



## Legislation Details (With Text)

**File #:** Z16-0021      **Version:** 1      **Name:**

**Type:** Planning and Zoning Commission

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**On agenda:** 11/30/2016      **Final action:**

**Title:** Hold a public hearing and consider making a recommendation to City Council regarding a rezoning request from a Regional Center Commercial Downtown (RCC-D) District to a Neighborhood Residential Mixed Use (NRMU) District on approximately 12.97 acres, generally located on the northwest side of the intersection of Riney Road and North Elm Street, approximately 1,900 feet east of North Bonnie Brae Street. (Z16-0021, North Elm Street Apartments, Hayley Zagurski)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Aerial Map, 2. Zoning Map, 3. Future Land Use Map, 4. Proposed Zoning Change Map, 5. RCC-D Permitted Uses, 6. NRMU Permitted Uses, 7. Notification Map

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

**Z16-0021 / North Elm Street Apartments**

**City Council District 3**

**Planning & Zoning Commission**

**November 30, 2016**

### REQUEST:

Hold a public hearing and consider making a recommendation to City Council regarding a rezoning request from a Regional Center Commercial Downtown (RCC-D) District to a Neighborhood Residential Mixed Use (NRMU) District on approximately 12.97 acres, generally located on the northwest side of the intersection of Riney Road and North Elm Street, approximately 1,900 feet east of North Bonnie Brae Street. (Z16-0021, North Elm Street Apartments, Hayley Zagurski)

### OWNER:

Randall Smith of Bonnie Brae Malone County Inc.

### APPLICANT:

Chet Leugers of Pacheco Koch

### BACKGROUND:

The subject property is comprised of approximately 12.97 acres of land currently zoned RCC-D District. Currently the entire tract of land is unimproved, and the applicant has indicated that the intent is to plat the property into three total lots. Lots 1 and 2 will be separated by newly dedicated right-of-way to be known as Discovery Lane. Lots 1 and 2 are intended for multi-family development pending approval of both a rezoning request from RCC-D District to NRMU District and a concurrently submitted request for a Specific Use Permit

for multi-family development. The third lot is intended to be sold for future development. The applicant is seeking to rezone the property to the NRMU District due to limitations under the current RCC-D District that only allow the multi-family use as part of a mixed use development.

**SITE DATA:**

The 12.97-acre tract is currently unplatted and undeveloped. The property has approximately 1,310 feet of frontage along Riney Road and approximately 1,525 feet of frontage along North Elm Street.

**USE OF PROPERTY UNDER CURRENT ZONING:**

The RCC-D District is one of the most intense zoning districts in the Regional Mixed Use future land category and the City of Denton as a whole. It is intended to promote urban mixed use development and businesses with a regional draw to attract visitors to the city. Moderate to high density residential uses, with a maximum density of 100 units per acre, are permitted including townhomes and apartments associated with a mixed-use development. Commercial and institutional uses are permitted with the exception of the sale of agricultural products grown on site, motels, equestrian facilities, outdoor recreation, sexually oriented businesses, elementary schools, and cemeteries. Most industrial uses are either limited or not permitted. The schedule of permitted uses in the RCC-D District is provided for reference.

**SURROUNDING ZONING AND LAND USES:**

North: Located to the north across North Elm Street is a University of North Texas Discovery Park zoned RCC-D District.

East: Located to the east across North Elm Street is undeveloped land associated with Discovery Park zoned RCC-D District and a vacant parcel of land zoned NRMU District.

South: Located to the south across Riney Road is land associated with North Lakes Park. To the southwest land zoned Neighborhood Residential Mixed Use 12 (NRMU-12) District is currently undeveloped, but a preliminary plat has been approved for attached single-family development to be known as the Vista del Arroyo subdivision.

West: Adjoining property to the west is zoned RCC-D District. A final plat (FP16-0007) has been approved at this location for the development of attached single-family residences that will be known as the Brentwood Place subdivision at this location.

**COMPATABILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES:**

The purpose of the Neighborhood Residential land use, of which the NRMU District is a part, is to preserve and protect existing neighborhoods and to ensure that any new development is compatible with existing land uses, patterns, and design standards.

The NRMU District is intended to encourage a mixed-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 commercial and institutional uses with limitations or an SUP. Please see the attached list of permitted use in the NRMU District for further detail.

Rezoning the subject property from RCC-D District to NRMU District is consistent with the surrounding zoning pattern to the east and south. The uses permitted under the NRMU District are generally low-intensity and would be compatible with the anticipated townhome developments to the south and west as well as with the

existing adjoining institutional uses to the north and south.

### **COMPREHENSIVE PLAN:**

Per the Future Land Use Map in *Denton Plan 2030*, the subject property is located within a “Neighborhood Mixed Use” area. This designation is often applied to areas of Denton which are primarily residential, but where a mix of housing types and densities, along with retail and service uses that support surrounding neighborhoods, are encouraged. Future development in these areas will complement and embrace existing, viable uses, raise the standard of design to increase connectivity and mobility options, and create a sense of place to serve the neighborhood.

Development criteria of the Neighborhood Mixed Use future land use designation require that:

- a) The focus area of a neighborhood center contains facilities vital to the day-to-day activity of the neighborhood. A neighborhood center might contain a convenience store, small restaurant, personal service shops, daycare, and small offices.
- b) Development should be located close to existing or proposed residential development at a scale that can promote walking and bicycling.
- c) Vertical and horizontal mixed use is encouraged.
- d) Moderate to high density residential use is allowed.
- e) Commercial uses should be programmed appropriately to serve a neighborhood-serving market and to be compatible with adjacent land uses.
- f) Development should be sited accessible to transit routes.
- g) Places of worship, schools, and parks and open spaces are allowed by right.
- h) 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.
- i) Proposals should be presented and reviewed according to the degree to which they achieve the goals of the Neighborhood Mixed Use land use and may be the subject of Small Area Plans, where necessary.

### **CONSIDERATIONS:**

1. Rezoning the subject property from RCC-D District to NRMU District will be a continuation of the surrounding zoning pattern of NRMU and NRMU-12 Districts to the east and south, respectively. NRMU and NRMU-12 Districts are both part of the pedestrian-oriented Neighborhood Residential District. With the rezoning to NRMU development of the subject property will be more consistent with the surrounding properties in terms of permitted uses and regulations such as building setbacks, lot overage, and landscaping requirements.
2. The NRMU District is appropriate at this location because the permitted uses within the proposed NRMU District are less intense than those permitted within the existing RCC-D District. Additionally, the maximum density of dwelling units allowed per acre would decrease from 100 to 30, and the maximum permitted building height would be reduced from 100 feet to 65 feet if the property is rezoned to NRMU District. These requirements would reduce the scale of allowed development and make it more compatible with anticipated townhome development and existing single-family neighborhoods in the vicinity. The triangular configuration of the subject property makes it physically challenging for development, and its location at the intersection of a state highway gives development on the site visual prominence. Because of this and the surrounding property uses, rezoning to allow for a multi-family or less-intensive commercial uses seems logical and compatible with the current development patterns.
3. The applicant’s proposed multi-family development would require a mixed-use component under the

existing RCC-D District zoning. RCC-D District permits multi-family use only on the second story and above when an office, retail, or other permitted commercial use is on the ground floor along any avenue, collector, or arterial street. Since Riney Road is classified as a Collector street, and North Elm Street is classified as a Primary Arterial, the inclusion of commercial uses on the ground floor of the proposed development would be mandated. Under the proposed NRMU District zoning, the mixed-use component would only be required as part of multi-family development unless developed with an SUP. Thus, if the property is rezoned to NRMU District, the requirement for mixed-use development is eliminated, and the applicant can pursue multi-family development under an SUP.

3. Per Section 35.3.4.B of the Denton Development Code, the following criteria shall be considered for a rezoning request: *The proposed rezoning conforms to the Future Land Use element of the Denton Plan 2030.* The proposed rezoning to NRMU District conforms to the Future Land Use Designation of Neighborhood Mixed Use. The Applicant's intended use of the property also conforms to the moderate to high density residential development aspect of the Neighborhood Mixed Use designation.
4. Per Section 35.3.4.B of the Denton Development Code, the following criteria shall be considered for a rezoning request: *The proposed rezoning facilitates the adequate provision of transportation, water, sewers, schools, parks, and other public requirements and public convenience.* Water, sewer, and public access are all available to the property along Riney Road and North Elm Street. There is expected to be adequate capacity in the existing infrastructure to support the proposal.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the request as it is compatible with the surrounding property and is consistent 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, five notices were sent to property owners within 200 feet of the subject property, six 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 applicant intends to hold a public meeting on November 22, 2016. No responses to mailed notices have been received as of the issuance of this report.

#### **PROJECT TIMELINE:**

Application Received:	August 24, 2016
1 <sup>st</sup> Submittal Sent to DRC Members:	September 7, 2016
Comments Released to Applicant:	September 22, 2016
DRC Meeting with Staff:	October 6, 2016
Business Days under DRC Review:	12
Business Day out to Applicant:	0
Total Business Days:	12

#### **EXHIBITS:**

- Aerial Map
- Zoning Map
- Future Land Use Map
- Proposed Zoning Change Map
- RCC-D Permitted Uses
- NRMU Permitted Uses
- Notification Map

Respectfully submitted:  
Munal Mauladad  
Director of Development Services

Prepared by:  
Hayley Zagurski  
Assistant Planner