



## Legislation Text

---

**File #: Z16-0017, Version: 1**

---

### **Planning Report**

**Z16-0017 / St. John Paul II University Pastoral Center**

**City Council District 3**

**Planning & Zoning Commission**

**September 14, 2016**

### **REQUEST:**

Hold a public hearing and consider making a recommendation to City Council regarding a rezoning request from a Downtown Residential 1 (DR-1) District to a Downtown Residential 2 (DR-2) District on approximately 0.87 acres, generally located on the east side of McCormick Street, approximately 100 feet south of W. Eagle Drive. (Z16-0017, Saint John Paul II University Pastoral Center, Hayley Zagurski)

### **OWNER:**

Catholic Diocese of Fort Worth

### **APPLICANT:**

Brian Heitzman

### **BACKGROUND:**

The subject property is comprised of three parcels of land located at 907, 909, and 911 McCormick Street. All three parcels are owned by the Catholic Diocese of Fort Worth. The parcels are currently zoned DR-1 District. The owner has indicated that the intent of the rezoning is to facilitate development of the parcels as a Pastoral Center. The property owner is seeking to rezone the parcels to the DR-2 District to reduce the minimum landscaping requirement, thereby increasing the allowed maximum lot coverage. However, if the rezoning is approved, all permitted uses within the DR-2 District would be permitted.

### **SITE DATA:**

The total 0.87-acre tract of land was originally platted in 1945 and is currently platted as F.M. Darnall Addition, Lots 2 through 4. The property has a total frontage of approximately 229 feet along McCormick Street. Single family homes were located on each lot but have been demolished in preparation for the intended development.

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

The DR-1 District primarily permits single-family residential uses as well as limited commercial and institutional uses such as home occupations, adult or child daycares, churches, elementary schools, semi-public halls/clubs/lodges, and parks and open spaces. Bed and breakfasts and temporary commercial uses are permitted with limitations, and dormitories, fraternity/sorority houses, and basic utilities are permitted with a Specific Use Permit (SUP). The proposed church use is permitted by right in the current DR-1 District. A schedule of permitted uses in the current zoning district is attached.

### **SURROUNDING ZONING AND LAND USES:**

North: Adjoining to the north is a single-family home. The lot was recently re-zoned from DR-1 District to DR-2 District to allow the development of apartments. To the northeast are apartments zoned Downtown Commercial Neighborhood (DC-N) District, and to the northwest is a single-family home zoned DR-2 District. The University of North Texas campus is located across Eagle Drive in a Downtown Commercial General (DC-G) District.

East: Adjoining to the east are single-family homes in a DR-2 District and vacant land zoned DR-1 District. Apartments and single-family homes zoned DR-2 District and DR-1 District are located across Avenue A.

South: Adjoining to the south is a single-family home zoned DR-1 District. Apartments in a DR-2 District are located to the southeast, and single-family homes are located to the southwest across McCormick Street (DR-2 District). Further to the south across Fannin Street is more single-family development (mix of DR-2 District, DC-G District, and DR-1 District).

West: To the west across McCormick Street are single family homes zoned DR-2 District. Apartments and more single-family homes zoned DC-G District are beyond that.

DR-2 District currently adjoins the property to the east/southeast, west, and north.

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

The purpose of the Downtown University Core District, of which DR-2 District is a part, is to encourage mixed use developments within specified commercial areas of the district. This district is a pedestrian friendly district.

The DR-2 District allows slightly higher density residential development as well as small-scale neighborhood service and institutional uses that are intended to provide a transition between moderate-density residential areas and the higher density development found in downtown areas. Permitted uses include single-family residential uses, dormitories, and fraternity and sorority houses as well as limited commercial and institutional uses such as home occupations, adult or child daycares, churches, elementary schools, middle schools, semi-public halls/clubs/lodges, and parks and open spaces. Multi-family dwellings, bed and breakfasts, professional services and offices, retail sales and services, and temporary uses are allowed with limitations. Broadcasting studios, veterinary clinics, medical centers, and basic utilities are allowed with an SUP. The schedule of permitted uses is attached for reference.

The proposed rezoning to DR-2 District is compatible with the surrounding land uses and zoning patterns.

#### **COMPREHENSIVE PLAN:**

The subject property is within an area designated as a “Neighborhood/University Compatibility Area” on the Future Land Use Map in Denton Plan 2030. This land use designation applies to residential and commercial areas adjacent to the University of North Texas and Texas Woman’s University that are affected by their proximity to the university. Currently these areas are characterized by university buildings abutting, in many cases, single-family neighborhoods. Expected increases in enrollment at both universities will likely require additional facilities and student housing. The purpose of this designation is to create compatible form and land uses for the areas that serve both the established neighborhoods and the universities.

Allowable uses and development criteria of the Neighborhood/University Compatibility Area future land use designation include:

- a. The Neighborhood/University Compatibility Area should provide a gradual transition in scale, use, character, and intensity between the universities and surrounding neighborhoods.

- b. Typical uses include moderate-density residential, neighborhood-serving retail, restaurants, commercial, and office, which can serve both students and neighborhood residents.
- c. Development should encourage uses that are in close proximity to one another to encourage walking and bicycling.
- d. Development shall address the public realm and contribute to a vibrant environment for pedestrians and bicycles.
- e. Development should preserve historic structures and features whenever possible.
- f. Places of worship, schools, and parks are allowed by right.
- g. Development shall adequately address parking needs and mitigate the impact to adjacent neighborhoods.

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 as described above.

**CONSIDERATIONS:**

- 1. Rezoning the subject property from DR-1 District to DR-2 District is consistent with the surrounding land use and zoning pattern. The proposed rezoning is a logical extension of the DR-2 District that presently occurs to the east, west, and north of the subject property.
- 2. The subject property is less than 150 feet from the University of North Texas campus, and much of the surrounding area serves as student housing. The proposed use and other permitted uses that could develop on the site such as multi-family dwellings and neighborhood services are logical for the area and would be easily accessible from campus or the surrounding neighborhood by walking or bicycling, which is also consistent with the criteria of the Neighborhood/University Compatibility Area.
- 3. The property owner is seeking to rezone the parcels to the DR-2 District to reduce the minimum landscaping requirement, thereby increasing the allowed maximum lot coverage. The maximum lot coverage allowed for the property would increase from 60% in the DR-1 District to 75% in the DR-2 District, which would lower the minimum required landscaping area from 40% to 25%. The maximum allowed building height would increase from 40 feet to 45 feet with the proposed rezoning. New development, with the slightly increased lot coverage and allowable height, would be consistent with the scale of development, the mix of uses, and the current combination of zoning designations in the surrounding area.
- 5. Per Section 35.3.4.B of the Denton Development Code, the following criteria shall be considered for a rezoning request:
  - a. *The proposed rezoning conforms to the Future Land Use element of the Denton Plan 2030*  
The proposed rezoning conforms to the Future Land Use Designation of Neighborhood/University Compatibility Area. The request meets the intent of this designation by meeting the need for neighborhood services in close proximity to the campus, which fosters walkability and vibrancy in the area.
  - b. *The proposed rezoning facilitates the adequate provision of transportation, water, sewers, schools, parks, and other public requirements and public convenience.*  
Water, sewer, and public access are all available to the lots along McCormick Street. Since each lot was previously developed, there is expected to be adequate capacity in the existing infrastructure to support the proposal.

**STAFF RECOMMENDATION:**

Staff recommends approval of the request as it is compatible with the surrounding properties and land uses. It is also consistent with the goals and objectives of the Denton Plan 2030.

**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, 17 notices were sent to property owners within 200 feet of the subject property, 77 courtesy notices were sent to physical addresses within 500 feet of the subject property, a notice was published in the local newspaper, and signs were placed on the property. The applicant has not set a date for a neighborhood meeting. One response to mailed notices have been received as of the writing of this report.

**PROJECT TIMELINE:**

Application Received:	August 2, 2016
1 <sup>st</sup> Submittal Sent to DRC Members:	August 4, 2016
Comments Released to Applicant:	August 19, 2016
DRC Meeting with Staff:	Applicant Did Not Request Meeting
Business Days under DRC Review:	11
Business Day out to Applicant:	0
Total Business Days:	11

**EXHIBITS:**

- Aerial Map
- Zoning Map
- Future Land Use Map
- DR-1 Permitted Uses
- DR-2 Permitted Uses
- Notification Map

Respectfully submitted:  
Shandrian Jarvis, AICP  
Development Review Committee Administrator

Prepared by:  
Hayley Zagurski  
Assistant Planner