



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

## AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**ACM:** Cassey Ogden

**DATE:** March 5, 2024

### **SUBJECT**

Hold a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a change in the zoning district and use classification from Suburban Corridor (SC) District, Mixed-Use Neighborhood (MN) District, and Residential 3 (R3) District to a Planned Development (PD) District with SC and MN base zones on approximately 18.235 acres of land generally located at the northwest corner of East University Drive (US 380) and Old North Road in the City of Denton, Denton County, Texas; adopting an amendment to the City's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission voted 4-1 to recommend approval of the request. Motion for approval by Commission Smith and second by Commissioner Villarreal. (PD23-0003a, 380 Multifamily and Commercial, Mia Hines) <https://dentontx.new.swagit.com/videos/297464?ts=4982>

### **BACKGROUND**

The applicant is requesting to rezone approximately 18.235 acres of land to a PD District to facilitate a horizontal mixed-use development consisting of both multifamily residences and commercial land uses. The subject property is comprised of several parcels with split zoning. As shown on the existing Zoning Map (Exhibit 4), the northern half of the subject site, abutting the existing single-family residential subdivision to the north, is currently zoned MN while the southern half of the subject site, abutting East University Drive to the south, is currently zoned SC. The request also includes approximately 0.15 acre of land within the northwest corner of the subject site, currently zoned R3 and believed to zoning map error from the property zoned R3 to the west of the subject site. The entire subject site is currently undeveloped.

In 2022, the applicant requested to rezone approximately 2.604 acres of land along East University Drive from the SC District to the MN District to facilitate the development of multifamily residences (Z22-0003). At that time, residents of the abutting single-family residential subdivision expressed concerns regarding the approval of a straight rezoning without a more comprehensively planned development that would ensure certain building heights and setbacks from the existing single-family residential properties. During the public hearings, the applicants conceptually agreed that they would be willing to implement certain screening measures, limit their building height, and maintain a greater setback between their proposed multifamily structures and the existing single-family structures in response to the neighbors' concerns. Subsequently, City Council postponed the item indefinitely and directed the applicant to apply for a Planned Development to give the City the opportunity to review a more comprehensive development plan proposal and codify the concessions the applicant verbally agreed to during their presentations. As a result, the applicant withdrew Z22-0003 and proposed a Standard Planned Development, meaning the ordinance will include both development standards and plans consistent with Subsection 2.7.3.D-2.b to ensure the

application of additional context sensitive development standards as well as consistency in the layout and architecture across the entire property.

Subsequently, the property owner applied for a Planned Development District to address not only the multifamily development, but also the intended commercial development along the frontage of University Drive in one comprehensively planned mixed-use development. The Planned Development proposes the adoption of a Development Plan (Exhibit 8) and Development Standards (Exhibit 7) that would assign a base zoning of MN on approximately 9.939 acres and SC on the remaining 8.296 acres (see PD Zoning Plan, Exhibit 8). Below is a summary description of each proposed subdistrict.

- Within the MN Subdistrict, the applicant proposes the development of no more than 279 multifamily residential units with associated parking and amenities for the new residents. In response to the community's concerns, additional development standards for the MN Subdistrict would limit the overall height of structures to 40 feet and impose an additional land-use compatibility buffer of 20 feet with specific planting requirements between the proposed multifamily development and the existing single-family development to the north. This is compared to the maximum 65-foot building height and the minimum 10-foot-wide buffer and planting options otherwise permitted within the MN zoning district and required by the Denton Development Code (DDC).
- Within the SC Subdistrict, the applicant proposes the development of approximately 33,000 square feet of retail, restaurant, and office space including four restaurant uses oriented around a central water feature. The applicant proposes to develop this subdistrict consistent with the layout provided for in the proposed Development Plan.

In addition to providing for the enhanced setbacks and buffering the neighboring residents desire for the multifamily portion of the site, the Planned Development District is intended to ensure that the entire site develops with consistent architectural styling, increased connectivity, and unique amenities such as a central pond feature around which the entries and many of the commercial sites would be oriented. These are unique and beneficial elements of the proposed development that could not be required under the base zoning, but that the site can be held to if the proposed PD standards and plans are approved.

A full Staff Analysis is provided in Exhibit 2.

#### PLANNING AND ZONING COMMISSION

On February 14, 2024, the Planning and Zoning Commission held a public hearing and recommended approval (4-1) of the request.

At the public hearing, staff presented the facts of the case and the Commission asked a few clarifying questions related to landscape and screening details, as well as the difference between the development being proposed within this PD request versus development that could occur by right, and what is permitted on surrounding properties given their current zoning. Staff presented that the landscaping and screening items outlined in the proposed PD Development Plan and PD Development Standards are included in this proposal to adopt an enforceable mechanism which ensures consistent screening, accounts for existing site constraints, and ensures compatible building layout and design. For example, the proposal includes the replacement of only a portion of a fence to ensure a continuous 8-foot-tall fence line since the existing fence in that area is only 6 feet tall. Similarly, the PD Development Plan indicates the required street tree plantings along East University Road (US-380) are to occur further away from the right-of-way to account for existing easements along the right-of-way as well as TxDOT's prohibition against new tree plantings within their right-of-way although DDC 7.7.7 requires that street trees be located within the street right-of-way or within 10 feet of the street right-of-way. Further, the maximum 40-foot building height imposed on the multifamily residential building is comparable to the maximum 40-foot building height permitted in the neighboring Residential (R6) District.

The Commission also had questions regarding the applicant's neighborhood outreach efforts associated with this application. The applicant presented a summary of their community engagement efforts as noted below.

## **OPTIONS**

1. Approve
2. Approve Subject to Conditions
3. Deny
4. Postpone Item.

## **RECOMMENDATION**

The Planning and Zoning Commission voted [4-1] to recommend approval of the request.

Staff recommends approval of the request to a PD District as it complies with the criteria in Section 2.4.5.E of the Denton Development Code for approval of all applications, and Section 2.7.3.E of the DDC for approval of a rezoning to a PD District.

## **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

Date	Council, Board, Commission	Request	Action
2002	City Council	Citywide rezoning	Rezoning to Neighborhood Residential 3 and Community Mixed Use General
October 1, 2019	City Council	New Zoning Code and City-wide zoning district transition to R3 and SC District	Approval
September 28, 2022	Planning and Zoning Commission	Rezoning from R3 and SC to MN	Recommended Approval
October 18, 2022	City Council	Rezone from R3 and SC to MN	Postponed
February 14, 2024	Planning and Zoning Commission	Rezone from R3, SC, & MN to PD	Recommended Approval

## **PUBLIC OUTREACH:**

112 notices were sent to property owners within 200 feet of the subject property and 250 postcards were mailed to current residents within 500 feet of the subject property. As of the writing of this report, the City has received two responses in favor and one response in opposition of the request, which are included in Exhibit 14.

A notice was published in the Denton Record Chronicle on January 28, 2024 and February 18, 2024.

A notice was published on the City's website on January 25, 2024 and February 15, 2024.

Four signs were posted on the property by February 1, 2024.

The applicant held neighborhood meetings in June 2022 and October 2022 to discuss the facts related to the original rezoning request (Z22-0003) as well as their proposed PD Development Plan. The applicant reports that, during these meetings, the attendees were generally supportive of the request but were further

interested in ways to ensure the proposed development is compatible with surrounding neighborhoods. Following the postponement and subsequent withdrawal of Z22-0003 as discussed above, the applicant worked with the neighboring Old North Park Homeowner's Association and a steering committee formed by the residents of the Old North Park subdivision to obtain feedback regarding the comprehensive design of the subject property. Following staff's complete review of the proposed PD, the applicant held another neighborhood meeting on February 1, 2024. During this last meeting, the applicant presented the comprehensive PD Development Plan and the residents in attendance expressed their support for the request.

## **DEVELOPER ENGAGEMENT DISCLOSURES**

No developer contact disclosures have been provided to staff from members of this body as of the issuance of this report.

## **EXHIBITS**

Exhibit 1 - Agenda Information Sheet

Exhibit 2 - Staff Analysis

Exhibit 3 - Site Location Map

Exhibit 4 - Existing Zoning Map

Exhibit 5 - Proposed Zoning Map

Exhibit 6 - Future Land Use Map

Exhibit 7 - PD Development Standards

Exhibit 8 - PD Development Plan

Exhibit 9 - PD Landscape and Tree Plan

Exhibit 10 - PD Building Elevations and Architectural Style Exhibit

Exhibit 11 - PD Deviations and Alternatives Table

Exhibit 12 - Fiscal Impact Summary

Exhibit 13 - DDC Table of Permitted Uses

Exhibit 14 - Notification Map & Responses

Exhibit 15 - Draft Ordinance

Exhibit 16 - Presentation

Respectfully submitted:

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