

Planning Staff Analysis

S25-0004 / 1305 Oak Boarding House

City Council District 3

REQUEST:

Specific Use Permit (SUP) to allow for a Boarding House use on approximately 0.403 acres of land. The subject property is zoned Mixed-Use Neighborhood (MN) within the Fry Street Overlay District. The Boarding House use is an allowed use with an approved SUP.

OWNER:

Singing Oaks Church of Christ of Denton

APPLICANT:

Robert Stevens

STAFF RECOMMENDATION:

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

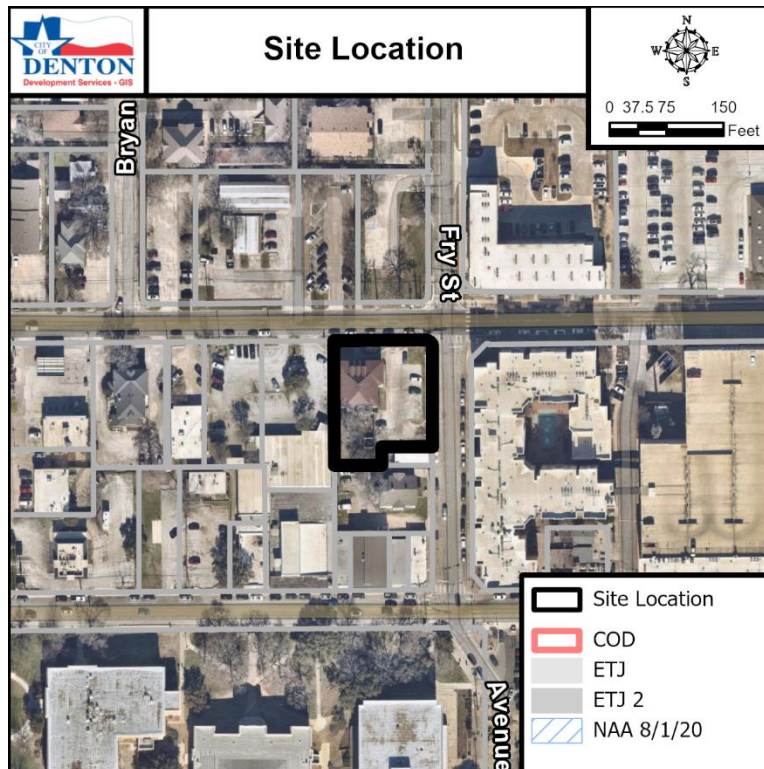
1. Development of the site shall substantially comply with the attached Site Plan. Staff shall have the ability to approve administrative changes, provided such changes are permissible per the DDC, do not increase the number of bedrooms to more than nine, do not decrease the number of parking spaces to less than ten. All other changes shall require a Specific Use Permit amendment in accordance with the DDC.
2. Notwithstanding the limited administrative approvals authorized in condition 1, the City reserves the right to require approval by ordinance of any amendments or alterations to the SUP and the attached site plan including those referenced in condition 1. The attached site plan is incorporated as requirements of the SUP.
3. The zoning map shall reflect the Specific Use Permit on the property consistent with the Post-Decision Action Steps for Specific Use Permits in the 2019 DDC.

SITE DATA:

The subject property is an approximately 0.4-acre lot that is currently developed. The existing building faces West Oak Street, is two stories or approximately 38 ft high to the ridge, and is approximately 6,015 sq ft in size. The site also has 16 existing parking spaces located in between the building and Fry Street. There is an existing drive approach onto Fry Street.

Fry Street is an improved two-lane roadway with on-street parking, paved sidewalks, and curb and gutter, and it is classified as a Collector on the City of Denton Mobility Plan. West Oak Street is an improved two-lane, one-way road with on-street parking, paved sidewalks, and curb and gutter, and it is classified as a Secondary Arterial on the Mobility Plan. Since the lot is already platted, right-of-way dedication is not required.

The lot is zoned Mixed-Use Neighborhood (MN) District and is part of the Fry Street Overlay District. The MN District allows for the Boarding House use with an approved SUP. The overlay does not have any additional use restrictions than what is allowed by the base zoning district.



SURROUNDING ZONING AND LAND USES:

All surrounding properties are zoned MN district. Properties to the south, east, and west are also part of the Fry Street Overlay District. The adjacent properties to the south and west are developed for commercial uses, except for one property to the south being used as a multifamily dwelling. The property to the east is developed as a vertically integrated mixed-use building with commercial and multifamily uses. The properties to the north are developed as multifamily dwellings and parking lot as the principal use. See Exhibit 6 for a map of existing zoning in the area.

Northwest: <ul style="list-style-type: none"> • Zoning: MN • Use: Multifamily Dwelling 	North: <ul style="list-style-type: none"> • Zoning: MN • Uses: Parking Lot as the Principal Use 	Northeast: <ul style="list-style-type: none"> • Zoning: MN • Use: Multifamily Dwelling
West: <ul style="list-style-type: none"> • Zoning: MN & Fry Street Overlay • Use: General Retail 	SUBJECT PROPERTY	East: <ul style="list-style-type: none"> • Zoning: MN & Fry Street Overlay • Use: Multifamily and General Retail
Southwest: <ul style="list-style-type: none"> • Zoning: MN & Fry Street Overlay • Use: General Retail 	South: <ul style="list-style-type: none"> • Zoning: MN & Fry Street Overlay • Use: General Retail and Multifamily Dwelling 	Southeast: <ul style="list-style-type: none"> • Zoning: MN & Fry Street Overlay • Use: General Retail

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 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 Fry Street Overlay District was approved by City Council February 1, 2000. The subject property is located with Subarea A of the Fry Street Overlay, and the proposed SUP does not conflict with any provisions within the Fry Street Overlay. The Oak Gateway Plan was approved by City Council January 15, 2019. Additionally, a Final Plat of the property was administratively approved on December 19, 2006.

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

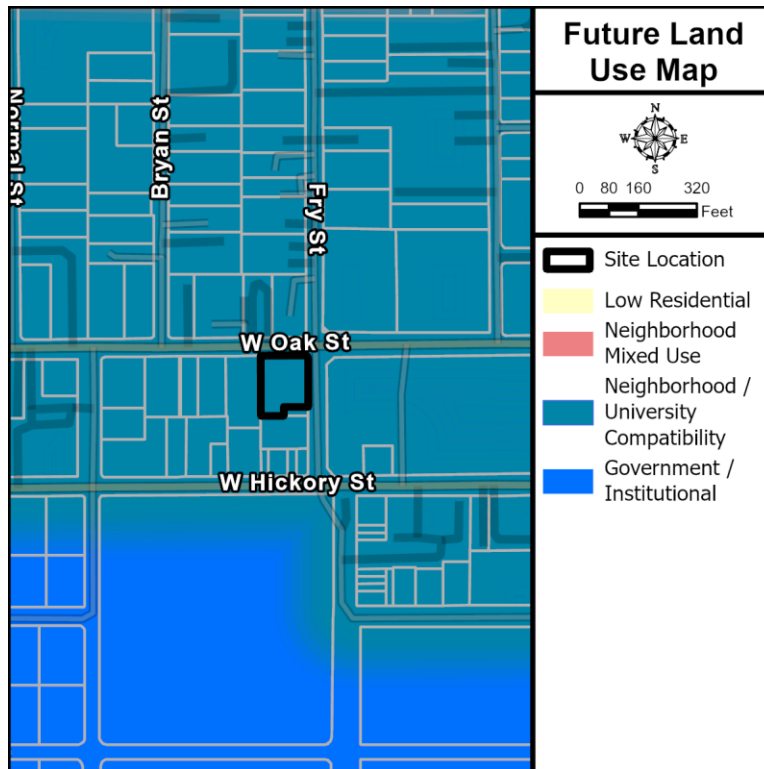
The decision-making authority:

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

There are no competing goals, policies, or strategies 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.*

The use and scale of the proposed Boarding House use conforms with the Future Land Use Map (FLUM) of the Denton 2040 Comprehensive Plan. The FLUM designates the subject property as Neighborhood/University Compatibility Area (see below and Exhibit 7). This designation applies to residential and commercial areas adjacent to University of North Texas (UNT) and Texas Woman's University (TWU) that are affected by their proximity to the university. This designation is intended to create compatible form and land uses for the areas that serve both the established neighborhoods and the universities. The Boarding House use in this location is consistent with the existing development patterns in the area and would not introduce any incompatible land uses to the region. Additionally, as part of the SUP review process the site was reviewed for adequate landscaping, refuse enclosures, lighting, and parking to confirm the site would not create any adverse impacts for adjoining developments.



The proposed application also furthers the following goal from the Denton 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.

Allowing the Boarding House use to exist where it is proposed promotes compact development because it is an adaptive re-use of a developed lot and existing building. The re-use of a property takes advantage of existing utilities and nearby amenities as opposed to greenfield development that must extend utilities to undeveloped land with generally fewer, nearby amenities. Additionally, the boarding house will be used to house individuals who are visiting the UNT campus for training at the church's campus ministry, and the location of the Boarding House would put individuals within walking distance of UNT and many commercial businesses located in the Fry Street area.

The proposed application is located within the boundaries of the Oak Gateway Area Plan. The Area Plan had several goals promoting pedestrian mobility. The boarding house's proximity to UNT and existing infrastructure in the area encourages pedestrian mobility for its tenants.

4. *Compliance with this DDC*

- The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.*

The proposed development complies with applicable standards in the DDC.

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

The proposed site plan was reviewed to ensure compliance with the Denton Development Code. Furthermore, an SUP submittal requires a detailed planning analysis of the proposal to ensure conformance with the development standards specific to the zoning district and Boarding House use, including bulk and dimensions, parking, landscaping, and site design. Staff also reviewed the site in context with the surrounding uses, development patterns, and neighborhood character to determine compatibility of the use in his location.

5. *Compliance with Other Applicable Regulations*

This proposed request complies with all other applicable regulations.

6. *Consistent with Interlocal and Development Agreements*

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

7. *Minimizes Adverse Environmental Impacts*

This application does not have any adverse environmental impacts. There are no environmentally sensitive areas on the subject property and no changes proposed to the existing site conditions that would impact existing trees or stormwater.

8. *Minimizes Adverse Impacts on Surrounding Property*

The application is expected to have minimal adverse impacts on surrounding property due to it being a continuation of existing conditions and its substantial compliance with the intent of the existing zoning. The subject property is zoned MN and is located within the Fry Street Overlay District. The MN district supports compatibility between higher-intensity mixed-use areas and adjacent residential and commercial areas. Additionally, the district contributes to a vibrant environment for pedestrians and bicyclists and includes varying densities of residential, neighborhood-serving retail, restaurants, commercial, and office uses. The Fry Street Overlay District is intended to promote the public peace, safety, cleanliness, and general welfare for community members and patrons of the district by regulating off-street and remote parking, the location of solid waste containers, and the regulation of signs, setbacks, and residential and commercial density.

The surrounding properties are also zoned MN and are developed with a variety of commercial uses and residential uses. The subject property will not introduce any new or incompatible land uses to the area and will contribute to the variety of residential and commercial land uses the MN District is intended to support. Additionally, the subject property's existing site features serve to mitigate potential impacts between land uses. The proposed site plan includes an existing, six feet high, wooden fence and landscape area along the subject property's border with the multifamily use to the south.

9. *Minimizes Adverse Fiscal Impacts*

The proposed application is not anticipated to create significantly adverse fiscal impacts. Staff used the Fiscal Impact Tool to analyze the proposed SUP request. The Fiscal Impact Summary (Exhibit 10) indicates that the proposal would result in a net \$658,000 expense to the General Fund over a 40-year project duration. Not all land use types generate a net revenue, and expenses are minimized for this application due to its use of existing City utilities and services around the site.

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

Sufficient utilities exist along West Oak Street and Fry Street for the applicant to use. Since there will be no increase nor change to the impervious cover, no negative impact to drainage capacity is anticipated. Since the applicant is not proposing alterations to the existing building, which was originally a residential structure, no additional utility-use impacts are anticipated.

11. *Provides Adequate Road Systems*

West Oak Street and Fry Street are improved streets with sufficient capacity to handle traffic from the Boarding House use.

12. *Provides Adequate Public Services and Facilities*

The subject property is within 1.5 miles of Fire Stations #1 and #3, and within the 8-minute response boundary.

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;*

The proposed Boarding House use is compatible with the surrounding area. This area has a mix of commercial and high-intensity residential uses. The Boarding House use is classified as a lodging facility under commercial uses in the DDC and could be expected to bring patrons to area businesses and the UNT campus. The zoning district encourages a mixture of uses to enhance the quality of life for residents and visitors.

2. *The specific use proposed has negative impacts on future development of the area; and*
The proposed Boarding House use is not anticipated to have negative impacts on future development of the area. The immediately surrounding properties are all developed, and the change in use of this already-developed property would contribute to the mix of uses in the area by reusing an existing structure instead of letting it sit vacant.

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

The proposed site plan has been reviewed by staff and found to be compliant with the DDC. The site plan adequately mitigates against negative impacts caused by refuse area, noise, glare, and odor.