Staff Analysis
PP22-0017 / Legends Ranch
Planning & Zoning Commission

REQUEST:
Preliminary Plat for an approximately 542.627-acre tract.

APPLICANT:
Kimley Horn & Associates on behalf of Wise Asset #1 LTD.

RECOMMENDATION:
Staff recommends denial, as 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**			

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.
Findings:

The Preliminary Plat does not meet all review criteria, as detailed below and the following items as required by the Preliminary Plat Checklist (PPC) authorized per Denton Development Code Section 2.4.4B:

1. Provide a title block in the lower, right-hand corner of the plat document containing (PPC 1.1):
a) date of preparation (there are 2 dates…March and July),
b) city assigned project number,
c) project name (subdivision name, block and lot designations)

2. For nonresidential and multifamily development, include lot and block designations in title block. (PPC 1.1A)

3. For single-family residential development, state number of residential lots developed at zoning district standards (e.g., RR, R3, and R-7, etc.) and number of common open space lots in title block. (PPC 1.1B)

4. Show and label all existing and proposed easements. Provide line and curve data for easement boundaries and tie down easements. Provide recording information for existing easements. Label area of each easement in acres. If all or portion of an existing easement is to be abandoned, label "To be abandoned by this plat." (PPC 2.4)

5. Show and label floodway and drainage easements including area for access and maintenance. Provide line and curve data for easement boundaries and tie down easements. (PPC 2.4 and PPC 2.5)

6. 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)

7. For public sidewalks not within R.O.W., show and label sidewalk easements. Provide line and curve data for easement boundaries and tie down easements. (PPC 2.4)

8. Show existing and proposed public street and alley R.O.W. Label as existing or proposed. Dimension total and half street R.O.W. widths. Show and label street centerlines. ROW widths and geometry must comply with TDCM Table 1.3.1 (PPC 2.8)

9. Label existing and proposed street names and show street name breaks with a diamond shape. (PPC 2.9 and 2.14)

10. Show and label corner clip R.O.W. dedications. Provide line and curve data for dedications. (PPC 2.10)

11. Show, label, and provide line and curve boundary data for park land dedications. Label area of dedications. (PPC 2.11)

☐ ☒ ☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
		Met	Not Met	N/A
	The Preliminary Plat does not meet all review criteria, as detailed below and the following items as required by the Preliminary Plat Checklist (PPC) authorized per Denton Development Code Section 2.4.4B: 12. Show and label all existing buildings, parking lots, driveways, and other significant structures and indicate whether they are to remain or be removed from the site. (PPC 2.12) 13. Show and label all environmentally sensitive area (ESA), if any. (PPC 2.13) 14. Show and label properties. For platted properties, show lot lines and label subdivision name, lot and block designation, and plat record information for each lot. For unplatted properties, show parcel lines and label record owner and deed record information for each parcel. (PPC 3.1) 15. Show all adjacent easements. Label as existing or proposed. If existing, provide recording information. (PPC 3.2) 16. Show adjacent public street and alley R.O.W. Label as existing or proposed. Dimension whole and half street R.O.W. width. (PPC 3.3) 17. Include street names for adjacent streets. (PPC 3.4) 18. Show and label city limit lines, county limit lines, and/or survey (abstract) lines. (PPC 3.5) 19. Provide specific dedication language for floodway, drainage and detention easements. (PPC 4.7)			
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:** The Preliminary Plat does not meet the approval criteria as described below.	☐	☒	☐
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:** There is no conflict concerning the applicable review criteria.	☐	☐	☒
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.**	☒	☐	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
Findings: The proposed preliminary plat for single-family residential and multifamily residential development as proposed is consistent with the Developer Agreement established for the MUD.			
3. Consistent with Comprehensive Plan and Other Applicable Plans **The proposed development shall be consistent with the Comprehensive Plan and any applicable plans.** **Findings:** The subject property is within the City of Denton's ETJ Division 1. The preliminary plat is not subject to the Future Land Use Map of the Denton 2040 Comprehensive Plan.	☐	☐	☒
a. The decision-making authority shall weigh competing plan goals, policies, and strategies **Findings:** There are no competing plan goals, policies, and strategies associated with the proposed preliminary plat.	☐	☐	☒
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:** The subject property is within the City of Denton's ETJ Division 1. The preliminary plat is not subject to the Future Land Use Map of the Denton 2040 Comprehensive Plan.	☐	☐	☒
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:** The proposed development does not meet this criterion. The following considerations would need to be addressed: 1. Provide a reasonable project phasing in terms of infrastructure capacity. (DDC 2.6.3.D.4) 2. Provide a preliminary trip generation assessment using the most recent edition of the ITE Trip Generation Manual. (DDC 7.8) 3. Show, label, and provide area of right-of-way dedications. (DDC 7.8.7.B.c)	☐	☒	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
The proposed development does not meet this criterion. The following considerations would need to be addressed: 4. For property adjacent to TxDOT ROW, a 20-ft Public Utility Easement shall be dedicated outside any TxDOT ROW and/or TxDOT ROW dedication. (DDC Table 7.B.) 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. (DDC 7.8.7A.1) 6. 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. (DDC 7.8.7.B.1.d) 7. Perimeter paving improvements are required to be constructed adjacent to the property which is final platted. (DDC7.8.7.B.2.a) 8. Provide for pedestrian and bicycle facilities necessary to serve pedestrian/bicycle traffic to, from, or across the development in accordance with the TDCM and the Bicycle/Pedestrian component of the Mobility Plan. (DDC 7.8.11) 9. Sidewalks shall not be used to satisfy the bicycle circulation requirement. (DDC 7.8.11.I.3) 10. Required bike lanes shall be provided within the right-of-way of the street unless the City Engineer determines that location within the right-of-way is not practicable or preferable— in which case, alternatives may be allowed by the Director and/or the City Engineer. (DDC 7.8.11.I.4) 11. Provide crosswalks to meet the specific need and functionality of pedestrian movement at a particular location. The type and size of the crosswalk shall be determined based on federal and state guidelines described in the Manual on Uniform Traffic Control Devices (DDC 7.8.11.G) 12. ACPB-20. Provide temporary turnarounds at the end of a roadway extension (to be completed in a future phase) to facilitate traffic flow or to accommodate emergency vehicles pending the roadway's connection to other roadways. In cases where a temporary turnaround is required, it shall be designed as a temporary cul-de-sac in accordance with the Transportation Design Criteria Manual. (DDC 7.8.7.C.3.a)			
b. **Compliance with these standards is applied at the level of detail required for the subject submittal.**	☒	☐	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	**Not Met**	**N/A**
Findings: The proposed Preliminary Plat provides sufficient detail for review.			
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.** **Findings:** The Preliminary Plat meets the requirements.	☒	☐	☐
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:** The proposed preliminary plat is consistent with Developer Agreement established for the MUD.	☒	☐	☐
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:** The proposed development is expected to minimize any negative environmental impacts.	☒	☐	☐
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:** This development is not expected to result in significant adverse impacts on the surrounding properties.	☒	☐	☐
9. Minimizes Adverse Fiscal Impacts			
a. **The proposed development should not result in significant adverse fiscal impacts on the city.**	☒	☐	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
Findings: This development is not expected to result in significant adverse fiscal impacts on the city.			
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.** **Findings:** The proposed development does not meet this criterion. The following considerations would need to be addressed: 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 4.2) 2. Provide for the conveyance of off-site storm drainage based on ultimate developed watershed conditions through the development. (DDC 7.5.3.D.1.e) 3. Show Solid Waste enclosure locations and size. Per Section 7.12.3 of the DDC, all non-residential developments are required to provide container enclosures for both solid waste and recycling storage facilities. (For purposes of these solid waste requirements, "nonresidential development" includes any attached residential dwellings of five or more dwelling units) (DDC 7.12.3.A) 4. Solid waste containers shall be located off the street in centralized locations, to the rear of buildings served by each container, and shall be screened with devices made of masonry or wood. (DDC 4.6.6.B.1) 5. Multiple enclosures (and compactors) are required for multifamily residential units based on number of units, for general office developments based on square footage, general/commercial/warehouse/indoor recreation based on square footage, shopping centers/mixed use/light manufacturing based on square footage, restaurants/bars/grills/grocery stores/movie theaters and other food service establishments based on square footage, department store/supermarket and service stations based on square footage. (SWRCM Table A)	☐	☒	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)	Compliance		
	Met	Not Met	N/A
The proposed development does not meet this criterion. The following considerations would need to be addressed: 6. Provide minimum front load enclosure walls at least 6 foot high, or as tall as required to conceal container. (SWRCM4.B) 7. Provide minimum 8-foot-high compactor enclosure walls or as tall as required to conceal the compactor and the mechanical equipment. (SWRCM4.B) 8. Provide turn around areas at ends of dead-end streets planned for extension in future development phases sufficient for Class 7 trucks to be constructed of a suitable road base material. (SWRCM5.H)			
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:** The proposed development provides a plan for an adequate road system.	☒	☐	☐
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:** The proposed development provides a plan for adequate public services and facilities.	☒	☐	☐
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:** The proposed phasing is provided with the required level of detail regarding the necessary subdivision improvements.	☒	☐	☐

Preliminary Plat Review Applicability Criteria (DDC Section 2.6.3.D)	Applicability		
	Met	Not Met	N/A
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. **Findings:** The proposed Preliminary Plat is compliant with this criterion.	☒	☐	☐
15. Provides evidence of public water and sewer system connections. **Findings:** The proposed Preliminary Plat provides evidence of public water and sewer system connections.	☒	☐	☐
16. Identifies and adequately mitigates known natural hazard areas. **Findings:** For the areas identified to have higher risk of flooding, the Preliminary Plat proposes parkland dedication.	☒	☐	☐
17. Proposes reasonable project phasing in terms of infrastructure capacity. **Findings:** The proposed Preliminary Plat includes phasing but clarification on the phasing plan is required to ensure compliance with this criterion as noted under 4a above.	☐	☒	☐