



## Legislation Text

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**File #:** Z16-0003c, **Version:** 1

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### AGENDA INFORMATION SHEET

**DEPARTMENT:** Department of Development Services

**ACM:** Jon Fortune

**DATE:** August 16, 2016

#### **SUBJECT**

Continue a public hearing and consider adoption of an ordinance of the City of Denton, Texas, regarding a rezoning request from Neighborhood Residential 3 District (NR-3) to Neighborhood Residential 6 District (NR-6) on approximately 0.6 acres, located on the northeast corner of North Bell Avenue and East Windsor Drive; and 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 approval (4-2). (Z16-0003). **This item was continued from the August 2, 2016 City Council meeting.**

#### **BACKGROUND**

The applicant is requesting to rezone the subject property from Neighborhood Residential 3 (NR-3) District to Neighborhood Residential 6 (NR-6) District in order to develop the site with two duplexes on two lots, totaling four units.

The location of the subject property on the corner of North Bell Avenue and East Windsor Drive is a gateway and physical presence to an existing, established single-family neighborhood, which has an approximate density of 3.9 dwelling units per acre and is built out.

The proposed rezoning does not conform to the subject property's Future Land Use designation of Low Density Residential as specified by Denton Plan 2030. Low Density Residential encourages suburban-type single-family development with either large lots or clustered homes and preserved open space for up to four dwelling units per acre. Furthermore, development criteria for Low Density Residential Land Use states that within established residential areas, new development should respond to existing development patterns and design standards. The development pattern associated with NR-6 District does not correspond with the existing block-level development pattern and introduces denser development within an established single-family residential neighborhood.

When a rezoning request does not conform to the Future Land Use Designation, Section 35.3.3.B.3 of the Denton Development Code (DDC) requires that the request be further evaluated under additional factors to balance the interest in promoting the public health, safety, morals, or general welfare against the right to the use of the property. The additional factors to consider include the existing land use pattern, the creation of an isolated zoning district, adequate infrastructure, impacts to existing government services, reasons why a property could not be developed under current zoning, and character of the district. Staff's analysis of the request indicates that the proposed NR-6 District's smaller lots, higher density, and new land uses are not

complementary with the nearby properties and zoning, and it could potentially alter the existing the land use pattern within a low-density, single-family neighborhood. Furthermore, the proposed rezoning would not conform to the existing character of its neighborhood and would introduce a new housing type within an established single-family block.

Staff's full analysis of the request is attached as Exhibit 1.

### **OPTIONS**

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

### **RECOMMENDATION**

The Planning and Zoning Commission recommends approval of this request (4-2).

The Development Review Committee recommends denial of this request, as it is incompatible with the adjacent developed properties and is inconsistent with the goals and objectives of the Denton Plan 2030, in particular:

1. The permitted density in NR-6 District does not conform to the Future Land Use designation of Low Density Residential, which requires a maximum density of four dwelling units per acre and development patterns consistent with existing neighborhoods.
2. The maximum density and expanded residential uses in NR-6 District would not be complementary to the existing adjacent NR-3 District and established single-family neighborhood.

### **PRIOR ACTION/REVIEW (Council, Boards, Commissions)**

On May 11, 2016, the Planning and Zoning Commission recommended approval of the rezoning request (4-2).

### **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. Site Location/Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Permitted Uses in Neighborhood Residential 3
6. Permitted Uses in Neighborhood Residential 6
7. Public Notification Map and Responses
8. Planning and Zoning Commission Meeting Minutes
9. Draft Ordinance

Respectfully submitted:

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