SI23-0002a 2801 Spencer

Julie Wyatt

Principal Planner
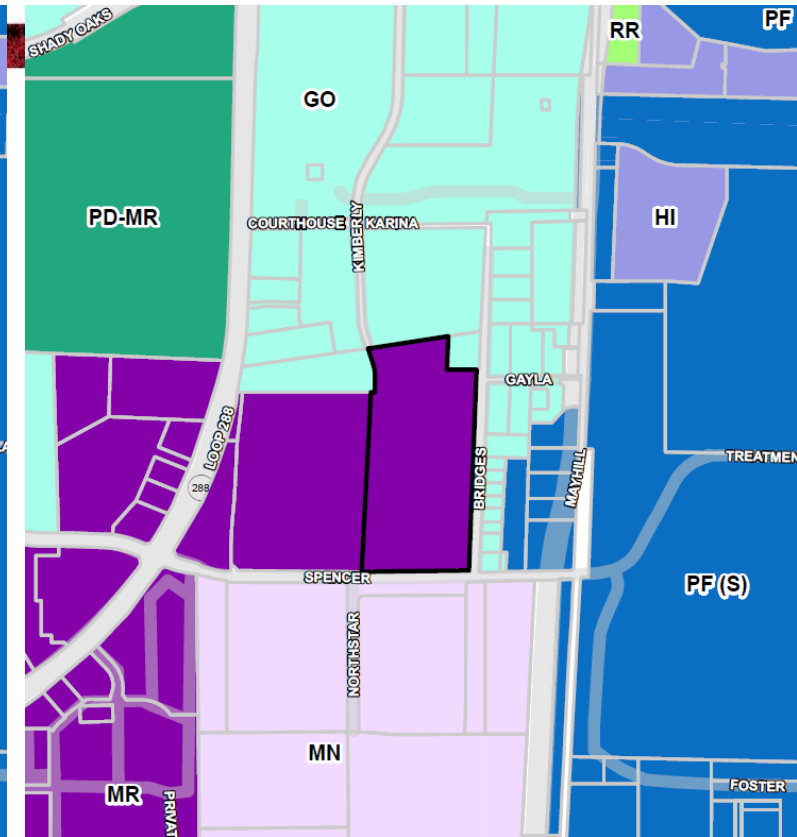
December 5, 2023

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Request

City-initiated to rezone approx. 19.5 acres from **General Office (GO)** to **Mixed-Use Regional (MR)**
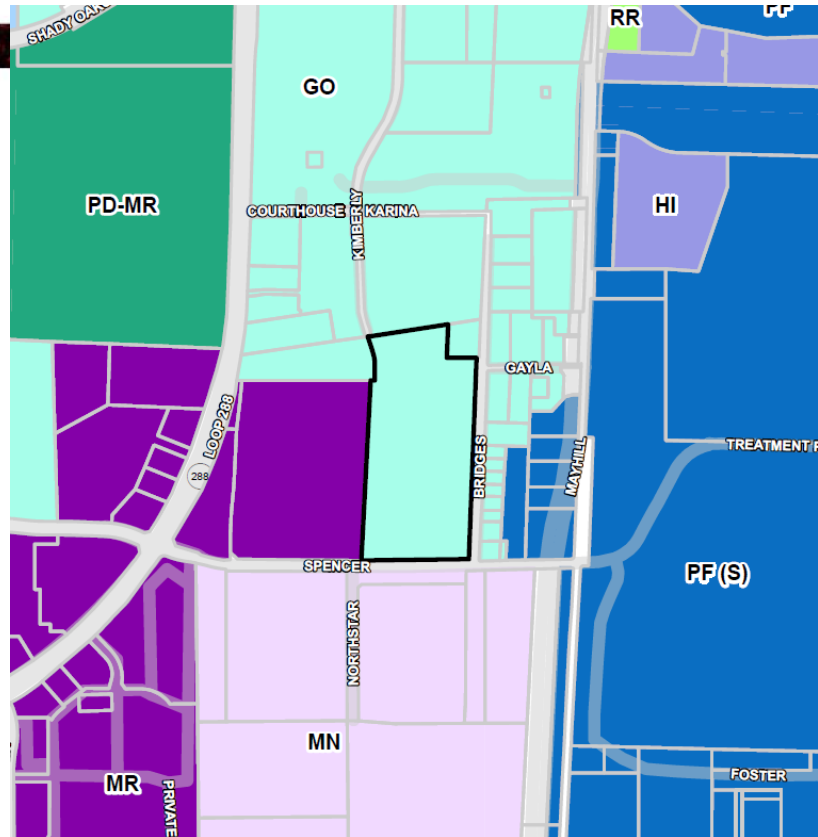
Existing-GO

Proposed-MR

Purpose:
- Align zoning with existing use after recent DDC amendments
- Provide certainty and allow for continued investment

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Denton 2040 Comprehensive Plan

Future Land Use: **Regional Mixed Use**

- **MR** is **consistent** with FLUM, as is allows a variety of high-density residential, commercial, service, and office uses at a scale typically found in regional commercial districts
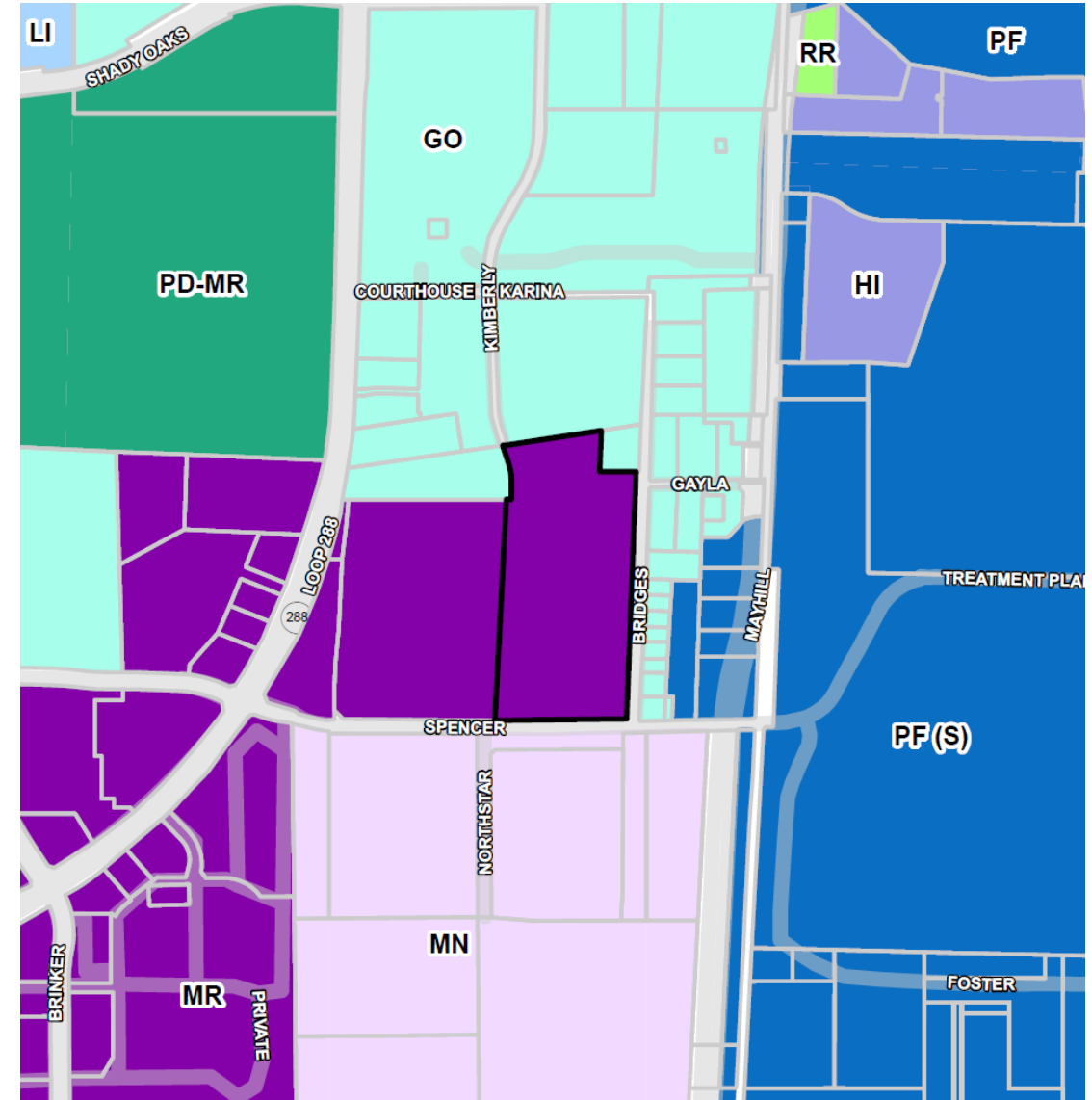
Complies with other goals:

✓ **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**.

✓ **Housing and Neighborhoods**: MR District allows existing Elderly Housing land use, consistent with the housing goals within the City.
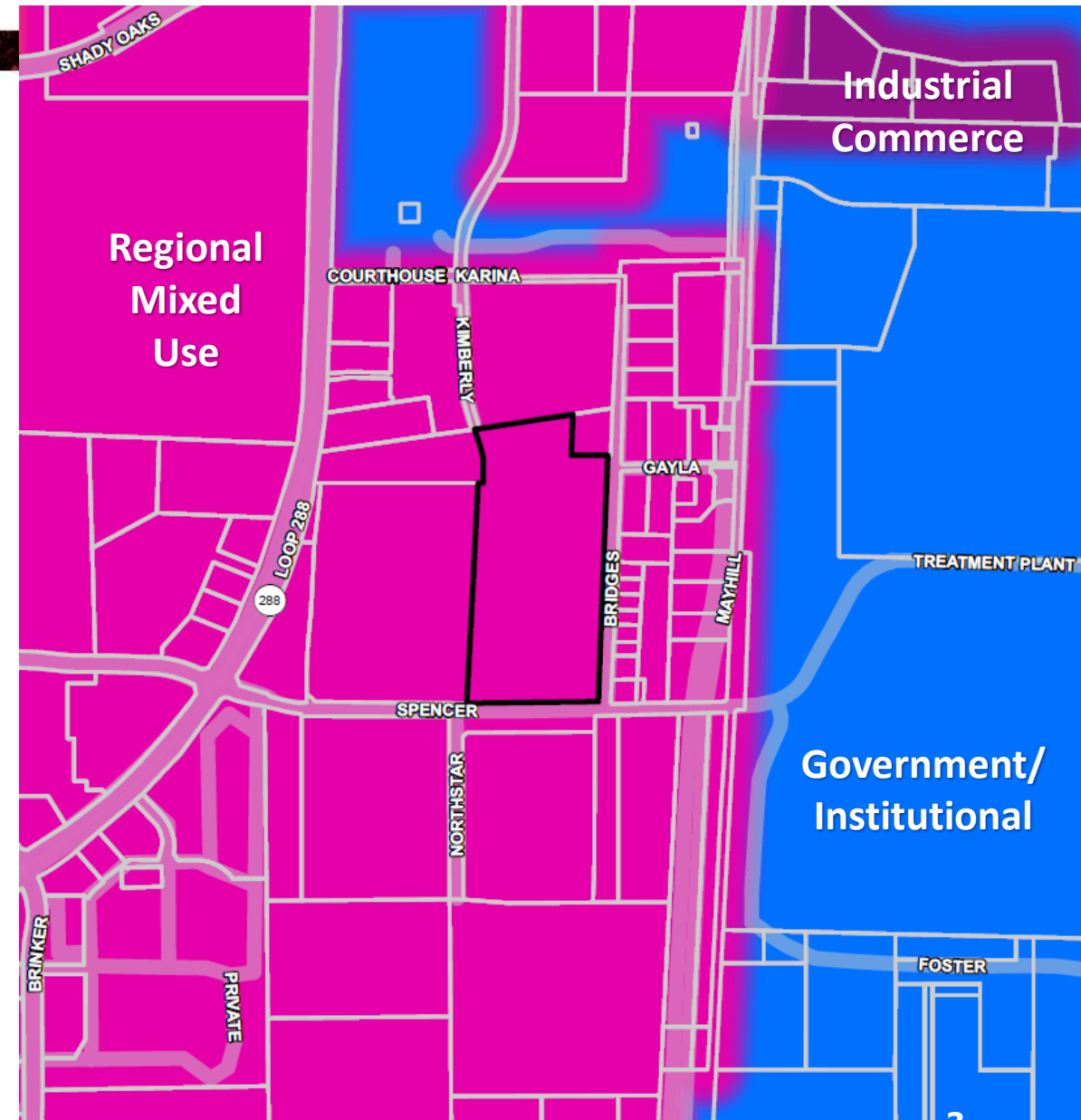
Impacts to Surrounding Property

The subject property is <u>not expected to redevelop</u>; however, potential <u>negative impacts</u> associated with the proposed MR District <u>are not anticipated</u> for the following reasons:

- MR District is a logical extension of the adjacent zoning to the west of the subject site.

- North and east of the site zoned GO District. Since GO District permits a variety of commercial, service, office, and employment uses at a scale like MR District, staff anticipates incompatible development is unlikely.

Issues Related to Nonconformity

	Current zoning (GO)	Proposed Zoning (MR)
What is the relevant difference in permitted uses?	Elderly Housing <u>not permitted</u>	Elderly Housing <u>permitted</u> with the following use-specific standard: Buildings containing more than 4 dwelling units or resident beds must comply with Multifamily Site and Building Design.
How does zoning impact the existing use of the property?	Existing <u>use may continue</u> and no action by property owners (other than regular maintenance) is needed	Existing <u>use may continue</u> and no action by property owners (other than regular maintenance) is needed
What happens to the existing use if the property is sold?	Nonconforming uses may be conveyed, but lenders may be reluctant to underwrite nonconforming uses	No impacts anticipated
Is regular property maintenance permitted?	<u>Minor</u> repairs and maintenance are permitted	<u>All</u> maintenance activities are permitted
Can an Elderly Housing use be constructed if the current facility is demolished?	No	Yes, subject to permitting and development standards

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Issues Related to Nonconformity

	Current zoning (GO)	Proposed Zoning (MR)
Can the existing structure be renovated without increasing the square footage?	A nonconforming use may be extended throughout the building, but <u>no structural alteration</u> of the building is permitted and <u>no additional dwelling units are permitted</u>	<u>All renovation activities are permitted</u>, including structural alterations and increases in units
Can the existing structure be enlarged?	<u>No expansions</u> to nonconforming uses are permitted	<u>All renovation activities are permitted</u>, including expansions and increases in dwelling units
What if <u>less than 50%</u> of the structure is destroyed by fire, tornado, or other disaster?	In the event that such structure is partially destroyed by natural or accidental causes, the nonconforming use may be rebuilt upon approval of a building permit	The Elderly Housing use can be rebuilt
What if <u>more than 50%</u> of the structure is destroyed by fire, tornado, or other disaster?	The Elderly Housing use <u>cannot be rebuilt</u>	The Elderly Housing use <u>can be rebuilt</u>

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Public Outreach

- **Newspaper Ad**: October 8, 2023

- **Property Posted**: October 15, 2023

- **Mailed Notices**:

  200 ft. Public Notices mailed: 25

  500 ft. Courtesy Notices mailed: 298

- **Responses**:

  In Opposition: 0

  In Favor: 0

  Neutral: 0

- Staff emailed and called the management company, offered to hold a community meeting. Neutral response
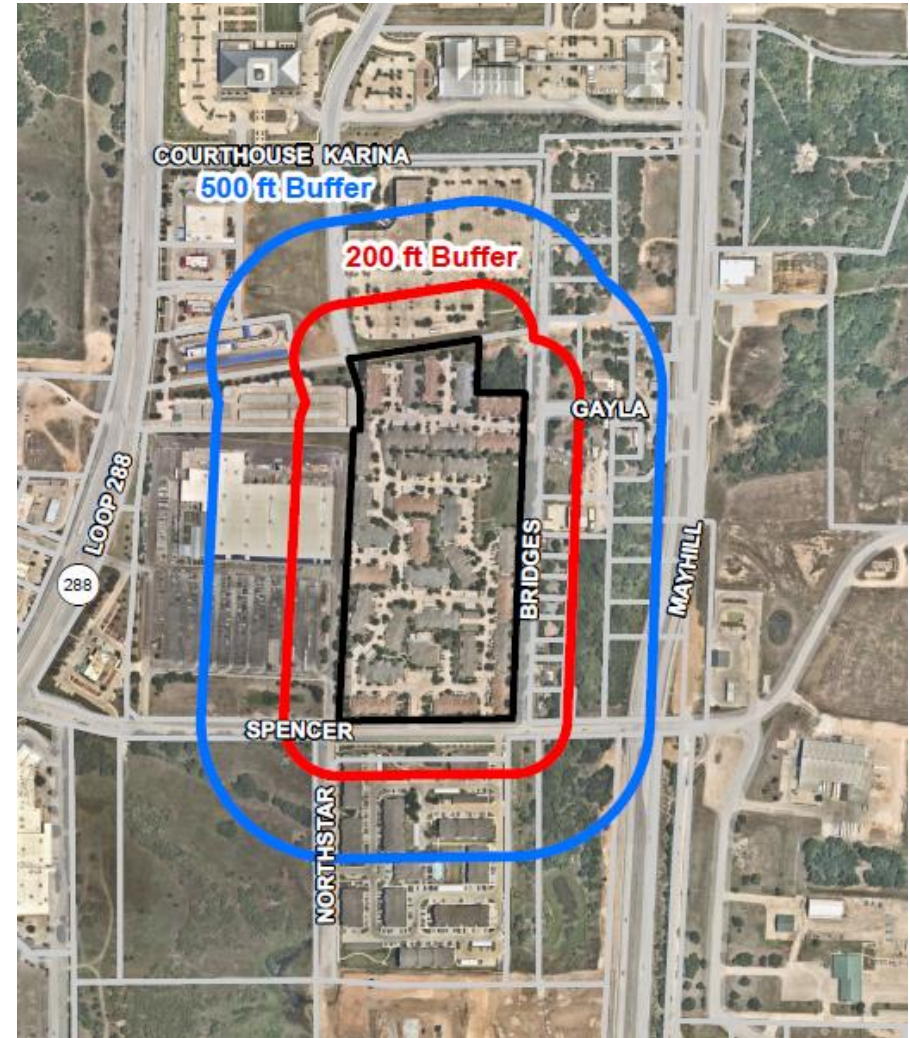
Recommendation

The Planning and Zoning Commission recommended **approval** (5-0).

Staff recommended **approval** of the request, as it complies with the criteria in Sections 2.4.5.E and 2.7.2.D of the Denton Development Code (DDC).

Questions?