



Legislation Text

File #: S17-0002a, **Version:** 1

AGENDA INFORMATION SHEET

DEPARTMENT: Department of Development Services

CM: Todd Hileman

DATE: May 2, 2017

SUBJECT

Hold a public hearing and consider adoption of an ordinance for a Specific Use Permit to allow for a high school use on approximately 13.73 acres. The property is generally located at the southwest corner of the East University Drive and Nottingham Drive intersection. The Planning and Zoning Commission recommends approval with conditions (6-0). (S17-0002, Denton Calvary Academy High School).

BACKGROUND

The 13.73-acre subject property is zoned Neighborhood Residential Mixed Use (NRMU) District and is currently developed with Denton Calvary Academy (DCA) on the northwest side and several buildings owned by Denton Bible Church on the eastern side. The applicant is seeking an SUP to expand this use to the other existing buildings that are currently owned by Denton Bible Church. Within the NRMU District, elementary and middle school uses are permitted by right; however, high school uses are only permitted with an approved SUP. Ordinance 99-277 approved an SUP for the operation of the high school portion of DCA only within the four buildings where the school currently operates. A copy of the existing ordinance is included as an exhibit for reference.

DCA has been in operation on the northwest portion of the subject property since the approval of the original SUP 18 years ago. DCA is a private school that services elementary through high school students, with a current student body of approximately 300 students. The school could serve up to 1,500 students, if it expands into the existing facilities shown on the Site Plan (Exhibit 5). The applicant is proposing to make no changes to the existing site layout or building footprints; the only change would be the school use expanding across the entire subject property rather than just the northwestern portion where it currently operates under ordinance 99-277. The subject property has approximately 1,110 feet of frontage along University Drive on the north, 1,596 feet of frontage along Nottingham Drive on the east, and 172 feet of frontage along Mingo Road on the south. There are 694 existing parking spaces on the property, and there are a total of five driveways proving site access from University Drive and Nottingham Drive.

In the area around the subject property, there is an established single family neighborhood to the west, and Denton Bible Church is located to the east across Nottingham Drive. The property is physically separated from neighboring properties by roadways on the north, east, and south sides. The existing parking lot is screened by trees and hedges along the roadways, a chain link fence, and well-established trees buffer between the property and the rear yards of adjoining homes to the west. These features, as well as the fact that the site is already fully constructed, indicate that the use of the property as a school would not be in conflict with the surrounding land

uses.

Subchapter 35.6.4 of the DDC outlines the criteria for approval of an SUP. In short, these criteria are intended to ensure that the development conforms to the goals of the DDC and the Denton Plan 2030. It is not injurious to the use and enjoyment of surrounding properties.

The full criteria for approval are provided in Exhibit 8 for reference. The site, which the applicant is not seeking to change from the existing conditions shown on the Site Plan, complies with the requirements for access, utilities, landscape area, and general nuisance mitigation. However, to ensure compatibility between the property and surrounding areas is maintained, staff recommends that the use be limited to the existing buildings and parking areas shown on the Site Plan. The proposed use is also consistent with the goals of the Denton Plan 2030, which designates this area as “Community Mixed Use” on the Future Land Use Map. Full staff analysis of this request is attached for reference.

OPTIONS

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

RECOMMENDATION

The Development Review Committee recommends approval of this request, subject to the following conditions:

1. The proposed use must be restricted to existing buildings on Lots 1R, 2R, 3R, and 4R, Block A, of the Denton Bible Church Addition, as is reflected on the Site Plan included as exhibit. Existing landscaping coverage and parking counts must be maintained as is reflected on the Site Plan. Any changes to the building footprints, parking counts, parking lot layouts, or landscaping area on Lots 1R, 2R, or 3R must be approved by amending the SUP. Lot 4R can develop with uses permitted in the NRMU District under the standards of the Denton Development Code without amending the SUP.
2. Ordinance 99-277 must be repealed and replaced by a new ordinance so that only one ordinance controls the high school use on the subject property.

PRIOR ACTION/REVIEW (Council, Boards, Commissions)

On April 26, 2017, the Planning and Zoning Commission recommended approval of the rezoning request, subject to the above listed conditions [(6-0)].

The principal of Denton Calvary Academy spoke in favor of this request at the Planning and Zoning Commission meeting, and multiple other community members at the meeting indicated their support for the request. The Planning and Zoning Commissioners were unanimously in favor of the request and did not express concerns about the expansion of the high school use. Minutes from the Planning and Zoning Commission meeting are not included in the Exhibits for reference because this case was expedited to City Council at the applicant’s request.

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. Aerial Map
3. Zoning Map
4. Future Land Use Map
5. Site Plan
6. Ordinance 99-277
7. Parking Agreement
8. Criteria for Approval of a SUP
9. Public Notification Map and Responses
10. Presentation Slides
11. Draft Ordinance

Respectfully submitted:
Munal Mauladad
Director of Development Services

Prepared by:
Hayley Zagurski
Associate Planner