



## Legislation Text

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**File #:** Z16-0023a, **Version:** 1

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### **Planning Report**

**Z16-0023 / Park 7**

**City Council District 3**

**Planning & Zoning Commission**

**March 8, 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. This item was continued at the February 22, 2017 Planning and Zoning Commission meeting. (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 (DC-G) and to ultimately develop the site with a multi-family complex.

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 DC-G District and developed with an unoccupied institutional facility. This property is under the same ownership as the subject property. 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, and multi-family uses.

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

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

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

### **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. 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, single-family structures used for multiple occupancy, multi-family, 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, which permits the following:

- Maximum density of 150 dwelling units per acre,
- Maximum lot coverage of 85%,
- Maximum FAR of 3,
- Maximum building height of 100 feet.

However, design requirements within the DDC encourage compatibility in scale and form with adjacent development, as explained within the Considerations outlined later in the report. A zoning district comparison chart has also 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 proposed

and 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 is in keeping with 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 and 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.

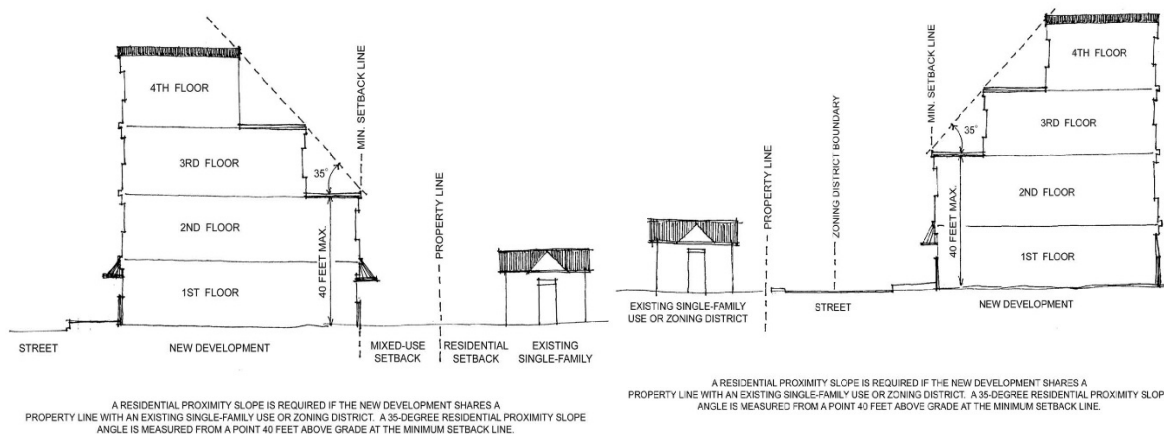
- b. *The proposed rezoning facilitates the adequate provision of transportation, water, sewers,*

*schools, parks, and other public requirements and public convenience.*

An infrastructure needs assessment, depending on the development, would be conducted at the time of platting and site plan submittal. Compliance with all transportation and infrastructure requirements is required with platting and development of the site.

3. The proposed rezoning includes 3 tracts, one which has a split zoning of DR-2 and DC-G Districts. The request is a logical extension of this existing DC-G District and would consolidate the zoning designation for property that is under a single ownership. 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 entire subject property to redevelop under consistent zoning regulations, resulting in a more cohesive development.
4. Based on the neighborhood meetings associated with this project, a primary concern appears to be the scale of the proposed development and the potential impact on the community. In order to ensure compatibility in scale, Section 35.13.13.2 of the DDC requires compliance with a residential proximity slope when a proposed multi-family use shares a property line or right-of-way with a single-family use.

The residential proximity slope limits the height of buildings to 40 feet at the setback line in order to ensure that development maintains a human scale at street-level and to reduce the visual impact of taller buildings when abutting a single-family use. It is an imaginary line that begins 40 feet above grade at the setback line and extends away from the adjacent property or right-of-way at a 35 degree angle. No part of the structure may cross this line (see figures below).



5. The DDC also includes requirements for increased setbacks and landscape buffers designed to enhance compatibility between different uses and zoning districts. These requirements do not affect the applicant's submittal, as the adjacent uses are not single-family; however, a discussion of setbacks and landscape buffers is appropriate within the larger discussion of compatibility between the DC-G and DR-2 Districts and within mixed-use areas.

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, thus increasing the separation between single-family uses and taller developments. For example, within the DC-G District, if a 50-foot tall multi-family or commercial use is proposed abutting a single-family use, the minimum setback would be 40 feet (20-foot minimum + 20 feet of building height over 30 feet = 40 feet). This increased setback

reduces the visual impact and shadows created by the larger-scale development. Additionally, Section 35.13.8 of the DDC requires landscape buffers between single-family residential, multi-family residential, commercial, and instructional development. The size and required plantings within the buffer vary depending on the intensity of the adjacent uses, as the intent is to minimize potential nuisances, such as noise and glare.

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 lead to 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 to DC-G District would consolidate the zoning on property owned by a single owner in order to permit redevelop 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.

**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 <sup>st</sup> Submittal Sent to DRC Members:	September 22, 2016
Comments Released to Applicant:	October 7, 2016
2 <sup>nd</sup> 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 and Responses

Respectfully submitted:  
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Development Review Committee Administrator

Prepared by:  
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