

Staff Analysis

S21-0006b/Landmark Multifamily

City Council District #2

REQUEST:

A Specific Use Permit for 660 multi-family dwelling units on approximately 53.407 acres of land.

STAFF RECOMMENDATION:

The proposed use meets the criteria for approval and is consistent with the Denton Plan 2030. Staff recommends approval of the SUP with the following conditions:

1. The attached Site Plan and Landscape Plan reflect an intent to comply with the 2019 Denton Development Code (DDC) requirements, as amended, for parking, street trees, minimum landscape and tree canopy areas, open space, and landscape screening and compatibility buffers, with administrative approval of alternative landscape elements permitted and parking reductions in accordance with the DDC.
 - a. Minor alterations to the depicted locations of individual plantings and final individual plant selections, as well as increases to landscape area and percentage and number of trees and tree canopy percentage, may be approved by City staff, provided that the final landscaping, as planted, complies with the attached landscape plan in terms of buffers, buffer elements, location of required landscape elements and open space and trails, number of trees, and minimum landscape and tree canopy percentages, as well as all elements of the DDC.
 - b. Minor alterations to the exact locations of individual amenity elements may be approved by City staff, provided final design complies with the attached site plan and landscape plan in terms of types and minimum number of amenities provided within depicted gathering spaces.
 - c. Additional plantings and minor alterations to the Development Impact Area to provide mitigation for the impacts of the proposed trail and the proposed sidewalk along Hercules Lane to the Environmentally Sensitive Area (ESA) on the property may be administratively approved by city staff as part of the Civil Engineering Plans for this development, as long as such mitigation is in accordance with all standards of the Denton Development Code. Final determination of ESA location and exact nature of mitigation shall be approved with the Civil Engineering Plans for this development. This condition does not preclude the project from requiring approval of an Alternative ESA Plan if the scope of impacts to the ESA exceed the administrative allowances provided for in the DDC.
2. The attached building elevations reflect an intent to comply with the DDC requirements, as amended, for building mass and form, percentage of windows and doors on a façade, and provision of architectural features to highlight entrances and provide visual interest.
 - a. Elevations at the time of permitting shall be consistent with the attached elevations in terms of architectural style and details, specific architectural features that highlight entrances such as ornamental lights and canopies, provision of balconies or patios to articulate individual units, use of recesses, awnings, and changes in material to break up the façade vertically and horizontally and to articulate collections of units at intervals not to exceed 44 feet horizontally or 2 stories vertically, and delineation of the first floor with a change of material and horizontal banding.

- b. Minor alterations to individual window size and location may be approved by City staff, as long as:
 - i. The style of windows, and the style and number of doors, on each façade is consistent with the attached elevations
 - ii. All buildings fronting on a public or private street have entrances facing the public or private street
 - iii. Windows and doors make up either at least the DDC-required percentage for facades facing a public or private street or, for facades not facing a public or private street, at least 11.5% of the side facades and 25.5% of the front and the rear façades, and windows and doors on all facades comply with all DDC standards.
 - c. Garage elevations shall feature two dormer windows on each front and rear elevation and a horizontal change in material type on each façade.
- 3. The attached site plan and landscape plan, including buffer fence detail, are incorporated as requirements of the SUP. Staff shall have the ability to approve an increase of up to 5% of any of the amounts specified in requirements a-b, provided all applicable requirements of the DDC are met.
 - a. Three-hundred and thirty-six (336) dwelling units on the North Tract and three-hundred and twenty-four (324) dwelling units on the South Tract.
 - b. 577 parking spaces on the North Tract, and 570 parking spaces on the South Tract, are proposed for the multi-family development indicated on the site plan. Parking may shift to accommodate a change in the unit mixture but shall be in accordance with the requirements of the DDC and within the range of staff approvability.
- 4. All street and sidewalk infrastructure elements shall be constructed in accordance with the plans shown in Exhibit 6, and approved by the City of Denton, prior to release of any certificate of occupancy for any multifamily building proposed on this property, though staff may approve minor changes (25' or less) in the location of these streets and/or sidewalks in order to account for proposed TXDOT improvements to Loop 288 and N Locust Street, as long as the final design is in accordance with the standards of the DDC and City criteria manuals.
- 5. Subject to the approval of TXDOT, the developer shall construct one of the two alternative traffic mitigation measures at the intersection of N Locust Street and Ame Drive. If neither of the alternatives shown in Exhibit 6, Sheet C0.5, are acceptable to TXDOT, the City of Denton staff shall have the authority to approve alternative traffic mitigation measures for the intersection of Ame Drive, subject to the approval of TXDOT, without requiring an SUP amendment, as long as the approved mitigation measures comply with the standards of the Denton Development Code and the City criteria manuals. Traffic mitigation measure(s) for the intersection of Ame Drive and N Locust Street, approved by staff and TXDOT, must be constructed prior to issuance of Certificates of Occupancy for any of the multifamily buildings proposed with this development.
- 6. A turnaround must be constructed at the end of Beall Street as shown on Exhibit 6, prior to release of any Certificates of Occupancy for this project, but, if plans for future TXDOT improvements to Loop 288 necessitate a shift in the turnaround location, City of Denton staff may approve a shift in the exact location of the center of this turnaround of up to 150', as long as the proposed location is still in accordance with all DDC and City criteria manual standards and/or any variance to those standards approved by the City Engineer.

7. Minor alterations in design and location of sidewalk, curb, and gutter along Hercules Lane and in location of proposed gravel trail may be necessary based on the final determination of the size and location of the Environmentally Sensitive Area on this property, and staff may approve such minor alterations, as long as the final design and locations are in accordance with the standards of the Denton Development Code and the City's adopted criteria manuals.
8. Notwithstanding the limited administrative approvals authorized in conditions 1-7, the City reserves the right to require approval by ordinance of any amendments or alterations to the SUP, the attached site plan, the attached landscape plan, the attached building elevations, and the elements referenced in conditions 1-7.
9. Subject to the approval of TXDOT, a traffic signal at the intersection of Beall Street and N Locust Street shall be constructed by the developer of Tracts 4 and 5 and shall be complete and accepted by the City of Denton prior to issuance of any Certificates of Occupancy for any of the multifamily buildings proposed with this development.
10. Prior to approval of any Final Plat for this development, the developer shall pay to the City of Denton the proportion of the cost of a traffic signal at North Locust Street and Loop 288 that was determined by the Traffic Impact Analysis for this project (TIA21-0016) to be the responsibility of the multifamily developer, based on the traffic projected to be generated by that development.
11. The project shall comply with Denton Development Code Section 7.7.4, *Tree Preservation*.
12. The zoning map shall reflect the Specific Use Permit on the property consistent with the DDC.

The attached conceptual site plan, landscape and sample building elevations provided in Exhibits 6, 7, and 8 specify the following, which will be incorporated as requirements of the SUP ordinance and are able to be administratively modified only as noted in the above conditions.

1. Multifamily Lots:

- **Tract 4 (North Tract):** ~14.09 acres
- **Tract 5 (South Tract):** ~22.4 acres

2. Dwelling units:

- **Tract 4 (North Tract):** 336 one-, two-, and three-bedroom units in 12 three-story buildings
- **Tract 5 (South Tract):** 324 one-, two-, and three-bedroom units in 12 three-story buildings
- **Total:** 660 one-, two-, and three-bedroom units in 24 three-story buildings

3. Recreational Areas and Open Space:

- **North Tract:** Amenity center with pool, 36,400 sf of Open Space in 5 areas with benches and/or walking paths.
- **South Tract:** Amenity center with pool, 95,400 sf of Open Space in 5 areas, ~500 linear feet of walking path along pond with fountain.
- **Overall/Shared:**
 - Total open space encompasses 147,500 sf -- over 8% of the land area.
 - Minimum 2,000 linear feet of gravel trail through the green space in the easement on the east side of the development (green space in easement is in addition to open space).

4. Parking: 1,147 total vehicular spaces provided, for ~1.2 spaces per bedroom; 60 bicycle parking spaces distributed throughout the two tracts.

5. Access and Connectivity: Full, signalized access to N Locust Street is provided to both tracts via the extension of Beall Street to be constructed by the developer; subject to the approval of the Texas Department of Transportation (TXDOT), the developer will also be required to construct the signal at Beall and Locust. Both tracts will have right in, right out

access to N Locust Street via the extension of Ame Drive to be constructed by the developer. The north tract will have three points of access onto Beall Street and the south tract will have two. Pedestrian connectivity will be provided to N Locust Drive via a sidewalk to be constructed by the developer and via gravel path to Hercules Drive. Developer will also provide a public sidewalk connection in a public access easement through the site from Atlas Drive to the Beall Street sidewalk, to facilitate pedestrian access to the potential future commercial development along N Locust and Loop 288.

- **Design:** Building elevations feature balconies or patios for all units, with awnings or decorative sconces or arched roofs at all main entrances, and with buildings oriented around shared open spaces, along trails, or fronting on the shared central boulevard or the right-of-way with direct access to the public sidewalk.
- 6. **Landscaping:** New tree plantings in common areas above and beyond required tree canopy; landscape area over 10% above minimum; a combination of large canopy trees, tree preservation, and 70+ feet of buffer width to provide a buffer between multifamily buildings and the single-family neighborhood to the east.

SITE DATA:

The subject site is comprised of approximately 53.407 acres of undeveloped land generally located at the southeast corner of the intersection of Locust Street and Loop 288. The two multifamily lots proposed with this request occupy approximately the southeast two-thirds of the site, as shown in Exhibit 6. The site has right-of-way frontage on Loop 288 and N Locust Street to the north and west. The lot has a church property surrounded by a larger undeveloped property adjacent to the south and southeast, as well as approximately 120' of frontage to the south on Hercules Lane. A single-family residential neighborhood adjoins the property to the east, and a residential street, Atlas Drive, dead-ends into the site. Along the majority of the eastern boundary, a 105-foot-wide electric easement separates that adjoining neighborhood from the boundary fence of the proposed multifamily development.

The subject property contains FEMA 500-year floodplain, and the site, including the onsite detention proposed by the developer, will be designed to comply with all City of Denton drainage and floodplain standards. A Riparian Buffer ESA is located along the southwestern boundary of the property. The only development activities proposed within the ESA are the addition of the gravel walking path, and the construction of the public sidewalk, curb, and gutter along Hercules Drive, both of which are permitted within the ESA. The exact boundaries of the ESA and the mitigation for any impact of the trail and sidewalk on the ESA will be finalized and approved with Civil Engineering Plans for this project.

SURROUNDING ZONING AND USES:

Northwest: Zoning: PD and MPC Use: Undeveloped and Loop 288 ROW	North: Zoning: SC Use: Undeveloped and Loop 288 ROW	Northeast: Zoning: R4 Use: Single-Family Residential and Loop 288 ROW
West: Zoning: PF and PD Use: Undeveloped and Electric Infrastructure	SUBJECT PROPERTY	East: Zoning: R4 Use: Single-Family Residential
Southwest: Zoning: SC Use: Institutional and Undeveloped	South: Zoning: SC, PF, and R3 Uses: Single-Family Residential, Undeveloped, and Electric Infrastructure	Southeast: Zoning: R4 Use: Single-Family Residential, Church, and Hercules Lane ROW

CONSIDERATIONS:

A. Section 2.4.5.E of the 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 review criteria were applied as required.

- 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 2.5.2.D of the DDC applies to this SUP request. 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*

There are no prior approvals associated with this project.

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, and strategies with this project.

- 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.*

Per the Denton Plan 2030 Future Land Use Map, the subject property is primarily designated as **Community Mixed Use**, and partially designated as Low Residential.

Community Mixed Use is intended to promote a mix of uses, of which various commercial uses remain predominant, where residential, service, and other uses are complimentary. This land use applies to existing and future commercial areas in the city, where redevelopment to mixed-use is desirable. The intent is to encourage a more diverse and attractive mix of uses over time. Future development in Community Mixed Use areas will complement and embrace existing, viable uses, and raise the standard of design to increase their economic viability, accommodate greater connectivity and mobility options, and create a sense of place to serve the local community. Typical types of development may include retail, service, midsize offices, employers, and **high-to-moderate density housing**. Diverse uses shall be located in proximity to one another so that all uses are accessible from a single stop by walking or bicycling. The character of this area should be maintained by ensuring that new development is sensitive to the surrounding built and natural context in scale and form. New development should complement and embrace existing, viable uses, and raise the standard of design to increase their economic viability and accommodate greater connectivity and mobility options. The proposal is consistent with goals of the Community Mixed Use designation. It will provide the complementary residential base, as well as much of the street infrastructure, to support the potential development of future commercial uses, and creation of a true mixed-use area, at the intersection of Loop 288 and N Locust Drive. The proposal is designed to create walkability and improved mobility by extending existing rights-of-way into the site, by providing for construction of a traffic signal at Locust and Beall, and by providing full pedestrian connections, via a sidewalk and walking path in access easements, between the stub-out of Atlas Drive and the extension of Beall Street, which will also enable residents of the existing neighborhood to the east to walk to potential future commercial areas which may develop at the corner of N Locust Street and Loop 288.

This site is partially designated as **Low Residential**, due to overlap from surrounding residential areas to the east. This designation mostly overlaps with the electric easement and green space that buffers the proposed development from the adjacent neighborhood on the east side of the subject property. The proposed development would have a higher density than is intended for the **Low Residential** designation. However, Multifamily in this location at the intersection of arterials, in an area primarily designated for Community Mixed Use, furthers other goals of the Comprehensive Plan by increasing the diversity of housing options in the northern part of the City and promoting the opportunity for a compact, connected, mixed use development at a prominent intersection.

The proposed development design helps to achieve Denton 2040 Comprehensive Plan Goal M-1, to “provide for the safe, efficient movement of motor vehicles, bicycles, and pedestrians in a sustainable way that complements Denton’s planned growth strategy,” by constructing additional local public streets and public pedestrian connections – such as the new sidewalk connecting Atlas Drive and Beall Street -- that contribute to a broader and more robust and connected street and sidewalk network in a future mixed use area.

Additionally, the proposed development is adjacent to a Center Focus Area identified by the Comprehensive Plan – North Locust Street at Loop 288. The Denton 2040 Comprehensive Plan provides design principles for Center Focus Areas in Subsection 4.17.1:

- One Center Focus Area design principle states that “Buildings in identified Center Focus Areas should be oriented along streets, plazas, and pedestrian ways” – and more than half of the proposed buildings align with this principle.
- Another Center Focus Area design principle states that “New development in Center Focus Areas should adhere to general urban design guidelines and policies of . . . Table 4.1.” Consistent with this principle, the proposed design of the site, buildings, and landscaping of this development aligns with many of the Table 4.1 Urban Design Principles, including, but not limited to, Connectivity, Legibility, and elements of Building Scale and Orientation – like Definition of Public Space, Landscape, Mobility Choice, Location of Parking, Provision of Onsite Open Space, and Service Areas.

By aligning with these Center Focus Area design principles, the proposed multifamily project is expected to contribute to a high quality of development design at this key Center Focus Area.

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.*

This request complies with all applicable standards for development in the DDC. All subsequent development on this site will comply with all applicable standards in the DDC.

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

The review associated with an SUP submittal typically requires a detailed Planning analysis of the proposal to ensure conformance with the development standards specific to the zoning district and design standards for multi-family development, including bulk and dimensions, parking, landscaping, and site design. Planning also assesses the surrounding uses, development patterns, and neighborhood character to determine general compatibility of the use and specific design elements which could increase the compatibility.

Other departments (Engineering, Environmental Services, Solid Waste, Denton Municipal Electric, and Fire) review the proposal for conceptual conformance with the design standards for public facilities and safety. However, a more detailed analysis will be required with subsequent submittals, including civil engineering plans and permits.

5. *Compliance with Other Applicable Regulations*

The site plan and landscape plan indicate that the proposal complies with all provisions of the 2019 DDC. At the time of platting and civil engineering the development will be required to comply with the City’s criteria manuals for roadway, utility, and drainage improvements.

6. *Consistent with Interlocal and Development Agreements*

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

7. *Minimizes Adverse Environmental Impacts*

Approximately 17 acres of the subject property is within FEMA 500-year floodplain, which has a 0.2% annual chance of flooding. The developer is proposing onsite detention in two wet drainage ponds, and the development has been designed to comply with all City of Denton floodplain and drainage standards as reviewed at the SUP stage; final drainage plans, grading, and engineering work will be reviewed within the Civil Engineering Plans to ensure that the requirement is met that the development cause no negative impacts downstream and on adjacent properties.

A Riparian Buffer ESA is located along the southwestern boundary of the property. The development has been designed to mostly avoid any impact on the ESA. The only development activities proposed within the ESA are the addition of a gravel walking path, and the construction of the public sidewalk, curb, and gutter along Hercules Drive, both of which are permitted within the ESA. The exact boundaries of the ESA and mitigation for any impact of the trail and sidewalk on the ESA will be proposed, finalized, and approved with Civil Engineering Plans for this project.

Proposed wet detention ponds will each have fountains to provide circulation and mitigate the risk of mosquito breeding, while providing an amenity for residents and a beneficial potential habitat for wildlife.

Also, the development will meet tree preservation requirements, and is specifically preserving trees that enhance designated buffer areas around the perimeter of the site.

8. *Minimizes Adverse Impacts on surrounding Property*

The subject property is zoned Suburban Corridor (SC), which is intended to provide moderate- to high-intensity commercial, office, and retail uses along high-traffic corridors. While the SC district is primarily auto-oriented, it provides a safe environment for pedestrians and cyclists. Multifamily development is permitted in the SC District with the approval of a SUP and compliance with use-specific standards in Subchapter 5.3.3.D.

The proposed multifamily is located within 500 feet of the Loop 288 and N Locust Street intersection. Vacant property that can be developed with commercial uses is being retained by the property owner to the west and north of the proposed multifamily tracts, along the N Locust Street and Loop 288 street frontages. This overall property has the potential to develop as a mixed use-area, with the proposed multifamily development providing the moderate- to high-density residential component to the area that can support and encourage commercial development by increasing the available housing, within walking distance, for future employees and patrons.

To mitigate negative traffic impacts as a result of the site development, two exits out of this site onto N Locust Street are provided to disperse outbound traffic, and the applicant is proposing to construct a traffic signal at the intersection of Beall Street, which the applicant is extending into this property, and N Locust Street. The signal will help to manage traffic in and out of the site and the Staff recommended conditions propose that the signal be required to be constructed before any certificates of occupancy are released for the multifamily properties. In addition, the location of this development places future residents of the proposed multifamily development on a short and direct path to Loop 288, which should help to direct a significant amount of the trips out of this property away from surrounding neighborhoods. Finally, because the connection to Atlas Drive is proposed to be emergency-only for vehicles, there will be no vehicle traffic from this development into the adjacent neighborhood to the west. The connection at Atlas Drive is further proposed to have pedestrian access gates to allow residents of the adjacent neighborhood the ability to access future commercial uses along N. Locust Street and Loop 288.

Potential visual impacts on the single-family neighborhood to the east are proposed to be mitigated by required buffering, including large canopy trees, preserved trees, and an additional 10 feet of minimum buffer width (for a total buffer width of 20 feet) – and, in fact, there is actually over 100 feet of space between the neighborhood homes and the nearest multifamily buildings, due to the presence of the electric easement along the east boundary of the property. Required buffers are also provided on the boundary between this development and the institutional property to the southwest, and between this development and the possible future commercial tracts to the northwest.

9. *Minimizes Adverse Fiscal Impacts*

This proposal is not expected to have an adverse fiscal impact. Any infrastructure improvements needed to serve this site will be the responsibility of the developer.

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

This proposed SUP will not affect the necessity for this site to comply with utility, service, and improvement standards that would be required of any developing use on the property. When the site is developed, the details of these improvements will be reviewed during the platting and civil engineering phase—at that time the plans will be reviewed to ensure compliance with all applicable technical standards. However, the following analysis provides more detail regarding the public facilities that will be required to support the development.

Water and Wastewater

The proposed development will connect to the existing water and sewer lines in N Locust Street and will also extend those existing public water and sewer lines within the Beall Street roadway extension to be constructed with this development, and provide stub outs from the extensions to serve the potential future commercial lots to the north and northwest of the proposed multifamily tracts. A preliminary assessment of the development's water and wastewater demand indicates that capacity exists to fully serve the development.

Any impact fees and credits will be based on the intensity of the use and are required to be paid during permitting.

11. *Provides Adequate Road Systems*

The applicant has submitted and received approval of a Traffic Impact Analysis (TIA) pursuant to this Specific Use Permit request. The TIA provided the following trip generation numbers for the subject property:

Land Use	Size	Weekday Trips	AM/PM Peak
Existing Land Use	Undeveloped	0	0/0
Proposed Multifamily	708 Units	4772	163/201
Trip Generation Change Total		+4772	+ 163/201

The TIA was completed for this development (anticipating 708 dwelling units instead of the now-proposed 660) as well as for this development plus possible future commercial developments on the northwest third of the property along Loop 288 and N Locust Street. The TIA indicated that the proposed developments are expected to have some significant impacts on the surrounding roadway network that require mitigation. The mitigation required for the projected traffic impact of the multifamily development will need to be provided prior to the issuance of certificates of occupancy for the multifamily development.

Due to the projected impact of this development on the intersection of N Locust Street and Beall Street (which the developer proposes to extend), the developer will be required to construct a traffic signal at this intersection.

Due to the projected low Level of Service for the intersection of N Locust Street and Ame Drive (which the developer also proposes to extend), the developer will be required to construct traffic mitigation measures to improve the level of service, which must be approved by the City of Denton and by TXDOT. These will be required to be constructed prior to issuance of certificates of occupancy for the multifamily development.

The proposed multifamily development is also projected to impact the intersection of N Locust Street and Loop 288 and will therefore be required, at time of approval of Civil Engineering Plans for the multifamily tracts, to pay a portion of the cost of a future traffic signal at that intersection equal to the anticipated proportionate impact of the multifamily traffic on the intersection.

The proposed development is not anticipated to have a significant negative impact on the intersection of Hercules Lane and N Locust Street, so no mitigation is required for this intersection.

Furthermore, roadway impact fees will be assessed at the time of development. They are determined using a proportionality calculation based on the number of dwelling units and projected vehicle trips and used to make roadway system improvements related to the Mobility Plan.

Finally, while this TIA did project the impact of the potential future commercial development, because the actual size and type of commercial development was not known when the TIA was created, the TIA will need to be revised if and when those commercial uses submit development applications. Any required mitigation for the impact of those lots will then be fully calculated and will be required to be provided at the time they develop.

12. Provides Adequate Public Services and Facilities

The following is an analysis of other public services and facilities necessary to serve the proposal.

Pedestrian Mobility

The development will provide a 10-foot-wide public sidewalk along N Locust Street south of Beall Street and a 5-foot-wide sidewalk along one side of the extension of Beall Street (as shown on Exhibit 6). Both a 5-foot-wide public sidewalk and a 5-foot-wide public trail connection will also be provided through the site, in a public access easement, from the stub out of Atlas Drive on the east side of the multifamily tracts to the sidewalk along Beall Street on the west side of the multifamily tracts. A sidewalk will also be constructed along the Hercules Lane frontage of the property, which connects via a gravel walking trail to the public sidewalk and trail to be constructed between Atlas Drive and Beall Street.

Parks

The subject site is located 0.75 miles from North Point Park. With the addition of the signal at Beall Street and North Locust Street, it should be possible to safely travel to that park, via sidewalks, signalized intersections, or stop-controlled intersections on neighborhood streets, in approximately 16 minutes. The subject site is also located approximately 0.6 miles from Evers Park, which equates to an approximately 5-minute drive.

In addition, the applicant is proposing the following onsite recreational amenities:

- A clubhouse with a pool on each of the North and South tracts; and,
- Approximately 2000 linear feet of walking trail that travels through an open green space and along a pond with a fountain.
- Overall open space areas, with numerous benches and walking paths, set aside for active and passive recreation, will encompass over 8% of the land area.

Additionally, in order to provide for adequate parks, all residential developments must provide the following:

- Dedicated park land or fees paid in lieu of dedication. Dedication fees are assessed prior to the filing of the plat and are based upon a formula that follows the standard of two and one-half acres of park land per one thousand population. A preliminary estimate of required park dedication for the proposed development is 3.54 acres or \$198,660 payment in lieu.
- Park development fee. A park development fee for each multi-family dwelling is required with every building permit. The preliminary anticipated total for the proposed development is \$1,149,060.
- The official assessment of any park-related fees will occur during final platting. Any preliminary fees assessed are subject to change.

Schools

The proposed development is located within the attendance zone of Evers Elementary, Calhoun Middle School, and Denton High School. Approximately 198 elementary students, 73 middle school students, and 106 high school students would be generated by this development. Denton ISD did not express concern about the growth anticipated to be generated by this development.

Nearest Fire Station

The subject property is approximately 1.7 miles from the Fire Station #4 (2116 East Sherman Drive), within the eight-minute or less response time boundary.

13. Rational Phasing Plan

There is no phasing plan for this development.

B. Section 2.5.2.D of the DDC states that an application for a SUP may be approved based on whether:

a. The specific use proposed is compatible with the surrounding area.

The subject property is located within a Corridor Focus Area, as shown in Figure 4.1 of the Denton 2040 Comprehensive Plan. Per 4.17.2 of Denton 2040 Comprehensive Plan, the design and development intensity of Corridor Focus Area should be determined by the Future Land Use Map and the development regulations of the underlying zoning district. Based on the primary Future Land Use Designation of Community Mixed-Use, the area is intended to support a mixed-use area containing commercial, retail, and residential uses within proximity. The development regulations of the SC zoning district permit moderate to high-intensity development of a mix of uses, including multifamily with an SUP, as long as there is appropriate buffering of adjacent single-family uses.

When combined with the potential future commercial tracts on the northwest third of the property, as well as the existing church adjacent to the southwest at the intersection of Hercules Lane and N Locust Street, and the vacant lot surrounding the church, which is zoned for potential future commercial development, this multifamily development has the potential to be part of a such a vibrant, moderate-to-high density mixed-use development, which could provide more commercial uses in an area that lacks them today. Within this potential future mixed-use area, the proposed multifamily use would provide necessary residential density to help trigger and support the future commercial development by placing more residents within walking distance of those commercial uses. The proposed scale and architectural style for this multi-family development would be compatible with the allowable heights and design standards for mixed-use areas.

Moreover, while there is significant single-family residential development in this area, there are also significant existing barriers around the proposed multifamily development, and the overall potential future mixed-use development, that provide appropriate buffering for the single-family residential. These surrounding buffers include the 105-foot electric easement on the east of this property, Hercules Lane to the south, and N Locust Street to the east.

At the same time, within this potential overall mixed-use development, the buildings and landscaping proposed with this multifamily development are located such that they may help to provide an additional buffer limiting the impact of the noise and lighting of the potential future commercial development on those existing single-family neighborhoods further to the east.

b. The specific use proposed has minimal impacts on future development in the area.

This development is not anticipated to have a negative effect on future development in the area. The proposed multifamily development leaves adjacent tracts open for possible future commercial development and, as previously discussed, this development is expected to support the future success of commercial mixed-use development in the general area.

- c. *The specific use proposed meets all other standards of the DDC and all other applicable city codes.*

The proposed multi-family use meets all applicable requirements in the DDC and other city codes.

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

While the proposed development is expected to introduce additional traffic impacts at multiple intersections along N Locust Street, as discussed above, the proposed improvements and contributions, including the two access points, new traffic signal at Beall Street, and improvements at Ame Street, are expected to adequately mitigate the potential traffic impacts of this development.

Fire access and aerial access is provided internal to the development for all buildings via fire lanes throughout the site. In addition to the main access from N Locust Street via Beall Street, and secondary access from N Locust Street via Ame Drive, remote access to the site is also provided via a gated emergency connection to Atlas Drive. The applicant received feedback at their neighborhood meeting that the adjacent single-family residents did not want vehicular connection to Atlas Drive from this development.

Noise impacts are expected to be adequately mitigated by the extensive proposed landscape buffering and additional physical separation created by surrounding easements and roadways, as discussed above.

Light and glare are not anticipated to have adverse effects on neighboring properties, as the proposal must meet all lighting requirements in the 2019 DDC, including downcast fixtures and limits to light spillover onto adjacent properties.

- e. *The use is in conformance with the Comprehensive Plan and any other adopted plans.*

The proposal is consistent with the Future Land Use designation and the goals of the Denton Plan 2030 as discussed in criterion A3 above.

- f. *The use adversely impacts the health, safety, and welfare of the inhabitants of the area and the City of Denton.*

The use is proposed in a manner that meets or exceeds the City's standards, and therefore will not adversely affect the health, safety, and welfare of the inhabitants of the area and the City of Denton.