



Legislation Details (With Text)

File #: Z16-0016 **Version:** 1 **Name:**

Type: Planning and Zoning Commission

File created: 9/14/2016 **In control:** Planning and Zoning Commission

On agenda: 9/28/2016 **Final action:**

Title: Hold a public hearing and consider making a recommendation to City Council regarding a rezoning request from Neighborhood Residential 3 (NR-3) District and Downtown Residential 2 (DR-2) District to Downtown Commercial Neighborhood (DC-N) District on approximately 5.5 acres. The subject property consists of two tracts, the first tract is generally located on the northeast corner of Bolivar Street and Second Street, and the second tract is generally located on the east side of North Elm Street, approximately 105 feet north of Second Street. (Z16-0016, Denton ISD Student Services, Julie Wyatt)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Aerial Map, 2. Zoning Map, 3. Proposed Zoning Change Map, 4. Future Land Use Map, 5. Permitted Uses in NR-3 District, 6. Permitted Uses in DR-2 District, 7. Permitted Uses in DC-N District, 8. Notification Map

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Planning Report
Z16-0016 / Denton ISD Student Services
City Council District 2
Planning & Zoning Commission
September 28, 2016

REQUEST:
 Hold a public hearing and consider making a recommendation to City Council regarding a rezoning request from Neighborhood Residential 3 (NR-3) District and Downtown Residential 2 (DR-2) District to Downtown Commercial Neighborhood (DC-N) District on approximately 5.5 acres. The subject property consists of two tracts, the first tract is generally located on the northeast corner of Bolivar Street and Second Street, and the second tract is generally located on the east side of North Elm Street, approximately 105 feet north of Second Street. (Z16-0016, Denton ISD Student Services, Julie Wyatt)

OWNER:
 Glenn Martin with Denton Independent School District

APPLICANT:
 Robert Howman with Glenn Engineering

BACKGROUND:
 The applicant is requesting a rezoning from NR-3 and DR-2 Districts to DC-N District in order to expand the existing Denton Independent School District (DISD) Central Offices, which includes new buildings and

additional parking areas. However, the DISD is unable to do so under current zoning, as the proposed development would exceed the maximum lot coverage for NR-3 and DR-2 Districts.

As a governmental body, DISD is not subject to the City's zoning restrictions related to use; therefore, the current proposed office use is permitted. However, development is required to comply with the lot coverage requirements of the current zoning districts, as the maximum lot coverage for NR-3 District is 30%, and the maximum lot coverage for DR-2 is 75%. In order to construct the proposed improvements, DISD must either obtain a variance for the lot coverage from the Zoning Board of Adjustment, or pursue a rezoning to a district which permits higher lot coverage maximums. DISD has elected to request a rezoning to DC-N, which permits a maximum lot coverage of 80%.

SITE DATA:

The subject property consists of two tracts. Tract One, as referenced on the attached aerial map, is generally located on the northeast corner of Bolivar Street and Second Street. The tract is currently divided by a public alley, which creates a physical separation between the existing NR-3 District and DR-3 District. However, the public alley is proposed to be abandoned, and a replat is currently under review. Tract Two is generally located on the east side of North Elm Street, approximately 105 feet north of Second Street. North Elm Street bisects the two tracts. According to the City of Denton's Mobility Plan, North Elm Street and North Locust Street are Primary Arterial roadways with approximately 80 feet of right of way and Bolivar Street is a Collector with approximately 55 feet of right of way. The subject property is the current location of the DISD Central Office.

USE OF PROPERTY UNDER CURRENT ZONING:

The subject property is located within two zoning districts: NR-3 District and DR-2 District.

The Neighborhood Residential 3 (NR-3) District is intended for single-family uses with a minimum lot size of 10,000 square feet. If a subdivision is over 2 acres, a maximum density of 3.5 dwelling units per acre is permitted in lieu of minimum lot size. Single-Family Dwellings, DISD schools and offices, Parks, Open Space, and Religious Institutions are permitted by right. Attached single-family dwellings, Accessory Dwelling Units, Daycares and Elementary Schools are also permitted with a Specific Use Permit (SUP). A schedule of permitted uses is attached for further reference.

Downtown Residential 2 (DR-2) District permits a mix of residential, small-scale neighborhood service, and institutional uses intended to provide a transition from residential neighborhoods to more intense downtown development. Permitted uses include DISD offices and schools, Single-family Dwellings, Accessory Dwelling Units, Attached Single Family Dwellings, Dwellings above Businesses, Dormitories, Laundry Facilities, and Adult or Child Daycares. Multi-Family Dwellings are permitted at a maximum density of 30 dwelling units per acre with a Limitation that one bedroom equals one-half of a dwelling unit. Other uses permitted with limitation include Retail Sales and Services and Professional Services and Offices. Administrative or Research Facilities, Veterinary Clinics, and Medical Centers are permitted with a Specific Use Permit (SUP). The minimum lot size in DR-2 District is 4,000 square feet, the maximum building height is 45 feet, and the maximum lot coverage is 75%. Please refer to the attached schedule of permitted uses and Limitations for further reference.

SURROUNDING ZONING AND LAND USES:

North: Property to the north is zoned with NR-3 District and DR-2 District. Property with the zoning designation of NR-3 is developed with single-family dwellings and property with the zoning designation of DR-2 is developed with offices and multi-family dwellings.

East: Property to the east across North Elm Street is zoned as DC-N District and developed with Denton ISD offices. and DR-2 District and a religious institution. Property further to the east across North Locust Street is zoned as DR-2 District and developed with offices, single-family homes and multi-family

dwellings.

South: Property to the south is zoned with NR-3 District and DR-2 District. Property with the zoning designation of NR-3 is developed with single-family dwellings and property with the zoning designation of DR-2 is developed with single-family dwellings and offices.

West: Property to the south is zoned with NR-3 District and developed with single-family dwellings

COMPATABILITY OF REQUEST WITH SURROUNDING ZONING/LAND USES:

The purpose of the DC-N District is to encourage walkable, mixed-use development that provides a transition between moderate-density urban residential neighborhoods and intense commercial development associated with downtown. The minimum lot size is 2,500 square feet, the maximum density is 72 dwelling units per acre, the maximum lot coverage is 80%, and the maximum building height is 100 feet. Permitted residential uses include Townhomes, Duplexes, Dwellings Above Businesses, and Multi-family Dwellings. Permitted commercial uses such as Retail Sales and Service and Professional Offices are permitted with a limitation that the size cannot exceed 25,000 square feet. Restaurants, Bars, and Private Clubs are permitted with a limitation that no drive up service is permitted and the size cannot exceed 4,000 square feet. Institutional uses permitted include Community Service, Hospitals, and Medical Centers. Industrial uses include Bakeries and Veterinary Clinics, subject to limitation. Craft Alcohol Production and Movie Theaters are permitted with an SUP. Please refer to the attached schedule of permitted uses and Limitations for further reference.

COMPREHENSIVE PLAN:

Per the Future Land Use Map in Denton Plan 2030, Tract One of the subject property is located on the edge between two Future Land Use designations: *Low Density Residential* and *Downtown Compatibility Area*. Due to this location, it is important to consider both Future Land Use designations in the analysis of the request.

- *Low Density Residential* includes predominately single-family neighborhoods, with lot sizes ranging from one acre or more in rural fringe areas up to four units per acre gross density throughout many of the City's suburban subdivisions. The development criteria for Low Density Residential Land Use states that within established residential areas, new development should respond to existing development patterns and design standards.
- *Downtown Compatibility Area* applies to residential and commercial areas adjacent to the downtown core that are affected by their proximity to downtown. This designation serves to create compatible form and uses for the areas that serve to strengthen both the downtown and adjacent neighbors. Significant infill opportunities exist, and development is encouraged to help fill in and soften this transition area between downtown and adjacent residential neighborhoods. The development criteria also encourages uses in close proximity to one another to reduce the number of vehicle trips and promote walking or bicycling. The character of the area should be maintained by ensuring that new development is sensitive to the surrounding built and natural context in scale and form as described above.

CONSIDERATIONS:

1. The request is to rezone the subject property from NR-3 District and DR-2 District to DC-N District in order to expand the existing permitted use.

2. Tract One of the subject property is located between North Elm Street and Bolivar Street and is approximately 4 acres, half of which has a zoning designation of NR-3. This tract protrudes into an established single-family residential neighborhood which also has a zoning designation of NR-3 District. The residential character and cohesive development pattern of this neighborhood derives protection from the existing zoning, as NR-3 District primarily permits only low density residential uses, thus discouraging redevelopment to commercial or high-density residential dwellings. If the request is approved, it would increase the likelihood of a domino effect of DC-N District encroachment into the neighborhood, potentially compromising its integrity by allowing a new development pattern to emerge.
3. While the DISD project is a logical expansion of the facility on property owned by DISD, the proposed DC-N District would create incompatibilities with the existing development pattern and land uses. Current development in the area is small in scale, comprising of single-family homes, one- and two-story offices, and small, one-to three-story apartments. This development is consistent with the existing development standards associated with the current zoning of NR-3 and DR-2 Districts. The proposed DC-N District's maximum building height is 100 feet and permits a maximum density of 72 dwelling units per acre and expanded commercial uses such as bars and restaurants. By expanding the existing DC-N District, new development could be introduced at a scale and intensity that would dwarf the existing structures.
4. Per Section 35.3.4.B of the DDC, the following criteria for approval shall be considered for a rezoning request:

- *The proposed rezoning conforms to the Future Land Use element of The Denton Plan.*

The subject property is located on the edge between the *Low Density Residential* and *Downtown Compatibility Area* Future Land Use designations.

Low Density Residential is intended to support and protect low-density, residential development, often with a suburban character. DC-N District does not meet the intent of this designation, as it permits expanded commercial uses, higher density, and a greater scale than is appropriate in a low density residential area. Approving DC-N District would introduce a new commercial and mixed-use development pattern within an established, cohesive residential neighborhood, potentially altering the character of the area.

Downtown Compatibility Area is intended to create compatible form and uses to strengthen both the downtown and adjacent neighbors. It does not support a specific set of zoning districts, but instead recognizes the needs to balance protection of established single-family neighborhoods while accommodating the growth and needs of the downtown commercial districts. While DC-N District can be appropriate in *Downtown Compatibility Areas*, the subject property is situated among single-family, one- to three-story commercial, and multi-family uses, several blocks from the downtown core. Given that the development criteria for *Downtown Compatibility Area* emphasizes, "...a transition area between downtown and adjacent residential neighborhoods," DC-N District is not appropriate in this location, and is more suitable as a buffer between nodes of intense development such as downtown, and moderate-density residential areas. Rezoning the subject property from NR-3 and DR-2 Districts to DC-N District could create a new commercial hub in an existing area with an overriding residential and small office character.

Therefore, the proposed rezoning is inconsistent with the goals of the Denton Plan 2030, based upon

an analysis of the request and the Future Land Use Designations.

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

There is adequate capacity in the existing infrastructure to support the proposal.

5. The DISD Central Offices have been in this location for many years and the project presents a desirable infill development opportunity. However, rezoning the subject property to DC-N District would compromise the integrity of the nearby residential areas that pre-date the DISD campus. Since the expansion could be accomplished with approval by ZBA for lot coverage, staff concludes that the most conservative and appropriate path is for the applicant to pursue a variance.

STAFF RECOMMENDATION:

Staff recommends denial of the request as it is incompatible with the surrounding land uses and development pattern 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, 40 notices were sent to property owners within 200 feet of the subject property, 176 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. The neighborhood meeting was scheduled for September 22, 2016.

PROJECT TIMELINE:

Application Received:	July 29, 2016
1 st Submittal Sent to DRC Members:	July 29, 2016
Comments Released to Applicant:	August 12, 2016
Business Days under DRC Review:	10
Business Day out to Applicant:	0
Total Business Days:	10

EXHIBITS:

- Aerial Map
- Zoning Map
- Proposed Zoning Change Map
- Future Land Use Map
- Permitted Uses in NR-3 District
- Permitted Uses in DR-2 District
- Permitted Uses in DC-N District
- Notification Map

Respectfully submitted:
Shandrian Jarvis, AICP

Development Review Committee Administrator

Prepared by:
Julie Wyatt
Senior Planner