



## Legislation Text

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**File #:** Z16-0030a, **Version:** 1

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### **Planning Report**

**Z16-0030 / The Cube Properties**

**City Council District 3**

**Planning & Zoning Commission**

**April 12, 2017**

### **REQUEST:**

Hold a public hearing and consider a request by Aspire Investments, LLC. to rezone approximately 0.4 acre from a Downtown Residential 1 (DR-1) District to a Downtown Residential 2 (DR-2) District. The property is generally located on the west side of Neff Street, 175 feet north of Greenlee Street. This item was continued at the March 22, 2017 Planning and Zoning Commission meeting. (Z16-0030, The Cube Properties, Julie Wyatt).

### **OWNER:**

Aspire Investments, LLC

### **APPLICANT:**

Sherry Patterson

### **BACKGROUND:**

The applicant is requesting to rezone the subject property from Downtown Residential 1 (DR-1) District to Downtown Residential 2 (DR-2) District. The property was developed with two homes which were razed in 2016. The applicant has indicated that she would like to redevelop the site with a multi-family development, a use not permitted under the DR-1 District. Therefore, the applicant is seeking a zoning change to DR-2 District.

### **SITE DATA:**

The subject property is located mid-block on Neff Street, approximately a quarter-mile south of the University of North Texas (UNT) campus. Two single-family structures were removed from the site in 2016, and the property is now vacant.

Neff Street is classified as a Residential Avenue Collector, which is designed to provide access for residential uses and accommodate up to 10,000 vehicle trips per day. Neff Street is not constructed to Residential Avenue Collector standards.

### **USE OF PROPERTY UNDER CURRENT ZONING:**

The Downtown Residential 1 (DR-1) District is a residential zoning district that is intended to protect traditional, walkable neighborhoods located adjacent to established downtown and university areas. Permitted uses include single-family dwellings, accessory dwelling units, duplexes, live/work units, and adult or child daycares. Bed and breakfasts are permitted with a limitation, and dormitories and fraternity and sorority houses are permitted with a specific use permit (SUP). Commercial uses are limited to home occupations. The maximum permitted density is 8 dwelling units per acre, and the minimum residential unit size is 700 square feet. Lots must include a minimum of 4,000 square feet, and the maximum lot coverage with impervious

surface is 60%.

The permitted use comparison chart has been included for reference.

### **SURROUNDING ZONING AND LAND USES:**

North: Property to the north is zoned DR-1 District and is developed with single-family residences and duplexes.

East: Property to the east is zoned DR-1 District and developed with single-family residences and duplexes.

South: Property to the south is zoned DR-1 District and developed with single-family residences. Property across Greenlee Street is zoned DR-1 and DC-G Districts and developed with a religious institution, a hotel, a children's residential facility, and single-family residences.

West: Property to the west is zoned as DR-1, DC-G, and DR-2 Districts and developed with single- and multi-family uses.

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

The subject property is situated within a neighborhood that is primarily developed with single-family and duplex uses. The surrounding zoning of DR-1 District reflects this land use pattern. The requested DR-2 District would permit small scale commercial and multi-family development inconsistent with the surrounding uses and zoning. If approved, the proposed rezoning would introduce a new zoning district into an existing cohesive zoning and development pattern, creating an isolated zoning district, potentially resulting in the development of incompatible uses at the block level.

The minimum lot size in DR-2 District is 4,000 square feet, the maximum building height is 45 feet, the maximum density is 30 dwelling units per acre, and the maximum lot coverage is 75%.

### **COMPREHENSIVE PLAN:**

The subject property is within an area designated as a "Neighborhood/University Compatibility Area" on the Future Land Use Map in Denton Plan 2030. This land use designation applies to residential and commercial areas adjacent to university areas characterized by university buildings abutting, in many cases, single-family neighborhoods. The purpose of this designation is to create compatible form and land uses for the areas that serve both the established neighborhoods and the universities.

### **CONSIDERATIONS:**

1. The request is to rezone the subject property from DR-1 District to DR-2 District in order to redevelop the site with multi-family structures.
2. The current land use pattern within the neighborhood is primarily single-family residences built between 1921 and 1966. At the block-level, the subject property is surrounded by single-family residences and duplexes zoned DR-1 District. If approved, DR-2 District could introduce more intense residential uses onto a single-family street, compromising the existing cohesive land use pattern.
3. The requested rezoning is for property less than an acre in size, located mid-block, with surrounding zoning of DR-1 District. The subject property is not adjacent to an existing DR-2 District. As such, approval of the proposed DR-2 District would create an isolated zoning district, breaking the continuity of the zoning pattern and introducing potentially inconsistent development. Maintaining the current zoning of DR-1 District would preserve consistent regulations at the street and block level.
4. 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.

However, zoning must be sensitive to the surrounding established neighborhood. The adjacent land use pattern of single-family and duplex developments is consistent with the existing zoning of DR-1 District. If approved, DR-2 District could potentially introduce a new land use pattern and compromise the integrity of an established traditional neighborhood. Furthermore, while the Denton Plan 2030 recognizes the need for additional density to support the university areas, the existing zoning and land use pattern provides essential housing to meet the workforce needs of the entire community.

- b. *The proposed rezoning facilitates the adequate provision of transportation, water, sewers, schools, parks, and other public requirements and public convenience.*

There is adequate capacity in the existing infrastructure to support the proposal.

#### **STAFF RECOMMENDATION:**

Staff recommends denial of the request primarily because the change in zoning would create an isolated zoning district of DR-2 District which could impede the development of this area in a cohesive manner.

#### **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, 26 notices were sent to property owners within 200 feet of the subject property, 72 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 this writing, one response in opposition has been received.

#### **PROJECT TIMELINE:**

Application Received:	December 12, 2016
1 <sup>st</sup> Submittal Sent to DRC Members:	January 6, 2017
Comments Released to Applicant:	January 23, 2017
Business Days under DRC Review:	11
Business Day out to Applicant:	0
Total Business Days:	11

#### **EXHIBITS:**

- Aerial Map

- Zoning Map
- Future Land Use Map
- Permitted Use Comparison
- Proposed Zoning Map
- Notification Map and Response

Respectfully submitted:  
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Development Review Committee Administrator

Prepared by:  
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