

Planning Staff Analysis

FP26-0015a/Flex Business Park Addition

ETJ

Planning & Zoning Commission

REQUEST:

Final plat for an approximately 4.991-acre site.

APPLICANT:

Mitchel Ryan of Trailspur, LLC, on behalf of the property owner, TCP Leatherwood, LLC.

RECOMMENDATION:

Staff recommends denial of this plat as it does not meet the established criteria for approval.

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;">Proposed plat does not comply with all general applicable review criteria, as detailed herein.</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.</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 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> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px;">There are no prior approvals for this property.</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 |
| <p>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 data-bbox="240 369 1024 506" style="border: 1px solid black; padding: 5px;"> Due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable. </div></p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>a. The decision-making authority shall weigh competing plan goals, policies, and strategies. Findings: <div data-bbox="250 642 1036 741" style="border: 1px solid black; padding: 5px;"> There are no competing plan goals, policies, and strategies for this site. </div></p> | <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. Findings: <div data-bbox="253 911 1040 989" style="border: 1px solid black; padding: 5px;"> Not applicable. </div></p> | <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. Findings: <div data-bbox="253 1171 1287 1913" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat does not comply with the applicable DDC requirements as described herein:</p> <ol style="list-style-type: none"> 1. Provide notes indicating how adequate water 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) 2. Plat cannot be approved until Civil Engineering Plans are approved. (DDC 2.6.4C.2d) <p>The proposed Final Plat does not meet all criteria set forth by the Final Plat Checklist (FPC), authorized by Denton Development Code (DDC) Subsection 2.6.4D.3. Prior to approval, the following comments must be addressed:</p> <ol style="list-style-type: none"> 1. Provide plat notes and approval block in accordance with the Standard Plat notes for a Final Plat. (FPC 5.8) 2. Provide copy of computer-generated closure sheet. (FPC 5.2) 3. Provide and label ROW corner clip dedications. Provide line and curve data for dedications. (DCM 5.4.1, DCM 5.4.2 and FPC 3.16) 4. Fire lanes are not easements – remove depicted fire lanes from the plat. (FPC 3.6) 5. Depict all overhead electric distribution and transmission line clearance zones intersecting or adjacent to the property. (FPC 2.19) </div></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>b. Compliance with these standards is applied at the level of detail required for the subject submittal. Findings: <div data-bbox="256 363 1154 510" style="border: 1px solid black; padding: 5px;">The proposed Final Plat provides sufficient detail required for the submittal.</div></p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Compliance with Other Applicable Regulations | | | |
| <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. Findings: <div data-bbox="256 716 1159 848" style="border: 1px solid black; padding: 5px;">The proposed Final Plat does not comply with all standards of the Denton Criteria Manual as further discussed in Criterion 4 above.</div></p> | <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. Findings: <div data-bbox="256 1058 1115 1146" style="border: 1px solid black; padding: 5px;">There are no development agreements applicable to this Final Plat.</div></p> | <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. Findings: <div data-bbox="256 1423 1122 1524" style="border: 1px solid black; padding: 5px;">Due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable.</div></p> | <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. Findings: <div data-bbox="256 1759 1117 1881" style="border: 1px solid black; padding: 5px;">Due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable.</div></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 |
| 9. Minimizes Adverse Fiscal Impacts | | | |
| <p>a. The proposed development should not result in significant adverse fiscal impacts on the city. Findings:</p> <div data-bbox="261 331 1122 464" 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. Findings:</p> <div data-bbox="253 726 1130 867" style="border: 1px solid black; padding: 5px;"> <p>As discussed further in Criterion 4: 1. ROW corner clip dedication is required. (DCM 4.5.1, DCM 5.4.2, FPC 3.16)</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. Findings:</p> <div data-bbox="253 1146 1117 1299" style="border: 1px solid black; padding: 5px;"> <p>As discussed further in Criterion 4, ROW corner clip dedication is required, and this is needed in order to ensure access onto the site. (DCM 4.5.1, DCM 5.4.2, FPC 3.16)</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. Findings:</p> <div data-bbox="261 1688 1110 1818" style="border: 1px solid black; padding: 5px;"> <p>Plat notes are needed to establish that the lot will be served by City of Denton water service as required by DDC 8.4.10-11. (FPC 2.14-15)</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 |
| 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; margin-left: 20px;"> <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> <div style="border: 1px solid black; padding: 5px; margin-left: 20px;"> <p>There is no approved preliminary plat associated with the proposed Final Plat.</p> </div> | <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:</p> <div style="border: 1px solid black; padding: 5px; margin-left: 20px;"> <p>The Final Plat does not comply with the applicable requirements of the Denton Development Code as detailed in Criterion 4.</p> </div> | <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:</p> <div style="border: 1px solid black; padding: 5px; margin-left: 20px;"> <p>The Final Plat has not established compliance with all applicable technical standards of City of Denton, as detailed in Criteria 5 and 10.</p> </div> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |