

Planning Staff Analysis

FP23-0029/ Sagebrook Phase 2B

City Council District #4

Planning & Zoning Commission

REQUEST:

Final plat for an approximately 23.8-acre site

APPLICANT:

Sagebrook Denton LP

RECOMMENDATION:

Staff recommends denial of this Final Plat as it does not meet the established approval criteria, as shown in the following table. However, Staff has no objection to the requested extension, which could be granted to a date certain of December 13, 2023.

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> <p>The Final Plat does not meet all review criteria, as detailed in Approval Criteria 4 below and the following items as required by the Final Plat Checklist authorized per Denton Development Code Section 2.4.4B:</p> <ol style="list-style-type: none"> 1. Provide the title policy for the subject property. (Checklist 1.5) 2. Include monument graphic in the legend. (Checklist 2.12) 3. Add city assigned project number to title block. Remove note stating that the plat has not been approved. (Checklist 2.2) 4. Add Lot 87, Block J to the title block. (Checklist 2.2b) 5. Add phone number for property owner. (Checklist 2.4) 6. If water and/or sewer service will be provided through the City of Denton, include a note. (Checklist 2.15) 7. Label the exact location, dimension, and centerline of existing public ROW intersecting or contiguous with its boundary or forming such boundary. (Checklist 3.15) 8. 1.30) Verify legal description. (FPC3.2) 9. If the temporary 50' street easement on Lot 51, Block J is to be abandoned in the future, state on the plat "to be abandoned by separate instrument". (Checklist 3.6) 10. Revise legal description to state "City of Denton, Denton County, Texas". (Checklist 5.1) 11. Add total area of plat in square feet. (Checklist 5.3) 12. Provide the purpose of the plat in a plat note. (Checklist 5.8) 13. 1.31) Ensure all monuments described in this legal description are shown in the plat graphic. (Checklist 5.2) </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
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>The Final Plat does not meet all review criteria, as detailed in Approval Criteria 4 below.</div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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>There is no conflict.</div>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Prior Approvals				
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>Final Plat is consistent with the previously approved Planned Development.</div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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>Denton 2040 Comprehensive Plan's Future Land Use Map designates the subject property as Moderate Residential. This development is consistent with the designation. However, 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"/>
a. The decision-making authority shall weigh competing plan goals, policies, and strategies Findings: <div>There are no competing plan goals, policies, and strategies for this site.</div>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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></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		
		Met	Not Met	N/A
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 style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>All applications shall include all required information requested by the Director of staff to demonstrate compliance with City codes per DDC Section 2.4.4B.</p> <ol style="list-style-type: none"> 1. Submit amended HOA documents that include this phase. HOA documents will need to be reviewed and approved by Legal before the final plat can be approved. (8.3.2D) 2. Label all existing and proposed easements or open space lots. (FPC3.6, FPC4.2, DDC2.6.2.C.6.b and DDC8.4.4.) 3. Add a notation to the plat notes stating the Diameter at Breast Height (DBH) of trees to be preserved and their lot location. This can be added to the General Notes or wherever appropriate. A sample note will be provided below after code language is stated. Per DDC 7.7.4.E.7.: "A notation must be placed on the preliminary plat, final plat, site plan, and building permit identifying the dbh of trees to be preserved and the location of the lots that contain preserved trees. </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 style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>The subject submittal is a Final Plat, and it was reviewed based on the established checklist and requirements.</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.		<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
Findings: <div>The Final Plat complies with all other applicable regulations.</div>				
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>No interlocal or development agreements are applicable to this project.</div>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Minimizes Adverse Environmental Impacts				
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>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				
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>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				
a. The proposed development should not result in significant adverse fiscal impacts on the city. Findings: <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				
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.		<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
Findings: <div>The proposed Final Plat is compliant with all City regulations.</div>				
11. Provides Adequate Road Systems				
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: <div>Adequate road capacity exists external to the site.</div>		<input checked="" type="checkbox"/>	<input 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 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: <div>Current capacity can accommodate the proposed development.</div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Rational Phasing Plan				
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. Findings: <div>This final plat is for Phase 2 of a four-phase development. Phasing was proposed and approved as part of the PD.</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
14. Whether the final plat conforms to the preliminary plat, including any conditions of approval. Findings: <div>The Final Plat conforms to the Preliminary Plat.</div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final Plat Review Applicability Criteria (DDC Section 2.6.4.D)		Applicability		
		Met	Not Met	N/A
15. Whether the development will substantially comply with all requirements of this DDC. Findings: <div> This Final Plat conforms to all of the requirements of the DDC except for those deficiencies stated in Criteria 1 and 4 above. </div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Whether the development will comply with the applicable technical standards and specifications adopted by the City. Findings: <div> This development has not yet established compliance with applicable standards and specifications adopted by the City as indicated herein. </div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>