

MEMORANDUM

TO: Donna Barron, City Manager

FROM: Richard E. Luedke, Planning Director

DATE: September 18, 2018

SUBJECT: **Public Hearing: Consideration of a Zone Change Request From Single Family Residential District (R-7.5) To Mixed-Use District (MU) with Six Associated Variances Regarding Driveway Spacing, Stacking, Turn Lanes, Water Lines, Screening and Building Materials; on Approximately 1.141 Acres, out of the John W. King Survey, Abstract Number 696, Located on the West Side of Mill Street, North of West College Street and South of Stuart Street; as Requested by Randi Rivera, G&A Consultants, on Behalf of Henry Rahmani, TSMJV, LLC, the Property Owner. (Case No. PZ-2018-09-11).**

BACKGROUND

The subject property is zoned Single Family Residential District (R-7.5) and is comprised of three tracts with one home built in 1940 per Denton County Appraisal District records. The property is on the north side of College Street and just outside the Old Town Design District but within the Old Town North Small Area Plan. The property to the north, across Stuart Street, is zoned Local Commercial (LC); the properties to the south and east, across College Street and Mill Street, are zoned General Business (GB); and the adjacent property to the west is zoned R-7.5.

The applicant is proposing a five-story mixed use building with retail/restaurant space on the ground floor along Mill Street and condos above. A second condo building containing three units is designed to resemble townhomes to help transition to the existing single-family homes to the west. The applicant is requesting a zone change to Mixed-Use (MU) District to facilitate the development. The proposed development is urban in style and designed to reflect the Old Town Design District. Planning and Zoning recommended approval (6-0) at their September 18, 2018 meeting with the recommendation that the required traffic impact analysis (TIA) also evaluate the proposed driveways along Stuart Street.

ANALYSIS

On September 10, 2018, Council approved amendments to the MU Zoning District which allow flexibility of setbacks for urban contexts. These amendments also clarified the requirement for a regulatory concept plan to be approved with any requested MU zone change. The applicant has provided a concept plan with this request. Any changes to zoning standards such as building height or number of units will require an amended concept plan with two public hearings. Any other significant changes would be required to obtain approval from the Planning and Zoning Commission.

Development Standards

The proposed development has two phases. The first phase is a five-story mixed use building fronting Mill Street. This building will be 160,000+ square feet, with a maximum height of 70 feet. The building will contain 47 condo units, one caretaker unit, two accessory units for residents to use for guests, and two 4,000+ square foot restaurant/retail spaces. The building is brought to the property line on Mill Street, Stuart Street and College Street and proposes zero-foot setbacks.

The second phase is a two-story structure designed to resemble front-entry townhomes with a craftsman influence. The building will be required to adhere to a five-foot side setback and a 6.5-foot rear setback. There is no required front setback. These setbacks were taken from the townhome requirements in the Old Town Mixed Use 2 (OTMU2) zoning district.

Architecture

The architecture is designed to relate to the Old Town Design District. The lofts building is primarily brick and resembles a turn of the century industrial building. The first floor along Mill Street contains large symmetrical windows and higher floorplates to accommodate retail/restaurant uses. The fifth floor is stucco and setback from the first floor which provides private outdoor space for those residents and reduces the appearance of the building height. This building meets the 80 percent masonry standard.

The primary exterior material for the proposed two-story townhome structure is wood or fiber cement board siding. This is consistent with the craftsman style. Wood or fiber cement board siding would be a permitted material within the Old Town Design District but will require a variance from the City Council for this development. This design is in conformance with the Old Town North Small Area plan which recommends adoption of a design district to relate to the existing wood structures within Old Town Lewisville. Staff has no objection to this request.

Streets and Access

Access is provided to the first-floor parking garages from College Street and to the underground parking garages from Stuart Street. In addition, a fire lane connects Stuart and College Street on the west side of Phase 1. The smaller Phase 2 building takes access from this fire lane. Variances are requested for reduced driveway spacing, not providing a right-turn lane, and for stacking distance to a parking space or garage. These variances would not be required if the property were in the Old Town Design District.

Parking

Parking is provided on-site for the residential use. Two parking spaces are required for each residential unit. There are 50 total units in phase one that will be served by 100 parking spaces. The three units in phase two will have six required spaces.

Parking for the retail and restaurant uses will need to be provided through shared parking agreements and on-street parking. A shared parking agreement will need to be filed with Denton County before the engineering site plan is approved to ensure the required parking ratios are met. If a shared parking agreement cannot be obtained, then the applicant will need to submit a new concept plan. The proposed on-street parking will require a traffic impact analysis (TIA) to be reviewed with the engineering site plan. Any needed improvements to facilitate the reverse angled parking in the right-of-way will be at the developer's expense. A variance will also be needed for

the proposed reverse angled parking. This will be requested with the engineering site plan after the TIA has been conducted and evaluated by City staff.

Screening

The applicant is proposing a wood fence as screening to the adjacent residential. Per the Land Development Code, a masonry screening wall is required, and this will require a variance. Screening would not be required if the proposed development were within the Old Town Design District. In addition, the Phase 2 building is designed to resemble single family townhomes. Staff has no objection to this request.

Landscaping, Open Spaces and Amenities

The proposed development provides several amenities in the public right-of-way (ROW) on Mill Street including outdoor seating for the restaurants, trees, a retaining wall, steps and a fountain. There is excess ROW at this location due to the realignment of Mill Street to have a curve, as shown in the attached Mill Street Exhibit. Staff has no objections to the ROW being used for amenities including seating, landscaping and other improvements. However, either a license agreement or abandonment of ROW will be required at the time of engineering site plan.

Landscaping is provided in the form of street trees. As the buildings are brought closer to the street for the urban context, there no landscape buffer. A variance will be required to waive the required ten-foot wide landscape buffer. This buffer would not be required in the Old Town Design District and staff has no objections to this request.

Variances

Six variances are requested with this concept plan. A seventh variance for the proposed reverse angle parking shown in the plan may be requested in the future along with approval of the engineering site plan. A condition has been placed on the plan stating that the reverse angle parking is conditional on that future variance and must be supported by a traffic impact analysis. Based on the location of this development next to Old Town, staff is in support of the following variances. Note that all of these variances would be permitted by right in the Old Town Design District, but the proposed development is just outside of the Old Town Design District, thus necessitating these variances.

A. To not require a right turn lane on Mill Street and College Street:

Section 6-92 (j), of the General Development Ordinance requires that the developer shall be responsible for the construction of a turn lane at two and four-lane intersections where the property is undeveloped. The developer is requesting this variance because the proposed site traffic is minimal compared to the traffic on Mill Street and would create an undue burden for the proposed development. The turn lane would also negate the possibility of the proposed reverse angle parking in front of the development. Staff has no objection to this request.

B. To reduce the 50-foot driveway spacing along College Street to be 38.5 feet:

Section 6-103 (2) Access Spacing of the General Development Ordinance requires a minimum of fifty feet separation between driveways on Collector (C2U) streets (College

Street). The developer is requesting 38.5 feet between the driveways. The developer is requesting this variance because of site constraints and the need to provide off-street parking and garages for the residents. Strict compliance creates an undue burden for the development. Staff has no objection to this request.

C. To reduce the 40-foot driveway stacking requirement to a range of 18 feet to 14.6 feet:

Section 6-92 (i)(3)(e) of the General Development Ordinance requires 40 feet of stacking for all commercial driveways. The developer is requesting this variance because the site is narrow and the low traffic volumes on College Street mean that the impact of the driveway on passing traffic will be minimal. The proposed stacking depth ranges from 18.0 feet to 14.6 feet. Staff has no objection to this request.

D. To allow a six-foot board on board wood fence in lieu of required six-foot masonry screening:

Section 6-144 of the General Development Ordinance requires an eight-foot masonry screening wall between commercial and residential uses. The applicant is proposing an alternative screening of a six-foot board on board wood fence. As an infill site, the wood fence will match what is prevalent in the area. Wood screening fences are permitted in Old Town and must be constructed before the building permit can be issued. Staff has no objection to this request.

E. To allow a public water line to be installed under pavement with the property owner responsible for pavement repair or replacement after any future work on the water line:

Section 6-98 (d)(2)(b) of the General Development Ordinance requires that all public water lines outside of a street or utility right-of-way shall be placed in a 15-foot wide grass only water line easement. The developer is proposing to dedicate a 24-foot access and utility easement between the townhomes and the main building. For the proposed development, a public water line is proposed under the pavement and will provide water to a fire hydrant and water services. A similar variance was approved by the City Council for the single family attached development Brownstones on West Walters on February 19, 2018. Staff recommends a condition that the property owner be responsible for pavement repair or replacement after any future work on the water line. Staff has no objection to this request.

F. To allow for a material deviation for the western condo building consisting of 22% brick/stone and 78% wood or fiber cement board siding:

Sec. 6-181 Exterior Finish Requirements of the General Development Ordinance specifies that a minimum eighty percent of the façade be brick or stone. The main building in this development meets the City's material standards. The three condos along the western property line were designed to resemble townhomes and be a transition to the single-family uses to the west of the site. The proposed style is craftsman-influenced and wood or fiber cement board siding is typical of this style. This also will reflect the structures and design standards within the adjacent Old Town District. Staff has no objection to this request.

Summary

The proposed development would be a landmark at the northern edge of Old Town Lewisville. The applicant will need to resolve all outstanding issues at the time of the engineering site plan. These include filing a shared parking agreement with Denton County, providing a traffic impact analysis to support the reverse-angle parking on Mill Street, and completing a right-of-way license agreement for the amenities in the right-of-way. Should these items not be addressed, a revised concept plan will be required to go back to the Planning and Zoning Commission and City Council for approval.

RECOMMENDATION

Staff recommends approval of the zone change request as set forth in the caption above.