

# Planning Staff Analysis

FP24-0005a / Bowling – Cell Tower

ETJ Division 1

Planning & Zoning Commission

**REQUEST:**

Final Plat for unplatted tract of land with existing leased area for a cell tower.

**APPLICANT:**

Patricia Parr with B&T Group on behalf of John and Duanna Bowling.

**RECOMMENDATION:**

Staff recommends approval of this plat as it does meet the established approval criteria for Final Plats, as shown in the following table:

## Final Plat Approval Review Criteria

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
<b>1. Generally</b>			
<p>a. Unless otherwise specified in this DDC, City review and decision-making bodies must review all development applications submitted pursuant to this subchapter for compliance with the general review criteria stated below.</p> <p><b>Findings:</b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content;">                     The Final Plat meets all review criteria, as detailed below.                 </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>b. The application may also be subject to additional review criteria specific to the type of application, as set forth in sections 2.5 through 2.9.</p> <p><b>Findings:</b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content;">                     The Final Plat meets all review criteria.                 </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>c. If there is a conflict between the general review criteria in this section and the specific review criteria in sections 2.5 through 2.9, the applicable review criteria in sections 2.5-2.9 controls.</p> <p><b>Findings:</b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content;">                     [Empty]                 </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2. Prior Approvals</b>			
<p>a. The proposed development shall be consistent with the terms and conditions of any prior land use approval, plan, development agreement, or plat approval that is in effect and not proposed to be changed. This includes an approved phasing plan for development and installation of public improvements and amenities.</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
<p><b>Findings:</b></p> <div data-bbox="253 201 1110 264" style="border: 1px solid black; padding: 5px;">           No prior approvals applicable to the development.         </div>			
<p><b>3. Consistent with Comprehensive Plan and Other Applicable Plans</b>  <b>The proposed development shall be consistent with the Comprehensive Plan and any applicable plans.</b></p> <p><b>Findings:</b></p> <div data-bbox="253 443 1040 575" style="border: 1px solid black; padding: 5px;">           Due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable.         </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>a. The decision-making authority shall weigh competing plan goals, policies, and strategies</b></p> <p><b>Findings:</b></p> <div data-bbox="253 716 1040 795" style="border: 1px solid black; height: 38px;"></div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>b. May approve an application that furthers the overall goals of the Comprehensive Plan even if the development does not match the future land use designation in Comprehensive Plan.</b></p> <p><b>Findings:</b></p> <div data-bbox="253 968 1040 1037" style="border: 1px solid black; height: 33px;"></div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>4. Compliance with this DDC</b></p>			
<p><b>a. The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.</b></p> <p><b>Findings:</b></p> <div data-bbox="253 1213 1110 1308" style="border: 1px solid black; padding: 5px;">           The proposed development complies with all applicable standards.         </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>b. Compliance with these standards is applied at the level of detail required for the subject submittal.</b></p> <p><b>Findings:</b></p> <div data-bbox="253 1451 1068 1562" style="border: 1px solid black; padding: 5px;">           The subject submittal is a Final Plat, and it was reviewed based on the checklist and requirements for a final plat.         </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>5. Compliance with Other Applicable Regulations</b></p>			
<p><b>a. The proposed development shall comply with all other city regulations and with all applicable regulations, standards, requirements, or plans of the federal or state governments and other relevant jurisdictions. This includes, but is not limited to, wetlands, water quality, erosion control, and wastewater regulations.</b></p> <p><b>Findings:</b></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
		Met	Not Met	N/A
	The Final Plat complies with all other regulations.			
<b>6. Consistent with Interlocal and Development Agreements</b>				
	<p>a. The proposed development shall be consistent with any adopted interlocal and applicable development agreements, and comply with the terms and conditions of any such agreements incorporated by reference into this DDC.</p> <p><b>Findings:</b></p> <p>The proposed development is consistent with applicable interlocal agreements.</p>	☒	☐	☐
<b>7. Minimizes Adverse Environmental Impacts</b>				
	<p>a. The proposed development should be designed to minimize negative environmental impacts, and should not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, scenic resources, wildlife habitat, soils, and native vegetation.</p> <p><b>Findings:</b></p> <p>No floodplain within the property. Tree Preservation and ESA requirements do not apply in ETJ Division 1.</p>	☐	☐	☒
<b>8. Minimizes Adverse Impacts on Surrounding Property</b>				
	<p>a. The proposed development should not cause significant adverse impacts on surrounding properties. The results of the citizen participation process may be appropriately considered under this section.</p> <p><b>Findings:</b></p> <p>Due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable.</p>	☐	☐	☒
<b>9. Minimizes Adverse Fiscal Impacts</b>				
	<p>a. The proposed development should not result in significant adverse fiscal impacts on the city.</p> <p><b>Findings:</b></p> <p>Due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable.</p>	☐	☐	☒
<b>10. Compliance with Utility, Service, and Improvement Standards</b>				
	<p>a. As applicable, the proposed development shall comply with federal, state, county, service district, city and other regulatory authority standards, and design/construction specifications for roads, access, drainage, water, sewer, schools, emergency/fire protection, and similar standards.</p>	☒	☐	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
<b>Findings:</b> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;">The Final Plat complies with all applicable standards and specifications.</div>			
<b>11. Provides Adequate Road Systems</b>			
a. Adequate road capacity shall exist to serve the uses permitted under the proposed development, and the proposed uses shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services. <b>Findings:</b> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;">There is adequate road capacity to accommodate the proposed use.</div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>12. Provides Adequate Public Services and Facilities</b>			
a. Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, roads, domestic water, sewer, schools, public safety, fire protection, utilities, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties. <b>Findings:</b> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;">Current capacity can accommodate the proposed development.</div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>13. Rational Phasing Plan</b>			
a. If the application involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required for that phase, and may not defer those improvements to subsequent phases. <b>Findings:</b> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;">No phasing associated with the project.</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Final Plat Review Applicability Criteria (DDC Section 2.6.4.D)	Applicability		
	Met	Not Met	N/A
<b>14. Whether the final plat conforms to the preliminary plat, including any conditions of approval.</b> <b>Findings:</b> <div style="border: 1px solid black; padding: 5px; margin: 5px 0;">No preliminary plat is associated with the project.</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Final Plat Review Applicability Criteria (DDC Section 2.6.4.D)	Applicability		
	Met	Not Met	N/A
<p><b>15. Whether the development will substantially comply with all requirements of this DDC.</b>  <b>Findings:</b>  <div data-bbox="203 300 1068 380" style="border: 1px solid black; padding: 5px;">The Final Plat complies with all the requirements of the DDC</div> </p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>16. Whether the development will comply with the applicable technical standards and specifications adopted by the City.</b>  <b>Findings:</b>  <div data-bbox="203 506 1068 594" style="border: 1px solid black; padding: 5px;">The Final Plat complies with the applicable technical standards and specifications.</div> </p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>