

# Planning Staff Analysis

FP24-0009 / Hickory Grove 1B

Planning & Zoning Commission

**REQUEST:**

Final plat for an approximately 58.822-acre site

**APPLICANT:**

Kimley Horn & Associates on behalf of Forestar (USA) Real Estate Group, Inc.

**RECOMMENDATION:**

Staff recommends denial of this Final Plat as it does not meet the established approval criteria.

## Final Plat Approval Review Criteria

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
<p><b>1. Generally</b></p>			
<p><b>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.</b></p> <p><b>Findings:</b></p> <div style="border: 1px solid black; padding: 5px;"> <p>The Final Plat does not meet all review criteria, as detailed in the following items as required by the Final Plat Checklist (FPC) authorized per Denton Development Code Section 2.4.4B:</p> <ol style="list-style-type: none"> <li>1. Include the city assigned project number “FP24-0009” in the title block (FPC2.2)</li> <li>2. Update the legend to include all abbreviations, graphic symbols, and line types used (add P.O.C, ROW, lot lines, and center lines, remove building line from legend and plat graphic) (FPC 2.12)</li> <li>3. Label type and size of boundary monuments and label as found or set for all property corners, points of intersection and points of curvature/tangency. Provide basic monumentation in order to determine location of public improvements (FPC 2.13)</li> <li>4. Clarify line and curve data labels (FPC 3.2)</li> <li>5. For new drainage, detention, and/or floodplain easements refer DDC Section 7.5.3.I, J, and N and the Stormwater Design Criteria Manual Section 3.3.5 and 3.9 (FPC 3.7)</li> <li>6. For new water and wastewater easements refer to DDC Section 7.6.7 and the Water &amp; Wastewater Criteria Manual Sections 3 and 5.4.2-3 (FPC 3.8)</li> <li>7. Label minimum finish floor elevation for each pad site on any lot adjacent to (and within 200 feet of) a floodplain. (FPC 3.10)</li> </ol> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance			
		Met	Not Met	N/A	
	<p>The Final Plat does not meet all review criteria, as detailed in the following items as required by the Final Plat Checklist (FPC) authorized per Denton Development Code Section 2.4.4B:</p> <ol style="list-style-type: none"> <li>8. Show floodplain limits. Note the current effective Flood Insurance Rate Map and any map changes (LOMR, CLOMR, etc.) Show, label, and dimension drainage and floodway easements (FPC 3.12)</li> <li>9. Display the location of the centerline of creeks and drainage ways tied to dimensions in feet and hundredths of feet with bearings and angles (FPC 3.14)</li> <li>10. Label the exact location, dimension, and centerline of existing public ROW intersecting or contiguous with its boundary or forming such boundary. Display the center line of proposed ROW with dimension from centerline to the edge of proposed ROW (FPC 3.15)</li> <li>11. Label existing and proposed street names, indicate street name breaks with a diamond shape (FPC 3.16)</li> <li>12. Label adjacent properties. For platted properties, display lot lines and label subdivision name, lot and block designation, and plat recording information for each lot (FPC 4.1)</li> <li>13. Label all easements, including existing or proposed. Proposed offsite easements by separate instrument should be labeled as such. If existing, provide recording information. Please contact City of Denton Real Estate department for information about recording offsite easements by separate instrument (FPC 4.2)</li> <li>14. Label and name all existing public street and alley ROW including dimensions on adjacent properties (4.3)</li> <li>15. Provide a copy of the computer-generated closure report for the metes and bounds (FPC 5.2)</li> <li>16. Provide the purpose of the plat in a plat note (FPC 5.8)</li> <li>17. Limit plat notes to those applicable to the plat type submitted (FPC 5.9)</li> <li>18. Provide specific language for private streets for private street subdivisions, privately owner facilities, water quality easements or specific encroachment and maintenance easements (FPC 6.1)</li> <li>19. Include specific dedication language for access, utility, and/or floodway/plain and drainage and/or detention easements. Restrictions of easements shall be described on the final plat and approved by the City (FPC 6.2)</li> </ol>				
	<p><b>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.</b></p> <p><b>Findings:</b></p> <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>The Final Plat does not meet the review criteria of DDC Section 2.6.4D as described below.</p> </div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
<p><b>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.</b>  <b>Findings:</b>  <div style="border: 1px solid black; padding: 5px; width: fit-content;">There is no conflict.</div></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>2. Prior Approvals</b></p>			
<p><b>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.</b>  <b>Findings:</b>  <div style="border: 1px solid black; padding: 5px; width: fit-content;">The final plat is consistent with the Preliminary Plat. Since the approval of the Preliminary Plat, the applicant has submitted a revised phasing plan. The proposed final plat is consistent with the revised phasing plan.</div></p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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>  <b>Findings:</b>  <div style="border: 1px solid black; padding: 5px; width: fit-content;">Due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable.</div></p>	<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>  <b>Findings:</b>  <div style="border: 1px solid black; padding: 5px; width: fit-content;">There are no competing plan goals, policies, and strategies for this site.</div></p>	<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>  <b>Findings:</b>  <div style="border: 1px solid black; padding: 5px; width: fit-content;">The overall goals of the Comprehensive Plan are met with the proposed Final Plat.</div></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)</b></p>	<b>Compliance</b>		
<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>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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> <p>All applications shall include all required information requested by the Director to demonstrate compliance with City codes per DDC Section 2.4.4B. Per the Development Agreement, the subject property is subject to those portions of the DDC typically applicable to the City’s Division 1 ETJ as well as development and subdivision regulations contained in Section 3.4, Subchapter 7, and Subchapter 8 of the Denton Development Code. The proposed Final Plat does not comply with the following applicable DDC requirements:</p> <ol style="list-style-type: none"> <li>1. Side lot lines shall be at right angles or radial to street lines, except where other terrain makes such design impractical (DDC 8.3.2)</li> <li>2. For single-family residential subdivisions where more than 50% of the lots are less than one-half acre in size, dedication of the stream or drainage way shall be made to the city or to an approved homeowner association (DDC 7.5.3)</li> <li>3. A drainage or floodplain easement shall be dedicated as a single lot to the city, a homeowner’s association, or other legal entity as allowed by the DDC (DDC 7.5.3)</li> <li>4. Adequate floodplain and drainage easements shall be required that give the city the right but not the obligation to maintain and construct drainage facilities if, in the city’s sole opinion, the maintenance entity is not properly maintaining the stream or drainage way (DDC 7.5.3)</li> <li>5. Streams and drainage ways may be retained as part of a nonresidential lot, and it shall be the property owner’s responsibility to maintain this area as set forth by easement, except as otherwise provided. A maintenance easement shall be granted to the city and shall grant the right but not the obligation to maintain and construct drainage facilities if the stream or drainage way is not being properly maintained. The maintenance entity’s by-laws and covenants filed of record shall provide for ongoing maintenance. The easement shall authorize a lien against individual abutting lots in favor of the city to secure the payment to the city for any expenses incurred by the city in the event of default or to secure payment for any expenses incurred if the maintenance entity is not properly maintaining the stream or drainage way (DDC 7.5.3)</li> </ol>			
<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> <p>The Final Plat was submitted at an adequate level of detail.</p>	☒	☐	☐
<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</b></p>	☒	☐	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
<p>includes, but is not limited to, wetlands, water quality, erosion control, and wastewater regulations.</p> <p><b>Findings:</b></p> <div data-bbox="253 300 1117 443" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat complies with all other applicable city regulations.</p> </div>			
<p><b>6. Consistent with Interlocal and Development Agreements</b></p>			
<p><b>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.</b></p> <p><b>Findings:</b></p> <div data-bbox="253 716 1117 915" style="border: 1px solid black; padding: 5px;"> <p>As described herein, the proposed development is not fully compliant with the development agreement adopted for this Municipal Utility District. The Final Plat does not comply with all applicable DDC standards as required by the agreement.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>7. Minimizes Adverse Environmental Impacts</b></p>			
<p><b>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.</b></p> <p><b>Findings:</b></p> <div data-bbox="253 1192 1117 1329" style="border: 1px solid black; padding: 5px;"> <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> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>8. Minimizes Adverse Impacts on Surrounding Property</b></p>			
<p><b>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.</b></p> <p><b>Findings:</b></p> <div data-bbox="253 1539 1117 1665" style="border: 1px solid black; padding: 5px;"> <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> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>9. Minimizes Adverse Fiscal Impacts</b></p>			
<p><b>a. The proposed development should not result in significant adverse fiscal impacts on the city.</b></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="253 233 1117 346" style="border: 1px solid black; padding: 5px;"> <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> </div>			
<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> <p><b>Findings:</b></p> <div data-bbox="253 653 1133 720" style="border: 1px solid black; padding: 5px;"> <p>The proposed Final Plat is compliant with all applicable regulations.</p> </div>	☒	☐	☐
<b>11. Provides Adequate Road Systems</b>			
<p>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.</p> <p><b>Findings:</b></p> <div data-bbox="253 982 1117 1066" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat is compliant with this criterion.</p> </div>	☒	☐	☐
<b>12. Provides Adequate Public Services and Facilities</b>			
<p>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.</p> <p><b>Findings:</b></p> <div data-bbox="253 1409 1102 1554" style="border: 1px solid black; padding: 5px;"> <p>There are adequate facilities to serve the development. Civil engineering plans are under review to ensure adequate infrastructure improvements and extensions.</p> </div>	☒	☐	☐
<b>13. Rational Phasing Plan</b>			
<p>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.</p>	☒	☐	☐

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="253 233 1102 365" style="border: 1px solid black; padding: 5px;"> <p>The proposed Final Plat is consistent with the revised phasing plat approved with the Preliminary Plat.</p> </div>			

Final Plat Review Applicability Criteria (DDC Section 2.6.4.D)	Applicability		
	Met	Not Met	N/A
<p><b>14. Whether the final plat conforms to the preliminary plat, including any conditions of approval.</b></p> <p><b>Findings:</b></p> <div data-bbox="204 642 1037 814" style="border: 1px solid black; padding: 5px;"> <p>The final plat is consistent with the Preliminary Plat. Since the approval of the Preliminary Plat, the applicant has submitted a revised phasing plan. The proposed final plat is consistent with the revised phasing plan.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>15. Whether the development will substantially comply with all requirements of this DDC.</b></p> <p><b>Findings:</b></p> <div data-bbox="204 957 1037 1062" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat complies with the applicable requirements of the Denton Development Code.</p> </div>	<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></p> <p><b>Findings:</b></p> <div data-bbox="204 1245 1037 1350" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat complies with the applicable technical standards and specifications adopted by the City.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>