

# Planning Staff Analysis

FR26-0003/ Triptych Addition

City Council District #2 & ETJ 1

Planning & Zoning Commission

**REQUEST:**

Final Replat for an approximately 9.873-acre lot.

**APPLICANT:**

Richard Stroup, property owner.

**RECOMMENDATION:**

Staff’s recommendation regarding this replat depends upon the outcome of the associated subdivision variance (V26-0005) request. Therefore, compliance of certain approval criteria cannot be determined until a decision has been made on the subdivision variance, as explained below:

If the associated subdivision variance (V26-0005) is approved, then Staff recommends approval of this Final Replat as the Final Replat would meet the established criteria for approval.

If the associated subdivision variance (V26-0005) is denied, then Staff recommends denial of this Final Replat because the Final Replat does not meet the requirement that no more than three residential lots access a public road by means of a private access easement as set forth in Subchapter 8 of the Denton Development Code and therefore cannot meet the established requirements for approval.

## Final Replat 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>			
<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>  <b>Findings:</b> <div style="border: 1px solid black; padding: 5px;"><p>The Final Replat meets all applicable review criteria as detailed below:</p><p>Staff is recommending approval of this Final Replat if the associated subdivision variance request (V26-0005) for the proposed development is approved.</p></div>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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>	<input 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>Findings:</b></p> <p>The Final Replat meets all applicable review criteria of DDC Section 2.6.4D as described herein. See Criteria 4 for details:</p> <p>Staff is recommending approval of this Final Replat if the associated subdivision variance request (V26-0005) for the proposed development is approved.</p>			
<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> <p>There is no conflict.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 Final Replat is compliant with this criterion.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<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></p> <p><b>Findings:</b></p> <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>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p><b>a. The decision-making authority shall weigh competing plan goals, policies, and strategies.</b></p> <p><b>Findings:</b></p> <p>No longer applicable.</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></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>Findings:</b></p> <div data-bbox="253 233 1040 338" style="border: 1px solid black; padding: 5px;">           No longer applicable.         </div>			
Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
<b>4. Compliance with this DDC</b>			
<p><b>a. The proposed development shall comply with all applicable standards in this DDC, unless the standard is to be lawfully modified.</b></p> <p><b>Findings:</b></p> <div data-bbox="253 579 1149 1150" style="border: 1px solid black; padding: 5px;"> <p>The application includes all required information requested by the Director to demonstrate compliance with City codes per DDC Section 2.4.4B.</p> <p>Staff is recommending approval of this Final Replat if the associated subdivision variance request (V26-0005) for the proposed development is approved.</p> <p>If the associated subdivision variance is not approved, then the plat cannot comply with DDC Subsection 8.3.2.C.2.a. as stated below:            Up to three single-family detached residential dwelling units may access a public road by means of a flag drive within a private access easement as provided in the Transportation Design Criteria Manual. There are seven existing lots that have exclusive access to public right-of-way via the access easement the proposed lots would have to take access from. Subdividing the tract into additional lots cannot be approved by staff.</p> </div>	<input 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></p> <p><b>Findings:</b></p> <div data-bbox="253 1325 1149 1392" style="border: 1px solid black; padding: 5px;">           The Final Replat was submitted at an adequate level of detail.         </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. Compliance with Other Applicable Regulations</b>			
<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></p> <p><b>Findings:</b></p> <div data-bbox="253 1696 1117 1764" style="border: 1px solid black; padding: 5px;">           The Final Replat is compliant with this criterion.         </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. Consistent with Interlocal and Development Agreements</b>			
<p><b>a. The proposed development shall be consistent with any adopted interlocal and applicable development agreements, and comply with the</b></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>terms and conditions of any such agreements incorporated by reference into this DDC.</p> <p><b>Findings:</b></p> <div data-bbox="253 331 1117 436" style="border: 1px solid black; padding: 5px;"> <p>There are no development agreements applicable to this proposed Final Replat.</p> </div>			
<p><b>7. Minimizes Adverse Environmental Impacts</b></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><b>Findings:</b></p> <div data-bbox="253 743 1117 848" style="border: 1px solid black; padding: 5px;"> <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><b>8. Minimizes Adverse Impacts on Surrounding Property</b></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><b>Findings:</b></p> <div data-bbox="253 1089 1117 1194" style="border: 1px solid black; padding: 5px;"> <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><b>9. Minimizes Adverse Fiscal Impacts</b></p>			
<p>a. The proposed development should not result in significant adverse fiscal impacts on the city.</p> <p><b>Findings:</b></p> <div data-bbox="253 1398 1117 1503" style="border: 1px solid black; padding: 5px;"> <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><b>10. Compliance with Utility, Service, and Improvement Standards</b></p>			
<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><b>Findings:</b></p> <div data-bbox="253 1812 1133 1879" style="border: 1px solid black; padding: 5px;"> <p>The Final Replat is compliant with this criterion.</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
<b>11. Provides Adequate Road Systems</b>			
<p data-bbox="203 241 1161 399"><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 data-bbox="251 441 373 472"><b>Findings:</b></p> <div data-bbox="251 472 1117 535" style="border: 1px solid black; padding: 2px;"> <p data-bbox="267 483 844 514">The Final Replat is compliant with this criterion.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>12. Provides Adequate Public Services and Facilities</b>			
<p data-bbox="203 615 1161 846"><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 data-bbox="251 888 373 919"><b>Findings:</b></p> <div data-bbox="251 919 1104 982" style="border: 1px solid black; padding: 2px;"> <p data-bbox="267 930 844 961">The Final Replat is compliant with this criterion.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>13. Rational Phasing Plan</b>			
<p data-bbox="203 1056 1161 1192"><b>a. If the application involves phases, each phase of the proposed development shall contain all 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 data-bbox="251 1234 373 1266"><b>Findings:</b></p> <div data-bbox="251 1266 1104 1329" style="border: 1px solid black; padding: 2px;"> <p data-bbox="267 1276 1063 1308">There is no phasing plan associated with the proposed Final Replat.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Final Replat Review Applicability Criteria (DDC Section 2.6.7.D)	Applicability		
	Met	Not Met	N/A
<p data-bbox="154 1503 1112 1566"><b>14. Whether the Replat is consistent with the intent of the underlying zoning district.</b></p> <p data-bbox="203 1608 324 1640"><b>Findings:</b></p> <div data-bbox="203 1640 1039 1703" style="border: 1px solid black; padding: 2px;"> <p data-bbox="219 1650 795 1682">The Final Replat is compliant with this criterion.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final Replat Review Applicability Criteria (DDC Section 2.6.7.D)	Applicability		
	Met	Not Met	N/A
<p><b>15. Whether the Replat complies with applicable dimensional and development standards in this DDC.</b></p> <p><b>Findings:</b></p> <div data-bbox="204 331 1039 506" style="border: 1px solid black; padding: 5px;"> <p>The Final Replat does not yet comply with the applicable requirements of the Denton Development Code, as detailed in Criterion 4 above. If the associated subdivision variance is approved, then the Final Replat can be approved.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>16. Whether the Replat does not affect a recorded easement without approval from the easement holder.</b></p> <p><b>Findings:</b></p> <div data-bbox="204 678 1039 745" style="border: 1px solid black; padding: 5px;"> <p>The Final Replat is compliant with this criterion.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>17. Whether the Replat will not result in adverse impacts to surrounding property.</b></p> <p><b>Findings:</b></p> <div data-bbox="204 926 1039 993" style="border: 1px solid black; padding: 5px;"> <p>The Final Replat is compliant with this criterion.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>18. Whether the Replat will not limit the city’s ability to provide adequate and sufficient facilities or services.</b></p> <p><b>Findings:</b></p> <div data-bbox="204 1167 1039 1234" style="border: 1px solid black; padding: 5px;"> <p>The Final Replat is compliant with this criterion.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>19. Whether the Replat complies with all other ordinances and plans and regulations adopted by the city, including the Comprehensive Plan and other long-range or special purpose area planning documents.</b></p> <p><b>Findings:</b></p> <div data-bbox="204 1451 1039 1545" style="border: 1px solid black; padding: 5px;"> <p>The Final Replat is compliant with this criterion. In addition, see Criteria 3.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>