

# Planning Staff Analysis

FP25-0022/ Roselawn Village Apartments

City Council District #3

Planning & Zoning Commission

## REQUEST:

Final Plat for an approximately 22.5-acre site.

## APPLICANT:

97 Land Company on behalf of Rayzor Investments LTD.

## 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
<b>1. Generally</b>			
<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>  <b>Findings:</b> <div>The Final Plat does not meet all applicable review criteria. See comments shared herein.<ol style="list-style-type: none"><li>The Park Dedication Ordinance (22-254) will apply to this development. Park Fees have been entered and are ready for payment. The letter of fee determination has been uploaded as back-up. Park dedication fees will be imposed during the final plat stage of the project and park development fees will be paid at time of obtaining the building permits for residential units.</li><li>The Parks, Recreation, Master Plan adopted by Council March 2022, identifies sidewalks and trails to be 10ft wide. Parks would like to request the developer to consider the sidewalk along the frontage of Grackel St. &amp; Roselawn Drive to be 10ft to best serve the community and it's neighbors.</li></ol></div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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>  <b>Findings:</b> <div>The Final Plat does not meet all applicable review criteria of DDC Section 2.6.4D as described herein.</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></p> <p><b>Findings:</b></p> <div>There is no conflict.</div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. Prior Approvals</b>				
<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> <div> <p>The Final Plat is not compliant with this criterion. See comments shared herein.</p> <ol style="list-style-type: none"> <li>Civil Engineering Plans, CEP25-0031, must be approved before the final plat can be approved. (DDC 8.2.3A)</li> <li>This plat will not be approved until TPP25-0002 is finalized.</li> </ol> </div>		<input type="checkbox"/>	<input checked="" 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></p> <p><b>Findings:</b></p> <div>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>There are no competing plan goals, policies, and strategies for this site.</div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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>		<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 overall goals of the Comprehensive Plan are met with the proposed Final Plat.			
Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
<b>4. Compliance with this DDC</b>				
<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> <div>The proposed Final Plat is not compliant with this criterion as described herein.</div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>b. Compliance with these standards is applied at the level of detail required for the subject submittal.</b>  <b>Findings:</b> <div> <p>The Final Plat was not submitted at an adequate level of detail.</p> <ol style="list-style-type: none"> <li>1. Add "by this plat" to easements being dedicated by this plat. (FPC 3.6)</li> <li>2. Add line type to legend. (FPC 2.12)</li> <li>3. Add survey abstract line to legend. (FPC 2.12)</li> <li>4. Provide a copy of a copy of a current title policy or title survey for the subject property. (FPC 1.5)</li> <li>5. Is this section art of an existing ROW or an existing easement? Provide clarification. (FPC 4.3, 3.15)</li> <li>6. It is not clear where certain line types are being shown. Provide clarification on the use of these line types. (FPC 2.19, 2.12)</li> <li>7. Verify easement location and dimension shown. CEP25-0031 currently shows a 28.9x20' easement for this location. (DDC 7.6.7.A, DDC 2.6.2.C.6.b, DDC 8.4.4, FPC 4.2 and FPC 3.6)</li> <li>8. Provide line and curve data for easement boundaries and tie down easements. This is applicable for all proposed easements. (FPC 3.6, DDC 2.6.2.C.6.b and DDC 8.4.4)</li> </ol> </div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>5. Compliance with Other Applicable Regulations</b>				
<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>  <b>Findings:</b>		<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 is not compliant with this criterion.</p> <ol style="list-style-type: none"> <li>Plat notes specify drainage and detention easement as private. If it is a private easement, It appears to encroach into public utility and sidewalk easements. Provide clarification. (DDC 1.3.5)</li> <li>For new drainage, detention, and/or floodplain easements refer DDC Section 7.5.3.I, J, and N and the Design Criteria Manual Section 4.12. (DCM 4.12 and FPC 3.7)</li> <li>For new water and wastewater easements refer to DDC Section 7.6.7 and DCM Sections 6 and 6.4.4.B and 6.4.4.C. (FPC 3.8)</li> <li>Clarify the purpose of this easement. Min. easement widths are 16' and depend on the size of line being installed. (DDC 7.6.7.A, DDC 2.6.2.C.6.b, DDC 8.4.4, FPC 4.2 and FPC 3.6)</li> </ol>					
<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>There are no development agreements applicable to this proposed Final Plat.</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>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"/>
<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>			<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
	Due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable.			
<b>9. Minimizes Adverse Fiscal Impacts</b>				
<b>a. The proposed development should not result in significant adverse fiscal impacts on the city.</b>  <b>Findings:</b> Due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable.		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10. Compliance with Utility, Service, and Improvement Standards</b>				
<b>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.</b>  <b>Findings:</b> The Final Plat is not compliant with this criterion. <ol style="list-style-type: none"> <li>For new Access Easements or Sidewalk Easements refer to DDC Section 7.8.10, 7.9.5.B, 8.3.2.C, and DCM Section 5.5.2.C.5 and Section 5.7.3. (FPC 3.9)</li> <li>For new Electric Easements, refer to DDC Section 7.13.6 and Denton Municipal Electric standards. (FPC 3.11)</li> </ol>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>11. Provides Adequate Road Systems</b>				
<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>  <b>Findings:</b>		<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 is not compliant with this criterion.</p> <ol style="list-style-type: none"> <li>1. Provide a 15' corner clip at the intersection of Roselawn Circle and Roselawn Drive. (DCM 5.4.1, DCM 5.4.2 and FPC 3.17)</li> <li>2. Clarify if this will remain as Grackel Drive or Grackel Street as shown. The existing ROW dimension of Grackel Drive should also be shown along with the centerline. (FPC 4.3, 3.15)</li> <li>3. Provide a 15' corner clip at the intersection of Grackel and Roselawn. (DCM 5.4.1, DCM 5.4.2 and FPC 3.17)</li> </ol>					
<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> <p>The Final Plat is compliant with this criterion.</p>			<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> <p><b>Findings:</b></p> <p>There is no phasing plan associated with the proposed Final Plat.</p>			<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>14. Whether the final plat conforms to the preliminary plat, including any conditions of approval.</b></p> <p><b>Findings:</b></p> <p>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.</p>			<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></p> <p><b>Findings:</b></p> <div data-bbox="204 331 993 1585" style="border: 1px solid black; padding: 10px;"> <p>The Final Plat does not comply with the applicable requirements of the Denton Development Code as described herein and below:</p> <ol style="list-style-type: none"> <li>1. Indicate gas well locations for operational and plugged wells on adjacent property, and dimension required reverse setbacks, equipment separation distances, and gas well notifications, per Subchapters 6 and 8 of the Denton Development Code. For residential lots located within 1,000 feet of a gas well drilling and production site the following notification requirements apply per DDC Section 8.3.5: The location of the gas well site(s) that is within 1,000 feet of the property must be shown on the plat (this could be shown on the vicinity map and then a directional arrow with distance on main graphic), a note shall be placed on the Plat identifying the Drilling and Production Site(s) and those proposed lots that are within 1,000 feet of the Drilling and Production Site(s). Said note shall state "Gas Well Notification Disclosure: Lots indicated with (*) are within 1000 feet of Gas Well Drilling and Production Site(s) with producing wells, and the possibility that existing wells may be re-drilled and/or re-fracture stimulated in the future. A vicinity map showing the location of the Sites in relation to the Lots is provided on this plat. As of the date of this plat, these (are/are not) producing wells. Additional drilling and/or fracking operations may occur on this Site(s) in the future." Provide gas well disclosures as required by DDC Section 8.3.5. (Checklist 6.6)</li> <li>2. Construction easements shown in preserved ESAs does not meet the ESA Criteria for Approval. Please adjust according to Planning staff direction.</li> </ol> </div>	<input type="checkbox"/>	<input checked="" 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>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final Plat Review Applicability Criteria (DDC Section 2.6.4.D)		Applicability		
		Met	Not Met	N/A
	<p>The Final Plat does not comply with the applicable technical standards and specifications adopted by the City, as detailed herein and below:</p> <ol style="list-style-type: none"> <li>1. Northing and easting don't match deed report. (FPC 5.2)</li> <li>2. See tree code comment for new note.</li> <li>3. Ensure calls and monumentation match plat graphic. Description for this point must be shown on plat graphic. (FPC 5.2)</li> <li>4. Temporary easement has expired. Please remove.</li> <li>5. Highlighted numbers don't match deed report. (FPC 5.2)</li> <li>6. Amend note 13 to read, "A Tree Survey and Preservation Plan will be required to proceed with Building Permits on the subject site. Minimum Tree Preservation requirements of the Denton Development Code Section 7.7.4. must be met prior to the release of any permits."</li> <li>7. Numbers do not match deed report. (FPC 5.2)</li> <li>8. Use standard language for Owner's Dedication Block. (FPC 5.8)</li> <li>9. Double check property record number.</li> </ol>			