

Planning Staff Analysis

FP26-0016/Denton Allsup's

Location (city council district or ETJ)

Planning & Zoning Commission

REQUEST:

Final Plat for an approximately 5.089-acre site.

APPLICANT:

Atwell LLC on behalf of BW Gas & Convenience Real Estate 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 review extension request.

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			
<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 applicable review criteria. See Criteria 2, 4, 11, 15-16</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 applicable review criteria of DDC Section 2.6.4D. See Criteria 4 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Prior Approvals			
<p>a. The proposed development shall be consistent with the terms and conditions of any prior land use approval, plan, development</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>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>Findings:</p> <div data-bbox="253 367 1055 436" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat is not compliant with this criterion. See Criteria 4.</p> </div>			
<p>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>Findings:</p> <div data-bbox="204 640 971 785" 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>a. The decision-making authority shall weigh competing plan goals, policies, and strategies</p> <p>Findings:</p> <div data-bbox="253 955 1016 1062" style="border: 1px solid black; padding: 5px;"> <p>There are no competing plan goals, policies, and strategies for this site.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>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>Findings:</p> <div data-bbox="253 1266 1016 1398" 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"/>
Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
<p>4. Compliance with this DDC</p>			
<p>a. The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.</p> <p>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>The proposed Final Plat is not compliant with this criterion. See the following comments:</p> <ol style="list-style-type: none"> 1. Pending CEP approval (DDC 8.3.2.C) 2. Missing access easement. (DDC 7.8.10) 3. Label minimum finish floor elevation for each pad site on any lot encumbered by floodplain or within the 200' floodplain buffer. If a single lot is expected to have multiple buildings, the location of each pad site must be shown on the plat with its minimum elevation. (DDC Section 7.5.3.I.3 and FPC 3.14) 			
<p>b. Compliance with these standards is applied at the level of detail required for the subject submittal.</p>				
<p>Findings:</p>				
<p>The Final Plat was not submitted at an adequate level of detail. See the following comments.</p> <ol style="list-style-type: none"> 1. Use City of Denton Standard Plat Notes to create your plat notes, owner's dedication blocks, and signature blocks. (FPC 5.8) 2. Correct spelling mistakes in owner's certificate block. 3. Add city-assigned project number. 4. Add in previous property lines for the tracts being combined to create the proposed lot. Have the lines be lighter than property lines. (FPC 3.2) 5. Add "Atwell LLC" (FPC 2.13) 6. Change to "N Western Boulevard". Do not include punctuation. 7. Depict all overhead electric distribution and transmission line clearance zone intersecting or adjacent to the property. (FPC 2.19) 		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>5. Compliance with Other Applicable Regulations</p>				
<p>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>Findings:</p> <p>The Final Plat is compliant with this criterion.</p>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>6. Consistent with Interlocal and Development Agreements</p>				
<p>a. The proposed development shall be consistent with any adopted interlocal and applicable development agreements, and comply with the</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>terms and conditions of any such agreements incorporated by reference into this DDC.</p> <p>Findings:</p> <div data-bbox="253 331 1016 441" style="border: 1px solid black; padding: 5px;"> <p>There are no development agreements applicable to this proposed Final Plat.</p> </div>			
<p>7. Minimizes Adverse Environmental Impacts</p>			
<p>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>Findings:</p> <div data-bbox="253 743 1016 890" 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>8. Minimizes Adverse Impacts on Surrounding Property</p>			
<p>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>Findings:</p> <div data-bbox="253 1127 1016 1274" 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>9. Minimizes Adverse Fiscal Impacts</p>			
<p>a. The proposed development should not result in significant adverse fiscal impacts on the city.</p> <p>Findings:</p> <div data-bbox="253 1512 1016 1659" 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>10. Compliance with Utility, Service, and Improvement Standards</p>			

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
<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: <div data-bbox="253 436 1016 506" style="border: 1px solid black; padding: 2px;">The Final Plat is compliant with this criterion.</div> </p>	<input checked="" type="checkbox"/>	<input 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: <div data-bbox="253 814 1016 926" style="border: 1px solid black; padding: 2px;">The Final Plat is not compliant with this criterion. See Criteria 16.</div> </p>	<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: <div data-bbox="253 1304 1016 1373" style="border: 1px solid black; padding: 2px;">The Final Plat is compliant with this criterion.</div> </p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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: <div data-bbox="253 1646 1016 1751" style="border: 1px solid black; padding: 2px;">There is no phasing plan associated with the proposed Final Plat.</div> </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>14. Whether the final plat conforms to the preliminary plat, including any conditions of approval.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <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> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>15. Whether the development will substantially comply with all requirements of this DDC.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>The Final Plat does not comply with the applicable requirements of the Denton Development Code. See Criteria 4.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>16. Whether the development will comply with the applicable technical standards and specifications adopted by the City.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <p>The Final Plat is not compliant with the applicable technical standards and specifications adopted by the City. See the following comment:</p> <ol style="list-style-type: none"> 1. Provide and label 30' ROW corner clip dedication for arterial-arterial intersection. Provide line and curve data for dedications (DCM 5.4.12) </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>