

Planning Staff Analysis

FP25-0020/ Luxury Storage Condominiums

City Council #4

Planning & Zoning Commission

REQUEST:

Final Plat for an approximately 10.435-acre site.

APPLICANT:

Animas Civil Engineering LLC on behalf of Luxury Storage Condominiums LLC.

RECOMMENDATION:

Staff recommends denial of this plat as it does not meet the established criteria for approval. However, staff has no objection to the requested extension, which could be granted to a date certain of June 25, 2025.

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 applicable review criteria as described herein.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 all applicable review criteria of DDC Section 2.6.4D as described in Criteria 14-16.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	<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>changed. This includes an approved phasing plan for development and installation of public improvements and amenities.</p> <p>Findings:</p> <div> <p>The Final Plat is not compliant with this criterion as described herein:</p> <ol style="list-style-type: none"> Civil Engineering Plans must be approved before the Final Plat can be approved. Make sure easements required by the CEP reviews are accurately reflected on the final plat. (DDC 8.2.3.A) </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> <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> <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. 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> <p>The overall goals of the Comprehensive Plan are met with the proposed Final Plat.</p> </div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
4. Compliance with this DDC				
<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> <div> <p>The proposed Final Plat is not compliant with this criterion as described herein. See Criteria 7, 15-16.</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
b. Compliance with these standards is applied at the level of detail required for the subject submittal. Findings: <div> The Final Plat was not submitted at an adequate level of detail as described herein: <ol style="list-style-type: none"> Distance doesn't match legal description (FPC 5.2) Doesn't match graphic or closure report (FPC 5.2) Should be Lot 2, Block B (FPC 5.2) Appear to be missing label for easement: "12.24' Fire Lane, Public Access, Utility & Drainage Esmt. Doc. No. 2016-91801" (FPC3.6) See Additional Comments listed at the end of this document. </div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 is compliant with this criterion. </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> There are no development agreements applicable to this proposed Final Plat. </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> 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"/>

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
		Met	Not Met	N/A
8. Minimizes Adverse Impacts on Surrounding Property				
<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> <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"/>
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> <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"/>
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 Final Plat is not compliant with this criterion.</p> <ol style="list-style-type: none"> CEP25-0024 Shows storm drain facility at this location. Confirm with ENGINEERING if a drainage or maintenance access easement is required here. Adequate floodplain and drainage easements shall be required that give the city the right but not the obligation to maintain and construct drainage facilities if, in the city's sole opinion, the maintenance entity is not properly maintaining the stream or drainage way. (DDC 7.5.3.I.2.a.vii) See Additional Comments listed at the end of this document. </div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Provides Adequate Road Systems				

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
		Met	Not Met	N/A
<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 style="border: 1px solid black; padding: 5px;"> <p>The Final Plat is not compliant with this criterion:</p> <p>1. Show the R.O.W width from the Hickory Creek Road centerline to the property line which needs to be min. 67.5'. Dedicate additional R.O.W if this standard is not meet.</p> </div>		<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:</p> <div 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"/>
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 style="border: 1px solid black; padding: 5px;"> <p>There is no phasing plan associated with the proposed Final Plat.</p> </div>		<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>		<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
An approved preliminary plat associated with this property (PP22-0006) expired in April 2024. The applicant has opted to omit the Preliminary Plat step for the current project in accordance with Denton Development Code 2.6.3B.1.				
15. Whether the development will substantially comply with all requirements of this DDC. Findings: <p>The Final Plat does not comply with the applicable requirements of the Denton Development Code as described herein.</p> <ol style="list-style-type: none"> 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 Wastewater Utilities. The general criteria to define minimum easement widths are listed in Table 7.B: Minimum Easement Widths of the DDC. (DDC 7.6.7.A) See Additional Comments listed at the end of this document. 		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Whether the development will comply with the applicable technical standards and specifications adopted by the City. Findings: <p>The Final Plat does not comply with the applicable technical standards and specifications adopted by the City, as described herein.</p> <ol style="list-style-type: none"> Please dedicate public utility easements on final plat per attached V1 DME markups (Denton Development Code Subchapter 7.13.6). Please show the plan stamp below on final plat per attached V1 DME markups (DME Electric Service Standards Section 4.3.6). (Missing the last sentence of this plan stamp) See Additional Comments listed at the end of this document. 		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Additional Comments:

- Add the following standard notes (FPC 5.8)
 - Wastewater utility service will be provided by City of Denton.
 - Water utility service will be provided by the City of Denton.
 - Selling a portion of this addition by metes and bounds is a violation of city ordinance and state law, and is subject to fines and/or withholding of utilities and building permits.

- d. All drainage easements are to be kept clear of fences, buildings, trees, and other obstructions to the operation and maintenance of the drainage facility.
 - e. Encroachment of private improvements into public easements shall not be permitted.
2. Add the following plat 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 7.7.5. must be met prior to the release of any permits"
 3. Replace with "FINAL" (FPC 5.5)
 4. Replace with "CHAIR, PLANNING AND ZONING COMMISSION" (FPC 5.5)
 5. Add "PLANNING AND ZONING COMMISSION" (FPC 5.5)
 6. Label line and curve data to match legal description. (FPC 3.2)
 7. Label the dimension between centerline to the edge of ROW of Hickory Creek Road. (FPC 3.15)
 8. Provide a copy of the computer-generated closure report for the metes and bounds description. (FPC 5.2)
 9. Include property or business 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)
 10. Final Plat Review must have a CEP approved prior to approval.
 11. All plan sheets shall be sealed by the engineer of record and shall include the engineer's registration number as well as the firm's registration number. Include phone number. (FPC 2.4)
 12. Revise Project number to City Assigned Project number FP25-0020. (FPC 2.2)
 13. Include ", of 20____." at end of sentences per Signature block. Update Notary Public Acknowledgment for All Signatures. <https://tx-denton.civicplus.com/DocumentCenter/View/9297/Standard-Plat-Notes-05-31-24?bidId=>
 14. Add all Required Notes 1-12, and all applicable notes for Wastewater, Water, Drainage, additional /other notes, and the required final master note #44 from "Master Notes List for Plats" see <https://tx-denton.civicplus.com/DocumentCenter/View/9297/Standard-Plat-Notes-05-31-24?bidId=>
 15. Use the verbiage for Plat Signature Block for Final Plat.