



## Legislation Details (With Text)

**File #:** S16-0007a    **Version:** 1    **Name:**  
**Type:** Planning and Zoning Commission  
**File created:** 6/13/2017    **In control:** Planning and Zoning Commission  
**On agenda:** 6/28/2017    **Final action:**  
**Title:** Hold a public hearing and consider a request by Not Quite 4A Properties LP for a Specific Use Permit to allow for a multi-family use on approximately 0.9 acres. The property is generally located on the north side of the Riney Road and Riney Court intersection. This item has been continued from the June 14, 2017, Planning and Zoning Commission Meeting. (S16-0007, Riney Road Apartments, Hayley Zagurski).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Criteria for Approval of a SUP, 2. Aerial Map, 3. Zoning Map, 4. Future Land Use Map, 5. Site Plan, 6. Landscape Plan, 7. Building Elevations, 8. Notification Map and Responses

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

**S16-0007a / Riney Road Apartments**

**City Council District 3**

**Planning & Zoning Commission**

**June 28, 2017**

### REQUEST:

Hold a public hearing and consider a request by Not Quite 4A Properties LP for a Specific Use Permit to allow for a multi-family use on approximately 0.9 acres. The property is generally located on the north side of the Riney Road and Riney Court intersection. This item has been continued from the June 14, 2017, Planning and Zoning Commission Meeting. (S16-0007, Riney Road Apartments, Hayley Zagurski).

### OWNER:

Not Quite 4A Properties LP

### APPLICANT:

Not Quite 4A Properties LP

### BACKGROUND:

The 0.9 acre subject property is zoned Neighborhood Residential Mixed Use 12 (NRMU-12) District and is currently undeveloped. The applicant is seeking a Specific Use Permit (SUP) to develop the property with a multi-family use. Within the NRMU-12 District, the multi-family use is only permitted with either the approval of an SUP, as part of a Mixed Use Development, or as part of an approved Master Plan Development or a small area plan. Since the proposed development is not part of a mixed-use development or a larger approved plan, an SUP must be sought. A Site Plan, which if approved will become part of the SUP ordinance, is attached for

reference and shows that the intended development would consist of two buildings with 10 total dwelling units, a storage building of approximately 770 square feet, and associated parking and landscaping.

**SITE DATA:**

The subject property has approximately 140 feet on frontage on North Elm Street (Highway 77) on the north, approximately 280 feet of frontage on Riney Road on the east, and approximately 345 feet of frontage on Riney Court on the south/west.

North Elm Street is classified as a Primary Arterial roadway per the City of Denton Mobility Plan and is maintained by the Texas Department of Transportation (TXDOT). A Primary Arterial roadway requires 135 feet of right of way and is designed to handle approximately 30,000 vehicle trips per day. North Elm Street is currently built as a four lane divided roadway.

Riney Road is classified as a Residential Collector roadway. Residential Collectors require 65 feet of right-of-way. Riney Road is not currently built to full right-of-way standards as a two lane undivided roadway, which can handle approximately 8,000 vehicle trips per day.

Riney Court is classified as a Neighborhood Residential Street. Neighborhood Residential Streets require 50 feet of right-of-way and can handle approximately 1,000 vehicle trips per day. Riney Court is currently built as a two lane undivided roadway with variable width right-of-way.

**USE OF PROPERTY UNDER CURRENT ZONING:**

The NRMU-12 District is a part of the Neighborhood/Residential family of zoning districts. The purpose of the NRMU-12 District is to promote Neighborhood Mixed Use Activity Centers, as described in Denton Plan 2030. These activity centers would primarily allow a mix of retail, office, and moderate density residential to serve surrounding single-family neighborhoods. NRMU-12 may also serve as a transition between neighborhoods and non-residential zoning districts or corridors. Within the NRMU-12 District, the subject property may develop with light commercial including office, retail, and a variety of institutional uses. The subject property may also develop with residential uses including single-family homes, townhomes, dwellings above businesses, or multi-family. As was mentioned above, the multi-family use is permitted only with a Specific Use Permit (SUP) or as part of a mixed-use development or an approved small area plan.

**SURROUNDING ZONING AND LAND USES:**

North: North Elm Street borders the subject property to the north. Across North Elm Street is the Donna Del Estates subdivision of single-family homes located in a Neighborhood Residential 2 (NR-2) District. The subdivision was originally platted in 1963.

East: To the east the property is bounded by Riney Road. A vacant property zoned NRMU-12 District is located across Riney Road.

South: Riney Court borders the property to the south. Across Riney Court are single family homes zoned NR-2 District as well as vacant property associated with the North Lakes Park, which is zoned NRMU-12.

West: To the west/northwest is a single-family home located in an NRMU-12 District.

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

Within the existing NRMU-12 District, the multi-family use is permitted only with the approval of an SUP or as part of a mixed-use development or approved small area plan. This zoning designation, which also applies to many of the surrounding properties, permits a maximum density of twelve dwelling units per acre. The request

is for a small-scale multifamily development of 10 dwelling units on just under one acre.

In the vicinity of the subject property there is a mixture of residential and non-residential uses. The property is bounded on three sides by roadways that provide physical separation between the subject property and surrounding uses. Approximately five single-family dwellings are in the immediate vicinity along Riney Court and Riney Road, and single family homes exist across North Elm Street in the Donna Del subdivision. Multiple duplex and multifamily developments as well as North Lakes Park, the Denton Animal Shelter, and other non-residential uses exist in the area. The proposed specific use would thus not be out of character with the surrounding land uses and zoning.

## **CONSIDERATIONS:**

1. The multi-family use is generally only permitted with the approval of an SUP or as part of a mixed-use development in the NRMU-12 zoning district. If the SUP is approved, the applicant is proposing a ten unit apartment complex with associated parking as illustrated on the attached Site Plan. Given the size and unique configuration of the subject property at the intersection of three roadways, a mixed-use development with commercial components could be challenging to develop. The required non-residential/commercial aspects of a mixed-use development would be more inconsistent with the surrounding land uses than the multi-family use would be, especially with the surrounding single-family dwellings.
2. Subchapter 35.6.4 of the DDC outlines the criteria for approval of an SUP. These criteria are intended to ensure that the development conforms to the goals of the DDC and the Denton Plan 2030 and is not injurious to the use and enjoyment of surrounding properties. The full criteria for approval have been attached for reference.
  - a. The proposal is to develop the property with two buildings, each with five apartment units. The apartments are intended to appear as townhomes or condos, with each unit being a two-story dwelling with ground floor entry and a fenced rear yard. Proposed elevations are attached for reference. Each dwelling unit is intended to have three bedrooms, and the density of the development would be 11.1 dwelling units per acre, which is under the maximum of 12 for this zoning district. The attached Site Plan shows the orientation of these two buildings around a central parking lot. A separate storage building with a single exterior entry is also proposed as well as a common patio area. All exterior facades are intended to be brick and stucco materials. If approved, the attached elevations would be tied to the SUP ordinance.
  - b. The site is intended to exceed the minimum 20% landscaping requirements for the NRMU-12 zoning district, with 51% landscape area provided for the lot. The attached Landscape Plan illustrates that the existing vegetation along Riney Court is intended to remain, and new landscaping is being installed to screen the parking lot from the right-of-way and provide a buffer to the adjoining single-family home. A Type B buffer, which is a 10-foot wide planted area with a combination of 5 trees and 30 shrubs per 100 linear feet is required between single-family uses and any other residential use. The applicant is proposing to provide this required buffer as well as a cedar fence along the western property line adjoining the single-family home. This buffer and fence, along with the adjoining roadways on the other three sides of the property, provide physical separation from surrounding properties. If approved, the attached Landscape Plan would be included in the SUP ordinance.
  - c. Utilities such as water and sewer are available to the property along Riney Road and Elm Street, respectively. A single driveway is proposed off of Riney Road, and the Site Plan meets the required number of parking spaces for this development, which is calculated at a rate of two

spaces per unit for three-bedroom apartments. A total of 20 spaces are required for the development, and the applicant is proposing to provide three additional parking spaces in excess of this required number. The excess spaces are to be constructed of pervious materials.

As a condition of this SUP request, staff recommends the site comply with the attached Site Plan, Landscape Plan, and Building Elevations.

3. The proposed expansion multi-family use is consistent with the goals of the Denton Plan 2030. According to the Future Land Use Map, the property is within a transitional area between areas of “Neighborhood Mixed Use” and “Moderate Residential.”

The Neighborhood Mixed Use 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.

The Moderate Residential designation is primarily intended to promote protection and development of residential areas that range between four to twelve units per acre. The designation typically applies to areas of single-family development, but low-rise multifamily dwellings and townhomes may also be located in these areas so long as they maintain a scale, style, and building orientation complementary of the prevailing character of the area.

The proposed development fits within both of these designations because it proposes small-scale, low-rise multi-family dwellings that are intended to seem more like individual townhomes or condos, thus being more compatible with the adjoining single-family uses. The proposed use also serves as a transition between the areas designated for residential development on the north side of Elm Street and the areas designated as Neighborhood Mixed Use on the south side of Elm Street.

#### **STAFF RECOMMENDATION:**

Staff recommends approval of the request as it is compatible with the surrounding area, which contains a mixture of Neighborhood Residential zoning designations and residential and institutional uses, and is consistent with the goals and objectives of the Denton Plan 2030, subject to the following conditions:

1. The proposed use must substantially comply with the attached Site Plan, Landscape Plan, and Building Elevations.

#### **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, 10 notices were sent to property owners within 200 feet of the subject property, 26 courtesy notices were sent to physical addresses within 500 feet of the subject property, a notice was published in the Denton Record Chronicle, and a sign was placed on the property. Four written responses in opposition to the request were received as of the issuance of this report, and the responses are attached for reference.

A neighborhood meeting was held on May 22, 2017 at the North Branch Library. Eleven people from nine different addresses attended the meeting. No written responses were received from the neighbors at this

meeting, but general concerns were expressed over the impact this use would have on the area in terms of traffic generation, the number of residents per unit, drainage onto neighboring properties, and potential impacts on property values.

**PROJECT TIMELINE:**

Application Received:	October 13, 2016
1 <sup>st</sup> Submittal Sent to DRC Members:	March 22, 2017
Comments Released to Applicant:	April 5, 2017
2 <sup>nd</sup> Submittal Sent to DRC Members:	April 28, 2017
Comments Released to Applicant:	May 12, 2017
3 <sup>rd</sup> Submittal Sent to DRC Members:	May 18, 2017
Comments Released to Applicant:	May 22, 2017
Business Days under DRC Review:	22
Business Day out to Applicant:	22
Total Business Days:	44

**EXHIBITS:**

- Criteria for Approval of a SUP
- Aerial Map
- Zoning Map
- Future Land Use Map
- Site Plan
- Landscape Plan
- Building Elevations
- Notification Map and Responses

Respectfully submitted:  
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Prepared by:  
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