



## City of Denton

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

### AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**CM:** Todd Hileman

**DATE:** December 5, 2017

#### **SUBJECT**

Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit for 7.5 acres of land, specifically to allow for a multi-family residential use. The property is generally located on the northeast corner of East Sherman Drive and Poinsettia Boulevard in the City of Denton, Denton County, Texas. (S17-0010, Palladium, Julie Wyatt).

#### **BACKGROUND**

The applicant is requesting a Specific Use Permit (SUP) in conjunction with a rezoning request to Neighborhood Residential Mixed Use (NRMU) District in order to develop the site with multi-family dwellings. NRMU District permits multi-family dwellings as a mixed-use development or with approval of an SUP. Since the proposed multi-family development does not include a mixed-use component, the applicant is requesting an SUP to develop the site. This is a companion item to Z17-0008, a rezoning from CM-G District to NRMU District.

#### **OPTIONS**

1. Approve
2. Approve subject to conditions requiring:
  - 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.
  - The exterior building materials must maintain muted, earth-tone colors.
  - A 12-foot setback from the property line for all apartment buildings located adjacent to Poinsettia Boulevard.
  - A six-foot decorative masonry wall constructed along Poinsettia Boulevard with continuous hedgerow and street trees centered every 45 linear feet.
  - On-street parking will be removed on the north side of Poinsettia Boulevard.
  - The project shall not be eligible for any on-street parking credits.
  - Vehicular connections will not be permitted between the multi-family use and future commercial development to the north.
3. Deny.
4. Postpone consideration.
5. Table item.

## **RECOMMENDATION**

Staff recommends approval of the request with the following conditions:

1. 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. The exterior building materials must maintain muted, earth-tone colors.
3. A 12-foot setback from the property line for all apartment buildings located adjacent to Poinsettia Boulevard.
4. A six-foot decorative masonry wall constructed along Poinsettia Boulevard with continuous hedgerow and street trees centered every 45 linear feet.
5. On-street parking will be removed on the north side of Poinsettia Boulevard.
6. The project shall not be eligible for any on-street parking credits.
7. Vehicular connections will not be permitted between the multi-family use and future commercial development to the north.

## **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

On November 29, 2017, the Planning and Zoning Commission (P&Z) held a public hearing regarding the requested SUP. Twelve residents spoke in opposition to the request and raised concerns about the proposed development. Subsequent to the meeting, the applicant and staff discussed modifications to the concept plan to address concerns raised by area residents. The following is a discussion of the concerns and the proposed modifications:

- Traffic generated by multi-family dwellings would add to existing congestion on East Sherman Drive, particularly during football games held at the nearby stadium. Additionally, increased traffic on Poinsettia Boulevard is anticipated due to access from the proposed development and further restriction of the street due to on-street parking on Poinsettia Boulevard.

**On-street parking on the north side of Poinsettia Boulevard will be removed and on-street parking credits will not be permitted for the multi-family use. Furthermore, the applicant has removed and agreed to limit vehicular connections between the multi-family use and future commercial development to the north. Staff agrees with this change, as it will reduce “cut-through” traffic accessing the neighborhoods from future development of the vacant property to the north.**

- Potential loss of privacy due to the proposed 3-story height of the development.

**To address this concern, the applicant has agreed to screen the multi-family use with a six-foot decorative masonry wall constructed along Poinsettia Boulevard. Landscaping associated with the masonry wall must include a continuous hedgerow and street trees centered every 45 linear feet. Additionally, the applicant has proposed a minimum 12-foot setback from the property line for apartment buildings located adjacent to Poinsettia Boulevard. Staff supports this change, and the SUP allows for modification of site design standards through conditions.**

- Affordable housing being developed in the area.

**While residents are concerned with affordable housing within the neighborhood, the SUP is to permit multi-family dwellings without additional ground-floor commercial uses. Affordable housing is not a use. However, the provision of affordable housing within the City of Denton meets the goals of the Denton Plan 2030.**

Although the attached Conceptual Site Plan does not reflect these conditions, the applicant is revising the plan to address the concerns highlighted above, which will be provided at the City Council meeting.

The applicant spoke in favor of the request and stated that a Traffic Impact Analysis (TIA) is being prepared and will be submitted to the City as part of the development process. He also discussed the Housing Tax Credit Program requirements.

During the meeting, P&Z discussed the permitted uses associated with the existing zoning of CM-G District. Under current zoning, multi-family is permitted as part of a mixed-use development which must include ground floor commercial uses for buildings located on Poinsettia Boulevard and East Sherman Drive. Staff further explained that if multi-family dwellings with commercial uses on the ground floor were contemplated, a rezoning and approval of an SUP would not be required.

The proposed NRMU District would not require a commercial component for multi-family development, provided that an SUP for the use is approved by City Council. Based upon the current zoning's expanded commercial uses and ground-floor commercial use requirements, the P&Z determined that the proposed rezoning and associated SUP for multi-family dwellings would provide a buffer for the adjacent neighborhoods and reduce the likelihood of incompatible commercial development within proximity to single-family dwellings.

At the closure of the public hearing, a motion was made to recommend approval of the request with staff's recommended conditions. This motion passed 4-0. Minutes from this meeting have not been drafted as of the issuance of this report.

As part of a Housing Tax Credit Program application, the City Council approved a resolution of support for the proposed development on February 7, 2017.

### **STRATEGIC PLAN RELATIONSHIP**

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

**Related Key Focus Area: Economic Development**

**Related Goal: 4.3 Provide quality, diverse, and accessible neighborhood services for the community**

### **EXHIBITS**

1. Agenda Information Sheet
2. Staff Analysis
3. Aerial Map
4. Future Land Use Map
5. Conceptual Site Plan
6. Conceptual Architectural Rendering
7. Notification Map and Responses
8. Presentation
9. Draft Ordinance

Respectfully submitted:  
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