



Legislation Details (With Text)

File #: Z16-0023b **Version:** 1 **Name:**

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On agenda: 4/4/2017 **Final action:**

Title: Hold a public hearing and consider adoption of an ordinance to rezone approximately 1.39 acres from a Downtown Residential 2 (DR-2) District to a Downtown Commercial General (DC-G) District. The subject property is generally located 185 feet south of the Scripture Street and Normal Street intersection, in the City of Denton, Denton County, Texas; adopting an amendment to the city's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommends denial (5-2). (Z16-0023) A supermajority vote by Council is required for approval.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - Staff Analysis, 2. Exhibit 2 - Aerial Map, 3. Exhibit 3 - Zoning Map, 4. Exhibit 4 - Future Land Use Map, 5. Exhibit 5 - Proposed Zoning, 6. Exhibit 6 - Permitted Uses in Downtown Residential 2 (DR-2), 7. Exhibit 7 - Permitted Uses in Downtown Commercial General (DC-G) District, 8. Exhibit 8 - Zoning District Comparison Chart, 9. Exhibit 9 - Applicant Narrative, 10. Exhibit 10 - Notification Map and Responses, 11. Exhibit 11 - Presentation, 12. Exhibit 12 - February 22, 2017 Planning and Zoning Commission Meeting Minutes, 13. Exhibit 13 - March 8, 2017 Planning and Zoning Commission Meeting Minutes, 14. Exhibit 14 - Draft Ordinance

Date	Ver.	Action By	Action	Result
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AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

CM/ACM: Todd Hileman

DATE: April 4, 2017

SUBJECT

Hold a public hearing and consider adoption of an ordinance to rezone approximately 1.39 acres from a Downtown Residential 2 (DR-2) District to a Downtown Commercial General (DC-G) District. The subject property is generally located 185 feet south of the Scripture Street and Normal Street intersection, in the City of Denton, Denton County, Texas; adopting an amendment to the city's official zoning map; providing for a penalty in the maximum amount of \$2,000.00 for violations thereof; providing a severability clause and an effective date. The Planning and Zoning Commission recommends denial (5-2). (Z16-0023) **A supermajority vote by Council is required for approval.**

BACKGROUND

The applicant is requesting to rezone an approximately 1.39 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 subject property is zoned DR-2 District and DC-G District. The intent of the request, as indicated by the applicant, is to consolidate the zoning under one district (DC-G) and to ultimately develop the site in conjunction with the property fronting Scripture Street with a multi-family complex targeted for collegiate housing.

The current zoning of DR-2 District permits a mix of single- and multi-family residential, small-scale neighborhood service, and institutional uses. The maximum permitted density is 30 dwelling units per acre, the maximum building height is 45 feet, and the maximum lot coverage is 75%. The proposed DC-G District is intended to encourage mixed-use, pedestrian-oriented development at a scale consistent with high-activity areas. Permitted residential uses include townhomes, multi-family dwellings, fraternities, and sororities. Most commercial and institutional uses are permitted by right or with approval of a specific use permit (SUP). The maximum permitted density is 150 dwelling units per acre, the maximum lot coverage of 85%, and the maximum building height is 100 feet.

The rezoning request meets the criteria for approval in the DDC. Per Section 35.3.4.B of the DDC, a proposed rezoning request can be approved if it conforms to the Future Land Use element of the Denton Plan 2030 and facilitates the adequate provision of public infrastructure. The Future Land Use Designation of the subject property is Neighborhood/University Compatibility Area, which is intended to encourage compatible form and land uses for areas that serve both established neighborhoods and the universities. The subject property's 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. A thorough land use analysis has been attached for reference.

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. Within the notification boundary, one response in opposition and three responses in favor were received. Furthermore, the Planning Division received additional comments from citizens outside the 200- and 500-foot notification radius regarding the request.

It should be taken into consideration that although the request is for a change in zoning, the applicant has indicated that the intended use of the property is multi-family dedicated to collegiate housing. This information, along with a conceptual site plan, was presented at two neighborhood meetings hosted by the applicant. The citizens in attendance voiced their opposition to the multi-family development, and more specifically, a collegiate housing development. There was discussion to limit the scale of the development by reducing the height of the proposed buildings to two stories, as the requested DC-G District permits an eight-to nine- story building (100 feet), whereas the current zoning permits four stories (45 feet).

At both P&Z Commission meetings on February 22nd and March 8th, there were at least 20 people in attendance who voiced their concerns regarding this development, specifically related to the negative impacts of collegiate housing on existing established neighborhoods, the infrastructure implications of increased traffic, and overflow parking on residential streets. Those present did state that the scale of the proposed development was incompatible with surrounding development, and ultimately, the use should not be permitted. There were residents who raised the issue of the historic significance of existing area homes, the negative impact of architectural incompatibility of this development, and that greater consideration should be given to the expansion of historic districts in the area. In summary, the primary concern raised was that the use should not be permitted, and if permitted, the height of the buildings should be reduced to two- to three- stories in concert with building heights in the area. The P&Z Commission was asked to address the appropriateness of the zoning classifications of properties in the area and the impacts of collegiate housing.

At the closure of the public hearing, the P&Z Commission made a motion to approve the request and to place an overlay district over the entire site requiring staggered heights of the structure. This motion failed and a new motion was made to deny the request on the grounds that there was insufficient information and time to address an overlay district. This motion passed 5-2.

OPTIONS

1. Approve as submitted.
2. Approve subject to conditions.
3. Deny.
4. Postpone consideration.
5. Table item.

RECOMMENDATIONS

Staff recommends approval of the request, as DC-G District is compatible with the surrounding zoning pattern. Rezoning the property to DC-G District would consolidate the zoning on the property in order to permit redevelopment under consistent zoning regulations. 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.

The Planning and Zoning Commission recommend denial of the rezoning request (5-2) on March 8, 2017. A supermajority vote by Council is required for approval.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

The public hearing for the rezoning request was opened at the February 22, 2017, Planning and Zoning Commission meeting; however, during the meeting, the applicant requested a continuance to March 8, 2017 to discuss site design considerations with the Planning Division.

STRATEGIC PLAN RELATIONSHIP

The City of Denton's Strategic Plan is an action-oriented road map that will help the City achieve its vision. The foundation for the plan is the five long-term Key Focus Areas (KFA): Organizational Excellence; Public Infrastructure; Economic Development; Safe, Livable, and Family-Friendly Community; and Sustainability and Environmental Stewardship. While individual items may support multiple KFAs, this specific City Council agenda item contributes most directly to the following KFA and goal:

Related Key Focus Area: **Economic Development**

Related Goal: **3.4 Encourage development, redevelopment, recruitment, and retention**

EXHIBITS

1. Staff Analysis
2. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Proposed Zoning Map

6. Permitted Uses in Downtown Residential 2 (DR-2) District
7. Permitted Uses in Downtown Commercial General (DC-G) District
8. Zoning District Comparison Chart
9. Applicant Narrative
10. Public Notification Map and Responses
11. Presentation
12. February 22, 2017 Planning and Zoning Commission Meeting Minutes
13. March 8, 2017 Planning and Zoning Commission Meeting Minutes
14. Draft Ordinance

Respectfully submitted:
Munal Mauladad
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Prepared by:
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