

Planning Staff Analysis

FP25-0011/Villages on McKinney

District 1

Planning & Zoning Commission

REQUEST:

Final plat for an approximately 12.1-acre site

APPLICANT:

Aspire Real Estate Services LLC and OMA Denton 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 April 23, 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: <div><p>The proposed Final Plat does not meet all criteria set forth by the Final Plat Checklist (FPC), authorized by DDC Subsection 2.6.4D.3. Prior to approval, the following comments must be addressed:</p><p>PLN1. Revise the title block to include a reference to the lot, subdivision name, and recording information being replatted. FPC 2.3</p><p>ENG1. 2.4) If applicable, include correct verbiage for Note 34 per City standard plat notes (FPC 5.8)</p><p>ENG2. 2.3) Update missing words in plat note (FPC5.8)</p><p>ENG3. 2.1) Show ex. Drainage easement for existing 7" by 5" RCB. (FPC 3.6).</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>ENG4. 1.7) City of Denton GIS shows additional easements along the western property line. Show, label, and dimension all existing and proposed easements. (DDC 2.6.2.C.6.b and DDC 8.4.4). Provide line and curve data for easement boundaries and tie down easements. Provide recording information for existing easements. If all or portion of an existing platted easement is to be abandoned, label "To be abandoned by this plat." Indicate abandonments using a hatching pattern. (FPC 3.6)</p> <p>ENG5. Provide recording information for existing easements. If all or portion of an existing platted easement is to be abandoned, label "To be abandoned by this plat." Indicate abandonments using a hatching pattern. (FPC 3.6)</p> <p>ENG6. 1.2) City of Denton GIS shows additional easements along the western property line. Show, label, and dimension all existing and proposed easements. (DDC 2.6.2.C.6.b and DDC 8.4.4). Provide line and curve data for easement boundaries and tie down easements. Provide recording information for existing easements. If all or portion of an existing platted easement is to be abandoned, label "To be abandoned by this plat." Indicate abandonments using a hatching pattern. (FPC 3.6)</p> <p>ENG7. 1.8) City of Denton GIS shows additional easements along the western property line. Show, label, and dimension all existing and proposed easements. (DDC 2.6.2.C.6.b and DDC 8.4.4). Provide line and curve data for easement boundaries and tie down easements. 1.8) Include specific dedication language for drainage easements. Restrictions of easements shall be described on the final plat and approved by the City. (FPC 6.2 and DDC 7.5.3.N)</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. Findings:</p> <p>The Final Plat does not meet all applicable review criteria of DDC Section 2.6.4D as described herein. See criterion #15 for details.</p>		<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. Findings:</p> <p>There is no conflict.</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
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> <p>In order for the development to comply with the approved PD, the following correction is needed:</p> <p>Add a public access and maintenance easement for the benefit of the adjacent property owner within each 3-foot side yard.</p> <p>PD24-0004</p> <p>Civil Engineering Plans (CEP25-0005) must be approved prior to Final Plat approval.</p> </div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>3. Consistent with Comprehensive Plan and Other Applicable Plans</p> <p>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>Not 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		
		Met	Not Met	N/A
Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
4. Compliance with this DDC				
a. The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified. Findings: <div> <p>The Final Plat does not comply with the applicable DDC requirements as described herein:</p> <p>TC1. Pending Tree Preservation Plan approval. Minimum Tree Preservation requirements of the Denton Development Code Section 7.7.4. must be met prior to the release of any permits.</p> <p>ENG1. 1.1) Final Plat Review must have a CEP approved prior to approval.</p> </div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Compliance with these standards is applied at the level of detail required for the subject submittal. Findings: <div> <p>The proposed Final Plat provides sufficient detail required for the submittal.</p> </div>		<input checked="" type="checkbox"/>	<input 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> <p>The proposed Final Plat does not meet all criteria set forth by the Final Plat Checklist, authorized by DDC Subsection 2.6.4D.3. See Criterion # 16 for details.</p> </div>		<input type="checkbox"/>	<input checked="" 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> <p>There are no development agreements applicable to this Final Plat.</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		
		Met	Not Met	N/A
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>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"/>
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>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"/>
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>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"/>
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>		<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 does not comply with the applicable DDC requirements as described herein. See Criterion #4 for details.</p>				
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> <p>The Final Plat has adequate road capacity and complies with this criterion.</p>		<input checked="" type="checkbox"/>	<input 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> <p>There is adequate capacity to serve the proposed development.</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:</p> <p>There is no phasing plan associated with the proposed Final Plat.</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:</p> <div data-bbox="204 300 1039 405" style="border: 1px solid black; padding: 5px;"> <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 data-bbox="204 541 1026 684" style="border: 1px solid black; padding: 5px;"> <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 data-bbox="204 825 1079 1278" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat does not comply with the applicable technical standards of the Denton Development Code.</p> <p>DME 1- Please revise the plan stamp below on final plat per uploaded V1 DME markups (DME Electric Service Standards Section 4.3.6).</p> <p>PARK.1.2. Label “Public Access Easement” on Final Plat where the 10-foot-wide meandering trail is located.</p> <p>PARK.1.3. Add a note in Final Plat stating: “The 10-foot-wide meandering trail shall be within a Public Access Easement on Lot XX, Block XX. The trail improvements are to be maintained by the Home Owners Association.”</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>