

Planning Report
Z17-0026b / Audra Tract
City Council District 1
January 24, 2018

REQUEST:

Hold a public hearing and consider a request by GDHI Homes LLC to rezone approximately 13 acres from a Neighborhood Residential 2 (NR-2) District to a Neighborhood Residential 6 (NR-6) District. The subject properties are located at 1322 and 1520 Audra Lane. This item is being continued from the December 13, 2017 meeting of the Planning and Zoning Commission. (Z17-0026b, Audra Tract, Shandrian Jarvis).

OWNER:

GDHI Homes LLC

APPLICANT:

Thomas Fletcher

BACKGROUND:

The request is for a rezoning in order to develop the subject property with single-family dwellings. Though single-family use is permitted under the current zoning district, the density at which the applicant is seeking to develop the property is higher than what is permitted in the current zoning district. Thus, the applicant is seeking to rezone the subject property from the less dense NR-2 district to the denser NR-6 district.

SITE DATA:

The 13-acre subject property is located along Audra Lane, east of the Nottingham Drive-Audra Lane intersection. It is comprised of two tracts of unplatted land and is currently being used for agriculture purposes. No floodplain or environmentally sensitive areas are found on the site.

The property has approximately 350 feet of frontage on Audra Lane between Nottingham Drive and Lattimore Lane. This segment of Audra Lane is classified as a Secondary Arterial by the Mobility Plan and is currently improved as a four-lane undivided roadway with curbs and sidewalks. Secondary arterials require 110 feet of right-of-way and have a typical cross-section that consists of two travel lanes in each direction, bike lanes, and a median. On-street parking is usually prohibited and driveway access to single-family dwelling units is not permitted. Secondary arterials are designed to accommodate between 2,500 and 15,000 vehicles per day.

The property also has approximately 30 feet of frontage along the segment of Audra Lane between Stockton Street and Barbara Street. This segment is classified as a Residential Avenue Collector street and is currently developed as a two-lane undivided roadway, partially improved with curb and sidewalks along the northern edge of the road. Residential collector streets require 65 feet of right-of-way and have a typical cross-section that consists of one travel lane in each direction and an 8-foot wide sidewalk on each side of the road. Collector streets can accommodate on-street parking and are designed to handle between 1,000 and 8,000 vehicles per day when constructed at full width.

USE OF PROPERTY UNDER CURRENT ZONING:

The NR-2 District is primarily intended for single-family uses with a maximum density of two dwelling units per acre. For subdivisions greater than two acres, there are no minimum lot sizes stipulated by the Denton Development Code (DDC). Non-residential uses permitted by right or with limitations include churches, outdoor recreation, kennels, and veterinary clinics. More intensive non-residential uses, including day cares, elementary schools, and equestrian facilities, are permitted with a Specific Use Permit (SUP). A complete list of permitted uses is provided in the Comparison of Permitted Uses table.

SURROUNDING ZONING AND LAND USES:

Northwest: Zoning: Neighborhood Residential 2 (NR-2) District Use: Church	North: Zoning : Neighborhood Residential 6 (NR-6) District Use: Undeveloped land	Northeast: Zoning: NR-3 District Use: Audra Lane and single-family subdivision
West: Zoning: NR-6 District Use: Audra Lane and Single-family residences	SUBJECT PROPERTY	East: Zoning: NR-2 District Use: Undeveloped land and single-family residence
Southwest: Zoning: NR-4 District Use: Single-family subdivision	South: Zoning: NR-4 District Use: Single-family subdivision	Southeast: Zoning: NR-4 District Use: Single-family subdivision

COMPATABILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES:

The NR-6 District is intended to encourage moderate density single-family development 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 DDC. Detached single-family, attached single-family (townhome), and duplexes are all permitted by right in this district, but multi-family development is not permitted. A complete list of permitted uses is provided in the Comparison of Permitted Uses table.

The proposed NR-6 District permits uses that are generally compatible with the existing land use pattern in this area. However, the density of housing permitted under the NR-6 District is higher than what is permitted under the surrounding zoning districts, which permit a maximum of 2 to 4 dwelling units per acre.

COMPREHENSIVE PLAN:

Per the Future Land Use Map in Denton Plan 2030, the subject property is designated as Low Density Residential. This designation is primarily intended to promote single-family housing, with lot sizes ranging from one acre or more in rural fringe areas up to four units per acre through many of the City's suburban subdivisions. Dwellings in this land use district are generally one to two stories with privately maintained yards. A variety of housing styles and prices are encouraged, but new development should be sensitive to the character and development pattern of established residential areas.

The existing NR-2 zoning is compatible with the Low Density Residential Future Land Use designation. The requested NR-6 District exceeds the maximum of 4 dwelling units per acre

promoted within areas designated as Low Density Residential and fits within the Medium Density Residential land use category.

CONSIDERATIONS:

1. The applicant has indicated that the request is to rezone from NR-2 District to NR-6 District to facilitate the development of a single-family residential subdivision. Although the intended use is permitted within the current zoning district, the density (number of units) that the applicant desires is not allowed in the NR-2 district.
2. The purpose of zoning is to establish allowable land uses, density, and character for a particular area. Any combination of uses and densities allowed by the approved zoning district could be constructed on the site. If this rezoning request is approved, all uses permitted under the NR-6 District could be developed on the property, including duplexes or attached single-family dwellings. Although these uses are still considered to be residential, they would be out of character for this area of the City, which is currently developed with detached single-family homes.
3. The applicant has indicated that he does not want to develop the property at the maximum density that NR-6 district allows, but he is requesting the rezoning in order to take advantage of the additional density allowed by the zoning district. Since a site development plan is subject to change, there is no mechanism available to ensure that the configuration presented at the zoning stage will not change - aside from the adoption of a zoning overlay. As in the case of the adjacent property to the north of the subject site (case Z17-0024 Yale Development), City Council may choose to restrict the development to single-family use and cap the total number of dwelling units by adopting an overlay in addition to the NR-6 district classification to maintain consistency with the surrounding development.
4. Section 35.3.4 of the DDC states that an application for a rezoning may be approved based on the following conditions: a) *The proposed rezoning conforms to the Future Land Use element of the Denton Plan* and b) *The proposed rezoning facilitates the adequate provision of transportation, water, sewer, schools, parks, other public requirements, and public convenience.*

The requested NR-6 District does not conform to the Future Land Use Plan for this area, which designates the tract for low-density residential development. Low-density residential zoning districts typically range from the NR-1 district which allows one dwelling unit per acres, to the NR-4 district that will accommodate up to 4 dwelling units per acre.

Additionally, when a rezoning request does not conform to the Future Land Use designation for the property, the DDC directs staff to consider additional criteria listed in Section 35.3.3.B.3. The following criteria are intended to evaluate the competing interests of public health, safety, morals, and general welfare against the right to the use of the property:

- a. *The existing land use pattern surrounding the property and the possible impact on existing or future development or uses that are in accordance with existing regulations.*

The existing land use pattern in this area of the City is residential. On the eastern side of Audra Lane and Nottingham Drive, the existing development pattern in

the established single-family subdivisions is a density of between 3 and 5 dwelling units per acre. Although the nearby subdivisions are currently zoned NR-3 and NR-4, much of the area was developed prior to the adoption of the current DDC and thus may slightly exceed the current zoning limitations in some areas. Regardless, the proposed NR-6 District would permit a higher density of residential development than what is developed, what is permitted under the existing zoning pattern, and what is intended for this area based on the Future Land Use designation. Duplexes and attached single-family dwelling units are permitted outright in NR-6 district and would not be consistent with the character and existing pattern of development in this area of the City.

- b. The population density in order to facilitate the adequate provision of transportation, water, sewer, schools, parks, public convenience, and other public requirements.*

The proposed rezoning would increase the population density in this area of the City. Public utilities are available along Audra Lane, and the southern half of Audra Lane would be improved with the proposed development of the subject property. Specific requirements for improvements would be determined at the time of platting.

- c. The cost to the City and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures.*

During the platting process, the precise requirements for public infrastructure extensions will be determined. Impact fees for water, wastewater, and roadways would be assessed with building permits.

- d. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quantity.*

There are no floodplain or Environmentally Sensitive Areas identified on the property. A drainage analysis of the site will be conducted during the platting and civil engineering process to ensure no negative impact occurs to adjoining properties.

- e. Whether there are substantial reasons why the property cannot be used in accordance with existing zoning or that proposed by the Future Land Use Map.*

The property could be developed with single family residences under the current zoning. The density of development permitted under the current zoning would be substantially lower than what is proposed and what currently exists in surrounding subdivisions. However, the property could be rezoned to either a NR-3 or NR-4 District to attain higher density and still be in conformance with the Future Land Use designation of Low Density Residential.

- f. The action shall be made with reasonable consideration of the character of the district and its peculiar suitability for particular uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the City.*

Based on the Denton Plan 2030 the most appropriate zoning for the subject property is either the current zoning or a similar NR-3 or NR-4 District. The surrounding area is currently developed with lower density subdivisions and

compatible institutional uses, and the proposed rezoning would introduce a much high density than what currently exists in the area.

STAFF RECOMMENDATION:

Staff recommends denial of the request as it does not meet the criteria for approval established in Section 35.3.4; specifically it is incompatible with the surrounding property and is inconsistent with the goals and objectives of the Denton Plan 2030.

PUBLIC NOTIFICATION:

To comply with the public hearing notice requirements, 66 notices were sent to property owners within 200 feet of the subject property, 173 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. Six letters in opposition to the request have been submitted to date.

A neighborhood meeting was held on January 16, 2018.