

Planning Staff Analysis

PP22-0020/ Birchway Denton IIB Addition

City Council District #1

Planning & Zoning Commission

REQUEST:

Final Plat for an approximately 14.4341-acre tract.

APPLICANT:

Jamir Ploetzner with Kimley-Horn and Associates on behalf of RTS & M, LLC.

RECOMMENDATION:

Staff recommends denial because the proposed Preliminary Plat fails to meet the established approval criteria, as shown in the following table:

Preliminary 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 Preliminary Plat does not meet all review criteria, as detailed in Approval Criteria 4 and 10 below and the following items as required by the Preliminary Plat Checklist (PPC) authorized per Denton Development Code Section 2.4.4B:</p> <ol style="list-style-type: none"> 1. Designate a title block in the lower, right-hand corner of the plat document. Include city assigned project number “PP22-0020” in title block. (PPC 1.1) 2. Provide a legend for all abbreviations, graphic symbols, and line types used. Add all line types used to the legend. (PPC 1.10) 3. Show and label all existing and proposed easements. Provide recording information for existing easements. If all or portion of an existing easement is to be abandoned, label “To be abandoned by this plat.” (PPC2.4) 4. Show, label and dimension drainage and floodway easements. Clarify what ‘edge of water means.’ (PPC2.5) 5. Show existing and proposed public R.O.W. for Roy Road and Northstar Road. Dimension total and half street R.O.W. widths. (PPC2.8). 6. Show all adjacent easements. Label as existing or proposed. If existing, provide recording information. Include space recording information of Conservation Easement adjacent to site. (PPC3.2) 7. Update Certificate of Approval to Planning and Zoning Commission and signature block for Chairperson. (PPC4.5) </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>8. Provide specific dedication language for floodway, drainage and detention easements. (PPC 4.7)</p> <p>9. Show and label the location and size of all existing and proposed public facilities (e.g. water, sewer, storm sewer and electric) to serve the development. (PPC7.1)</p> <p>10. Provide note that the development can be gravity sewer, as applicable. (PPC7.2)</p> <p>11. Provide information about any alternative water or sanitary sewer service that is to be provided, including wells or on-site septic facilities, and provide the location of and distance from nearest public facility. as applicable. (PPC7.3)</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>	<p>The Preliminary Plat does not meet all review criteria, as detailed in Approval Criteria 4 and 10 below.</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.</p> <p>Findings:</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.</p> <p>Findings:</p>	<p>The proposed Preliminary Plat is consistent with the Zoning of the site.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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.</p> <p>Findings:</p>	<p>The Comprehensive Plan designates the subject property as Regional Mixed Use. The proposed use is consistent with the designation.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>a. The decision-making authority shall weigh competing plan goals, policies, and strategies</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
<p>Findings:</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>			
<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 style="border: 1px solid black; height: 40px; width: 100%;"></div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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>In order for the proposed Preliminary Plat to meet the criteria, the following corrections are required:</p> <ol style="list-style-type: none"> 1. Notation on the preliminary plat references the incorrect dbh of trees to be preserved. Clarify amount of dbh to be preserved and update accordingly. (DDC 7.7.4E.7) </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 subject submittal is a preliminary plat, and it was reviewed based on the checklist and requirements for a preliminary plat.</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 Preliminary Plat complies with all other regulations.</p> </div>	<input checked="" type="checkbox"/>	<input 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>	<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>Findings:</p> <div style="border: 1px solid black; height: 40px; width: 100%;"></div>			
<p>7. Minimizes Adverse Environmental Impacts</p>			
<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;"> <p>A portion of the Upland Habitat is generally located in the southwest portion of the subject property. To minimize adverse environmental impacts, a Conservation easement to preserve the portion of the Upland Habitat not affected by this development is being established.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>8. Minimizes Adverse Impacts on Surrounding Property</p>			
<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;"> <p>The Preliminary Plat is not expected to cause significant adverse impacts.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>9. Minimizes Adverse Fiscal Impacts</p>			
<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;"> <p>The proposed development is not expected to result in adverse fiscal impacts on the City.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>10. Compliance with Utility, Service, and Improvement Standards</p>			

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="253 367 1096 926" style="border: 1px solid black; padding: 5px;"> <p>All applications shall include all required information requested by the Director to demonstrate compliance with City codes per DDC Section 2.4.4B and Denton Municipal Electric Service Standards. The proposed preliminary plat is not compliant with all City regulations, as noted below and in the Outstanding Engineering Comments listed at the end of this document.</p> <p><u>Electric:</u></p> <p>DME 1- Please show public utility easements per uploaded V1 DME markups. (DDC 7.6.13)</p> <p><u>Engineering:</u></p> <p>Due to the volume, outstanding Engineering Comments are listed at the end of this document.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p>11. Provides Adequate Road Systems</p>			
<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 1333 1040 1451" style="border: 1px solid black; padding: 5px;"> <p>There is adequate road capacity to accommodate the proposed use.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>12. Provides Adequate Public Services and Facilities</p>			
<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 1789 1040 1866" style="border: 1px solid black; padding: 5px;"> <p>Current capacity can accommodate the proposed development.</p> </div>	<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
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-top: 5px;"> Phasing for the development provides for adequate infrastructure. </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Preliminary Plat Review Applicability Criteria (DDC Section 2.6.3.D)	Applicability		
	Met	Not Met	N/A
<p>14. Whether the preliminary plat provides a layout of lots, roads, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive natural areas or other community resources.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> The preliminary plat reflects the required services to serve this development and limits disturbances to community resources. </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>15. Whether the preliminary plat provides evidence of public water and sewer system connections.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Adjacent water and wastewater are available for connection and extension through the development. </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>16. Whether the preliminary plat identifies and adequately mitigates known natural hazard areas.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> The subject property does not contain any know natural hazard areas. </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p>17. Whether the preliminary plat proposes reasonable project phasing in terms of infrastructure capacity.</p> <p>Findings:</p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> There is no proposed phasing as part of this Preliminary Pat. </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Outstanding Engineering Comments:

Preliminary Utility Plan

1. If the proposed number of residential units exceeds 25 and/or the nonresidential square footage exceeds 130,680 sq. ft. (3 acres), provide water and sewer demand/loading calculations consistent with the Water and Wastewater Design Criteria Manual. (W/WW DCM DC3.3 and 4.2/BEP)
2. Provide watermain extensions along the entire frontage of the property in such an alignment that it can be extended to the next property in accordance with the master water plans for the city or provide continuity of service to the adjoining lot. Properties having frontages along multiple streets shall extend accordingly along each street frontage. (DDC 7.6.3.A.1.a and b)
3. Public water or sewer mains serving only one lot (for both the proposed and anticipated future conditions) shall not be extended into that lot. (7.6.3.D)
4. Extend sewer main across the full width of the development lot (defined by plat or lot of record) in such an alignment that it can be extended to the next property in accordance with the master sewer plans for the city or provide continuity of service to the adjoining lot. Properties having frontages along multiple streets shall extend accordingly along each street frontage. (DDC7.6.3.A.1.a and b)
5. INFORMATION: When a proposed water or wastewater main crosses a non-City utility that has its own easement, a letter of permission or encroachment agreement from the affected utility is required in addition to an easement from the affected property owner CONCURRENT with CEP submittal. An example of this would be a wastewater main crossing privately held oil or gas pipeline in designated private easement. In those instances, a wastewater easement should be obtained from the underlying property owner for the entire width of the private easement, and a separate letter of permission or encroachment agreement obtained from the non-City utility owner for the area of the wastewater main crossing easement. (BEP)

Existing and Proposed Drainage Area Maps

1. The outer boundary of the floodway fringe at any point shall correspond to the base flood elevation as obtained by flood routing procedure. Minimum finished floor elevations for buildings within the floodway fringe and within two hundred (200) feet of the SFHA boundary shall be determined by adding eighteen (18) inches of freeboard to the base flood elevation based on fully developed conditions or thirty (30) inches above the BFE as indicated in the flood insurance study. (DDC30-51. - Zoning map flood area designations.)
2. Identify any changes to existing drainage features (proposed changes to floodplains and floodway, proposed changes to ESAs, upsizing of existing storm sewer, etc.) (PPC8.4)
3. Add the following notes to the preliminary plat:
 - a. Discharge from any detention pond outfall or storm drain outfall may require an offsite drainage easement to accommodate the flow. If an offsite drainage easement is required, a study shall be made of the off-site property to determine the size of the drainage easement to accommodate the flow. (BEP/City Standard Note)
 - b. Acceptance of the drainage features identified on the Preliminary Plat are subject to change during the final plat process and do not constitute subsequent approval of same. The City reserves the right to require additional data or studies to ensure compliance with City of Denton Subdivision and Land Regulations, Stormwater Design Criteria Manual and Comprehensive Master Drainage Plan. (BEP/City Standard Note)

Access, Circulation, Pedestrian and Bike Improvements

1. Show and dimension Driveway Throat Length (Stacking). Meet requirements of TDCM Table 2.2.3.1. Throat length is measured between the first parking space or drive aisle and the property line. All drives that access an arterial shall be classified as a primary drive approach. Parking lots with ten or fewer parking spaces may use a minimum throat length of 10 feet for drive approaches accessing a residential street or collector street. (TDCM Table 2.2.3.1.)
2. Show and dimension existing pavement width, sidewalk width (if existing) and label existing curb and gutter of adjacent and abutting streets.
3. Show, label, and provide area of right-of-way dedications. (DDC7.8.7.B.c and TDCM Table 1.3.1).

4. Provide a pedestrian TIA. For developments proposed within one-half mile of a public elementary, secondary school, or a University, a pedestrian TIA is required in accordance with the Transportation Design Criteria Manual to determine the appropriate size and location of sidewalks and bicycle facilities to serve those uses. (DDC7.8.11.H)
5. Provide street, bikeway, sidewalk, and other access and circulation improvements in accordance with the standards in this DDC, the Denton Transportation Design Criteria Manual, and the City Mobility Plan, as amended, or another adopted plan and dedicate or reserve any required rights-of-way or easements as determined necessary by the city. (DDC7.8.7A.1)
6. Is Northstar in place or will it be constructed with or prior to this development? All streets shall be provided with curb and gutter along the side abutting the development. If the street is ultimately proposed to serve as a divided arterial street and the development is required to install half of the arterial street, then curb and gutter shall be provided on both sides of the street so as to provide the curb for the future median of the arterial street. (DDC7.8.7.A.3 and 4)
7. At least two points of vehicular access into the proposed subdivision shall be provided, where feasible, unless it can be shown to the satisfaction of the City Engineer that legal, topographical, and/or engineering constraints preclude such access. (DDC8.3.2.C.1.c)
8. All development, except for single-family, duplex, and townhouse residential uses within previously platted subdivisions shall prepare a parking and circulation plan. The plan shall meet the requirements of the Transportation Design Criteria Manual and contain the following information:
 - a) Internal circulation and connectivity to existing street network;
 - b) Emergency and service vehicle access;
 - c) Parking layout;
 - d) Loading operations;
 - e) Turning radii based on uses;
 - f) Traffic calming measures where future “cut-through” traffic is likely;
 - g) Pedestrian, bicycle, and transit facilities; and
 - h) Other similar issues identified by the Director.
 A circulation plan shall be submitted with the respective site plan or subdivision application, as appropriate. (7.8.3.A and C)
9. **GATED COMMUNITIES:** Will there be gates for this complex? Turnouts or turnarounds for the public shall be provided outside the gated perimeter, pursuant to the guidelines of the Transportation Design Criteria Manual. Turnout or turnaround areas shall be dedicated by the developer as public access easements, or as part of the public right-of-way, and shall be maintained by the developer where they are easements. Any private street that has an access control gate or cross arm must have a minimum uninterrupted pavement width of 22 feet at the location of the access control device. If an overhead barrier is used, it must be a minimum of 14 feet in height above the road surface.(DDC8.3.6.B.2-4)