



Legislation Text

File #: Z17-0013a, **Version:** 1

Planning Report

Z17-0013 / Justice Plaza

City Council District 1

Planning & Zoning Commission

September 27, 2017

REQUEST:

Hold a public hearing and consider making a recommendation to City Council regarding a request by Dodson Legal Group to rezone approximately 3.2 acres from a Neighborhood Residential 6 (NR-6) District to a Neighborhood Residential Mixed-Use 12 (NRMU-12) District. The property is generally located on the east side of Jannie Street, approximately 420 feet north of East McKinney Street. This item was continued at the September 13, 2017 Planning and Zoning Commission meeting. (Z17-0013, Justice Plaza, Julie Wyatt).

OWNER:

Eugene Hartman

APPLICANT:

Lee Allison with Allison Engineering Group on behalf of Denton Justice Plaza LLC

BACKGROUND:

The applicant is requesting to rezone the subject property from Neighborhood Residential 6 (NR-6) District to Neighborhood Residential Mixed Use 12 (NRMU-12) District to develop an office park.

The 3 acre site is part of a 7 acre tract which was rezoned in 2014 from Neighborhood Residential 4 (NR-4) District into a mix of zoning districts which included NR-6 District on the subject property, NRMU-12 District adjacent to the subject property, and Neighborhood Residential Mixed Use (NRMU) District on East McKinney Street. The intent of this rezoning was to construct a comprehensively planned mixed-use development which included restaurant, office and cottage-style homes. The plan included curved streets and integrated uses, which resulted in the unusual zoning district lines reflected on the zoning map. That project did not move forward.

SITE DATA:

The subject property is located on the east side of Jannie Street, approximately 420 feet north of East McKinney Street. The 3.2 acre rectangular site is developed with an agriculture use. Although primarily open grassland, the property includes some trees along the property lines; therefore, tree preservation requirements may be applicable at the time of development.

Access to the site will be determined with platting and site plan. Jannie Street is adjacent to the property and classified as a Main Street Mixed Use Collector. This street classification requires 70 feet of right-of-way per the City of Denton Mobility Plan and provides access to residential and neighborhood commercial development.

South of the property is East McKinney Street. It is classified as a Secondary Arterial, which serves as a major route through and between different areas of the City, with two travel lanes in each direction separated by a median. Secondary Arterials require 110 feet of right-of-way per the City of Denton Mobility Plan and are intended to accommodate between 2,500 and 15,000 vehicles per day.

USE OF PROPERTY UNDER CURRENT ZONING:

The Neighborhood Residential 6 (NR-6) District is intended for single-family, townhome, and duplex uses with a maximum density of 6 dwelling units per acre. In developments greater than two acres, there are no minimum lot sizes stipulated per the Denton Development Code (DDC). 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 Comparison of Permitted Uses in NR-6 and NRMU-12 Districts is attached for reference.

SURROUNDING ZONING AND LAND USES:

North: Property to the north is zoned Neighborhood Residential 4 (NR-4) District and is developed with single-family residential uses.

East: Property to the east is zoned Neighborhood Residential 4 (NR-4) District and is developed with single-family residential uses.

South: Property to the south is zoned NRMU-12 and Neighborhood Residential Mixed Use (NRMU) Districts. It is developed with a single-family residential use.

West: Property to the west is zoned Neighborhood Residential 4 (NR-4) District and is developed with single-family residential uses.

COMPATABILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES:

The subject property is situated within an established neighborhood developed with single-family uses. The existing development pattern for areas to the north, east, and west of the site is primarily low density suburban with lot sizes ranging from approximately 7,500 square feet to over 18,000 square feet. The surrounding zoning of NR-4 District reflects this land use pattern, as it restricts commercial development and limits density to a maximum of four dwelling units per acre.

A further extension of the NRMU-12 District into the neighborhood would introduce small scale commercial and moderate-density residential development inconsistent with the surrounding uses and zoning. Although the existing NR-6 District permits higher densities than the surrounding NR-4 District, the permitted uses in the zoning districts are similar, encouraging compatible development on the subject property. As currently zoned, NR-6 District serves as a transition between the lower densities to the north and the commercial development along East McKinney Street. If approved, the proposed rezoning would remove this transitional area and permit commercial uses to encroach into the existing residential neighborhood, potentially creating incompatibilities and an erosion of a cohesive development pattern.

COMPREHENSIVE PLAN:

Per the Denton Plan 2030, the Future Land Use designation of the subject property is Low Residential. Low Residential is intended to be predominantly single-family neighborhoods, with lot sizes ranging from one acre or more in rural fringe areas to four units per acre gross density throughout many of the city's suburban subdivisions.

In determining the Future Land Use designation for this area, the following factors were considered: 1) the area is primarily developed with single-family dwelling units; 2) the roadway system north of McKinney Street are

residential and collector streets; and 3) the area contains stable and established neighborhoods.

Dwellings in Low Residential are generally one to two stories with private driveways and open space, consisting of privately-maintained tree canopy and front, back and side yards. Generally these types of single-family neighborhoods are developed as distinct subdivisions that are linked by internal circulation systems with limited access to major arterials.

The proposed NRMU-12 District is not consistent with the Low Residential Future Land Use designation, as NRMU-12 District allows for mixed-use development and moderate intensity multi-family housing. The maximum density allowed in this District is 12 units per acre.

CONSIDERATIONS:

1. The request is to rezone approximately 3.2 acres from NR-6 District to NRMU-12 district in order to develop the site with office uses.
2. The proposed rezoning does not conform to the Future Land Use designation of Low Density Residential, as NRMU-12 permits commercial uses and moderate density residential development at a maximum density of 12 dwelling units per acre.
3. Per Section 35.3.3.A of the Denton Development Code, if a zoning change does not conform to the Future Land Use designation, then the request must be further evaluated in accordance with Section 35.3.3.B.3. The approval criteria includes an analysis of the existing surrounding land use pattern, the possible creation of an isolated zoning district, adequate provision of infrastructure, impacts on the environment, reasons as to why the property can't be used in accordance with existing zoning, and the character of the district.

The subject property is situated in the center of an existing, established neighborhood with a consistent low-density single-family residential land use pattern and character. The neighborhood derives protection from the existing zoning of the subject property, as NR-6 District primarily permits only residential uses which are compatible with the adjacent properties. Rezoning the site to NRMU-12 District would introduce a new land use pattern to the surrounding area by permitting moderate densities and commercial uses adjacent to, and across from, single-family uses. This change could erode the integrity of the existing neighborhood by compromising the cohesive land use pattern and residential character.

Although there is existing NRMU-12 District adjacent to the subject property, the current zoning pattern establishes a logical buffer between the single-family neighborhoods to the north and the commercial development along East McKinney Street. The current zoning pattern including NR-6, NRMU-12, and NRMU Districts could encourage a thoughtfully designed mixed-use development that includes office and retail along East McKinney Street, transitioning to smaller-scale office and moderate-density residential further north to align with the existing development.

As to infrastructure, a needs assessment, depending on the development, would be conducted at the time of platting and site plan submittal. Compliance with all transportation, drainage, and infrastructure requirements is mandatory with platting and development of the site. Furthermore, all proposed development must meet City requirements for tree preservation and other environmental impacts.

4. In response to concerns of compatibility, the applicant has proposed a Mixed Use Residential Overlay in

accordance with Section 35.5.2.4 of the DDC. The intent of the overlay provision is to address concerns of existing adjacent residential uses when a non-residential use is proposed. Per the applicant, the proposed overlay conditions would restrict the buildings to one-story, provide additional screening, and remove some uses, including Dwellings Above Businesses, Group Homes, Multi-Family Dwellings, Fraternity or Sorority Houses, Dormitories, Bed and Breakfasts, Laundry Facilities, Semi-Public Halls, Clubs, and Lodges, Kindergarten or Elementary Schools, Middle Schools, and Elderly Housing.

The public hearing notification mailed to property owners and residents did not reflect the proposed overlay; therefore, the nearby residents were not made aware of the associated restrictions. Although the proposal provides for accommodations in scale, screening, and use whereby some nuisances may be mitigated, the overlay doesn't address the incompatibility of office and retail uses imbedded within a neighborhood and adjacent to single-family homes.

5. Jannie Street, while classified as a Main Street Collector, dead ends to the north of the subject property at Paisley Street. It does not connect to a commercial roadway network, but instead functions as a neighborhood street for single-family homes.

STAFF RECOMMENDATION:

Staff recommends denial of the request as it is incompatible with the surrounding property and is inconsistent 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, 51 notices were sent to property owners within 200 feet of the subject property, 138 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 by the applicant on July 11, 2017. Neighbors expressed concerns regarding the types of uses permitted in NRMU-12 District and the potential nuisances associated with commercial uses, including traffic and noise.

PROJECT TIMELINE:

Application Received:	June 6, 2017
1 st Submittal Sent to DRC Members:	June 7, 2017
Comments Released to Applicant:	June 21, 2017
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

- Comparison of Permitted Uses
- Proposed Zoning Map
- Applicant Mixed Use Residential Protection Overlay
- Notification Map

Respectfully submitted:
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Interim Director of Planning

Prepared by:
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