

Planning Staff Analysis

FP26-0018/Alliance DriveAway

City Council District 3

Planning & Zoning Commission

REQUEST:

Final Plat for an approximately 36.66-acre site.

APPLICANT:

TNP Inc. on behalf of LYDA Properties 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;"> The Final Plat does not meet all applicable review criteria. See Criteria 2, 4-5, 11, 15-16. </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;"> The Final Plat does not meet all applicable review criteria of DDC Section 2.6.4D as described herein. See Criteria 15, 16. </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;"> There is no conflict. </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 agreement, or plat approval that is in effect and not proposed to be</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>changed. This includes an approved phasing plan for development and installation of public improvements and amenities.</p> <p>Findings:</p> <div data-bbox="253 331 1018 533" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat is not compliant with this criterion. See the following comments:</p> <ol style="list-style-type: none"> Civil Engineering Plans must be approved prior to plat approval. (DDC 8.3.2.C) </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="206 737 971 884" 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 1052 1018 1161" 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 1360 1018 1501" 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> <div data-bbox="253 1738 1018 1843" style="border: 1px solid black; padding: 5px;"> <p>The proposed Final Plat is not compliant with this criterion. See Criteria 2, 5, 11</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>b. Compliance with these standards is applied at the level of detail required for the subject submittal.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;"> <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. Ensure all monuments are labeled. (FPC 2.13) 2. Include the centerline line type in the legend. (FPC 2.12) 3. Change to "AIRPORT ROAD (FM 1515)" 4. For existing creeks, show dimensions in feet and hundredths of feet with bearings and angles. (FPC 3.12) 5. Provide additional recording information for these existing easements. (FPC 3.6) 6. Include this dimension as part of the plat graphic to match legal description. (FPC 3.2) 7. Include floodway hatching in the legend. (FPC 2.12) 8. Depict all overhead electric distribution and transmission line clearance zones intersecting or adjacent to the property. (FPC 2.19) 9. Add project number [FP26-0018] (FPC 2.2) </div>	<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>	<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 Final Plat is not compliant with this criterion. See the following comments:</p> <ol style="list-style-type: none"> 1. 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) 2. 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. (DDC 7.5.3.I.2.a.iv-vi) 			
6. Consistent with Interlocal and Development Agreements				
	<p>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.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px; width: fit-content;"> <p>There are no development agreements applicable to this proposed Final Plat.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Minimizes Adverse Environmental Impacts				
	<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 style="border: 1px solid black; padding: 5px; width: fit-content;"> <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"/>
8. Minimizes Adverse Impacts on Surrounding Property				

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
<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="253 367 1016 510" 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"/>
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 data-bbox="253 718 1016 861" 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"/>
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 data-bbox="253 1167 1016 1236" 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"/>
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 data-bbox="253 1545 1016 1843" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat is not compliant with this criterion. See the following comments:</p> <ol style="list-style-type: none"> 1. Airport Road is classified as a primary arterial. This requires a 67.5' half width section from the centerline. Verify if ROW will need to be dedicated for this portion of roadway. (DDC 7.8.7.A-B, DCM 5.3 and FPC 4.1) </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Provides Adequate Public Services and Facilities			

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
<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="253 499 1016 569" style="border: 1px solid black; padding: 5px;">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="253 842 1016 947" style="border: 1px solid black; padding: 5px;">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: <div data-bbox="204 1255 967 1440" style="border: 1px solid black; padding: 5px;">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.</div> </p>	<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: <div data-bbox="204 1612 967 1766" style="border: 1px solid black; padding: 5px;">The Final Plat does not comply with the applicable requirements of the Denton Development Code as described herein. See Criteria 2, 5, 11.</div> </p>	<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 data-bbox="159 205 1042 268">16. Whether the development will comply with the applicable technical standards and specifications adopted by the City.</p> <p data-bbox="203 304 324 336">Findings:</p> <div data-bbox="203 336 971 478" style="border: 1px solid black; padding: 5px;"> <p data-bbox="224 346 950 451">The Final Plat does not comply with the applicable technical standards and specifications adopted by the City, as described herein. See Criteria 11.</p> </div>	<input data-bbox="1205 346 1237 378" type="checkbox"/>	<input checked="" data-bbox="1318 346 1351 378" type="checkbox"/>	<input data-bbox="1448 346 1481 378" type="checkbox"/>