

## City of Denton

City Hall  
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## Legislation Text

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**File #: S17-0002, Version: 1**

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**Planning Report****S17-0002 / Denton Calvary Academy High School****City Council District 1****Planning & Zoning Commission****April 26, 2017****REQUEST:**

Hold a public hearing and consider a request by Denton Bible Church for a Specific Use Permit to allow for a high school use on approximately 13.73 acres. The property is generally located at the southwest corner of the East University Drive and Nottingham Drive intersection. (S17-0002, Denton Calvary Academy High School, Hayley Zagurski).

**OWNER:**

Denton Bible Church

**APPLICANT:**

Max Roberson, Denton Calvary Academy

**BACKGROUND:**

The 13.73-acre subject property is zoned Neighborhood Residential Mixed Use (NRMU) District and is currently developed with Denton Calvary Academy (DCA) on the northwest side and several buildings owned by Denton Bible Church on the eastern side. DCA is a private school that currently serves approximately 70 elementary students, 97 middle school students, and 130 high school students. Approximately 40 faculty members are employed at the school. The applicant is seeking an SUP to expand this use to the other existing buildings that are currently owned by Denton Bible Church. The school could accommodate up to 1,500 students in all grades. Currently 694 parking spaces exist on the property, and landscaping provided exceeds the 20% minimum required in the NRMU District. The entire property has been at its fully developed state since the mid-2000s, with DCA having been in operation on the northwest portion of the property for approximately 18 years. The applicant is proposing no changes to the current site design; all buildings, parking lots, and landscaping would remain in their current configuration. A Site Plan is attached for reference and shows all of the existing structures and parking spaces.

Within the NRMU District, elementary and middle school uses are permitted by right; however, high school uses are only permitted with an approved SUP. Ordinance 99-277 approved an SUP that limited the operation of the high school portion of DCA to the four buildings where the school currently operates. A copy of the existing ordinance is attached for reference.

**SITE DATA:**

The 13.73-acre property has approximately 1,110 feet of frontage along University Drive on the north, 1,596 feet of frontage along Nottingham Drive on the east, and 172 feet of frontage along Mingo Road on the south.

East University Drive is classified as a Primary Arterial roadway per the City of Denton Mobility Plan and is maintained by the Texas Department of Transportation (TXDOT). A Primary Arterial requires 135 feet of right-of-way and is designed to handle approximately 30,000 vehicle trips per day. Currently, East University Drive is built to full right-of-way standards as a six-lane divided roadway handling approximately 23,000 vehicle trips per day.

Nottingham Drive is classified as a Main Street Collector. Main Street Collectors require 70 feet of right-of-way and are designed to handle approximately 16,000 vehicle trips per day. Currently, Nottingham Drive is built to full right-of-way standards as a four-lane undivided roadway handling approximately 5,000 vehicle trips per day.

Mingo Road is classified as a Secondary Arterial roadway, which requires 110 feet of right-of-way and is designed to handle approximately 25,000 vehicle trips per day. Currently, Mingo Road is constructed as a two-lane undivided roadway with a capacity of up to 10,050 vehicle trips per day. There are approximately 7,200 vehicle trips per day made along Mingo Road in the vicinity of the subject property.

Access to the site is provided by two driveways located along University Drive, which are currently used by Denton Calvary Academy. Three existing driveways along Nottingham Drive provide access to the buildings currently owned by Denton Bible Church. No driveways on Mingo Road are existing or proposed with this request.

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

North: To the north, across East University Drive, are single-family residential subdivisions located in a Neighborhood Residential 3 (NR-3) District. The subdivisions are known as Crestwood Heights and Nottingham Woods.

East: Across Nottingham Drive, Denton Bible Church is developed within a Community Mixed Use General (CM-G) District.

South: Beyond Mingo Road, railroad right-of-way is located further to the south. A multi-family development located in a NRMU District is located to the south of the railroad.

West: The Sequoia Park subdivision is located to the west. Single-family homes are developed within this subdivision and are located in a NR-3 District.

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

Within the existing NRMU District, the high school use is only permitted with approval of an SUP. The existing high school use was approved under an SUP in 1999, and Denton Calvary Academy has since been in operation on Lot 1R of the subject property.

In the vicinity of the subject property there is a mixture of institutional and residential uses. The property is bounded on three sides by roadways that provide physical separation between the subject property and surrounding uses. To the west the subject property abuts multiple single-family residences in the Sequoia Park subdivision. An existing chain-link fence and landscaping currently serve as a buffer between the rear yards of the residential lots and the subject property. The existing parking lots are screened from the right-of-way with shrubs and trees. The applicant has indicated they do not intend to make any changes to the exteriors of the existing buildings or to the existing parking lots and landscaping. Thus, the proposed specific use would not be in conflict and would be compatible with the surrounding land uses.

**CONSIDERATIONS:**

1. The high school use is only permitted with the approval of an SUP in the NRMU zoning district. If the SUP is approved, the applicant is proposing to expand the existing high school, middle school, and elementary school uses into all of the existing buildings shown on the attached Site Plan. Since the new SUP would incorporate the site approved under Ordinance 99-277, staff recommends the existing ordinance be repealed as a part of this SUP to consolidate the regulations applicable to this development.
2. Subchapter 35.6.4 of the DDC outlines the criteria for approval of an SUP. In short, these criteria are intended to ensure that the development conforms to the goals of the DDC and the Denton Plan 2030 and is not injurious to the use and enjoyment of surrounding properties. The full criteria for approval have been attached for reference.

The site complies with the criteria for SUP approval in terms of accessibility, utility provisions, nuisance mitigation, and landscaping area. The expansion of the high school use onto the remainder of the fully constructed site is not likely to generate further nuisances or be injurious to the surrounding area. However, as a condition of this SUP request, staff recommends the site maintain its current landscape coverage and parking counts as are indicated on the Site Plan. Staff also proposes that the use be limited to the existing buildings shown on the Site Plan. These recommendations are intended to ensure changes are not made to the site's current configuration without the approval of an amended SUP to provide continued compatibility between the school use and the surrounding neighborhood.

3. The proposed expansion of the high school use is consistent with the goals of the Denton Plan 2030. According to the Future Land Use Map, the property is within an area designated as "Community Mixed-Use." Within Community Mixed-Use areas, schools are permitted by right. These areas are intended to promote a large mixture of uses, with commercial uses being predominant, and residential, service, and other uses being complimentary. Institutional and employment facilities are promoted to support the surrounding community. The continuation and expansion of the Denton Calvary Academy conforms to this Future Land Use designation.

**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, subject to the following conditions:

1. The proposed use must be restricted to existing buildings on Lots 1R, 2R, 3R, and 4R, Block A, of the Denton Bible Church Addition, as is reflected on the attached Site Plan. Existing landscaping coverage and parking counts must be maintained as is reflected on the attached Site Plan. Any changes to the building footprints, parking counts, parking lot layouts, or landscaping area must be approved by amending the SUP.
2. Ordinance 99-277 must be repealed and replaced by a new ordinance so that only one ordinance controls the high school use on the subject property.

**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, 56 notices were sent to property owners within 200 feet of the subject property, 127 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 responses to the mailed notice were received prior to the issuance of this report, and both were in favor of the request. These responses have been attached to the Notification Map for reference. A neighborhood meeting had not been scheduled at the time of report writing.

**PROJECT TIMELINE:**

Application Received:	January 30, 2017
1 <sup>st</sup> Submittal Sent to DRC Members:	February 24, 2017
Comments Released to Applicant:	March 13, 2017
2 <sup>nd</sup> Submittal Sent to DRC Members:	March 17, 2017
Comments Released to Applicant:	March 29, 2017
Business Days under DRC Review:	19
Business Day out to Applicant:	4
Total Business Days:	23

**EXHIBITS:**

- Aerial Map
- Zoning Map
- Future Land Use Map
- Criteria for Approval of a SUP
- Site Plan
- Ordinance 99-277
- Parking Agreement
- Notification Map

Respectfully submitted:  
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Development Review Committee Administrator

Prepared by:  
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