



## Legislation Text

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**File #: Z16-0003, Version: 1**

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### **Planning Report**

**Z16-0003 / Bell Avenue Duplex**

**City Council District 2**

**Planning & Zoning Commission**

**May 11, 2016**

### **REQUEST:**

Hold a public hearing and consider making a recommendation to City Council regarding a rezoning request from Neighborhood Residential 3 (NR-3) District to Neighborhood Residential 6 (NR-6) District on approximately 0.6 acres, located on the northeast corner of North Bell Avenue and East Windsor Drive. (Z16-0003, Bell Avenue Duplex, Julie Wyatt)

### **OWNER:**

Tim A. Beaty, Tim Beaty Builders, Inc.

### **APPLICANT:**

Yolanda Vela Vorel

### **BACKGROUND:**

The applicant is requesting to rezone the subject property from Neighborhood Residential 3 (NR-3) District to Neighborhood Residential 6 (NR-6) District in order to develop the site with two duplexes on two lots, totaling four units.

Originally part of the 127 acre, horizontally mixed-use Planned Development 72 (PD-72) District, the subject property and surrounding neighborhood were initially intended to be developed with duplexes, four-plexes, and garden homes. Within the PD Concept Plan, these higher-density uses were separated from planned single-family dwellings to the north by 10 acres of open space. Multi-family and neighborhood services were also proposed on the edge of the PD, near North Locust Street and East Windsor Drive. As the development of PD-72 District progressed, the garden homes and much of the acreage dedicated to the proposed duplexes and four-plexes were changed to low-density single-family uses through Planned Development Amendments and rezoning. The single-family dwellings and multi-family dwellings were developed as proposed, and the area designated for neighborhood services is now the North Branch Library. In 2002, as part of the City-wide rezoning, PD-72 District was repealed, and the subject property was rezoned to NR-3 District. The subject property is the only site from the original PD-72 District which remains undeveloped.

### **SITE DATA:**

The subject property is approximately 0.6 acres, located on the northeast corner of North Bell Avenue and East Windsor Drive. It is platted into two approximately 0.3 acre lots, with each lot conforming to the lot dimension requirements for the NR-3 District. The subject property is undeveloped.

### **USE OF PROPERTY UNDER CURRENT ZONING:**

The Neighborhood Residential 3 (NR-3) District is intended for single-family uses with a minimum lot width of 60 feet, a minimum lot depth of 80 feet, and a minimum lot size of 10,000 square feet. For subdivisions over 2 acres, a maximum density of 3.5 dwelling units per acre can be substituted for minimum lot dimensions. Duplexes are not permitted; however, Attached Single-Family Dwellings, Accessory Dwelling Units, Daycares and Elementary Schools are permitted with a Specific Use Permit (SUP). Parks, open space, and religious institutions are permitted by right. A schedule of permitted uses is attached for reference.

**SURROUNDING ZONING AND LAND USES:**

North: Properties to the north are zoned NR-3 District and are developed with single family dwellings with an average density of 3.9 dwelling units per acre.

East: Properties immediately to the east are zoned NR-6 District and developed with four-plexes. Property further east is zoned Neighborhood Residential Mixed Use 12 (NRMU-12) District and developed with multi-family dwellings.

South: Properties to the south across East Windsor Drive are zoned Neighborhood Residential 2 (NR-2) District and NR-6 District and developed with a school and 4-plex multi-family dwellings.

West: Properties to the west are zoned NR-3 District and is developed with single family dwellings. Further to the east, properties are zoned NR-6 District and developed with duplexes.

**COMPATABILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES:**

The purpose of the Neighborhood Residential land use designation is to preserve and protect existing neighborhoods and to ensure that any new development is compatible with existing land uses, patterns, and design standards.

The proposed NR-6 District is intended for single-family uses with a minimum lot width of 50 feet, a minimum lot depth of 80 feet, and a minimum lot size of 6,000 square feet. For subdivisions over 2 acres, a maximum density of 6 dwelling units per acre can be substituted for minimum lot dimensions. Single-family Dwellings, Attached Single-Family Dwellings, and Duplexes are permitted by right. Accessory Dwelling Units, Daycares, Elementary Schools, and Elderly Housing are permitted with a Specific Use Permit (SUP). Parks, open space, and religious institutions are permitted by right. A schedule of permitted uses is attached for reference.

The location of the subject property at the northeast corner of North Bell Avenue and East Windsor Drive creates a gateway and physical presence to the existing, established single-family neighborhood, which has an approximate density of 3.9 dwelling units per acre and is built out. As such, the additional land uses and increase in density associated with NR-6 District could diminish the integrity of the neighborhood and introduce a new land development pattern at the block level, potentially creating incompatibility.

**COMPREHENSIVE PLAN:**

Per the Future Land Use Map in Denton Plan 2030, the subject property is designated as Low Density Residential. Low Density Residential includes predominately single-family neighborhoods, with lot sizes ranging from one acre or more in rural fringe areas up to four units per acre gross density throughout many of the City's suburban subdivisions. The proposed NR-6 District does not conform to this designation, as the maximum density for NR-6 District exceeds four dwelling units per acre. Furthermore, development criteria for Low Density Residential Land Use states that within established residential areas, new development should respond to existing development patterns and design standards. The development pattern associated with NR-6 District does not correspond with the existing development pattern and introduces denser development within an established single-family residential neighborhood.

**CONSIDERATIONS:**

1. The applicant is requesting a zoning change from NR-3 District to NR-6 District and has indicated that the site would be developed with two duplexes on two lots, totaling four units.
2. The proposed rezoning does not conform to the Future Land Use designation of the Denton Plan 2030. Low Density Residential encourages suburban-type single-family development with either large lots or clustered homes and preserved open space for up to four dwelling units per acre.

Furthermore, NR-6 District permits a variety of housing types, including duplexes and single-family attached dwellings on 6,000 square-foot lots (6 dwelling unit per acre in subdivisions over 2 acres), and; therefore, does not meet the intent of Low Density Residential.

3. Per Section 35.3.4.B of the DDC, the following criteria for approval shall be considered for a rezoning request:
  - a. The proposed rezoning conforms to the Future Land Use element of the Denton Plan 2030
  - b. The proposed rezoning facilitates the adequate provision of transportation, water, sewers, schools, parks, and other public requirements and public convenience.
4. However, as in this case, when the proposed rezoning does not conform to the Future Land Use element in the Denton Plan 2030, per Section 35.3.3.B.3, the request is be further evaluated under the following factors to balance the interest in promoting the public health, safety, morals, or general welfare against the right to the use of the property in issue:
  - a. The existing land use pattern surrounding the property and the possible impact on existing or future development or uses that are in accordance with existing regulations;  
*The analysis of the request considered not only the context of the surrounding area, which includes a variety of uses, housing types, and densities, but also focused on the effect of the proposed zoning district at the block level. Nearby development comprises of duplexes and four-plexes; however, these uses are separated from the subject property with a variety of physical mechanisms, including a mature tree line, an alley, and an arterial road (East Windsor Drive). The subject property serves as a gateway for an established single-family neighborhood that has a zoning designation of NR-3 and an average density of 3.9 dwelling units per acre. This neighborhood of single-family dwellings, particularly those across North Bell Avenue and next to the subject property, demonstrate that in spite of the surrounding densities, the block-level and neighborhood development is consistent with the existing NR-3 District zoning, both in use and density. In the final analysis, Staff aimed to balance the need for infill development with the protection of existing neighborhoods. The introduction of NR-6 District's smaller lots, higher density, and new land uses is not complementary with the nearby properties and zoning, as it could potentially alter the existing the land use pattern within a low-density, single-family neighborhood.*
  - b. The possible creation of an isolated district unrelated to adjacent and nearby districts;  
*Due to the adjacent NR-6 District, the proposed rezoning does not create an isolated zoning district; however, the introduction of a higher density zoning district and new residential uses on the subject property could establish a new development and character in an established single-family neighborhood.*
  - c. The population density in order to facilitate the adequate provision of transportation, water, sewer, schools, parks, public convenience, and other public requirements;  
*The request would not substantially impact the provision of public infrastructure and other public requirements.*
  - d. The cost to the City and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.  
*The request would not substantially impact the cost to the City in providing services.*

- e. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity;  
*The request would not substantially impact the environment.*
- f. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning or that proposed by the Future Land Use Map; and  
*The subject property could be developed with single-family homes which meet the NR-3 District and Site Design requirements outlined in the DDC.*
- g. The action shall be made with reasonable consideration of the character of the district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City  
*Although the original concept for the surrounding area included a mix of housing types and densities, the neighborhood that the subject property is situated in was eventually zoned and developed with a low-density, single-family character. The proposed rezoning would not conform to the existing character of its neighborhood and would introduce a new housing type within an established single-family block.*

**STAFF RECOMMENDATION:**

Staff recommends denial of the request as it is incompatible with the adjacent developed properties and is inconsistent with the goals and objectives of the Denton Plan 2030, in particular:

- 1. The permitted density in NR-6 District does not conform to the Future Land Use designation of Low Density Residential, which requires a maximum density of four dwelling units per acre and development patterns consistent with existing neighborhoods.
- 2. The maximum density and expanded residential uses in NR-6 District would not be complementary to the existing adjacent NR-3 District and established single-family neighborhood.

**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, 24 notices were sent to property owners within 200 feet of the subject property, 96 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. The applicant also held a neighborhood meeting that was attended by two people.

**PROJECT TIMELINE:**

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| Application Received:                          | March 10, 2016 |
| 1 <sup>st</sup> Submittal Sent to DRC Members: | March 10, 2016 |
| Comments Released to Applicant:                | March 24, 2016 |
| DRC Meeting with Staff:                        | None           |
| Business Days under DRC Review:                | 10             |
| Business Day out to Applicant:                 | 0              |
| Total Business Days:                           | 10             |

**EXHIBITS:**

- Aerial Map
- Zoning Map
- Future Land Use Map
- Permitted Uses in Neighborhood Residential 3
- Permitted Uses in Neighborhood Residential 6
- Notification Map

Respectfully submitted:  
Munal Mauladad  
Deputy Director, Development Services

Prepared by:  
Julie Wyatt  
Senior Planner