

Planning Staff Analysis

S25-0010a / Joyful Journey Group Home

City Council District 3

REQUEST:

Specific Use Permit (SUP) to allow for a Group Home use on approximately 0.4 acres of land. The subject property is zoned Residential 3 (R3). The Group Home use is an allowed use with an approved Specific Use Permit.

OWNER:

Trent Huffman with TM Empire Holdings, LLC

APPLICANT:

Trent Huffman with TM Empire Holdings, LLC

STAFF RECOMMENDATION:

Staff recommends **approval** of the SUP request with the following conditions:

1. The zoning map shall reflect the Specific Use Permit on the property consistent with the DDC.
2. All licensing required by the State must be obtained and submitted to the City prior to issuance of a Certificate of Occupancy.
3. No more than six residents, not including care staff, can live on site at any time.
4. The required staff room cannot be used as a resident room.

SITE DATA:

The subject property, an approximately 0.4-acre site, is platted and currently developed with a single-family dwelling within an existing residential neighborhood with a R3 zoning designation (see inset maps below and provided as Exhibits 3 and 5). The subject property has driveway access from Abbots Lane, a residential street.

SURROUNDING ZONING AND LAND USES:

Northwest: <ul style="list-style-type: none">• Zoning: Public Facilities (PF)• Use: Public Park	North: <ul style="list-style-type: none">• Zoning: R3• Uses: Single-family residential	Northeast: <ul style="list-style-type: none">• Zoning: R3• Use: Single-family residential
West: <ul style="list-style-type: none">• Zoning: PF• Use: Public Park	SUBJECT PROPERTY	East: <ul style="list-style-type: none">• Zoning: R3• Use: Single-family residential
Southwest: <ul style="list-style-type: none">• Zoning: PF and Residential 2 (R2)	South: <ul style="list-style-type: none">• Zoning: R3	Southeast: <ul style="list-style-type: none">• Zoning: R3

<ul style="list-style-type: none"> Use: Public Park and Church 	<ul style="list-style-type: none"> Use: Single-family residential 	<ul style="list-style-type: none"> Use: Single-family residential
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CONSIDERATIONS:

A. Section 2.4.5E of the Denton Development Code (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 general criteria have been applied.

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 2.5.2D of the DDC applies to Specific Use Permit (SUP) requests. 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 Specific Use Permit requests.

2. Prior Approvals

The proposal is consistent with the approved final plat, which platted the property as a residential lot.

3. Consistent with the Comprehensive Plan and Other Applicable Plans

The decision-making authority:

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

The proposed Specific Use Permit is consistent with the goals, policies, and actions of the Comprehensive Plan and with the Future Land Use designation of Low Residential (see inset map below and in Exhibit 4), including the goals and actions listed below:

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 location.

POLICY 7.4.1: Encourage the development of options for senior housing and housing for persons with disabilities with a variety of unit types and cost choices, including ADA accessible and active adult settings.

The applicant's requested use is consistent with the overall goals of the Denton 2040 Comprehensive Plan to provide for a housing stock that meets the needs of all residents and encouraging the development of options for senior housing with a variety of unit types and cost choices. Additionally, the proposed use would allow for senior housing within an established neighborhood, in a home-like setting, as opposed to a larger scale senior living facility, furthering the available options for families seeking senior care in Denton. Given the low traffic anticipated for this use, the potential for any nuisance or compatibility issues to arise are limited. The proposed use is consistent with the existing residential uses in this area.

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.*

The Group Home use conforms to the Future Land Use Element of the Denton 2040 Comprehensive Plan.



Per the Future Land Use Map in the Denton 2040 Comprehensive Plan, the subject property is designated as Low Residential (see image above and provided as Exhibit 4). 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 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. Density: Up to 5 dwelling units per acre.

While the Future Land Use Map also shows that this property contains the Parks/Open Space Future Land Use designation, it is important to note that is due to the subject property being located within a transitional area. Typically, the Parks/Open Space designation is reserved for existing large-scale parks and protected open spaces of citywide significance that are expected to remain as open space in perpetuity. This designation is reflected on the subject property to show the transition which occurs from South Lakes Park to the west and the single-family residential neighborhood which the subject property is located in. The proposed use would be a similarly low-impact residential use within an existing single-family neighborhood and will not add traffic or noise beyond what would be expected from a single-family home.

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.*

As previously noted, the subject property is already developed, and alteration and expansion of the existing single-family dwelling is not proposed as a part of this SUP. If the Specific Use Permit request is approved, any future expansion or alteration of the building will trigger compliance with the DDC, including, but not limited to, minimum lot size and dimensions, building coverage, access, parking, tree preservation, and landscaping.

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

The subject property contains one single-family dwelling on an existing platted lot. As discussed previously, expansions, modifications, or alternations to the structure or site conditions in the future would require compliance with the Denton Development Code. No building expansions or site modifications are being proposed with this Specific Use Permit request.

5. *Compliance with Other Applicable Regulations*

This proposed request complies with all other applicable regulations. Specifically, due to the nature of the proposed use, the applicant will provide continuous on-site caregiver presence and will be installing a National Fire Protection Association (NFPA) 13R sprinkler system as required by the Building Code.

The applicant intends to operate as a licensed Type B Assisted Living Facility regulated by the Texas Health and Human Services Commission (HHSC). At this time, a state license has not been applied for as the State of Texas requires a valid Certificate of Occupancy before accepting an application for licensing. If the Specific Use Permit is approved, a temporary Certificate of Occupancy would be issued so that the applicant may obtain licensing from the state. At the time that final licensing documentation has been submitted to the City, a full Certificate of Occupancy will be issued. If approved, operation of this use cannot begin unless and until state licensing has been received and submitted to the City.

6. *Consistent with Interlocal and Development Agreements*

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

7. *Minimizes Adverse Environmental Impacts*

This site does not contain FEMA floodplain or Environmentally Sensitive Areas and no adverse environmental impacts are expected.

8. *Minimizes Adverse Impacts on surrounding Property*

The proposed Group Home use is not expected to have an adverse impact on surrounding property. A maximum of six residents will live on the property with three staff shifts per day. The residents do not drive, and traffic will be limited to staff changes and family visits. The activity level will be consistent with the surrounding single-family homes.

9. *Minimizes Adverse Fiscal Impacts*

The proposed Group Home use will not have an adverse fiscal impact. A Fiscal Impact Summary has been completed and is provided in Exhibit 8. This summary report indicates that the use would have a positive net impact of \$111,500 on the City's General Fund.

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

The subject property is already developed, and the applicant is not proposing any site changes. Utilities are in place and available to continue to serve the site.

11. *Provides Adequate Road Systems*

The subject property is already developed and is not required to make changes to adjacent roads.

12. *Provides Adequate Public Services and Facilities*

The proposed Group Home use will not affect public services and facilities within the area, which are already in place and have been developed to serve this sort of residential use.

13. *Rational Phasing Plan*

The project does not have a phasing plan.

- B. Section 2.5.2D of the DDC states that in reviewing a proposed SUP, the Planning and Zoning Commission and City Council shall consider the general approval criteria in Subsection 2.4.5E and whether:

1. *The specific use proposed is compatible with the surrounding area;*

As described above, the proposed Group Home use is compatible with the surrounding area. The existing land use pattern in the surrounding area is a mixture of mostly single-family residential uses, an existing Community Home, and South Lakes Park, a public park. This use is not expected to create additional vehicle trips or activity beyond what would be expected from a single-family dwelling. This use is not anticipated to lead to any incompatibilities with the surrounding area.

2. *The specific use proposed has negative impacts on future development of the area; and*

The proposed Group Home is not anticipated to have negative impacts on future development of the area. This area is generally fully developed with existing single-family homes, a church, a school, and a public park.

3. *Any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor have been adequately mitigated.*

The subject property has already been developed and will not have any unmitigated negative impacts. The type of traffic, noises, lighting, etc. associated with this use that could create any potential negative impacts are consistent with other residential uses in the area.