

Planning Staff Analysis

PP23-0007 / Cottages at Denton Addition

City Council District #2

Planning & Zoning Commission

REQUEST:

Preliminary Plat for an approximately 1.8-acre site

APPLICANT:

Peter Christensen of Weir and Associates, on behalf of Haven at Denton, LLC

RECOMMENDATION:

Staff recommends denial of this Preliminary Plat as it does not meet the established approval criteria, as shown in the following table. However, Staff has no objection to the requested extension, which could be granted to a date certain of April 26, 2023.

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 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: 1. Label access easement. (Checklist 3.1) 2. Add project number (PP23-0007) to title block. (Checklist 2.2) 3. Clarify the difference between the subject tract boundary line and the existing subject tract boundary line. Use a unique line type for each. (Checklist 2.10) 4. Depict all overhead electric line clearance zones adjacent to the property. (Checklist 3.14) 5. Provide a preliminary Tree Survey and Preservation/Replacement Plan in PDF format. Refer to the Tree Survey and Preservation/Replacement Plan Checklists for requirements. (DDC Section 7.7.4.E) (Checklist 7.1)	☐	☒	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
		Met	Not Met	N/A
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 complies with all applicable standards of DDC Section 2.6 as detailed in the Criteria 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.		☐	☐	☒
2. Prior Approvals				
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: The preliminary plat is consistent with the zoning.		☒	☐	☐
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 applicant proposes a preliminary plat and development consistent with both the site's existing zoning classification of Mixed-Use Neighborhood (MN) and the Denton 2040 Comprehensive Plan's future land use designation of Community Mixed Use.		☒	☐	☐
a. The decision-making authority shall weigh competing plan goals, policies, and strategies. Findings: There are no competing plan goals, policies, and strategies for this site.		☐	☐	☒

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
		Met	Not Met	N/A
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 overall goals of the Comprehensive Plan are met with the proposed preliminary plat.		☒	☐	☐
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: All applications shall include all required information requested by the Director to demonstrate compliance with City codes per DDC Section 2.4.4.B. The proposed preliminary plat does not comply with this criterion. The following considerations must be met to demonstrate compliance of this application: TC1.1. Please modify tree note. Compliance has not been achieved according to the tree preservation plans submitted in ZCP23-0009 and TPP23-0005. A sample will be provided below after code language is stated. Per DDC 7.7.4.E.7.: “A notation must be placed on the preliminary plat, final plat, site plan, and building permit identifying the dbh of trees to be preserved and the location of the lots that contain preserved trees. The notation shall limit any future unauthorized land disturbing activity or construction that would impact and/or damage the tree(s) preserved.”		☐	☒	☐
b. Compliance with these standards is applied at the level of detail required for the subject submittal. Findings: The subject submittal is a Preliminary Plat, and it was reviewed based on the established checklist and requirements.		☒	☐	☐
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 complies with all other regulations.		☒	☐	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
		Met	Not Met	N/A
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: No interlocal or development agreements are applicable to this project.		☐	☐	☒
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 not expected to create adverse 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: The proposed development is not expected to cause significant adverse impacts on surrounding properties.		☒	☐	☐
9. Minimizes Adverse Fiscal Impacts				
a. The proposed development should not result in significant adverse fiscal impacts on the city. Findings: The proposed development is not expected to have 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:		☐	☒	☐

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
		Met	Not Met	N/A
All applications shall include all required information requested by the Director to demonstrate compliance with City codes per DDC Section 2.4.4B and DME 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. <u>ENGINEERING</u> Due to the volume, Outstanding Engineering Comments are listed at the end of this document. .				
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: Adequate road capacity exists external to the site.		☒	☐	☐
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: Current capacity can accommodate the proposed development.		☒	☐	☐
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: No phasing is proposed for this plat.		☐	☐	☒
Preliminary Plat Review Applicability Criteria (DDC Section 2.6.3.D)		Applicability		
		Met	Not Met	N/A

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
		Met	Not Met	N/A
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. Findings: The Preliminary Plat reflects the required services to serve this development and limits disturbances to community resources.		☒	☐	☐
15. Whether the preliminary plat provides evidence of public water and sewer system connections. Findings: The Preliminary Plat provides evidence of public water and sewer system connections.		☒	☐	☐
16. Whether the preliminary plat identifies and adequately mitigates known natural hazard areas. Findings: The subject property does not contain any known natural hazard areas.		☐	☐	☒
17. Whether the preliminary plat proposes reasonable project phasing in terms of infrastructure capacity. Findings: No phasing plan is proposed.		☐	☐	☒

OUTSTANDING ENGINEERING COMMENTS

Preliminary Plat:

1. Include relevant zoning information in the project narrative as well as surrounding property uses. (PPC 1.6)
2. Provide the city assigned project number (PP23-0007) in the title block. The plat information should include gross acreage. (PPC 2.2)
3. The legend provided should include all abbreviations used such as O.R.D.C.T, P.R.D.C.T., etc. (PPC 2.10)
4. Label type and size of boundary monuments and label as found or set for all property corners, points of intersection, and points of curvature/tangency. (PPC 2.11)
5. Provide the dimension for the West property boundary from the 5/8" rod to the 1/2" rod. Add the bearing and distance for the North property line or include the distance from the 1/2" rod to the 5/8" rod along Johnson Street. (PPC 3.2)
6. Provide additional dimensions from the road centerline to the existing and proposed ROW boundaries. Due to the varying dimensions of the existing ROW, it is not clear what the distance is in different areas. (PPC 3.8 and PPC 4.5)
7. Provide a copy of the computer-generated closure report for the metes and bounds description. (PPC 5.2)
8. Include temporary entry easements (or notes) to allow city staff to enter the property to conduct necessary inspections. (PPC 6.2)
9. Show and label all existing driveways, and other significant structures and indicate whether they are to remain or be removed from the site. (BEP)

Preliminary Engineering Drawings

Preliminary Utility Plan

1. Show and label the location of the proposed storm sewer outfall system as it is not clear in the utility sheet or drainage sheets. (DDC Section 8.4.2 and PPC 8.1)
2. Provide water and sewer demand/loading calculations consistent with the Water and Wastewater Design Criteria Manual. (W/WWDCM 3.3 and 4.2/BEP)
3. Clarify the easements shown as public or private. Avoid placing easements around private utility lines. Easements are necessary at the point of connection to main public utility lines, or around taps and meters, but should not extend onto the site unless the utility line will cross into multiple lots within the development. From previous submittals, water easements were shown around the two water meters and backflow preventers at the property line. This is not being shown in the plat. Whenever possible, sub-metering should be used so that only a single easement around a main meter at the property line of the development is necessary. (BEP)
4. Provide labels for all utility and storm water infrastructure designating proposed lines as private or public. (BEP)

Existing and Proposed Drainage Area Maps

REVIEW OF EX AND PROPOSED DRAINAGE AREA MAPS DOES NOT IMPLY APPROVAL OF DETENTION, STORM SEWER OR OTHER CALCULATIONS. REVIEW IS CONFINED TO DRAINAGE MAPS ONLY. REVIEW OF DETENTION, STORM SEWER AND OTHER RELATED CALCULATIONS WILL BE PROVIDED IN CEP REVIEW.

1. Shown and label all existing and proposed drainage system improvements in the proposed drainage area map sheets. It is not clear where proposed and existing drainage systems are located. (DDC Section 7.5, DDC Section 8.3.2.B, and PPC 9.1)
2. Provide additional flow arrows in the existing and proposed drainage area map sheets showing flows from the offsite drainage areas. (DDC Section 7.5, DDC Section 8.3.2.B, and PPC 9.3)
3. Identify any changes to existing drainage features. It is not clear if the drainage system shown along Johnson Street is proposed or existing. (DDC Section 7.5, DDC Section 8.3.2.B, and PPC 9.4)

4. Provide additional information in the existing and proposed drainage area calculation tables, see below: (DDC Section 7.5, DDC Section 8.3.2.B, and PPC 9.5):
 - a. Pre and Post Development DAMs should show the concentration/discharge point,
 - b. Clearly identify the weighted runoff coefficients in the tables provided,
 - c. Provide a summation/total area in acres and a summation/total for Q100 (cfs).
5. Provide the required size for drainage easements. The proposed drainage easement shows appears to be 15'. The minimum easement width is 16' for storm sewer lines up to 36". (SWDCM Section 3.9 and SWDCM Section 3.9.B.2.a)
6. Structures, eaves and overhangs, fences, storage sheds, decks, pools, landscaping or other aboveground man-made improvements shall not be permitted in drainage easements. Provide clarity on the utility plan sheet as it appears there are several water appurtenances and power poles inside of the proposed drainage & detention easement. (DDC 7.5.3.N.5)
7. Drainage easements for private detention basins should be 10 feet. The City would need to be provided access to the private detention basin in the event that maintenance would need to be completed from maintenance failure by the owners. Operation and Maintenance documentation will need to be provided for the private detention basin. (BEP)
8. Add the following note 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)

OTHER

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. (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. (TDCM 1.8.2.2.1). 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)
6. Show and label proposed 5-foot-wide sidewalk required to be constructed with this development along Johnson Street frontage. (TDCM 1.3.1 and DDC Section 7.8.11.C.1.b)
7. Provide pedestrian access, with a minimum width of 5 feet, from the public sidewalk to all proposed buildings. Indicate accessible route on plans, as applicable. (DDC 7.8.11.)
8. Perimeter paving improvements are required to be constructed adjacent to the property which is final platted. (DDC 7.8.7.B.2.a)

9. 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. (DDC 7.8.9.F and TDCM Table 2.2.2.1.)
10. Provide pedestrian access, with a minimum width of 5 feet, from the public sidewalk to all proposed buildings. Indicate accessible route on plans, as applicable. (DDC 7.8.11 and ADA 206.2.1)
11. All development shall provide an on-site system of pedestrian walkways with a minimum width of five feet designed to provide direct access and connections to and between the following (DDC 7.8.11.D.1):
 - a. The primary entrance or entrances to each building, including pad site buildings;
 - b. Any sidewalks, walkways, or multi-use paths on adjacent properties that extend to the boundaries shared with the development. Interconnected walkways should be designed with similar and/or complementary details, colors, finishes, etc.;
 - c. Any parking areas intended to serve the development;
 - d. Any sidewalk system along the perimeter streets adjacent to the development;
 - e. Any public transit station areas, transit stops, park and ride facilities, or other transit facilities on site or along an adjacent street.
 - f. Any adjacent residential neighborhoods (planned or existing) if sidewalk stubs are planned or existing; and,
 - g. Any adjacent or on-site public park, trail system, open space, greenway, or other public or civic use or amenity.
12. Required on-site pedestrian walkways shall (DDC 7.8.11.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.

Solid Waste

1. 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)
2. 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)
3. Multiple enclosures (and compactors) are required for multifamily residential units based on number of units. See Solid Waste Criteria Manual starting at page 3 for size and number of enclosures required. (SWRCM Table A)
4. A dual enclosure is required to be a minimum 26-ft in width by 10.5-ft in depth. (SWRCM 3.B)
5. Provide minimum front load enclosure walls at least 6 foot high, or as tall as required to conceal container. (SWRCM 4.B)
6. Provide minimum 8-foot-high compactor enclosure walls or as tall as required to conceal the compactor and the mechanical equipment. (SWRCM 4.B)
7. Relocate container enclosure outside of fire lane, public right-of-way, public utility easement, and/or sidewalk area. (SWRCM 5.B)