

Staff Analysis

Z17-0008/Palladium

City Council District 2

Planning and Zoning Commission

November 29, 2017

REQUEST:

Hold a public hearing and consider a request by Belair Development, LTD to rezone approximately 7.5 acres from a Community Mixed Use General (CM-G) District to a Neighborhood Residential Mixed-Use (NRMU) District. The property is generally located on the northeast corner of East Sherman Drive and Poinsettia Boulevard in the City of Denton, Denton County, Texas. (Z17-0008, Palladium Denton, Julie Wyatt).

OWNER:

Belair Development, LTD.

APPLICANT:

Ryan Combs with Palladium USA

BACKGROUND:

The applicant, on behalf of Belair Development, LTD, is requesting to rezone the subject property from a Community Mixed Use General (CM-G) District to a Neighborhood Residential Mixed Use (NRMU) District in order to develop the site with multi-family dwellings.

The applicant is proposing a traditional multi-family development financed through the Housing Tax Credit Program (HTC), which is administered by the Texas Department of Housing and Community Affairs. The HTC is intended to provide housing for residents who earn 50 to 60 percent of the area's median income (the 2017 median income for the Dallas Metro Area is \$73,400 per year for a family of four). As part of the HTC application, the City Council approved a resolution of support for the proposed development on February 7, 2017.

Under the current zoning of CM-G District, multi-family dwellings are permitted with two limitations on the use: first, Limitation 4 requires either a Specific Use Permit (SUP) or a mix of three or more supporting land uses, and second, Limitation 6 requires a vertical mix of uses along any collector or arterial street. Therefore, multi-family could be developed under CM-G zoning, but it would require commercial uses across the street from existing residential dwellings. The proposed NRMU District permits multi-family dwellings with Limitation 4, but does not include Limitation 6. Since the proposed multi-family development does not include a mixed-use component, the applicant is requesting a rezoning to NRMU District with an associated SUP to develop the site.

SITE DATA:

The subject property is approximately 7.5 acres located on the northeast corner of East Sherman Drive and Poinsettia Boulevard. The site is undeveloped with approximately 385 feet of frontage on East Sherman Drive and 960 feet of frontage along Poinsettia Boulevard. Per the Mobility Plan, East Sherman Drive is classified as a Primary Arterial, which is intended to serve as a major route into and across the City. Typically, Primary Arterial roadways require 135 feet of right of way and are designed with three travel lanes in each direction separated by a median.

Due to the current and future development along Poinsettia Boulevard, it is classified as a Main Street Mixed Use Collector. Main Street Mixed Use Collectors provide access to all types of

residential dwelling units and neighborhood commercial development. Typically, Main Street Mixed Use Collectors require 70 feet of right-of-way and include two through lanes and parking on both sides.

USE OF PROPERTY UNDER CURRENT ZONING:

The purpose of the CM-G District is intended to provide the necessary shopping, services, recreation, employment and institutional facilities that are required and supported by the surrounding community. This zoning is typically located in areas with easy access, such as along major roadways or the intersection of local roads and arterial streets. Most commercial and institutional use are permitted by right. Multifamily is permitted as part of a mixed use development where office or retail are located on the bottom floor.

SURROUNDING ZONING AND LAND USES:

Northwest: <ul style="list-style-type: none"> • NRMU and CM-G Districts • Undeveloped 	North: <ul style="list-style-type: none"> • CM-G District • Undeveloped 	Northeast: <ul style="list-style-type: none"> • CM-G District • Undeveloped
West: <ul style="list-style-type: none"> • NRMU and NR-6 Districts • Undeveloped 	SUBJECT PROPERTY	East: <ul style="list-style-type: none"> • CM-G and NR-4 Districts • Undeveloped and single-family residential under construction
Southwest: <ul style="list-style-type: none"> • NR-3, NR-4 and NR-6 Districts • Single-family residential and undeveloped 	South: <ul style="list-style-type: none"> • NR-3 and NRMU-12 Districts • Single-family residential and townhomes 	Southeast: <ul style="list-style-type: none"> • NRMU-12 and NR-6 Districts • Single-family residential and townhomes

COMPATABILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES:

The subject property is situated between the intersection of East Sherman Drive and Loop 288 and Poinsettia Boulevard. Poinsettia Boulevard separates the site from established residential neighborhoods consisting of one- and two-story single-family dwellings and townhomes. Although undeveloped, property adjacent to East Sherman Drive and Loop 288 is zoned as CM-G and NRMU Districts. Future development must conform to the permitted uses and development scale associated with the governing zoning districts.

NRMU District is a mixed-use district which permits moderate density residential and small-scale commercial uses. It is intended to provide day-to-day shopping and services which are typically found near residential neighborhoods. NRMU District permits retail, restaurant, and office uses, but with limitations on the size and intensity of potential development. Uses such as multi-family, vehicle repair, quick vehicle servicing, or drive-through facilities require a Specific Use Permit (SUP) or are not permitted.

The proposed NRMU District would increase the compatibility between the remaining CM-G District along East Sherman Drive and Loop 288 by reducing the number of permitted commercial uses and development scale on the site, creating a buffer between the neighborhoods and future commercial corridors.

A comparison of the existing and proposed zoning districts is attached for reference.

COMPREHENSIVE PLAN:

Per the Denton Plan 2030, the Future Land Use Designation of the subject property is Community Mixed Use. Community Mixed Use is intended to promote a mix of uses, of which various

commercial uses remain predominant, but where residential, service, and other uses are complimentary. Future development in Community Mixed Use areas will complement and embrace existing, viable uses, and raise the standard of design to increase their economic viability, accommodate greater connectivity and mobility options, and create a sense of place to serve the local community. Typical types of development may include a supermarket, drug store, specialty shops, service stations, midsize offices, employers, and high-to-moderate density housing.

According to the Denton Plan 2030, diverse uses shall be located in proximity to one another so that all uses are accessible from a single stop by walking, bicycling, or transit. Commercial uses should be programmed appropriately to serve the local Denton community and to be compatible with adjacent land uses.

NRMU District is consistent with the Future Land Use Designation and with the overall goals of the Denton Plan 2030, as it permits a mix of residential, commercial, and service uses. Furthermore, Element 7 in the Denton Plan 2030 establishes a goal to encourage choice in housing type, cost, and location. In order to achieve this goal, the Plan addresses affordable housing with a policy to, “Expand the availability of affordable housing choices for community members most in need of housing, including those with low incomes and special needs.”

CONSIDERATIONS:

1. The request is to rezone approximately 7.5 acres from CM-G District to NRMU District to permit multi-family residential development on the site. Section 35.4.B of the DDC establishes the following criteria for approval:

- a. *The proposed rezoning conforms to the Future Land Use Element of the Denton Plan 2030:*

The Future Land Use Designation of the subject property is Community Mixed Use. NRMU District corresponds with Community Mixed Use, as it permits a variety of commercial, institutional, and moderate density residential uses at a scale that is compatible with nearby residential development.

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

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.

2. The subject property is situated between established residential neighborhoods and the intersection of East Sherman Drive and Loop 288. The current zoning of CM-G District permits a broad array of commercial uses typically found on Primary Arterial roadways, including vehicle repair, auto sales, and large-scale retail. However, the site’s proximity to established residential neighborhoods suggests that while small-scale commercial uses and moderate density housing would be appropriate, the uses and development scale associated with CM-G District are not compatible with the existing development pattern.

Although CM-G District is often located between residential neighborhoods and Primary Arterials, residential properties typically back up to commercial development, which reduces access to neighborhoods. Landscape buffers between abutting commercial and residential uses mitigate nuisances and visual impacts. However, these typical mechanisms

which increase compatibility between CM-G District and neighborhoods are not applicable to the subject property. The existing residential development on Poinsettia is oriented toward the subject property, increasing access between the neighborhood and future commercial development. Furthermore, since the subject property is separated from residential development by a 70-foot right-of-way, landscape buffers are not required for the future commercial development.

The current zoning pattern and street network provide minimal separation between the residential areas and the future commercial development at the intersection of Loop 288 and East Sherman Drive. Therefore, rezoning to a less-intense zoning district is appropriate. If approved, NRMU District would reduce the intensity and scale of future development on the site. Additionally, NRMU District would establish a buffer area to allow development to logically transition from low- and moderate-density residential to large-scale commercial uses.

3. The proposed rezoning would extend the existing NRMU District located northwest of the subject property, creating a cohesive zoning pattern at the intersection of Loop 288 and East Sherman Drive.
4. If the rezoning is approved, the applicant must also secure approval of an SUP from City Council prior to development of a multi-family use. An SUP for the multi-family use is being considered concurrently with the proposed rezoning (S17-0010).

STAFF RECOMMENDATION:

The request is consistent with the Future Land Use designation and the overall goals of the Denton Plan 2030. The proposed NRMU District permits commercial uses with limitations on development scale, thus creating a buffer between the residential neighborhoods and future commercial development on East Sherman Drive and Loop 288. Therefore, Staff recommends approval of the request.

PUBLIC NOTIFICATION:

To comply with the public hearing notice requirements, 36 notices were sent to property owners within 200 feet of the subject property, 84 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.

Respectfully submitted:
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