



Legislation Details (With Text)

File #: Z16-0023 **Version:** 1 **Name:**
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On agenda: 2/22/2017 **Final action:**
Title: Hold a public hearing and consider a request by Majid Hemmasi, Beta Mu, LLC, and Swan-Wells P/S, Ltd., to rezone approximately 3 acres from a Downtown Residential 2 (DR-2) District to a Downtown Commercial General (DC-G) District. The property is generally located 185 feet south of the Scripture Street and Normal Street intersection. (Z16-0023, Park 7, Julie Wyatt).

Sponsors:

Indexes:

Code sections:

Attachments: 1. Aerial Map, 2. Zoning Map, 3. Future Land Use Map, 4. Proposed Zoning, 5. Permitted Uses in Downtown Residential 2 (DR-2), 6. Permitted Uses in Downtown Commercial General (DC-G) District, 7. Zoning District Comparison Chart, 8. Applicant Narrative, 9. Notification Map

Date	Ver.	Action By	Action	Result
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Planning Report

Z16-0023 / Park 7

City Council District 3

Planning & Zoning Commission

February 22, 2017

REQUEST:

Hold a public hearing and consider a request by Majid Hemmasi, Beta Mu, LLC, and Swan-Wells P/S, Ltd., to rezone approximately 3 acres from a Downtown Residential 2 (DR-2) District to a Downtown Commercial General (DC-G) District. The property is generally located 185 feet south of the Scripture Street and Normal Street intersection. (Z16-0023, Park 7, Julie Wyatt).

OWNER:

Majid Hemmasi, Beta Mu, LLC, and Swan-Wells P/S, Ltd.

APPLICANT:

Allison Engineering

BACKGROUND:

The applicant is requesting to rezone an approximately 3 acre parcel located south of Scripture, between Normal Street and Bryan Street, from Downtown Residential 2 (DR-2) District to Downtown Commercial General (DC-G) District. The applicant has indicated that the intent of the request is to consolidate the zoning under one district and to develop the site with multi-family dwellings.

The subject property includes three parcels, two of which have a zoning designation of DR-2 District. The third

parcel has a split zoning of DR-2 District and DC-G District, which abuts Scripture Street. Current development on the site includes a vacant institutional facility and two single-family dwellings. The ultimate development is intended to include the property which has the DC-G District designation; however, that property is not a part of the request, as the existing DC-G District was established during the 2002 City-wide rezoning. The proposed rezoning would consolidate the proposed development under one zoning district.

SITE DATA:

The subject property is developed with an institutional facility that is not been in use for several years and two single-family dwellings. Scripture Street is classified as a Main Street Mixed Use Collector and requires a 70-foot right-of-way. Normal Street and Bryan Street are classified as Residential Avenue Collectors, requiring a 65-foot right-of-way.

USE OF PROPERTY UNDER CURRENT ZONING:

The current zoning of Downtown Residential 2 (DR-2) District permits a mix of single- and multi-family residential, small-scale neighborhood service, and institutional uses intended to provide a transition from moderate density residential neighborhoods to high density downtown development. As part of the Downtown University Core Districts, DR-2 District encourages pedestrian-friendly and mixed use developments within centralized commercial areas.

Permitted uses include 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, the maximum floor to area ratio (FAR) is 0.75, and the maximum lot coverage is 75%. A schedule of permitted uses and Limitations has been attached for further reference.

SURROUNDING ZONING AND LAND USES:

North: Property to the north is zoned as DC-G District and developed with an unoccupied institutional facility. Property across Scripture Street is zoned Neighborhood Residential Mixed Use (NRMU) Neighborhood Residential Mixed Use 12 (NRMU-12) Districts and developed with offices, single-family dwellings, and multi-family dwellings.

East: Property to the east across Bryan Street is zoned DC-G District and DR-2 District and developed with a commercial use and multi-family dwellings.

South: Property to the south is zoned as DR-2 District and developed with a mix of single-family dwellings and multi-family dwellings.

West: Property to the west across Normal Street is zoned DC-G District and DR-2 District and developed with a mix of single-family dwellings and multi-family dwellings.

COMPATABILITY OF REQUEST WITH SURROUNDING ZONING AND LAND USES:

The purpose of the DC-G zoning district to encourage mixed-use and pedestrian oriented development. This type of development and zoning is typically found in the downtown and university centers. DC-G District permits. A schedule of permitted uses and Limitations has been attached for further reference.

The land use pattern in the area surrounding the subject property is mixed-use, including single-family dwellings, single-family dwellings used for multiple occupancy, multi-family dwellings, commercial, and institutional development. The permitted uses and density in DC-G District are appropriate for an area adjacent

to a large university. Furthermore, the mixed-use character of the area is compatible with DC-G District. DC-G District permits a maximum density of 150 dwelling units per acre, maximum lot coverage of 85%, a maximum FAR of 3, and a maximum building height of 100 feet; however design requirements within the DDC encourage compatibility in scale and form with adjacent development. A zoning district comparison chart has been included for reference.

Development beyond the immediate vicinity of the subject site includes single-family residential neighborhoods. These established neighborhoods have a zoning designation of Neighborhood Residential 3 (NR-3) District, which does not permit commercial and multi-family development. Consequently, the existing zoning offers protection for these neighborhoods against the encroachment of commercial and denser residential uses. Overlay districts provide additional protection for areas which have historic designations, as any development in those areas must be deemed appropriate by the Historic Landmark Commission through a public meeting process.

COMPREHENSIVE PLAN:

The Future Land Use Designation of the subject property is Neighborhood/University Compatibility Area. As the universities within the City of Denton increase enrollment, requiring additional facilities and student housing, the intent of this designation is to create compatible form and land uses for areas that serve both established neighborhoods and the universities. The area should provide a gradual transition in scale, use, and character, and intensity between the universities and surrounding neighborhoods. Uses that may result in noise or traffic impacts on residential neighborhoods should be located strategically to minimize conflicts, and development should encourage uses that are in close proximity to one another to encourage walking and bicycling.

The proposed rezoning request meets the Future Land Use Designation of Neighborhood/University Area, as DC-G District permits development at a scale that is appropriate within a five- to ten-minute walk from UNT.

CONSIDERATIONS:

1. The applicant is requesting to rezone the property to DC-G District in order to develop the site with scale density which exceeds what is permitted under current zoning.
2. Per Section 35.3.4.B of the DDC, the following criteria for approval shall be considered for a rezoning request:
 - a. *The proposed rezoning conforms to the Future Land Use element of the Denton Plan 2030*
The zoning request meets the intent of the Neighborhood/University Compatibility Area designation. This designation identifies the need for density and neighborhood services in areas within close proximity to UNT, as this type of development fosters walkability, livability, and vibrancy in the public realm for both student populations and neighborhood residents. The subject property's location in close proximity to UNT suggests that the additional density and uses associated with DC-G District are desirable for the area, and would contribute to the walkability and character of the area. Rezoning to DC-G District would enable an entire block to redevelop, providing essential housing or commercial uses appropriate for this location, which is within a ten minute walk to UNT. The size and scope of the proposed redevelopment could serve as a catalyst for a revitalization of the area north of UNT, between the University and established neighborhoods.

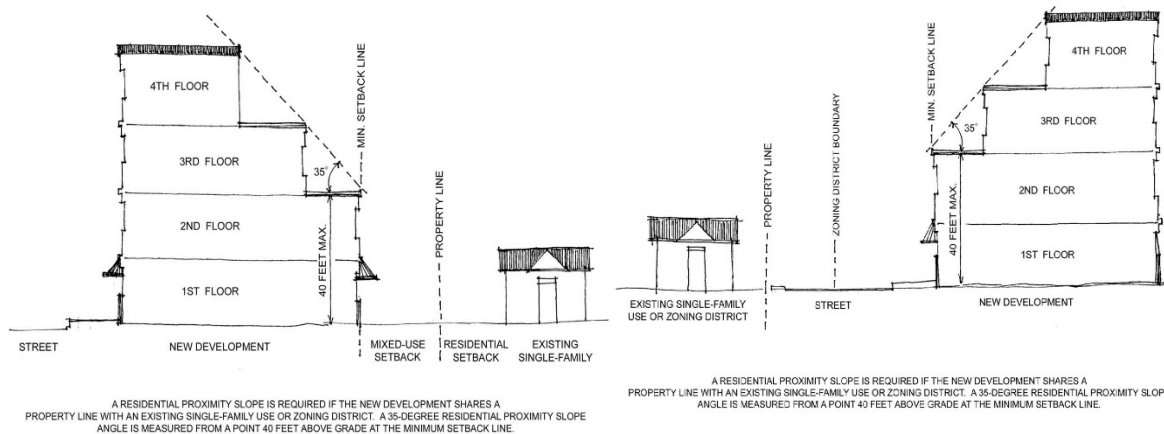
However, redevelopment must be sensitive in scale to nearby established neighborhoods and provide a gradual transition from larger-scale developments to residential areas. Although there are established single-family neighborhoods within the vicinity, a variety of physical barriers

separate the subject property from those neighborhoods, including collector roads and existing commercial and multi-family development. Furthermore, the adjacent NRMU, NRMU-12, and DR-2 Districts provide a buffer between the subject property and the traditional neighborhoods, allowing the development scale to gradually transition from the existing and proposed DC-G District to the surrounding neighborhoods.

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

There is adequate capacity in the existing infrastructure to support the proposal. Development on the site must meet all DDC and infrastructure requirements, including sidewalks, site design, and parking.

3. The proposed rezoning includes 3 tracts, a portion of which is currently zoned DC-G District. The request is a logical extension of this existing DC-G District zoning designation. Furthermore, the site is currently underutilized, as existing development includes a structure which has not been in use in several years. The proposed rezoning would permit the subject property to develop with consistent zoning regulations, resulting in a more cohesive development.
4. The uses permitted within DC-G District, including multi-family dwellings and commercial uses, are logical for a university area and compatible with the character of the neighborhood and surrounding mixed land use pattern.
5. Based on the neighborhood meetings associated with this project, the primary concern appears to be the scale of development associated with the DC-G District and the potential impact on the community. In order to ensure compatibility when a mix of uses is contemplated, the DDC requires the following design interventions between developments of varying scale and height:
 - a. Section 35.5.3.3 of the DDC requires a minimum yard of 20 feet plus one foot for each foot of building height over 30 feet when abutting a single-family use or district.
 - b. Section 35.13.8 of the DDC requires a 10-foot landscape buffer between single-family residential and multi-family residential development. The 10-foot buffer must be planted with five evergreen and deciduous trees and 30 shrubs per 100 linear feet.
 - c. The residential proximity slope, as outlined in Section 35.13.13.2 of the DDC, is required for multi-family development in excess of 40 feet in height which shares a property line or right-of-way with a single-family use. The residential proximity slope begins 40 feet above grade at the setback line and extends away from the adjacent property at a 35 degree angle (see figures below). The intent is to step back multi-family developments to reduce the visual impact of taller buildings in close proximity to single-family dwellings.



6. Permitting additional density and building scale in close proximity to UNT may improve the area's traffic congestion by promoting efficient land use to create transportation-efficient development. Studies show that when compact, mixed-use development is located near desired destinations with access to transit, opportunities for pedestrian and bicycle trips increase and vehicle trips decrease. In order to achieve efficient land use, appropriate zoning must be in place to encourage a compact development pattern near to high-activity nodes such as UNT. Rezoning to DC-G District in areas within close proximity to UNT would create transportation-efficient development by placing more students within a walkable distance to their desired destination, reducing the need for daily vehicle trips to campus. Conversely, maintaining lower densities and a less compact development pattern adjacent to UNT contributes to the disbursement of student populations throughout the City, inducing demand for daily vehicle trips to campus. Nearby transit and bicycle infrastructure provide additional mobility options for residents in the UNT area.

STAFF RECOMMENDATION:

Staff recommends approval of the request, as DC-G District is compatible with the surrounding zoning pattern. Rezoning the property would allow the subject site to redevelop with a mix of uses which are appropriate for a university area. Potential incompatibilities between development associated with the request and adjacent property would be addressed through site design considerations required in the DDC. The proposal 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, 25 notices were sent to property owners within 200 feet of the subject property, 96 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 has held two neighborhood meetings. Concerns raised by attendees included traffic, on-street parking, and building scale.

PROJECT TIMELINE:

Application Received:	September 19, 2016
1 st Submittal Sent to DRC Members:	September 22, 2016
Comments Released to Applicant:	October 7, 2016
2 nd Submittal Sent to DRC Members:	December 21, 2016
Comments Released to Applicant:	January 4, 2017
Business Days under DRC Review:	20
Business Day out to Applicant:	51
Total Business Days:	71

EXHIBITS:

- Aerial Map
- Zoning Map
- Future Land Use Map
- Proposed Zoning Map
- Permitted Uses in Downtown Residential 2 (DR-2) District
- Permitted Uses in Downtown Commercial General (DC-G) District
- Zoning District Comparison Chart
- Applicant Narrative
- Notification Map

Respectfully submitted:
Shandrian Jarvis, AICP
Development Review Committee Administrator

Prepared by:
Julie Wyatt
Senior Planner