

# **Planning Report**

**S17-0009/Retreat at Denton**

**City Council District 3**

**City Council**

**December 5, 2017**

## **REQUEST:**

Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit for 71.76 acres of land, specifically to allow for a multi-family residential use on approximately 32.60 acres and to allow for an outdoor recreation use on approximately 19.90 acres. The property is generally located on the south side of West Oak Street approximately 290 feet west of the Interstate Highway 35 service road in the City of Denton, Denton County, Texas. (S17-0009, Retreat at Denton, Hayley Zagurski).

## **OWNER:**

Rayzor Investments Ltd.

## **APPLICANT:**

Lance Vanzant of Hayes, Berry, White, & Vanzant, LLP

## **BACKGROUND:**

The subject property is located at the southeast corner of the intersection of West Oak Street and the future extension of Precision Drive. The property is comprised of three tracts of unplatted land.

The request is for a Specific Use Permit (SUP) in order to develop the subject property with multi-family residential and outdoor recreation uses. A concurrent request has been made for a rezoning from IC-E District to NRMU District. Both uses are prohibited in the current zoning district and require the approval of a SUP in the proposed NRMU District. The request for the rezoning must be approved for the SUP to be considered for approval.

A Conceptual Site Plan, Conceptual Landscape Plan, and Sample Building Elevations are attached. The Site Plan indicates three phases of intended development. Phase I consists of 21.4 acres of multi-family development that would contain 189 dwelling units with a total of 700 bedrooms and have a density of 8.83 dwelling units per acre. Phase II would consist of 11.2 acres of multi-family development with 100 dwelling units with a total of 375 bedrooms and a density of 8.93 dwelling units per acre. Phase III would consist of 19.9 acres of land that would be developed with approximately 5 ball fields intended for outdoor recreation. The conceptual site plan indicates parking for Phases I and II at a rate of one space per bedroom and parking for Phase III at a ratio of 40 spaces per field. The proposed parking ratios are not consistent with the requirements of the Denton Development Code (DDC).

## **SITE DATA:**

The 72.07-acre subject property is currently undeveloped with the exception of a single residence located at the southwestern corner of the property which is intended to be removed. A pond and surrounding floodplain is located generally at the center of the property and encompasses approximately 15 acres of the property. Stream buffer Environmentally Sensitive Area (ESA) also surrounds the pond. Any future development in this ESA would require a field assessment and the potential completion of an Alternative ESA plan.

The property is also located within the boundaries of Tax Increment Reinvestment Zone Number Two (Westpark TIRZ). The Westpark TIRZ, which was approved in 2012, encompasses

approximately 800 acres of land where industrial development is promoted. The TIRZ is intended to assist with the financing of the public infrastructure needed to encourage industrial development in this area.

The property has approximately 950 feet of frontage on West Oak Street. West Oak Street is classified as a Primary Arterial roadway by the Mobility Plan. West Oak Street is currently developed as a two-lane undivided roadway. As a Primary Arterial, West Oak Street is intended to be a six-lane divided roadway with 135 feet of right-of-way. This type of road is designed to handle over 15,000 vehicles per day at its full width.

The future extension of Precision Drive will extend along the western portion of the property. Precision Drive is classified as a Commercial Mixed Use Collector on the Mobility Plan. Currently Precision Drive ends at the southern boundary of the property. Precision Drive is intended to be a two-lane undivided roadway with approximately 70 feet of right-of-way, which can handle 1,000 to 8,000 vehicles per day.

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

<b>Northwest:</b> <ul style="list-style-type: none"> <li>• Zoning: IC-E and Industrial Center General (IC-G) Districts</li> <li>• Use: West Oak Street bisects parcels of undeveloped land to the northwest.</li> </ul>	<b>North:</b> <ul style="list-style-type: none"> <li>• Zoning: IC-E District</li> <li>• Use: The 84 Lumber facility is located to the north across West Oak Street.</li> </ul>	<b>Northeast:</b> <ul style="list-style-type: none"> <li>• Zoning: IC-E District</li> <li>• Use: A rail line and undeveloped land are located to the northeast.</li> </ul>
<b>West:</b> <ul style="list-style-type: none"> <li>• Zoning: IC-G District</li> <li>• Use: Undeveloped industrial land is located to the west.</li> </ul>	<b>SUBJECT PROPERTY</b>	<b>East:</b> <ul style="list-style-type: none"> <li>• Zoning: IC-E District</li> <li>• Use: A rail line adjoins the property to the east. Industrial uses such as the Ben E. Keith distribution center are located beyond the rail line along I-35.</li> </ul>
<b>Southwest:</b> <ul style="list-style-type: none"> <li>• Zoning: IC-G District</li> <li>• Use: A Peterbilt manufacturing facility is located to the southwest across Precision Drive.</li> </ul>	<b>South:</b> <ul style="list-style-type: none"> <li>• Zoning: IC-E District</li> <li>• Use: Property owned by the University of North Texas is located to the south and is developed with a storage building and intramural ball fields.</li> </ul>	<b>Southeast:</b> <ul style="list-style-type: none"> <li>• Zoning: IC-E District</li> <li>• Use: A ReaderLink industrial facility is developed on property to the southeast.</li> </ul>

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

The surrounding zoning pattern is industrial, and the existing land uses in the area include a mixture of industrial uses and undeveloped land. The requested SUP is pending the approval of concurrently submitted request for a rezoning to NRMU District. The proposed rezoning and multi-family use are not consistent with the surrounding zoning and land use pattern.

The property's location along a rail line and a Primary Arterial roadway with close connectivity to the interstate makes the land seem compatible with the commercial and industrial uses permitted under the current zoning. However, according to the applicant, the owner has marketed the property for industrial development in the past and has determined that the existing topography and the large area of pond and floodplain make the site ill suited for industrial use. That does not preclude the property from being developed with smaller-scale commercial or industrial uses that

could support the larger operations in the area and be more consistent with the existing development pattern and the goals of the Westpark TIRZ.

### **COMPREHENSIVE PLAN:**

Per the Denton Plan 2030, the Future Land Use designation for the subject property is Industrial Commerce. This designation applies predominantly to areas west of I-35W near the Denton Municipal Airport and encourages a predominance of light and heavy industrial uses such as manufacturing, assembly, wholesaling, and fabrication. Complimentary uses such as shopping and childcare are also promoted, but proper transitions are needed near more sensitive land uses such as residential. The proposed multi-family and outdoor recreation uses are not consistent with the Industrial Commerce designation. Although much of the surrounding property is undeveloped at this time, if more industrial uses develop on nearby parcels, incompatibilities would likely arise, including potential nuisances such as noise and glare and heavy truck traffic.

### **CONSIDERATIONS:**

1. Pending approval of a rezoning from IC-E District to NRMU District, the request is for a SUP to allow the development of multi-family residential and outdoor recreation uses on approximately 71.76 acres of land. According to the Conceptual Site Plan, the development would consist of two phases of multi-family development on approximately 32.60 acres, with a total of 289 units, and one phase of outdoor recreation development on approximately 19.90 acres. The multi-family development would consist of a mixture of two, three, and four bedroom units as well as an amenity area and associated parking. The primary means of access to the site would be from gated entries along Precision Drive. A Traffic Impact Analysis (TIA) has been submitted for review in order to determine if an additional point of access on West Oak Street is warranted.
2. The property is located along a Primary Arterial street near the interstate, and is thus a gateway to the Westpark area. Although the subject property does have many unique features due to the presence of a large pond, associated floodplain, and varying topography, it is not unfeasible for it to develop with commercial or smaller-scale industrial uses that would support the larger industrial uses in the area, be more consistent with the surrounding land use pattern, and align with the goals of the Denton Plan 2030 and the Westpark TIRZ for this area of the City.
3. Section 35.6.4 of the DDC outlines the criteria for approval of a SUP. These criteria are as follows:
  - a. *That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with The Denton Plan and federal, state, or local law.*

As was previously discussed, the proposed uses and associated rezoning request are not in conformance with the Denton Plan, under which the property is designated as part of a larger area of Industrial Commerce. However, if the rezoning and proposed uses are approved, each phase of the development would be required to go through a full site plan review procedure prior to permitting. At that time, the site would be required to be in compliance with all site design and parking regulations in the DDC.
  - b. *A SUP shall only be granted if all of the following conditions have been met:*
    - i. *That the specific use will be compatible with and not injurious to the use and enjoyment of other property nor significantly diminish or impair property values within the immediate vicinity.*
    - ii. *That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property.*

- iii. *That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided.*
- iv. *The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments.*
- v. *That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration.*
- vi. *That directional lighting will be provided so as not to disturb or adversely affect neighboring properties.*
- vii. *That there is sufficient landscaping and screening to ensure harmony and compatibility with adjacent property.*

The existing land use pattern in this area of the City is industrial. There is currently a mixture of uses near the property, including distribution centers and manufacturing as well as undeveloped land. If approved, the proposed NRMU District would preclude the property from being developed in a similar industrial pattern in the future. The proposed residential and outdoor recreation uses would not be directly injurious to surrounding industrial uses, but the uses would likely result in increased vehicular traffic as well as potential pedestrian and bicycle activity in the immediate vicinity.

The proposed uses are not likely to generate offensive odors, fumes, dust, noise, or vibrations. The Conceptual Landscape Plan indicates the provision of parking lot screening and landscaping throughout the development that would help minimize any nuisances from the parking lot.

During the platting process, the precise requirements for public infrastructure extensions, including water and sewer, will be determined. A Traffic Impact Analysis is being reviewed at this time, and this will help determine the full impact to the City's streets in this area. Precision Drive would be extended as a part of the proposed development and would be a mobility asset to the City as there are currently no connections between West Oak Street and Airport road between the interstate and Western Boulevard.

- c. *That adequate capacity of infrastructure can and will be provided to and through the subject property.*  
As was previously indicated, the exact utility and infrastructure extensions required to support the development would be determined during the platting process. The submitted plans indicate the intent to construct the northern portion of Precision Drive required to connect the road to West Oak Street. The plans also indicate the provision of an internal private street system to circulate traffic through the multi-family development.
- d. *That the Special Use is compatible with and will not have an adverse impact on the surrounding area. When evaluating the effect of the proposed use on the surrounding area, the following factors shall be considered in relation to the target use of the zone:*
  - i. *Similarity in scale, bulk, and coverage.*
  - ii. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*

- iii. *Architectural compatibility with the impact area.*
- iv. *Air quality, including generation of dust, odors, and other environmental pollutants.*
- v. *Generation of noise, light, and glare.*
- vi. *The development of adjacent property as envisioned in the Denton Plan.*
- vii. *Other factors found to be relevant to satisfy the requirements of this Chapter.*

The proposed uses are not compatible with the surrounding area in terms of land use, scale of development, or architectural design. There is currently no multi-family development in the surrounding area, so the request would result in the introduction of an entirely new zoning and land use in the midst of the City's largest industrial developments. The proposed development is located along a Primary Arterial Roadway that serves as a main access point for the Westpark area, so the inconsistency in use and development style would stand out. In addition, the large number of residents intended to live in the development would alter the traffic patterns of the area and generate potential conflicts between the industrial and residential users of the streets.

#### **STAFF RECOMMENDATION:**

Staff recommends denial of the request as it is incompatible with the surrounding property, is inconsistent with the goals of the Westpark TIRZ, and is inconsistent with the goals and objectives of the Denton Plan 2030.

If the Planning and Zoning Commission votes to recommend approval of the request, staff recommends the following conditions be established:

1. The provided Site Plan, Landscape Plan, and Building Elevations are conceptual. A full site plan submittal shall be required to ensure each phase of the development complies with the requirements of the Denton Development Code in terms of site design, landscaping, parking, and building design as provided in DDC 35.6.3.
2. A full assessment of the Environmentally Sensitive Areas (ESA) on the property is required and an Alternative ESA plan must be approved before any development within the boundaries of the ESA shown on the Conceptual Site Plan can be approved.
3. The development of a multi-family use shall be limited to the 32.6 acres designated for this use on the attached Conceptual Site Plan, and an outdoor recreation use shall be limited to the 19.9 acres indicated for this use on the attached conceptual Site Plan. The multi-family use shall contain no more than the 289 units shown on the conceptual Site Plan and the density of development shall be calculated based on only the area within each proposed phase of the multi-family development.

#### **PUBLIC NOTIFICATION:**

To comply with the public hearing notice requirements, 11 notices were sent to property owners within 200 feet of the subject property, 12 courtesy notices were sent to physical addresses within 500 feet of the subject property, a notice was published in the Denton Record Chronicle, and a sign was placed on the property.