

Staff Analysis

PP24-0006 / RM Squared Denton Addition

City Council District #3

Planning & Zoning Commission

REQUEST:

Preliminary Plat for an approximately 363.034-acre tract.

APPLICANT:

Kimley-Horn & Associates on behalf of the property owner.

RECOMMENDATION:

Staff recommends denial of this Preliminary Plat, as it fails to meet the established approval criteria, as shown in the following table:

Preliminary Plat Approval Review Criteria

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
1. Generally			
<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>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>The Final Plat does not meet all review criteria, as detailed below in Criteria 4, 5, 10, 11 and 12 and in the Outstanding Comments listed at the end of this document.</p> </div>	<input type="checkbox"/>	<input checked="" 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>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>The Final Plat does not meet all review criteria as described below in Criteria 14, 15, and 16.</p> </div>	<input type="checkbox"/>	<input checked="" 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>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>There is no conflict.</p> </div>	<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
2. Prior Approvals			
<p data-bbox="204 237 1159 405">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> <p data-bbox="253 436 375 468">Findings:</p> <div data-bbox="253 468 1151 606" style="border: 1px solid black; padding: 5px;"> <p data-bbox="272 478 1131 548">The proposed Preliminary Plat is consistent with Ordinance No. Z21-0017b, which was approved by the Denton City Council on June 7, 2022.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p data-bbox="159 646 1154 743">3. Consistent with Comprehensive Plan and Other Applicable Plans The proposed development shall be consistent with the Comprehensive Plan and any applicable plans.</p> <p data-bbox="253 779 375 810">Findings:</p> <div data-bbox="253 810 1154 911" style="border: 1px solid black; padding: 5px;"> <p data-bbox="272 821 1092 890">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 data-bbox="204 951 1170 1016">a. The decision-making authority shall weigh competing plan goals, policies, and strategies</p> <p data-bbox="253 1052 375 1083">Findings:</p> <div data-bbox="253 1083 1143 1142" style="border: 1px solid black; padding: 5px;"> <p data-bbox="272 1094 1105 1125">There are no competing plan goals, policies, and strategies for this site.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p data-bbox="204 1182 1143 1281">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.</p> <p data-bbox="253 1316 375 1348">Findings:</p> <div data-bbox="253 1348 1148 1402" style="border: 1px solid black; height: 26px;"></div>	<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
4. Compliance with this DDC			
<p data-bbox="204 1545 1154 1610">a. The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.</p> <p data-bbox="253 1646 375 1677">Findings:</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>Provide for Block F, Lot 2, to either be dedicated to the City of Denton, or to be placed within an open space easement giving maintenance responsibility to Block D, Lot 5, or to be otherwise subject to a legal agreement guaranteeing that it will be owned by Block D, Lot 5 and used only for Open Space or Agricultural uses – otherwise Block F, Lot 2 would be an undevelopable lot - due to the lot not meeting minimum lot size in the RR zoning district - the creation of which is prohibited by DDC 8.3.2A.1.</p> <p>In order to determine whether all lots meet the requirement in DDC 8.3.2A that all lots be developable, additional information is needed regarding developable lot remaining on certain smaller proposed lots (DDC 7.8.10C).</p> <p>Add access easements between lots within the proposed subdivision to ensure that all lots have access to the public right-of-way (DDC 8.3.2C.1.a).</p> <p>Provide and label cross-access easements between proposed lots and adjacent lots owned by other owners, in order to comply with DDC 7.8.10A.</p> <p>Add correct tree preservation note to plat indicating that plat will have an approved tree preservation plan complying with DDC tree preservation standards prior to building permit approval (DDC 7.7.4E).</p> <p>All applications shall include all required information requested by the Planning Director to demonstrate compliance with City codes per DDC Section 2.4.4B, including all items on the Preliminary Plat Checklist (“Checklist”). The additional information needed is listed below and in the Outstanding Comments section at the end:</p> <ol style="list-style-type: none"> 1. Edit lines and line weights used in order to make plat clear and legible enough to determine the lot boundaries that are being proposed (Checklist 2.1) 2. Add city assigned project number to the title block in clearly visible text (Checklist 2.2). 3. Provide monument information for all lot corners (Checklist 2.11, 3.2, and 5.2). 4. Label measurements of all lot line segments on plat depiction and in legal description (Checklist 2.11, 3.2, and 5.2) 5. Label the exact location, dimension, and centerline (with dimension from centerline to edge of existing or proposed ROW) of existing public streets and alley ROW intersection or contiguous with its boundary or forming such boundary. Display the centerline of proposed public streets with dimensions from centerline to the edge of proposed ROW. Show and label street centerlines (Checklist 3.8). 			
<p>b. Compliance with these standards is applied at the level of detail required for the subject submittal.</p> <p>Findings:</p>	<p>The proposed Preliminary Plat provides sufficient detail for review.</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
5. Compliance with Other Applicable Regulations			
<p data-bbox="203 205 1185 367">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.</p> <p data-bbox="251 409 373 436">Findings:</p> <div data-bbox="251 436 1153 567" style="border: 1px solid black; padding: 5px;"> <p data-bbox="267 451 1088 514">In order to satisfy applicable Denton Municipal Electric standards, an additional public utility easement is required (Checklist 3.6)</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Consistent with Interlocal and Development Agreements			
<p data-bbox="203 676 1177 808">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 data-bbox="251 850 373 877">Findings:</p> <div data-bbox="251 877 1153 940" style="border: 1px solid black; padding: 5px;"> <p data-bbox="267 892 1104 924">No interlocal or development agreements are applicable to this project.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Minimizes Adverse Environmental Impacts			
<p data-bbox="203 1012 1177 1186">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 data-bbox="251 1228 373 1255">Findings:</p> <div data-bbox="251 1255 1120 1354" style="border: 1px solid black; padding: 5px;"> <p data-bbox="267 1270 1096 1323">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"/>
8. Minimizes Adverse Impacts on Surrounding Property			
<p data-bbox="203 1425 1193 1533">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 data-bbox="251 1575 373 1602">Findings:</p> <div data-bbox="251 1602 1153 1690" style="border: 1px solid black; padding: 5px;"> <p data-bbox="267 1617 1096 1680">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"/>
9. Minimizes Adverse Fiscal Impacts			
<p data-bbox="203 1761 1153 1837">a. The proposed development should not result in significant adverse fiscal impacts on the city.</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>Findings:</p> <div data-bbox="253 201 1149 310" 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>			
10. Compliance with Utility, Service, and Improvement Standards			
<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>Findings:</p> <div data-bbox="253 621 1175 873" style="border: 1px solid black; padding: 5px;"> <p>As discussed in Criterion 5 above, an additional Public Utility Easement is required.</p> <p>As discussed in Criterion 4 above, as well as in the Outstanding Comments below, additional information are needed in order to determine that the proposed development complies with all applicable standards.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Provides Adequate Road Systems			
<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>Findings:</p> <div data-bbox="253 1180 1153 1390" style="border: 1px solid black; padding: 5px;"> <p>Additional information is needed, including additional road width information discussed in Criterion 4 above, to determine whether or not the roads in the proposed development are designed to ensure safe ingress and egress.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Provides Adequate Public Services and Facilities			
<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>Findings:</p> <div data-bbox="253 1764 1153 1990" style="border: 1px solid black; padding: 5px;"> <p>As discussed in the Outstanding Comments below, additional data is needed in order to determine whether adequate public service and facility capacity exists to accommodate the uses proposed by this development, while maintaining adequate service levels for existing development.</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
13. Rational Phasing Plan			
<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> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>No phasing plan is proposed for this plat.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Preliminary Plat Review Applicability Criteria (DDC Section 2.6.3.D)	Applicability		
	Met	Not Met	N/A
<p>14. Provides a layout of lots, roads, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive natural areas or other community resources.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>Correct labeling of Environmentally Sensitive Areas is needed in order to determine whether this criterion has been met.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>15. Provides evidence of public water and sewer system connections.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>As discussed in Outstanding Comments below, additional information is needed to determine whether or not this criterion is met.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>16. Identifies and adequately mitigates known natural hazard areas.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>As discussed in Criterion 14 above, correct labeling of Environmentally Sensitive Areas is needed in order to determine whether this criterion has</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>17. Proposes reasonable project phasing in terms of infrastructure capacity.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>No phasing plan is proposed for this plat.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Outstanding Comments, continued:

1. Ensure monument information shown on plat depiction matches legal description (Checklist 2.11, 3.2, and 5.2).
2. Label city limit, county limit, and extraterritorial jurisdiction on all sheets (Checklist 4.1 and 4.7).
3. Include all graphic symbols in the legend (Checklist 2.10).
4. Correctly depict creek and creek centerline location (Checklist 3.7).

5. Label minimum finish floor elevation for each pad site on any lot adjacent to the floodplain or within the 200 foot permit buffer around the floodplain (Checklist 3.7).
6. Label location of all active and plugged gas well sites within 500' of the proposed development, and dimension and label required reverse setbacks and equipment separation distances, per Denton Development Code (DDC) Subchapters 6 and 8 (Checklist 6.3).
7. Provide a copy of the current title policy or title survey for the subject property (Checklist 1.5).
8. Submit a list of proposed street names on a separate sheet and label on plat (Checklist 6.1).
9. Provide a copy of the computer-generated closure report for the metes and bounds description.
10. Provide notes indicating how adequate water and wastewater service will be provided for the development, whether by the City of Denton or, where permitted, by an alternative water or wastewater service or facility (DDC 8.4.10-11 and Checklist 2.13).
11. Ensure metes and bounds description of subdivision boundary matches plat graphic (Checklist 5.2).
12. Label all environmentally sensitive areas (ESA) (Checklist 3.12).
13. Add additional note to clarify that per DDC, all lots must be developable and that lots final platted must include access easements to maintain connections to the right-of-way for lots not yet platted (8.3.2A.1).