

# Staff Analysis

PP22-0018 / Cowboy Distribution

City Council District #3

Planning & Zoning Commission

**REQUEST:**

Preliminary Plat for an approximately 80.561-acre tract.

**APPLICANT:**

Alex Camunez with Pacheco Koch Engineering on behalf of Ironwood Realty, Inc.

**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
<b>1. Generally</b>			
<p><b>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.</b></p> <p><b>Findings:</b></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"> <li>1. Include City-assigned project number (PP22-0018), City, and gross acreage in title block of Preliminary Plat. (PPC 1.1)</li> <li>2. Clarify line type used for property line and include in plat legend. (PPC 1.10)</li> <li>3. Dimension all proposed easements shown on Preliminary Plat. (PPC1.10)</li> <li>4. Display the location of the centerline of creeks and drainage ways with accurate dimensions in feet and hundredths of feet with bearings and angles tied to subdivision boundary or other reference line. No unplatted remainder will be allowed between property boundaries and centerlines of creeks. (PPC 2.7)</li> <li>5. Label the centerline and dimensions from centerline to edge of existing ROW where contiguous to property lines. Label centerlines of N. Western Boulevard and Jim Christal Road. (PPC 2.8)</li> <li>6. Show and label corner clip R.O.W. dedications. Include line and curve data for dedication. (PPC 2.10)</li> <li>7. Show and label existing driveways, buildings, and other significant structures onsite, include whether they are to remain or be removed from site. (PPC 2.12)</li> </ol> </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. Include certificate of approval language for Planning and Zoning Commission and signature block for Chairperson. (PPC 4.5)</p> <p>9. Provide specific dedication language for floodway, drainage, and detention easements. (PPC 4.7)</p> <p>10. Show and label the location of all easements and proposed public facilities (water, sewer, storm sewer, electric) to serve the development. (PPC 7.1)</p>			
<p><b>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.</b></p> <p><b>Findings:</b></p>	<p>The Preliminary Plat does not meet all review criteria, as detailed above and in Approval Criteria 10 and 17 below.</p>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<p><b>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.</b></p> <p><b>Findings:</b></p>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2. Prior Approvals</b>				
<p><b>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.</b></p> <p><b>Findings:</b></p>	<p>The proposed Preliminary Plat is consistent with the minimum dimensional requirements for HI District and R2 District. The proposed Zoning Case (Z22-0009) is under consideration to revise a 10-acre parcel from R2 to HI to facilitate this development.</p>	<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
<p><b>3. Consistent with Comprehensive Plan and Other Applicable Plans</b>  <b>The proposed development shall be consistent with the Comprehensive Plan and any applicable plans.</b>  <b>Findings:</b>  <div data-bbox="253 300 1154 443" style="border: 1px solid black; padding: 5px;"> Denton Plan 2040's Future Land Use Map designates the subject property as Industrial Commerce. The proposed use is consistent with the designation. </div> </p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>a. The decision-making authority shall weigh competing plan goals, policies, and strategies</b>  <b>Findings:</b>  <div data-bbox="253 579 1143 642" style="border: 1px solid black; height: 30px;"></div> </p>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>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.</b>  <b>Findings:</b>  <div data-bbox="253 810 1149 867" style="border: 1px solid black; height: 27px;"></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
<p><b>4. Compliance with this DDC</b></p>			
<p><b>a. The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.</b>  <b>Findings:</b>  <div data-bbox="253 1140 1179 1266" style="border: 1px solid black; padding: 5px;"> The proposed Preliminary Plat meets all applicable standards in the DDC. </div> </p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>b. Compliance with these standards is applied at the level of detail required for the subject submittal.</b>  <b>Findings:</b>  <div data-bbox="253 1402 1146 1535" style="border: 1px solid black; padding: 5px;"> The proposed Preliminary Plat provides sufficient detail for review. </div> </p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>5. Compliance with Other Applicable Regulations</b></p>			
<p><b>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.</b>  <b>Findings:</b>  <div data-bbox="253 1801 1154 1934" style="border: 1px solid black; padding: 5px;"> The Preliminary Plat meets the requirements. </div> </p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>6. Consistent with Interlocal and Development Agreements</b></p>			

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
<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 data-bbox="253 331 1154 426" style="border: 1px solid black; height: 45px; width: 100%;"></div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7. Minimizes Adverse Environmental Impacts</b>			
<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 data-bbox="253 699 1179 789" style="border: 1px solid black; padding: 5px;"> <p>There are no Environmentally Sensitive Areas on site. The proposed Preliminary Plat meets the criteria.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8. Minimizes Adverse Impacts on Surrounding Property</b>			
<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 data-bbox="253 999 1154 1136" style="border: 1px solid black; padding: 5px;"> <p>This development is not expected to result in significant adverse impacts on the surrounding properties.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9. Minimizes Adverse Fiscal Impacts</b>			
<p>a. The proposed development should not result in significant adverse fiscal impacts on the city.</p> <p>Findings:</p> <div data-bbox="253 1308 1149 1455" style="border: 1px solid black; padding: 5px;"> <p>This development is not expected to result in significant adverse fiscal impacts on the city.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>10. Compliance with Utility, Service, and Improvement Standards</b>			
<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 checked="" 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>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>			
<b>11. Provides Adequate Road Systems</b>				
	<p><b>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.</b></p> <p><b>Findings:</b></p> <div data-bbox="253 1045 1154 1171" style="border: 1px solid black; padding: 5px;"> <p>The applicant has provided a preliminary trip generation assessment as required by DDC 7.8.8 and is responsible for any improvements needed to guarantee adequate road capacity.</p> </div>	☒	☐	☐
<b>12. Provides Adequate Public Services and Facilities</b>				
	<p><b>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.</b></p> <p><b>Findings:</b></p> <div data-bbox="253 1514 1154 1577" style="border: 1px solid black; height: 30px;"></div>	☒	☐	☐
<b>13. Rational Phasing Plan</b>				
	<p><b>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.</b></p> <p><b>Findings:</b></p> <div data-bbox="253 1814 1162 1919" style="border: 1px solid black; height: 50px;"></div>	☐	☐	☒

Preliminary Plat Review Applicability Criteria (DDC Section 2.6.e.D)	Applicability		
	Met	Not Met	N/A
<b>14. 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.</b> <b>Findings:</b> <div style="border: 1px solid black; padding: 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"/>
<b>15. Provides evidence of public water and sewer system connections.</b> <b>Findings:</b> <div style="border: 1px solid black; padding: 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"/>
<b>16. Identifies and adequately mitigates known natural hazard areas.</b> <b>Findings:</b> <div style="border: 1px solid black; padding: 5px;">The subject property does not contain any know natural hazard areas.</div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>17. Proposes reasonable project phasing in terms of infrastructure capacity.</b> <b>Findings:</b> <div style="border: 1px solid black; padding: 5px;">Required to provide a reasonable project phasing in terms of infrastructure capacity for review. (DDC 2.6.3.D.4)</div>	<input type="checkbox"/>	<input checked="" 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)

**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 of fully developed conditions or thirty (30) inches above the BFE as indicated in the flood insurance study. (DDC30-51. - Zoning map flood area designations.)  
 Revise post-development drainage area map showing pre-development and post-development runoff rates for both conditions and the impacts to upstream and downstream property owners. Include mitigation (detention or downstream analysis) strategy for all increases in discharge due to the proposed development. The table of existing and proposed drainage area runoff calculations should be provided to support Pre and Post Development DAMs and include the following headings and related information for each offsite and onsite drainage area and concentration/discharge point:
  - a. Drainage area designation (The existing and proposed drainage areas shall be labeled with a similar designation. (i.e., EX 1 shall compare to PR 1. If the proposed drainage area is subdivided, then the proposed shall be PR 1a and PR 1b),
  - b. Area in acres,
  - c. Weighted runoff coefficient based on existing land use and proposed zoning,
  - d. Time of concentration based on existing and proposed conditions,
  - e. Existing and Proposed 100-year intensity,
  - f. Existing and Proposed 100-year runoff,
  - g. Summation / total of area (acres) and Q 100 (cfs) (PPC8.2)

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. Provide easement widths for closed drainage systems per Section 3.9.B.2.a of the SWDCM. All public drainage systems and facilities, that are not to be included within an existing or proposed public street right-of-way, shall be located within easements to be dedicated to the city and shall have adequate access to a public street. (DDC7.5.3.N.1)
4. 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)
5. INFORMATION: Restrictions of easements shall be described on the final plat and approved by the City. (DDC7.5.3.N.3)

### **Access, Circulation, Pedestrian and Bike Improvements**

1. Show, label, and dimension the location of existing and proposed driveways onto surrounding streets located within the development, adjacent to the development, and within 200 feet of the boundary of the development. (See Table 2.2.1.1 Driveway Dimensions, Table 2.2.2.1 Minimum Drive Approach Spacing and Table 2.2.2.2 Minimum Drive Approach Spacing at Intersections and meet dimensions and minimum as applicable) (BEP and TDCM)
2. Dimension Corner Clearance (driveway spacing to/from public roads). Driveway corner clearance is measured between the ROW line of the intersecting street and the nearest edge of the drive approach, not including the drive approach radius. Move to meet minimum drive approach spacing, as applicable, per code requirements. (DDC 7.8.9.E and TDCM Table 2.2.2.2.)
3. Show and dimension driveway width and return radii per TDCM Table 2.2.1.1.
4. 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.)
5. Show and dimension existing pavement width, sidewalk width (if existing) and label existing curb and gutter of adjacent and abutting streets. For any proposed development that is adjacent to an affected perimeter street where the pavement width is less than 22 feet in width, the development will be required to widen the street to at least 25 feet in width (with a 2-inch minimum Type C asphaltic overlay for asphalt pavements) with appropriate transitions to the existing pavement. (TDCM1.8.2.2.1). This shall be noted and shown on plat. If pavement width is less than 22 feet and OCI (Overall Condition Index) is below 40 and the street is not scheduled to be reconstructed by City's current CIP, reconstruction of perimeter street to current City standards is required. Plat shall indicate the construction of 25-foot pavement width and curb and gutter with appropriate transitions to existing pavement. (TDCM 1.8.2.2.2) (INFORMATION TO REVIEWER: This is not applicable in some cases, see TDCM for exceptions)
6. Show, label, and provide area of right-of-way dedications. ( DDC7.8.7.B.c and TDCM Table 1.3.1).
7. Show and dimension existing and future median openings and distances to nearest off-site median openings. Show RI/RO only driveways as applicable. (TDCM 1.4.6)
8. Show and dimension turn lanes and deceleration lanes with associated storage and transition areas per Table 1.4.3.1 or TIA recommendations as applicable. (TDCM1.4.3.1)
9. Provide pedestrian access from the public sidewalk to all proposed buildings. Indicate accessible route on plans, as applicable. (DDC 7.8.11.)
10. 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)

11. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way in accordance with the Transportation Criteria Manual shall be provided at the time of subdivision. (DDC7.8.7.B.1.c)
12. Any perimeter street required to be improved to meet the specifications for new streets shall be connected to existing off-site streets in accordance with the horizontal design specifications in the Transportation Criteria Manual. (DDC7.8.7.B.1.d)
13. Perimeter paving improvements are required to be constructed adjacent to the property which is final platted. (DDC7.8.7.B.2.a)
14. Dimension driveway-to-driveway spacing (which is measured between the closest edges of each drive approach, not including the radius). Revise driveway locations, as applicable, to meet the required code. (DDC7.8.9.F and TDCM Table 2.2.2.1.)
15. Provide pedestrian access through parking lots containing more than 100 spaces. (DDC7.8.11.E)
16. Provide off-road combination pedestrian and bicycle path outside of street pavement as required along residential, collector, arterial and freeways as shown in accordance with the Bicycle/Pedestrian Component of the Mobility Plan. (DDC7.8.11.C.3)
17. Required on-site pedestrian walkways shall (DDC7.8.11.D.2):
  - a) Be a minimum of five feet in width;
  - b) Be distinguishable from areas used by vehicles using one or more of the following techniques: Changing paving material, patterns, and/or paving color, but not including the painting of the paving material; Changing paving height; Decorative bollards; Raised median walkways with landscaped buffers;
  - c) Have adequate lighting for security and safety; Be conveniently and centrally located on the subject property;
  - d) Be ADA accessible; and.
  - e) Not include barriers that limit pedestrian access between the subject property and adjacent properties.