



City of Denton

City Hall
215 E. McKinney Street
Denton, Texas
www.cityofdenton.com

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

DCM: David Gaines

DATE: November 15, 2022

SUBJECT

Hold a public hearing and consider approval of an ordinance of the City of Denton, Texas, approving a Specific Use Permit to allow for a Multi-family Dwelling Use on approximately 53.407 acres of land, generally located at the southeast corner of the intersection of Locust Street and Loop 288, 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 for severability; and establishing an effective date. The Planning and Zoning Commission voted [6-0] to recommend approval of the request. Motion for approval by Vice-Chair Smith and second by Commissioner Anderson. (S21-0006b, Landmark Multifamily, Sean Jacobson) <https://dentontx.new.swagit.com/videos/187415>

BACKGROUND

The request is for a Specific Use Permit (SUP) to allow multi-family dwellings on approximately 53.407 acres of land zoned Suburban Corridor (SC) District. The multi-family dwellings are proposed to occupy two lots (labeled "Tract 4" and "Tract 5" in Exhibit 6: Site Plan), totaling approximately 36.49 acres. The remaining 16.917 acres of the property will be occupied by right-of-way dedication, including streets and sidewalk to be constructed with the development as shown in Exhibit 6, and by lots reserved for potential future development. Per Denton Development Code (DDC) Section 5.2.3, multi-family dwellings require approval of a Specific Use Permit within the SC District.

The proposal includes the following:

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

- **Parking:** 1,147 total vehicular spaces provided, for ~1.2 spaces per bedroom; 60 bicycle parking spaces distributed throughout the two tracts.
- **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.
- **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 Plan, Landscape Plan, and Building Elevations are provided in Exhibits 6, 7, and 8, respectively.

A full Staff Analysis of the SUP request is provided as Exhibit 2.

PLANNING AND ZONING COMMISSION

On October 26, 2022, the Planning and Zoning Commission held a public hearing and recommended approval [6-0] of the specific use permit with the conditions recommended by staff. There was some discussion from the Commission about bicycle circulation through the site and the potential for future bicycle and pedestrian improvements along Hercules Lane, plans for future commercial development on the remaining portion of the parent tract, and maintenance of preserved trees. Three members of the public spoke in favor of the request, with particular support for the proposed development keeping Atlas Drive as an emergency-only vehicle access point into the development and providing for pedestrian connections to be constructed from Atlas Drive through the subject site. Speakers also addressed that this development would help to encourage future development of a grocery store in this area, as well as expressed concern regarding the existing condition of N Locust Drive and increased traffic demands on this roadway.

OPTIONS

1. Approve as submitted
2. Approve subject to conditions
3. Deny
4. Continue the request

RECOMMENDATION

The Planning and Zoning Commission voted [6-0] to recommend **approval** of the Specific Use Permit request, with the Staff recommended conditions.

Staff recommends approval of the SUP request with the following conditions listed below, as it complies with the criteria in Section 2.4.5.E of the Denton Development Code (DDC) for approval of all applications, and Section 2.5.2.D of the DDC for approval of a specific use permit:

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 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.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

Date	Council, Board, Commission	Request	Action
February 5, 2002	City Council	Citywide rezoning from Agricultural and SF-10 to Neighborhood Residential 6 (NR-6), Neighborhood Residential 3 (NR-3), and Community Mixed-Use General (CM-G)	Approval
June 26, 2019	Planning and Zoning Commission	City-Initiated Rezoning from NR-6, NR-3, and CM-G to Suburban Corridor (SC) District	Recommended Approval
July 23, 2019	City Council	City-Initiated Rezoning from NR-6, NR-3, and CM-G to Suburban Corridor (SC) District	Approval
October 26, 2022	Planning & Zoning Commission	Specific Use Permit for Multifamily Uses	Recommended Approval

PUBLIC OUTREACH:

On October 5, sixty-nine (69) notices were sent to property owners within 200 feet of the subject property for the October 26th Planning and Zoning Commission meetings. Five-hundred and thirty-five (535) courtesy notices were sent to physical addresses within 500 feet of the subject property. As of the writing of this report, staff has received six responses via mail and email in opposition to the request (refer to Exhibit 9).

A notice was published in the Denton Record Chronicle on October 29, 2022.

A notice was published on the City’s website on October 28, 2022.

Six (6) signs were posted on the property on October 10, 2022.

The applicant held a neighborhood meeting on July 20, 2021. The meeting was attended by five homeowners from the surrounding neighborhoods and four representatives of the adjacent Asbury United Methodist Church. Attendees appreciated traffic from this development being directed on N Locust Street, as well as the proposed traffic signal at Beall Street and N Locust Street, and opposed having a direct vehicle connection from this property to Hercules Lane or to Atlas Drive.

The applicant held a second neighborhood meeting on October 19, 2022. Some residents expressed support for multifamily as an alternative to the commercial development that could develop by right on this property, some residents expressed opposition to the project, and many residents expressed concerns about traffic issues on the surrounding streets and the impact this development may have on those issues. Also, residents expressed support for the proposed traffic signal and for Atlas Drive being emergency-only access. Lastly, some residents expressed concern about wildlife being pushed toward their property by the project.

DEVELOPER ENGAGEMENT DISCLOSURES

No developer contact and/or meeting disclosures have been provided to staff as of the issuance of this report.

EXHIBITS

1. Agenda Information Sheet
2. Staff Analysis
3. Site Location Map
4. Future Land Use Map
5. Zoning Map
6. Proposed Site Plan
7. Proposed Landscape Plan
8. Proposed Building Elevations
9. Notification Map and Responses
10. Ordinance
11. Presentation

Respectfully submitted:
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