



# City of Denton

City Hall  
215 E. McKinney St.  
Denton, Texas 76201  
[www.cityofdenton.com](http://www.cityofdenton.com)

## Legislation Text

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**File #: Z16-0028, Version: 1**

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### **Planning Report**

**Z16-0028 / Harris**

**City Council District 3**

**Planning & Zoning Commission**

**March 22, 2017**

### **REQUEST:**

Hold a public hearing and consider a request by MSGS-B, Ltd. to rezone approximately 0.550 acres from a Downtown Residential 2 (DR-2) District to a Downtown Commercial General (DC-G) District. The property is located at 1604 West Hickory Street approximately 85 feet east of North Avenue C in the City of Denton, Denton County, Texas. (Z16-0028, Harris, Hayley Zagurski).

### **OWNER:**

MSGS-B, Ltd.

### **APPLICANT:**

Gary Chang, Jackson Chang Apartments

### **BACKGROUND:**

The subject property is located on the north side of West Hickory Street between Avenue B and Avenue C. The applicant is seeking to rezone the subject property from Downtown Residential 2 (DR-2) District to Downtown Commercial General (DC-G) District. The property owner also owns the two adjoining properties to the east, which are zoned DC-G District. The applicant is seeking to consolidate the zoning on the contiguous parcels to facilitate future redevelopment of the properties. The applicant has indicated that their intent is to redevelop the site with office and multi-family uses. Specific plans and a timeline for the intended redevelopment were not provided with this request.

### **SITE DATA:**

The 0.55-acre subject property has approximately 150 feet of frontage along West Hickory Street. The property is currently developed with four one-story duplexes, two of which are joined by a carport, and an asphalt parking lot. The property is currently unplatted.

West Hickory Street is classified as a Secondary Major Arterial and is also a One-Way Couplet, with Oak Street being the second half of the couplet. A One-Way Secondary Major Arterial requires 66 feet of right of way and is designed to accommodate approximately 10,050 vehicle trips per day. West Hickory Street is not currently built to Secondary Major Arterial standards.

Access is currently provided to the subject property from a single existing driveway from West Hickory Street.

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

The current zoning of Downtown Residential 2 (DR-2) District permits a mix of single- and multi-family

residential, small-scale neighborhood service, and institutional uses intended to provide a transition from moderate density residential neighborhoods to high density downtown development. As part of the Downtown University Core Districts, DR-2 District encourages pedestrian-friendly and mixed use developments within centralized commercial areas.

Permitted uses include single-family dwellings, accessory dwelling units, attached single family dwellings, dwellings above businesses, dormitories, laundry facilities, and adult or child daycares. Multi-family dwellings are permitted at a maximum density of 30 dwelling units per acre with a limitation that one bedroom equals one-half of a dwelling unit. Other uses permitted with limitations include retail sales and services and professional services and offices. Administrative or research facilities, veterinary Clinics, and Medical Centers are permitted with a Specific Use Permit (SUP). The minimum lot size in DR-2 District is 4,000 square feet, the maximum building height is 45 feet, the maximum floor to area ratio (FAR) is 0.75, and the maximum lot coverage is 75%. A schedule of permitted uses is attached for reference.

**SURROUNDING ZONING AND LAND USES:**

North: Property to the north is located in a DR-2 District and is developed with the Across the Street apartment complex. Property to the northeast is also zoned DR-2 District and is developed with The Lights apartment complex.

East: The Jackson Chang Apartments office is located on the eastern adjoining property in a DC-G District.

South: To the south across West Hickory Street is the University of North Texas (UNT) campus, which is zoned DC-G District.

West: The Across the Street apartment complex is also located to the west of the subject property along Avenue C. The property is zoned DR-2 District.

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

The purpose of the DC-G zoning district to encourage a mixed use and pedestrian oriented district around the downtown district and university areas. Residential uses permitted include Townhomes, Dwellings above Businesses, Multi-family, Fraternities, and Sororities. Most commercial and institutional uses are permitted by right or with approval of an SUP. Industrial uses permitted include Print Shops, Bakeries, Craft Alcohol Production, and Veterinary Clinics. Wholesale Sales and Nurseries are permitted with an SUP and limitations. A schedule of permitted uses in the DC-G District is attached for reference.

The proposed rezoning to DC-G District is appropriate at this location given the adjacency of existing DC-G District zoning to the east and south. The proximity of the property to the University of North Texas campus and the downtown district also makes this a logical location for the density and uses permitted in the DC-G District.

**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. 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.

Development criteria of the Neighborhood/University Compatibility Area future land use designation include:

- a. A gradual transition in scale, use, character, and intensity between the universities and surrounding

neighborhoods.

- b. Uses such as moderate density residential, neighborhood-serving retail, restaurants, commercial, and office, which can serve both students and neighborhood residents.
- c. Uses that are in close proximity to one another to encourage walking and bicycling.
- d. New development that is sensitive to the surrounding built and natural context in scale and form.
- e. Development that adequately addresses parking needs and mitigates the impact to adjacent neighborhoods.

## CONSIDERATIONS:

1. 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*

The zoning request conforms to the Neighborhood/University Compatibility Area designation. This designation identifies the need for density and neighborhood services in areas within close proximity to UNT in order to foster walkability, livability, and vibrancy for both student populations and neighborhood residents. The subject property's location across the street from UNT suggests that the additional density and uses associated with DC-G District are desirable for the area and would contribute to the walkability and character of the area.

- b. *The proposed rezoning facilitates the adequate provision of transportation, water, sewers, schools, parks, and other public requirements and public convenience.*

An infrastructure needs assessment, depending on the intended development, would be conducted at the time of platting and site plan submittal. Compliance with all transportation and infrastructure requirements is required with platting and development of the site. A traffic impact analysis is not required as a part of the zoning application. Analysis of the traffic impacts will be addressed at the platting and site planning phases of the development.

2. The proposed rezoning to DC-G District is a logical extension of the existing DC-G District to the east and south of the subject property. Additionally, the applicant has indicated that the same entity owns the subject property as well as the two lots adjacent to the east, and this request would consolidate the zoning of their properties to permit more cohesive redevelopment of this area in the future. The applicant's narrative indicates that the ultimate intent is to redevelop the subject and adjoining properties with a real estate office and apartment complex to replace the existing aging office and dwellings.
3. Multi-family development currently exists to the north and west of the subject property, and commercial uses exist further to the east along Avenue B. The general area surrounding the subject property is mixed use in nature. DC-G District would permit a mixture of residential and commercial uses that are compatible with the existing land use pattern in this area of the city. The scale of development permitted on the property would be intensified as follows if the property were rezoned from DR-2 District to DC-G District:
  - The maximum density of dwelling units per acre would increase from 30 to 150.
  - The maximum lot coverage would increase from 75% to 85%.

- The maximum building height would increase from 45 feet to 110 feet.

The increased scale and density of development permitted under DC-G District is appropriate immediately adjoining the UNT campus and would not be out of character for the larger area along West Hickory Street, much of which is zoned DC-G District.

4. Providing resources and housing in higher density surrounding the university is logical because it promotes transportation-efficient design. By increasing the density of development, a more compact environment is created that promotes pedestrian and bicycle traffic, thus limiting student vehicle trips and parking in the surrounding neighborhoods. Maintaining the lower density permitted in districts such as DR-2 encourages sprawled development and maintains or increases vehicle trips. Additionally, nearby access to public transit and bicycle infrastructure provide additional mobility options for residents in the UNT area. Conversely, maintaining lower densities under the DR-2 and similar districts promotes a less compact suburban development pattern adjacent to UNT, contributes to the disbursement of the student population throughout the City, and induces demand for daily vehicle trips to campus.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the request as it is compatible with the surrounding property and is 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, 7 notices were sent to property owners within 200 feet of the subject property, 53 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. A neighborhood meeting was held on February 15, 2017 at the Jackson Chang Apartment Office at 1600 W. Hickory Street. One person attended the meeting and was neutral to the request.

#### **PROJECT TIMELINE:**

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|--|-------------------|
| Application Received:                          | November 21, 2016 |
| 1 <sup>st</sup> Submittal Sent to DRC Members: | November 30, 2016 |
| Comments Released to Applicant:                | December 15, 2016 |
| 2 <sup>nd</sup> Submittal Sent to DRC Members: | February 16, 2017 |
| Comments Released to Applicant:                | February 17, 2017 |
| Business Days under DRC Review:                | 13                |
| Business Day out to Applicant:                 | 41                |
| Total Business Days:                           | 54                |

#### **EXHIBITS:**

- Aerial Map
- Zoning Map

- Future Land Use Map
- Proposed Zoning Map
- Permitted Uses Table
- Notification Map

Respectfully submitted:  
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Development Review Committee Administrator

Prepared by:  
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Assistant Planner