

Planning Report
Z15-0029 / Fry Street Overlay District Amendment
City Council District 3
Planning & Zoning Commission
January 27, 2016

REQUEST:

..Title

Hold a public hearing and consider making a recommendation to City Council regarding amending Subchapter 35.7.5, the Fry Street Overlay District, to create a new subdistrict and development standards for a mixed use building on approximately 1.7 acres. (Z15-0029, Fry Street Overlay District Amendment, Sophie Huemer)

..Body

OWNER:

902 Avenue C LLC

APPLICANT:

Rob Baldwin, Baldwin Associates LLC

BACKGROUND:

The applicant is requesting an amendment to Subchapter 35.7.5, Fry Street Overlay District that would establish a new subarea within the Fry Street Overlay District on approximately 1.7 acres between Fry Street and Avenue B. The proposed subarea would accommodate a five-story mixed use development. Based on the information provided by the applicant, the project would be 58 feet in height, include retail uses on the ground floor and multifamily uses above, a total of 83 dwelling units (300 bedrooms), and 222 off-street parking spaces.

The Fry Street Overlay District is currently broken into two subareas, A and B. The U Center at Fry Street is located in subarea B which was an amendment to the Fry Street Overlay District approved by City Council in 2010 to accommodate that development's density and height. The proposed development is located within subarea A. The proposed development exceeds the maximum height and does not meet the parking requirements of subarea A.

The following is a summary of development regulations as stated in DDC 35.7.5.2 and the proposed changes for Subarea B-1:

| | Subarea A | Subarea B | Proposed Subarea B-1 |
|-------------------------------|--------------------|------------------|---------------------------------|
| Maximum Building Height: | 3 Stories, 45' | 4 Stories, 55' | 5 Stories, 58' |
| Maximum Density (units/acre): | Minimum Unit Size* | 72.5 | 88.2 |
| Parking | ** | ** | ** |

* Permitted Density is based on a minimum unit size allowed by applicable development regulations (height, lot coverage, landscape area, setbacks)

**Subarea A and B follow the parking requirements of the Fry Street Overlay District. The amendment to Subarea B did not include a reduction in parking. Subarea B-1 is asking for units with 2 or more bedrooms to require .75 spaces

in parking whereas Subarea A and B require 1 space for units with 2 or more bedrooms. No amendments will be made to other parking ratios in the Fry Street Overlay District.

In an effort to alleviate these constraints, the applicant is requesting the creation of subarea B-1, to raise the maximum height, reduce the required parking spaces, and establish the proposed density.

SITE DATA:

The proposed development is comprised of eight parcels totaling 1.7 acres with approximately 220 feet of frontage on W. Oak Street and approximately 280 feet of frontage on W. Hickory Street. The subject properties are 130 feet west of Fry Street and 175 feet east of Avenue B.

USE OF PROPERTY UNDER CURRENT ZONING:

The proposed development is located in the Fry Street Overlay District, Subarea A, which has a base zoning district of Downtown Commercial-General (DC-G), one of four districts that comprise the Downtown University Core. The purpose of the Downtown University Core zoning districts are to encourage mixed use developments and pedestrian friendly places. Within the Downtown University Core zoning districts, are several Special Purpose Overlay Districts where “specific lands and structures, by virtue of their type or location, have characteristics which are distinct from lands and structures outside such special districts” (DDC 35.7.1). Special Purpose Overlay Districts located in the Downtown University Core include the following districts.

- Fry Street Overlay District
- West Oak Area Historic District
- Oak Hickory Historic District

The Fry Street Overlay District’s purpose is “to promote the public peace, safety, cleanliness, and general welfare for community members and patrons of the Fry Street District, by providing for regulations on off-street and remote parking, the location of solid waste containers, and the regulation of signs, setbacks, and residential and commercial density” (DDC 35.7.5.2). Multifamily residential uses are permitted in the Fry Street Overlay District however, the density and height of the buildings is further restricted by the overlay.

SURROUNDING ZONING AND LAND USES:

North: Property to the North across W. Oak Street is located in a Downtown Residential-2 (DR-2) District and is developed with commercial parking and multi-family residential uses.

East: Property to the East is located in a Downtown Commercial-General (DC-G) District and is developed with retail, restaurants, and a church.

South: Property to the South across W. Hickory Street is located in a Downtown Commercial-General (DC-G) District and is developed with an institutional use, the University of North Texas campus.

West: Property to the West is located in a Downtown Commercial-General (DC-G) District and is developed with a restaurant, retail, and quick vehicle servicing uses.

COMPATABILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES:

DC-G is one of the most permissive zoning districts within the Downtown University Core and encourages a mix of uses. The Fry Street Overlay District does not restrict any uses, but does provide the following changes to applicable standards.

- A relaxation of parking requirements for commercial uses
- Standards that encourage both vertical and horizontal mixed use developments
- Restrictions on the height and density of multifamily

The area has primarily developed with commercial uses and has multifamily developments to the east and north. The multifamily to the north lies within a Downtown Residential-2 (DR-2) District, where up to 30 dwelling units per acre is permitted. Subarea B's density permits 72 units per acre and represents the current density provided for in the U Center student housing development. The proposed development would be the densest development in the Fry Street Overlay District at 88 units per acre (where one bedroom is equal to half a dwelling unit).

COMPREHENSIVE PLAN:

The future land use designation for the subject properties per Denton Plan 2030 is Neighborhood/University Compatibility. This land use designation applies to residential and commercial areas adjacent to the University of North Texas (UNT) and Texas Women's University (TWU). Denton Plan 2030 acknowledges that increased enrollment at both institutions increases the need for student housing (Denton Plan 2030, pg. 195). The purpose of the Neighborhood/University Compatibility designation is to ensure that additional university facilities and housing is of compatible form and density to serve both the university and the abutting single family neighborhoods. To accomplish compatibility, developments of the Neighborhood/University Compatibility designation should:

- Provide a gradual transition in scale, use, character, and intensity between university and neighborhoods;
- Encourage uses that are in close proximity to one another to encourage walking and bicycling;
- Maintain the character of the area by making sure that new development is sensitive to the surrounding built and natural context in scale and form, and
- Adequately address parking needs and mitigate impact to adjacent neighborhoods.

Additionally, the Denton Plan 2030 encourages the use of small area plans for the Neighborhood/University Compatibility designation to regulate development standards; guide zoning and regulatory adjustments associated with overlays; and to ensure compatibility of redevelopment (Denton Plan 2030, pg. 195).

CONSIDERATIONS:

1. The applicant is requesting to create a new subarea within the Fry Street Overlay District on approximately 1.7 acres between Fry Street and Avenue B. The proposed subarea would accommodate a five-story mixed use development with associated development criteria:

Proposed

Subarea B-1

| | |
|-------------------------------|----------------|
| Maximum Building Height: | 5 Stories, 58' |
| Maximum Density (units/acre): | 88.2 |
| Parking | * |

* Residential Units with 2 or more bedrooms require .75 parking spaces

2. The proposed development would be the densest development in the Fry Street Overlay District at 88 units per acre (where one bedroom is equal to half a dwelling unit). Subarea B's density is 72 units per acre. The multifamily residential use is a compatible land use with the surrounding area, however, the density and height are not compatible.
3. The total parking required is 330 spaces for all residential and retail uses. The current site plan reflects 220 spaces. This reflects a 110 space deficit and the site plan reflects a ratio of .73 spaces per bedroom. Parking for the Fry Street Overlay District parking regulations are written so that there is adequate parking for residents and a relaxed parking standard for retail (1 space per 400 square feet as compared to 1 space per 300 square feet for general retail and 1 space per 100 square feet for restaurants in DDC 35.14). The first amendment to the Fry Street Overlay District was able to comply with all parking standards of the District. While less parking does align with the goals of creating a more walkable and pedestrian-minded environment, reductions in the requirement on a site-by site occurrence is not a comprehensive approach to analyzing the impact of parking reduction on the Fry Street Overlay District.
4. A Traffic Impact Analysis (TIA) is required for this project to determine if development will negatively impact traffic on surrounding streets. The Developer has not yet submitted a TIA for staff review, and therefore, the proposed development's impact on traffic is presently unknown. The site plan must also meet all requirements for solid waste which has not been reflected on the site plan.
5. The fire department's current status remains "Return for Review" because the applicant has been unable to verify aerial apparatus access to the building. The fire department requires aerial apparatus fire access for any buildings over 30 feet in height. Aerial apparatus access requires a 26 foot fire lane positioned 15 to 30 clear feet alongside the building. This site needs to be redesigned to allow for the aerial access. Currently, neither Oak nor Hickory Street would be allowable to use as aerial access since there is a large volume of traffic on both streets as well street parking.
6. While the development does increase the stock of student housing, the proposed amendment and associated development conditions are not consistent with the Denton Plan 2030 for the following reasons:
 - The development's inability to adequately address parking needs of the development, potentially impacting the surrounding neighborhoods;
 - The potential impact of the density on the surrounding street infrastructure; and
 - The inconsistency of form and character with the surrounding area which is a primary goal of the Neighborhood/University Compatibility Designation and the Denton Plan 2030.

7. A Small Area Plan for the Fry Street area was adopted in 1999. However, few of the goals of the plan have been implemented. On January 26, 2016, Planning presented, during Work Session to the City Council, the importance of Small Area Planning and the intent to begin the process of creating and implementing a new Fry Street Small area plan in accordance with the goals of the Denton Plan 2030. The plan would take into consideration the community's vision for the area, need for adequate transportation and parking, infrastructure, and architectural compatibility of the Neighborhood/University Compatibility area to better facilitate redevelopment and reinvestment development projects that meet the needs of the university and the adjacent neighborhoods.

Staff has concerns about continuous amendments to the Fry Street Overlay District standards without fully understanding the impact of higher density/intensity projects on:

- Infrastructure,
 - Transportation and Parking network,
 - Neighborhood compatibility.
8. Per Section 35.7.3. of the Denton Development Code, Special Purpose Overlay Districts are established to protect and enhance certain specific lands and structures which, by virtue of their type or location, have characteristics which are distinct from lands and structures outside such special districts. Changes to and Overlay District must enhance or conform to the purpose of the Overlay District's goals and objectives. As submitted, the proposed development only further amends the district to conform to a specific development proposal without comprehensive analysis of impact to the adjacent neighborhoods.
 9. Two neighborhood meetings were held. The first neighborhood meeting requested by a City Council representative and the second was hosted by the developer. The first was held on September 29, 2015. The second was held on November 12, 2015. The neighborhood expressed a level of comfort with Subarea A of Fry Street Overlay District as written. Concerns raised by attendants of the meetings included increased traffic along Oak and Hickory, increased parking in single family neighborhoods adjacent to the project, and lack of a shade study for height of the building.

STAFF RECOMMENDATION:

Staff recommends denial of the requested amendment as it further compromises the Fry Street Overlay District standards.

OPTIONS:

1. Recommend approval as submitted.
2. Recommend approval subject to conditions.
3. Recommend denial.
4. Table the item.

PUBLIC NOTIFICATION:

To comply with the public hearing notice requirements, 27 notices were sent to property owners within 200 feet of the subject property, 71 courtesy notices were sent to physical addresses within 500 feet of the subject property, a notice was published in the Denton Record Chronicle, and signs were placed on the property. Two neighborhood meetings were held. The first was held on September 29, 2015. The second was held on November 12, 2015.

PROJECT TIMELINE:

| | |
|--|--------------------------|
| Application Received: | 12/02/2015 |
| 1 st Submittal Sent to DRC Members: | 12/02/2015 |
| Comments Released to Applicant: | 12/18/2015 |
| DRC Meeting with Staff: | 12/31/2015 |
| 2 nd Submittal Sent to DRC Members: | Pending |
| Business Days under DRC Review: | 10 |
| Business Day out to Applicant: | Pending Second Submittal |
| Total Business Days: | 10 |

EXHIBITS:

- Site Location
- Zoning Map
- Future Land Use Map
- Draft Fry Street Overlay District Amendment
- Fry Street Overlay District Redline
- Notification Map
- Project Narrative

Respectfully submitted:
Beverly Zendt
Development Review Committee Administrator

Prepared by:
Sophie Huemer
Associate Planner