

Planning Staff Analysis

MP26-0004/ Zepeda Addition

City of Denton ETJ 1

Planning & Zoning Commission

REQUEST:

Final Plat for an approximately 14.966-acre site.

APPLICANT:

Lizette Zepeda, property owner.

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 April 29, 2026.

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 is not compliant with this criterion as described below:</p> <ol style="list-style-type: none"> 1. Add the following notes to the plat (FPC 5.8): <ol style="list-style-type: none"> 1.1. 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. 1.2. Approval of this plat will expire two years from Planning and Zoning Commission approval if not recorded in the Real Property Records of the County of Denton. 1.3. A subdivision variance from 2019 DDC 8.3.2.C.2.a requirement was approved by the Planning and Zoning Commission on _____. 1.4. There are no gas, petroleum, or similar common carrier pipelines or pipeline easements within the limits of the subdivision. OR All gas, petroleum, or similar common carrier pipelines and/or pipeline easements within the limits of the subdivision are as shown </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>1.5. Maintenance of all private sanitary sewer, storm sewer, and water facilities onsite shall be the responsibility of the property owner. The City of Denton shall have no responsibility to maintain such facilities.</p> <p>2. Replace City Signature block with text from Standard Plat Notes (FPC 5.5).</p> <p>3. Add text to the end of the Owner's Dedication Block from Standard Plat Notes (FPC 5.4).</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> <div data-bbox="253 630 1018 735" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat meets all applicable review criteria of DDC Section 2.6.4D as described herein.</p> </div>		☒	☐	☐
<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 data-bbox="253 938 1018 1005" style="border: 1px solid black; padding: 5px;"> <p>There is no conflict.</p> </div>		☐	☐	☒
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> <p>Findings:</p> <div data-bbox="253 1314 1018 1381" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat is compliant with this criterion.</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 1587 971 1732" 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>		☐	☐	☒
<p>a. The decision-making authority shall weigh competing plan goals, policies, and strategies</p> <p>Findings:</p>		☒	☐	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
		Met	Not Met	N/A
<p>There are no competing plan goals, policies, and strategies for this site.</p>				
<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> <p>The overall goals of the Comprehensive Plan are met with the proposed Final Plat.</p>		<input type="checkbox"/>	<input 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> <p>The proposed Final Plat is not compliant with this criterion as described below:</p> <p>Since the use on these lots is residential, and more than three tracts take exclusive access from the private road easement (Indian Wells Road), a subdivision variance is required. A Subdivision Variance is a separate application and must be approved by the Planning and Zoning Commission prior to approval of the Plat (the plat and variance can be considered at the same meeting). Please submit a variance application requesting a variance from Denton Development Code Subsection 8.3.2.C.2.a.</p>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>b. Compliance with these standards is applied at the level of detail required for the subject submittal.</p> <p>Findings:</p> <ol style="list-style-type: none"> 1. Not necessary to show land covers on the plat. (FPC 2.1) 2. Not necessary to show gravel road. (FPC 2.1) 3. Missing monument. (FPC 2.13) 4. Provide a copy of the computer-generated closure report for the metes and bounds description. (FPC 5.2) 5. All notes shall be shown on the plat in the order they appear, using the number assigned On the Master Note List. Remove any notes that are not applicable; however, remaining notes shall not be renumbered. Notes 1 – 12 shall not be modified unless Staff indicates otherwise (FPC 5.8) 		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Compliance with Other Applicable Regulations				

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
<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> <div data-bbox="253 436 1016 768" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat is not compliant with this criterion as described below:</p> <p>Display the location of the centerline of creeks (Clear Creek Tributary 2) and drainage ways tied to dimensions in feet and hundredths of feet with bearings and angles. No unplatted remainder will be allowed between property boundaries and centerlines of creeks. (FPC 3.12)</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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 data-bbox="253 1045 1016 1150" style="border: 1px solid black; padding: 5px;"> <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 data-bbox="253 1453 1016 1579" 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"/>
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>	<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
	Due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable.			
9. Minimizes Adverse Fiscal Impacts				
	<p>a. The proposed development should not result in significant adverse fiscal impacts on the city.</p> <p>Findings: 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"/>
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: The Final Plat is compliant with this criterion.</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: The Final Plat is not compliant with this criterion as described below:</p> <ol style="list-style-type: none"> 1. Indian Wells Road is secondary arterial per mobility plan. From Centerline to the property line 55 ft ROW reservation will be required (FPC 3.13). <ul style="list-style-type: none"> > Provide the existing road ROW > Provide existing ROW from road centerline to property line. > Reserve additional ROW if needed. 	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12. Provides Adequate Public Services and Facilities				
	a. Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or	<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
<p>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="253 436 1016 495" style="border: 1px solid black; padding: 2px;">The Final Plat is compliant with this criterion.</div> </p>			
<p>13. Rational Phasing Plan</p>			
<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.</p> <p>Findings: <div data-bbox="253 772 1016 852" 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: <div data-bbox="204 1199 967 1291" style="border: 1px solid black; padding: 2px;">There is no approved preliminary plat associated with the proposed Final Plat.</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 1465 967 1591" style="border: 1px solid black; padding: 2px;">The Final Plat does not comply with the applicable requirements of the Denton Development Code as described under Criteria 4.</div> </p>	<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: <div data-bbox="204 1766 967 1850" style="border: 1px solid black; padding: 2px;">The Final Plat does not comply with this criterion as described in Criteria 11.</div> </p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>