

# Planning Staff Analysis

FP24-0010/ Mayhill Multifamily

City Council District #2

Planning & Zoning Commission

## REQUEST:

Final Plat for one multifamily lot.

## APPLICANT:

Rob Myers with Kimley-Horn on behalf of MRLP Bick Property LLC

## RECOMMENDATION:

Staff recommends denial of this plat as it doesn't meet the established approval criteria for Final Plats, as shown in the following table:

### Final 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>			
<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><p>All applications shall include all required information requested by the Director to demonstrate compliance with City codes per DDC Section 2.4.4B. In order for the Final Plat to meet all general review criteria established by the Final Plat Checklist (FPC) authorized per Denton Development Code Section 2.4.4B and as detailed in Approval Criteria 4a and 10 the following corrections are required:</p><p>PLN1. Add surveyor name, company name, address, and phone number FPC 2.4</p><p>PLN2. Add project number FP24-0010 FPC 2.2</p><p>PLN3. Add all line types to the Legend FPC 2.12</p><p>PLN4. Verify that metes and bounds description is correct. FPC 5.2</p><p>Eng 1. Provide bearings to reflect what is implied in legal. Is this segment want to be 936.84' - 657.24' = 279.60'. Make drawing consistent with legal. FPC 5.2</p><p>Eng 2. Depict all overhead electric distribution and transmission line clearance zones intersecting or adjacent to the property. (FPC 2.19)</p><p>Eng 3. For new water and wastewater easements refer to DDC Section 7.6.7 and the Water &amp; Wastewater Criteria Manual Sections 3 and 5.4.2-3. (FPC 3.8) TYP.</p><p>Eng 4. For new Electric Easements, refer to DDC Section 7.13.6 and Denton Municipal Electric standards. (FPC 3.11)</p></div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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	<p>Eng 5. Does this southern leg of the plat bearings be 279.60'? See Sheet 1 comment 1.6). Please revise drawing and legal appropriately. FPC 5.2</p> <p>Eng 6. Provide a copy of a copy of a current title policy or title survey for the subject property. Provided Alta Survey recognizes MRLP RN LAND, L.L.C listed on the Development Application. The Development Application does not recognize the MRLP BICK PROPERTY, L.L.C. listed on the ALTA. Please revise the development application and the owner's authorization to reflect that the "MRLP BICK PROPERTY, L.L.C. is under the listed owner's authority to submit this application. (FPC 1.5)</p> <p>Eng 7. Provide a copy of the City of Denton's Owner Authorization Form. (FPC 1.2) Names on the Owner Authorization form and the names provided on the Development application do not match. Please resubmit the Development application and the Owner's Authorization letter so that the two clearly match and are consistent.</p> <p>Eng 8. For new drainage, detention, and/or floodplain easements refer DDC Section 7.5.3.I, J, and N and the Stormwater Design Criteria Manual Section 3.3.5 and 3.9. (FPC 3.7)</p> <p>Eng 9. Provide a copy of the computer-generated closure report for the metes and bounds description. (FPC 5.2)</p> <p>Eng 10. Include specific dedication language for access, utility, and/or floodway/plain and drainage and/or detention easements. Restrictions of easements shall be described on the final plat and approved by the City. (FPC 6.2 and DDC 7.5.3.N)</p> <p>Eng 11. Provide monumentation certification. FPC 5.2</p> <p>Eng 12. Revise Owner's dedication statement to include ROW and easement dedications and other land rights so as to create no conflicts or issues for staff or other public interests. FPC 5.7</p> <p>Eng 13. Add the following note to the plat: COD STANDARD DRAINAGE COMMENT/STATEMENT: RIGHTS OF COUNTY/CITY. The City and County, including their agents and employees, have the right of immediate access to the Common Areas at all times, if necessary, for the welfare or protection of the public, to enforce City/County ordinances, or to improve the appearance of or to preserve public property, public easements, or public rights of way. If the Association fails to maintain the Common Areas to a standard acceptable to the County or City, the County or City may give the Association a written demand for maintenance. If the Association fails or refuses to perform the maintenance within a reasonable period of time after receiving the County's/City's written demand (at least 90 days), the County or City may maintain the Common Areas at the expense of the Association after giving written notice of its intent to do so to the Association. The County or City may give its notices and demands to any officer, director, or agent of the Association, or alternatively, to each owner of a Lot as shown on the County's tax rolls. To fund the County's or City's cost of maintaining the Common Areas, the County or City may levy assessments against the lots and owners in the same manner as if the Association levied a special assessment. The rights of the County or City under this Section are in addition to other rights and remedies provided by law. FPC 5.9</p>			

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
		Met	Not Met	N/A
<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> <b>Findings:</b> <div>The Final Plat does not meet all review criteria, as detailed in Approval Criterion 2, 4a, 7, and 10 below.</div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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> <b>Findings:</b> <div></div>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>2. Prior Approvals</b>				
<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> <b>Findings:</b> <div>The proposed development is consistent with R7 District and approved SUP S23-0006. Prior to Final Plat approval, Civil Engineering Plans CEP24-0015 must be approved.</div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<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>Due to the passage of House Bill 3699 and resulting changes to Texas Local Government Code Chapter 212, this is no longer applicable.</div>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>a. The decision-making authority shall weigh competing plan goals, policies, and strategies</b> <b>Findings:</b> <div></div>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Approval Criteria Applicable to all Applications (DDC Section 2.4.5.E)		Compliance		
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<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></div>		<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4. Compliance with this DDC</b>				
<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>DME 1- Please dedicate public utility easements on final plat per uploaded V1 DME markups (Denton Development Code Subchapter 7.13.6)</div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>b. Compliance with these standards is applied at the level of detail required for the subject submittal.</b> <b>Findings:</b> <div>The subject submittal is a Final Plat, and it was reviewed based on the checklist and requirements for a final plat.</div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. Compliance with Other Applicable Regulations</b>				
<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>The proposed development compiles with all applicable regulations, standards, and requirements.</div>		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>6. Consistent with Interlocal and Development Agreements</b>				
<b>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.</b> <b>Findings:</b> <div></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
<b>7. Minimizes Adverse Environmental Impacts</b>				
<p><b>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.</b></p> <p><b>Findings:</b></p> <div> <p>The following is needed to ensure the proposal will not cause significant adverse impacts:</p> <p>Please include the note, "A Tree Survey and Preservation Plan will be required to proceed with Building Permits on the subject site. Minimum Tree Preservation requirements of the Denton Development Code Section 7.7.4. must be met prior to the release of any permits."</p> <p>In accordance with DDC Sections 7.4.4.C, 2.8.4, and the note on the site plan, this project has not demonstrated compliance with DDC Section 7.4</p> </div>		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>8. Minimizes Adverse Impacts on Surrounding Property</b>				
<p><b>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.</b></p> <p><b>Findings:</b></p> <div> <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"/>
<b>9. Minimizes Adverse Fiscal Impacts</b>				
<p><b>a. The proposed development should not result in significant adverse fiscal impacts on the city.</b></p> <p><b>Findings:</b></p> <div> <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
<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><b>Findings:</b></p> <div> <p>The proposed Final Plat is not compliant with all City regulations, as noted in the Outstanding Engineering Comments listed at the end of this document and the following:</p> <p>TP 1. NOT SATISFIED Add "by this plat" to ROW dedication label.</p> <p>TP 2. NOT SATISFIED Add dimension for the distance from centerline to edge of proposed ROW dedication for the section of Mayhill that includes the right-turn lane.</p> <p>TP 3. NOT SATISFIED Add centerline to legend as a unique line type</p> </div>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>11. Provides Adequate Road Systems</b>			
<p>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><b>Findings:</b></p> <div> <p>There is adequate road capacity to accommodate the proposed use.</p> </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>12. Provides Adequate Public Services and Facilities</b>			
<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><b>Findings:</b></p> <div> <p>Current capacity can accommodate the proposed development.</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>13. Rational Phasing Plan</b>			
<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><b>Findings:</b></p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> The proposed project does not include phasing </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
<b>14. Whether the final plat conforms to the preliminary plat, including any conditions of approval.</b>			
<p><b>Findings:</b></p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> The applicant has opted to omit the Preliminary Plat step in accordance with Denton Development Code 2.6.3B.1. </div>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>15. Whether the development will substantially comply with all requirements of this DDC.</b>			
<p><b>Findings:</b></p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> The development substantially complies with all applicable requirements. </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>16. Whether the development will comply with the applicable technical standards and specifications adopted by the City.</b>			
<p><b>Findings:</b></p> <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> The proposed development complies with applicable technical standards and specifications. </div>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Outstanding Engineering Comments:**

- Eng 1. All utility easements shall be a minimum of 16 feet, unless special circumstances warrant additional or reduced easements which can be approved by the City Engineer, in consultation with the Directors of Water and Wastewater Utilities. The general criteria to define minimum easement widths are listed in Table 7.B: Minimum Easement Widths of the DDC. (DDC 7.6.7.A) Provide evidence of approval by City Engineer and Directors of Water and Wastewater Utilities.
- Eng 2. Proposed public water or sewer mains intended to be aligned alongside yards shall be contained with dedicated open space lots, with overlapping public utility easements, and there shall be a note on the plat stating that these lots shall be owned and maintained by the property owner's association. (DDC 7.6.7.C)
- Eng 3. Label all easements, including existing or proposed. Proposed offsite easements by separate instrument should be labeled as such. If existing, provide recording information. (DDC 8.4.4 and FPC 4.2)
- Eng 4. Provide note on plat that private improvements cannot encroach onto existing public or private easements. (BEP)
- Eng 5. A drainage or floodplain easement shall be dedicated as a single lot to the city, a homeowner's association, or other legal entity as allowed by DDC subsection 7.5.3. (DDC 7.5.3.I.2.a.ii)

Eng 6. Adequate floodplain and drainage easements shall be required that give the city the right but not the obligation to maintain and construct drainage facilities if, in the city's sole opinion, the maintenance entity is not properly maintaining the stream or drainage way. (DDC 7.5.3.I.2.a.vii)