



## Legislation Details (With Text)

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**Type:** Planning and Zoning Commission

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**On agenda:** 8/10/2016      **Final action:**

**Title:** Hold a public hearing and consider making a recommendation to City Council regarding a rezoning request from a Neighborhood Residential 4 (NR-4) District to a Neighborhood Residential Mixed Use (NRMU) District on an approximately 0.17 acre property located at 309 Hettie Street, in the City of Denton, Denton County, Texas. (Z16-0012, McKinney Street Office, Mike Bell)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. Zoning Map, 3. Future Land Use Map, 4. Applicant Narrative, 5. Proposed Site Plan, 6. NR-4 Permitted Uses, 7. NRMU Permitted Uses, 8. Notification Map

Date	Ver.	Action By	Action	Result
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### Planning Report

Z16-0012/McKinney Street Office

City Council District 1

Planning & Zoning Commission

August 10, 2016

### REQUEST:

Hold a public hearing and consider making a recommendation to City Council regarding a rezoning request from a Neighborhood Residential 4 (NR-4) District to a Neighborhood Residential Mixed Use (NRMU) District on an approximately 0.17 acre property located at 309 Hettie Street, in the City of Denton, Denton County, Texas. (Z16-0012, McKinney Street Office, Mike Bell)

### OWNER:

Roger Yale, AHYLC

### APPLICANT:

Bill Hidell and Anthony Blaas, Hidell and Associates Architects

### BACKGROUND:

The purpose of the request is to rezone a single-family lot within the College View Addition from an NR-4 District to an NRMU District to allow for a commercial development. The applicant intends to combine the site with three lots to the south along East McKinney Street (1317, 1403, & 1409 E McKinney St) already within an NRMU zoning district. When combined, the subject property would be the location of parking spaces and dumpsters serving the proposed development.

### SITE DATA:

The subject property is platted as Lot 9, Block 10 of the College View Addition, a residential subdivision that dates back to the 1920's and was one of Denton's first traditional, single-family neighborhoods east of the railroad. The majority of lots in this neighborhood, including the subject property, range from 7,000 to 8,000 square feet and front north-south residential streets. This land use pattern remains largely intact today with the exception of a school, several churches, and the single-family lots that once fronted East McKinney Street.

The majority of the single-family lots along McKinney Street have transitioned to commercial uses over time as the east side of Denton grew rapidly in the late 20<sup>th</sup>-century and McKinney Street became a major connector from downtown to the new Denton County facilities and developments along Loop 288. This transition was recognized and encouraged in the city-wide rezoning in 2002, when the remaining single-family lots with frontage along the north side of McKinney Street was zoned an NRMU District to allow neighborhood-servicing, mixed-use commercial. The lots with frontage along the north-south residential streets maintained a single-family zoning designation.

#### **USE OF PROPERTY UNDER CURRENT ZONING:**

The Neighborhood Residential 4 (NR-4) District is intended for single-family uses with a maximum density of 4 dwelling units per acre. In developments greater than two acres, there are no minimum lot sizes stipulated per the Denton Development Code (DDC). Attached Single-Family Dwellings, Accessory Dwelling Units, Daycares and Elementary Schools are permitted with a Specific Use Permit (SUP). Parks, open space, and religious institutions are permitted by right. Refer to the attached list of permitted uses in the NR-4 district for more information.

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

North: The property to the north is zoned an NR-4 District and developed with a single-family home.

East: The property to the east is zoned an NR-4 District and is developed with a commercial parking lot. This parking lot was constructed without a permit.

South: The property to the south is zoned an NRMU District and until recently was developed with a single-family home. The structure was demolished in 2015 and the site currently sits undeveloped. The property at the corner of McKinney Street, also owned by the applicant, has a single-family structure.

West: The property to the west is zoned an NR-4 District and developed with a single-family home.

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

The purpose of the NRMU District is to encourage a mix-use activity center with light retail, office, and institutional uses that support surrounding neighborhoods or to transition from non-residential zoning districts to single-family neighborhoods. The maximum density is 30 units per acre, except townhomes which are limited to 12 units per acre. Apartments are only permitted as part of mixed-use development or with approval of an SUP. The NRMU District permits many commercial and institutional uses with limitations or an SUP. Refer to the attached list of permitted use in the NRMU District for further detail.

#### **COMPREHENSIVE PLAN:**

The "Low Residential" future land use classification includes the city's predominantly single-family neighborhoods, with lots ranging from one acre or more in the rural fringe areas up to four units per acre in gross density throughout many of the city's suburban subdivisions. Dwellings in this land use district are generally one to two stories with private driveways and open space, consisting of privately-maintained tree canopy and front, back and side yards. Building and driveway orientation, the location of private garages, building material, and the presence of sidewalks vary by neighborhood and the era of neighborhood development. Generally these types of single-family neighborhoods are developed as distinct subdivisions that are linked by internal circulation systems with limited access to local and connector roads.

Development criteria of the Low Residential future land use designation include:

- a. Development may include single-family residential development up to quarter acre lots.
- b. Development should be contiguous with existing developed areas of the city and consistent with the Preferred Growth Concept.
- c. A variety of housing styles, types, and prices with large, newly developed neighborhoods is encouraged.
- d. Within established residential areas, new development should respond to existing development patterns and design standards.
- e. New residential development should be organized to promote walkability, access to parks, open space, and recreation amenities and ideally should locate all residences within a five to ten minute walking distance from neighborhood-serving retail and other amenities such as parks and school facilities.
- f. Compact developments that include clustered, small lots with substantial retained open space are encouraged.
- g. Urban agriculture is encouraged.
- h. Places of worship, parks, and open space are allowed by right.
- i. The character of this 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.

Policy 7.8 of Denton Plan 2030 (p. 204) states, “Promote the stability and livability of established neighborhoods through the Future Land Use Map and a comprehensive neighborhood conservation program.”

Action 7.8.5 of Denton Plan 2030 (p. 204) states, “Prevent impacts and encroachments of incompatible uses, development scales, and intensities through adherence to the established land use standards and urban design principles.”

### **CONSIDERATIONS:**

1. A rezoning to an NRMU District on the subject property would be inconsistent with the land use pattern that has developed along the north side of the East McKinney Street. The NRMU District has been applied only to the lots within 150 feet from, and with direct frontage on, McKinney Street. The subject property, like all the other 7,500 square foot lots with frontage along the north-south residential streets to the north have maintained an NR-4 district to preserve and protect the single-family neighborhood. If approved, the proposed rezoning would be the first of these lots to receive an NRMU district designation and might encourage undesirable trend of permitting the commercial uses along McKinney to expand into the neighborhood.
2. The uses permitted in the NRMU District are not generally incompatible with the single-family uses when properly buffered and appropriately applied. However, when considered in the specific context of the land use pattern in this area as detailed in this report, an NRMU District for this property would represent an incursion into an established single-family neighborhood that would generally be discouraged if requested adjacent to any other established neighborhood in the city.
3. According the narrative and site plan provided by the applicant, the purpose of the request is to allow for the subject property to be used to meet parking, solid waste, and landscaping requirements that cannot be met for a mixed-use office development to be constructed on properties to the south (1317, 1403, & 1409 E McKinney Street). As proposed, however, the development is over-parked by at least seven spaces and variances to setbacks and buffer requirements would also be required to develop the site at 1317 East McKinney Street. Staff recommends denial of the rezoning as the perceived difficulties could be resolved in other ways than rezoning a periphery lot in an established, single-family neighborhood for the sole purposes of parking and dumpster enclosures.

4. The proposed NRMU District is inconsistent with the Policy 7.8, Action 7.8.5, and the Future Land Use Map in Denton Plan 2030 which encourages the protection of established neighborhoods.

**STAFF RECOMMENDATION:**

Staff recommends denial of the request as it is incompatible with the surrounding property 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, 15 notices were sent to property owners within 200 feet of the subject property, 85 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. This applicant elected not to host a neighborhood meeting.

**PROJECT TIMELINE:**

Application Received:	June 29, 2016
1 <sup>st</sup> Submittal Sent to DRC Members:	June 30, 2016
Comments Released to Applicant:	July 15, 2016
DRC Meeting with Staff:	Declined
Business Days under DRC Review:	10
Business Day out to Applicant:	0
Total Business Days:	10

**EXHIBITS:**

- Aerial Map
- Zoning Map
- Future Land Use Map
- Applicant Narrative
- Proposed Site Plan
- NR-4 Permitted Uses
- NRMU Permitted Uses
- Notification Map

Respectfully submitted:  
Shandrian Jarvis, AICP  
Development Review Committee Administrator

Prepared by:  
Mike Bell  
Senior Planner