

Planning Staff Analysis

FP24-0004 / Audra Oaks Ph 2B

City Council District #1

Planning & Zoning Commission

REQUEST:

Final Plat for 25 single-family residential lots and a parkland dedication lot.

APPLICANT:

Sean Faulkner with Foresite Group on behalf B.J.H. Johnson Properties, LTD.

RECOMMENDATION:

Staff recommends denial of this plat as does not meet the established approval criteria for Final Plats, 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: <div><p>The Final Plat does not meet all review criteria, as detailed in Approval Criteria 2a, 7, and 10 below and the following items as required by the Final Plat Checklist (FPC) authorized per Denton Development Code Section 2.4.4B:</p><p>PLN1. Add Plat Type. FPC 2.2</p><p>PLN2. Remove all references to building lines FPC Section 3</p><p>PLN3. Add "...a Replat of Lot 5...." FPC 2.3</p><p>PLN4. Verify that all applicable easements shown in Sch B of the title policy are shown on the plat. FPC ____</p><p>TP 1. Add line type to legend. FPC 2.12</p><p>TP 2. Label center line for Audra Lane. FPC 3.15</p><p>TP 3. Right -of-way dimensions for Audra area unclear. Additional labeling is needed FPC 3.15</p><p>TP 4. Clarify documentation of right-of-way dedication for Oak Valley (DDC 4.4.8; FPC 3.1, 3.16)</p><p>Eng 1.1.7) Indicate abandoned easements using a hatch pattern. (FPC 3.6)</p><p>Eng 2.1.9) Clean up easement line (FPC 2.1)</p><p>Eng 3.1.10) Provide dimensions of ROW full and half street widths (FPC 3.15 and 4.3)</p><p>Eng 4.1.1) Provide Project Number: FP24-0004 (FPC 2.2)</p><p>Eng 5.1.2) Should be 25 single family lots + Dedicated Park Land of 5.1987 acres (FPC 2.2)</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
<p>Eng 6.1.3) Add surveyor's name (FPC 2.4)</p> <p>Eng 7.1.14) Label monument (FPC 2.10)</p> <p>Eng 8.1.5) 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 FPC 2.14)</p> <p>Eng 9.1.6) If water and/or sewer service will be provided through the City of Denton, include a note stating that the site will be served through City of Denton water/sewer. (FPC 2.15)</p> <p>Eng 10. 1.8) 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)</p> <p>Eng 11. 1.11) Include property, business or homeowner's association covenants as they relate to the maintenance of open space, common areas and facilities. (DDC 8.3.2.D and DDC 7.10.4.C.2)</p> <p>Eng 12. 1.15) Provide the purpose of the plat in a plat note. (FPC 5.8)</p>				
<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> <p>The Final Plat does not meet all review criteria, as detailed in Approval Criteria 2a, 7, and 10 below.</p>		<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>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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>		<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
Findings: <div> <p>The Final Plat is consistent with the approved Preliminary Plat and the Vested Rights Determination.</p> <p>Development agreement for this property executed, November 9, 2021 Ordinance Number: 21-2140.</p> <p>Per the agreement, Developer will pay dedication fee, development fee, and the dedication of land. This development is under the 98-039 Park dedication ordinance fee structure</p> </div>				
3. Consistent with Comprehensive Plan and Other Applicable Plans The proposed development shall be consistent with the Comprehensive Plan and any applicable plans. Findings: <div> <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"/>
a. The decision-making authority shall weigh competing plan goals, policies, and strategies Findings: <div></div>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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: <div></div>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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: <div> <p>The proposed development complies with all applicable standards.</p> </div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Compliance with these standards is applied at the level of detail required for the subject submittal.		<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
Findings: <div>The subject submittal is a Replat, and it was reviewed based on the checklist and requirements for a final plat.</div>				
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: <div>The Final Plat complies with all other regulations.</div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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: <div></div>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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: <div> <p>In order for the proposed Final Plat to meet the criteria, the following corrections are required:</p> <ol style="list-style-type: none"> Add the note "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." </div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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		<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>participation process may be appropriately considered under this section.</p> <p>Findings:</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>				
9. Minimizes Adverse Fiscal Impacts				
<p>a. The proposed development should not result in significant adverse fiscal impacts on the city.</p> <p>Findings:</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"/>
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> <p>The proposed Final Plat is not compliant with all City regulations, as noted below and in the Outstanding Engineering Comments listed at the end of this document.</p> <p>DME-</p> <p>1. Please show the plan stamp below on final plat per uploaded V 1 DME markups (DME Electric Service Standards Section 4.3.6)</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>There is adequate road capacity to accommodate the proposed use.</div>		<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
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>Current capacity can accommodate the proposed development.</div>		<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:</p> <div>Phasing for the development provides for adequate infrastructure.</div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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.				
<p>Findings:</p> <div>The Replat conforms to the Preliminary Plat.</div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Whether the development will substantially comply with all requirements of this DDC.				
<p>Findings:</p> <div>The Final Plat is subject to the required corrections outlined herein.</div>		<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>16. Whether the development will comply with the applicable technical standards and specifications adopted by the City.</p> <p>Findings:</p> <div data-bbox="204 300 1065 451" style="border: 1px solid black; padding: 5px;"> <p>In order for the proposed development must comply with all applicable standards and specifications adopted by the City, the Final Plat is subject to the required corrections outlined herein.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Outstanding Engineering Comments:

1.12) Provide note on plat that private improvements cannot encroach onto existing public or private easements. (DDC 1.3.5)