

# Planning Staff Analysis

## FP24-0039 / Stuart Apartments Addition

### Planning & Zoning Commission

**REQUEST:**

Final plat for an approximately 2.695-acre site

**APPLICANT:**

Cross Engineering Consultants, Inc. on behalf of Stuart Apartment Properties, LLC.

**RECOMMENDATION:**

Staff recommends denial of this Final Plat as it does not meet the established approval criteria; however, staff has no objection to the requested extension, which could be granted to December 11, 2024

## 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><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 applicable review criteria, as detailed in the following items 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. Ensure correct spelling (FPC 2.1)</li> <li>2. Include the City assigned project number within the title block (FPC 2.2)</li> <li>3. Depict all overhead and electric distribution and transmission line clearance zones intersecting or adjacent to the property (FPC 2.19)</li> <li>4. Show, label, and dimension all existing and proposed easements. Provide line and curve data for easement boundaries and tie down easements. Provide recording information for existing easements (FPC 3.6)</li> <li>5. Label all easements, including existing or proposed easements on adjacent properties (FPC 4.3)</li> <li>6. Include metes and bounds legal description for subdivision boundary. Ensure calls and monumentation match plat graphic. Confirm Thomas Toby Survey Abstract No. 1288 reference is correct as the title block reference Abstract No. 3727 (FPC 5.2)</li> <li>7. Include total area of the plat in acres and square feet (FP 5.3). Ensure area matches what is shown on the plat graphic</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 applicable review criteria, as detailed in the following items required by the Final Plat Checklist (FPC) authorized per Denton Development Code Section 2.4.4B:</p> <ul style="list-style-type: none"> <li>8. For plats requiring Planning and Zoning Commission approval, include a certificate of approval language for the Planning and Zoning Commission and signature block for Chairperson (FP 5.5)</li> <li>9. Include signature block for City Secretary (FP 5.6).</li> <li>10. Limit plat notes to those applicable to the plat type submitted (FPC 5.9)</li> </ul>			
<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> <p>The Final Plat does not meet all applicable meet the review criteria of DDC Section 2.6.4D as outlined below.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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></p>	<p><b>Findings:</b></p> <p>There is no conflict.</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></p>	<p><b>Findings:</b></p> <p>The proposed development is consistent with the Development Plan established via S23-0002.</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
<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></p> <div data-bbox="243 331 1029 464" 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>a. The decision-making authority shall weigh competing plan goals, policies, and strategies</b>  <b>Findings:</b></p> <div data-bbox="253 699 1040 793" style="border: 1px solid black; padding: 5px;"> <p>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><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></p> <div data-bbox="253 961 1040 1073" style="border: 1px solid black; height: 50px;"></div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
<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>  <b>Findings:</b></p> <div data-bbox="253 1278 1149 1591" style="border: 1px solid black; padding: 5px;"> <p>The proposed Final Plat does not comply with the following applicable DDC requirements:</p> <ol style="list-style-type: none"> <li>1. Identification for who bears responsibility for managing and maintaining open space areas shall be shown on any recorded subdivision plat for the development (DDC 7.10.4C)</li> <li>2. Provide a note on the plat that private improvements cannot encroach onto existing public or private easement without an encroachment agreement. Remove private easement dedications.</li> </ol> </div>	<input type="checkbox"/>	<input checked="" 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>  <b>Findings:</b></p> <div data-bbox="253 1724 1149 1875" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat was not submitted at an adequate level of detail. As discussed above, additional dimensioning is required to determine that proposed easements comply with City standards.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>5. Compliance with Other Applicable Regulations</b></p>			

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
<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> <div data-bbox="253 401 1117 606" style="border: 1px solid black; padding: 5px;"> <p>The proposed development complies with all applicable regulations related to wetlands, water quality, erosion control, and wastewater regulations.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. Consistent with Interlocal and Development Agreements</b>			
<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="253 884 1117 978" style="border: 1px solid black; padding: 5px;"> <p>There are no development agreements applicable to this proposed Final Plat.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7. Minimizes Adverse Environmental Impacts</b>			
<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 1255 1117 1392" 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"/>
<b>8. Minimizes Adverse Impacts on Surrounding Property</b>			
<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 1602 1117 1724" 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"/>
<b>9. Minimizes Adverse Fiscal Impacts</b>			
<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 1115 348" 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 779" style="border: 1px solid black; padding: 5px;"> <p>Additional notes must be added to the proposed Plat to clarify no private improvements conflict with utility easements.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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 1016 1115 1073" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat is compliant with this criterion.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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 1415 1102 1583" style="border: 1px solid black; padding: 5px;"> <p>There are adequate facilities to serve the development. Civil engineering plans have been approved to ensure adequate infrastructure improvements and extensions are provided with the proposed development.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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>	<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
<b>Findings:</b> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">           There is not phasing plan associated with the proposed Final Plat.         </div>			

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-top: 5px;">           There is no approved preliminary plat associated with the proposed Final Plat. The applicant has opted to omit the Preliminary Plat step in accordance with Denton Development Code 2.6.3B.1.         </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>15. Whether the development will substantially comply with all requirements of this DDC.</b> <b>Findings:</b> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">           The Final Plat does not comply with the applicable requirements of the Denton Development Code as discussed above.         </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>16. Whether the development will comply with the applicable technical standards and specifications adopted by the City.</b> <b>Findings:</b> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">           The Final Plat complies with the applicable technical standards and specifications adopted by the City, as detailed herein.         </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>