



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

ACM: Cassey Ogden

DATE: November 14, 2023

SUBJECT

Consider a motion to reconsider the November 7, 2023 denial of a Specific Use Permit (File ID S23-0002b) to allow a building no more than 53 feet in height on approximately 2.695 acres of land generally located at the southwest corner of the intersection of Stuart Road and Loop 288 in the City of Denton, Denton County, Texas. (S23-0002c, Stuart Apartments, Mia Hines)

BACKGROUND

On November 7, 2023, the City Council held a public hearing for case S23-0002, which is a request to allow a multifamily building of no more than 53 feet in height. At the close of the public hearing, a motion was made and seconded to approve of the request with staff conditions; however, that motion failed, resulting in a denial (4-3).

Section 2-29(g)(11) of the City's Code of Ordinances allows a member who voted with the prevailing side (in this case, the four members who did not vote to approve the Specific Use Permit) of the prior motion to make a motion to reconsider so long as such motion is made "not later than the next succeeding official meeting of the Council." The motion to reconsider may be seconded by any member.

On Wednesday, November 8, 2023, Councilmember Paul Meltzer requested that an item be placed on the November 14, 2023 agenda for reconsideration.

Should the motion to reconsider carry, the City Council would then direct staff to provide public notification and schedule a new public hearing to reconsider the recommendation for S23-0002. A new public hearing is required so that the City Council can regain jurisdiction over the zoning item. Per Texas case law, jurisdiction over an item is lost once an item is either approved or denied by the local governing body. Notification of the new public hearing could be sent to the local newspaper and surrounding property owners to allow the public hearing to be held at the December 5, 2023 City Council meeting.

Should the motion to reconsider fail, the original denial of the SUP would stand.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

| Date | Council, Board, Commission | Request | Action |
|--------------|----------------------------|--|----------|
| May 23, 1972 | City Council | Rezone from Agriculture (A) to General Retail (GR) (Ord. 1972-019) | Approved |

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|--------------------|--------------------------------|--|----------------------|
| February 2002 | City Council | Rezone from GR to Neighborhood Residential Mixed Use (NRMU) (Citywide) | Approved |
| April 10, 2019 | Planning & Zoning Commission | Rezone from NRMU to Mixed-Use Neighborhood (MN) (Citywide) | Recommended Approval |
| April 23, 2019 | City Council | Rezone from NRMU to Mixed-Use Neighborhood (MN) (Citywide) | Approved |
| September 27, 2023 | Planning and Zoning Commission | Specific Use Permit for building height between 41 feet & 65 feet | Recommended Approval |
| October 17, 2023 | City Council | Specific Use Permit for building between 41 feet & 65 feet | Postponed |
| November 7, 2023 | City Council | Specific Use Permit for building between 41 feet & 65 feet | Denied |

EXHIBITS

Exhibit 1 - Agenda Information Sheet

Information related to S23-0002 from the November 7, 2023 City Council meeting can be found online at: <https://www.cityofdenton.com/242/Public-Meetings-Agendas>.

Respectfully submitted:

Tina Firgens, AICP
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