proposed site plan shows 4 duplex buildings, which are anticipated to contribute 4 students to DISD according to the DISC Student Generation Calculator. That is a total of 1.84 students to elementary schools, 0.96 students to middle schools, and 1.2 students to high schools.

#### **Nearest Fire Station**

The subject property is approximately 1.95 miles from Fire Station #5 (2292 Windsor Drive), within the eight minute or less response time boundary.

- g. *There was an error in establishing the current zoning district.*

There was not an error in establishing the current zoning district. The subject property was assigned SF-7 zoning in 1969, then transitioned to NR-3 in 2002. With the adoption of the 2019 DDC, the property was granted the R3 zoning district designation.