Planning Staff Analysis

FP22-0022/ Airport Road Addition
City Council District #3
Planning & Zoning Commission

REQUEST:
Final plat for a 6.99-acre site

APPLICANT:
Allison Engineering on behalf of Stevenson Properties Denton Texas, LLC

RECOMMENDATION:
Staff recommends denial because the proposed Final Plat does not meet the established approval criteria, 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
1. Generally			
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. **Findings:** The Final Plat does not meet all general review criteria as detailed in criteria 4, 7, and 10 below.	☐	☒	☐
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. **Findings:** The Final Plat does not meet the additional Approval Criteria, as detailed below in criteria 15 and 16 below.	☐	☒	☐
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. **Findings:** There is no conflict.	☐	☐	☒
2. Prior Approvals			
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	☒	☐	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	**Not Met**	**N/A**
development and installation of public improvements and amenities. **Findings:**			
The final plat is consistent with the Light Industrial (LI) zoning and approved preliminary plat.			
3. Consistent with Comprehensive Plan and Other Applicable Plans **The proposed development shall be consistent with the Comprehensive Plan and any applicable plans.** **Findings:** The Comprehensive Plan designates the subject property as Industrial Commerce, which is consistent with the proposed warehouse use.	☒	☐	☐
a. The decision-making authority shall weigh competing plan goals, policies, and strategies **Findings:** There are no competing plan goals, policies, and strategies for this site.	☐	☐	☒
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. **Findings:** The overall goals of the Comprehensive Plan are met with this use,	☒	☐	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	**Not Met**	**N/A**
4. **Compliance with this DDC**			
a. **The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.** **Findings:**	☐	☒	☐

All applications shall include all required information requested by the Director of staff to demonstrate compliance with City codes per DDC Section 2.4.4B. Plat does not comply with all applicable DDC standards and requirements from the Final Plat Checklist as detailed below:

PLANNING

PLN1. Revise general note 3 to reference final plat instead of preliminary plat.

PLN2. There is a gas easement shown on the plat graphic and in the legend (highlighted on markup). General note 6 states that there are no known gas easements. Revise note 6 or provide clarification. (Checklist 2.4)

PLN3. Revise project number to FP22-0022 (Checklist 1.1)

PLN4. Add phone number for property owner. (Checklist 1.2)

PLN5. Label point of beginning. (Checklist 1.7)

PLN6. Add all line types used to the legend. Also add P.R.D.C.T. to legend. (Checklist 1.10)

PLN7. Depict all overhead electric distribution and transmission line clearance zones intersecting or adjacent to the property. Depict along Airport Rd. (Checklist 1.13)

PLN8. Label area of Lot 1 in square feet. (Checklist 2.3)

PLN9. Include total area of plat in square feet in owner's certificate. (Checklist 4.3)

PLN10. Revise approval language to the Planning & Zoning Commission and change signature line to Chairperson. (Checklist 4.5)

PLN11. Add DME clearance stamp. (Checklist Section 5)

	Met	Not Met	N/A
b. **Compliance with these standards is applied at the level of detail required for the subject submittal.** **Findings:**	☐	☒	☐

As noted in 4a above, the final plat was not submitted at the appropriate level of detail.

	Met	Not Met	N/A
5. **Compliance with Other Applicable Regulations**			
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.** **Findings:**	☒	☐	☐

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 applicable regulations.			
6.	**Consistent with Interlocal and Development Agreements**			
	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. **Findings:** No interlocal or development agreements are applicable to this project.	☐	☐	☒
7.	**Minimizes Adverse Environmental Impacts**			
	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. **Findings:** All applications shall include all required information requested by the Director to demonstrate compliance with City codes per DDC Section 2.4.4B. The proposed final plat is not compliant with all City regulations, as noted below. TREE CODE TC1. If no protected trees exist within the development impact area or on the property, please provide a signed and notarized letter stating such. If there are no protected trees on a property, then a signed and notarized letter indicating such shall be prepared by or under the supervision of an ISA certified or ASCA registered arborist, a SAF certified forester, botanist, professional land surveyor that has documented completion of at least eight hours of training in Texas tree identification, or a registered landscape architect and submitted with the initial development application. (DDC 7.7.4.E.9.)	☐	☒	☐
8.	**Minimizes Adverse Impacts on Surrounding Property**			
	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.	☒	☐	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	**Not Met**	**N/A**
Findings:			
The proposed development is not expected to have an adverse impact on surrounding properties.			
9. Minimizes Adverse Fiscal Impacts			
a. **The proposed development should not result in significant adverse fiscal impacts on the city.** **Findings:** The proposed development is not expected to result in any significant adverse fiscal impacts on the city. Any improvements associated with this development will be the responsibility of the developer.	☒	☐	☐
10. Compliance with Utility, Service, and Improvement Standards			
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.** **Findings:** All applications shall include all required information requested by the Director to demonstrate compliance with City codes per DDC Section 2.4.4B and DME Electric Service Standards. The proposed preliminary plat is not compliant with all City regulations, as noted below and in the Outstanding Engineering Comments listed at the end of this document. ELECTRIC DME 1- Please update plat notes & show the plan stamp below on final plat per V1 DME markups uploaded into ProjectDox 'Supporting Documents' folder (DME Electric Service Standards Section 2.b) TRANSPORTATION Dedicate right of way along Airport Road for a Primary Arterial (67.5 feet from the centerline). Additionally, as this is a TxDOT roadway, provide a 20 feet utility easement along the frontage of Airport Road (FM1515). (DDC 7.8.7B.1.a and 7.6.7A, Table 7.B) ENGINEERING Due to the volume, Outstanding Engineering Comments are listed at the end of this document.	☐	☒	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
11. Provides Adequate Road Systems			
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.** **Findings:** Adequate road capacity exists external to the site and internal accessways will be constructed to provide adequate access for all emergency services.	☒	☐	☐
12. Provides Adequate Public Services and Facilities			
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.** **Findings:** Adequate public service capacity exists to serve this development.	☒	☐	☐
13. Rational Phasing Plan			
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.** **Findings:** No phasing is proposed for this plat.	☐	☐	☒

Final Plat Review Applicability Criteria (DDC Section 2.6.4.D)	Applicability		
	Met	Not Met	N/A
14. Whether the final plat conforms to the preliminary plat, including any conditions of approval. **Findings:** The final plat conforms to the preliminary plat.	☒	☐	☐

Final Plat Review Applicability Criteria (DDC Section 2.6.4.D)	Applicability		
	Met	Not Met	N/A
15. Whether the development will substantially comply with all requirements of this DDC. **Findings:** As detailed in Criterion 4 above, this final plat does not yet conform to all of the requirements of the DDC.	☐	☒	☐
16. Whether the development will comply with the applicable technical standards and specifications adopted by the City. **Findings:** As detailed in Criterion 4 above, this development has not yet established compliance with applicable standards and specifications adopted by the City.	☐	☒	☐

Outstanding Engineering Comments

1. Provide the date of preparation and the city-assigned project number in the title block in the lower right-hand corner of the plat document. (Final Plat Checklist (FPC) 1.1)
2. Label point of beginning tied to abstract corner if not previously platted or subdivision corner if platted. Label point of beginning on the plat to match the legal description. (FPC 1.7)
3. Provide a legend for all graphic symbols and line types used on the plat. (FPC 1.10)
4. Depict all overhead electric distribution and transmission line clearance zones intersecting or adjacent to the property. (FPC 1.13)
5. Label and dimension all lots and blocks. Include the area expressed in square feet below the acreage for the subject property. (FPC 2.3 and 4.3)
6. 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. Boundary monuments in the creek are not labeled as found or set. Provide basic monumentation in order to determine location of public improvements. (FPC 1.11)
7. All utility easements shall be a minimum of 16 feet, unless special circumstances warrant additional or reduced easements which can be approved by the City Engineer, in consultation with the Directors of Water and Waste Water Utilities. Provide justification for the 8' Utility Easement Per Plat shown at the southeast corner of the property. The general criteria to define minimum easement widths are listed in Table 7.B: Minimum Easement Widths of the DDC. (DDC7.6.7.A)
8. Provide dimensions the indicate the variable width of the floodplain and drainage easement. (FPC2.5)
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. No unplatted remainder will be allowed between property boundaries and centerlines of creeks. (FPC2.7)
10. Label adjacent properties. For platted properties: display lot lines and label subdivision name and lot and block designation. (FPC3.1).
11. Include specific dedication language for floodway, drainage and detention easements. Restrictions of easements shall be described on the final plat and approved by the City. (FPC5.2 and DDC7.5.3.N)
12. Provide note on plat that private improvements cannot encroach onto existing public or private easements. (City Preference)
13. Provide owner's dedication statement and include ROW and easement dedications and other land rights so as to create no conflicts or issues for staff or other public interests. (City Best Practice)
14. Streams and drainage ways may be retained as a 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. (DDC7.5.3.I.2.a)

15. Verify note stating there are no gas wells onsite. (FPC 5.6)
16. Remove note 3 stating this is a preliminary plat.