



Legislation Details (With Text)

File #: Z16-0019 **Version:** 1 **Name:**

Type: Planning and Zoning Commission

File created: 9/26/2016 **In control:** Planning and Zoning Commission

On agenda: 10/12/2016 **Final action:**

Title: Hold a public hearing and consider making a recommendation to City Council regarding a request to rezone approximately 2.06 acres from a Neighborhood Residential 3 (NR-3) District to a Neighborhood Residential Mixed Use 12 (NRMU-12) District. The subject property is generally located at the northeast corner of East Sherman Drive and Kings Row. (Z16-0019, Fire Station No. 4, Mike Bell)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Aerial Map, 2. Zoning Map, 3. Future Land Use Map, 4. NR-3 Permitted Uses, 5. NRMU-12 Permitted Uses, 6. Applicant Narrative, 7. Notification Map

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

Planning Report

Z16-0019/Fire Station No. 4

City Council District 2

Planning & Zoning Commission

October 12, 2016

REQUEST:

Hold a public hearing and consider making a recommendation to City Council regarding a request to rezone approximately 2.06 acres from a Neighborhood Residential 3 (NR-3) District to a Neighborhood Residential Mixed Use 12 (NRMU-12) District. The subject property is generally located at the northeast corner of East Sherman Drive and Kings Row. (Z16-0019, Fire Station No. 4, Mike Bell)

OWNER:

City of Denton

APPLICANT:

Michael Thomas, MJ Thomas Engineering, LLC

BACKGROUND:

The City of Denton acquired the subject property in 2015 and plans to develop the site with a new fire station to replace the existing Fire Station No. 4, located directly across Kings Row to the south. Fire stations are classified as a "Community Service" use in the Denton Development Code (DDC), and are not permitted in the NR-3 District. To permit development of the fire station, the applicant is requesting to rezone the property to an NRMU-12 District with a Mixed Use Residential Protection Overlay to restrict all uses on the site to only those permitted within the NR-3 District, with the exception of Community Service.

Per Subchapter 35.5.2.4 of the DDC, a Mixed Use Residential Protection Overlay may be used where necessary to address the concerns of existing adjacent residential uses about the incompatibility of a proposed non-residential or multi-family mixed use. As part of the overlay, the applicant may consent to the imposition of increased setbacks, landscaping, screening or buffer requirements along the borders of such existing residential uses, or to *the imposition of additional use or performance-based restrictions upon the proposed use*.

In order to mitigate any concerns about the property being developed with multi-family, townhomes, or non-residential uses other than a fire station, the applicant is proposing an overlay to restrict all uses on the site- with the exception of community services- to those permitted within the NR-3 District. These proposed rezoning and overlay are being considered as one request, as permitted by Subchapter 35.5.2.4 of the DDC.

SITE DATA:

The subject property currently includes seven undeveloped, unplatted tracts of land, however a plat application has been submitted by the applicant to combine these tracts into a single lot. Two of the existing tracts were developed with single-family homes built in the mid-20th century, but have since been demolished. Sherman Drive forms the western boundary of the lot and is currently a four-lane, undivided roadway with a dedicated turn lanes onto Kings Row. Kings Row is classified as a Collector Street and is a two-lane, undivided roadway with a dedicated left turn lane onto Kings Row. Access to the site will be permitted from both streets.

USE OF PROPERTY UNDER CURRENT ZONING:

The Neighborhood Residential 3 (NR-3) District is intended for single-family uses with a maximum density of 3.5 dwelling units per acre. As the development is greater than two acres, there are no minimum lot sizes stipulated in 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. A schedule of permitted uses is attached for further reference.

SURROUNDING ZONING AND LAND USES:

North: To the north are single-family homes within a NR-3 District.

East: To the east are single-family homes within an NR-3 District.

South: To the south across Kings Row is the existing fire station and single-family homes within an NR-3 District.

West: To the west across Sherman Drive are single-family homes within a Neighborhood Residential 4 (NR-4) District.

COMPATABILITY OF REQUEST WITH SURROUNDING ZONING/LAND USES:

If rezoned to an NRMU-12 District with the proposed Mixed Use Residential Protection Overlay, the site may be developed with Community Service uses and all other uses permitted in the NR-3 District. Community Service uses include civic and governmental uses, such as public libraries, fire stations, community centers, and other government buildings that are compatible to and appropriately located within residential neighborhoods. The general regulations of the NRMU-12 District, including setbacks, building height, and lot coverage would also apply.

However, without the overlay, the property may develop with light commercial including office, retail, and institutional uses or residential uses including townhomes, dwellings above businesses, or multi-family. Multi-family would only be permitted with a Specific Use Permit (SUP) or if part of a mixed-use development.

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 to up to four units per acre in the City’s suburban subdivisions. New residential subdivisions should be located contiguous to existing development, include a variety of housing styles, types, and prices, and be organized to promote walkability and access to parks, schools, and neighborhood-serving retail. When located within established residential areas, new development should be compatible with existing land use patterns and design standards. Near the rural fringe, compact developments with small, clustered lots that retain substation open space are encouraged.

CONSIDERATIONS:

1. The applicant is requesting a rezoning to an NRMU-12 District with a Mixed Use Residential Protection Overlay to allow development of a fire station, which is classified as a Community Service use in Subchapter 5 of the DDC. The proposed overlay would restrict use of the property to only those uses permitted within the NR-3 District, with the exception of Community Service. This would permit development of the site with the proposed fire station and eliminate any possibility for the site to develop with uses that are incompatible with the existing land use pattern and surrounding neighborhoods.
2. The future land use designation of the property is Low Density Residential. A rezoning to NRMU-12 would be inconsistent with this designation, however the Mixed Use Residential Protection overlay would essentially revert the site to an NR-3 District should the property not develop with the fire station. The NRMU-12 District with the proposed Mixed Use Residential overlay is consistent with the Low Density Residential designation of the future land use plan.

STAFF RECOMMENDATION:

Staff recommends approval of the request as it is compatible with the surrounding property and provides a necessary community service.

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, 35 notices were sent to property owners within 200 feet of the subject property, 121 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. According the applicant, the proposed fire station was discussed at a neighborhood meeting hosted by Councilmember Briggs on April 17th at the North Branch Library.

PROJECT TIMELINE:

Application Received:	August 25, 2016
1 st Submittal Sent to DRC Members:	August 25, 2016
Comments Released to Applicant:	September 9, 2016
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
- NR-3 District Permitted Uses
- NRMU-12 District Permitted Uses
- Applicant Narrative
- Notification Map

Respectfully submitted:
Shandrian Jarvis, AICP
Development Review Committee Administrator

Prepared by:
Michael J. Bell
Senior Planner