

Planning Staff Analysis

FP26-0014b/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. Label right-of-way (ROW) dedication. (FPC 3.13 and 4.1) 3. Correctly identify the FEMA Flood Zone in which the property is located. (FPC 3.11 and DDC 7.5.3) </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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> <div style="border: 1px solid black; padding: 5px;"> <p>The Final Plat does not meet all applicable review criteria of DDC Section 2.6.4D as described herein.</p> </div>	<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> <div style="border: 1px solid black; padding: 5px;"> <p>There is no conflict.</p> </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
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:</p> <div data-bbox="246 436 1032 508" style="border: 1px solid black; padding: 5px;"> <p>There are no prior approvals for this property.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>3. Consistent with Comprehensive Plan and Other Applicable Plans The proposed development shall be consistent with the Comprehensive Plan and any applicable plans. Findings:</p> <div data-bbox="246 680 1026 844" 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>a. The decision-making authority shall weigh competing plan goals, policies, and strategies. Findings:</p> <div data-bbox="253 978 1036 1096" style="border: 1px solid black; padding: 5px;"> <p>There are no competing plan goals, policies, and strategies for this site.</p> </div>	<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> <div data-bbox="253 1264 1036 1327" style="border: 1px solid black; padding: 5px;"> <p>Not applicable.</p> </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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. Findings:</p> <div data-bbox="253 1516 1195 1860" 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. Plat cannot be approved until Civil Engineering Plans are approved. (DDC 2.6.4C.2d) 2. Correctly identify the FEMA Flood Zone in which the property is located. (FPC 3.11 and DDC 7.5.3) 3. Compliance with DDC ROW dedication requirements is unclear until ROW is properly labeled. Provide this information to show compliance. (DDC 7.8.7A-B) </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. Compliance with these standards is applied at the level of detail required for the subject submittal.</p> <p>Findings:</p> <div data-bbox="253 300 1149 401" 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 data-bbox="253 669 1117 1052" 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"/>
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 data-bbox="253 1262 1117 1346" style="border: 1px solid black; padding: 5px;"> <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 data-bbox="253 1646 1117 1745" 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"/>

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
8. Minimizes Adverse Impacts on Surrounding Property			
<p data-bbox="203 237 1198 338">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 data-bbox="253 338 375 369">Findings:</p> <div data-bbox="253 369 1117 489" style="border: 1px solid black; padding: 5px;"> <p data-bbox="272 380 1094 453">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 data-bbox="203 659 1154 726">a. The proposed development should not result in significant adverse fiscal impacts on the city.</p> <p data-bbox="253 726 375 758">Findings:</p> <div data-bbox="253 758 1117 888" style="border: 1px solid black; padding: 5px;"> <p data-bbox="272 768 1094 842">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			
<p data-bbox="203 1020 1190 1157">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 data-bbox="253 1157 375 1188">Findings:</p> <div data-bbox="253 1188 1133 1308" style="border: 1px solid black; padding: 5px;"> <p data-bbox="272 1199 1036 1304">Compliance with regulatory standards for roadways and drainage cannot be determined until additional information is provided, as discussed further in Criterion 4.</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Provides Adequate Road Systems			
<p data-bbox="203 1381 1203 1551">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 data-bbox="253 1551 375 1583">Findings:</p> <div data-bbox="253 1583 1117 1728" style="border: 1px solid black; padding: 5px;"> <p data-bbox="272 1598 1097 1703">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)</p> </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
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 style="border: 1px solid black; padding: 5px;"> <p>Until CEPs are approved, it cannot be determined if adequate public service and facility capacity exists to accommodate uses permitted under the proposed development.</p> </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 style="border: 1px solid black; padding: 5px;"> <p>There is no phasing plan associated with the proposed Final Plat.</p> </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 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 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"/>

Final Plat Review Applicability Criteria (DDC Section 2.6.4.D)	Applicability		
	Met	Not Met	N/A
<p data-bbox="203 205 1091 268">16. Whether the development will comply with the applicable technical standards and specifications adopted by the City.</p> <p data-bbox="203 273 324 304">Findings:</p> <div data-bbox="203 304 1079 472" style="border: 1px solid black; padding: 5px;"> <p data-bbox="224 315 1031 388">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 data-bbox="1218 336 1250 378" type="checkbox"/>	<input checked="" data-bbox="1331 336 1364 378" type="checkbox"/>	<input data-bbox="1437 336 1469 378" type="checkbox"/>