

Planning Staff Analysis

FP26-0014/Affordable Estates Addition

District 3

Planning & Zoning Commission

REQUEST:

Final plat for an approximately 1.832-acre site

APPLICANT:

Grayson Hughes of Sutherland King Consulting, on behalf of the property owner, Denton Affordable Housing Corporation.

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;"> <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 in accordance with the Standard Plat notes. (FPC 5.8) 2. Provide correct contact information for property owner. (FPC 2.4) 3. Accurately depict all easements onsite. (FPC 3.6; DDC 2.6.2C.6.b) 4. Dimension and label right-of-way (ROW) dedication width and centerline to edge of ROW dedication. (FPC 3.13 and 4.1) 5. Label recording information for adjacent properties. (FPC 4.2) 6. Correctly identify the FEMA Flood Zone in which the property is located. (FPC 3.11 and DDC 7.5.3) 7. Include all lines and acronyms in legend. (FPC 2.12) 8. Provide copy of computer-generated closure sheet. (FPC 5.2) 9. Label finish floor elevation for pad site on a lot within the 200' floodplain permit buffer. (FPC 3.14 and DDC 7.5.3.I.3) 10. Provide a 3"x3" space in the lower right-hand corner of the plat for County filing information. (FPC 2.21) 11. Add note regarding reconstructing water and sewer lines in compliance with Texas Administrative Code Title 30 Part 1 Chapters 217 and 290 and the City of Denton Code of Ordinances. (FPC 6.7) 12. Label existing public street right-of-way correctly. (FPC 4.4) </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. 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: <div data-bbox="261 302 1047 438" 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></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: <div data-bbox="261 575 1040 678" style="border: 1px solid black; padding: 5px;">There is no conflict.</div></p>	<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. Findings: <div data-bbox="261 919 1034 989" style="border: 1px solid black; padding: 5px;">There are no prior approvals for this property.</div></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Consistent with Comprehensive Plan and Other Applicable Plans			
<p>The proposed development shall be consistent with the Comprehensive Plan and any applicable plans. <div data-bbox="370 1129 1156 1346" 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> Findings:</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. <div data-bbox="380 1457 1166 1688" style="border: 1px solid black; padding: 5px;">There are no competing plan goals, policies, and strategies for this site.</div> Findings:</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:</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
Not applicable.				
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> <div 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. Accurately depict all easements onsite. (FPC 3.6; DDC 2.6.2C.6.b) 2. Label finish floor elevation for pad site on a lot within the 200' floodplain permit buffer. (FPC 3.14 and DDC 7.5.3.I.3) 3. Correctly identify the FEMA Flood Zone in which the property is located. (FPC 3.11 and DDC 7.5.3) 4. Compliance with DDC ROW dedication requirements is unclear until ROW half width and ROW dedication are both correctly dimensioned. Provide this information to show compliance. (DDC 7.8.7A-B) 5. Provide note to identify compliance with DDC requirement of adequate water and sewer for newly platted lots. (DDC 8.4.10-11) </div>		<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> <div style="border: 1px solid black; padding: 5px;"> <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				
<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 style="border: 1px solid black; padding: 5px;"> <p>The proposed Final Plat does not comply with all other city regulations, in the following ways:</p> <ol style="list-style-type: none"> 1. Provide note regarding water and wastewater line reconstruction to ensure compliance with state and City of Denton code, as discussed further in Criterion 1. (FPC 6.7) 2. The need for an elevation certificate for any structure proposed within the FEMA floodplain buffer should be included in a note on the plat. (Denton Code of Ordinances Section 30-53(a); Section 30-33). </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
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 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			
<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 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"/>
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 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"/>
10. Compliance with Utility, Service, and Improvement Standards			

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
<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="253 401 1133 527" style="border: 1px solid black; padding: 5px;"> Compliance with regulatory standards for roadways and drainage cannot be determined until additional information is provided, as discussed further in Criterion 4. </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.</p> <p>Findings:</p> <div data-bbox="253 764 1133 911" style="border: 1px solid black; padding: 5px;"> Adequate road capacity cannot be determined until applicant correctly labels size of proposed ROW dedication, as discussed in Criterion 4.a . (DDC 7.8.7A-B) </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.</p> <p>Findings:</p> <div data-bbox="253 1276 1133 1430" style="border: 1px solid black; padding: 5px;"> Plat notes are needed to establish that the lot will be served by City of Denton water and sewer services as required by DDC 8.4.10-11 .(FPC 2.14-15) </div>	<input type="checkbox"/>	<input checked="" 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> <div data-bbox="253 1703 1133 1801" style="border: 1px solid black; padding: 5px;"> There is no phasing plan associated with the proposed Final Plat. </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 data-bbox="204 300 1037 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 1024 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 1078 995" style="border: 1px solid black; padding: 5px;"> <p>The Final Plat has not established compliance with all applicable technical standards of City of Denton, as detailed in Criteria 1 and 5.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>