



## Legislation Text

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**File #:** S16-0005, **Version:** 1

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### **Planning Report**

**S16-0005/ 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 request for a Specific Use Permit to allow multifamily development 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 in the City of Denton, Denton County, Texas. (S16-0005, 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 the Specific Use Permit for multi-family development. The third lot is intended to be sold for future development. The proposed multi-family development would contain five buildings with a total of 289 dwelling units spread across two of the three lots and separated by a proposed public road, Discovery Lane. The development will comply with the multi-family design standards in DDC 35.13.13.2.

### **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 Center 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.

In a separate application, the applicant has requested to rezone the subject property from RCC-D District to the NRMU District. The NRMU District is intended to encourage the development of a mixed use activity center with light retail, office, and institutional uses that support surrounding neighborhoods or help with the transition from non-residential zoning districts to single-family neighborhoods. The maximum density is 30 units per acre, except for townhomes which are limited to 12 units per acre. Under the NRMU District, the multi-family use is permitted with several conditions, including:

- With an approved Specific Use Permit (SUP); or
- As part of a Mixed Use Development; or
- If the development received zoning approval allowing multi-family use within one year prior to the effective date of the adoption of the DDC; or
- If allowed by a City Council approved neighborhood (small area) plan.

The NRMU District also permits many commercial and institutional uses with limitations or an approved SUP. The schedule of permitted uses in the NRMU 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. A final plat (FP16-0007) has been approved for the development of attached single-family residences in the Brentwood Place subdivision at this location.

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

The applicant has concurrently requested to rezone the subject property from RCC-D District to NRMU District, which is consistent with the surrounding zoning pattern to the east and south. 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 many commercial and institutional uses with limitations or an SUP. Please see the attached list of permitted use in the NRMU District for further detail.

With the exception of the UNT's Discovery Park to the north and single family development further to the northeast, the majority of properties in the surrounding area are currently undeveloped. Land to the west and southwest is slated for the future development of attached single-family residences. The applicant's request to construct a multi-family development with 289 units is unique in scale compared to the surrounding properties and would be a higher density of residences than the intended townhome developments to the west and southwest. However, the proposed development is not inconsistent with the mixed-density residential development occurring in the general vicinity along North Elm Street.

### 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. This designation is also applied in areas of future development suited primarily to single-family development, but where neighborhood-serving retail and services are critical to achieving balanced, accessible neighborhoods. At these locations, a diverse mix of housing types and densities may also be accommodated. 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.

### CONSIDERATIONS:

1. Multi-family developments that are not part of mixed use development or a small area plan require approval of an SUP in the NRMU zoning district. Pending approval of a rezoning from RCC-D District, the applicant is proposing a five-building multi-family development within the NRMU District. Since the proposed development is not part of a mixed-use development or a small area plan, an SUP must be sought. The approval criteria for SUP's is outlined in Subchapter 35.6.4 of the DDC and summarized below:

- a. *That the use would be in conformance with all standards within the zoning district in which the use is proposed to be located, and in conformance with Denton Plan 2030, and federal, state, or local law.*

The proposed development will be in conformance with all applicable standards of the NRMU District, including density, lot dimensions, building setbacks and height, lot coverage, and landscaped area. The proposed development is also in conformance with the Future Land Use designation of "Neighborhood Mixed Use," which includes a mixture of housing densities and types.

- b. *An SUP shall be issued only if all the following conditions have been met:*
  - i. *That the specific use will be compatible with and not injurious to the use and enjoyment of other property nor significantly diminish or impair property values within the immediate vicinity;*

The proposed development is not inconsistent with the development pattern in this area of the City. The development of the property will not be injurious to the use and/or development of nearby vacant properties nor to the use of adjoining City park property or University property. Pending approval of the rezoning to NRMU, the scale of permitted development will be reduced in terms of both permitted density of residential units and maximum building height. The permitted density will be reduced from 100 units per acre under RCC-D District to 30 units per acre under NRMU District, and the maximum building height will be reduced from 100 feet to 65 feet. Additionally, the maximum permitted lot coverage will be reduced from 90% to 80%, which increases the required landscaped area to 20% under the NRMU District. Additionally, the proposed development will

comply with all multi-family design requirements in Subchapter 35.13.13.2 of the DDC. These required design elements will make the scale of the proposed development more compatible with surrounding uses than what would have been permitted under the existing zoning designation.

The proposed development will feature five multi-family buildings, with two four-story buildings on Lot 1 and three three-story buildings on Lot 2. The proposed buildings are all at least 13 feet lower than the maximum allowed 65 foot building height, and the density of units on each lot is below the maximum density of 30 dwelling units per acre. Lot 1 will have a density of 20.9 dwelling units per acre, and Lot 2 will have a density of 26 dwelling units per acre. The total number of units will be 289, which is 87 units less than the maximum that would be permitted for the site acreage.

The proposed multi-family use is unique in terms of scale and development type for the surrounding area. However, it is generally compatible and appropriate given the trend towards higher-density housing that has been seen in the area with recent proposals for attached single-family developments on properties to the south and west. The triangular configuration of the subject property and its location at an intersection of a state highway make the property physically challenging for development and more appropriate for uses such as multi-family or commercial development rather than less-intensive uses such as single-family residential.

- ii. *That the establishment of the specific use will not impede the normal and orderly development and improvement of surrounding vacant property;*

Establishment of the multi-family residential use will not impede the development of surrounding property. The density and types of development permitted under the proposed NRMU zoning are also less intensive than what would be permitted under the existing zoning.

The multi-family development will also be required to provide a Type B buffer, which is a ten-foot wide planted strip that includes a combination of five evergreen and deciduous trees and 30 shrubs per 100 linear feet, to the intended attached single-family development to the west. The applicant is proposing to provide a buffer along the western perimeter that exceeds this requirement in both width and density of plantings, as is indicated on the attached Proposed Landscape Plan. This provided buffer and the existing buffer of streets on all other sides will help ensure that normal, orderly development of the surrounding properties is not impeded by the proposed multi-family use.

- iii. *That adequate utilities, access roads, drainage, and other necessary supporting facilities have been or will be provided;*

Water, sewer, and electric are available from the existing lines along Riney Road. As proposed on the submitted Site Plan, the development will also include a new north-south road to be known as Discovery Boulevard separating Lots 1 and 2 that will potentially reduce the traffic burden on the nearby Riney Road / North Elm Street intersection.

- iv. *The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;*

Adequate parking for the multi-family development that meets the City's parking requirements is indicated on the submitted Site Plan. Ingress and egress from the multi-family development will

be provided along Discovery Boulevard. Bicycle parking and sidewalks are also to be provided.

- v. *That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;*

Subchapter 13 of the DDC requires a 10-foot landscape buffer with trees and shrubs to be located along the western perimeter of Lot 1 to buffer the planned attached single-family development to the west. Landscaping screening is to be provided along the southern boundary of Lot 2 to screen the parking lot from the street.

- vi. *That directional lighting will be provided so as not to disturb or adversely affect neighborhood properties; and*

Lighting of the property will comply with the Light and Glare requirements in Subchapter 13.12 of the DDC.

- vii. *That there is sufficient landscaping and screening to ensure harmony and compatibility with adjacent property.*

The proposed development will comply with landscaping standards in Subchapter 13 of the DDC, including street trees, parking lot trees, and the 40% minimum tree canopy coverage of the NRMU District. To buffer the planned attached single-family development to the west, the DDC requires a Type-B 10 foot landscape buffer with five evergreen and deciduous trees and 30 shrubs per 100 linear feet along the western property line of Lot 1. Shrubs and small trees will be provided along Riney Road on Lot 2 to screen the parking lot from the right-of-way.

- c. *That adequate capacity of infrastructure can and will be provided to and through the subject property.*

All utilities are currently available to the site. Right-of-way is being dedicated along Riney Road and for Discovery Boulevard, and sidewalks will be provided along these roads as part of the development.

- d. *That the specific use is compatible with and will not have an adverse impact on the surrounding area. When evaluating the effect of the proposed use on the surrounding area, the following factors shall be considered in relation to the target use of the zone.*
  - i. *Similarity in scale, bulk, and coverage.*
  - ii. *Generation of traffic and effects on surrounding streets. Increases in pedestrian, bicycle, and mass transit use are considered beneficial regardless of capacity of facilities.*
  - iii. *Architectural compatibility with the impact area.*
  - iv. *Air quality, including the generation of dust, odors, or other environmental pollutants.*
  - v. *Generation of noise, light, and glare.*
  - vi. *The development of adjacent properties as envisioned in Denton Plan 2030.*
  - vii. *Other factors found to be relevant to satisfy the requirements of the DDC.*

The specific use is generally compatible with the development pattern currently intended for the surrounding area in terms of scale, bulk, coverage, traffic generation, architecture, nuisance generation, and future land use designation. The proposed development will comply with all multi-family design requirements in Subchapter 35.13.13.2 of the DDC. The maximum lot coverage allowed under the proposed NRMU District is 80%, which is 10% less than what is currently allowed under the RCC-D

District. Although the architectural style for intended developments on adjoining properties have yet to be determined, the applicant has proposed building elevations that include an average of 60-70% brick and manufactured stone on the facades as well as design elements such as awnings, balconies, shutters, and columns, to provide architectural variation.

To minimize nuisance generation, the applicant has proposed to provide a buffer to adjoining intended single-family development that is in excess of the Type B buffer required by DDC 35.13.8 and is providing vegetative screening for parking visible along Riney Road, as indicated on the Proposed Landscape Plan. The applicant is proposing the creation of Discovery Boulevard between Lots 1 and 2, which will potentially reduce the increased traffic burden at the Riney Road/North Elm Street intersection.

2. The property is in an area designated as “Neighborhood Mixed-Use” on the Future Land Use Map of *Denton Plan 2030*. Multi-family is allowed within Neighborhood Mixed Use future land use areas, which allows for moderate to high density residential uses.

#### **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, subject to the following condition:

1. The proposed development shall substantially comply with the attached site plan, landscape plan, and 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, 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. As of the issuance of this report, the Applicant has not set a date for a neighborhood meeting. No responses to mailed notices have been received.

#### **PROJECT TIMELINE:**

Application Received:	August 24, 2016
1 <sup>st</sup> Submittal Sent to DRC Members:	September 9, 2016
Comments Released to Applicant:	September 23, 2016
DRC Meeting with Staff:	October 6, 2016
2 <sup>nd</sup> Submittal Sent to DRC Members:	October 12, 2016
Comments Released to Applicant:	October 26, 2016
Business Days under DRC Review:	22
Business Day out to Applicant:	12

Total Business Days: 34

**EXHIBITS:**

- Aerial Map
- Zoning Map
- Future Land Use Map
- Proposed Site Plan
- Proposed Landscape Plan
- Proposed Zoning Change Map
- Proposed Elevations
- Notification Map

Respectfully submitted:  
Munal Mauladad  
Director of Development Services

Prepared by:  
Hayley Zagurski  
Assistant Planner