

# Planning Staff Analysis

FP25-0018 / Hickory Grove 4

## Planning & Zoning Commission

### REQUEST:

Final plat for an approximately 114.043-acre site

### APPLICANT:

Kimley Horn & Associates on behalf of Double R. Devco, LLC and Hickory Grove Residential Inc.

### RECOMMENDATION:

Staff recommends denial of this Final Plat as it does not meet the established approval criteria; however, staff has no objection to the requested extension, which could be granted to 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
<b>1. Generally</b>			
<p><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></p> <p><b>Findings:</b></p> <div><p>The Final Plat does not meet all review criteria, as detailed in the following items as required by the Final Plat Checklist (FPC) authorized per Denton Development Code Section 2.4.4B:</p><ol style="list-style-type: none"><li>1. Include the city assigned project number “FP25-00018” in the title block. Update the date of preparation. (FPC 2.2)</li><li>2. Verify minimum finish floor elevation for each pad site on any lot adjacent to the floodplain or within the 200’ permit buffer around the floodplain (FPC 3.10).</li><li>3. Label HOA lots as drainage lots, along with required note for drainage lots, or ensure all drainage element contained within this in drainage easements. (FPC 6.2).</li><li>4. Indicate gas well locations for operational and plugged wells on site or on adjacent property, and dimension required reverse setbacks, equipment separation distances, and gas well notifications (for residential plats), 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 lot(s) that are within 1,000 feet of the drilling and production site shall be denoted with an asterisk (*) that refers to the note described in section 5.8.2 above. Provide gas well disclosures as required by DDC Section 8.3.5.</li></ol></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>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 the review criteria of DDC Section 2.6.4D as described herein.</div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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> <b>Findings:</b> <div>There is no conflict.</div>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2. Prior Approvals</b>				
<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> <b>Findings:</b> <div>The final plat is consistent with the Preliminary Plat. Since the approval of the Preliminary Plat, the applicant has submitted a revised phasing plan. The proposed final plat is consistent with the revised phasing plan.</div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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> <b>Findings:</b> <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>a. The decision-making authority shall weigh competing plan goals, policies, and strategies</b> <b>Findings:</b> <div>There are no competing plan goals, policies, and strategies for this site.</div>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<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>		<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
<b>Findings:</b> <div>The overall goals of the Comprehensive Plan are met with the proposed Final Plat.</div>				
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>All applications shall include all required information requested by the Director to demonstrate compliance with City codes per DDC Section 2.4.4B. Per the Development Agreement, the subject property is subject to those portions of the DDC typically applicable to the City's Division 1 ETJ as well as development and subdivision regulations contained in Section 3.4, Subchapter 7, and Subchapter 8 of the Denton Development Code. The proposed Final Plat does not comply with the following applicable DDC requirements:  1. The minimum finished floor elevations, the datum used, and the source of the elevation information shall be labeled on the final plat where required. (DDC 7.5.I.3)</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>The Final Plat was submitted at an adequate level of detail.</div>		<input checked="" type="checkbox"/>	<input 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> <div>The Final Plat complies with all other applicable city regulations.</div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. Consistent with Interlocal and Development Agreements</b>				
<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> <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 proposed development is not fully compliant with the development agreement adopted for this Municipal Utility District. As described herein, the Final Plat does not comply with all applicable DDC standards as required by the agreement.</p>				
<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> <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>		<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> <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>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>9. Minimizes Adverse Fiscal Impacts</b>				
<p><b>a. The proposed development should not result in significant adverse fiscal impacts on the city.</b></p> <p><b>Findings:</b></p> <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>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>10. Compliance with Utility, Service, and Improvement Standards</b>				
<p><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></p> <p><b>Findings:</b></p> <p>The proposed Final Plat is compliant with all applicable regulations.</p>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>11. Provides Adequate Road Systems</b>				

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><b>Findings:</b></p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>The Final Plat is compliant with this criterion.</p> </div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>There are adequate facilities to serve the development. Civil engineering plans are under review to ensure adequate infrastructure improvements and extensions.</p> </div>		<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> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>The proposed Final Plat is consistent with the revised phasing plan approved following the Preliminary Plat.</p> </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
<p><b>14. Whether the final plat conforms to the preliminary plat, including any conditions of approval.</b></p> <p><b>Findings:</b></p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> <p>The Final Plat is consistent with the Preliminary Plat. Since the approval of the Preliminary Plat, the applicant has submitted a revised phasing plan. The proposed Final Plat is consistent with the revised phasing plan.</p> </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
<b>15. Whether the development will substantially comply with all requirements of this DDC.</b> <b>Findings:</b> <div>As discussed herein, the Final Plat does not comply with the applicable requirements of the Denton Development Code.</div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>16. Whether the development will comply with the applicable technical standards and specifications adopted by the City.</b> <b>Findings:</b> <div>The Final Plat complies with the applicable technical standards and specifications adopted by the City.</div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>